
Shire of Perenjori
MINUTES
Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on
Thursday 20th July 2006, commencing at 1.30 pm.

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6071 PRELIMINARIES

6071.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The President opened the meeting at 1.30pm.

6071.2 OPENING PRAYER

Cr Baxter led Council in the opening prayer

6071.3 DISCLAIMER READING

Nil

6071.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

President	Cr Brian Baxter
Deputy President	Cr Christopher King
Councillors	Cr Robyn Benton
	Cr Ian West
	Cr Laurie Butler
	Cr Jennifer Hirsch
	Cr John Bendsorp
	Cr Graeme Reid
CEO	Mr Stan Scott
Deputy Ceo	Ms Domenica Orlando
Environmental Health Building Officer	Ms Andrea Njoku (3.15)
Works Supervisor	Mr Ken Markham
Economic Development Officer	Mr Phil Cleaver (3.15pm)

6071.5 PUBLIC QUESTION TIME

Nil

6071.6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Joanne Burgess from Echelon Risk Services made a presentation on the role of Risk Management in Corporate Governance.

She advised that her specialist area was Enterprise Wide Risk management and Events risk management which includes assisting local community groups for events such as Shows.

Her role is to assist Shires in putting together a risk management plan. This involves talking to Senior management and outside and inside staff to access risks. Then a community meeting is held to produce a Risk Project Management.

Echelon Risk Services are a mobile service and at no cost can provide Pchologists, Communication and training, Human Resources training.

Joanne Burgess left the meeting at 1.98pm

6071.7 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

Proximity Interest – Local Government Act s 5.60B

Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.

6071.8 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6071.9 CONFIRMATION OF MINUTES

Confirmation of minutes of Council meeting held 15th June 2006.

Moved: Cr Benton Seconded: Cr Reid

That the minutes of Council meeting held on 15th June 2006 be accepted as a true and correct record.

Carried 8/0

6071.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

6071.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS

Ceo Performance Review

Moved: Cr West Seconded: Cr Butler

That Council move into Committee

Carried 8/0

The CEO, DCEO and Works Supervisor left the chambers at 2.00pm.

The CEO, DCEO, Works Supervisor, Economic Development Officer, and EHO entered the chambers at 3.15pm.

Moved: Cr West Seconded: Cr Butler

That Council move out of Committee.

Carried 8/0

6072 HEALTH BUILDING & PLANNING

6072.1 CARPORT CONSTRUCTION

APPLICANT:	LAURA SMITH 104 LIVINGSTONE STREET PERENJORI
FILE:	508.02
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	GARRY AGNEW – MCS _____
RESPONSIBLE OFFICER	GARRY AGNEW - MCS _____
REPORT DATE:	20 JUNE 2006
ATTACHMENTS	6072.1

Executive Summary:

Application for Council approval to construct a relocated (second hand) carport forward of the front building set back at lot 104 Livingstone Street Perenjori.

Applicants Submission:

A building application has been received from Laura Smith for the re-erection of the old Sundowner Units carport to the front yard of her house at Lot 104 Livingstone Street Perenjori - see Attachment 5091.1a.

Background:

Following relocation of the Sundowner Units to the Caravan Park the old carport at the rear of lot 60 Downer Street was offered for tender – the successful tenderer being Laura Smith of 104 Livingstone Street Perenjori

Statutory Environment:

Building Regulations 1989.

Building Code of Australia.

Shire of Perenjori Town Planning Scheme No. 1.

Residential Design Codes.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Council will need to consider the visual aesthetics of this structure and its impact on the amenity of the area should it grant approval for the issue of a Building Licence.

Consultation:

Nil.

Comment:

Council is reminded that the old Sundowner Units carport has been standing at Lot 60 Downer Street for around 30 years and its structural appearance is very basic, resembling a "bush built" building. Its structural components are showing their age, some are not straight and its design is not contemporary.

The applicant has applied to re-erect this old carport within 4m of the front boundary of "Residential" zoned lot 104 Livingstone Street. This is contrary to the Shire of Perenjori Town Planning Scheme No.1 which states that the front building set back for "Residential" zoned land with an R10 coding is 7.5m; however Council may grant exemption to this setback requirement if it so desires, but not closer than that stipulated in Figure 1: Street Setbacks in the Residential Design Codes of Australia - see Attachment 5091.1b.

It is the writer's view that because of the second hand material and appearance of the old Sundowner Units carport at lot 60 Downer Street and its probable negative visual impact on the amenity of the area surrounding lot 104 Livingstone Street Perenjori Council may be wise to not approve the application to re-erect the old carport in the front yard of lot 104 Livingstone Street for the reasons espoused above.

Notwithstanding, it is suggested that should the old carport be re-erected at the rear of lot 104 Livingstone Street Council would be willing to support an amended application.

Voting Requirements:

Simple Majority

Officer's Recommendation:

That:

1. Planning Approval to re-erect the old Sundowner Units carport in the front yard of lot 104 Livingstone Street is NOT GRANTED due to insufficient front boundary building set back and unacceptable second hand material quality.

and

2. That planning Approval IS GRANTED should the structure be located at the rear of lot 104 Livingstone Street Perenjori; subject to the issue of a formal Building Licence prior to the commencement of any work

OR

3. Planning Approval IS GRANTED for the re-erection of the Sundowner Units old carport forward of the 7.5m front boundary building set back of lot 104 Livingstone Street Perenjori, as detailed in Attachment 5091.1a.

Moved: Cr King

Seconded: Cr Bensdorp

That planning Approval IS GRANTED should the structure be located at the rear of lot 104 Livingstone Street Perenjori; subject to the issue of a formal Building Licence prior to the commencement of any work.

Carried 8/0

6073 FINANCE & ADMINISTRATION

6074 PLANT & WORKS

6075 GOVERNANCE

6075.1 RISK MANAGEMENT IN CORPORATE GOVERNANCE

APPLICANT:	ECHELON RISK SERVICES
FILE:	0
DISCLOSURE	OF 0
INTEREST:	
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	11 JULY 2006
ATTACHMENTS	The Role of Risk Management in Corporate Governance

Executive Summary:

Joanne Burges from Echelon Risk Services has asked to make a brief presentation to Council on the services offered.

Applicants Submission:

Ms Burges will briefly outline what Echelon Risk Services have to offer the organisation, including

- Generic Organisation Wide Policy and Organisational Framework
- Risk Tolerance and Responsibilities pro forma
- RM tools / resources for Strategic, Operational and OHS organisational functions
- Systems and Processes Audit tool
- Software for risk mapping and risk register
- Generic implementation plan
- Risk and Change management training and facilitation programs
- Milestones and evaluation plan and the Benefits to Council

The benefits of effective risk management include:

- Reduced exposure to loss and litigation
- Reduced insurance costs
- More systematic approach to risk management
- Increased level of legislative compliance
- Opportunity for non emotive decision making
- Improved audit trail
- More effective communication and improved relationships
- Sustainable risk management

Background:

Echelon Risk Services has been appointed by Local Government Insurance Services to offer risk management services to Local Governments. LGIS provides sector wide self insurance for public liability and workers compensation across Local Government in WA, together with broking services for other forms of insurance. A significant factor in effectively moderating the cost to Local Governments has been an ongoing commitment to effective risk management.

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

Nil

Financial Implications:

Insurance is a significant ongoing cost, and demonstrated best practice and minimal claims will continue to drive down the individual and collective cost.

Strategic Implications:

Nil

Consultation:

Nil

Comment:

Ms Burges is making similar presentations to other local governments in the region.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council consider a brief presentation by Ms Burgess from Echelon Risk Management Services.

Presentation held.

6075.2 CEO PERFORMANCE REVIEW

APPLICANT: FITZGERALD STRATEGIES
FILE: 0
DISCLOSURE OF INTEREST: CEO
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER: STAN SCOTT – CEO _____
REPORT DATE: 8 JUNE 2006
ATTACHMENTS

Executive Summary:

Council is required by the Act and the CEO's Employment Contract to review the CEO's performance annually.

Applicants Submission:

As requested by Council Mr Mike Fitzgerald will deliver the findings of the review and provide the opportunity for Elected Members to discuss the findings.

Background:

At its April Ordinary Meeting Council resolved as follows:

1. That Council appoint Mr Mike Fitzgerald to conduct the CEO performance review.
2. That Council use the process set out in the contract and also in addition ask the reviewing person to also involve other State and Federal Government Ministers/Department
3. That the reviewer, Mr Mike Fitzgerald contact members by phone for providing input to the Reviewing Person.

Statutory Environment:

Local Government Act 1995 S5.38 – sets out the requirement for an annual performance review.

Policy Implications:

Nil

Financial Implications:

Council will need to make provision for any increase in salary.

Strategic Implications:

Nil

Consultation:

Nil

Comment:

Councillors will each have received a survey to complete. Similar surveys were sent to other stakeholders.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council consider a presentation by Mike Fitzgerald in relation to the 360 degree feedback on the CEO's performance.

Moved: Cr West

Seconded: Cr Hirsch

That Council write to Mike Fitzgerald Strategies to thank for the report on the CEO Performance.

Carried 8/0

6075.3 CEO SALARY REVIEW

APPLICANT: CEO
FILE: 0
DISCLOSURE OF INTEREST: CEO
AUTHOR: STAN SCOTT – CEO
RESPONSIBLE OFFICER: STAN SCOTT – CEO
REPORT DATE: 28 JUNE 2006
ATTACHMENTS: Salaries and Allowances Tribunal Recommendations Departmental Circular

Executive Summary:

Council is required by the CEO's Employment Contract to review the CEO's remuneration annually.

Applicants Submission:

The CEO is seeking the following changes to salary and conditions:

Salary Increase \$7,500 pa

The CPI increase for the 12 months ending March 2006 was 3.0%, which when applied to the current salary would give a rise of \$2,550. This would be appropriate if performance was assessed as adequate or satisfactory. If however performance is assessed as better than satisfactory, an increase that rewards performance and encourages continued improvement would be more appropriate.

Rostered days off Minimal cost

All other administrative staff have access to one rostered day off per month, and the CEO is seeking access to similar arrangements. There would be no cost for relief, and the CEO's total workload would not change. It would mean however mean that it would not be necessary to access annual leave for single days off. Such arrangements are often described as Executive Time Off in CEO contracts, but are substantially the same as RDO's.

Superannuation Matching Contribution \$1700 pa

As part of the Enterprise Bargaining Agreement negotiated with staff the Shire will match employee contributions to a maximum of 5% (up from 3%). With an aging workforce this is a significant incentive. The CEO would like to extend this arrangement to his own conditions of service.

Background:

The CEO's contract states as follows:

The salary (cash) component of the Remuneration Package shall be reviewed no later than 30th May 2006 and shall be reviewed annually no later than 30th May of each subsequent year of the Term but:

- (a) there is no obligation on the Local Government to increase the salary; and
- (b) there must be no reduction in the salary.

Statutory Environment:

Local Government Act 1995 S5.38 – sets out the requirement for an annual performance review. S 5.39 (7) requires that Council take into account recommendations of the salaries and allowances tribunal when entering into or renewing a CEO's contract.

Policy Implications: Nil

Financial Implications:

Council will need to make provision for any increase in salary.

Strategic Implications: Nil

Consultation: Nil

Comment:

Any change in terms and conditions will need to be considered in the context of the outcomes of the performance review. The Salaries and Allowances Tribunal published its first recommendation for CEO remuneration on 27 June 2006. A copy of the recommendation is attached. Of specific interest to Council is the following elements of the recommendation:

- CEO Shire of Perenjori has been assessed as a Band 2 position.
- Recommended Total Reward Package for Band 2 is \$106,000 to \$144,000
- What benefits should be included and excluded from the calculation of the Total Reward Package

The current Total Reward Package, calculated according to the Tribunal's methodology is set out below. This is towards the bottom end of the range recommended by the tribunal.

Item	Included Benefit	Excluded Benefit*
Salary	\$85,000	
Motor Vehicle	\$12,500	
Superannuation (Compulsory)	\$7,650	
Superannuation (Matching)	\$2,550	
Housing		\$3,120
Power and Water		\$2,000
Telephone	\$1,000	
Clothing	\$600	
Performance Bonus	\$3,000	
	\$112,300	\$5,120

*Excluded Benefits: the Tribunal Recommendation said in part: *"The payment of these benefits, where such payment is judged to be fair, not excessive and transparent, maybe considered appropriate but such payments should not be used to artificially inflate the employee's Total Reward Package"*.

If Council agrees to the CEO's proposal it would take the CEO's Total Reward Package to \$121,500. This is still well below the midpoint of the recommended range.

Voting Requirements: Absolute Majority

Officers Recommendation:

That Council consider the CEO's proposal in relation to the annual review of remuneration.

Moved: Cr West **Seconded: Cr Hirsch**

That Council agrees to the CEO proposal of \$4000 increase in wages and matching superannuation contribution of \$2550.

Carried 8/0

6075.4 UWA ARCHITECTURE LANDSCAPE AND VISUAL ARTS PROJECT

APPLICANT:	UWA
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	STAN SCOTT – CEO
RESPONSIBLE OFFICER	STAN SCOTT – CEO
REPORT DATE:	12 JULY 2006
ATTACHMENTS	Letter from UWA

Executive Summary:

A group of between 27 and 32 students will be visiting from 14th to 18th August.

Applicants Submission:

Mr Beale's letter says in part:

The projects we have identified to date include:

- 1. Climate and location appropriate good quality housing*
- 2. A re-appraisal of the town site as an urban landscape: Include primary features such as the main street/rail reserve, caravan park, sports facilities.*
- 3. A re-appraisal of the floodways, lake and dam formations adjacent the town site*
- 4. A re-appraisal of the airstrip and associated landscapes*
- 5. Site and design of a native tree and plant incubator for eventual restoration of regional mine sites*
- 6. Site and infrastructure for Bio-Diesel plant*
- 7. Site and infrastructure for proposed fish farm*
- 8. Mine site infrastructures*
- 9. Dispersed population and de-population of the outlying areas of the shire.*

We propose to spend the first three weeks of the semester [July 24th to July to August 11th] based in Perth carrying out basic research into the project topics, learning as much about the shire 'from a distance' as we can before coming up to the site. We have used this process before and have found that the contrast between the 'imagined' and the 'actual' when students actually arrive on site is a powerful tool both in affirming some knowledge, and in confounding other conceptions. We would then like to spend a week on site with the students [August 14th to the 18th] doing intensive site investigations, meeting with yourselves and folk in to town and the shire, presenting to yourselves what we have 'brought' to the shire and before we leave, again presenting thoughts on our initial discoveries. We thought that we might be able to arrange a series of evening meetings/talks with interested folk from the Shire as well as yourselves and your officers. The more our students hear from people on the ground, the more we will learn about the shire and the better we will be able to respond.

Background:

The community bus has been booked to collect and return the students from Perth and the Pavilion has been booked as a venue for student accommodation.

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

Some of the ideas and suggestions resulting from the projects are likely to influence future Council policy.

Financial Implications:

For modest in kind support from Council there is potential for far reaching outcomes.

Strategic Implications:

Work by the students should dovetail with Council's Strategic Planning.

Consultation:

Significant involvement with the local community including community functions will form part of the visit by students.

Comment:

At the time of preparing the agenda the timing of Mr Beale's visit had not been finalised. It is possible he may be available to address Council at today's meeting.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council note the progress of this project.

The Economic Development Officer, Phil Cleaver addressed Council.

The Economic Development Officer, Phil Cleaver and EHO Andrea Njoku left chambers at 3.37pm.

6075.5 SCHEDULE OF ORDINARY MEETINGS

APPLICANT:	SHIRE OF PERENJORI
FILE:	
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO
RESPONSIBLE OFFICER	STAN SCOTT – CEO
REPORT DATE:	11 JULY 2006
ATTACHMENTS	NIL

Executive Summary:

Local Governments are required to advertise their schedule of meetings at least once per year.

Applicants Submission:

The proposed meeting dates and times for the next 12 months are set out below.

Background:

Nil

Statutory Environment:

Local Government (Administration) Regulations – Reg 12 sets out the need for Local Public Notice of the date time and venue of Ordinary Councils meetings.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Comment:

Council meetings have been held in the past on the third Thursday of the month, and the proposed schedule reflects this practice.. The gazetted public holidays for 2006/2007 are as follows:

Queen's Birthday	Monday 2 nd October
Christmas Day	Monday 25 th December
Boxing Day	Tuesday 26 th December
New Year's Day	Monday 1 st January
Australia Day	Friday 26 th January
Labour Day	Monday 5 th March
Good Friday	Friday 6 th April
Easter Monday	Monday 9 th April
Anzac Day	Wednesday 25 th April
Foundation Day	Monday 4 th June

Possible variations to the Third Thursday of each month at 1.00pm are as follows:

- Council does not generally meet in January.
- In 2005 the November meeting was held at 7pm, and this should perhaps be an annual arrangement
- The third Thursday of December 2006 is 21st. Council may prefer to bring this forward to 14th December 2006. The December Meeting may also be scheduled for 4.00 pm as was the case in 2005.

Voting Requirements:

Simple Majority

Officers Recommendation:

The Council agree to and advertise through Local Public Notice the following schedule of meetings for 2006/2007 to be held in the Shire of Perenjori Council Chambers.

Date	Time
17 th August 2006	1.00 pm
21 st September 2006	1.00 pm
19 th October 2006	1.00 pm
15 th November 2006	7.00 pm
14 th December 2006	4.00 pm
15 th February 2007	1.00 pm
15 th March 2007	1.00 pm
19 th April 2007	1.00 pm
17 th May 2007	1.00 pm
21 st June 2007	1.00 pm
19 th July 2007	1.00 pm

Moved: Cr Reid

Seconded: Cr King

The Council agree to and advertise through Local Public Notice the following schedule of meetings for 2006/2007 to be held in the Shire of Perenjori Council Chambers.

Date	Time
17 th August 2006	1.30 pm
21 st September 2006	1.30 pm
19 th October 2006	1.30 pm

15th November 2006	1.30 pm
21st December 2006	1.30 pm
15th February 2007	1.30 pm
15th March 2007	1.30 pm
19th April 2007	1.30 pm
17th May 2007	1.30 pm
21st June 2007	1.30 pm
19th July 2007	1.30 pm

Carried 8/0

6075.6 DRAFT BUDGET MEETING

APPLICANT: SHIRE OF PERENJORI
FILE:
DISCLOSURE OF INTEREST: NIL
AUTHOR: Domenica Orlando - DCEO
RESPONSIBLE OFFICER: Domenica Orlando - DCEO
REPORT DATE: 12 JULY 2006
ATTACHMENTS: NIL

Executive Summary:

The 2006/07 budget is in its initial preparation stages. Further omissions/changes are due to be made early in the week of 17th July. Once these final changes have been made, a full budget document will be prepared for Council to view.

Applicants Submission:

A special budget meeting is scheduled for Monday 31st July for Council to view the draft budget.

Background: Nil

Statutory Environment:

Local Government (Administration) Regulations – Reg 12 sets out the need for Local Public Notice of the date time and venue of Ordinary Councils meetings.

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Consultation: Nil

Comment:

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council hold a Special Draft Budget meeting on the 31st July 2006 for the purposes of viewing the draft budget and determining any final changes.

Moved: Cr West **Seconded: Cr King**

That Council hold a Special Draft Budget meeting on the 31st July 2006 for the purposes of viewing the draft budget and determining any final changes at 5.00pm with supper to follow.

Carried 8/0

6075.7 STAFF FUEL CARDS

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	16 JUNE 2006
ATTACHMENTS	NIL

Executive Summary:

Staff have requested that the CEO approach Council again about the possibility of staff gaining access to Sovereign fuel cards as part of the Shire's fuel purchase arrangements.

Applicants Submission:

Rising fuel prices are having a significant impact on personal budgets, and the opportunity to gain access to discount fuel would provide a significant benefit at minimal cost to the Shire.

Proposed Arrangements

Sovereign Fuel cards would be made available on the Shire account for staff members who wish to participate. This would allow staff to obtain fuel at discounted rates from Sovereign outlets. To participate in the scheme staff would have to sign an agreement for the following arrangements:

- Staff would be issued with a fuel card for personal use for fuel only;
- Sovereign Accounts detailing the cost against each card would be issued on a monthly basis;
- Council would pay the account and deduct half the cost from each of the staff members next 2 pays;
- Staff would be responsible for fuel purchases on their card, and would need to ensure that the card is securely stored and the pin number protected.
- Each participating staff member would be required to enter into an agreement with the Shire that would include all the obligations on the staff member.
- The agreement would include a monthly credit limit. Failure by a staff member to observe the limit would give the Shire the right to withdraw access by that staff member to the fuel purchase arrangements.

These arrangements are virtually cost neutral to Council but could be of significant benefit to staff.

While there is a risk that some staff may have difficulty managing what is essentially a credit facility, proposed agreement would provide a viable mechanism for controlling this risk.

Background:

Access to sovereign fuel cards for staff was previously considered and rejected by Council late in 2005. Since then:

- Fuel prices have continued to rise at an alarming rate
- The Shire has entered into an Enterprise Bargaining Agreement with Shire staff which has helped build working relationships;
- Staff have suggested a workable model that will minimise the risks identified by Council.

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

Nil

Financial Implications:

Some minor additional administrative costs for the Shire. Allows the Shire to provide a benefit to staff which helps make Shire employment attractive.

Strategic Implications:

Helps to continue to build working relationship with Shire staff.

Consultation:

The matter was raised at a tool box meeting with Shire outside staff and the CEO in relation to performance review and staff development.

Comment:

Outside staff have considered the concern expressed by Council and have suggested what appears to be a workable solution.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council determine whether to give staff access to Sovereign fuel cards for personal use subject to an enforceable agreement on appropriate monthly purchase limits.

Moved: Cr King

Seconded: Cr

That Council give staff access to Sovereign fuel cards for a trial period to 31st December 2006 for personal use subject to an enforceable agreement on self selected monthly purchase limits.

Motion Tied 4/4

The President had the casting vote.

Motion lost 5/4

6075.8 AUSTRALIAN OF THE YEAR

APPLICANT: Australia Day Council of WA
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: Domenica Orlando - DCEO
RESPONSIBLE OFFICER: Domenica Orlando - DCEO
REPORT DATE: 12 JULY 2006
ATTACHMENTS: Letter from Australia Day Council

Executive Summary:

Council is invited to submit a nomination from the Community for Australian of the Year.

Background:

The Australian of the Year award recognises outstanding Australians who have made a difference at a local, state or national level.

They can be either, Australian of the Year, Young Australian of the Year, Senior Australian of the Year or Local Hero.

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Comment:

Nil

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council determine whether a nominee for Australian of the year is required.

Moved: Cr West

Seconded: Cr Butler

That submissions for Australian of the year be advertised in the Perenjori Bush Telegraph.

Carried 8/0

6075.9 COST SHIFTING POLICY

APPLICANT: SHIRE OF CHAPMAN VALLEY
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER STAN SCOTT – CEO _____
REPORT DATE: 12 JULY 2006
ATTACHMENTS Letter from Shire of Chapman Valley

Executive Summary:

The Shire of Chapman Valley is encouraging other Local Governments to adopt a similar policy to that recently adopted by their Council. They believe that if enough Local Governments adopt this approach it will strengthen the sector's capacity to resist additional administrative burdens in the future.

Applicants Submission:

Chapman Valley's position is set out in its letter. Chapman Valley has adopted the following policy:

- 1) *The Shire of Chapman Valley will not undertake any additional function/tasks until an independent analysis has been undertaken, at the cost of the Australian Government, State Government, Department or any other organisation involved in imposing these additional functions/tasks, to determine if additional resources are required to adequately cater for the additional functions/tasks being expected of the Shire.*
- 2) *If the outcome of the analysis is the Shire would need additional resources to undertake the additional functions/tasks then the Shire will refuse to perform these functions/tasks until such resources are made available.*
- 3) *In the event additional resources are not made available for the additional functions/tasks being requested of the Shire, the Shire will formally advise the relevant organisation(s) and all relevant parliamentarians that they cannot perform these functions/tasks. This advice is to state that in the event of any claim against the Shire, due to non-compliance with the requirement to perform the additional functions/tasks, the Shire will use as a defence the fact they informed the relevant individuals and organisations of their inability to comply due to adequate resources not accompanying the additional functions/tasks.*

Background:

At its May 29th Meeting the Country Northern Zone of WALGA resolved as follows:

1. *The Northern Country Zone (NCZ) support the Shire of Chapman Valley's stance (Policy) and request the NCZ approach all other Zones seeking their support on this issue.*

Also request support for amendments to the Inter Governmental Agreement (IGA) to reflect this position prior to approaching the WALGA State Council on this issue:

- *Local Governments should individually be given the option of accepting (or declining) additional functions based upon an independent resource requirement analysis, not collectively (as stated in the IGA) after Australian and/or State consultation with Australian Local Government Association and the state representative body (e.g. WALGA);*

- *Regulatory and Non-Regulatory transfer (or imposition) of additional functions to local government should be treated the same;*
 - *The IGA should have some form of retrospectively associated with it as there has been numerous examples of both regulatory and non-regulatory functions transferred to local government in the immediate past, which will not be recognised under the IGA;*
2. *Once an approach has been made to all other Zones then the NCZ approach the WALGA State Council seeking their support to support the Zones and seek amendment to the existing Inter Government Agreement accordingly.*

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

Nil

Financial Implications:

The intent of the policy to reduce financial or administrative burdens arising from changes in policies or approaches by other levels of government.

Strategic Implications:

The proposed policy has the potential to place the Shire in direct conflict with State agencies that well may be strategic partners in other initiatives.

Consultation:

The Chapman Valley Policy has already gained the support of the Country Northern Zone.

Comment:

Cost shifting has been and remains a huge issue for Local Government. The attachment to the Chapman Valley letter details a significant number of areas in which cost shifting has occurred, or administrative burdens on Local Governments have increased without any additional resources.

The main argument is whether the approach suggested by Chapman Valley is the most appropriate response. Local Governments are constituted under State Legislation, which gives the State the power to impose functions, tasks, regulations or requirements on Local Governments.

The approach adopted by WALGA/ALGA of lobbying, negotiating and achieving incremental improvement, or commitment to consultation, has resulted in documents such as the intergovernmental agreement. There would be wide agreement within Local Government that the agreement does not go far enough, but is still better than no agreement.

In effect what Chapman Valley is suggesting is civil disobedience. While it easy to support the sentiment, the approach could ultimately be counter-productive. The Local Government sector is attempting to take control of the reform agenda by responsibly examining its own performance and sustainability. The approach suggested by Chapman Valley could be seen as irresponsible or even petulant, and could have the effect of losing some of the intellectual high ground we are gaining through the Systemic Sustainability Study.

Finally, if Council was to adopt the Chapman Valley Policy it could put staff in an awkward position. Staff may be required by law or regulation to do or not do particular things, but be required by the Council policy to do the opposite. In many cases staff can be individually liable as a result.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council determine whether to adopt the policy suggested by the Shire of Chapman Valley.

Moved: Cr Reid

Seconded: Cr Benton

That Item 6075.9 Cost Shifting be deferred until the August Council Meeting.

Carried 8/0

The meeting was adjourned for afternoon tea at 4.03pm.

The meeting resumed at 4.32pm.

6075.10 APPLICATION FOR EXPLORATION LICENSE

APPLICANT: ANDERSON'S TENEMENT MANAGEMENT
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER: STAN SCOTT – CEO _____
REPORT DATE: 12 JULY 2006
ATTACHMENTS: Correspondence and Map

Executive Summary:

Quadrio Resources Pty Ltd has applied for an exploration license over an area of land, part of which is in the Shire of Perenjori.

Applicants Submission:

The parcel of land straddles the Perenjori – Morawa Shire boundaries. The area in the Shire of Perenjori is mostly contained within an area bounded by the Shire Boundary on the north, North Road on the East, Bowgada and Bestry Road on the south and Cunningham Road on the West.

Background:

Nil

Statutory Environment:

Mining Act 1978 provides that all applications for Mining Tenements over private land be subject to an objection period, in this case, closing 21 July 2006.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Comment:

Apart from road reserves the area in question does not contain any property in which the Shire has an interest.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council not object to the issue of an exploration license.

Moved: Cr West

Seconded: Cr King

That Council not object to the issue of an exploration license.

Carried 8/0

6075.11 UNALLOCATED CROWN LAND

APPLICANT: E & J Sutherland
FILE: 0
DISCLOSURE OF INTEREST: NIL
AUTHOR: Domenica Orlando - DCEO
RESPONSIBLE OFFICER: Domenica Orlando - DCEO
REPORT DATE: 12th July 2006
ATTACHMENTS: Letter and Map attached

Executive Summary:

Rick and Jody Sutherland are making application to the Department of Land Information to purchase Town Lot 169 Livingstone Street, Perenjori (Lot 141) which is currently unallocated crown land.

The block is located on the corner of North road and Livingstone Street.

Council approval is required to support their application and to advise DLI that the block is not required for any future developments.

Background: Nil

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Consultation: Nil

Comment:

Council needs to determine whether the block is suitable for any future development .

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council consider whether Lot 141 Livingstone Street, Perenjori is required for any future development.

Moved: Cr Butler

Seconded: Cr Bendsdorp

That Council acknowledge that Lot 141 Livingstone Street, Perenjori is not required for any future development.

Carried 8/0

6075.12 WILDFLOWER COUNTRY REGIONAL COUNCIL

APPLICANT: WCRC
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER: STAN SCOTT – CEO _____
REPORT DATE: 12 JULY 2006
ATTACHMENTS: Meeting Schedule, CEO Advertisement

Executive Summary:

The Wildflower Country Regional Council had its inaugural meeting on 4 July 2006.

Applicants Submission:

The Wildflower Country Regional Council had its inaugural meeting on 4 July 2006, and the following outcomes resulted:

- Cr Nino Messina from the Shire of Mullewa was elected as Chairman
- Cr Moira Girando from the Shire of Coorow was elected as Deputy Chairman
- The documentation for the recruitment of a CEO was endorsed. The position will be advertised with applications closing 31 July 2006. A consultant will assist with the shortlisting.
- Council meetings will be held on the first Wednesday of each month commencing at 10.00 am, with meetings held on a rotating basis at each of the member Councils
- CEO meetings will be held on the 4th Monday of the month, with meeting venues determined by the CEOs.
- Each Shire will be invoiced for 2006/2007 contributions. 2005/2006 contributions will not be collected, and if paid already will be returned.

Background:

The final meeting of the North Midlands Voluntary Regional Organisation of Councils was held prior to the WCRC. All funds held by the NMVROC will be returned to Shires.

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

Nil

Financial Implications:

Council is contributing \$20,000 pa to the WCRC for the next 4 years. The State government is contributing \$250,000 over 3 years.

Strategic Implications:

Regional Councils is one of the models that has been strongly supported by the Department and the LGAB.

Consultation:

Nil

Comment:

The WCRC does not meet in Perenjori until February 2007. Councillors are welcome to attend WCRC meetings as observers, and are particularly encourage to do so when the meeting is held in Perenjori.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council notes the outcomes of the first WCRC meeting.

Noted.

6075.13 WALGA AGM

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER: STAN SCOTT – CEO _____
REPORT DATE: 12 JULY 2006
ATTACHMENTS: WALGA AGM – MATTERS FOR DECISION

Executive Summary:

The WALGA AGM will be held at Local Government Week on 6 August 2006.

Applicants Submission:

Crs Baxter and West will be the voting delegates for the AGM. Council may wish to consider its position on some of the matters to be considered at the AGM.

Background:

See AGM Agenda

Statutory Environment:

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Policy Implications:

AGM resolutions will be pursued by WALGA in the coming year.

Financial Implications: Nil

Strategic Implications: Nil

Consultation: Nil

Comment:

Delegates may need some guidance from Council.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council determine whether it wishes to take a position on any of the matters in the WALGA AGM.

Motion 1.1	Agree	Motion 3.8	No Position
Motion 1.2	No Position	Motion 4.1	Agree
Motion 1.3	Agree	Motion 4.2	Agree
Motion 1.4	No Position	Motion 5.1	Agree
Motion 1.5	Agree	Motion 5.2	No Position
Motion 2.1	Agree		
Motion 2.2	No Position		
Motion 3.1	No Position		
Motion 3.2	Agree		
Motion 3.3	Agree		
Motion 3.4	No Position		
Motion 3.5	No Position		
Motion 3.6	Agree		
Motion 3.7	Agree		

6076 OTHER BUSINESS

6076.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

Morawa District High School – Newsletter
Nacc – Newsletter
WALGA – Information Sheet
Buntine – Marchagee – Catchment News
Department of Local Government & Regional Development – Information Sheet
Local Government News – Issue No. 24.06
Systemic Sustainability Study – WALGA independent governance panel
Systemic Sustainability Study – Management and Administration
Local Government Fleet Safety Survey
Ministry for local government and regional development – board report
WALGA – Vacancy for W.A Local Government Association Member
Department of the Premier and Cabinet – Premiers award for excellence
Road Safety Network – Magazine
Media Release – Information Sheet
About The House – Magazine
Media Release – Landmark day for the wildflower country regional council
Connell Wagner – information sheet
The Challenge Newsletter – issue 16 2006
Career Development newsletter
Core consultative committee newsletter
Local government news – issue no. 23.06
WALGA newsletter – issue no. 03.06
WALGA newsletter – information bulletin
Grain operations – information sheet
Environmental protection authority – information sheet
Public accounts committee
Morawa District High School - newsletter
WALGA – Proposed Guidelines – Public Library Buildings
Local Govt News – Issue 26.06
Community Housing Coalition of WA – Housing Update Winter 2006
National Motor Vehicle Theft Reduction Council – Theft Watch
Main Roads/WALGA Liaison Committee Minutes
Review of the Control of Vehicles (Offroad Areas) Act 1978 – Release of Position Paper

6076.5 MATTERS BEHIND CLOSED DOORS

6076.6 DATE OF NEXT MEETING / MEETINGS

Special budget meeting to be held on Monday 31st July 2006.

6076.7 CLOSURE

There being no further business the meeting closed at 5.30pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 20th July 2006.

Signed: _____
Presiding Elected Member

Date: _____