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## Western Australia

Agenda for the Ordinary Meeting of the Murchison Shire Council,  
To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,  
On Friday 23 October 2009, commencing at 9.30 am.

**1. DECLARATION OF OPENING**

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**2. SWEARING IN OF COUNCILLORS**

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**3. ELECTION OF PRESIDENT**

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**4. ELECTION OF DEPUTY PRESIDENT**

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**5. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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**6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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**7. PUBLIC QUESTION TIME**

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Stand Down Local Law Standing Orders

**8. NEXT MEETING**

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The scheduled date for the next ordinary meeting is 20 November 2009

**9. APPLICATIONS FOR LEAVE OF ABSENCE**

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**10. NOTICE OF ITEMS TO BE DISCUSSED IN CAMERA**

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Item 15 CEO KPI Review

Item 19 Position of Shire Council Historian

Local Government Act 1995

- s. 5.23 (2) (a) Matter affecting and employee or employees
- (b) the personal affairs of any person

**11. Confirmation Flying Minutes**

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**NIL**

**12. CONFIRMATION OF MINUTES**

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**12.1 ORDINARY COUNCIL MEETING –18 September 2009**

BACKGROUND

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of 18 September 2009 be confirmed.

**12.2 CBD COMMITTEE MEETING –17 OCTOBER 2009**

BACKGROUND

Minutes of the CBD Committee Meeting of Council have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the CBD Committee Meeting of 17 October 2009 be confirmed

**13. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

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**14. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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**15. CEO KPI FORMULATION**

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**16. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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**16.1.1 PRESIDENT**

**16.1.2 COUNCILLORS**

**17. DISCLOSURE OF INTERESTS**

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**18. REPORTS OF COMMITTEES**

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**18.1 CBD**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 12 September 2009  
 Attachments: EOI

**MATTER FOR CONSIDERATION**

Expressions of Interest and various matters

**BACKGROUND**

A CBD Committee meeting was held on 17 October 2009 to discuss various CBD Issues and visit the site

The development of the CBD and various funding issues require a budget for the build to progress.

Expressions of Interest have been called, for suitable contractors and building companies to submit costings based on preliminary drawings. The Expressions are designed so we can draft a proposed budget for the project.

Once Expressions have been received and assessment of the contracts take place, Council will then proceed to a tender process for the accepted contractors and or companies. Council will then make the final decision on awarding of contracts for the building of the new roadhouse.

To speed up the building process, Council could engage a concreter to complete the footings and pad, along with awarding the “rammed earth” contract to complete the walls.

A draft budget has been prepared, but exactly that, a draft. When all the Expressions are received then an accurate budget can be formulated for Councils pursual.

	Budget Funding SOM	Actual Funding SOM	Budget Funding MWDC	Actual Funding MWDC	
CBD	387000	387000	145000	145000	532000
<b>Motel Units</b>					
Outside Sheeting		1811			1811
Internal Materials		2212			2212
Windows		1445			1445
Fit internal		10000			10000
					0
Furniture & fixtures		5000			5000
					0
					0
					0
					0
<b>Transaction Centre</b>					0
			100095		0
Preliminary Drawings		454			454

Full Drawings	7272			7272
Structural Engineering Report	1500			1500
Compaction Testing	2000			2000
Concrete Slab & Footings	25000			25000
Sand for Earthworks	5000			5000
Plumbing & Gas	20000			20000
Electrical	20000			20000
Computer Cabling	4500			4500
Rammed Earth Walls	70000			70000
Windows & Doors	10000			10000
Kitchen Set up	10000			10000
Bathroom Setup	6000			6000
Commercial Kitchen Set Up	30000			30000
Roof	40000			40000
Insulation	10000			10000
Aircon	15000			15000
Freight	4000	6547	6547	10547
Satellite Installation		2500	2500	2500
Telephone		1230	1230	1230
Electricity	4000	4000	4000	8000
Tourism Centre-Fix Fittings		25000	25000	25000
Crane Hire		2500	2500	2500
Admin & Building Costs	10000	2500	2500	12500
Advertising EOI				0
Audit		628	628	628
				0
Fencing	5000			5000
Signage	5000			5000
				0
				0
General labour & Shire In Kind	40000			40000
				0
		145000		410099

Balance of Funding 121901

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As disclosed in 2009-10 Budget

## CONSULTATION

Trevor Brandy, City of Geraldton Greenough, Building Surveyor

## COMMENT

Nil

## VOTING REQUIREMENTS

Simple majority

## CBD COMMITTEE RECOMMENDATION

That Council:

1. Endorse calling of Expressions of Interest to complete budgetary requirements
2. Engage a suitable concreter to complete footings and slab
3. Engage Murchison Rammed Earth to complete walls of new building
4. Complete camp kitchen utilising contractors as necessary

**19. REPORTS OF OFFICERS**

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**19.1 WORKS**

**19.1.1 Monthly Plant & Works Progress Report**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 12 September 2009  
Attachments:

**MATTER FOR CONSIDERATION**

To view the plant operation for the month of September October 2009 and an update on works carried out



**BACKGROUND**

Monthly Plant useage and status Report

<b>HEAVY PLANT</b>			<b>Start</b>	<b>End</b>	<b>Total</b>	<b>MTD</b>	<b>Total</b>
<b>Plant Item</b>	<b>Year</b>	<b>Rego</b>	<b>Hours</b>	<b>Hours</b>		<b>Service</b>	<b>Ownership</b>
Cat Grader 12H	2005	MU 141	5261	5322		61	33086
Cat Grader 12H	2003	MU 121	10153	10153	0		87000
Cat Grader 12M	2008	MU 51	1070				5396
Volvo L110 Loader	2006	MU 65	1822	1847	25	1685	14431
Komatsu Dozer	1997		6381	6634	253		165476
Cat Vibrating Roller	2005	MU 177	2703	2771		1667	18665
<b>TRUCKS</b>							
Iveco Prime Mover	2003	MU 000	173844	175573	1729		47343
Nissan UD	2009		24251	27919	3668	2570	2612
Iveco Tipper	2004	MU 00	102885	103074	189	1773	56593
<b>GENERATORS</b>							
Generator 2-100KVA	2005		14605	14616	11		
Generator 1-83KVA	2005		37693	38364	671		
Generator 13KVA (Const)	2005		10102	10965	863		
<b>LIGHT VEHICLES</b>							
Toyota Landcruiser	2005	01 MU	96824	98478	1654	1370	11722
Mitsubishi Canter	2004	MU 140	18250	21438	3188	1865	1231
Toyota Prado	2009	MU 0	0	2547		2778	
Holden Rodeo	2008	MU 167	82830	90859	8029	580	8171
Mazda Bravo	2006	MU 300	58704	60877	2173		3073
Toyota PTV	1986	MU 1017	18813	18824	11	1040	2544
<b>TRAILERS &amp; TANKERS</b>							
Side Tipper	2001	MU 2010	156089	158253	2164		16304
Side Tipper-Evertran	2009	1TKB837	3059	5169	2110		4860
Tri Axle Low Loader	2008	MU663	6707	7984	1277	711	8544
Tri Axle Low Loader	2001	MU2004					52886
30K Water Tank	2005	MU 2024	47937	48656	719		9812
Dog Fuel Trailer	1993	MU 658			0	470	1775
Dog Fuel Trailer	1972	MU2005			0		535
Dolly 1	2001	MU 2003			0		6240
Dolly 2	2000	MU 2009			0	7341	10558
<b>Tractors</b>							
New Holland	2006	MU 380	726	757	31		2653
Caravans						2750	6821
Various Small Plant						1147	6349

**19.1.2 Works Report**

**Construction Report**

**Erong-Rd:** No new work completed since last report

**Airstrip-** Construction of windsock area has been completed, lights have arrived and to be installed this week along with windsock and lights. New cones etc to be place in correct place.

**Bridge 837-**

**McNabbs-Twin Peaks Road-** Bunds have been cut and awaiting shire team to complete

**Flood Damage Repairs**

Northcoast have been progressively working south, and are near the Boolardy Top Shed road.

Trackwest are completing a section of road south of Nookawarra and trialling some Polycrom.

**Private Works-** Completed dam cleanout at Curbur

**Maintenance Report**

Carnarvon - Mullewa road: - Completed north if Tin Hut Creek to Berringara Byro Turnoff. Grading continued south of tin hut creek to Settlement

Berringara - Pindar road: -

Erong Road-

Byro-Berringara Road-

Butchers Track- Under development of Loop 5 gas pipeline maintenance

Woolgorong South Road-

Coolcalya Road-

Ballythunna Road-

Meeberie-Wooleen Road-

Meeberie Mt Wittnoom Road- currently being graded, 9km to complete

Pia Wadjarri- Internal roads have been graded

**Settlement-**

**General Grading-**

**Weather Station-** moved station to new site as set out by weather beurea

**Maintenance Grids-** grid on the Boolardy Pia Road has been repaired

**Vehicles and Equipment**

Ordered new Isuzu Dmax- still a couple of weeks away, no bull bars available and various other issues.

## **Staffing**

Neil Coombe- Acting Supervisor  
Paul Smart  
Stuart Broad  
Glenn Pinnegar  
Heydon McKenzie- sick leave

Preston Wall (casual)  
Jason Hodder (Casual until 15-12-09 whilst Heydon on sick leave)

## STATUTORY ENVIRONMENT

Nil

## STRATEGIC IMPLICATIONS

None at this stage

## POLICY IMPLICATIONS

None at this stage

## FINANCIAL IMPLICATIONS

## CONSULTATION

## COMMENT

## VOTING REQUIREMENTS

Simple majority

## OFFICER RECOMMENDATION

That council:

Note the Status Report of the Shire owned Plant and receive the Works Foreman's status report.

### **20.1.3 Road Sealing Carnarvon Mullewa Road**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 14 October 2009  
Attachments:

**MATTER FOR CONSIDERATION**  
Completion of road works at Ballinyoo.

#### **BACKGROUND**

The low level crossing and Ballinyoo Springs has been completed. Council still has \$320,000 to spend of the Special grant allocated under the Roads to Recovery 2008-09

Consideration to seal 1 km with a two coat 14/7 seal 8 meters wide which will go through the crossing, then seal a 1km section 4m wide on either side of the crossing.

We have tendered for annual supply of aggregate and emulsion, so calling for tenders will not be necessary in this case.

The shire works crew with some assistance from contractors could complete the formation works and be ready to seal the section on 1 December 2009

#### **STRATEGIC IMPLICATIONS**

##### **1.1.1 OBJECTIVE**

Plan the provision and maintenance of a safe and efficient road network

##### **1.1.2 Sealing Program for the Carnarvon Mullewa Road**

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Programmed works as disclosed in 2009-10 budget

#### **CONSULTATION**

Nigel Goode, Greenfield Technical Service  
Niel Coombe, Acting Works Supervisor

#### **COMMENT**

None

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That Council:

1. Seal 3km of road taking in low level crossing at Ballinyoo Springs

## **21. FINANCE**

### **21.1.1 Financial Activity Statements September 2009**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 16 October 2009  
Attachments: Financial Activity Statements for September 2009  
Balance Sheet  
Income Statement Detail  
Income Statement by Nature & Type  
Income Statement Summary

#### **MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for September 2009.

#### **BACKGROUND**

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as is prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d) for that month in the following detail:
- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
  - (b) Budget estimates to the end of month to which the statement relates;
  - (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) The net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

#### **CONSULTATION**

None

**COMMENT**

None

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That Council adopt the financial statements for the period ending September 2009, as attached.

**21.1.2 Accounts Paid during the period September-October 2009**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 23 October 2009  
Attachments: EFT & Cheque Detail for September-October 2009

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of September-October 2009, authorisation of account to be paid up to September 2009

**BACKGROUND**

Accounts paid are required to be submitted each month.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996  
Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Payment from Council's Municipal Account

**CONSULTATION**

None

**COMMENT**

Payments made during the month of September-October 2009 as per attached schedule.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That:

1. Accounts Paid between 22 September- 23 October 2009;

<b>TYPE</b>	<b>Voucher</b>	<b>PAYMENT</b>	<b>STATUS</b>	<b>AMOUNT</b>
EFT	1-17, 22	Creditor	Paid	\$ 250,456.34
EFT	18-21,23	Payroll	Paid	\$ 2206.19
Cheque	8857-60	Payroll	Paid	1812.91

2. Accounts to be Paid on 26 October 2009

<b>TYPE</b>	<b>Voucher</b>	<b>PAYMENT</b>	<b>STATUS</b>	<b>AMOUNT</b>
EFT	24-44	Creditor	Pending	\$ 160,023.65
Cheque	8861-8874	Creditor	Pending	\$ 46,354.90

3. Salaries and Wages paid between August September of \$ 43887.80



## **22. DEVELOPMENT**

### **22.1 CBD- Roadhouse and Residence**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 12 September 2009  
Attachments: Building Plans

#### MATTER FOR CONSIDERATION

Construction of Roadhouse and Housing in Murchison Settlement

#### BACKGROUND

The Shire of Murchison is applying for building license for a Roadhouse and Accommodation building.  
Attached is the site plan and preliminary drawings that make up enough detail to issue a building permit.

#### STRATEGIC IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### CONSULTATION

Trevor Brandy, City of Geraldton Greenough, Building Surveyor

#### COMMENT

Nil

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

That Council:

Accept the building plans and site plan in current format and to proceed to building permit status.

## **22.3 Planning- DPI**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 12 October 2009  
Attachments:

### MATTER FOR CONSIDERATION

Proposed introduction of Development Assessment Panels

### BACKGROUND

#### **The Proposed Introduction of Development Assessment Panels**

The Department of Planning recently released a discussion paper concerning Development Assessment Panels (DAPs) which are proposed to be introduced through regulations in 2010.

Under the proposal, DAPs will become the decision making bodies for development applications of a prescribed class or value, but principally those valued at over \$2,000,000 in the Perth metropolitan area and \$1,000,000 in regional areas. There are certain exceptions, including single houses. It is envisaged that such applications will require specialist determination and will have significant impacts on the local or regional area.

Consequently, the determination of these applications will no longer be undertaken by local governments. The Minister for Planning will retain a call in power for projects of State or regional significance. If a regional local government elects, it may refer all development applications to a DAP, regardless of the type or value of development.

It is proposed that 15 DAPs will be created, with one permanent DAP for the City of Perth. Five 'Joint Development DAPs' will be created for the metropolitan area and nine for regional areas. However, there will be flexibility to vary the numbers of DAPs, as required.

DAPs will consist of five members comprising three specialists and two local government elected members. Elected members will be nominated by their respective local governments and appointed by the Minister. The elected members will rotate depending on the local government area to which the development application relates. Specialist members will be appointed for a term of two years. One of the three specialists will be appointed as the chairperson of each DAP. Collectively, specialist members will have expertise in planning, architecture, urban design, engineering, landscape design, environment, law, property development or management.

Administratively there would not appear to be many changes for local government. Officers will still process applications, arrange advertising and prepare reports, recommendations and proposed conditions. Local governments will be required to defend the DAP's decisions if there is an application for review to the State Administrative Tribunal, and will also be responsible for paying for specialist members' sitting fees and for time spent on pre-reading and site visits. They will also be required to pay for any experts who are required to brief the DAP on matters outside the expertise of its members. Application fees are proposed to remain the same, as would the 60 day period for determination of development applications.

The Department's of Planning's discussion paper and 'Questions and Answers' brochure is available from:  
[www.planning.wa.gov.au/plans+and+policies/public+comment/1983.aspx](http://www.planning.wa.gov.au/plans+and+policies/public+comment/1983.aspx).

This discussion paper outlines the development assessment panel model that the Government is committed to implementing in Western Australia.

Development assessment panels are a mix of independent experts and elected representatives, created to be the decision making body for development applications. These panels will have the

power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value.

The objectives of the proposed development assessment panel model are to –

- streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;
- involve independent technical experts in the determination process;
- encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

There will be more on this as things unfold. Will keep Council informed.

**[The submission period closes on Monday 2 November 2009](#)**

#### STRATEGIC IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### CONSULTATION

CEO's MEG

#### COMMENT

Nil

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION

That the Dept for Planning be advised that Council opposes the Development Advisory Panels, as they –

- remove local decision making authority from local governments, placing it in the hands of people unfamiliar with local conditions, and unlikely to be aware of local trends, intentions and directions,
- adds another level of bureaucracy to an already unwieldy planning approvals process and that WA Local Government Association be requested to oppose the concept.

**23. ADMINISTRATION**

**23.1 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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**23.2 Committee Appointments**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 2 October 2009  
 Attachments: Nil

**MATTER FOR CONSIDERATION**  
 To make appointments to various committees

**BACKGROUND**  
 Council has a policy that states that it shall operate a committee for plant, housing and audit.

Council also has a CBD Committee

The tenure of a committee ends in several ways but always ends at the next ordinary elections. The last ordinary elections were held in October 2009.

**STATUTORY ENVIRONMENT**  
 Local Government Act 1995

- s 5.8- Provides for the establishment of a committee of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.
- s 5.9- Provides for the types of committees and types of people who can be appointed to that committee
- s 5.10(1)- Provides for how a committee is to have its members
- s 5.10(2)- At any given time each council member is entitled to a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the appointed under section (1)(a) to at least one of those committees as the local government decides.
- s 5.10(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- s 5.10(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish-
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee
 the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.
- s 5.11(1)(2) Provides for the tenure of committee's

**STRATEGIC IMPLICATIONS**  
 None at this stage

**POLICY IMPLICATIONS**  
 Division 1 Administration-1.2 provides for committees to be run by council.

**FINANCIAL IMPLICATIONS**  
 Nil

**CONSULTATION**  
 NIL

**COMMENT**

NIL

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That Council appoint;

Audit Committee Appointments-

Plant Committee Appointments-

Building Committee Appointments-

CBD Committee-

### **23.3 Delegation Review**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 2 October 2009  
 Attachments: Delegation Review

#### **MATTER FOR CONSIDERATION**

Review of Council Delegations to CEO and Committees

#### **BACKGROUND**

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers.

Unless stated otherwise, the Local Government Act 1995 sections 5.16 and 5.42 is the statutory context for Council to make the delegations in Parts 1 and 2, and additional legislative requirements are noted.

Delegations must be made within the parameters of the enabling legislation. For instance, the authority of the Local Government Act 1995, cannot be used to delegate functions to the CEO under a different Act. If the other Act specifies a person or role, the delegation must be made accordingly. If the other Act does not specify a person, Council may delegate to who it chooses.

It is Council's expectation, that the CEO will assign delegations relevant to a specialist or specific position, to that person, in accordance with the LG Act s.5.44.

The LG Act has not defined the term "delegation" or "delegated power", however:

- s.5.16 refers to "... the exercise of any of its powers and duties ..."
- s.5.42 refers to "... the exercise of any of its powers or the discharge of any of its duties ..."

The term "policy" is not defined anywhere in the LG Act.

Accordingly, the following terms apply, insofar as they are consistent with all enabling legislation referred to within each of the specific delegations.

"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 Council.

The Department of Local Government and Regional Development has published Guidelines for the formation of Delegations.

Of note, the Guidelines outline the concept of "delegation" and "acting through" in parts 3 and 4, particularly in paragraph 13 where it is stated –

*... the key difference between a delegation and "acting through" is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person*

*has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.*

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters, similarly, not all “acting through” matters will have listed. Policy describes how that action or some other action, is to be carried through.

Council may make new delegations at any time.

However, unless specifically resolved that the authority is to be included in the Delegations Register, the authority to act is for a specific matter, and is not a general or on-going delegation.

It is a requirement of the Local Government Act s.5.18 and s.5.46 (1) that all delegations made under the authority of that Act, be reviewed at least once in each financial year. Delegations made under other Acts do not have to be reviewed annual, but are included for the sake of consistency.

In order to ensure that there is clear authority, Council and the appropriate officers will formally review this Delegations Register at the June Meeting each year, and their application confirmed to the following financial year.

In this way, the delegations will be reviewed at the end of the operational year, with the formal motion of application made prior to the commencement of a new financial year.

It is a requirement that the use of all delegated authority is recorded, but it is not a requirement to report the use of delegated authority to Council.

However, given the limited number of delegations, and their importance, it is recommended that Council be advised of use of delegations, for their information. It is open to Council to make a direction that this is the case.

## STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.16 – Delegation of some powers and duties to certain committees
- s.5.17 – Limits on delegations of powers and duties to certain committees
- s.5.18 – Register of delegations to committees
- s.5.42 – Delegation of some powers and duties to CEO
- s.5.43 – Limits on delegations to CEO’s
- s.5.44 – CEO may delegate powers and duties to other employees
- s.7.1B – Delegation of some powers and duties to audit committees

and the Administration Regulations –

- r.19 – Record to be kept by delegates

## STRATEGIC IMPLICATIONS

None

## POLICY IMPLICATIONS

None

## FINANCIAL IMPLICATIONS

Nil

## CONSULTATION

None

## COMMENT

Nil



**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

Council discuss and make changes to the delegations as/if required.

**24. CEO ACTIVITY REPORT**

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**24.1.1 CEO Activity Report September October 2009**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 21 October 2009  
 Attachments: Nil

MATTER FOR CONSIDERATION

CEO's activity report

BACKGROUND

CEO Report

Sept

- 21- Completed Expressions of Interest for CBD Development and arrange advertising
- 22- Various administration matters for Murchison Declared Animal Group
- 23- Sent Draft Reform submission to councilors
- 24 Adjustments to Reform Submission
- 25 Sent reform Submission ( signed by President & CEO)  
 Completion of RADS Grants for 2008-09.
- 28 Sent Jonesway Matter to Austal Mercantile Collections Agency (Preferred WALGA Supplier)
- 29 Main roads Claims- 2008-09 Final Certificate for Direct Grant  
 First claim flood Damage  
 Claim for 2009-10 direct Grant  
 First Claim for RRG jobs
- 30 2008-09 Shire Annual Financial Statements sent to Auditor for auditing  
 Met with David Debourne, Troy Buswell etc at Boolardy and did tour of SKA Site  
 Commence WA LG Grants Commission return  
 Various Road issues with Myles Williams

Oct

- 2 New photocopier arrived  
 Various water & Telstra Issues at CBD  
 Inspection of Shire dolly at Jeremy Thurkles Workshop – ready to be picked up
- 3 Pick up new Prado from Geraldton Toyota  
 Meeting with Sun City Plumbing about CBD  
 Fuel Issue at Settlement- arrange tank and delivery to settlement
- 5 Arrange new piping and upgrade to fuel system at settlement  
 Advertising of Plant Operator position
- 6 Airstrip- drainage completed, all markers in place and marked out for lighting (radio license has been granted)- construction of windsock arena commenced
- 7 Grants Commission Return completed and sent  
 Sept EOM financial reports sent to Haines Norton  
 Concrete pad has been poured for freight depot shed
- 9 Annual Leave
- 12 Annual Leave
- 14 Drove Mc Nabbs twin Peaks Road inspect bunding done by Michael Thurkle  
 Inspection of Northcoast work on Beringarra Pindar road  
 Inspection of road trial/polycom south of Nookawarra
- 15 Freight Depot Shed started to be built
- 17 Returning Officer Duties for Local Government Elections
- 30 Annual Leave
- 2 Annual Leave

### **Elections**

Has been lots of voting, and starting to receive postal votes back. Should see a high percentage of voter turn out

### **Bridge 837**

Stop Work Order has expired. Not planning on doing anything until Ministers decision.

### **Northcoast**

Back working south of Nookawarra

### **Trackwest**

Completed air strip drainage- have been surveying land on Carnarvon Mullewa Road

### **Maintenance Graders**

Have had Murray Hobbs driving our machine on Carnarvon Mullewa Road – has now stopped (sourcing a driver now)

Twin peaks Grader- completed the triangle around Pia and now heading towards Meeka

### **Construction**

Nearly completed Erong & Yunda Roads

Are just finishing some jobs around settlement before heading bush again

Moving weather station, boring holes for caravan park lights, dug trench for fuel plumbing, concrete pad for windsock

### **OFFICER RECOMMENDATION**

That Council;

Note the CEO Activity Report

**24.1.2 Position of Historian for Murchison**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 12 October 2009  
Attachments: Letter of Appointment

Item 21.1.2 Will be In Camera

Local Government Act 1995

- s. 5.23 (2) (a) Matter affecting and employee or employees
- (b) the personal affairs of any person

**25. URGENT BUSINESS**

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**26. ITEMS TO BE DISCUSSED IN CAMERA**

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**27. MEETING CLOSURE**

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