

## **CONTENTS**

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	4
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4.	PUBLIC QUESTION TIME.....	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
6.	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS .....	5
7.	CONFIRMATION OF MINUTES.....	6
7.1	ORDINARY COUNCIL MEETING – 15 August 2008 .....	6
8.	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION .....	6
9.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	6
10	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	6
10.1	PRESIDENT .....	7
10.2	COUNCILLORS .....	7
11.	DISCLOSURE OF INTERESTS .....	7
12.	REPORTS OF COMMITTEES .....	7
13.	REPORTS OF OFFICERS .....	8
13.1	WORKS.....	8
13.1.1	High Pressure Washer Replacement.....	8
13.1.2	Ballinyoo Bridge-Roads to Recovery.....	10
13.1.3	Revision of Transport (Roads) Budget 2008-09.....	13
13.1.4	Monthly Plant & Works Progress Report.....	16
13.1.5	Plant Service Contract.....	20
13.2	DEVELOPMENT .....	24
13.2.1	Murchison Radio Astrology Site .....	24
13.3	FINANCE.....	28
13.3.1	Financial Activity Statements August 2008.....	28
13.3.2	Accounts Paid during the month of August 2008.....	32
13.3.3	Adjustment to Budget .....	34
ADMINISTRATION .....		36
13.4.1	Committee Appointments .....	36
13.4.2	Delegation Review .....	39
13.4.3	Policy Manual Review .....	45
13.4.4	CEO Report for September 2008.....	48
13.4.5	Drafting of Strategic Plan.....	50
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	53
15.	URGENT BUSINESS.....	55
16.	ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS .....	55
17.	NEXT MEETINGS.....	56
18.	MEETING CLOSURE .....	56



## 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 19 September 2008, commencing at 9.30 am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

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

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**4. PUBLIC QUESTION TIME**

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**5. APPLICATIONS FOR LEAVE OF ABSENCE**

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**6. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

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**7. CONFIRMATION OF MINUTES**

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**7.1 ORDINARY COUNCIL MEETING – 15 August 2008**

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 15 August 2008 be confirmed.

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

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**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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**10 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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**10.1 PRESIDENT**

**10.2 COUNCILLORS**

**11. DISCLOSURE OF INTERESTS**

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**12. REPORTS OF COMMITTEES**

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## **13. REPORTS OF OFFICERS**

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### **13.1 WORKS**

#### **13.1.1 High Pressure Washer Replacement**

File:

Author: Ron Adams, Chief Executive Officer

Interest Declared: No interest to disclose

Date: 2 September 2008

Attachments: Nil

#### **MATTER FOR CONSIDERATION**

Authorisation to purchase new High Pressure Washer

#### **BACKGROUND**

The current High Pressure Washer has failed. The pump has been wired to hold the pressure relief valve closed and has now broken away from the pump housing. The motor is difficult to start and is in a state of disrepair.

Our Fixed Assets Online program indicates that the current pressure washer was purchased in 1991 for a cost of \$1298.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 6.8-provides for a local government not to incur expenditure from its municipal fund for an additional purpose unless it is authorised in advance by resolution

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

- 6.1.3 Budget Adherence-allows for items exceeding budget or considered that are outside budget allocations be approved by full council

#### **FINANCIAL IMPLICATIONS**

Payment from Council's Municipal Account, although early in the financial year this purchase is not expected to be detrimental to Council's financial position

#### **CONSULTATION**

None

#### **COMMENT**

2 quotes on a similar washer to the existing one have been received varying from \$2700 to \$3500 excluding GST. Investigations on the right machine will be completed by Works Forman and the CEO.

#### **VOTING REQUIREMENTS**

Absolute majority

#### **OFFICER RECOMMENDATION**

That:

1. Council approve the purchase of a new motor driven high pressure washer to the value of \$3500.

**13.1.2 Ballinyoo Bridge-Roads to Recovery**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 2 September 2008  
Attachments: MRWD Report on Ballinyoo Bridge

**MATTER FOR CONSIDERATION**

To approve Option 7 for repairs to Ballinyoo Bridge

**BACKGROUND**

Roads to Recovery issued the Shire of Murchison a special allocation for repairs to the Ballinyoo bridge of \$680,000

Main Roads and their consultants BG&E presented to Council in June 2008 a strategic report into the options available to council of the state of the Ballinyoo bridge.

Main Roads have a specialty bridge team that carry out major repairs and bridge construction. After consideration and the amount of funds from RTR the only viable option for the Shire is to proceed with Option 7 which is to perform a major repair to bridge with an estimated life of seven to ten years.

The bridge has some heritage recognition and therefore demolition of the bridge will be an extreme case, one which Main Roads will have to take up with the Heritage Council. During this time Council should lobby the state and federal government for funding to replace the bridge and have it placed on the strategic plan when compiled. The best option would be to realign the road and build a new bridge which would be councils preferred option.

**STATUTORY ENVIRONMENT**

Nil

**STRATEGIC IMPLICATIONS**

None at this stage

**POLICY IMPLICATIONS**

None at this stage

**FINANCIAL IMPLICATIONS**

The cost of the repairs to Ballinyoo Bridge is to be funded by special allocation grant by Roads to Recovery of \$680,000

**CONSULTATION**

Kim Edmeades-Main Roads  
Dick Child-Acting CEO Shire of Murchison

**COMMENT**

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That:

Council engage Main Roads WA to carry out Option 7 of BG&E Limited repairs to Ballinyoo Bridge to the value of \$680,000

**13.1.3 Revision of Transport (Roads) Budget 2008-09**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 8 September 2008  
 Attachments:

**MATTER FOR CONSIDERATION**

To adopt changes to the Adopted Budget for 2008-09 in the Road Works Program

**BACKGROUND**

There have been several changes and amendments to the road works budget and program since the adoption of the Annual Budget for 2008-09.

For clarification and to clear any confusion in the program I have attached documents stating all income sources for the program. The amounts of each program expenditure have been taken from the draft budget and amendments made at previous ordinary council meetings.

**Summary of Works Budget**

Capital programs	\$ 1,469,552
Operating programs	\$ 530,000
<b>Total Works</b>	<b>\$ 1,999,552</b>

**Income:**

Roads to Recovery	\$104,681
Roads to Recovery (Special Bridge)	\$680,000
Regional Roads Group (minimum)	\$50,000
MRWD Direct Grant	\$109,604
Grants Commission (Untied Roads)	\$624,959
MRWD-Flood Damage (Received)	\$55,000
<b>Total Income</b>	<b>\$1,624,244</b>
<b>Total Income</b>	<b>\$1,624,244</b>
<b>Less Works Program</b>	<b>\$1,999,552</b>
<b>Surplus/Deficit</b>	<b>\$(375,308)</b>

**STATUTORY ENVIRONMENT**

Local Government Act 1995

s6.8 requires a local government not to incur expenditure that is not disclosed in the budget.

**STRATEGIC IMPLICATIONS**

None at this stage

**POLICY IMPLICATIONS**

None at this stage

**FINANCIAL IMPLICATIONS**

Income and Expenditure is accounted for correctly.

**COMMENT**

Being new to the shire this is an opportunity for elected members to discuss the works program.

CONSULTATION

Kim Edmeades- MRWD

Rachael Walker- Roads to Recovery

Dick Child-Acting Chief Executive Officer

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That council:

1. Note the revised worksheet to be used for the works program
2. Budget actual and performance be revised at Budget review in February 2009



**13.1.4 Monthly Plant & Works Progress Report**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 8 September 2008  
 Attachments:

**MATTER FOR CONSIDERATION**

To view the plant operation for the month of August 2008 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>YTD</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	3779	4079	300		24920
Cat Grader 12H	2003	MU 121	8580	8875	295		77126
Cat Grader 12M	2008	MU 51	0				
Volvo L110 Loader	2006	MU 65	1256				8465
Komatsu Dozer	1997		6212				160434
Cat Vibrating Roller	2005	MU 177	2441				14808
<b>TRUCKS</b>							
Iveco Prime Mover	2003	MU 000	144363				40839
Ford Louisville PM	1989	000 MU	673407				83352
Iveco Tipper	2004	MU 00	79723				45266
<b>GENERATORS</b>							
Generator 2-100KVA	2005		10573				
Generator 1-83KVA	2005						
Generator 13KVA (Const)	2005						
<b>LIGHT VEHICLES</b>							
Toyota Landcruiser	2005	01 MU	70474				9216
Mitsubishi Canter	2004	MU 140	128703				9878
Nissan Patrol	2005	MU 0	49167				6606
Holden Rodeo	2008	MU 167	11186	23350	12164		
Mazda Bravo	2006	MU 300	40181				2698
Toyota PTV	1986	MU 1017	17744				2478
<b>TRAILERS &amp; TANKERS</b>							
Side Tipper	2001	MU 2010					12292
Side Tipper	1993	MU 2032					1980
Side Tipper	1989	MU 2033					1855
Tri Axle Low Loader	2008						3880
Tri Axle Low Loader	2001	MU2004					26674
30K Water Tank	2005	MU 2024					8261
Pig Fuel Trailer	1993	MU 658					
Dog Fuel Trailer	1972	MU2005					
Dolly 1	2001	MU 2003					6240
Dolly 2	2000	MU 2009					5046
Dolly 3	1983	MU 2031					
<b>Tractors</b>							
New Holland	2006	MU 380	386				1218

**Services & Breakdowns**

MU65 Cat Vibrator Roller- Steering failure. This had happened to this machine before. Contacted Westrac for possible "policy adjustment claim". Westrac replaced LH Steering cylinder  
 01 MU Toyota Landcruiser Replaced Rear Brake Shoes

Komatsu Dozer	Serviced by All torque. Could not get to drive. Bought in sample or transmission.
New-Low Loader	Arrived 3 September. Incorrect hose adaptors supplied.

**Works Report**

**Construction**

Byro Beringarra Re-alignment- continued works on the realignment and installation of floodway's.

**Maintenance Grading**

North of settlement

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.

**13.1.5 Plant Service Contract**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 10 September 2008  
 Attachments: Altorque Diesel

**MATTER FOR CONSIDERATION**

To advise councils intention of service provider/s for plant servicing

**BACKGROUND**

Council has in the past called tenders for the supply of parts and service to shire owned equipment.

The budget allowance for 2008-09 is \$220,000. The Local Government Act and Function & General Regulations set out a process for items exceeding \$100,000.

Altorque Diesel’s contract with the Shire is due to expire on 30 September 2008. Hayden has expressed an interest in re-tendering for the next twelve months, but would require an increase in the rates.

Altorque Diesel accounts from October 2007 until August 2008 show the following information;

Total Labour \$43,161  
 Total Labour (Travel) \$7,680  
 Total k/m charge \$7,470  
 Total Parts Account \$59,643  
  
 Total Spend \$117,954

This does not take into account when Pemco, Westrac or CJD have been onsite to fix various machines.

The following survey of possible rates has revealed;

<b>Purcher International</b>		<b>Altorque Diesel</b>		<b>Westrac Equipment</b>	
Labour Rate	\$89	Labour Rate	\$90	Labour Rate	\$114
Labour Rate(Travel)	\$75	Labour Rate(Travel)	\$90	Labour Rate(Travel)	\$114
KM Charge	\$1.20	KM Charge	\$1.20	KM Charge	\$1.20

Council own several machines from several different manufactures, and are at different stages of their life. Some are in warranty and some outside of warranty.

The Functions and General Regulations do provide for under Regulation 11(f) if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

Council can decide that by taking the advantages of using the dealer network for machines during warranty periods for example, this can be used as a “good reason” why they may use this in their decision process.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

s 3.57(1)(2)) Provision for tendering for goods and services and reference to regulations about tendering.

Functions & General Regulations 1996

r 11(1) Provides for the procedures in tendering for goods and services.

r 11(2)(f) if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

**STRATEGIC IMPLICATIONS**

None at this stage

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Budget allowance for parts and repairs is \$220,000. Should tenders be required a advertising cost is associated.

**CONSULTATION**

Jenni Law, DLGRD

**COMMENT**

Nil

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That Council

1. Recognise the unique nature of servicing the Shires plant and utilising the dealer networks, and this is the reason provided for Regulation 11(f) Local Government (Functions & General) 1996.
2. Utilise several companies to complete the servicing requirements to achieve the best economic outcome for the Shire of Murchison.

## **13.2 DEVELOPMENT**

### **13.2.1 Murchison Radio Astrology Site**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 12 September 2008  
 Attachments: Nil

#### **MATTER FOR CONSIDERATION**

To discuss various issues regarding Radio Astrology Site

#### **BACKGROUND**

Several issues including alternative access for the Murchison Radio Astrology Site are to be discussed .

The following information is provided by Cr Mitchell.

#### **Alternative Access for Murchison Radio Astrology Site**

(as seen through the eyes of Bill Mitchell)

This proposal addresses the possibility of using an alternative access road, other than the Pindar Road, for access by contractors building the Pathfinder infrastructure on the MRO site.

Murchison Settlement is situated 289kms from Geraldton on the Mullewa Carnarvon road. Some 159kms are bitumen while 130kms remains a secondary well formed gravel road. The Settlement is 75kms from the MRO site via a private station road.

This road would need approximately two days of maintenance grading to be suitable for truck type vehicle access. The station owner's permission would also be needed. The station affected is Meeberrie Station and as I understand, is currently under offer of purchase. I see no reason why a reasonable person would deny the use of this road as long as the maintenance was kept up.

Pros for operating the construction camp from Murchison Settlement:

- The Settlement is gazetted as a settlement
- It has surplus power and water for a the envisaged size of the camp
- It will soon have a bitumen and lighted aerodrome
- It has roadhouse facilities for the general public
- The Council has a new concrete floored large steel shed suitable for the pre- construction of the dishes required
- Recreation facilities including lighted tennis courts and an oval
- Regular twice weekly mail deliveries
- Bulk fuel supplies
- A large 7 bedroom 2 bathroom air conditioned house for short term accommodation
- Established broadband telecommunications and public pay phone

The added benefit would also be a private and secure road access for all future operations post Pathfinder.

The cons for operating the construction camp from Murchison Settlement:

- Road access would be compromised during large rainfall events
- There maybe considerable costs to upgrading the private road
- The need to travel daily to and from the MRO site by bus and hence lost labour hours

Obviously more work would need to be done before any decision was made, but the purpose of the paper is to alert the committee to possible alternatives and also involve the Murchison community in some of the possible spinoffs from the project.

**STATUTORY ENVIRONMENT**

Nil at this stage

**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**

**COMMENT**

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

Nil

### **13.3 FINANCE**

#### **13.3.1 Financial Activity Statements August 2008**

File:

Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 2 September 2008  
Attachments: Financial Activity Statements for August 2008  
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 August 2008.

#### **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 31 August 2008, as attached.

.



**13.3.2 Accounts Paid during the month of August 2008**

File:

Author: Ron Adams, Chief Executive Officer

Interest Declared: No interest to disclose

Date: 2 September 2008

Attachments: EFT & Cheque Detail for August-September 2008

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of August-September 2008

**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 August-September 2008 as per attached schedule.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That:

1. The Payment Detail of payments covering Electronic Funds Transfer 8547-8596 \$113,002.03 paid during month of August-September 2008 is received;
2. Cheque payments covering cheque numbers 8547 to 8596 totalling \$144,226.17 paid during the month of August-September 2008, be received; and
3. Salaries and Wages totalling \$42,764.48 paid during the month of August-September 2008 are received.

### **13.3.3 Adjustment to Budget**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 2 September 2008  
Attachments:

#### **MATTER FOR CONSIDERATION**

To approve the transfer of funds from E113050 Sports Pavilion Mtce to Fixed Asset Account E. Refrigeration Unit

#### **BACKGROUND**

A new drop in Refrigeration Unit for the cool room at the Sports Pavilion was recently installed. The cost of this was \$ 3301 ex GST.

Council does not have a policy or is it declared in the activity statements at what level capitalisation of assets is to begin. Australian Accounting Standard 27(AAS27) requires that an asset of the local government shall be recognised when:

1. It is possible that the future economic benefits embodied in the asset will eventuate
2. The asset possesses a cost or other value that can be measured reliably.

There is not a budget allowance in capital purchases for this unit; however it may have been calculated in operating expenses when the budget was adopted.

Anderson Munro & Wyllie's interim audit in May 2008 highlighted this practice of expensing to the profit and loss rather than the fixed assets register as area that required attention.

#### **STATUTORY ENVIRONMENT**

Australian Accounting Standard 27 (AAS27)

#### **STRATEGIC IMPLICATIONS**

None at this stage

#### **POLICY IMPLICATIONS**

None at this stage

#### **FINANCIAL IMPLICATIONS**

Moving \$3301 from operating expenses to capital expenses will have no effect on council's financial position

#### **CONSULTATION**

Billie Joe Thomas- Anderson Munroe & Wyllie  
Mandy Wynne-UHYHN

#### **COMMENT**

Regarding AAS27, the local authority has the authority to determine the minimum value that will apply before assets need to be included in the Register of Fixed Assets.

A draft policy regarding fixed assets will be presented when a review is done on the policy manual.

#### **VOTING REQUIREMENTS**

Absolute majority

#### **OFFICER RECOMMENDATION**

That council:

Approve the adjustment of moving \$3301 from A/c E113050 Sports Pavilion Mtce to a new Capital Account in Furniture & Equipment for the purchase of the Refrigeration Unit.

**ADMINISTRATION**

**13.4.1 Committee Appointments**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 2 September 2008  
 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 policies cannot appoint a position or person to a committee. These cannot be delegated as all appointments must be made by absolute majority.

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 2007.

**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**

As these committees have been operating since the last election, formalisation of these need to be completed. The action as set out in the minutes since the election shall stand as this has been mere oversight.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION**

That Council

- 1.Appoint \_\_\_\_\_ to the Audit Committee
- 2.Appoint \_\_\_\_\_ to the Plant Committee
- 3.Appoint \_\_\_\_\_ to the Building Committee

**13.4.2 Delegation Review**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 2 September 2008  
 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**

That:

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

### **13.4.3 Policy Manual Review**

File:  
 Author: Ron Adams, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date: 8 September 2008  
 Attachments: Draft Policy Manual

#### **MATTER FOR CONSIDERATION**

To review the Policy Manual

#### **BACKGROUND**

The policy Manual has been prepared to complement the Delegations Register. Its last publication was in 2005.

Should a discrepancy exist between Delegation and Policy, the Delegation is to be followed.

Policy is considered to be subordinate to Delegations, which have a statutory context in which they are made, whereas Policy does not.

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.

Delegation gives authority or instructs a particular action to be carried out. Generally, policy details how a particular function is to be carried out, or the standards to be met, where the action is considered to be normal duties of a position.

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, throughout this document, 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.

#### **STATUTORY ENVIRONMENT**

Nil

#### **STRATEGIC IMPLICATIONS**

None at this stage



**POLICY IMPLICATIONS**

None at this stage

**FINANCIAL IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**COMMENT**

Nil

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION**

That council:

Review policies and to make additions and deletions as/if required.

**13.4.4 CEO Report for September 2008**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 8 September 2008  
Attachments: Relationship between Members and CEO

**MATTER FOR CONSIDERATION**

To note the CEO Report for September 2008

September 1: Commenced duties as CEO for Shire of Murchison. I wish to thank the President and Members for the opportunity to work at the shire, I look forward to a positive working relationship where I can work with high performance people and together we can serve our community.

September 3: Muggon- attended a dinner with the WA Conservation Commission and Officers of DEC. Discussions included partnerships in road maintenance for DEC controlled properties.

September 3: Meeting with Robert Forman of Oasis Roadhouse. Discussion on leaving at end of October 2008.

Reports on Settlement Activities

**Public Amenities-** Submersible pump failed in septic system. New pump ordered and has been replaced. Thankyou to Graeme for continued clearing of the septic system.

**Generators-** Possible noise in the small generator- Advised service Technician

**OFFICER RECOMMENDATION**

That council:

Note the CEO's report for September 2008.

### **13.4.5 Drafting of Strategic Plan**

File:  
Author: Ron Adams, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 10 September 2008  
Attachments: Meeting Notes and Draft Notes

#### **MATTER FOR CONSIDERATION**

To make a draft plan and timeline for adoption of a Strategic Plan.

#### **BACKGROUND**

A Strategic Plan offers a community and elected members and especially administration employees a guide to the principals, ethics on objectives to which the shire can strive to.

A Strategic Plan is not a requirement of the Local Government Act unlike a “Plan for the Future” or “Disabilities Access Plan”, but it could be argued that the functions of the local government are to provide “good governance”. A strategic plan is an important tool for “good governance”

Recently, with the release of the WALGA SSS Report there is enough evidence in that document alone that councils need to be much better planners and look far further ahead than the current financial year or the next five years,

There was a meeting held in March 2008 for “Strategic Planning/Future Meeting” the attached notes for this meeting for your reference.

Once council have drafted and adopted a Strategic Plan that document will assist in completing a “Plan for the Future” as required by the LG Act.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

- s 1.3(3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.
- s 2.7(1) (b) The role of council is to be responsible for the performance of the local government’s functions.
- s 2.10(b) (c) Provides for the role of councillors to provide leadership and guidance to the community and to facilitate communication between the council and community.

#### **STRATEGIC IMPLICATIONS**

None at this stage

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

Nil-the strategic plan is set out guiding principals to which the council can perform its functions

#### **CONSULTATION**

Nil at this stage

#### **COMMENT**

It is very important that this process be developed to give shire staff an insight into the community and how to operate within the community and councils expectations.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION**

That Council

1. Acknowledge the need for a strategic plan
2. Set an action plan for community consultation process
3. Shire staff to draft the outcomes and” first draft Strategic Plan”

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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**15. URGENT BUSINESS**

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As permitted by resolution of the Meeting

**16. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS**

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## **17. NEXT MEETINGS**

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### **MATTER FOR CONSIDERATION**

To approve a meeting date change for the October ordinary council meeting

### **BACKGROUND**

The scheduled date for the October ordinary meeting is 17 October 2008. As stated in my job interview I have a prior commitment during the week of 13 October to 20 October. (Polocrosse Nationals of which my son is team member).

### **OFFICER RECOMMENDATION**

Council move the October meeting to Friday 24 October 2008.

## **18. MEETING CLOSURE**

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