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MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 21 MAY 2008.

0508.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

1:04pm The President declared the meeting open.

0508.02 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

PRESENT:

Councillor A J (Nino) Messina – President	(West Ward)
Councillor B I N (Barbara) Thomas – Deputy President	(East Ward)
Councillor J L (Julie) Freeman	(Central Ward)
Councillor M D (Mick) Tierney	(Central Ward)
Councillor A J (Tony) Crudeli	(Central Ward)
Councillor K P (Kim) Keeffe	(South Ward)
Councillor A J (Andrew) Messina	(South Ward)

OFFICERS:

Mr TA (Tom) Hartman - Chief Executive Officer
Ms NJ (Noelene) Holmes – Deputy Chief Executive Officer

APOLOGIES:

Councillor M (Mike) Kerkmans	(East Ward)
Councillor L J (Linda) Wainwright	(Central Ward)

LEAVE OF ABSENCE:

Nil

VISITORS

OUR LADY OF MT CARMEL SCHOOL

Teacher: Sarah Jones

Children: Michael Lynch and Lakeisha Mongoo

0508.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

0508.04 PUBLIC QUESTION TIME

The students asked the following questions:

Could recycling be started in Mullewa? The President replied that it would be a cost to the householder in addition to the already charged removal service. The CEO advised that the Shire of Mullewa was a participant in the Mid West Regional Council's Zero Waste project and that a recycling scheme may be possible in the future.

The new footpath is good; can there be more of them around? The CEO advised that the footpath was part of the Monsignor Hawes Trail project.

Can a drinking fountain be installed at the Recreation Centre? The President advised that Council may consider this request.

Could the small football oval at the Recreation Centre have better grass? The President advised that the condition of the oval was due to the lack of water available.

Children have complained about the condition of the Tenindewa Road and want to know if it could be fixed? The Deputy CEO advised that the Works Supervisor has since rectified the section of road since the recent rain.

How is the new footpath going to be protected from being damaged? The CEO replied that no damage is expected.

What are you going to do about the old house across the road from the Shire office? The President advised that the old house is part of the Police precinct.

Some of the students would like to see flowers and grass instead of dirt. Is that possible? The CEO advised that there would be mass plantings of mallees on the vacant block along the footpath trial. (Ms Jones indicated that OLMC may be interested in participating in the planting).

1:15pm Visitors left the meeting

0508.05 APPLICATIONS FOR LEAVE OF ABSENCE
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Nil

0508.06 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: *J L Freeman* **Seconded:** *K P Keeffe*

COUNCIL DECISION: **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16 APRIL 2008, AS PRINTED BE CONFIRMED.**

CARRIED 7/0

0508.07	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION
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Nil

0508.08	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
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Nil

0508.09	REPORTS OF COMMITTEES/MEMBERS
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Nil

0508.10	REPORTS OF OFFICERS
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10.2 HEALTH, BUILDING AND TOWN PLANNING

10.2.1	WA PLANNING COMMISSION APPLICATION FOR SUBDIVISION – LOT 6353 NANGERWALLA ROAD, MULLEWA
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DATE OF MEETING: 21 May 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY Report submits application to subdivide Lot 6353 and 6352 Nangerwalla Road and requests Council comment and or comments.

BACKGROUND: The attached letter and information at **APPENDIX A** has been received from the Western Australian Planning Commission.

COMMENT: Council may wish to comment on the proposal. It appears that the land will be subdivided to allow one part of the land to remain for broad acre farming and the smaller part for an olive orchid / aquaculture.

This land is in the Urawa area and Lot 6352 is serviced by Nangerwalla Road. Lot 6353 in its present state has no road access.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL MAKE COMMENT AS NECESSARY.

Moved: *J L Freeman* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT COUNCIL ADVISE THE WA PLANNING COMMISSION THAT: THERE IS CONCERN THAT THE PROPOSAL MAY CREATE A PRECEDENT BY ALLOWING LAND TO BE “BROKEN UP” THAT COULD AFFECT BROAD ACRE FARMING.**

CARRIED 7/0

10.3 WORKS, PLANT, PARKS & GARDENS

10.3.1 ARTWORK ON WESTERN POWER POLES – JOSE STREET MULLEWA

DATE OF MEETING: 21 May 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY: Report requests Council endorsement for proposed artwork on Western Power Poles in Jose Street, Mullewa.

BACKGROUND: The Mullewa Town Centre Streetscape Enhancement concept plan is part of the Mullewa Trail Master Plan that has been adopted by Council.

A component of the plan is a community art project that involves painting / artwork on power poles in Jose Street CBD. A copy of the concept plan is attached at **APPENDIX A**.

COMMENT: A consultant/facilitator has been engaged to conduct workshops commencing at the end of May 2008 in the Moorheads Building. The workshops have been organised to develop the artwork / designs for the poles. The workshops will use the colour palette that has been previously developed during the Master Plan process. Other examples of this type of work will be tabled at the meeting.

A copy of the palette is attached at **APPENDIX B**.

Also attached at **APPENDIX C** is the Western Power “Artwork on Western Power assets” network standard that is required to be complied with.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: This will have a positive impact on the CBD area.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER TO ENDORSE THE PROPOSED ARTWORK ON WESTERN POWER POLES IN THE JOSE STREET CBD, GENERALLY IN THE FORM AS PRESENTED IN THIS REPORT.

Moved: *K P Keefe* **Seconded:** *A J Crudeli*

COUNCIL DECISION: **THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER (IN CONSULTATION WITH COUNCILLORS) TO ENDORSE THE PROPOSED ARTWORK ON WESTERN POWER POLES IN THE JOSE STREET CBD, GENERALLY IN THE FORM AS PRESENTED IN THIS REPORT.**

CARRIED 7/0

10.3.2 PLANT REPLACEMENT – PROGRAM OF
--

DATE OF MEETING: 21 May 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 708

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY Report presents plant replacement program for approval to be considered in the 2008/2009 budget.

BACKGROUND: Council has developed a rolling Plant Replacement Program. The program is designed to ensure that there is an orderly and efficient level of fleet management. Approval for the program to be considered for the 2008/2009 budget is requested.

COMMENT: Attached at **APPENDIX D** is a copy of the Plant Replacement Program for 2008/2009

In summary the following items are programmed to be replaced:

MW5006	6T Isuzu Truck
MW2431	Side Tipper
MW5061	Prime Mover
0MW	Holden Statesman
00MW	Holden Berlina
MW5001	Ford Utility
MW5003	4X4 Rodeo

Prices on trade in are indicative as there is reluctance by suppliers to supply this information when there is not an actual sale pending.

Once again staff are requesting Council to consider budgeting \$55,000 to purchase a light road sweeper. The purchase of this machine would allow footpaths and road verges to be maintained in a orderly condition.

CONSULTATION:

CEO, Works Supervisor, Mechanic

STATUTORY ENVIRONMENT:

There are no known statutory implications at this time.

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

In accordance with the Municipal Budget 2008/2009

FINANCIAL

IMPLICATIONS:

STRATEGIC

IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT

- THE 2008/2009 PLANT REPLACEMENT PROGRAM BE ADOPTED FOR CONSIDERATION IN THE 2008/2009 BUDGET, AND
- THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO GIVE EFFECT TO PLANT PURCHASES SUBJECT TO THE FOLLOWING:
 - *LIGHT VEHICLES TO BE CHANGED OVER AT ANY TIME IN ACCORDANCE WITH PROGRAMMING REQUIREMENTS,*
 - *SATISFACTION OF THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995 WITH RESPECT TO TENDERING, AND*
 - *PRIOR BUDGETARY APPROVAL OR OTHER COUNCIL AUTHORITY.*

Moved:

J L Freeman

Seconded:

B I N Thomas

COUNCIL DECISION:

THAT

- **THE 2008/2009 PLANT REPLACEMENT PROGRAM BE ADOPTED FOR CONSIDERATION IN THE 2008/2009 BUDGET, AND**
- **THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO GIVE EFFECT TO PLANT PURCHASES SUBJECT TO THE FOLLOWING:**
 - ***LIGHT VEHICLES TO BE CHANGED OVER AT ANY TIME IN ACCORDANCE WITH PROGRAMMING REQUIREMENTS,***
 - ***SATISFACTION OF THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995 WITH RESPECT TO TENDERING, AND***
 - ***PRIOR BUDGETARY APPROVAL OR OTHER COUNCIL AUTHORITY.***

CARRIED 7/0

10.4 FINANCE AND GENERAL PURPOSE

10.4.1 STATEMENT OF FINANCIAL ACTIVITY

DATE OF MEETING:	21 May 2008		
LOCATION/ADDRESS:	-		
NAME OF APPLICANT:	-		
FILE REFERENCE:	-		
PREVIOUS MINUTE/S & REFERENCE:	-		
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer		
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.		
SUMMARY BACKGROUND:	Financial Management Regulation 34 requires a local government to prepare a 'Statement of Financial Activity' reporting on the sources and applications of funds on a monthly basis.		
COMMENT:	Attached at APPENDIX A is the Statement of Financial Activity for April 2008.		
CONSULTATION:			
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.		
POLICY IMPLICATIONS:	There are no known policy implications at this time.		
FINANCIAL IMPLICATIONS:	There are no known financial implications at this time.		
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.		
VOTING REQUIREMENT:	Simple majority		
OFFICER RECOMMENDATION	THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF APRIL 2008 BE RECEIVED.		
Moved:	<i>Andrew J Messina</i>	Seconded:	<i>J L Freeman</i>
COUNCIL DECISION:	THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF APRIL 2008 BE RECEIVED.		
			CARRIED 7/0

10.4.2 FINANCE REPORT 30TH APRIL 2008

DATE OF MEETING:	21 May 2008
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.

INTEREST:
SUMMARY
BACKGROUND:
COMMENT:

BANK RECONCILIATION

The Bank Reconciliation for the month of February 2008 is listed below at **APPENDIX B**. The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest. This account attracts an interest rate of 6.75%.

CONSULTATION:

STATUTORY
ENVIRONMENT:
POLICY

There are no known statutory implications at this time.

IMPLICATIONS:
FINANCIAL

There are no known policy implications at this time.

IMPLICATIONS:
STRATEGIC

There are no known financial implications at this time.

IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

**OFFICER
RECOMMENDATION**

THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30TH APRIL 2008 BE RECEIVED.

Moved:

B I N Thomas

Seconded:

J L Freeman

COUNCIL DECISION:

THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30TH APRIL 2008 BE RECEIVED.

CARRIED 7/0

10.4.3 ACCOUNTS FOR PAYMENT

DATE OF MEETING:

21 May 2008

LOCATION/ADDRESS:

-

NAME OF APPLICANT:

-

FILE REFERENCE:

-

PREVIOUS MINUTE/S &
REFERENCE:

-

DATE AND AUTHOR:

Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE
INTEREST:
SUMMARY

OF Author has no disclosure of interest.

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank account during the month, to be passed for payment by Council.

BACKGROUND:

Clause 11 of the Local Government (Financial Management) Regulations provides that a Local Government shall develop procedures for the authorisation of payments. Clause 12 of the Regulations requires a schedule of cheques drawn to be presented at the next Ordinary Meeting following preparations of the list.

COMMENT:

Attached to this report is a list detailing all cheques drawn and direct debits since the last Council meeting.

The summary of the schedule of accounts to be passed for payment totalling \$ 536,834.90 covers the following:

<u>Municipal Account</u>		
Cheque No.	9815-9844	\$ 55,145.19
Electronic Fund Trans	4088-4168	\$ 384,540.18
Payroll & Fees	VARIOUS	\$ 94,677.03
<u>Trust Account</u>		
Cheque No.	345-349	\$ 2,472.50
	Total:	\$ 536,834.90

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act and Regulations

POLICY IMPLICATIONS:

There are no known policy implications at this time.

FINANCIAL IMPLICATIONS:

There are no known financial implications at this time.

STRATEGIC IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION

THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.

<u>Municipal Account</u>		
Cheque No.	9815-9844	\$ 55,145.19
Electronic Fund Trans	4088-4168	\$ 384,540.18
Payroll & Fees	VARIOUS	\$ 94,677.03
<u>Trust Account</u>		
Cheque No.	345-349	\$ 2,472.50
	Total:	\$ 536,834.90

Moved:

K P Keefe

Seconded:

A J Crudeli

COUNCIL DECISION:

THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.

<u>Municipal Account</u>		
Cheque No.	9815-9844	\$ 55,145.19
Electronic Fund Trans	4088-4168	\$ 384,540.18
Payroll & Fees	VARIOUS	\$ 94,677.03
<u>Trust Account</u>		
Cheque No.	345-349	\$ 2,472.50
	Total:	\$ 536,834.90

CARRIED 7/0

10.4.4 HALL HIRE – REQUEST FOR WAIVER OF FEE

DATE OF MEETING:

21 May 2008

LOCATION/ADDRESS:

NAME OF APPLICANT:

The Wizard of Oz Show

FILE REFERENCE:

603

PREVIOUS MINUTE/S &

April 2008

REFERENCE: DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE INTEREST: SUMMARY	<p>OF Author has no disclosure of interest.</p> <p>Report requests reconsideration of Councils decision from the April 2008 meeting with regards to hall hire fees paid for by the Wizard of Oz production.</p>
BACKGROUND:	<p>Council resolved to reject the request from the Wizard of Oz show for waiver of hall hire fees. A letter has since been received attached at APPENDIX C requesting Council to reconsider their decision.</p> <p>An extract from the Minutes of the April 2008 meeting is attached at APPENDIX D for your reference.</p>
COMMENT:	<p>Should Council choose to revoke or change their decision in this instance, Section 5.25(1)(e) of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 provide for these decisions. This is a two stage process; the first motion must be supported by at least 1/3 of the number of offices of members of the Council. The second stage of the process is the decision to revoke or change the earlier decision. This must be carried by an absolute majority.</p>
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	<p>Local Government (Administration) Regulations 1996 10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e) (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported — (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover. (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover. (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made — (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or (b) in any other case, by an absolute majority. (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.</p>
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	Hire fee paid for hall \$215
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT COUNCIL RECONSIDER THE REQUEST FROM THE WIZARD OF OZ SHOW TO WAIVE THE CHARGE IMPOSED FOR HALL HIRE.

Moved: *J L Freeman* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT COUNCIL WAIVE THE CHARGE IMPOSED FOR HALL HIRE AND THAT THE COST BE OFFSET FROM THE MULLEWA COMMUNITY TRUST.**

CARRIED 7/0

10.4.5 PLAN FOR THE FUTURE

DATE OF MEETING: 21 May 2008
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE:
PREVIOUS MINUTE/S &
REFERENCE:
DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF Author has no disclosure of interest.
INTEREST:
SUMMARY Plan for the Future

BACKGROUND: A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan. A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
The last plan was adopted in 2005 (under the old Principal Activities Plan format) and has been modified to suit current projects that may be undertaken.
Council is to consider the plan, or modifications, submitted to it and is to determine whether or not to adopt the plan, or the modifications, as is relevant.

COMMENT: Submissions for inclusion in the plan were called from the residents in March 2008. No submissions were received.
The Plan for the Future (with or without modification) is required to be adopted by Council and made available for public inspection.
A draft Plan has been prepared, provided under separate cover, which covers the years 2008/2009 to 2009/10.

CONSULTATION:
STATUTORY Local Government Act 1995
ENVIRONMENT:
POLICY There are no known policy implications at this time.
IMPLICATIONS:
FINANCIAL Forms part of the Budget.
IMPLICATIONS:
STRATEGIC There are no known strategic implications at this time.
IMPLICATIONS:
VOTING REQUIREMENT: Absolute majority

OFFICER **THAT THE DRAFT PLAN FOR THE FUTURE FOR THE MULLEWA**

RECOMMENDATION SHIRE COUNCIL FOR THE YEARS 2008/09 TO 2009/2010 BE RECEIVED (WITH OR WITHOUT MODIFICATION), AND PUBLIC COMMENT SOUGHT ON THE PLAN.

Moved: *B I N Thomas* **Seconded:** *K P Keeffe*

COUNCIL DECISION: **THAT THE DRAFT PLAN FOR THE FUTURE FOR THE MULLEWA SHIRE COUNCIL FOR THE YEARS 2008/09 TO 2009/2010 BE RECEIVED (WITH OR WITHOUT MODIFICATION), AND PUBLIC COMMENT SOUGHT ON THE PLAN.**

CARRIED 7/0

10.4.6 MULLEWA SENIORS – REQUEST FOR SUPPORT

DATE OF MEETING: 21 May 2008
LOCATION/ADDRESS:
NAME OF APPLICANT: Mullewa Health Service
FILE REFERENCE: 608
PREVIOUS MINUTE/S & REFERENCE:
DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY Report requests support for Mullewa Seniors Commonhealth Games event.

BACKGROUND: Correspondence has been received from the Mullewa Health Service seeking assistance conducting the Commonhealth Games. – Attached at **APPENDIX E.**

The Commonhealth Games were previously held in Mullewa in October 2005 and was considered a resounding success. Council's contribution to the event at the time was free recreation centre hire.

COMMENT: The applicant is requesting a donation of \$150 towards the purchase of hats and also seeks free hire of the Mullewa Recreation Centre on Friday 28th October 2008.

Free use of the recreation centre would be subject to the following conditions:

- The use is limited to the purpose and times stated in the application – as above.
- The area is left clean and tidy at the conclusion of use, paying particular attention to removing all traces of footprints on the floor. The supply of cleaning materials to be the responsibility of the user.
- All rubbish is removed from the area and disposed of at a suitable location.
- The Council is indemnified in writing for any accident or injury

arising from this undertaking. Any accident/incident is to be reported immediately to the Shire office.

- The contribution of the Council to this undertaking is promoted.

The Shire President or the CEO has also been invited to open the games at approximately 10:30am on the day.

The Mullewa Health Service will seek grant funds from other avenues to run the event.

CONSULTATION:

CEO

STATUTORY ENVIRONMENT: POLICY IMPLICATIONS:

There are no known statutory implications at this time.

There are no known policy implications at this time.

FINANCIAL IMPLICATIONS:

The fee associated with this activity would be \$290.00
Donation \$150 (budget 07/09 Job No. GIFT \$3,000)

STRATEGIC IMPLICATIONS: VOTING REQUIREMENT:

There are no known strategic implications at this time.

Simple Majority

OFFICER RECOMMENDATION

THAT THE MULLEWA HEALTH SERVICE BE ADVISED THAT:

COUNCIL WILL CONTRIBUTE \$150 TOWARDS THE PURCHASE OF HATS FOR THE COMMONHEALTH GAMES FOR SENIORS.

HIRE OF THE MULLEWA RECREATION CENTRE ON FRIDAY 28 OCTOBER 2008 FOR THE PURPOSE OF COMMONWEALTH GAMES FOR SENIORS BE GRANTED FREE OF CHARGE, SUBJECT TO:

FREE USE OF THE RECREATION CENTRE WOULD BE SUBJECT TO THE FOLLOWING CONDITIONS:

- THE USE IS LIMITED TO THE PURPOSE AND TIMES STATED IN THE APPLICATION.
- THE AREA IS LEFT CLEAN AND TIDY AT THE CONCLUSION OF USE, PAYING PARTICULAR ATTENTION TO REMOVING ALL TRACES OF FOOTPRINTS ON THE FLOOR. THE SUPPLY OF CLEANING MATERIALS TO BE THE RESPONSIBILITY OF THE USER.
- ALL RUBBISH IS REMOVED FROM THE AREA AND DISPOSED OF AT A SUITABLE LOCATION.
- THE COUNCIL IS INDEMNIFIED IN WRITING FOR ANY ACCIDENT OR INJURY ARISING FROM THIS UNDERTAKING. ANY ACCIDENT/INCIDENT IS TO BE REPORTED IMMEDIATELY TO THE SHIRE OFFICE.
- THE CONTRIBUTION OF THE COUNCIL TO THIS UNDERTAKING IS PROMOTED.

THAT THE COST OF HIRE BE OFFSET AGAINST INCOME FROM INTEREST EARNED FROM THE MULLEWA COMMUNITY TRUST FUNDS.

THE SHIRE PRESIDENT (IF UNAVAILABLE - DEPUTY PRESIDENT

OR CEO) TO ATTEND THE OPENING OF THE COMMONWEALTH GAMES AT APPROXIMATELY 10:30AM

Moved: *B I N Thomas* **Seconded:** *K P Keefe*

COUNCIL DECISION: **THAT THE MULLEWA HEALTH SERVICE BE ADVISED THAT:**

COUNCIL WILL CONTRIBUTE \$150 TOWARDS THE PURCHASE OF HATS FOR THE COMMONHEALTH GAMES FOR SENIORS.

HIRE OF THE MULLEWA RECREATION CENTRE ON FRIDAY 28 OCTOBER 2008 FOR THE PURPOSE OF COMMONWEALTH GAMES FOR SENIORS BE GRANTED FREE OF CHARGE, SUBJECT TO:

FREE USE OF THE RECREATION CENTRE WOULD BE SUBJECT TO THE FOLLOWING CONDITIONS:

- **THE USE IS LIMITED TO THE PURPOSE AND TIMES STATED IN THE APPLICATION.**
- **THE AREA IS LEFT CLEAN AND TIDY AT THE CONCLUSION OF USE, PAYING PARTICULAR ATTENTION TO REMOVING ALL TRACES OF FOOTPRINTS ON THE FLOOR. THE SUPPLY OF CLEANING MATERIALS TO BE THE RESPONSIBILITY OF THE USER.**
- **ALL RUBBISH IS REMOVED FROM THE AREA AND DISPOSED OF AT A SUITABLE LOCATION.**
- **THE COUNCIL IS INDEMNIFIED IN WRITING FOR ANY ACCIDENT OR INJURY ARISING FROM THIS UNDERTAKING. ANY ACCIDENT/INCIDENT IS TO BE REPORTED IMMEDIATELY TO THE SHIRE OFFICE.**
- **THE CONTRIBUTION OF THE COUNCIL TO THIS UNDERTAKING IS PROMOTED.**

THAT THE COST OF HIRE BE OFFSET AGAINST INCOME FROM INTEREST EARNED FROM THE MULLEWA COMMUNITY TRUST FUNDS.

THE SHIRE PRESIDENT (IF UNAVAILABLE - DEPUTY PRESIDENT OR CEO) TO ATTEND THE OPENING OF THE COMMONWEALTH GAMES AT APPROXIMATELY 10:30AM

CARRIED 7/0

10.5 CHIEF EXECUTIVE OFFICERS REPORT

Moved: *J L Freeman* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT THE FOLLOWING ITEM BE LIFTED OFF THE TABLE.**

CARRIED 7/0

10.5.1 CODE OF CONDUCT

DATE OF MEETING: 21 May 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 101

PREVIOUS MINUTE/S & REFERENCE: 16 April 2008

DATE AND AUTHOR: 13 May 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report re-submits "model" Code of Conduct and recommends adoption.

BACKGROUND: This item was considered at the April 2008 meeting and it was resolved to "lay on the table" to allow further information to be gathered and more time for Councillors to consider, regarding dress standards as per section 4.6 (a) (i) of the Draft Code of Conduct.

Recent amendments to the Local Government Act 1995 and Regulations led to a requirement to amend the existing Model Code of Conduct. WALGA has updated the Model Code of Conduct to reflect these statutory requirements. Attached at **APPENDIX A** is the updated version of the Model Code of Conduct.

COMMENT: This Model is prepared to assist local governments meet their statutory obligations however, local governments have the option to enhance the Code to include additional information to incorporate guidelines for professional conduct, personal integrity, ethical behaviour, accountability and transparency and inform the community of the organisation's vision and mission, to augment the Code's statutory requirements.

Attention is drawn to the fact that the requirement to review the Code of Conduct (S 103.(2) of the Local Government Act 1995) was repealed as part of the Act amendments. Previously under the provision of the Local Government Act a Council was required to prepare and adopt a Code of Conduct and to review the Code of Conduct within 12 months after each ordinary election day.

If there are matters in the code that Council wish to add, amend or delete, these should be raised, discussed and resolved.

Please note that to further discuss this matter will require a motion to "raise the matter from the table"

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

**OFFICER
RECOMMENDATION**

THAT COUNCIL MAKE ANY AMENDMENTS NECESSARY AND ADOPT THE ATTACHED CODE OF CONDUCT.

Moved:

J L Freeman

Seconded:

B I N Thomas

COUNCIL DECISION:

THAT COUNCIL ADOPT THE ATTACHED CODE OF CONDUCT.

CARRIED 7/0

10.5.2 WALGA 2008 ANNUAL GENERAL MEETING – VOTING DELEGATES

DATE OF MEETING: 21 May 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 13 May 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report advises Council of the requirement to register voting delegates for the 2008 WALGA Annual General Meeting.

BACKGROUND: The attached letter at **APPENDIX B** has been received by WALGA indicating that member Councils are required to register their voting delegates by 4th July 2008.

COMMENT: It is suggested that the President and Deputy President be registered as voting delegates at the 2008 WALGA Annual General Meeting.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

**OFFICER
RECOMMENDATION**

THAT COUNCIL REGISTER THE PRESIDENT AND DEPUTY PRESIDENT AS VOTING DELEGATES OF THE 2008 WALGA ANNUAL GENERAL MEETING TO BE HELD SATURDAY, 2ND AUGUST 2008.

Moved:

J L Freeman

Seconded:

Andrew J Messina

COUNCIL DECISION:

THAT COUNCIL REGISTER THE PRESIDENT AND AN ATTENDING COUNCILLOR AS VOTING DELEGATES OF THE 2008 WALGA ANNUAL GENERAL MEETING TO BE HELD SATURDAY, 2ND AUGUST 2008.

CARRIED 7/0

10.5.3 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

DATE OF MEETING: 21 May 2008
LOCATION/ADDRESS: -
NAME OF APPLICANT: -
FILE REFERENCE: -
PREVIOUS MINUTE/S & REFERENCE: -
DATE AND AUTHOR: 13 May 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

INTEREST SUMMARY: Report submits information on the Local Government Long Standing Policy on being recognised in the Australian Constitution.

BACKGROUND: Local government has long held the aspiration to achieve formal recognition in the Australian Constitution. This year the Australian Local Government Association Board and State and Territory Associations have decided to take decisive action to start the process of achieving this goal.

The ALGA sees the way forward as follows:

Local government itself, needs to decide what style or styles of recognition should be pursued in consultation with the community we serve and other governments.

Feedback from your council on these styles of constitutional recognition, or other viable styles, is essential to inform our campaign going forward. We encourage you and your council to participate by conducting a 'council conversation' (see Handling Notes and Feedback Form in this 'Council Resource Kit or the ALGA website) over the coming months. Your State/Territory Association will be working with ALGA to support this process with state-level forums and processes.

This work will then culminate in a Local Government Constitutional Summit – A Special National General Assembly on 9 – 11 December 2008, in Melbourne.

ALGA is seeking responses to a number of individual questions: What objectives does your Council believe would most assist your communities and which could be supported/achieved through Constitutional Recognition of Local Government?

1. Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)
2. Providing a guarantee of funding to some minimum level
3. Symbolic recognition of local government
4. Protection of the system of Local Government (require the States to maintain a system of Local Government)
5. Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)

ALGA is seeking advice from Councils on whether each of these statements would be high, medium, low or nil importance in the potential benefits of constitutional recognition.

COMMENT:

The ALGA Constitutional Recognition website states:

In its simplest form we need to know:

- a. whether your council supports constitutional recognition of local government*
- b. your views on what your council would like to see achieved from constitutional recognition of local government*
- c. what your council wants like to see in the Australian Constitution*
- d. what you think we need to do to gain sufficient community support to win a referendum, if and when one was put to the Australian people.*

To assist us in this plan, we need input from all councils on a number of key issues. You can help by conducting a ‘conversation’ within your council on this topic. Materials, including facts sheets, to assist you and your council to conduct this conversation are available on the web for download. Feel free to copy and distribute this material.

The attached letter at **APPENDIX C** has been received by WALGA.

WALGA has suggested that Councils may wish to share the results of their conversations at their July Zone meetings, but this is an optional step in the consultation process.

ALGA will convene a National State and Expert Forum in October. The results of this forum will form the basis for a National Constitutional Forum in December. Council may wish to consider whether it wishes to make budget provision for representation at that forum.

CONSULTATION:

The proposed ‘conversation’ by Council is part of a national approach to constitutional recognition which should result in the ALGA being able to present the Federal Government with an agreed national position.

STATUTORY ENVIRONMENT:

The Australian Constitution is the blueprint for how government at the national level works in Australia. It commenced on 1 January 1901.

The Constitution:

- Creates a new set of central government authorities (such as the Parliament, the Public Service and the Armed Forces), and outlines their functions and powers.
- Regulates the relations between the Commonwealth and the States.
- Establishes an Australian common market – free trade between the States and a common external customs tariff.

The way the Constitution is drafted gives rise to three classes of powers:

- The exclusive powers of the Commonwealth, which give the Commonwealth a monopoly to make laws, or do things. An example of this is the power to mint money.

- The concurrent powers – section 51 lists subject areas where both the Australian and states can make laws. However, if the Commonwealth makes a law, the state law yields.
- Residuary legislative powers – everything else which is not listed. These remain the responsibility of the States.
- Responsibility for local government is not mentioned anywhere in the Constitution, and is therefore the responsibility of the states.

The WA Constitution Act 1889 provides

52. Elected local governing bodies

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

[Section 52 inserted by No. 88 of 1979 s. 3.]

53. Certain laws not affected

Section 52 does not affect the operation of any law —

- (a) prescribing circumstances in which the offices of members of a local governing body shall become and remain vacant; or
 - (b) providing for the administration of any area of the State —
 - (i) to which the system maintained under that section does not for the time being extend; or
 - (ii) when the offices of all the members of the local governing body for that area are vacant;
- or
- (c) limiting or otherwise affecting the operation of a law relating to local government; or
 - (d) conferring any power relating to local government on a person other than a duly constituted local governing body.

In WA the Local Government Act 1995 provides the legislative framework for Local Government.

POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:
STRATEGIC
IMPLICATIONS:

There are no known policy implications at this time.

There are no known financial implications at this time.

There are a number of outcomes for communities which could be achieved through constitutional recognition and these are **not** mutually exclusive options:

- a broad recognition of local government's role in the Federation (often referred to as – Symbolic Recognition);
- an acceptance of some principles relating to the existence and

continuation of local government as an institution and local councils as democratic representative bodies (Institutional Recognition);

- a streamlined approach to local government funding resulting from a more direct financial connection between local government and the Commonwealth Government (Financial Recognition).

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL DETERMINES THE RELATIVE PRIORITY IT ATTACHES TO EACH OF THE POTENTIAL BENEFITS ARISING FROM RECOGNITION OF LOCAL GOVERNMENT UNDER THE AUSTRALIAN CONSTITUTION.

- | | | |
|----|--|---------------------------|
| 1. | Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States) | High / Medium / Low / Nil |
| 2. | Providing a guarantee of funding to some minimum level | High / Medium / Low / Nil |
| 3. | Symbolic recognition of local government | High / Medium / Low / Nil |
| 4. | Protection of the system of Local Government (require the States to maintain a system of Local Government) | High / Medium / Low / Nil |
| 5. | Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met) | High / Medium / Low / Nil |

Moved: *B I N Thomas* **Seconded:** *M D Tierney*

COUNCIL DECISION: THAT COUNCIL DETERMINES THE RELATIVE PRIORITY IT ATTACHES TO EACH OF THE POTENTIAL BENEFITS ARISING FROM RECOGNITION OF LOCAL GOVERNMENT UNDER THE AUSTRALIAN CONSTITUTION.

- | | | |
|----|--|---------------|
| 1. | Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States) | High |
| 2. | Providing a guarantee of funding to some minimum level | High |
| 3. | Symbolic recognition of local government | Medium |
| 4. | Protection of the system of Local Government (require the States to maintain a system of Local Government) | Medium |
| 5. | Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or | High |

processes to be met)

CARRIED 7/0

10.5.4 NOTICE OF ANNUAL GENERAL MEETING FOR THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

DATE OF MEETING: 21 May 2008
LOCATION/ADDRESS: -
NAME OF APPLICANT: -
FILE REFERENCE: -
PREVIOUS MINUTE/S & REFERENCE: -
DATE AND AUTHOR: 13 May 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.
SUMMARY Report submits notice of the WALGA Annual General Meeting and the call for submissions.

BACKGROUND: The attached letter and information at **APPENDIX D** for the 2008 Local Government Convention advises the closing date for submissions of motions and provides the procedure for preparation.

COMMENT: Council has the opportunity to submit motions to the 2008 AGM of WALGA in line with the attached guidelines.

CONSULTATION: STATUTORY ENVIRONMENT: There are no known statutory implications at this time.
POLICY IMPLICATIONS: There are no known policy implications at this time.
FINANCIAL IMPLICATIONS: There are no known financial implications at this time.
STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL CONSIDER ANY MATTERS THAT COULD BE SUBMITTED TO THE 2008 ANNUAL GENERAL MEETING OF WALGA.

Moved: *J L Freeman* **Seconded:** *K P Keefe*

COUNCIL DECISION: **THAT THIS MATTER BE RECEIVED.**

CARRIED 7/0

0508.11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Moved: *B I N Thomas* **Seconded:** *M D Tierney*

COUNCIL DECISION: **THAT THE FOLLOWING ITEM BE INTRODUCED AS NEW BUSINESS OF AN URGENT NATURE.**

CARRIED 7/0

Moved: K P Keefe **Seconded:** M D Tierney

COUNCIL DECISION: **THAT, DUE TO THE PENDING WRITE OFF OF MW5013, COUNCIL AUTHORISE THE CEO TO NEGOTIATE THE PURCHASE OF A SECOND HAND TRUCK TO THE VALUE OF THE INSURANCE PAYOUT.**

CARRIED 7/0

0508.12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil

0508.13	DELEGATED AUTHORITY
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13.1	MUNICIPAL SEAL – EXERCISING DELEGATED AUTHORITY TO AFFIX
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DATE OF MEETING: 21 May 2008

LOCATION/ADDRESS:

NAME OF APPLICANT: -

FILE REFERENCE:

PREVIOUS MINUTE/S & -

REFERENCE:

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF Author has no disclosure of interest.

INTEREST:

SUMMARY Report seeks endorsement for affixing the Municipal seal

BACKGROUND: In accordance with Delegation No. 29 granted by Council at Minute No. 0607.16 the Municipal Seal was affixed to the documentation as follows:

Regional Partnerships Program Agreement - Deed to vary funding completion date for Mullewa trails project.

COMMENT: Council's policy on the use of the Municipal Seal is such:

The Shire President and the Chief Executive Officer are delegated authority to enter into arrangements on behalf of the Municipality including the affixation of the Municipal Seal, subject to the following conditions:

- *Entering into such arrangements and the affixation of the Municipal Seal shall only occur where there is a time limitation that precludes authority being received from the Council, and*
- *On each and every occasion where an arrangement is entered into on behalf of the Municipality and/or the Municipal Seal is affixed, the particulars of such an arrangement are to be reported to the subsequent meeting of Council.*

CONSULTATION:

STATUTORY

ENVIRONMENT:

Local Government Act 1995

POLICY Policy No. 614 – Delegation of Authority to Affix Municipal Seal

IMPLICATIONS:

FINANCIAL There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT: Absolute majority

OFFICER

RECOMMENDATION

THAT THE EXERCISE OF DELEGATED AUTHORITY BY THE SHIRE PRESIDENT AND CHIEF EXECUTIVE OFFICER IN AFFIXING THE MUNICIPAL SEAL TO THE REGIONAL PARTNERSHIPS PROGRAM AGREEMENT ON THE 14TH APRIL 2008 BE ENDORSED.

Moved:

B I N Thomas

Seconded:

K P Keefe

COUNCIL DECISION:

THAT THE EXERCISE OF DELEGATED AUTHORITY BY THE SHIRE PRESIDENT AND CHIEF EXECUTIVE OFFICER IN AFFIXING THE MUNICIPAL SEAL TO THE REGIONAL PARTNERSHIPS PROGRAM AGREEMENT ON THE 14TH APRIL 2008 BE ENDORSED.

CARRIED 7/0

0508.14 CLOSURE OF MEETING

The President closed the meeting at 2:24pm.

These minutes were confirmed at a meeting on 18 June 2008:
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Signed:

A J Messina, President

Date: