



MINUTES

ORDINARY COUNCIL MEETING

Tuesday 29th May 2012
Commencing At 10.26am
In Council Chambers Menzies

SHIRE OF MENZIES



DISCLAIMER

No responsibility whatsoever is implied or accepted by the **Shire of Menzies** for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff.

The **Shire of Menzies** disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions.

Any person or legal entity, that acts or fails to act in reliance upon any statement does so at persons or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the **Shire of Menzies**, during the course of any meeting is not intended to be and is not taken as notice of approval from the **Shire of Menzies**.

The **Shire of Menzies** warns that anyone who has an application lodged with the **Shire of Menzies** must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the **Shire of Menzies** in respect of the application.

SHIRE OF MENZIES

ORDINARY COUNCIL MEETING
commencing at 10.26 am

A G E N D A

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Gregory Dwyer) declared the meeting open, welcoming the attendees and visitors and proceeded with the agenda as planned.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED

Attendance:

Councillors:

| | |
|-------------------|------------|
| Cr G. Dwyer | President |
| Cr J.A Dwyer | Councillor |
| Cr. C.K. Purchase | Councillor |
| Cr I.R Tucker | Councillor |

| | | |
|--------|-----------------|--------------------------------|
| Staff: | Mr K. Hastie | Acting Chief Executive Officer |
| | Ms C. McAllan | Deputy Chief Executive Officer |
| | Mr. Bret Howson | Counsultant (until 11.35am) |

Visitors: Mr. K. Owens

| | | |
|------------|----------------|------------------|
| Apologies: | Cr. P.J. Twigg | Deputy President |
| | Cr. C. Bennell | Councillor |
| | Cr. E. Hansen | Councillor |

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr. Kevan Owens asked a question regarding staff housing.
Acting Chief Executive Officer replied that it was an internal staff management matter and he was not prepared to discuss it in the public arena.

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

Acting Chief Executive Officer Kim Hastie declares an Interest in Items 9.9, and 9. 10

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

| | |
|----------|---|
| 7 | CONFIRMATION OF PREVIOUS MINUTES |
|----------|---|

Officer recommendation:

7.2 Confirmation of the Minutes of the Council meeting held on 24th April 2012 as circulated and presented, be adopted.

MOVED: Cr. I.R. Tucker

SECONDED: Cr. J.A. Dwyer

Carried 4/0

| | |
|----------|-----------------------------|
| 8 | QUESTIONS ON NOTICE. |
|----------|-----------------------------|

8.1 Questions on Notice

Nil

| | |
|----------|---|
| 9 | REPORTS OF COMMITTEES AND OFFICERS |
|----------|---|

TABLE OF CONTENTS

- 9.1 Finance Committee Recommendations
- 9.2 2012 Annual WA Local Government Convention
- 9.3 Request for Tenancy of Railway Station
- 9.4 Debt Collection – Shire of Menzies
- 9.5 Access Road from North to Service Yundaga Railway Area and Industrial Area
- 9.6 Permanent Closure of Easement on North Side of Council Building & Incorporate in Reserve 6981 (Lot 124)
- 9.7 Application for Management Order over R6346-P65986-500(1.41ha) for Public Purposes.
- 9.8 Elected Member Meeting Fees
- 9.9 Appointment of New CEO – Progress Report
- 9.10 Relieving CEO Arrangements
- 9.11 Council Meeting Schedule

Acting Chief Executive Officer Kim Hastie vacates chambers at 10.40am
Acting Chief Executive Officer Kim Hastie returns to chambers at 10.41am

| |
|--|
| 9.1 FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

As follows:

| |
|--|
| 5.1 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

MOVED Cr: I.R. Tucker

SECONDED Cr: C.K. Purchase

That the Council approve the recommendations of the Audit / Finance Committee to adopt the Financial Statements and Reports to 30th April 2012 as presented.

Carried 3/0

| |
|---------------------------------------|
| 9.1 COUNCIL RESOLUTION No: 145 |
|---------------------------------------|

MOVED: Cr. C.K. Purchase

SECONDED: Cr. G. Dwyer

That items 5.1 – 5.4 be adopted en-bloc

Carried 4/0

| |
|--|
| 5.2 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

MOVED: Cr. C.K. Purchase

SECONDED: Cr I.R. Tucker

To approve cheque numbers from 1945 to 7682 including direct debits and bank statement transfers totalling \$360,546.47 as presented for payment in terms of the submitted lists.

Carried 3/0

| |
|--|
| 5.3 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

MOVED Cr : I.R. Tucker

SECONDED Cr : C.K. Purchase

That this item be deferred to the Full Council Meeting on Tuesday 22nd May 2012.

Carried 3/0

| |
|--|
| 5.4 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

MOVED: Cr. I.R. Tucker

SECONDED: Cr. C.K. Purchase

That the Council approve the recommendations of the Audit / Finance Committee to Participate in the Collectionscare Goldfields project with financial support of \$10,000 to be included in the 2012/13 budget.

Carried 3/0

| |
|--|
| 5.5 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29TH MAY 2012 |
|--|

That the Council approve the recommendations of the Audit / Finance Committee to

1. Allocate \$343,390 to gravel resheeting and improvement of formation on the Tjuntjuntjarra Access, from the Connie Sue Highway to the Tjuntjuntjarra community for the 2011/2012 financial year.
2. That the Council endorses the Chief Executive Officer to determine a specific section of works, type of works and timeframe for works to be completed for the \$343,390 grant allocation in the 2011/2012 financial year, as per the following:
 - a. Reshape and form the road for up to a 5km section of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.
 - b. Gravel resheet the road for the same section of 5kms of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.
 - c. Council Staff direct manage this project and all costs of Shire staff be allocated to the project grant.
 - d. That qualified and experienced contractors be allowed to be engaged to work and to provide training if required on this project, and all costs to be allocated to the project grant.
 - e. All works to be completed by 30th June 2012 or within 30 days of this date.
3. That the Council endorses the Chief Executive Officer to present a 5 year program to the Department of Local Government to apply for Commonwealth Indigenous Road Access funding on the following conditions:
 - a. Reshape and form the road for section of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.
 - b. Gravel resheet the road for the same section of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.
 - c. Council Staff direct manage this project and all costs of Shire staff be allocated to the project grant.
 - d. That qualified and experienced contractors be allowed to be engaged to work and to provide training if required on this project, and all costs to be allocated to the project grant.
 - e. All works to be completed by 30th June each financial year or within 30 days of this date.

MOVED: Cr. C.K. Purchase

SECONDED: Cr. I.R. Tucker

That Council approve Items 1 and 2 and defer item 3 to be considered in the 2012/2013 budget.

Carried 3/0

| |
|---------------------------------------|
| 9.1 COUNCIL RESOLUTION No: 146 |
|---------------------------------------|

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. C.K. Purchase

That Council adopt recommendation 1 above and defer Items 2 and 3 above to the next meeting pending a further report by Mr. Bret Howson.

Carried 4/0

| |
|---------------------------------------|
| 9.1 COUNCIL RESOLUTION No: 147 |
|---------------------------------------|

MOVED: Cr. I.R Tucker
That Items 5.6 and 5.7 be adopted en-bloc

SECONDED: Cr. C.K Purchase

Carried 4/0

| |
|--|
| 5.6 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

MOVED: Cr. I.R Tucker

SECONDED: Cr. C.K Purchase

That the Council approve the recommendations of the Audit / Finance Committee to

1. Proceed with the Menzies Evanston Road, State Blackspot Program Project being; to modify road geometry to improve sightlines, and modify and widen the road pavement to improve vehicle movements at SLK 86 to 87 by utilising the \$152,089 in available funds from the Blackspot grant pool.
2. That the funding breakup of the project be Total Estimated Cost of Project \$275,216
State Funding Contribution \$152,089 Shire contribution \$123,127.
3. That the works be carried out in conjunction with the current 2011/12 programmed works on the Evanston Menzies Road.

Carried 3/0

| |
|--|
| 5.7 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 29th MAY 2012 |
|--|

MOVED: Cr. I.R Tucker

SECONDED: Cr. C.K Purchase

That a tractor be added to the Plant to be purchased and that to sell outright the Graders single cab utility be replaced with Trade and replace the Graders single cab utility.

Carried 3/0

11.35am Mr. Bret Howson left chambers and did not return.

No: 9.2 2012 ANNUAL WA LOCAL GOVERNMENT CONVENTION

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | |
| FILE REF: | W/1/4 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 2nd May 2012 |
| AUTHOR: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

That Council determine the number of enrolments for the forthcoming 2012 Annual WA Local Government Convention.

BACKGROUND:

WALGA has advised that the 2012 Annual WA Local Government Convention will be held at the Perth Convention & Exhibition Centre from Wednesday 1st to Friday 3rd August 2012.

The program for the convention is shown in the Attachment following this report.

COMMENT:

The annual WALGA convention is recognised as the key local government event for elected members in that it is an opportunity to learn what the current political and social trends are in relation to local government. Additionally it is an opportunity for elected members to network with counterparts from other locations to discuss matters of interest.

Registrations close on 3rd July 2012 and it is important that Councillors note that cancellations after this date will still incur full registration costs.

The full registration cost is \$1,250 plus accommodation, gala dinner and travel.

It is usual that a Shire's CEO also accompanies elected members to this conference.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The costs of this conference are factored into each annual budget.

VOTING REQUIREMENTS:

Simple majority.

OFFICERS RECOMMENDATION /COUNCIL RESOLUTION No: 148

That Councillors' G.Dwyer, J.A Dwyer and Cr C.K Purchase and partners attend the 2012 Local Government Convention and that the absent Councillors and the incoming Chief Executive Officer be given the opportunity to also attend the convention.

Carried 4/0

the program



WEDNESDAY 1 AUGUST

12.00pm Delegate Service Desk open for Convention Registration
(Perth Convention & Exhibition Centre Level 2)

12.00pm – 1.00pm Luncheon for 2012 WALGA Honours Recipients

1.30pm – 5.30pm WALGA Annual General Meeting
Parliamentarian addresses invited from
Hon. Colin Barnett MLA, Premier of Western Australia.
Hon. Mark McGowan MLA, Leader of the Opposition.

5.30pm – 7.00pm **Convention Opening Welcome Reception in Trade Pavilion**

THURSDAY 2 AUGUST

7.00am Delegate Service Desk open for Registration (Perth Convention & Exhibition Centre Level 2)

7.00am – 8.30am ALGWA (WA) AGM and Breakfast. Register online via Delegate Registration.
Other enquiries to Mayor Heather Henderson – City of Subiaco
M 0457 733 469; **H** 9387 5343 or hhenderson@subiaco.wa.gov.au

SESSION 1 NEW OPPORTUNITIES - NEW GROUND

9.00am **Driving New Ground – Sir Jackie Stewart OBE**



The indefatigable efforts by Sir Jackie to lead the move to safer motor racing in the face of long held practices and powerful interest groups is a story of personal triumph and tenacity that would be of immense benefit to community leaders. Sir Jackie did not just make a sport more professional, he saved lives and while most remember him as a three-time world champion, it is his achievements off the track that should have most salience with anyone facing personal or professional challenges.

10.15am Refreshments

SESSION 2 THE CHANGING NATURE OF COMMUNITIES – NEW OPPORTUNITIES

11.00am In creating a sense of belonging in our changing cities and towns we need to foster active living and sustainability in our neighbourhoods. So how do we make a difference in the quality of life, and what strategies can we embrace so as to create more liveable and healthier communities?



This session will showcase two perspectives around building a healthy community. Firstly, the opportunity to create more active places for people using design to encourage physical activity, and secondly developing a more sustainable environment in a strategic alliance around waste management – a key issue for the Local Government sector.

Peter Fitzpatrick, Chair - The Waste Authority.

12.30pm Lunch

SESSION 3 CONCURRENT SESSIONS – A CHOICE OF GENERAL SECTOR UPDATES

1.45pm All delegates are asked to indicate session preference to assist with venue planning.

Governance Elected Member and CEO Relationships

Good Elected Member-officer relationships are critical to the success of each and every Local Government. They hinge on clear and concise understandings by each of the role and responsibilities of the other, so that boundaries are respected and the business of the Local Government is facilitated.

The idea is simple, but the execution can be complicated: hear from two of the sector's "best practice teams" about how they get the balance right.

Regional Development**Flying High**

The newspapers tell you that Western Australia's mining communities are "booming", with big wages, jobs for everyone who wants one and opportunities for all. But what's the real story?

This session will explore the impacts of Fly-In-Fly-Out (FIFO) and Drive-In-Drive-Out (DIDO) workforces on both the economies and communities of our so called Boom Towns, and will seek to answer questions such as:

- Why have companies adopted this workforce management strategy?
- How do you plan sustainable community infrastructure and services when a large percentage of your population is so mobile?
- How do you pay for it?
- Is there a social cost?

Community and Planning**Libraries Out Loud in the Year of Reading**

Libraries aren't what they used to be. No longer quiet places, lined with aisles of books. Libraries are vibrant connected community hubs – a centre of activities, music concerts, and business development. Library usage is increasing across Australia, in a time of economic uncertainty.

So what does this say about the future of libraries? What does this mean for Local Government and how can we maximise opportunities to deliver better services by taking a different look?

Down times have a potential upside - they demand re-invention: hear how innovative thinking is making public library services edgier, smarter, more creative and cost effective in a world that is being transformed by digital and social technologies.

3.30pm Refreshments

SESSION 4 THE NEW LANDSCAPE

4.00pm Reform of the sector continues to loom on the horizon with the Local Government Metropolitan Review Panel to report to the Minister in June and conjecture whether the process will be extended to regional and remote areas. In this session hear those that have been through reform and amalgamations including the political strategist who assisted Queensland Councils during the consolidation in that state.

Jannette Cotterell, Managing Director – Executive Counsel Australia.

Mayor IW (Ian) Carpenter, City of Greater Geraldton.

5.30pm – 7.00pm Mayors and Presidents' Reception at Government House

Hosted by His Excellency the Governor of Western Australia Malcolm McCusker AC CVO QC, and Mrs Tonya McCusker (by prior invitation); or the Sundowner in the Trade Pavilions.



FRIDAY 3 AUGUST

7.00am Delegate Service Desk open

7.30am – 8.45am **Breakfast with Special Guest Mick Malthouse**



One of the most influential figures in Australian Rules football, Mick Malthouse has played and coached in over 700 games combined. He is one of only five coaches that have coached three different clubs to finals series. His contribution to the game has earned him the coveted Australian Sports Medal, and he was named Coach of the Australian team to take on Ireland in the International Rules Series in 2008.

SESSION 5 TALES FROM THE BATTLEFIELD – LEADERSHIP RESILIENCE IN UNIMAGINABLE TIMES

9.00am Given the ongoing devastating natural events being experienced around our regions there is an increasing focus in Local Government around the strategic direction for emergency management.



What happens when your community infrastructure is wiped out by a natural disaster, homes and businesses have been destroyed, and you have to find a way to respond and establish recovery activities? How do other jurisdictions foster shared responsibility and partnerships and implement community engagement strategies to improve disaster resilience?

Tim Manning, Deputy Administrator for Protection and National Preparedness, FEMA.

10.45am Refreshments

SESSION 6 FRIENDS, FOES AND MEDIA – INFLUENCING THE INFLUENTIAL

11.15am Keep your friends close and your enemies even closer. Knowing how to influence the influential – how to get your concerns to government and your message in the media – is a critical part of public life in Local Government. In this session you will hear from experts on the local political and media landscapes on developing and implementing successful advocacy strategies.



Paul Everingham, Managing Director - GRA Everingham and Associates.

Andrea Burns, Award winning Journalist - formerly of Today Tonight.

12.30pm Lunch

1.30pm Banners in the Terrace Awards

SESSION 7 THE STATE OF PLAY

1.30pm A conversation around the inside of Australian politics - both Federal and State - from two masters of political commentary – what does it all mean for the many and varied issues facing Australians today.



Graham Richardson, former Federal Minister.

Glenn Milne, Award winning Journalist.

2.45pm Refreshments

SESSION 8 CONVENTION KEYNOTE ADDRESS

3.15pm **Qantas Pilot, Captain Richard de Crespigny**



A testament to his outstanding professionalism and exceptional courage, in late 2012 Captain de Crespigny piloted the stricken Airbus A380 carrying 400 passengers in a successful emergency landing in Singapore, after an uncontained engine explosion. This pivotal event has changed his life forever – a breathtaking tale of leadership amid times of crisis.

4.30pm Close of the 2012 Local Government Convention

7.00pm – Midnight **Pre-Dinner Drinks and Gala Dinner**, Perth Convention & Exhibition Centre BelleVue Ballroom.

Post Convention There is an optional full day visit to Rottnest Island for Delegates and Partners for those remaining in Perth over the weekend – details are included in the Partner Activities overleaf.

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | B/4/4 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 2 nd May 2012 |
| AUTHOR: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

That Council consider a request for tenancy, by a local caravan park tenant, of the old Railway Station building.

BACKGROUND:

Mr Keith Day who is a tenant of the caravan park has requested to occupy the old Railway Station building in a “caretaker” role – See Attachment following this report.

The Railway Station building has of recent times been occupied by a mining company and at the date of preparing this report the company was in the process of vacating but as yet had not handed back the keys. This is being followed up.

The Railway Station is part of the Railway Reserve that passes through town. The building is registered as a Permanent Entry on the States Register of Heritage Places.

The zoning under the Shire of Menzies Town Planning Scheme No.1 is ‘Public Purposes’ this zoning is not included in the Zoning Table of the Scheme and hence Council does not have authority under its own Scheme to allow the building to be used for residential purposes.

Schedule 2 of the Scheme contains the only reference to an alternative use for the railway building being “Office and associated activities”.

COMMENT:

Given that Council has no authority under its Town Planning Scheme to permit such a use the applicant will need to be advised that approval cannot be given to his request.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

Shire of Menzies Town Planning Scheme No.1

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

| | |
|---|----------------|
| OFFICERS RECOMMENDATION – COUNCIL RESOLUTION | No: 149 |
|---|----------------|

MOVED: Cr J.A Dwyer

SECONDED: Cr I.R. Tucker

That Council not grant approval for the old Railway Station building to be used for residential purposes.

Carried 4/0

Agenda

| | |
|-----------------|------|
| FILE: B / 4 / 6 | IB |
| CEO | PRES |
| 24 APR 2012 | |
| DCEO | PO |
| MWS | CRC |

KEITH DAY
MENZIES EVAN PARK
MENZIES
WA 6436
TEL: 0438 711 830
24TH APRIL 2012

Dear Kim

It has been brought to my attention that a vacancy as; 'Caretaker' at Menzies Railway Station may be available in the near future.

I am very interested in this position, as I have always had an avid interest in railways and especially railway history. I am keen on the preservation of important architecture as part of our heritage, which should be conserved for future generations.

I do have past experience as a 'Caretaker' where my wife and I looked after a 15TH Century Stately Home in England. My duties included; Security, General Maintenance, Gardening and other house duties.

Being here for nearly 5yrs I call Menzies my home and I feel very much part of the community.

Can you please consider me for the vacancy if it becomes available. I understand that this is a Non-Paid position and may include rent. I would be proud to work and maintain the Station to reflect its former glory which it rightly deserves.

You can contact the following persons for
a character reference if required;

James Picanto, Menpiles
Kevan Owens, Menpiles
Jamie Manna, Menpiles

Yours Sincerely
Keith Day

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | A/2/7 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 17 th May 2012 |
| AUTHOR: | C. McAllan, Deputy Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

To engage the services of a debt collection agency to finalize all outstanding debtors.

BACKGROUND:

In the past Council has used Austral Mercantile as a collection agency for debts. Although there has been very little collection conducted in the last twelve months, staff are in a better position now to re commence collecting some of the old debts.

COMMENT:

The Dun and Bradstreet brand has a strong association with credit ratings and is known worldwide as a collector of debts.

Dun and Bradstreet is a WALG preferred supplier.

The Shire of Menzies Policy Manual is clear on what is to be done in regards to Debt Collection however it does not state which agency shall carry out the issuance of Summons, Warrants or Writs.

CONSULTATION: Cameron Lynch, Dun and Bradstreet

STATUTORY ENVIRONMENT: Part 5 Local Government (Financial) Regulations

POLICY IMPLICATIONS: Policy No: 3.1

Policy No. 3.1 – RATING POLICY

** Originally adopted 15th October 2002 reviewed without change 2004*

Rate Collection.

Fourteen days following the payment due date, a “Final Notice” shall be issued showing outstandings plus interest, requiring payment within a fourteen day period and advising of pending legal action for recovery.

Following the expiry of the payment period of the “Final Notice”, rate accounts for which satisfactory arrangements to pay have not been made shall then be subject to debt collection.

Rates remaining unpaid shall be recovered by issue of Summons, Warrants or Writs, as appropriate, and as approved by the Chief Executive Officer.

FINANCIAL IMPLICATIONS:

Currently there is an amount of \$
....outstanding for rates, every effort should
be made to reduce this amount by the
June 30th 2012. Part 5 – Rates and Service
Charges of the Financial Management
Regulations to apply.

VOTING REQUIREMENTS:

Absolute Majority Required

| |
|---|
| OFFICERS RECOMMENDATION – COUNCIL RESOLUTION No: 150 |
|---|

MOVED: Cr C.K. Purchase

SECONDED: Cr J.A. Dwyer

That Council amend Policy 3.1 to include “Rates remaining unpaid shall be recovered by issue of Summons, Warrants or Writs, as appropriate, by the agency known as Dun and Bradstreet and as approved by the Chief Executive Officer”.

Carried 4/0

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | R/6/1 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 18 th May 2012 |
| AUTHOR: | L.P. Strugnell, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | L.P. Strugnell, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

Action needs to be taken to progress the establishment of an industrial site to the west of the main town site and to provide a public road from the Menzies North West Road (Sandstone Road) to the Yundaga Railway site and a link to the Goldfields Highway.

BACKGROUND:

With the possibility of major mining activity to the west of Menzies it is timely for the Council to be proactive in having some of the required infrastructure ready to meet the needs of the various mining ventures.

Any iron ore development will require very significant upgrading of road infrastructure to reach the railway loading facilities and this should be located away from the town site. The road should be adjacent to an industrial area that has an assortment of various sized lots to cater for all uses such as large transport operations down to electricians.

COMMENT:

The area shown on the attached plan as industrial could ideally be enlarged as indicated and a public road constructed to the west of the industrial area crossing the Evanston Road and joining up with the Menzies North West Road. This would mean that heavily laden vehicles would not need to traverse any of the town streets.

Mr. Paul Bashall of Planwest, who has been used by the Shire for planning issues, should be engaged to prepare a proposal to be put to Council for consideration and depending on its acceptance progress the matter.

Mr. Bret Howson in conjunction with Mr. Bashall could prepare the necessary documentation for the road alignment, obtain all the necessary approvals, negotiate with mining tenement holders, Landgate and others.

Council, Council staff and consultants could then consult with mining companies on the cost sharing arrangements for the required construction.

The exact location of any road cannot be determined at this stage as consultation will need to take place with various Government Departments, mining tenement holders and other stakeholders.

CONSULTATION:

Mr. Ken McCrackan, Department of Regional Development & Lands.
Mr. P. Bashall, Town Planner
President – Mr. G. Dwyer

STATUTORY ENVIRONMENT:

The author is unsure of the full extent of the statutory requirements. These will be available after Council agrees to the proposal and discussions take place with Mr. Bashall, Mr. Bret Howson, Government Departments and stakeholders.

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

Not applicable at this stage.

VOTING REQUIREMENTS:

Simple Majority.

| |
|---|
| OFFICERS RECOMMENDATION – COUNCIL RESOLUTION No: 151 |
|---|

MOVED: Cr.C.K Purchase

SECONDED: Cr.J.A Dwyer

That Council:

1. Take the necessary action to establish an industrial site to the west of the main town site and outlined on the attached plan.
2. Engage Mr. P. Bashall of Planwest to prepare a proposal for an industrial area to put to Council for consideration.
3. Obtain the services of Mr. Bret Howson of Howson Management and Mr. Paul Bashall of Planwest to prepare the necessary documentation for a public road alignment to the west of the town linking the Yundaga Railway site to the Menzies North West Road. The site to be to the west of the proposed Industrial Site. The proposal to be presented to Council for approval to proceed at an early date.
4. On receiving a final proposal, Council negotiate with various proposed users of the access road to determine funding levels for construction.

Carried 4/0

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | R/6/6 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 18 th May 2012 |
| AUTHOR: | L.P Strugnell, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | L.P Strugnell, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

To seek approval under section 58 of the Land and Administration Act 1997 to permanently close the easement on the north side of the Council office and hall building.
The land to be included in the Vesting Order for Reserve 6981 (Lot 124)

BACKGROUND:

The easement in fact runs from Shenton Street through to Walsh Street and for reasons unknown to the author has been partly fenced off by the Council at some time and incorporated in the Depot. Buildings have been built in the Depot area on the easement. The easement has been fenced off on the Walsh Street alignment.

An historic winder has been located on the western end of the easement and a toilet block and lawns established adjacent to the area adjoining the Council building.

COMMENT:

For a number of years the easement has not been used for its intended purpose and to rectify the matter the obvious solution appears to be to close the R.O.W and incorporate the land in the title for the adjoining Council buildings.

Refer to attached plan.

CONSULTATION:

Matter discussed with President and Mr. Ken McCrackan of the Department of Regional Development and Lands.

STATUTORY ENVIRONMENT:

Section 58 of the Land & Administration Act 1997

58. Closure of roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
- (a) *by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
- (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
- (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*
- [Section 58 amended by No. 59 of 2000 s. 18(1)⁹.]*

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

Not known at this stage.

VOTING REQUIREMENTS:

Simple Majority

| |
|---|
| OFFICERS RECOMMENDATION – COUNCIL RESOLUTION No: 152 |
|---|

MOVED: Cr. J.A Dwyer

SECONDED: Cr C.K Purchase

1. That Council seek approval under the Provisions of Section 58 of the Land & Administration Act 1997 to permanently close the easement (R.O.W) on the north side of the Council building and running from Shenton Street to Walsh Street.
2. The easement land to be incorporated into the adjoining Council land being Reserve 3981 (Lot 124) Shenton Street.

Carried 4/0

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | L/1/1 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 18 th May 2012 |
| AUTHOR: | L.P Strugnell, Acting Chief Executive Officer. |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | L.P Strugnell, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

Seek a Management Order from the Department of Regional Development & Lands to have the large block behind the Police Station vested in the Council for the future Council community use.

BACKGROUND:

On the 9th December 2012, the Council was granted a Management Order for Reserve 50513. This Reserve is a portion of old Reserve 6346 which was set aside for Police purposes. Reserve 50513 covers the area containing the Police Station (Lot 502 on Deposited Plan 65986)

Following discussions with Mr. Ken McCrackan of Department of Regional Development & Lands, it would appear logical for Council to obtain a Management Order over the balance of Lot 6346 (refer to attached plan) for future Council activities.

COMMENT:

The lot is of significant size (1.4105ha) and suitable for public purposes such as youth services, aged care and so on.

A Management Order is defined as an order by which the care, control and management of a reserve are placed under section 46(1) or 59(4) of the Land Administration Act 1997.

CONSULTATION:

Mr. Ken McCrackan, Department of Regional Development & Lands.
President – Mr. G. Dwyer.

STATUTORY ENVIRONMENT:

Section 46 of the Land Administration Act 1997

46. *Placing of care, control and management of reserves*

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*
- (3) *The Minister may —*

- (a) *by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1); and*
 - (b) *approve a mortgage of any such lease.*
- (3a) *The Minister may by order —*
 - (a) *without the consent of the management body of a reserve, vary —*
 - (i) *an order made under subsection (3)(a); or*
 - (ii) *an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898⁷ that subsists as an order made under subsection (3)(a),*
in relation to whether or not prior approval in writing of the Minister is required to a grant of a lease, sublease, or licence; or
 - (b) *with the consent of the management body of a reserve, vary any other condition to which —*
 - (i) *an order made under subsection (3)(a); or*
 - (ii) *an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898⁷ that subsists as an order made under subsection (3)(a),*
is subject.
- (3b) *The Minister's approval under section 18 is not required for the exercise of a power conferred under subsection (3)(a) unless —*
 - (a) *the person on whom the power is conferred is —*
 - (i) *a body corporate that is constituted for a public purpose under an enactment and is an agency of the Crown in right of the State; or*
 - (ii) *a person referred to in subsection (10)(b),*
and the order provides that the Minister's approval under section 18 is required; or
 - (b) *the person on whom the power is conferred is a person other than a person referred to in paragraph (a).*
- (4) *If an unmanaged reserve is the subject of —*
 - (a) *a lease granted under section 47; or*
 - (b) *a licence, or a lease or profit à prendre, granted under section 48,*
or of any other interest in the unmanaged reserve, the Minister may under subsection (1) place the care, control and management of that reserve with a management body subject to that licence, lease or profit à prendre or other interest, the term of which continues unbroken by that placing.
- (5) *An order made under subsection (1), (2), (3) or (3a) does not create any interest in Crown land in the relevant reserve in favour of the management body of that reserve.*
- (6) *If Crown land reserved under section 41 for the purpose of recreation is leased or subleased under a power conferred under subsection (3), the lessee or sublessee may, unless the terms of the management order or the lease or sublease otherwise provide, restrict public access to the area leased.*
- (7) *A person with whom the care, control and management of a reserve is placed by order under subsection (1) has, by virtue of this subsection, the capacity, functions and powers to hold and deal with the reserve in a manner consistent with the order, any order conferring power on that person under subsection (3)(a) and this Act to the extent that the person does not already have that capacity or those functions and powers.*
- (8) *Subsection (7) does not authorise a management body to perform a function or exercise a power if another enactment expressly prevents the person from performing that function or exercising that power, or expressly authorises another person to perform that function or exercise that power.*

- (9) *Any instrument in relation to the care, control and management of a reserve entered into or given by a person holding an office referred to in subsection (10)(b)(i) or (iii) is taken to have been entered into or given by the person for the time being holding that office.*
- (10) *In subsection (1), a reference to a person is a reference to —*
- (a) *a person having perpetual succession;*
 - (b) *a person not having perpetual succession who is —*
 - (i) *a Minister to whom the Act specified in the relevant order is for the time being committed by the Governor;*
 - (ii) *the Marine Parks and Reserves Authority established under section 26A of the Conservation and Land Management Act 1984; or*
 - (iii) *a person holding a prescribed office.*
- (11) *If an order made under section 33 of the repealed Act subsists under clause 16(1) of Schedule 2 as if it were a management order under section 46(1), the Minister may by order vary that order to place the care, control and management of the reserve the subject of the order with a person referred to in subsection (10).*
- (12) *An order made under section 46(1) before the coming into operation of section 12 of the Land Administration Amendment Act 2000¹ may be varied by the Minister by order to place the care, control and management of the reserve the subject of the order with a person referred to in subsection (10).*
- [Section 46 amended by No. 59 of 2000 s. 12(1)-(3)⁸.]*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil at this stage.

VOTING REQUIREMENTS:

Simple Majority.

| |
|---|
| OFFICERS RECOMMENDATION – COUNCIL RESOLUTION NO: 153 |
|---|

MOVED: Cr.J.A Dwyer

SECONDED: Cr.C.K Purchase

That Council advise the Department of Regional Development & Lands that:

1. Council makes application for a Management Order over unused Police Land R6346 – P65986 -500(1.4105ha) for Public Purposes – Community Use.
2. The Department of Regional Development & Lands advise Council of any formalities required to be carried out.

Carried 4/0

| |
|---|
| 9.8 ELECTED MEMBERS MEETING FEES (REFERRED TO FULL COUNCIL FROM AUDIT/FINANCE MEETING OF 15TH MAY 2012) |
|---|

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 th May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | C/9/1 |
| DISCLOSURE OF INTEREST: | The author has no interest to disclose |
| DATE: | 1 st May 2012 |
| AUTHOR: | Kim Hastie, Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

BACKGROUND:

That Council determine the meeting fee structure to apply to elected members for the 1012/13 budget year.

COMMENT:

Recently there has been some informal discussion among Councillors regarding the level of fees paid for meeting attendances and the like.

The statutory environment in this regard is shown below.

Elected members current payments are as follows:-

| | |
|-------------------------------------|-----------------------------------|
| Committee meetings | \$70 per meeting paid monthly; |
| Council meetings | \$140 per meeting paid monthly; |
| President's committee meetings | \$70 per meeting paid monthly; |
| President's Council meetings | \$280 per meeting paid monthly; |
| President's annual allowance | \$12,000 paid at \$1,000 monthly; |
| Deputy President's annual allowance | \$3,000 paid at \$250 per month; |
| Communications allowance | \$50 per month; and |
| Travel costs reimbursement | paid at public service rates. |

The \$70, \$140, \$280, \$3,000 and \$12,000 payments are the maximum entitlements under the legislation. The \$50 payment per month could be as high as \$83.33 (\$1,000pa) per month.

An alternative form of payment to elected members is an Annual Attendance Fee which is a collective payment for all meetings, including Council and Committees, in lieu of making claims for individual meetings attended. The communications allowance and travel costs reimbursement would still apply under this regime.

Administration Regulation 34 currently provides the following range for minimum and maximum payments:-

| | |
|-----------------------------------|----------------------|
| Presidents Annual Attendance Fee | \$6,000 to \$14,000; |
| Councillors Annual Attendance Fee | \$2,400 to \$7,000. |

The strength of the current system (ie payment per meeting attended) is that elected members are encouraged to attend to fulfil their duties as elected representatives of the community.

The weakness of the current system is, arguably, that the fees are too low for the time commitment involved.

The strength of the Annual Attendance Fee system is that it is more administratively convenient (for Elected Members and Administration) in that standard monthly or quarterly payments can be made.

A perceived weakness of the Annual Attendance Fee system is that an elected member only needs to attend one in three Council meetings (ie to avoid disqualification) and still receive the full Fee.

The attendance record at Council and Committee meetings thus far for year 2012 is as follows:-

| | Council | Committee |
|----------|-------------------|-----------|
| January | 5 of 7 | 4 of 4 |
| February | 7 of 7 | 2 of 4 |
| March | 6 of 7 and 4 of 7 | 4 of 4 |
| April | 5 of 7 | 1 of 4 |
| Total | 27 of 35 | 11 of 16 |
| | 38 of 51 | |
| | 74% | |

While this is a relatively good attendance rate given the geographic complexities of the Shire it would mean that around 26% of the time payment would be received for no input.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

The relevant provisions of the Local Government Act are:-

Division 8 — Local government payments and gifts to its members

[Heading inserted by No. 17 of 2009 s. 32.]

5.98. Fees etc. for council members

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the prescribed minimum fee for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the prescribed minimum fee for attending a meeting of that type; or
 - (b) where the local government has set a fee within the prescribed range for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.

- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the prescribed minimum annual local government allowance for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of,a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the prescribed minimum annual fee; or
- (b) where the local government has set a fee within the prescribed range for annual fees, that fee.

** Absolute majority required.*

5.99A. Allowances for council members in lieu of reimbursement of expenses

A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members —

- (a) the prescribed minimum annual allowance for that type of expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

[Section 5.99A inserted by No. 64 of 1998 s. 38.]

5.100A. *Gifts to council members*

A local government cannot give a gift to a council member unless —

- (a) the gift is given in prescribed circumstances; and
- (b) the value of the gift is less than a prescribed amount.

[Section 5.100A inserted by No. 17 of 2009 s. 34.]

5.100. *Payments for certain committee members*

- (1) A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.
- (2) Where —
 - (a) a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and
 - (b) a maximum amount for reimbursement of expenses has been prescribed for the purposes of section 5.98(3)(b),

the local government must ensure that the amount reimbursed to that person does not exceed that maximum.

5.101. *Payments for employee committee members*

- (1) A committee member who is an employee is not to be paid a fee for attending any committee meeting.
- (2) Nothing in this section prevents a local government from reimbursing an employee for an expense incurred by the employee in relation to a matter affecting the local government.

5.101A. *Regulations about payment of expenses*

Regulations may be made about the method of payment of an expense for which a person can be reimbursed.

[Section 5.101A inserted No. 17 of 2009 s. 35.]

5.102. *Expense may be funded before actually incurred*

Nothing in this Division prevents a local government from making a cash advance to a person in respect of an expense for which the person can be reimbursed.

The Administration Regulations under the Act then provide:-

Part 8 — Local government payments and gifts to members

[Heading inserted in Gazette 26 Aug 2011 p. 3487.]

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

- (1) For the purposes of section 5.98(1), subject to subregulation (3) —
 - (a) the minimum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$60 for each meeting; and
 - (b) the maximum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$140 for each meeting.
- (2) For the purposes of section 5.98(1), subject to subregulation (3) or (5), as the case requires —
 - (a) the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$70 for each meeting.
- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
 - (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
 - (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.
- (3B) For the purposes of section 5.98(2A), subject to subregulation (3C), and subregulation (3) or (5) as the case requires —
 - (a) the minimum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$70 for each meeting.
- (3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —
 - (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
 - (b) the council member is paid an annual fee in accordance with section 5.99; or

- (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.
- (3) The total of fees paid to a council member other than —
 - (a) the mayor or president; or
 - (b) in the case of a regional local government, the chairman,
 for attending meetings (whether of the council, of any committee or a meeting of a type referred to in subregulation (3A)) in each year is not to exceed \$7 000.
- (4) For the purposes of section 5.98(1), subject to subregulation (5) —
 - (a) the minimum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$120 for each meeting; and
 - (b) the maximum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$280 for each meeting.
- (5) The total of fees paid —
 - (a) to the mayor or president; or
 - (b) in the case of a regional local government, to the chairman,
 for attending meetings (whether of the council, of any committee or a meeting of a type referred to in subregulation (3A)) in each year is not to exceed \$14 000.

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.
- (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.
- (4) The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —
 - (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or

- (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034.]

32. *Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))*

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.
- (2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.

33. *Annual local government allowance for mayors or presidents (Act s. 5.98(5))*

- (1) For the purposes of section 5.98(5) —
 - (a) the minimum annual local government allowance for a mayor or president is \$600; and
 - (b) the maximum annual local government allowance for a mayor or president is —
 - (i) \$12 000; or
 - (ii) 0.002 of the local government's operating revenue, whichever is the greater amount, but in any case no more than \$60 000.

- (2) In this regulation —

operating revenue has the meaning that it has in the *Local Government (Financial Management) Regulations 1996*.

[Regulation 33 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034.]

33A. *Annual local government allowance for deputies (Act s. 5.98A)*

For the purposes of section 5.98A(1) the prescribed percentage is 25%.

[Regulation 33A inserted in Gazette 23 Apr 1999 p. 1719.]

34. *Annual attendance fees (Act s. 5.99)*

- (1) For the purposes of section 5.99 —
 - (a) the minimum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending meetings (whether of the council or of any committee) is \$2 400; and
 - (b) the maximum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending meetings (whether of the council or of any committee) is \$7 000.
- (2) For the purposes of section 5.99 —
 - (a) the minimum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending meetings (whether of the council or of any committee) is \$6 000; and
 - (b) the maximum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending meetings (whether of the council or of any committee) is \$14 000.

[Regulation 34 amended in Gazette 23 Apr 1999 p. 1719-20; 31 Mar 2005 p. 1035.]

34A. Allowances in lieu of reimbursement of telephone etc. expenses (Act s. 5.99A)

For the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2 400.

[Regulation 34A inserted in Gazette 23 Apr 1999 p. 1720; amended in Gazette 31 Mar 2005 p. 1035.]

34AA. Allowances in lieu of reimbursement of information technology expenses (Act s. 5.99A)

For the purposes of section 5.99A(b), the maximum total annual allowance for information technology expenses that have been approved for reimbursement under regulation 32 is \$1 000.

[Regulation 34AA inserted in Gazette 31 Mar 2005 p. 1035.]

34AB. Allowances in lieu of reimbursement of travelling and accommodation expenses (Act s. 5.99A)

- (1) For the purposes of section 5.99A(b), the maximum annual allowance for travelling and accommodation expenses —
 - (a) prescribed as being a kind of expense to be reimbursed by all local governments under regulation 31; or
 - (b) that have been approved for reimbursement under regulation 32,
 is the same amount as the amount to which a person would be entitled for those expenses in the same circumstances under the Public Service Award.
- (2) In this regulation —

Public Service Award means the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as amended from time to time.

[Regulation 34AB inserted in Gazette 31 Mar 2005 p. 1035.]

34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).

[Regulation 34AC inserted in Gazette 3 May 2011 p. 1596.]

34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)

- (1) The provision of a vehicle owned by a local government —
 - (a) to a council member who is a mayor or president of the local government; or
 - (b) to a council member who is not a mayor or president of the local government if —
 - (i) no reasonable alternative method of travel is available to the council member; and
 - (ii) the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,

is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.

- (2) Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.

[Regulation 34AD inserted in Gazette 3 May 2011 p. 1596-7.]

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Payments to Elected Members are factored into each annual budget.

VOTING REQUIREMENTS:

Absolute majority required for:-

Determination of Allowance for Deputy President;

Annual Fee for Council members in lieu of fees for attending meetings;

Allowances for Council members in lieu of reimbursement of expenses.

| |
|--------------------------------|
| OFFICERS RECOMMENDATION |
|--------------------------------|

MOVED Cr:

SECONDED Cr:

That Council continue with the current type and quantum of payments to elected members.

| |
|-----------------------------------|
| COUNCIL RESOLUTION No: 154 |
|-----------------------------------|

MOVED Cr: J.A Dwyer

SECONDED Cr: I.R Tucker

That this item be deferred to the June meeting for consideration by Full Council.

Carried 4/0

Acting Chief Executive Officer Kim Hastie declares a Financial Interest in this item

MOVED: Cr. I.R Tucker

SECONDED: Cr J.A Dwyer

That the Acting Chief Executive Officer remain in chambers to answer queries.

Carried 4/0

| |
|---|
| No: 9.9 APPOINTMENT OF NEW CEO – PROGRESS REPORT |
|---|

| | |
|-------------------------------------|--|
| SUBMISSION TO: | Ordinary Meeting of Council- 29 TH May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | Personal File |
| DISCLOSURE OF INTEREST: | The Acting CEO Declares a financial interest in this matter as it directly impacts on his employment tenure with the Shire of Menzies. |
| DATE: | 23 rd May 2012 |
| AUTHOR: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

That Council note the progress in this matter and approve a request by the incoming CEO to store a sea container at the rear of the residence that the CEO will occupy.

BACKGROUND:

At the meeting held on 24th April 2012 Council resolved (among other things) to offer Mr N P (Peter) Crawford an employment contract in the position of CEO. The remuneration content of the contract is shown in the Attachment to this agenda item.

COMMENT:

As reported to the 24th April 2012 Council meeting it is important to note that the remuneration package offered to Mr Crawford has been sanctioned by the Salaries and Allowances Tribunal which is now responsible, under State Government Legislation, with setting local government CEO remuneration packages.

The contract structure and content is based on the model contract supplied by the Local Government Managers Association and widely used in local government.

Mr Crawford has orally agreed to the contract and has provided an indicative start date of 9th July 2012 and it is anticipated that this will be confirmed in the near future.

At the time of writing this report the contract has not been signed by the parties however it is anticipated that this will be completed prior to this Council meeting.

Another matter is that Mr Crawford is seeking Council's approval to store a sea container in the rear yard of the Shire residence that is allocated to him. The container stores personal effects and furniture. Mr Crawford has offered to paint the sea container, at his expense, the same colour as the colorbond fence and shed that are at the residence.

CONSULTATION: Nil

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority

| |
|---|
| OFFICERS RECOMMENDATION – COUNCIL RESOLUTION No: 155 |
|---|

MOVED Cr: J.A Dwyer

SECONDED Cr:I.R Tucker

1. That Council note the progress in regard to the commencement of the new CEO; and
2. That Council approve Mr Crawford's request to store a sea container at the rear of the residence allocated to him on the condition that he paints it, at his expense, the same colour as the fence and shed located at the residence.

Carried 4/0

Schedule 1– Contract Details

| Item | Subject | Details |
|------|---|---|
| 1 | Date of Signing Contract |/...../..... |
| 2 | Your Name | Norman Peter CRAWFORD |
| 3 | Your Address | 1 Mikado Way LAVERTON WA 6440 |
| 4 | Position | Chief Executive Officer |
| 5 | Nature of Employment | Full Time |
| 6 | Commencement Date |/...../..... |
| 7 | Term | Four Years |
| 8 | Expiry Date |/...../..... |
| 9 | Remuneration Package as per Salaries and Allowances Tribunal Criteria | <p>Salary \$110,000 each year</p> <p>Motor Vehicle \$5,000 each year (private use component)</p> <p>Superannuation \$21,000 each year Based on 9% (compulsory) plus 6% (additional by the Shire conditional upon You also paying 6%) The \$21,000 includes the 15% superannuation on the Isolation/Location allowance of \$30,000 as listed below.</p> <p>Professional Membership \$500 each year</p> <p>Communications Subsidy \$2,000 each year</p> <p>FBT \$14,000 each year</p> |
| 10 | Motor Vehicle | Toyota Landcruiser |
| 11 | Additional Remuneration Benefits – these are excluded from the | <p>Isolation/ Location \$30,000 each year</p> |

| | | |
|----|---|--|
| | Salaries and Allowances Tribunal Remuneration Package as per SAT criteria | Allowance Out of Office Communication facility Mobile telephone |
| 12 | Initial Work Location | Shire of Menzies Administration Centre, Shenton Street, MENZIES WA 6436 |

Deputy Chief Executive Officer Carol McAllan vacates chambers at 12.36pm

Deputy Chief Executive Officer Carol McAllan returns to chambers 12.37pm

MOVED: Cr.J.A. Dwyer

SECONDED: Cr I.R Tucker

To adjourn for lunch at 12.37pm

Carried 4/0

President G. Dwyer re convened the meeting at 1.15pm with all previous attendees present.

Acting Chief Executive Officer Kim Hastie declares a Financial Interest in this item

MOVED: Cr. C.K Purchase

SECONDED: Cr. J.A Dwyer

That Acting Chief Executive Office Kim Hastie remain in chambers to answer queries.

Carried 4/0

| |
|--|
| No: 9.10 RELIEVING CEO ARRANGEMENTS |
|--|

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 TH May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | Personal File |
| DISCLOSURE OF INTEREST: | The Acting CEO declares a financial interest in this item as it directly relates to his employment tenure with the Shire. |
| DATE: | 23 rd May 2012 |
| AUTHOR: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

That Council appoint Niel Mitchell to the position of Acting Chief Executive Officer from 9th June 2012 until new CEO Peter Crawford commences duty.

BACKGROUND:

Since August 2011 the Shire has had relieving CEO's while the recruitment action for a new CEO progressed.

Initially Peter Strugnell was relieving CEO, followed by a "job-share" arrangement between Peter Strugnell and Kim Hastie and then followed by Kim Hastie.

Mr Strugnell finished duty with the Shire on 21st May 2012 and Mr Hastie intends to conclude on 8th June 2012.

It is anticipated at this stage that new CEO, Peter Crawford, will commence duty on or about 9th July 2012.

COMMENT:

A replacement CEO, Mr Niel Mitchell, has been sourced and his resume will be tabled at the meeting for Council's perusal.

Mr Mitchell is a long term local government professional who has held CEO positions in several locations around the state.

It is proposed that a short term engagement in the position of Acting CEO be offered to Mr Mitchell, for the period 9th June 2012 until the new CEO Mr Peter Crawford commences duty, by way of correspondence and incorporating the conditions as identified under Financial Implications below. There may well be a few days of handover when Mr Crawford starts duty.

CONSULTATION:

Shire President and Niel Mitchell

STATUTORY ENVIRONMENT: I

Under the provisions of the Local Government Act the Council is to appoint a person to the position of CEO. Furthermore the Council is to resolve by absolute majority that it believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

It is proposed that Mr Mitchell be appointed on the same arrangements as were Messrs Strugnell and Hastie; viz

Salary - \$800 per day;

Superannuation – 9% + 6% (provisional upon Mr Mitchell also contributing 6%);

House, phone and utilities – free of charge;

Private use of vehicle in accordance with Council policy;

Mileage expenses for one trip Lesmurdie to Menzies and return;

On the job expenses such as accommodation costs by prior consultation with Shire President;

Study allowance – N/A

Professional membership – N/A

Pro Rata annual leave – N/A

LGMA Conference – N/A

The CEO acknowledges that the job requires hours to be worked in excess of the standard 38 hour week so as to accomplish the requirements of the organisation.

VOTING REQUIREMENTS:

Absolute Majority.

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION No: 156

MOVED: Cr J.A Dwyer

SECONDED: Cr. C.K Purchase

That Council resolve by absolute majority that Council:-

1. Is of the belief that Mr Niel Mitchell is suitably qualified for appointment to the position of Acting Chief Executive Officer;
2. Is satisfied with the provisions of the proposed employment contract as follows:

Salary - \$800 per day;

Superannuation – 9% + 6% (provisional upon Mr Mitchell also contributing 6%);

House, phone and utilities – free of charge;

Private use of vehicle in accordance with Council policy;

Mileage expenses for one trip Lesmurdie to Menzies and return;

On the job expenses such as accommodation costs by prior consultation with Shire President;

Study allowance – N/A

Professional membership – N/A

Pro Rata annual leave – N/A

LGMA Conference – N/A

The CEO acknowledges that the job requires hours to be worked in excess of the standard 38 hour week so as to accomplish the requirements of the organisation.

3. Offer Mr Niel Mitchell a short term engagement in the position of Acting Chief Executive Officer commencing on 9th June 2012 and concluding upon the commencement of new CEO Peter Crawford;

Carried 4/0

Deputy Chief Executive Officer Carol McAllan vacates chambers at 1.35pm
Deputy Chief Executive Officer Carol McAllan returns to chambers at 1.40pm

Deputy Chief Executive Officer Carol McAllan vacates chambers at 1.41pm
Deputy Chief Executive Officer Carol McAllan returns to chambers at 1.45pm

| | |
|-------------------------------------|---|
| SUBMISSION TO: | Ordinary Meeting of Council – 29 TH May 2012 |
| LOCATION: | Shire of Menzies |
| APPLICANT: | N/A |
| FILE REF: | C/9/6 |
| DISCLOSURE OF INTEREST: | Nil |
| DATE: | 23 rd May 2012 |
| AUTHOR: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF AUTHOR: | |
| SENIOR OFFICER: | Kim Hastie, Acting Chief Executive Officer |
| SIGNATURE OF SENIOR OFFICER: | |

SUMMARY:

That Council review the schedule of meeting dates so as to rectify the variance that has occurred given that the previously scheduled meeting in Tjuntjuntjara on 22nd May 2012 did not eventuate due to lack of a quorum.

BACKGROUND:

On Monday 21st May 2012 the A/CEO became aware that there would not be a quorum for the meeting of Council scheduled for the following day at Tjuntjuntjara.

Following discussion with the Shire President the President called an ordinary meeting of Council, for Tuesday 29th May 2012 to be held in Menzies, in accordance with the authority extended to the President by Section 5.4 of the Local Government Act.

By holding what effectively is the May 2012 meeting in Menzies the allocation of two meetings per year to be held in Tjuntjuntjara has been impacted.

Council has previously determined the dates of Council meetings for 2012 as follows:-

January – teleconference

February – teleconference

March – teleconference

April – Menzies

May – Tjuntjuntjara

June – Menzies

July – Menzies

August – Tjuntjuntjara

September – Kookynie

October – teleconference

November – teleconference

December – teleconference

In addition to the above there was a special Council meeting held on 15th March 2012 in Menzies.

COMMENT:

Council may have to restructure its meeting schedule so as to replace the “lost” meeting at Tjuntjuntjara.

CONSULTATION:

President: G. Dwyer

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Given that the expense associated with the scheduled meeting in Tjuntjuntjara was averted there would be a cost-neutral outcome if another meeting was rescheduled for Tjuntjuntjara.

VOTING REQUIREMENTS:

Simple Majority.

| |
|--------------------------------|
| OFFICERS RECOMMENDATION |
|--------------------------------|

MOVED Cr:

SECONDED Cr:

That Council give consideration to rescheduling an ordinary meeting of Council at Tjuntjuntjara.

| |
|-----------------------------------|
| COUNCIL RESOLUTION No: 157 |
|-----------------------------------|

MOVED Cr: C.K Purchase

SECONDED Cr: J.A Dwyer

That Council amend the previously advertised Meeting Locations to show the June meeting to be held at Tjuntjuntjara and the September meeting be held at Menzies

Carried 4/0

ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE

10.2 CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS

11 REPORTS OF COUNCILLORS AND STAFF

Cr. C. Bennell:

Cr Dwyer J:

Cr. J.A Dwyer requested that the website be upgraded.

Cr E. Hansen:

Cr. C.K. Purchase:

Cr. P.J. Twigg:

Cr. I.R. Tucker:

Cr. I.R Tucker commented on the fact that residents around Florence Street get a lot of dust from the road and asked could it get watered a bit more.

Cr. G. Dwyer:

President G. Dwyer has attended a Salaries and Allowances Tribunal meeting.

President G Dwyer has attended a GVROC meeting.

President G Dwyer participated in a teleconference with KPMG concerning the Corporate Business Plan

Chief Executive Officer:

12. NEXT MEETING / MEETING CLOSURE

The next Ordinary Meeting of Council will be held on Tuesday 26th June 2012 at Tjuntjuntjara.

There being no further business to discuss, the President declared the meeting closed at: 2.17pm.