



MINUTES

**FOR THE ORDINARY MEETING
OF COUNCIL**

THURSDAY 29 NOVEMBER 2012 AT

SHIRE OF MENZIES COUNCIL CHAMBERS

COMMENCING AT 12.08PM

SHIRE OF MENZIES



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SHIRE OF MENZIES

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**MINUTES FOR ORDINARY MEETING OF COUNCIL HELD AT MENZIES ON
THURSDAY 29 NOVEMBER 2012 COMMENCING AT 12.08PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr Gregory Dwyer) declared the meeting open at 12.08pm, welcomed the attendees and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

None

3. RECORD OF ATTENDANCE

**3.1 PRESENT:
Councillors**

Cr G Dwyer	President
Cr J A Dwyer	Councillor
Cr C K Purchase	Councillor
Cr I R Tucker	Councillor
Cr D Hansen	Councillor (by teleconference 12.49pm)

Staff:

Mr N P Crawford	Chief Executive Officer
Ms R Jones	Deputy Chief Executive Officer
Mr N Mitchell	Consultant

**3.2 APOLOGIES
Staff:**

Mrs D Crawford	Executive Assistant to the CEO
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3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

8. CONFIRMATION OF MINUTES

8.1 MINUTES OF ORDINARY COUNCIL MEETING – 25 OCTOBER 2012

VOTING REQUIREMENTS:
Simple majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION **No: 0247**

Moved Cr J Dwyer

Seconded Cr I Tucker

That the minutes of the Ordinary Meeting of council held on 25 October 2012 be confirmed as a true and accurate record

Carried 4/0

**8.2 MINUTES OF SPECIAL MEETING OF COUNCIL HELD TUESDAY
20 NOVEMBER 2012 – TABLED AT THE MEETING**

VOTING REQUIREMENTS:
Simple majority decision required

COUNCIL DECISION **No: 0249**

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That the Minutes of the Special Meeting of Council held on Tuesday 20 November 2012, as tabled, be received

Carried 4/0

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 PRESIDENT'S REPORT – TABLED AT THE MEETING

26 October 2012

Attended Annual General Meeting and Ordinary Board Meeting for Goldfields Tourism Network.
Visitor Survey is available

21 October 2012	CRC Committee Meeting
8 November 2012	Meeting with CEO and Geraldine Ennis, WA Country Health and Carole Baine from Silver Chain regarding the Menzies Nursing Post
13 November 2012	Attended Menzies Community School assembly with CEO
14 November 2012	CEO and I met with Shane Flanagan, CEO Esperance Port for a tour of the facilities
16 November 2012	Attended the opening of the Goldfields Records joint venture by GVROC for records storage. Attended John Bowler's Christmas Party
20 November 2012	Attended Audit and Finance Committee Meeting and Special Meeting regarding Street Paving Tender
27 November 2012	Attended a meeting with CRC Community Committee leading to a community discussion on Tuesday 4 December 2012

COUNCIL DECISION	No: 0248
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That the President's report, as tabled, be received

Carried 4/0

11. REPORTS OF COMMITTEES AND OFFICERS

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

NIL

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.1 MINUTES OF AUDIT COMMITTEE MEETING 20 NOVEMBER 2012

SUBMISSION TO: Ordinary Meeting of Council 29 November 2012

LOCATION: Shire of Menzies

APPLICANT: N/A

FILE REF: L/9/10

DISCLOSURE OF INTEREST: None

DATE: 20 November 2012

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

PREVIOUS MEETING REFERENCE: None

ATTACHMENTS:

Attachment 11.2.1a – Minutes of Audit Committee Meeting held Tuesday 20 November 2012

SUMMARY:

For Council to consider receiving the Minutes of the Audit Committee Meeting held Tuesday 20 November 2012

BACKGROUND:

A Meeting of the Audit Committee was held Tuesday 20 November 2012, attached as Attachment 11.2.1a are the Minutes of that Committee Meeting.

COMMENT:

At that meeting, the Committee considered the following Items:

- 5.1 Financial Statements and Reports to 30 September 2012
- 5.2 List of payments made in September 2012

- 5.3 Reimbursement of Expenses made in September 2012
- 5.4 Consideration of Audit report 2010/2011

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

Provision for this Item has been included in the current Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICERS RECOMMENDATION:	NO: 0250
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council receives the Minutes of the Audit Committee Meeting held Tuesday 20 November 2012 and that the Committee Recommendations contained therein:

- 5.1 Financial Statements and Reports to 30 September 2012**
- 5.2 List of payments made in September 2012**
- 5.3 Reimbursement of Expenses made in September 2012**
- 5.4 Consideration of Audit report 2010/2011**

be adopted as a Resolution of Council

Carried: 4/0

Moved Cr I Tucker

Seconded Cr J Dwyer

That Council approves Crs Damian Hansen and Peter Twigg attending the Meeting by electronic means.

Carried 4/0

11.2.2 REVIEW OF OUTSTANDING DEBTORS

SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	A/2/3
DISCLOSURE OF INTEREST:	None
DATE:	19 November 2012
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	Nil

ATTACHMENTS:

Attachment 11.2.2a – Debtor balances adjusted due to procedural errors and omissions.

SUMMARY:

Councillors are aware that UHY Haines Norton and Council's previous auditor, Chris McLaughlin have brought their attention to Debtor balances that were uncollectable.

BACKGROUND:

These doubtful debts have been accumulating over a period of several years and an investigation has been reviewing these balances since August 2012. The problem has been compounded by the introduction of Network One and staffing issues as more than half of the amount relates to invoices raised prior to the introduction of Network One on 31 December 2009. It is now considered expedient to amend

2011-12 charges and to make a prior year adjustment to the 2011-12 Annual Financial Statements to more accurately reflect the financial position of the Shire.

COMMENT:

At the Ordinary Meeting of Council on 31 August 2012 a doubtful debt provision of \$1,827,843.21 was selected as an adjustment to the balance of Debtors used to calculate Council's surplus as at 30 June 2012 for the purpose of preparing the Rate Setting statement for the 2012-13 Budget. It has been identified that \$1,477,167.42 is now identified as either a charge that has been raised twice or a charge that has been paid to the Shire but where the receipt has been recorded as another revenue amount and not matched with the existing Debtor balance. A write-off of some remaining smaller balances will be required and will be brought to Council at a later date

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

As a Provision has been made for doubtful debts, the provision will be reduced by the amount of the adjustment, less any GST that may be recoverable from the Australian Taxation Office.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0251

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council endorses the adjustments required to reduce Debtor Balances by \$1,477,167.42 to ensure that the grant amounts recorded for 2011-12 accurately reflect amounts due to, and received by, the Shire of Menzies.

Carried 5/0

11.3 WORKS AND SERVICES BUSINESS

11.3.1 NIL

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.1	DONATION TO STAGE LEFT THEATRE TROUPE GOLDFIELDS WA INC
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SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	Stage Left Theatre Troupe Goldfields WA Inc
FILE REF:	O/1/2
DISCLOSURE OF INTEREST:	None
DATE:	19 November 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.1a – Letter from Stage Left Theatre Troupe Goldfields WA Inc

SUMMARY:

For Council to consider a request from Stage Left Theatre Troupe Goldfields WA Inc seeking the donation of lighting equipment from the town hall.

BACKGROUND:

The lighting bars in question have been in place for many years without ever having been functional, the reasoning behind having never been connected to power remains obscure.

COMMENT:

The purpose of the lighting is to enable individual spot lights to be trained on stage performers during the show and are controlled from a central switchboard. An inspection shows that the equipment is quite old and has definitely not ever been connected to mains power. It is rather doubtful if the facility would work unless similar

era equipment could be sourced to control the apparatus, as such, the lighting equipment is of no value to the Shire of Menzies.

It suggested that the equipment be donated to the group providing that they arrange removal of the equipment by qualified tradespeople and make good any damage that may occur as a result of the action of that removal.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

STRATEGIC IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0252

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council agrees to donate the lighting bars in the town hall to the Stage Left Theatre Group Goldfields WA Inc. on condition that:

- 1. The removal of the equipment is carried out by authorised trades people, and,**
- 2. That any rectification to the hall infrastructure caused as a result of the removal of the equipment is repaired to the satisfaction of the Chief Executive Officer**

Carried: 5/0

11.4.2	MINUTES OF GERCG MEETING HELD FRIDAY 19 OCTOBER 2012
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SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	W/1/3
DISCLOSURE OF INTEREST:	None
DATE:	19 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.2a – Minutes of GERCG Meeting held Friday, 19 October 2012

SUMMARY:

For Council to receive the Minutes of the Meeting of the Goldfields Esperance Regional Collaborative Group held on Friday, 19 October 2012

COMMENT:

Meeting of the GERCG group was held in Kalgoorlie on Friday, 19 October 2012 by teleconference

The Minutes of that Meeting are appended as Attachment 11.4.2a

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

There are no financial implications in relation to this matter

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0253
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

**That Council receives the Minutes of the GERCG Meeting held Friday,
19 October 2012**

Carried: 5/0

11.4.3 STRATEGIC COMMUNITY PLAN

SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	W/1/3
DISCLOSURE OF INTEREST:	None
DATE:	15 November 2012
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.3a – Draft Strategic Community Plan

SUMMARY:

The Local Government Act requires Council to plan for the future, and has mandated that a strategic community plan and a corporate business plan must be prepared and adopted by Council prior to 30 June 2013.

KPMG were engaged by the Goldfields Esperance Regional Collaborative Group to prepare templates for the 10 shires for –

- Strategic Community Plan
- Workforce Plan
- Asset Management – Framework and Plan
- Long Term Financial Plan – incorporating Forward Capital Works
- Corporate Business Plan

KPMG's work was funded in large part by the Department of Local Government, and they have now essentially completed their contract.

It is known that there is a large degree of dissatisfaction with KPMG and the templates provided, however, the difficulty in providing documents that will be suitable for such a diverse region is significant. The expectation by most Shires was that the five plans for each Council would be fully complete, with no further data input required. However, the GERCG Executive Officer advises that this was never intended under the EOI and subsequent contract.

COMMENT:

Regardless of perceived need for such a Plan, the fact is that it is now required. One of the issues for Councils will be to make the Plans useful, and not merely an exercise in compliance.

The templates provided to Menzies do have a significant amount of data in most of them, but they are far from complete with very large gaps in the information provided, and the Council's and community's expectations. Some of the gaps relate to the lack of information provided to them, and some unfamiliarity with local government or the area.

Issues of accuracy, relevance, usefulness were identified throughout the plans to such an extent that a re-write was appropriate. Some of the information provided by KPMG has been able to be used, in an abbreviated form, and the Plan developed is heavily reliant on their work. The greatest issues with the KPMG templates were –

- The amount of date specific information, which would require a complete re-write every two years rather than focusing on principles and processes
- Glaring omissions in community expectations
- Written at too technical a level, and therefore not easily understandable by many, and difficult to explain

The re-write of the SCP has addressed these matters.

Council's attention is drawn to the inclusion of Theme 4, not identified by KPMG, this being heritage and cultural matters. From discussion within the community and with Council itself, heritage is a prominent concern and driver for future activity, and is therefore a critical factor for inclusion.

Council should also closely review the list of Community Priorities against Key Areas in Section 5 of the draft Plan, to ensure that these accurately reflect Council and community intentions. Not all the points listed need to be adopted, but are included for consideration. While it has been attempted to make all the priorities relevant, adoption of all 25 may be too much for a small staff to tackle.

Given some substantial amendments to KPMG's template, it is suggested that it be made available for public comment once again. The process should be documented so that it can be noted within the final draft of the Plan, in accordance with the Regulations.

CONSULTATION:

Mr Peter Crawford, CEO Shire of Menzies

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan s made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to sub-regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
**Absolute majority required.*
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

Guides the development of all other integrated planning requirements and preparation of the annual budget

VOTING REQUIREMENTS:

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0254

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That the draft Strategic Community Plan be approved, and made available for public comment and consideration of any submissions by Council prior to final adoption.

Carried: 5/0

11.4.4 DRAFT WORKFORCE PLAN

SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	W/1/3
DISCLOSURE OF INTEREST:	None
DATE:	16 November 2012
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.4a - Draft Workforce Plan

SUMMARY:

The Local Government Act requires Council to plan for the future, and has mandated that a strategic community plan and a corporate business plan must be prepared and adopted by Council prior to 30 June 2013.

KPMG were engaged by the Goldfields Esperance Regional Collaborative Group to prepare templates for the 10 shires for –

- Strategic Community Plan
- Workforce Plan
- Asset Management – Framework and Plan
- Long Term Financial Plan – incorporating Forward Capital Works
- Corporate Business Plan

KPMG's work was funded in large part by the Department of Local Government, and they have now essentially completed their contract.

The expectation by most Shires was that the 5 plans for each Council would be fully complete, with no further data input required. However, the GERCG Executive Officer advises that this was not intended under the EOI and subsequent contract.

COMMENT:

Regardless of perceived need for such a Plan, the fact is that it is now required. One of the issues for Councils will be to make the Plans useful, and not merely compliance.

As with the Strategic Community Plan, the template provided to Menzies has a significant amount of data in it, but is far from complete.

Issues of accuracy, relevance, usefulness were again identified throughout the plans to such an extent that a re-write was appropriate. Some of the information provided by KPMG has been able to be used, in a much abbreviated form.

Council's attention is drawn to the inclusion of an overarching principle in relation to employment, that employment of local people is essential for the social structure of the town, and future opportunities. The Priority is detailed in section 5.2 of the Plan.

Council should also closely review the list of Strategies in Section 5.3 of the draft Plan, to ensure that these accurately reflect Council intentions. Not all the points listed need to be adopted, but are included for consideration. While it has been attempted to make them relevant, adoption of all 34 strategies may be too much.

Public notice of the Plan and seeking submission is not required.

While a Workforce Plan is not required by legislation, the Corporate Business Plan does require workforce issues to be addressed, and the easiest structured way to do this is through a Workforce Plan. DLG have provided some very basic guidelines for a WFP.

CONSULTATION:

Mr Peter Crawford, CEO Shire of Menzies

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Administration) Regulations 1996

19DA Corporate business plans, requirements for (Act s. 5.56)

(3) A corporate business plan for a district is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

Guides the development of all other integrated planning requirements and preparation of the annual budget

VOTING REQUIREMENTS:

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0255

Moved: Cr K Purchase

Seconded: Cr I Tucker

That the draft Workforce Plan as presented, be adopted.

Carried: 5/0

Cr G Dwyer declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr I Tucker declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr J Dwyer declared a financial interest in the next Item as she is a sitting member and to the extent that she may be a recipient of the Resolution

Cr K Purchase declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr D Hansen declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

11.4.5	POLICY MANUAL – DETAILED REVIEW
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SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/7
DISCLOSURE OF INTEREST:	None
DATE:	19 November 2012
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:
Appendix 11.4.5a - Draft Policy Manual

SUMMARY:

The current Policy Manual last had a major review several years ago, and many circumstances have changed – internally, legislative, community etc. Many of the old policies are incomplete, out of date, and in some cases, are in direct conflict with legislation.

Accordingly, a detailed review was requested by the CEO, and is now completed.

COMMENT:

In reviewing the policies, the approach was taken that the Policy had to be relevant by controlling a matter for the future, in either its operation or prevention. The Policy also had to be current, achievable and useful.

Unlike delegations, policy is not governed or defined by legislation. The introduction carefully defines the difference between a delegation and a policy, as well as closely defining several other terms –

“Authority” means the permission or requirement for a Committee or an officer to act in accordance with:

- the Local Government Act or other legislation or regulation,
- a delegation made by Council,
- a policy made by Council, or
- a specific decision by Council.

“Delegation” means the authority for a Committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational responsibility.

“Policy”, as the context requires, means either:

- a procedural direction to officers to implement Council’s wishes or instructions in a particular way; or
- the authority for officers to act, where that authority is not considered to be a delegation, but more procedural in nature.

“Instruction” means the requirement for a staff member to act in accordance with a direction given by a senior officer of the Shire.

“Council” means the elected members of the local government, as a body

“Shire” means, as the context requires –

- the corporate entity of the local government, or
- the physical area of the local government

Department of Local Government guidelines on Delegations refer to “acting through”. Effectively, Policy is the instructions of Council acting through staff – how they are to implement specific authorities and actions.

Accordingly, the Policy Manual is a critical document, and is essential that it be current and clear. Together with the Delegations Register, they are the day-to-day instruction manuals primarily to the CEO, but also to other staff exercising delegated authority, and to staff carrying out normal operational tasks to complete their functions in a particular way. These are Council’s instruction and non-compliance with them is non-compliance with a Council instruction.

There are Policies that require special attention –

1.4 Elected Member records

As with office records, the State Records Office considers that any records created by an elected member in their function as a councillor, to be a record that must be kept, whether written, electronic, including things such as telephone messages

1.5 External Organisations

Council will need to stipulate a meeting fee at some time

1.6 Recognition of service – Elected members

As this is a financial interest, elected members must make the appropriate declaration

Sch 4.2 (b) Purchasing Thresholds

Note concept and higher thresholds for Sole Local Provider

4.3 Regional Price Preference

Adoption or amendment to this policy requires Statewide advertising prior to being effective

4.5 Credit Cards and Store Cards

Closely complies with Department of Local Government Guidelines, although does not put in place all the suggested actions (e.g. Policy is silent on reward schemes such as “fly Buys”, considered by the Australia Tax Office to be an eligible fringe benefit)

5.1 Acting CEO

Absolute majority required, since this involves the automatic appointment of a person to the role of CEO in certain circumstances.

5.5 Emergency Call-outs

Potential to slightly increase costs, with staff perhaps arriving at work late due to a call out. Proposal is consistent with Worksafe requirements for a 10 hour break between shifts.

5.7 Superannuation

Will have the effect of increasing costs, as the draft policy extends eligibility for additional contributions from the Shire –

- The current Policy indicates that an employee must contribute a minimum of 5% of wages in order to gain a matching 8% additional from the Shire. This Policy eliminates the requirement for 5% employee minimum
- Long term, the cost remains the same when taken employee by employee, since the current maximum contribution of Council is 17% (9% plus 8%) and by 2019-20, the maximum cost per employee will be still be 17% (12% + 5%)

5.8 Gratuitous payments to employees

Does commit Council to additional expense, although not likely to be significant

5.10 Housing Allowances

Will have the effect of increasing costs, as the draft policy extends eligibility for assistance. The current Policy applies only where an employee is full time and is also moving from Shire housing to their own arrangements

5.11 Menzies Allowance

Will increase costs, as the draft policy constitutes an over-award payment. Part is a flat allowance, and part is dependent on length of service.

5.12 Local Government Industry Award

The adoption of this revised policy will increase costs to Council through the inclusion of an extra 2 days annual leave, and the leave loading payable.

While not specifically increasing costs, implementation of steps within the levels, permits the CEO to recognise improvement in skills by incremental advancement

6.4 Fitness for Work

The proposed Policy also applies to elected members and to contractors. Regs require elected members to be free of mind affecting substances, so if engaged in Shire business on the day of testing, the Regs would apply. Similarly, Worksafe and OHS legislation makes the Shire responsible for all contractors engaged at that time, and therefore they are also eligible to be tested. This would apply whether they are direct contractors, a roadworks organisation engaged or a services contractor.

14.2 Election Advertising

Provision for a fee need to be specifically resolved by absolute majority and advertised, since it is not within the Budget process

Note The application of draft Policies 5.10 and 5.11 needs further assessment and discussion with employees prior to coming into effect on 1 July 2013. Currently, outside employees are receiving an over-award payment, approved by the then Acting CEO in May 2012. These Policies formalise the arrangement, and will need to be phased in to ensure there is no doubling of payment, and that no-one is disadvantaged.

The draft Policy Manual now contains a provision that the CEO is to carry out an administrative review of the Manual each year when the Delegations Register is reviewed, and for Council to fully review every 2 years.

Unless required by the Local Government Act in relation to a specific matter, policies can be made, amended or revoked at any time, by simple majority of Council and do not need to be advertised. As noted above however, care does need to be taken. In this respect they are quite different to Planning Policy, which has a legislative framework, and must be advertised.

Please note that the Statement is the actual Policy adopted by Council, and other information is guidance, background and explanation of the Policy Statement.

CONSULTATION:

Mr Peter Crawford, CEO Shire of Menzies

STATUTORY ENVIRONMENT:

None

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Various policies provide financial benefit to elected members and to employees

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required (due to draft Policy 5.1 and fee proposed in Policy 14.2)

COUNCIL DECISION/OFFICER RECOMMENDATIONS:
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NO: 0256

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council Resolves that:

- 1. The draft Policy Manual v.3 of November 2012, be adopted in its entirety, and all previous policies be revoked,**
- 2. Policy 1.6 Recognition of Service Elected Members be advised to the Minister for Local Government,**
- 3. Policies 4.3 Regional Price Preference and 5.8 Gratuitous Payments to Employees be advertised State wide, and if no submissions received, become operable 21 days after first being advertised.**
- 4. Policy 14.2 Political and election advertising materials fee (for removal from Shire controlled lands) at private works rates, with a minimum charge for half an hour be advertised.**

Carried: 5/0

The CEO declared an impartial interest in No 8 Moveable Buildings of the Item as he has a Council approved sea container at his property.

Cr I Tucker declared an impartial interest in No 8 Moveable Buildings of the Item as he has a sea container at his property.

11.4.6	Local Planning Policies
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SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	P/9/1
DISCLOSURE OF INTEREST:	None
DATE:	15 November 2012
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.6a - Draft Manual for Local Planning Policy v.3

SUMMARY:

Local Planning Policy is developed to assist with the development of the Shire, and for the guidance of staff and developers. LPP is made under the authority of the Planning Scheme, and consequently has a degree of legal standing. However, since policy is discretionary rather than mandatory, it can be challenged and referred to the State Administrative Tribunal.

Having been made by the authority of the Planning Scheme, advertised for public submissions, does mean that the SAT will give close consideration to the effect of policy on any appeal made to them, particularly the reasons for the policy.

In many Shires, the Scheme and LPP are supported by a Local Planning Strategy, which outlines the future intentions for development.

COMMENT:

The draft Local Planning Policies are heavily based on a series of draft prepared by Plan West in 2006, but not previously implemented. Of the original 9 proposed, one dealing with development fronting the Highway is not recommended for adoption at this time, and several additional LPP's are suggested. The additional LPPs are –

- Development contributions
- Tjuntjuntjara Community

Comments on the 10 LPPs suggested for adoption are below. Where amendment to the draft may be required, this can be done at the time of adoption following public comment period –

- No. 1 Menzies Town Centre Precinct
 - Query the establishment of a “town square” visitor’s stop. The main area being developed for this appears to be on the south side of the Shire Office. This position is also the most likely for public toilets etc, being next to a kids’ playground and opposite the machinery display. Needs amendment or clarification.
 - Incorporate control provisions into the Scheme, in particular, provisions relating to amenity, as the existing provisions in the Scheme are inadequate - refer clause 10.2 (j) and (n)
- No. 2 Kookynie Precinct
 - Incorporate control provisions into the Scheme, in particular, provisions relating to amenity, as the existing provisions in the Scheme are inadequate. Refer clause 10.2 (j) and (n)
 - At some point a decision needs to be made whether to encourage the (re)development of Kookynie as a town, or to maintain as is. If a decision is made not to encourage development as a town, lots need to be withdrawn from sale, and other measures taken to prevent development and reduce the consequent commitments to management and funding etc. Allowing redevelopment opens the Shire to the possible requirement to improve and lift the level of services in the community
- No. 3 Airport Environs
 - Decommission Kookynie airstrip. Being only 800m or so long, it is of completely inadequate length. It does not meet the standards of either RFDS or CASA, and with buildings in extremely close proximity at either end that are within the CASA exclusion zone, it would be unacceptable to them in any case.
 - Menzies has a cross strip with the SW-NE strip being roughly 1,000m long and the NW-SE strip being less than 800m long. Both strips are constrained at their eastern ends by the highway, with further constraints preventing extension at the western ends, although it may be acceptable to extend the SW-NE strip.
 - Recommended minimum length for RFDS is 1,200m. Although shorter strips may be used, aircraft size, fuel loading, passenger/patient capacity is affected.
 - Recommend that a Policy is not adopted, but provisions preventing development be inserted into the Scheme.

- Civil Aviation Safety Authority Manual of Standards specifies all aspects associated with aerodrome operation –
 - Runway, graded, flyover widths and lengths
 - Airspace approaches and gradients
 - Obstacle restriction and limitations

- No. 4 Menzies Industrial Area
 - Urgent amendment of the Planning Scheme to permit greatly expanded opportunities for industrial activity is needed.
 - The Policy is superfluous at one level, as any development has to go through Council for approval in any case, but is not detrimental. The Scheme should stipulate –
 - lots sizes for various appropriate uses, which will to some extent be determined by commercial reality in practice,
 - buffer zones for various types of activity, etc

- No. 5 Mining Leases Adjacent to Townsites
 - Limited effectiveness and capability to implement since the granting of mining lease and licences is outside of Council's control.
 - Inclusion in the Scheme will trigger Dept of Mines and Petroleum to make a response, and would also list restrictions within their databases when considering approvals.
 - Need to consider the de-Gazettal of all townsites other than Menzies and Kookynie. Not only would this policy be restrictive due to the number undeveloped towns, but the elimination of the towns also removes the risk of the potential for development of those townsites, and the consequent impact on the Shire having to service them. The history of the townsite can still be recognised, but history is poor reason to continue with the multitude of townsites that serve no purpose.

- No. 6 Caretaker's Dwelling in Industrial Zone
 - Differs substantially from original text –
 - The original policy proposed is unnecessarily restrictive of development, particularly in remote areas.

- No. 7 Residential Development and Mining Camps in the Rural/Mining Zone
 - Substantially changed from proposed draft –
 - exclusion zone increased from 20 km to 50 km
 - no exception to prohibition of new development within exclusion zone
 - extension of existing development limited
 - only townsite listed is Menzies
 - Needs to be in the Scheme so as to be enforceable.

- No. 8 Moveable Buildings
 - Containers are already in use by a number of people as secure storage, in the residential area. If appropriately hidden from view or presented and maintained, is there a real objection to them?
 - Is there any need to control containers outside of Menzies townsite at all? Probably extensive use on minesites for instance, and next to impossible to control there.

- No. 9 State Planning Policy 3.6
 - Adoption is not formally required, but is recommended to impose consistency of Shire decisions with State Planning Policy.

- No. 10 Tjuntjuntjara Community
 - Adoption is not formally required, but is recommended to ensure recognition of other work done.

Future additional actions

While this Agenda item deals specifically with Local Planning Policy, a number of other matters became apparent during their preparation. Arising out of these it is suggested that Council consider –

1. That a suitable consultant be engaged to prepare a Local Planning Strategy to complement the existing Local Planning Scheme, and as required by the Planning and Development Act 2005, in preparation of a full Scheme review.
2. That a suitable consultant be engaged to commence a detailed Local Planning Scheme review as required by the Planning and Development Act 2005.
3. That the following amendments be included in the Scheme review –
 - a) urgently, for increased use and areas for industrial development;
 - b) urgently, to include provisions for developer contributions as recommended by SPP 3.6 Model Scheme Text;
 - c) include enhanced definitions and control for “amenity”;
 - d) to enforce development control around Menzies and Kookynie airports;
 - e) conditions for a caretaker’s dwelling in Industrial Zone;
 - f) prohibiting residential development and mining camps in the Rural/Mining Zone within 50km of Menzies, but permitting a caretaker’s dwelling;
 - g) control of moveable buildings, particularly definitions and application of amenity;
 - h) recognition of Local Planning Strategy (to be prepared);
 - i) recognition of formal planning undertaken by Dept of Planning for the Tjuntjuntjara Community.
4. That Department of Regional Development and Lands be requested to de-Gazette all townsites other than Menzies and Kookynie, incorporating the land into a Recreation Reserve where appropriate, or into the surrounding pastoral lease.

Closing

Some of the LPP’s are “in case” rather than from real expectation, but do no harm to adopt, and perhaps serve to indicate future direction given that a Local Planning Strategy is not in place.

Please note that the actual LPP itself is the stated Policy Statement. Other information is included for guidance and explanation, and to place the LPP within context. While

not part of the LPP Statement, this information does constitute part of Council's reason for making the decisions.

Due to their higher legal standing, legislative recognition and differing processes for adoption, amendment and revocation, it is recommended that Planning Policy be in a separate document to administrative policy.

Provisions of the Planning Scheme require that details of Local Planning Policies proposed for adoption or amendment of be advertised for public comment for two consecutive weeks in a newspaper.

The Scheme also requires that any LPPs that may affect Commission decisions be advised to them. It is suggested that the full Local Planning Policy Manual be forwarded to them.

CONSULTATION:

Mr Peter Crawford, CEO Shire of Menzies

STATUTORY ENVIRONMENT:

Planning and Development Act
Shire of Menzies Town Planning Scheme No.1

POLICY IMPLICATIONS:

Guidance and framework for development in the Shire

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION:

That the following draft Local Planning Policies be advertised for public comment, with adoption of the LPPs to occur after consideration of any submissions by Council –

- **No. 1 Menzies Town Centre Precinct**
- **No. 2 Kookynie Precinct**
- **No. 3 Airport Environs**
- **No. 4 Menzies Industrial Area**
- **No. 5 Relationship of Mining Leases To Existing and Future Townsite Development**
- **No. 6 Caretaker's Dwelling in Industrial Zone**

- **No. 7 Residential Development and Mining Camps in the Rural/Mining Zone**
- **No. 8 Moveable Buildings**
- **No. 9 State Planning Policy 3.6**
- **No. 10 Tjuntjuntjara Community**

COUNCIL DECISION:

NO: 0257

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That the following draft Local Planning Policies be advertised for public comment, with adoption of the LPPs to occur after consideration of any submissions by Council –

- **No. 1 Menzies Town Centre Precinct**
- **No. 2 Kookynie Precinct**
- **No. 3 Airport Environs**
- **No. 4 Menzies Industrial Area**
- **No. 5 Relationship of Mining Leases To Existing and Future Townsite Development**
- **No. 6 Caretaker's Dwelling in Industrial Zone**
- **No. 7 Residential Development and Mining Camps in the Rural/Mining Zone**
- **No. 9 State Planning Policy 3.6**
- **No. 10 Tjuntjuntjara Community**

Carried: 4/1

Cr Tucker wished to be recorded as voting against the motion.

Reason for the change was that Council believed Plan No 8 required further clarification before being considered by Council

2.38pm Cr K Purchase left the Meeting

11.4.7 COUNCILLORS INFORMATION BULLETIN 10/12
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SUBMISSION TO:	Ordinary Meeting of Council 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	16 November 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Nil

SUMMARY:

For Council to receive the Information Bulletin.

BACKGROUND:

The Information Bulletin 10/12 containing general and confidential information was previously circulated to Councillors.

COMMENT:

The intent of the Information Bulletin is to keep Council updated with the latest information relevant to the role of elected members.

Due to some confidential documents contained therein, the Information Bulletin is not for the general public's viewing and should be kept secure at all times.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

The Information Bulletin is designed to keep Councillors updated with information relevant to their roles as elected members.

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0258
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council acknowledges receipt of Information Bulletin 10/12 for the period ended 31 October 2012.

Carried: 4/0

11.4.8	CHRISTMAS CLOSURE – SHIRE OF MENZIES ADMINISTRATION OFFICE
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SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	O/1/1
DISCLOSURE OF INTEREST:	None
DATE:	21 November 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

To set dates for the closure and re-opening of the Shire's administration facilities in relation to the break for Christmas 2012 and New Year 2013.

BACKGROUND:

It has been the practice of Council to close its offices each year between Christmas and New Year.

COMMENT:

It is considered that a close down from 5.00 pm on Friday 21 December 2012 until 8.00 am on Thursday, 3 January 2013 is the most effective arrangement to provide Council's staff with the opportunity to travel to distant families while not jeopardising the goodwill of the community. The town crew and road crews will both be on leave though this period.

All staff will utilise public holidays and annual leave entitlements during the Christmas break.

The Manager Works and Services will be in Menzies during the shutdown and will attend any calls received, his contact number is 0448 242 040

Rubbish collections will be carried out as normal

Details of the Community Resource Centre's hours will be available at a later date and will be conveyed to Council at that time.

CONSULTATION:

Ms R Jones – DCEO
Mr B Howson - MWS

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Extremely minor.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0259

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That the Administration Centre of the Shire of Menzies be closed from 5.00 pm on Friday 21 December 2012 until 8.00 am on Thursday 3 January 2013.

Carried: 4/0

11.4.9	APPOINTMENT OF ELECTORAL COMMISSION TO CONDUCT ORDINARY ELECTION OCTOBER 2013
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SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	Western Australian Electoral Commission
FILE REF:	E/2/4
DISCLOSURE OF INTEREST:	None
DATE:	15 November 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.9a - Letter from the Electoral Commissioner

SUMMARY:

For Council to consider appointing the Western Australian Electoral Commission to conduct the 2013 Local Government Ordinary Elections.

BACKGROUND:

Local Government Ordinary Elections are held every two years and tenure is structured in order that about half the total number of ward seats become vacant, alternating at each election.

The next ordinary Election is due on 19 October 2013 with Councillors J Dwyer, K Purchase, I Tucker and D Hansen's seats vacant.

COMMENT:

The WA Electoral Commissioner has written to the Shire offering their services to conduct this coming election on behalf of the Council (See Attachment 11.4.9a).

The election would be conducted using the postal voting system with one Shire of Menzies staff member being required to assist at the polling place on election day. The cost of this proposed service is estimated to be \$10,000 (Including GST). However, this fee may increase as the service is based on a cost recovery basis and is subject to actual costs at the time of service.

Due to the workload that staff is currently contending with, and the fact that it does not appear that there will be a marked reduction in that workload within the next twelve months, it will be recommended that Council appoint the Electoral Commission to conduct this coming election. This will have the effect of ensuring that the election is carried out in the correct manner without any glitches.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Section 4.4 – Provides direction on when the local government must conduct an ordinary election
- Section 4.7 – Provides the date on when a local government must conduct that election
- Section 4.20(4) – Provides the means by which the local government can appoint the electoral commission to conduct the election.
- Section 4.61(2) – Provides the local government a choice on how the election is conducted.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Will be provided for in the 2013/2014 Budget

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:

No: 0260

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council:

1. Declares, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2013 ordinary elections together with any other elections or polls which may be required.

- 2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.**

Carried: 4/0

11.4.10 ESTABLISHMENT OF COMMITTEE

SUBMISSION TO:	Ordinary Meeting of Council, 29 November 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/11
DISCLOSURE OF INTEREST:	None
DATE:	21 November 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	
REFERENCE:	None

ATTACHMENTS: None

SUMMARY:

For Council to consider establishing a Local Emergency management Committee (LEMC)

BACKGROUND:

During the last decade the Shire has for some periods operated with various committees, and for other periods operated without committees.

Except on specific occasions, generally Council Committees have not been given “delegated authority” to make any decisions and all recommendations made at committee level are referred to full Council for adoption.

Apart from the mandatory Audit Committee (formed 24 November 2011), Council has only one other committee in operation at present. This is the Housing Committee which was established on 31 August 2012.

It should be noted that this is not the only opportunity to establish committees for specific purposes. Therefore, if during the next 11 months an occasion calls for the establishment of a Committee, Council can consider that at that time.

COMMENT:

Local Emergency Management Committee (LEMC)

Section 38 of the Emergency Management Act 2005 requires that each local government is to establish a LEMC.

In establishing (re-appointing) a LEMC, Council in accordance with section 38(3) is also to appoint the Chairman. The Chairman should be a Councillor, however does not necessarily have to be. The Committee itself is currently comprised of:

- Chairman Shire of Menzies CEO
- LEMC Coordinator (OIC Leonora Police)
- Other persons being representatives from:
 - Hazard Management agencies
 - State government agencies
 - Local industries as required

From a local perspective the above (other persons) translates to the following:

- Emergency Service agencies
 - Fire and Rescue
 - St John Ambulance
 - Menzies Nursing post
- State government agencies
 - Department of Child Protection
- Local industries
 - Major proximate mines
 - Saracen Mines
 - Jupiter Mines
 - Macarthur Mines
 - Intermin Mining

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Section 5.8 - Provides that a local government may establish committees of three or more persons to exercise the powers and discharge the duties of the local government that can be delegated to committees. (Absolute majority required).
- Section 5.9 - a committee is to comprise:
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons;

(f) other persons only.

- Section 5.11 (2) - Provides that the tenure of a person's appointment to a committee, amongst other circumstances, will expire at the next ordinary election day (i.e. 19 October 2013).

Emergency Management Act 2005

- Section 38(1) - Requires every local government to establish a local emergency management committee,
 - (3) A local emergency management committee consist of -
 - (a) A chairman and other members appointed by the local government
 - (4) The constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the State Emergency Management Committee (SEMC).
- Section 39 - The functions of a local emergency management committee are:
 - (a) To advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
 - (b) To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
 - (c) To carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION:

That Council:

1. In accordance with the provision of section 5.8 of the Local Government Act 1995 and section 38 of the Emergency Management Act 2005, establishes a Local Emergency Management Committee (LEMC);
2. In accordance with the provisions of section 5.9 of the Local Government Act 1995, resolves that the committee is to comprise staff and other persons;
3. In accordance with the provisions of section 5.10(1)(a) of the Local Government Act 1995 resolves that the committee shall have as its members:

- **Chairman –**
- **OIC Leonora Police (LEMC Coordinator)**
- **Other persons being representatives from:**
 - **Fire and Rescue**
 - **St John Ambulance**
 - **Menzies Nursing post**
 - **Department of Child Protection**
 - **Saracen Mines**
 - **Jupiter Mines**
 - **McArthur Mines**
 - **Intermin Mining**

COUNCIL DECISION:

No: 0261

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council:

1. In accordance with the provision of section 5.8 of the Local Government Act 1995 and section 38 of the Emergency Management Act 2005, establishes a Local Emergency Management Committee (LEMC);
2. In accordance with the provisions of section 5.9 of the Local Government Act 1995, resolves that the committee is to comprise staff and other persons;
3. In accordance with the provisions of section 5.10(1)(a) of the Local Government Act 1995 resolves that the committee shall have as its members:
 - **Chairman – Cr G Dwyer**
 - **OIC Leonora Police (LEMC Coordinator)**
 - **Other persons being representatives from:**
 - **Fire and Rescue**
 - **St John Ambulance**
 - **Menzies Nursing post**
 - **Department of Child Protection**
 - **Saracen Mines**
 - **Jupiter Mines**
 - **McArthur Mines**
 - **Intermin Mining**

CARRIED 4/0

Council Resolved to appoint the President as the Chairperson of the LEMC Committee

12. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Nil

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Friday 21 December 2012 in the Council Chambers at Menzies commencing at 1.00pm

16. CLOSURE OF MEETING

There being no further business, the President, Cr G Dwyer, declared the meeting closed at 2.46pm

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 29 November 2012 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 21 December 2012.

Signed _____ Dated: _____ 2012