Shire of Perenjori  
MINUTES  
Ordinary Council Meeting  
To be held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 17th July 2008, to commence at 1.00PM.

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8071 PRELIMINARIES

8071.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
The Chairman declared the meeting open at 1.25pm

8071.2 OPENING PRAYER
Cr Baxter led Council in the opening prayer.

8071.3 DISCLAIMER READING
Nil

8071.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present:  
Cr B T Baxter  
Cr R A Benton  
Cr G K Reid  
Cr I F West  
Cr J A Bensdorp  
Cr C R King  
Cr J R Cunningham  
Cr L C Butler

CEO       Stan Scott  
DCEO      Domenica Curtin  
Works Supervisor Ken Markham  
EDO       Phil Cleaver  
MCS       Garry Agnew  
Minute Taker Leah Leopold  
Visitor   Jo Wood

Apologies  Cr J H Hirsch

8071.5 PUBLIC QUESTION TIME
Nil

8071.6 PETITIONS / DEPUTATIONS / PRESENTATIONS

8071.7 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.
8071.8 APPLICATIONS FOR LEAVE OF ABSENCE

Moved: Cr C R King     Seconded: Cr J A Bensdorp
That Council approve a leave of absence for Cr J H Hirsch for the current meeting.

CARRIED: 8/0

Moved: Cr C R King     Seconded: Cr R A Benton
That Council approve a leave of absence for Cr I F West for the next Full Council on Thursday 21st August 2008.

CARRIED: 8/0

8071.9 CONFIRMATION OF MINUTES

Moved: Cr I F West     Seconded: Cr C R King
That the Minutes of the Ordinary meeting of Council held 19th June 2008 be accepted as a true and correct record.

CARRIED: 8/0

Moved: Cr R A Benton     Seconded: Cr G K Reid
That the Minutes of the Special meeting of Council held 4th July 2008 be accepted as a true and correct record.

CARRIED: 8/0

8071.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Nil

8071.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS

Nil
Executive Summary:

A review and discussion with stakeholders indicates that the original conservative approach is still prudent. Thus the project will utilise part of the old works sheds with 4 tanks and ancillary equipment. Species will be Perch and stocks of juveniles have been arranged at no cost except transport.

Thus a job description has been sent for discussion with Job Futures and funding is now perceived to be available for on the job training and employment creation for any of the town's long term unemployed or others. All farmers and families who have received EC last two years may also apply for various forms of funding if they wish to become involved.

In addition we have negotiated at NO cost to the shire regular visits of PhD Student/s from Murdoch to assist in documenting aspects of the pilot project also incorporating new technologies into the modules. First two aspects are heating and cooling using cheaper materials for cold/hot climates. Species of Barramundi require specific parameters especially in winter.

In concert with Aqua Feeds Australia ongoing work with Lupins as fish food has progressed. Agric and Fish WA are working on additional funding for this aspect.

The use of the under utilised dams was investigated and considering works schedule being full just keeping up with shire and mining matters this is not an option until the dams are actually completed and providing water for parks etc. Thus recirculated tanks although more labour intensive are safer option for the projects funds.

The fact that Job creation and small amount of product benefits the community in addition to facilitating knowledge base for those interested from the community and elsewhere

Product once mature is for community use and study under the oversight of BMI

The project now in fact due to in depth study is well within budget and feasible
Applicants Submission:
The shire approves works department to begin forthwith

Background:
The EDO commenced a full time two year contract on 30 August 2006.

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:
Funded / Budget and time line in partnership with works manager

Strategic Implications:
The fundamental premise of the EDO activity is diversification of the economic base of Perenjori though complementary activity that will reduce our reliance on agriculture and mining.

Consultation:
The EDO maintains contact with a wide range of potential stakeholders, investors or funding organisations.

Comment:
- Adds additional community involvement and new enterprise within the town boundary
- Adds skills and an interesting work opportunity for wives and children of those said to be soon resident involved in the mining and associated industries

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council notes the Economic Development Report. Adds to task list under oversight or works manager in concert with EDO

Council Resolution:
Moved: Cr G K Reid Seconded: Cr C R King
That Council notes the Economic Development Report. Adds to task list under oversight or works manager in concert with EDO

CARRIED: 8/0
Executive Summary:
Bank of Bendigo and Edo have negotiated a visit by senior bank executives to scope out Perenjori on three distinct matters in Late August.

1. Inspect Shire Chambers and Telecentre for suitability of placing an agency that can perform BUSINESS BANKING as well as agency functions.

2. Discuss with CEO and DCEO ways to facilitate equitable but innovative loans to shire Staff and others. Bendigo and the EDO have discussed the roll out of Community sector banking and being lead partner in Western Australia via oversight from Bendigo in Perth and Geraldton.

3. Provides additional paid employment opportunity (if Bank starts up here) for at least 2 staff

Community sector Banking covers PBI (Public benefit institutions and local government)

Background is copied to this report:

As an innovative joint venture between Bendigo Bank and 20 leading not-for-profit organisations, CSB is the only banking service in Australia dedicated to the Community Sector. However, They had no plans to enter WA Market. This has changed thankfully, since shire and Bendigo have been speaking.

Most importantly, in addition to providing a tailored banking service, CSB facilitates the development of broader and more effective community, government and business partnerships in order to support the broader objectives of its stakeholders. That is, to develop and deliver initiatives that stimulate social change and that contribute to the social development of Australia.
CSB reinvests banking profits into the Community Sector and through its collaboration with not-for-profit and commercial organisations develops innovative capacity-building solutions to the challenges that face the Sector.

CSB, therefore, performs a number of roles:

- Agent for social change
- Aggregator of demand
- Innovator
- Facilitator
- Collaborator
- Solutions provider

CSB also has links with international social banking organisations and contributes to the development of new approaches to harness and enhance social investment worldwide.

The commitment of CSB to the development and enhancement of the Community Sector in Australia is evidenced by the range of capacity-building initiatives that it has developed. These include:

- Micro-finance facility to assist people with low incomes to access credit - with low risk to borrowers
- Affordable housing solutions that address the demand for home ownership through a rent-buy model
- Social and economic development of Indigenous communities
- Funded lifetime saving initiative for children as a society-building investment
- Child care solutions that deliver enhanced community facilities
- Funds management services
- Specialist insurance products for not-for-profit organisations
- Telco/IT connectivity solutions
- Cash management and term deposit facilities that provide attractive returns
- Salary Benefit Card that simplifies the management of salary packaged fringe benefits for organisations and their employees
- Mechanism for organisations with Deductible Gift Recipient (DGR) tax status to optimise benefits from Gift Fund accounts

CSB is not like a traditional branch. Customers transacting with CSB do so predominantly via Bendigo e-banking and/or Bendigo Phone banking (includes online applications). However, traditional deposits, withdrawals and loan inquiries can also be completed at any one of Bendigo Bank’s extensive range of company owned and /or Community Bank

**Applicants Submission:**
That Council works to expedite and capitalise on opportunities that may arise post Bendigo Executives visit.

**Background:**
The EDO commenced a full time two year contract on 30 August 2006.
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:

Could release additional or free up budgeted funds for flat pack housing project. Provide income for community residents

Strategic Implications:

The fundamental premise of the EDO activity is diversification of the economic base of Perenjori though complementary activity that will reduce our reliance on agriculture and mining.

Consultation:

The EDO maintains contact with a wide range of potential stakeholders, investors or funding organisations.

Comment:

- Adds additional community involvement and new enterprise within the town boundary
- Adds skills and an interesting work opportunity for wives and children of those said to be soon resident involved in the mining and associated industries

Voting Requirements:

Simple Majority

Officers Recommendation:

Continue negotiations with Bank and new CEO of CSB Division when he starts in September.

Already known to Edo for some years.

Council Resolution:

Moved: Cr C R King  
Seconded: Cr J R Cunningham

Continue negotiations with Bank and new CEO of CSB Division when he starts in September.

Already known to Edo for some years.

CARRIED: 8/0
Executive Summary:

Applicants Submission:
Detailed below are progress reports on current and prospective projects:

Residential PhD Students

Flat pack Housing (Slide show)

Students from Murdoch part Time residents

Other Universities and Institutions
The shire is now entering into phase 3 of the social re engineering aspects that is bringing residential students and academics to the town. As indicated in previous Edo reports (Ag Sept 2007)

CVs of the two part time residential PhD Students are appended

As predicated by interaction and involvement of Shire with Institutions and Prof Harries and the shire CEO EDO have negotiated to have these two people involved with the shire and mutually share any IP or data that benefits either or.

In addition the EDO and Agric shire etc shall be concentrating on to use marks words

“Looking at soil organic carbon trials, bio-char trials, thermal weed killers, biomass conversion techs (making bio-diesel, bio-char, electricity, nitrogen fertilisers etc) and a few other things that might be useful.”

This is a coupe for the shire and goes some way to prove the concept of new blood via academia as espoused in earlier reports. Paul Blackwall and Mike Bowley will provide agric oversight and no costs to the shire

Strategic alliances
Flat pack housing is now negotiating with Homes west and others for roll out after our homes are erected here. Member will recall licensing concept was built into the joint IP. Since arrival of definitive costing (see slide show)

The claim of P Beale and UWA that these designs gave more bangs for buck appears to be close to the mark. EDO rang a large number of builder’s estimators and others.
Apart from the designs being fair value per square metre and not bad designs compared to what is out there. NOT ONE builder was even interested incoming to Perenjori at ANY price even 3000 per sq metre. Thus the concept really does have merit for this and other shires clients.

HOT SPOT is up and running and tests well MWDC will continue involvement with EDO And larger range hopefully in time for Show in August

Mulesing Final formula tested and approved. And at time of writing live demo may be organised for meeting 17/July. No shire funds expended

Background
The EDO commenced a full time two year contract on 30 August 2006.

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:
The fundamental premise of the EDO activity is diversification of the economic base of Perenjori though complementary activity that will reduce our reliance on agriculture and mining.

Consultation:
The EDO maintains contact with a wide range of potential stakeholders, investors or funding organisations.
- Encourage partnerships with external bodies and agencies
- Overcome barriers to growth such as lack of available land or housing;

Within the scope of these activities we will also:
- Seek funding opportunities to offset the costs and/or widen the scope of economic development activities
- Keep Council and the community informed of economic development activities;
- Seek Council endorsement of any activity that requires a long term commitment from the shire, or involves commitment of funds outside the existing budget.

Voting Requirements: Simple Majority

Officers Recommendation:

Council Resolution:
Moved: Cr I F West Seconded: Cr L C Butler
CARRIED: 8/0
EDO, PHIL CLEAVER LEFT CHAMBERS AT 1.58PM

8073 FINANCE

8073.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY

APPLICANT: DEPUTY CEO
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: LEAH LEOPOLD – SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER DOMENICA CURTIN - DCEO
REPORT DATE: 10th JULY 2008
ATTACHMENTS JUNE FINANCIAL ACTIVITY REPORTS

Executive Summary:
As required by the Local Government Act and Financial Management Regulations a Monthly Statement of Financial Activity is required to be presented to each monthly meeting. This statement is used with Councils adopted 10% variance or $5000 figure which was adopted by Council at its March meeting. A report detailing the variances is also included.

Other Financial statements are also attached as per the Finance Committee preferences.

Statutory Environment: N/A
Policy Implications: N/A
Financial Implications: N/A
Strategic Implications: N/A
Consultation: UHY Haines Norton
Voting Requirements: Simple Majority

Officers Recommendation:

1. Statement of Financial Activity
That the Statement of Financial Activity for the period ended 30th June 2008 including report on variances be accepted as presented.

2. Finance Report
That the Finance Report for the period ended 30th June 2008 be accepted as presented.
3. Acquisition of Assets
That the Acquisition of Assets Report for the period ended 30th June 2008 with a balance of $1158947.40 as presented be received.

4. Reserves Report
That the Reserves Report for the period ended 30th June 2008 with a balance of $1203949.00 as presented be received.

5. Net Current Assets
That the Net Current Assets report for the period ended 30th June 2008 as presented be received.

6. Bank Reconciliation’s
That the balances of the Municipal Fund of $199172.88, the Term Deposit of $0 and the Trust Fund of $34891.31 as at 30th June 2008 as presented be received.

7. Sundry Creditors Report
That the Sundry Creditors Report for the period ended 30th June 2008 with a balance of $234,302.66 as presented be received.

8. Sundry Debtors Report
That the Sundry Debtors Report for the period ended 30th June 2008 with a balance of $57750.03 as presented be received.

9. Accounts for Payment
That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 16505 to 16571 and EFT Numbers 462 to 525 for $530467.19 and the Trust Account consisting of Cheque Number 748 to 752 for $443.50 for the period ended 30th June 2008 as presented be accepted.

10. Rates Outstanding
That the Rates Outstanding Report for the period ended 30th June 2008 with an outstanding balance of $47756.00.

Moved: Cr C R King    Seconded: Cr L C Butler
That items 1-10 relating to the Statement of Financial activity for period ended 30th June 2008 be accepted as presented.

CARRIED: 8/0
Executive Summary:

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances. Council’s Auditors UHF Haines Norton have recommended that 10% would be a reasonable guide for highlighting variances.

Background

After amendments to the reporting requirements to council with the presentation of a monthly financial activity report there is also a requirement to adopt a percentage or value to be used in the statement of financial activity for reporting material variances.

While a 10% variance measurement would be suitable, it would be relevant to incorporate a minimum reportable value ie amounts of under say $5000 are to be considered in-material and therefore not reported. This format would save officers reporting on minor variances. This approach is deemed acceptable by Councils Auditors.

Statutory Environment:


Policy Implications: N/A

Financial Implications: N/A

Consultation: UHY Haines Norton

Voting Requirements: Simple Majority

Officers Recommendation:

That Council consider the requirements of reporting on a monthly basis under the Local Government (Financial Management) Regulations and adopt a 10% materiality variance with a minimum reportable value amount of $5000.

Council Resolution:

Moved: Cr C R King Seconded: Cr J R Cunningham

That Council adopt a 10% materiality variance with a minimum reportable value amount of $5000.

CARRIED: 8/0
8073.3 RECOGNITION OF LAND UNDER ROADS

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: Suzanne Ward (Director Corporate Services – Mid West Regional Council)
RESPONSIBLE OFFICER STAN SCOTT – CEO __________________________
REPORT DATE: 10 July 2008
ATTACHMENTS Nil

Executive Summary:
Australian Accounting Standard (AAS) 27 has been withdrawn with Australian Accounting Standards Board (AASB) Standards to replace the same, which means that Council needs to adopt an accounting policy on the treatment of Land under roads acquired before 30 June 2008.

Applicants Submission:
Australian Accounting Standard (AAS) 27 is about to be withdrawn with Australian Accounting Standards Board (AASB) Standards to replace the same.

Land Under Roads Acquired On or Before 30th June 2008
AASB 1051 – Land under Roads requires an entity to make an election to either recognise for the first time or not to recognise as an asset, land under roads that was acquired before 30th June 2008.

Recent UHY Haines Norton workshops provided a recommendation to officers that Local Authorities make a final election not to recognise land under roads acquired before 30th June 2008. This must be carried out through a resolution of Council between now and 30th June 2009.

Background:
AASB 1051 - Land Under Roads

AASB 1051.8
“An entity may elect to:
- Recognise (including continue to recognise or to recognise for the first time), subject to satisfaction of the asset recognition criteria; or
- Not to recognise (including continue not to recognise or to derecognise).
as an asset, land under roads acquired before the end of the first reporting period ending on or after 31st December 2007 (i.e. 30th June 2008).”

This means that in Western Australia local government can continue to ignore the value of any land under roads acquired prior to 30th June 2008. However in order to do so, Councils must make an election in accordance with AASB 1051.9 below:

AASB 1051.9
“An entity shall make a final election under paragraph 8 effective as at the first day of the next reporting period following the end of the first reporting period on or after 31st December 2007 (i.e. effective as at 1st July 2008).”
Any adjustments arising from a final election made effective as at that first day shall be made against the opening balance of accumulated surplus (deficiency) of that next reporting period.”

Statutory Environment:

Relevant Australian Accounting Standards:
- AAS 27
- AASB 1051
- AASB 1051.8
- AASB 1051.9
- AASB 1051.10
- AASB 1051.11
- AASB 1051.12
- AASB 116.15
- AASB 116.7
- AASB 116. Aus 15.1

Policy Implications:

Significant Account Policies require amendment as the new Standards become effective after 30th June 2008.

Financial Implications: Nil

Strategic Implications: Nil

Consultation: UHY Haines Norton

Comment:
If Council were to elect to recognise previously unrecognised land it will need to be measured at cost or fair value as at 1st July 2008 and make an adjustment to the opening balance of accumulated surplus as at 1st July 2008.

Land Under Roads Acquired Post 30th June 2008

Any land acquired subsequent to 30th June 2008 requires measurement at cost once it qualifies for recognition. Assets qualify for recognition if:-

a) it is probable future economic benefits associated with the item will flow to the entity; and

b) the cost of the item can be measured reliably

In situations where the land is acquired at no cost, or for nominal cost, the cost is its fair value at date of acquisition. In practice, land under roads acquired post 30th June 2008 will most likely qualify under these criteria and need to be recognised. A new asset classification titled Land under Roads will need to be maintained in the general ledger and the asset register.

Voting Requirements: Simple Majority

Officers Recommendation:

That, in accordance with AASB 1051 – Land under Roads -the Shire of Perenjori elects to continue not to recognize land under roads acquired on or before 30th June 2008.

Council Resolution:

Moved: Cr I F West Seconded: Cr J R Cunningham

Item 8073.3 to be laid on the table.

CARRIED: 8/0
Executive Summary:  
Council is required to adopt its annual budget by 31st August 2008.

Background:  
A Draft Budget meeting was held on Friday 4th July 2008 to discuss the Budget prior to the adoption at the Full Council.

Statutory Environment:  
*Local Government Act 1995* sets out the annual budget requirements as follows:

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of:

(a) the expenditure by the local government;

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate:

(a) particulars of the estimated expenditure proposed to be incurred by the local government;

(b) detailed information relating to the rates and service charges which will apply to land within the district including:

(i) the amount it is estimated will be yielded by the general rate; and
(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
(c) the fees and charges proposed to be imposed by the local government;
(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
(g) such other matters as are prescribed.

(5) Regulations may provide for:
(a) the form of the annual budget;
(b) the contents of the annual budget; and
(c) the information to be contained in or to accompany the annual budget.

Local Government (Financial Management) Regulations 1996 sets out the further requirements under the authority of Section 6.2 (5)

Policy Implications: Nil

Comment:
At the Draft Budget meeting the following was resolved at the meeting:

- That Council adopts the draft budget with the following changes:
  - The UD truck be retained as a concrete truck and not traded
  - The UD truck be fitted with a Roadranger Gearbox and live drive

- That the Tipping body from the UD Truck be sold.

- The replacement of the grader be deferred to 2009/10
  The replacement of the Mack prime mover be brought forward to 08/09

- That Sealing of the dam catchment be deferred for consideration for the 2009/10 budget

- That $2,000 be allocated in the 2008/09 budget for an external EDO Review.

- That the upgrade items on 71 Carnamah Road be deleted and this saving be distributed within the housing maintenance schedule.

- That building program items not included in the 08/09 budget be treated as a priority for 2009/10.

- That a Deputy President’s allowance be included in the draft budget for 2008/09 being 50% of the Presidents allowance ($4,000)
• That Council incorporate the sale of 71 Carnamah Rd (including subdivision of lot) in the 2008/09 budget.

• That the provision for Airstrip Maintenance in the 2008/09 budget be increased to $10,000 and certification of the Perenjori Airstrip be investigated.

• That Council adopt the draft budget with changes as noted.

Voting Requirements: Absolute Majority

Officers Recommendation:

1. RATES
That Council adopts the following Rate and Rubbish Charges for the Shire of Perenjori for the year ending 30 June 2009.

Gross Rental Value 10.3903 cents in the dollar
Rural Rate – Unimproved Value 2.3141 cents in the dollar
Mining Rate – Unimproved Value 21.1000 cents in the dollar

MINIMUM RATES
Rural – UV $158.25 per assessment
Perenjori Townsite – GRV $158.25 per assessment
Latham Townsite – GRV $ 94.95 per assessment
Other Townsite – GRV $ 47.48 per assessment
Mining Tenements $263.75 per assessment

RUBBISH CHARGES
Domestic $140.00/bin
Commercial $140.00/bin
Pensioners $ 70.00/bin

2. PAYMENT OF RATES
That Council adopts the following payment dates for the payment of rates.
Option 1 – Payment in full by a single installment within 35 days from date of issue.
Option 2 – Payment by four equal installments. First installment from the date of issue and the 2nd, 3rd and 4th installments not less than 28 days following each installment.
3. **DISCOUNT**

That a discount of 10% be given on all current rates paid within 35 days from date of issue.

That a discount of 5% be given on all current rates paid following the 10% discount period up until 9th January 2009.

4. **FEES AND CHARGES**

That the schedule of fees and charges as set out in the budget for the year ended 30 June 2009 be adopted.

5. **MEETING FEES**

That fees, expenses and allowances be paid to each Councillor as follows:

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<thead>
<tr>
<th>Role</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>$200</td>
<td>full Council meetings</td>
</tr>
<tr>
<td></td>
<td>$50</td>
<td>Committee meetings</td>
</tr>
<tr>
<td>Councillors</td>
<td>$100</td>
<td>full Council meetings</td>
</tr>
<tr>
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<td>$50</td>
<td>Committee meetings</td>
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<thead>
<tr>
<th>Description</th>
<th>Rate</th>
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<tr>
<td>Travelling 1600cc and under</td>
<td>$0.61</td>
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<tr>
<td>Travelling 1600cc to 2600cc</td>
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<td>Communication Allowance</td>
<td>$400</td>
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<td>Info Technology Allowance</td>
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6. **ADOPTION OF BUDGET**

That the Annual Budget for the Shire of Perenjori for the year ending 30 June 2009 comprising of Income Statement, Operating Statement, Statement of Cashflows, Rate Setting statement and associated notes be adopted.
Council Resolutions:

1. **RATES**

Moved: Cr C R King  
Seconded: Cr I F West

That Council adopts the following Rate and Rubbish Charges for the Shire of Perenjori for the year ending 30 June 2009.

- **Gross Rental Value**: 10.3903 cents in the dollar
- **Rural Rate – Unimproved Value**: 2.3141 cents in the dollar
- **Mining Rate – Unimproved Value**: 21.1000 cents in the dollar

**MINIMUM RATES**

- **Rural – UV**: $158.25 per assessment
- **Perenjori Townsite – GRV**: $158.25 per assessment
- **Latham Townsite – GRV**: $94.95 per assessment
- **Other Townsite – GRV**: $47.48 per assessment
- **Mining Tenements**: $263.75 per assessment

**RUBBISH CHARGES**

- **Domestic**: $140.00/bin
- **Commercial**: $140.00/bin
- **Pensioners**: $70.00/bin

CARRIED: 8/0  
BY ABSOLUTE MAJORITY
2. PAYMENT OF RATES

Moved: Cr C R King     Seconded: Cr L C Butler

That Council adopts the following payment dates for the payment of rates.

Option 1 – Payment in full by a single installment within 35 days from date of issue.

Option 2 – Payment by four equal installments. First installment from the date of issue and the 2nd, 3rd and 4th installments not less than 28 days following each installment.

CARRIED: 8/0
BY ABSOLUTE MAJORITY

3. DISCOUNT

Moved: Cr G K Reid     Seconded: Cr R A Benton

That a discount of 10% be given on all current rates paid within 35 days from date of issue.

That a discount of 5% be given on all current rates paid following the 10% discount period up until 9th January 2009.

CARRIED: 8/0
BY ABSOLUTE MAJORITY

4. FEES & CHARGES

Moved: Cr I F West     Seconded: Cr J A Bensdorp

That the schedule of fees and charges as set out in the budget for the year ended 30 June 2009 be adopted.

CARRIED: 8/0
BY ABSOLUTE MAJORITY

5. MEETING FEES

Moved: Cr R A Benton     Seconded: Cr J R Cunningham

That fees, expenses and allowances be paid to each Councillor as follows:

- President: $200 full Council meetings
  - $50 Committee meetings
- Councillors: $100 full Council meetings
  - $50 Committee meetings
- Travelling 1600cc and under: $0.61 cents per kilometre
- Travelling 1600cc to 2600cc: $0.711 cents per kilometre
Travelling Over 2600cc $0.815 cents per kilometre
Communication Allowance $400 per annum
Info Technology Allowance $100 per annum
CARRIED: 8/0
BY ABSOLUTE MAJORITY

6. ADOPTION OF BUDGET

Moved: Cr B T Baxter
Seconded: Cr J R Cunningham
That the Annual Budget for the Shire of Perenjori for the year ending 30 June 2009 comprising of Income Statement, Operating Statement, Statement of Cashflows, Rate Setting statement and associated notes be adopted.
CARRIED: 8/0
BY ABSOLUTE MAJORITY

CEO, Stan Scott left chambers at 2.20pm

CEO, Stan Scott entered chambers at 2.23pm
1. LOT 900 JOHN STREET SUBDIVISION UPDATE – ELECTRICAL SCHEDULE
We are still waiting for the delivery and installation of an electrical transformer following which final testing can be carried out by Western Power.

2. KARARA IRON ORE PROJECT.
The Building Application for the Karara Mine Camp is currently being processed.

3. SHIRE OF PERENJORI TOWN PLANNING SCHEME NO. 1 - REVIEW
Council is referred to Item 8065.4 of its June 2008 Meeting.

Moved: Cr King  
Seconded: Cr West
That council appoint a Planwest to carry out the Shire of Perenjori Town Planning Scheme No 1 Review and allocated $35,000 in the draft 2008/09 budget.

CARRIED: 7/0
The letter of appointment has been sent.

4. SHIRE OF PERENJORI SWIMMING POOL UPGRADE
The Swimming Pool Committee Meeting is being held on Tuesday 15th July to discuss the Audit report & new designs from Colin Hassell.

Mr Hassell will be attending the Council Forum at 12.00noon to discuss the pool upgrade.
5. MOUNT GIBSON IRON – RAIL SIDING, OFFICES, WORKSHOP & CARPARKS, ROTHSAY ROAD PERENJORI.

An application for Building Licence has not been received.

6. MOTOR VEHICLE INDUSTRY BOARD – PLANNING CERTIFICATE

Advice from the Motor Vehicle Industry Board is that as of the 1 July 2008 all businesses that repair motor vehicles for consumers or other business customers must apply for a motor vehicle repairer business licence.

A requirement of the Motor Vehicles Repairers Act 2003 is that all applications for a business licence must be accompanied by a planning certificate from the local government authority in which the premises are situated.

Though the Motor Vehicle Industry Board recognises that this requirement is likely to increase work load, with existing repair businesses requiring licencing, it believes that his need not be an onerous task.

This is another statutory obligation for local government that will go un-noticed.
GOVERNANCE

SCHEDULE OF ORDINARY MEETINGS

APPLICANT: SHIRE OF PERENJORI
FILE:
DISCLOSURE OF INTEREST: NIL
AUTHOR: DOMENICA CURTIN – DEPUTY CEO
RESPONSIBLE OFFICER: DOMENICA CURTIN – DEPUTY CEO
REPORT DATE: 11th JULY 2008
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.

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

Comment:
Council meetings have been held in the past on the third Thursday of the months, and the proposed schedule reflects this practice. The gazetted public holidays for 2008/09 are as follows:

Queen’s Birthday Monday 29th September 08
Christmas Day Thursday 25th December 08
Boxing Day Friday 26th December 08
New Year’s Day Thursday 1st January 09
Australia Day Monday 26th January 09
Labour Day Monday 2nd March 09
Good Friday Friday 10th April 09
Easter Monday Monday 13th April 09
Anzac Day Monday 27th April 09
Foundation Day Monday 1st June 09
Possible variations to the Third Thursday of each month at 1.30pm are as follows:

- Council does not generally meet in January.

Voting Requirements: Simple Majority

Officers Recommendation:

The Council agree to and advertise through Local Public Notice the following schedule of meetings for 2008/2009 to be held in the Shire of Perenjori Council Chambers.

<table>
<thead>
<tr>
<th>Date</th>
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<tr>
<td>21st August 2008</td>
<td>1.30 pm</td>
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<tr>
<td>18th September 2008</td>
<td>1.30 pm</td>
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<td>16th July 2009</td>
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Council Resolution:

Moved: Cr I F West  
Seconded: Cr J A Bendsdorp

The Council agree to and advertise through Local Public Notice the following schedule of meetings for 2008/2009 to be held in the Shire of Perenjori Council Chambers.

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<tr>
<td>16th July 2009</td>
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CARRIED: 8/0
Executive Summary:

WA Landkills in association with WALGA and the Northern Agricultural Catchment Council is offering a one day training program “Introduction to Environmental Management”.

Applicants Submission:

The program is a new Module of the Elected Members Development Program.

Background:

The program is part of a project titles “Local Government Engagement in NRM Planning and Management in the Northern Agricultural Region of WA”. A Brief outline of the course content is set out in the flyer.

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 program has been funded by NACC and there is no charge to participate.

Strategic Implications:

NRM and environmental management is taking on greater importance in agricultural shires due to the effects of drought and climate change.

Consultation: Nil

Comment:

The CEO would encourage maximum participation by elected members for the following reasons:

- As one of the member Councils of the Yarra Yarra Catchment Regional Council greater understanding of the issues is important;
- Successful NRM strategies will be critical to the future of agriculture in this region, and by extension to the future of the shire;
• Provision of training in the region needs to be encouraged and supported, and a high
to level of participation is a key element of this support.

The Shire of Perenjori already boasts expertise in NRM. Cr King is chairperson of NACC
and was a key player in the development of NRM arrangements in the Yarra Yarra. CR
Butler is Deputy Chairperson of the YYCRC. The CEO was the inaugural CEO of the
YYCRC. It could be argued that Perenjori’s high profile in NRM makes Perenjori an ideal
venue for the training.

Voting Requirements:  Simple Majority

Officers Recommendation:

That Elected Members indicate their availability and interest in attending the training on 23
September 2008 in Perenjori.

Cr Butler, Cr Cunningham, Cr Bensdorp, Cr West and Cr Baxter expressed their interest in
attending. Cr King advised that NACC’s AGM is held on the same date and will be
contacting WA Landkills to discuss possible change of date.
Module 17: Introduction to Environmental Management

This module will be hosted by WA Landskills Inc at the City of Geraldton-Greenough, Shire of Moora and the Shire of Perenjori. There will be no cost to the Local Government.

Module 17: An introduction to Environmental Management in Local Government

Aim:
This module enhances the knowledge base of Elected Members to understand and actively participate in Environmental Management issues related to their Local Government.

Topics covered in this module include:-
- Roles and responsibilities of Elected Members and Officers in Environmental Management
- Natural Resource Management, with a focus on Biodiversity
- Climate Change
- Water resources and water sensitive urban design
- Waste and recycling

City of Geraldton-Greenough – 18 August 2008
Shire of Moora – 18 September 2008
Shire of Perenjori – 23 September 2008

WA Landskills Inc is a non-profit organisation that was formed by a group of rural-based West Australians to carry out projects and promote employment and training with an emphasis on opportunities related to sustainable development that balance environmental, economic and social values. Landskills have provided WALGA with funding for this training so that it can be presented in Geraldton, Moora and Perenjori. This is part of a project “Local Government Engagement in NRM Planning and Management in the Northern Agricultural Region of WA” which is managed by Landskills and has been funded via the Northern Agricultural Catchments Council. Also see www.landskills.com.au

If you would like to register for this Elected Member Module please contact Heather, Training Coordinator on 9213 2098 or email on hbew sher@walga.asn.au
Executive Summary:
The MWRC Ordinary Meetings for June and July were held on 11 June and 2 July 2008 respectively.

Applicants Submission:
The following matters were considered at the June 2008 meeting of the MWRC.

- The agreed amendment to the strategic plan reflecting shared understanding of senior staff rationalisation was adopted.
- Mr Garry Agnew was appointed as Building Surveyor for the Mid West Regional Council.

The following matters were considered at the July 2008 meeting of the MWRC.

- The MWRC endorsed the Engineering & Technical Services Unit Plan for distribution to member Councils for endorsement.
- Authorised the CEO to contact member shires to seek interest in continuing to develop the business case for regional refuse collection services.
- Authorised the CEO to contact member shires to seek interest in collectively leasing a street sweeper.

Background:
Perenjori is one of the seven members Council that comprise the MWRC.

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 Engineering and Technical Services unit would cost each shire in the order of $30,000 per year. The Shire of Perenjori draft budget has this cost built into our roads projects overheads.

The development of the refuse collection business case would not have a significant financial impact unless it proceeds to implementation in 2009-10.
The likely annual cost of participating in the joint purchase for lease of a street sweeper is likely to be in the order of $10,000 per annum over 5 years.

**Strategic Implications:**

The Department of Local Government and Regional Development has provided additional grant funding to the MWRC. The Engineering and Technical Services Unit is one of the initiatives supported by the grant.

The Engineering and Technical Services Unit could be the catalyst for improved cooperation, resource sharing and gaining access to commercial opportunities. Importantly it will significantly improve the prospect of Shires in the region participating in the next round of the Main Roads Integrated Service Agreements (formerly Term Network Contracts.)

**Consultation:**

Shire CEO’s met with Main Roads WA representatives recently in Geraldton to discuss Integrated Service Agreements. Subsequently the MWRC CEO met with WALGA and Main Roads representatives and this region will be considered as a pilot for integrated arrangements.

**Comment:**

**Engineering and Technical Services Unit**

This unit was one of the suggestions endorsed by Council when we met with Maurice Battilana earlier this year. It is one of the few proposals which is likely to result in increased income for the region. The advantages of this proposal include:

- Increases the prospect of local government participation in Integrated Service Agreement with Main Roads WA
- Other non-member local governments will be able access the service for a fee
- The standard of design and construction of shire jobs will improve
- Works supervisors will gain additional support and skills development
- Shires will have a lower risk of liability resulting from road use.

This unit has been identified by the President of the MWRC as a watershed decision. If Councils cannot find their way to support this initiative he doubts the capacity of the MWRC to survive.

**Regional Refuse Collection Services**

The business case developed by Dallywater produced results that would have cost each Council more than present arrangements. There were however some underlying assumptions which would have significantly inflated costs, one of which was that all waste would be transported to Meru. This proposal requires further investigation including assessing the opportunity presented by waste disposal for mining camps.

**Street Sweeper**

For several years Council budgeted for the purchase of a second hand street sweeper, but none became available that were within budget. The Perenjori CEO suggested that the MWRC investigate whether we could collectively purchase a street sweeper.

The MWRC investigation indicates that:

- Leasing a sweeper over 5 to 7 years with all 7 shires participating would make this service affordable
• The Shire of Carnamah owns a street sweeper that it has recently refurbished. Coorow would access that in Carnamah. The Carnamah sweeper is a slow moving vehicle that would need to be transported between towns.

• If 5 Shires participated the cost per shire would be around $10,000 per annum.

• The proposed vehicle is built around a standard truck and can be driven between towns at highway speeds.

Currently we sweep our streets when needed either by broom or by using a sweeper bucket attached to the skid steer loader. Neither measure produces a cost effective result.

The proposed model would give us access to a street sweeper for up 10 weeks per year.

Other Matters
Council has strongly supported the regional model from the outset. There is some concern emerging that that the level of support is not consistent across the region. Coorow has indicated its intention to withdraw at the end of the initial 4 year commitment. It is fair to say that some other Councils are wavering.

Some strategy is needed to reinforce the commitment within the region, particularly among elected members who may not be directly involved in the day to day work of the MWRC. This may need Councillor to Councillor communication across Councils. Perhaps this will mean getting as many elected members as possible together in one room to come to some kind of shared understanding of what we are trying to achieve?

It may also be necessary for those councils which strongly support the regional concept to make the running to help raise the enthusiasm of some of the other Councils.

Voting Requirements:
Simple Majority

Officers Recommendation:

1. That Council proceed with participation in the Engineering and Technical Services Unit.

2. That Council express its interest in further development of the Business Case for a regional Refuse Collection Service.

3. That Council express its interest in further development of a Service Plan for a regional street sweeper.

4. That Council consider options for improving the support for the MWRC amongst member Councils.

MCS, Garry Agnew entered chambers at 2.38pm

MCS, Garry Agnew left chambers at 2.42pm
Council Resolution:

Moved: Cr C R King    Seconded: Cr I F West

1. That Council proceed with participation in the Engineering and Technical Services Unit.

CARRIED: 8/0

DCEO, Domenica Curtin left chambers at 3.13pm
DCEO, Domenica Curtin entered chambers at 3.15pm

Moved: Cr B T Baxter    Seconded: Cr J A Bensdorp

2. That Council express its interest in further development of the Business Case for a regional Refuse Collection Service.

CARRIED: 8/0

Moved: Cr G K Reid    Seconded: Cr J A Bensdorp

3. That Council express its interest in further development of a Service Plan for a regional street sweeper.

CARRIED: 8/0

Moved: Cr C R King    Seconded: Cr J A Bensdorp

That the Shire investigate doing a presentation to all councillors in the Midwest Region highlighting VROC and MWRC accomplishments achieved and benefits that will be gained for the region in future years.

CARRIED: 8/0
8075.4  WALGA ANNUAL GENERAL MEETING

APPLICANT: WALGA
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ————————————————————
RESPONSIBLE OFFICER STAN SCOTT – CEO ————————————————————
REPORT DATE: 10 July 2008
ATTACHMENTS NIL

Executive Summary:
WALGA’s AGM will be held in conjunction with the Annual Local Government Convention and Exhibition (Local Government Week) on 2 August 2008.

Applicants Submission:
This item is to allow Council to give its voting delegates guidance on the matters to be considered at the AGM.

Background:
Council has nominated Cr King and Cr West as its delegates.

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:
Some motions have significant strategic implications for the sector.

Consultation:
Local Government week is the most important sector wide consultative event on the annual calendar.

Comment:
Individual motions are set out over the next few pages. Each motion will be followed by a CEO comment and recommendation.

Voting Requirements:
Simple majority
Executive and Member Motions - Matters for Decision


Shire of Sandstone Delegate to move:

MOTION

That the question of endorsing the final draft paper on “The Journey” - sustainability into the future, be a matter for voting delegates of all member local governments to decide, at a specially convened State-wide forum, rather than the decision being made by the State Council of WALGA.

IN BRIEF

- Requesting a State-wide forum to be convened to allow collective Member Councils debate and decide on the question of endorsing the final draft of the SSS Report “The Journey”.

MEMBER COMMENT

This motion proposes that all member delegates be given the opportunity to debate and to vote upon the matter of whether or not the final draft paper should be endorsed as the position of Local Government in Western Australia.

By way of background to this matter, the following points are made:

1. Lack of opportunity to engage in debate

There has not been any collective state-wide opportunity for delegates from member Councils to engage with WALGA on this matter. A motion was put to a meeting of the State Council of WALGA on the 2nd April 2008 – “That State Council convene a State – wide Forum to consider the SSS Report”. This motion was rejected. During the formulation of the paper, there was little or no direct interfacing between the working groups and local governments, other than perhaps the request for some information from time to time and the issue of SSS Taskforce Bulletins. On occasions, when people privy to the process were asked what the local government reform options might be, the reply was limited to “Amalgamations of local governments will not be a recommendation”. That was all that was conveyed to those who took the trouble to enquire. Indeed, there was a misconception by many that there would be some alternative models of reform presented in the draft paper, not just the regionalisation model that has been presented and is seemingly non negotiable.

The question must be asked: - Does WALGA really believe that the opportunity has been allowed for sufficient debate on the draft paper at a State – wide level?

2. Endorsement of the final draft Paper should be put to the vote at a State-wide forum.

Given the potential that the reform measures proposed could result in the most significant change to the structure of local government in this State ever, it is believed that the question of endorsing the final draft paper, as the definitive position of local government in Western Australia, should be debated and voted upon by delegates of ALL member Councils. This is far preferable to the paper simply being endorsed by the State Council of WALGA.
If this does not occur, it is probable that many member Councils will feel disenfranchised from the democratic process that WALGA should be espousing at all costs, as the representative voice for local government in Western Australia.

3. Evaluation of Process to Date.

The intent of this item is not to disparage the efforts of WALGA and the working group members in preparing the draft paper. A lot of effort has gone into this exercise and the draft paper carries with it some sensible recommendations which, if carried through should assist in strengthening the local government sector in this State.

There are however, some points that need evaluating in the process that has been taken to this point. These include:

- 83 Councils Financially Unsustainable:

This was based on the premise that a local government was only sustainable if it could continue to meet its financial obligations; manage and or renew its assets; and do so without having to depend on the Federal Government’s Financial Assistance Grants (FAGS). FAGS were an initiative of the Whitlam Government and have been around since 1974. They now comprise a major percentage of the revenue of (particularly) remote local governments which do not have the capacity to raise sufficient income from rates and other own source revenue to fund their operations. The principle of FAGS is to ensure that local governments have sufficient financial means to provide a similar range and standard of services to their respective communities as that which generally prevails throughout Australia. (The principle of Horizontal Equalization).

**No Federal Government since FAGS were introduced has moved to withdraw this avenue of funding from local government. Indeed given the fact that if any Federal Government decided to eliminate FAGS, it would be deliberately marginalizing the populace of most communities living in rural and remote Australia.**

It is therefore fair to assume then, that FAGS will not be eliminated. It logically follows that the if the calculation used to identify the 83 so called “financially unsustainable” local governments in Western Australia was recalculated with their FAGS included, then that number would plummet to an extent that probably very few local governments could realistically be considered to be unsustainable.

The reason that this point is raised is because it was a prime justification for the initiation of the SSS Report which recommendations, in turn, prompted the commissioning of the draft paper, the subject of this agenda item.

- The Pre-empting of Future Reforms Imposed By the State Government.

A continual thrust throughout the lead up to the preparation of the draft paper has been that if local government does not manage an agenda for change, then the State Government will. This is primarily due to the fact that Western Australia is the only State that has not undergone widespread reforms. The draft paper therefore has been strongly premised on second guessing what the State Government may or may not do.

Whilst it is probable that the State Government may introduce reform, a basis for dialogue would be to question the reasons for this, other than merely replicating what has happened in other parts of Australia.

The reality is that local government costs the State Government very little, as local government is mainly funded through its own source revenue and by the Federal Government through FAGS and Road to Recovery grants. Because of the devolution of duties and functions from State Government to local government in Western Australia, it
could probably be successfully argued that due to the way that local government currently
operates in this State, there is a net cost benefit to the State Government, rather than the
reverse. Arguably, the main reason that the State Government may wish to amalgamate
local governments would be on ideological grounds and/or, to reduce the accountability
of the State Government by effectively stemming the avenues for community advocacy by
reducing the number of local governments from 142, to some lesser number.

There will be a State election in Western Australia within the next 6 months. Regardless of
whether this agenda item achieves its purpose or not, would it not be an opportune time for
WALGA to request from each of the major parties, their respective platforms on local
government and then to circulate these to all member Councils? Ideally the position of the
major parties should be ascertained before the state-wide forum to debate the SSS Report,
as this will give delegates a clearer picture of any potential State imposed agenda for reform.

4. Opportunity for WALGA to Demonstrate Democratic Leadership.

Let WALGA be seen as a democratic industry body by facilitating a strong, collective
consultative process for the consideration of the draft paper.

There is no dispute that a lot of thought and effort has gone into the preparation of the draft
paper. This presents a strong opportunity for WALGA to connect with the member Councils it
represents and to ensure that the impact of the work carried out to date, is not lessened by a
perception that for some reason, the draft paper has to be urgently endorsed and quoted as
local government’s collective position of how reforms should occur in Western Australia. With
the greatest of respect, it has to be said that there is a perception, that it is the intention of
WALGA to hurriedly drive through the endorsement of the final draft paper. There is also a
perception that the draft paper and therefore the industry position is a fait accompli. This
perception has not been helped by some suggestions within the paper, that local
governments that do not embrace the regionalisation model are abrogating their
responsibilities to their constituents and are derelict in their duty towards ensuring the best
outcomes for their communities. It is argued that this is a seriously flawed viewpoint,
particularly in rural and remote areas of the State.

It is not the intent here to enlarge the debate to test the validity of these suggestions. The
point here is simply that WALGA has everything to gain by ensuring a proper consultative
(and collective) process with its member councils is implemented. Conversely, if it chooses
not to, WALGA runs the risk of prejudicing its integrity as it is perceived by many member
local governments. If this happens, then WALGA’s reputation as the “voice of local
government” will be depreciated by a large number of rural and remote local governments.

SOME OTHER MATTERS FOR CONSIDERATION

The following points need to be considered by member Councils before committing to the
endorsement of the Draft Paper:

1. If the regionalisation model is embraced, what is it going to cost?

It has been stated that the regionalisation model is a concept and that as it is implemented;
the financing and resourcing of the new structures will be worked through. The President of
WALGA has also been quoted on this matter of costs, to the effect: “It would be pointless
going down this path if it wasn’t going to cut costs” Debate needs to be had on this issue
because it is difficult to see how costs could be contained, let alone reduced, if existing local
government entities are going to remain (or have the option of remaining) and new regional
entities are also going to be formed. By way of example, the regionalisation of the delivery of
health services in this State has resulted in reduced levels of service to country areas and
significantly increased costs.

2. For how long will the option to be part of a regional structure remain voluntary?
When questions/concerns have been raised about the proposed regionalisation model, the response has been to the effect that participation is voluntary, that “It is your choice – you can continue as you are, if you wish”.

The concern of many Councils is that by voluntarily embracing the regionalisation model, it may ultimately be at the expense of their decision making autonomy. In addition, once the model was in place, it would be a small step for any reformist State Government to effect amalgamation as the structures will essentially be in place.

Not so long ago, some individual hospital boards in this state, formed into district boards, which were virtually a replica of what is being proposed in the SSS Report. This resulted in the agenda being set at a sub regional level which almost completely destroyed the autonomy of local boards. Enthusiasm and ownership at a local level plummeted. District boards and hospital boards were eventually eliminated by the State Government and country health is now coordinated at a regional level. The current state of health service delivery in many country areas is probably the worst in living memory. The point here is that; No one looks after the local community better than do the very people who live there. Once functions are coordinated and decisions are made off site, then the local community loses out.

3. Potential loss of social capital.

It is true that all of the other states of Australia have undergone some kind of local government reform over the last 10 – 15 years. There has been little (if any) evidence or quantification of cost savings in either amalgamating local governments or creating regional structures for service delivery functions. It is probable that the greatest value in maintaining purely local structures of government is the degree of ownership, creativity and initiative that is generated through the confidence and empowerment that these structures not only allow, but actively encourage. When smaller structures are subsumed into larger structures people are less likely to take an active role in government, especially as the governance protocols and processes of larger units are for many people, very intimidating. When the local face of government is lost, so is the potential energy and commitment that make our communities, however small, the dynamic places that they are. Regrettably the cost of loss of social capital in States like Victoria, which sustained a wide ranging, non negotiable local government reform process, cannot be measured and will never be known. Once changes are implemented no comparative “before and after” studies are made which might attempt to quantify the financial and social impacts of the non reversible reforms that have taken place.

4. Local Government’s community advocacy role.

In many rural and remote areas there has been a withdrawal, over the last 20 years of many locally based State and Federal Government services. Regionalisation has seen the relocation of department and agency personnel to regional centres or capital cities. Local Government is the last bastion of community advocacy in the bush and as elected representatives, we must carefully consider whether or not any proposed model of reform will advantage or disadvantage our respective communities.

5. Proposed functional realignment of Local Government

Appendix F of the report deals with the functional realignment of local government. If delegates read nothing else in the report, they should read this. This breaks down into sections, what functions the Local Government, Regional Government, State Local Government and State Government should ultimately be responsible for.

Of particular interest to rural and remote local governments, should be that under this model, road construction and road maintenance becomes a Regional Government responsibility. The question has to be asked; do individual local governments want to relinquish control of the coordination and delivery of road construction and road maintenance functions (their very core business) to a regional body?
The regionalisation model will in effect place individual local governments in competition with each other. The winners will be the larger towns, perhaps the local governments with the most skilled advocates as their representatives or perhaps the local governments that can demonstrate better than others that they warrant more funding because they meet some regionally determined criteria for funding and the allocation for resources. Is it responsible to place your community at this very real risk?

6. The risk associated with State Council endorsing the draft paper.

Notwithstanding the emphasis that local government’s involvement in a regionalisation model is of a voluntary nature the fact remains that if the draft paper is endorsed by State Council, as proposed, on the 3rd August 2008 (The day after this AGM), the model for reform will be conveyed as the collective position of Local Government in Western Australia. Unless this matter is decided, as proposed in this agenda item, by delegate representatives from ALL member Councils, after due debate at a state-wide forum, that position will of course, in reality, be far from the truth. The WA Local Government Association in its future dealings with the other tiers of government will state convincingly that the SSS Report and its recommendations constitutes local government’s position on reform. If the majority of local governments, after collective debate, endorse the report, then that position is a legitimate one to hold. If the majority of local governments do not endorse the report, then the position is not legitimate.

Conclusion

The intent of this agenda item is not to initiate debate at this AGM about the advantages or disadvantages associated with the proposed regionalisation model as promoted in the SSS Report. It is intended, however to raise some of the questions that need thinking through at a collective level. We cannot accept a concept without knowing the probable financial implications and social consequences to our communities. We should not make hasty decisions based on second guessing what a future State Government may or may not do with local government. Accountability to our respective communities and the unassailable principles of democracy really dictate that there is no other legitimate course than to debate this whole issue at a state-wide forum, before deciding whether or not the final draft paper should be endorsed.

For the sake of a little extra time, let us do this thing properly and make an informed decision based on facts and collective dialogue.

SECRETARIAT COMMENT

The SSS draft report was released for comment at a Forum at the University of WA on 28 February 2008. It was initially released for a 6 week submission period. The Association quickly received submissions requesting a longer consultation process, which the State Council accepted and extended the submission period to 16 June 2008. This effectively allowed a 15 week period for feedback and enabling SSS Taskforce Members and Association staff to conduct presentations and discussions around the State with individual Councils, Zones or other groupings of Local Governments and interested parties. 34 briefing sessions were provided including representation by approximately 100 Local Governments.

It is important to note that the report was a draft with a view to seeking feedback and provoking discussion on the issue of Local Government sustainability in Western Australia. At the time of writing this Agenda item, 102 submissions had been received including some excellent feedback and suggestions.

A report is being prepared for the July round of Zone meetings that will advise on the changes to the draft report. To assist in the review of the submissions, the Association has requested and received representation from two (2) board members from the Local Government Managers Association (LGMA) WA Division.
It is envisaged that there will be significant amendments to the report that will address concerns from Member Councils.

The SSS process was embarked on following the resolution from the 2005 Annual General Meeting:

“WALGA to lead the development of a framework that would assist individual Councils to review, debate and consider the future sustainability of Local Government and to ensure the framework encompassed the assessment of economic, social capabilities and capacities of individual communities and regions.”

The process undertaken has included input from a wide cross section of Local Government representatives from across the State and attempted to be as inclusive as possible. The proposed process following the close of submissions was for a report to be prepared for the July Zone meetings and August State Council meeting to consider the proposed changes to the draft document with a view to endorsing the report.

The Association is confident that member concerns are being addressed in the re-write of the report to enable the State Council to endorse the final position.

The final document will represent a plan that is generally accepted as the best for the industry from Local Government’s perspective. A central and most important aspect of the plan is that each group must adapt a model that best suits them, although it has become clear that ensuring that it encompasses sharing resources is critical.

**CEO COMMENT**

Notwithstanding the weight of the arguments presented there probably is a case for the final SSS Report to be endorsed by the sector. Recent SSS Updates have indicated a significant softening of the recommendations on a number of fronts. A report which carries the full weight of the sector would probably have more clout.

There is however a risk involved. If a special forum is convened and the report is either rejected or passed by a small margin it would simply elevate the level of uncertainty. Even though the current government has no plans for reform, a plan could be developed in an evening over a couple of red wines. There is no shortage of published reports recommending reform which could be used as a reform template.

Endorsement by State Council is a far safer strategy for the sector. It is after all the purpose of having a representational structure.

**Officers Recommendation:**

That Council NOT support the proposed motion.

**Council Resolution:**

Moved: Cr J R Cunningham    Seconded: Cr B T Baxter
That Council NOT support the proposed motion.  
CARRIED: 8/0
3.2 Systemic Sustainability Study Report - SSS (05-034-01-0009 TB)

Shire of Dardanup Delegate to move:

**MOTION**

1. That the convention debate the suitability of the SSS Report; The Journey – Sustainability into the Future as a planning tool to drive structural reform of Local Government in Western Australia.

2. That members acknowledge the rights of individual Local Governments to determine their own future where they have the support of their electors to either remain in their present form, become involved in Regional Councils of their choosing for the provision of services of their choosing or merger with adjoining Local Governments.

3. That WALGA with or without the support of the State Government provide members with a comprehensive qualitative assessment of the post structural reform of other States in Australia identifying how the reforms have provided economic, environmental and social sustainability, measured against their pre reform sustainability. That is; are the Local Governments, the people and the environment demonstrably better off having gone through structural reform?

**MEMBER COMMENT**

The Journey – Sustainability into the Future (SSS) report has been adopted by the State Council of WALGA as Local Governments position for how Local Government will evolve into the future. This position has been adopted following resolution of State Council on the 11th August 2004:

> That the resolutions from the 2004 Annual General Meeting of the Western Australian Local Government Association as follows be received and endorsed:

- That the WA Local Government Association as a priority facilitate a forum focused on regional co-operation and structural reform processes to enhance the social, financial, environmental and economic development capacity of Local Government in Western Australia.

As a result of this resolution WALGA, over the 4 years since, has guided the development of the draft SSS report that has been presented to the Minister for Local Government as the platform for the reform of local government in Western Australia.

Given the importance of the Draft SSS Report and that the convention is the best opportunity to have all Local Governments represented it is recommended that time be set aside at the AGM for debate about the Report.

The Shire of Dardanup believes the report requires formal debate before the assembly of members so that the industry as a whole can hear the views from all and that the formal position of state Council can be heard. The reason Council has this view is that there is
conflicting advice evolving from discussion between local governments and the Associations staff and consultants and the information in the SSS report itself. As an example, the regional Council model is stated as voluntary, yet the report and the consultants at the briefing in Busselton with the South West Zone stated that non participating Councils would be mopped up! Clearly this implies an element of compulsion to participate (Refer pages 28 and 159 of the report).

The Shire of Dardanup is seeking evidence that the formation of regional Councils is advantageous to the community and the sustainability of local government. As every other state has been through the process the evidence should be available to underpin the emphasis on reform, yet to our knowledge, there has been no attempt to seek or quantify this evidence. The request for state government financial support of the proposed model ought to include an analysis of the post reform outcomes from other states.

This Council holds the view that local governments should control their own destiny as directed by the electors; however, there has been no mention of the SSS report being presented to the public to canvas their view, this may be intended by state Council once the consultation process has been completed and the final report adopted by local governments and State Council, if that is the case then it should be made clear to the membership.

It is proposed that the SSS report be debated at the annual Convention and from that debate the members can consider putting forward a motion to either support or not support the SSS report being promoted as the platform for the future reform of local government in Western Australia.

SECRETARIAT COMMENT

Item 2 of the Shire of Dardanup motion is completely inline with the intent of the SSS report. It is acknowledged that the draft SSS report did not clearly describe the Regional Model process and platform.

The draft report depicted a full blown Regional Council illustration as the centre piece illustration of the concept. In hindsight, more emphasis on all the options of Regional Cooperation, would have been preferable, as a formal Regional Council is only one option in the Regional Model concept.

The final report will include a more detailed and clearer description. The Regional concept needs to be viewed as a process and not a structure. The intent of the Regional Model was to point the way to voluntary co-operation by a group of like-minded Councils. The area of one regional group is determined by whatever the parties can agree to and they can determine what services are best delivered on a regional basis.

The range of options for implementation of the Regional concept might be a range of Shared Services Platforms, including but not limited to:

- Voluntary Regional Councils;
- Formal Regional Councils;
- Local Government Trading Entities;
- Single Local Government as the regional service provider;
- Private sector provider;
- State-wide managed preferred supplier or service.

The WALGA Zones had been suggested in the SSS draft report as a starting point for debate only.

In respect to point 3 of the motion; the qualitative assessment of the post structural reform of other States of Australia can only be possible if the information is available. The majority of information on the assessment of the structural reform process in other States is at best
anecdotal. The Association has proposed that following consideration of the final report, an implementation plan would be developed to assist Local Governments to evaluate areas of potential regional service delivery. This research would need to be carried out on a case by case basis, as areas and functions could differ considerably.

Following the finalisation of the Association’s position on the SSS report a public communication process is envisaged as part of the implementation plan, to encourage communities to support their Councils and administrations in pursuing locally appropriate solutions.

**CEO COMMENT**

Point 1. This is similar in some ways to the previous motion. Having a debate without a motion to consider is a risky business. It will result in motions from the floor which in the heat of the argument could go anywhere without proper consideration of consequence.

Point 2. Self determination is enshrined in the regional model. Participation in regional cooperation is by choice of individual Councils. However it is important to note the expectation that Council not participating in the reform process will be “mopped up” by the State.

Point 3. I would love to see such a report, but I think such information is unlikely to be cheaply or readily available. Measurement of projected savings has always been more readily available than actual savings. This could become an expensive wild goose chase.

**Officers Recommendation:**

That Council NOT support the first point

That Council does support the second point

That Council suggest an alternative motion to the effect that:

That WALGA seek out and make available to members published studies and reports that assess the quantitative and/or qualitative outcomes of structural reform in other states.

**Council Resolution:**

Moved: Cr R A Benton  
Seconded: Cr C R King

That Council NOT support the first point

That Council does support the second point

That Council suggest an alternative motion to the effect that:

That WALGA seek out and make available to members published studies and reports that assess the quantitative and/or qualitative outcomes of structural reform in other states.

CARRIED: 8/0
3.3 Closing of Regional Partnerships and the Area Consultative Committees (05-055-03-0001 ID)

Shire of Gnowangerup Delegate to move:

**MOTION**

WALGA be requested to work with Australian Local Government Association (ALGA) to voice the following concerns and request the Federal Government to address the issues raised.

1. The closure of the Regional Partnerships program has removed the only avenue available to regional communities to access Commonwealth funds for Local Government or community projects (acknowledging the Roads to Recovery and FAGS funding which is available to Local Governments only).

2. The criteria for funding the Regional Development Australia projects needs to be clarified.

3. The closure of state offices of the Department of Infrastructure, Transport, Regional Development and Local Government has removed a level of state assessment and monitoring of future projects, will centralise all assessments in Canberra, removing significant local knowledge.

4. The reduction in the number of Regional Development Australia committees from the current 54 Area Consultative Committees will reduce local representation on these committees and will further reduce the local knowledge available in the assessment process.

5. Budget figures for the continuation of local administrative staff needs to be finalised.

**MEMBER COMMENT**

The Regional Partnerships program promoted capacity building by community organisations, generated employment opportunities and encouraged sustainable regional communities. For many community organisations, it was their only access to Commonwealth funds for a huge range of worthwhile projects. Some examples of projects which have received funding include community centres, rural medical centres, aged persons accommodation, sporting facilities, public parks and tourism centres.

The program focussed on funding partnerships so most projects achieved a mix of funding from State, Commonwealth, Local Government, community and lotteries.

The program has now ceased. Many projects which were being assessed, have received notification that their application for funding from other funding bodies has been approved, subject to funding also being approved from Regional Partnerships. These funds are now in jeopardy and many worthwhile projects may be unable to proceed.
The State offices of the Department of Infrastructure, Transport, Regional Development and Local Government have been closed and the officers employed have been redeployed. These officers have previously been involved in the assessment process of projects and during the ongoing progress of each project. Their local knowledge was invaluable. Presumably all assessment will now be centralised in Canberra and will be done without the local knowledge previously available and without the understanding of the distances and isolation which are present in W.A.

A new program called Regional Development Australia has been mooted but the funding criteria is still unclear.

It is believed that the number of Regional Development Australia committees will be reduced from the current number of 54 Area Consultative Committees. This will also result in a loss of local knowledge in assessing projects. It will also result in a loss of representation from more isolated areas. Larger regions will not necessarily be more workable.

The funding which will be available to local committees to employ executive and administrative staff is not clear. Will these staff be able to continue in their current positions?

SECRETARIAT COMMENT

Background

The Australian Government announced on 13 May 2008 that the Sustainable Regions Program and Regional Partnerships Program would be replaced by two new programs; Better Regions and a new Regional and Local Community Infrastructure Program to commence in 2009/10. However, the details and funding for this program are yet to be determined.

In Western Australia only the Kimberley was included in the Sustainable Regions Program. This provided $13.5m of Australian Government investment in the area over six years.

The Regional Partnerships Program was established in 2003 and provided grants valued in the order of $90 million per year, nationally. The program was widely utilised by Local Governments and community groups to facilitate significant investments in community infrastructure and other development programs.

Government Inquiry

The Federal Government has established an Inquiry into a New Regional Development Funding Program through the House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government. The terms of reference are to:

- provide advice on future funding of regional programs in order to invest in genuine and accountable community infrastructure projects;
- examine ways to minimise administrative costs and duplication for taxpayers; and
- examine the former government’s practices and grants in the Regional Partnerships Program (before and after the National Audit Office Report of the period 2003 – 2006) with the aim of providing advice on future funding of regional programs.

The closing date for submissions is 14 July 2008, after which it is expected that a number of public hearings will be held.

Many stakeholders have identified opportunities for improvement in the structure, processes and governance arrangements for the Regional Partnerships Program and would therefore support a review.
Implications for Communities

There is likely to be a gap of at least 14 months between the closure of the Regional Partnerships Program and the commencement of a successor program. There were at least 35 projects in Western Australia under assessment when the program was closed. Many of these have already secured part funding from other sources including State and Local Governments and the community. These contributions are at risk if the projects are unable to proceed in a timely fashion. Furthermore costs, particularly construction costs, are expected to continue to escalate strongly, so delays will necessitate projects to be re-costed and new funding submissions developed.

Regional Support

The Area Consultative Committees (ACC) are to become the local Regional Development Australia committees. The Government appointed Chairs of each ACC have formed the Interim Board of Regional Development Australia, but details of the new structure and their role in developing or assessing projects funded under the new Regional and Local Community Infrastructure Program is yet to be determined.

The State offices of the Department of Infrastructure, Transport, Regional Development and Local Government (formerly DoTARS) have not had a formal role in assessing applications for funding under the Regional Partnerships Program since late 2005. The role of these offices was to work with the Area Consultative Committees (ACC’s) to develop and support high quality projects. Recommendations concerning the most appropriate support arrangements need to be developed as part of the submission to the House of Representatives Inquiry.

Related Programs

The $176 million, Better Regions Program will fund approximately 105 projects that were identified as priority investments during the 2007 election campaign period. Thus there appears no opportunity for new projects, or projects that were under assessment under the Regional Partnerships Program to seek funding from this allocation.

In light of the above information an alternate motion is proposed as follows:

Possible alternate motion:

WALGA to work with the Australian Local Government Association (ALGA) to express disappointment and concern at the lack of transition arrangements between existing and proposed new regional funding programs and request that the Federal Government:

- determine and make publicly available the funding and criteria for funding under the Regional and Local Community Infrastructure Program as quickly as possible;
- genuinely engage with Local Governments and communities in determining funding criteria and processes to optimise the assessment and governance processes including the need to retain local expertise in the process; and
- establish the new Regional Development Australia quickly and maintain adequate staff at the regional level to support the development and implementation of projects.
CEO COMMENT
It is reasonable to expect that a new Federal Government of a different political persuasion would seek to develop its own consultative and program architecture. It is also reasonable to expect that some interim arrangements to protect the needs of stakeholders would be put in place.

A consultation forum is to be convened in Carnamah on 11 July 2008 to gather input from local stakeholders.

Officer Recommendation
That Council support the WALGA alternative motion
If the original Shire of Gnowangerup motion remains, to also support that motion.

Council Resolution:
Moved: Cr C R King  Seconded: Cr J A Bensdorp
That Council support the WALGA alternative motion
If the original Shire of Gnowangerup motion remains, to also support that motion.

CARRIED: 8/0
3.4 Australian Bureau of Statistics (ABS) – Census 2011 Fly-In, Fly-Out (05-088-03-0002 ID)

City of Kalgoorlie-Boulder Delegate to move:

**MOTION**

That WALGA liaises with the Australian Local Government Association (ALGA) to lobby the Australian Bureau of Statistics and the Federal Government to include a section of questions in the 2011 Census relating to Fly-in Fly-out workers and their living arrangements, to enable an accurate assessment of the Estimated Residential Population to be achieved.

**MEMBER COMMENT**

The City of Kalgoorlie-Boulder has met with Australian Bureau of Statistics Regional Director for WA, Mr Michael Tindall on a number of occasions to discuss strategies to better coordinate the 2011 Census.

These meetings have been held as a result of doubts with the accuracy of the 2006 Census, particularly in regional areas. There are some difficulties in accurately determining the population of regional areas, due to fly-in fly-out (FIFO) operations getting information from people living in remote and/or indigenous communities and accessing tourists travelling through the regions.

The census found population decreases in several of the key towns servicing the iron ore, gold and nickel industries as follows:

<table>
<thead>
<tr>
<th>Local Government</th>
<th>2001</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Menzies</td>
<td>499</td>
<td>216</td>
</tr>
<tr>
<td>Laverton</td>
<td>2,075</td>
<td>730</td>
</tr>
<tr>
<td>Port Hedland</td>
<td>13,020</td>
<td>11,954</td>
</tr>
<tr>
<td>Karratha</td>
<td>11,728</td>
<td>10,730</td>
</tr>
<tr>
<td>Tom Price</td>
<td>3,094</td>
<td>2,721</td>
</tr>
<tr>
<td>Kalgoorlie-Boulder</td>
<td>28,732</td>
<td>28,422</td>
</tr>
</tbody>
</table>

There are some concerns that the census results incorrectly showed a reduction in the population for some areas as a result of people incorrectly filling in their census forms. This might be due to the fact that although they spend most of the year in one area for work, they record their usual place of residence as being somewhere else.

The 2006 census found 5,507 people working in WA who lived in other states. This included 1,370 people who worked in WA but lived in NSW, 1,343 who worked in WA but lived in Victoria and 1,389 who worked in WA but lived in Queensland.

Census results are often used as a basis to justify the expansion or reduction of State and Federal Government services or infrastructure funding commitments therefore, results that
underestimate the actual population, can negatively impact on the level of services and funding provided to Local Government areas.

It is considered that including a section in 2011 Census relating to FIFO workers and their living arrangements will provide a more accurate assessment of population and in turn provide significant flow-on benefits to Local Government authorities.

SECRETARIAT COMMENT

Accurate census data is critically important for all spheres of government. Population statistics are an important factor in the allocation of over $200 billion of Federal funding each year. Population data is considered in the allocation of grants to Local Government, as well as informing decisions concerning the provision of infrastructure including schools, hospitals and public housing.

The Estimated Resident Population is normally used for government decision-making purposes. It is defined as:

- people counted on census night; plus
- people temporarily absent on census night; plus
- an adjustment for the (usually) undercount identified in the post enumeration survey.

The impact of Fly-in Fly-out (FIFO) workers, and their living arrangements, is only one potential source of error in the conduct of the census. The accurate counting of people living in remote and/or indigenous communities is also a significant source of potential error in the census. The post census survey indicated that the population undercount in the 2006 census was higher in regional WA than in Perth and much higher in indigenous communities. The 2006 Census results have been adjusted for this, but the statistical error margin is significant.

A review of population data from towns servicing the iron ore, gold and nickel industries over the past four censuses shows substantial variation over time.

There may be other feasible methods of estimating the size of the FIFO population, but it is unlikely that these estimates will be considered in government decision making unless part of the formal Census process.

The Australian Bureau of Statistics is often reluctant to add questions to the census for technical and economic reasons. Furthermore the ABS has indicated that as a consequence of funding cuts in the 2008/09 Budget, development work on new areas for the 2011 Census has ceased. It is likely that alternative approaches will be required in order to quantify the impact of FIFO workers on resident population estimates in the medium term.

CEO COMMENT

The need to service fly in fly out populations, especially when these populations are located close to townsites is a significant issue, as is the extent to which jobs and economic wealth are exported from mining regions to capital cities and regional centres. Collection of this data is vital

Officer Recommendation

That this motion be supported

Council Resolution:

Moved: Cr R A Benton
Seconded: Cr J A Bensdorp
That this motion be supported
CARRIED: 8/0
3.5 Wheatbelt Drainage Council (05 064 03 0023 MB)

Shire of Mukinbudin Delegate to move:

MOTION

That WALGA lobby the State Government (Ministers and/or Departments as appropriate) to request that with reference to the recommendations from the Wheatbelt Drainage Council:

1. That Local Government, either individually or as Regional Councils, have no initial or ongoing governance, administrative or technical role in deep drainage;
2. That Local Government’s involvement in deep drainage be limited to that a referral body when proposals impact on Local Government infrastructure;
3. That deep drainage is administered on a catchment wide basis; and
4. That (with reference to part 3) appropriate legislation is passed to give new “Catchment Management Authorities” the power and financial ability to administer deep drainage and all other catchment management issues.

MEMBER COMMENT

The matter relates to the Wheatbelt Drainage Council (WDC) chaired by Hendy Cowan. Although the matter maybe seen to relate specifically to the Wheatbelt, the Wheatbelt Drainage Council (WDC) held stakeholder workshops throughout State and the governance principles that will be presented to the Minister by February 2009 are seen as a model for the entire State where drainage issues arise within catchments, or possibly where “whole of catchment” issues arise that require a coordinated approach.

At the stakeholder workshops the overwhelming view from Local Government, was that they were not supportive of the concepts being developed by the WDC and did not believe that Local Government has any role in drainage governance, either in the construction of, or ongoing liability, of any Wheatbelt drainage scheme. Local Government is also of the view that drainage should be handled on a catchment wide basis and not be constrained by Local Government boundaries.

There are interstate models of Catchment Management Authorities with legislative backing and financial independence. The advantage of this approach is that these authorities are not single issue bodies and can address a wide range of NRM issues as they arise.

The motion does not prevent those Local Governments who are already involved in deep drainage schemes, or who are considering being involved, either individually or collectively, from continuing with such involvement. The intent of the motion is to ensure that any involvement from Local Government is by choice and not by State Government direction.

SECRETARIAT COMMENT

The Wheatbelt Drainage Council (WDC) was established through Cabinet in February 2007, reporting directly to the Minister for Water Resources.

The Council was provided with the following terms of reference:
Within the first six months provide the Minister for Water Resources clear principles upon which drainage scheme proposals can be assessed.

During the first 12 months, develop an appropriate policy framework for inland drainage for consideration by the Minister.

Provide ongoing advice on policy development to the Minister for Water Resources on inland drainage.

Provide advice to the Minister for Water Resources on how to streamline and integrate the assessment process across government authorities; and,

Evaluate approaches to Wheatbelt Drainage governance and management and provide recommendations to the Minister for Water Resources.

A number of stakeholder workshops were held by the WDC throughout the Wheatbelt, and other potentially affected areas, in February 2008 to discuss the development of the aforementioned draft Policy Framework for Inland Drainage.

Interested stakeholders were able to make submissions on the draft policy framework until 30 May 2008.

A large portion of the sector has consistently opposed many of the proposed options for mandating Local Government management of wheatbelt drainage. This does not, and should not; preclude voluntary non-binding involvement where there are manifest benefits to specific or groupings of Local Governments and their communities.

Prior to the establishment of the Wheatbelt Drainage Council, the following policy position was adopted by the Association in February 2007:

That the Department of Water be advised:

1. That the Association does not support the recommendations on Governance for Wheatbelt drainage as outlined in the report “A Management Framework for Drainage in the WA Wheatbelt”.

2. Wheatbelt drainage should remain the responsibility of the State Government.

3. The State Government should establish and adequately fund a Statutory Drainage Authority, with appropriate legislation, based on the South Australian model for the Upper South East Drainage and Flood Management Program.

4. The Association will continue its participation in the wheatbelt drainage discussions through its membership on the State Coordinating Group on Drainage.
CEO COMMENT
The CEO has been involved in discussions with WALGA on its response to the Wheatbelt Drainage Council draft framework. The issue of governance continues to be tied up in the debate over whether drainage is a legitimate device for rehabilitating degraded parts of the agricultural landscape.
Perenjori is a member of the Yarra Yarra Catchment Regional Council. Had this motion been State policy the YYCRC would not have been formed.
The CEO continues to hold the view that:
• NRM is a legitimate area of interest for local government
• That the economic future of agricultural shires is dependent on effective NRM
• Drainage is a legitimate tool to deal with salinity in the landscape
• The Wheatbelt Drainage Council Framework is a balanced document which will allow for informed decision making. No where does the document suggest compulsory involvement of Local Government in Catchment Management.
I would contest the proposition that local views at stakeholder workshops were overwhelmingly opposed the WDC proposals. This was certainly not the case at the Perenjori workshop.
The final paragraph of the proponents comment is:

The motion does not prevent those Local Governments who are already involved in deep drainage schemes, or who are considering being involved, either individually or collectively, from continuing with such involvement. The intent of the motion is to ensure that any involvement from Local Government is by choice and not by State Government direction.

In fact the motion does not satisfy this intent. It would prevent others becoming involved isolating those that have. It is intended to impose the views of one agricultural region on the rest.
CR King sits on the Wheatbelt Drainage Council and may be able to provide further information.

Officer Recommendation
That the Shire of Perenjori move the following amendment to the motion:
• In Point 1 that the word ‘compulsory’ be inserted before the word ‘initial’
• In Point 2 that the word ‘compulsory’ be inserted before the word ‘involvement’
• In Point 4 that the word ‘new’ be removed before the word catchment.
If the amendments are accepted support the motion. Otherwise oppose the motion.
Council Resolution:
Moved: Cr C R King  Seconded: Cr I F West
That the Shire of Perenjori move the following amendment to the motion:

- In Point 1 that the word ‘compulsory’ be inserted before the word ‘initial’
- In Point 2 that the word ‘compulsory’ be inserted before the word ‘involvement’
- In Point 4 that the word ‘new’ be removed before the word catchment.

If the amendments are accepted support the motion. Otherwise oppose the motion.

CARRIED: 8/0

Moved: Cr C R King  Seconded: Cr L C Butler
Officer’s recommendation and the Yarra Yarra Catchment Regional Council letter re:
Response to motion 3.5 Local Government Association AGM Shire of Muckinbudin –
Wheatbelt Drainage Council letter to be distributed to all shire’s prior to Local
Government week.

CARRIED: 8/0
Shire of Serpentine Jarrahdale Delegate to move:

**MOTION**

**WALGA actively pursue the State Government to provide the necessary legislative and policy framework, funding and resources to ensure risk prevention and mitigation activities in relation to fire hazards, removal and management of Federal, State and locally declared pest weeds and animals are prioritised and undertaken with regularity and consistency by State Government agencies.**

**MEMBER COMMENT**

Risk prevention and mitigation, in the context of reducing fire hazards and controlling weeds and pest animals on Crown Land, should be the responsibility of the particular agent of the Crown. However, the reality is that when trying to address local hazards, Local Government regularly encounters the argument from State agencies and service providers that “the Crown is exempt” or that management of these risks is not required in their contract.

Of particular concern to Serpentine Jarrahdale is the management of rail reserves, primarily when heavily vegetated and weed infested reserves dissect planned high density transit orientated developments. Despite many of these reserves having a *Bush Forever* classification, the vegetation and invasive weeds are not being managed. An increased population density along these essentially unmanaged reserves, has increased the threat to the community and surrounding property and infrastructure from fire related hazards.

Investment by Government agencies in risk prevention and mitigation activities has decreased with the break up of the State Utilities and the annual one point five percent cost efficiency cuts being placed on all State Departments. These agencies, as land managers of the Crown, need to view risk prevention and mitigation as core business and they must be adequately resourced and supported in this endeavour.

With the impacts of climate change, the number and intensity of emergencies are increasing and there is a need for a consistent approach to the ongoing mitigation of risks within the community.

Investment by State agencies in mitigation and prevention activities will reduce their response and recovery costs, potential liability and the impact of emergencies for which they would be held accountable.

Support is sought to require all State agencies to carry out risk prevention and mitigation activities in relation to fire hazards, removal and management of Federal, State and locally declared pest weeds and animals on Crown Land as a priority.

**SECRETARIAT COMMENT**

Local Governments are often involved in work that benefits their communities, despite there not being a legislative requirement to do so. Often this results in responsible State agencies reducing their efforts or arguing that it is not part of their core service.
Local Governments are actively involved in mitigating fire risks and are empowered to undertake this work under the *Emergency Management Act* and *Bushfire Act 1954* on their own land. It is recognised that the responsibility for mitigation work carried out on Crown land is not being addressed through the current framework.

This inequity was recognised in the Community Development and Justice Standing Committees “Inquiry into Fire and Emergency Services Legislation” (Inquiry) which concluded that “the legislative arrangements allowing government agencies to choose whether or not to implement measures on land owned or managed by the Crown are inadequate and unjust.” Further, Recommendation 5 articulated that “Emergency Services Legislation must provide for flexibility in terms of using fire prevention and response tools appropriate to the specific land tenures.”

The Inquiry was established to review the provisions of the various emergency services Acts in operation in WA. The *Fire and Emergency Services Authority of Western Australia Act 1998* (which outlines the emergency services Acts in operation in WA, which comprise the *Fire and Emergency Services Authority of Western Australia Act 1998*, *Bush Fires Act 1954* and the *Fire Brigades Act 1942*, and the *Emergency Services Levy Act 2002*) prescribes funding under the levy and is administered by the Fire and Emergency Services Authority of WA (FESA). The *Emergency Management Act 2005* came into force in December 2005, after the commencement of the Inquiry and as such, is not discussed in the Inquiry.

WALGA advised member Councils via an InfoPage in November 2007, that the Minister for Emergency Services had approved the implementation of the recommendations of the Community Development and Justice Standing Committee Inquiry into the *Fire and Emergency Services Legislation* and that FESA had committed to working with Local Government to progress the implementation of the final 88 recommendations.

In August 2007, State Council considered the Committees Report and resolved to support the 88 recommendations on condition that more consultation occurs on a number of the recommendations and particularly the implementation of the recommendations, in accordance with principles of the *State / Local Government Communication and Consultation Agreement Protocols (2004)*.

WALGA has requested an update from FESA on the progress of implementation of the Inquiry recommendations and this is still pending.

**Officer Recommendation**

That this motion should be supported

**Council Resolution:**

Moved: Cr G K Reid

Seconded: Cr J A Bensdorp

That this motion should be supported.

CARRIED: 8/0
3.7 Enquiry into Fire and Emergency Services Legislation (05-024-01-0002 JL)

City of Albany Delegate to move:

**MOTION**

That the Western Australian Local Government Association seek an urgent amendment to section 7(2) of the *Bush Fires Act 1954* to exclude Local Authorities as owners or occupiers of land for the purposes of the Act.

**MEMBER COMMENT**

It has recently been drawn to the attention of City of Albany staff that amendments have been made to the *Bush Fires Act 1954* which retain immunity of Crown agencies and instrumentalities from the provisions of the Act, but the immunity provided to Local Authorities, managing Crown reserves, has been withdrawn.

Section 33 prescribes the powers of a Local Authority under the Act to require a landowner or occupier of land to plough or clear a fire break to prevent the spread of a fire. It is understood that there was an attempt made to introduce Regulations under Section 33(9) of the Act to “prescribe agencies” which would be subject to the Local Authority’s Bush fire notice, but those Regulations were not proceeded with; considerable opposition from the relevant agencies was encountered.

The amendment to the bush fire legislation in 2003 exempted “departments of the public service and a state agency of instrumentality” from the provisions of the Act. For the purpose of the Act, Local Authorities are now treated the same as private landowners. The consequences of those changes is that the 330,000ha of Crown reserves that the City is expected to maintain, plus road reservations, would require firebreaks to be installed.

The Community Development and Justice Standing Committee “Inquiry into Fire and Emergency Services Legislation” report (pg 20) concluded that “the legislative arrangements allowing government agencies to choose whether or not to implement measures on land owned or managed by the Crown are inadequate and unjust. The Crown must be subject to the same legislative obligations as private landowners and land managers.”

The State Government has established a duplicity of standards in the management of Crown land through the changes it has made to the Act. Local Authorities are required to install fire breaks and plough land that it owns or occupies to a similar standard as a private landowner. At the same time, State Government trading entities (Alinta Gas, Western Power, Landcorp) and public service departments (DEC, DoW, Main Roads, Department of Justice) are not required to undertake similar work on the properties they manage on behalf of the Crown.

**SECRETARIAT COMMENT**

FESA has carriage of the task of amending the emergency services legislation as directed by the Minister reflecting the agreed recommendations of the Community Development and Justice Standing Committee into the *Fire and Emergency Services Legislation*. 

**IN BRIEF**

- Amendments to the Bush Fires Act 1954 being developed by FESA and the implications upon Local Government with reference to the management of crown land.
Amendments to the *Bush Fires Act 1954* were triggered in 2003 by the Commonwealth Government’s National Competition Policy and related reforms. The *Bush Fires Act 1954* (BFA) was identified as one statute deemed to be offering an unfair advantage to agents of the Crown over private business.

The BFA does not bind the Crown. As such, there are certain provisions, such as s.33 (landowner to install firebreaks), which require private business to take preventative actions (such as installing firebreaks) and these provisions do not apply to an agent of the Crown.

As highlighted by the member comment the intent of Recommendation 4 of the Community Development and Justice Standing Committee “Inquiry into Fire and Emergency Services Legislation” report was to bind the Crown.

WALGA has sought comment from FESA in regards to the amendments and outlined members concerns about the lack of consultation. FESA acknowledges these concerns and will meet with Association representatives to discuss this matter in depth.

**Officer Recommendation**

That this motion should be supported

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**Council Resolution:**

Moved: Cr C R King  
Seconded: Cr R A Benton

That this motion should be supported  
*CARRIED: 8/0*
3.8 Funding to the Royal Flying Doctor Service (05-030-03-0006 JoH)

Shire of Denmark Delegate to move:

**MOTION**

That we, the democratically elected Councils of WA comprising 139 Councils, and on behalf of the State’s entire population, petition the Premier of Western Australia, the Hon Alan Carpenter, through and represented collectively by the WA Local Government Association, to urgently provide additional much-needed funding to the Royal Flying Doctor Service to enable it to adequately service this vast State and its regions.

**MEMBER COMMENT**

The Royal Flying Doctor Service (RFDS) provides much needed support and excellence in aero-medical and primary health care across Australia. The success of this crucial service is due, in no small part, to the fact that the RFDS has the recognition, co-operation and support of the Police, Ambulance Service, Hospitals, regional Councils and of course, the community of WA which it serves. The RFDS however receives only minor government funding, and therefore the valuable service must also rely on the generosity of corporations, organisations and individuals to help service, keep in the air, replace aircraft and purchase medical supplies and vital life-saving equipment. Without the accessibility and quality of such a service the growth and development of the State is compromised and the lives of people travelling throughout this vast State are put in jeopardy. The service benefits not just country people but all people that visit this State and travel throughout the State beyond say 100km from the Perth Metropolitan area. Essentially – everyone!

In the recent State Government Budget the Western Australia Country Health Services (WACHS) and RFDS sought for an urgent cash injection from the State for State Services relating to inter-hospital patient transfers (by air) of $68m over 5 years (for 3 additional aircraft, their staffing and servicing and 2 replacement aircraft) and only (as of the end of May) received indicative funding of approximately $1m for one year only for the existing service of patient transport for the State. With the booming resource industry and burgeoning regions in remote and difficult to service parts of the State, a sustainable Flying Doctor Service is essential to the health and well being of all West Australians.

**SECRETARIAT COMMENT**

WALGA will continue to raise concern with the State Government on the centralisation of health services and withdrawal of these services away from regional and remote WA.

Over the last four years, Commonwealth and State Government reports such as; *Highway to health: Better access for rural and remote patients* (September 2007) have confirmed that WA provides the least amount of funding for this invaluable service. The service is seriously under funded and service delivery is being severely compromised. The provision of primary health services is a State Government Responsibility and the RFDS provides a fundamental service to rural and remote communities of WA.

**Officer Recommendation**

That this motion should be supported

**Council Resolution:**

Moved: Cr G K Reid 
Seconded: Cr J R Cunningham

That this motion should be supported.

CARRIED: 8/0
3.9 Withdrawal State Government Services (05-055-02-0003 JoH)

Shire of Laverton Delegate to move:

MOTION
That WALGA seek a firm commitment from the Premier and State Government to acknowledge its lead role in the provision of services to rural and remote Western Australia and that the State Government immediately discontinue the practice of withdrawal of services solely on the basis of cost efficiency.

MEMBER COMMENT
The Goldfields Esperance Development Commission has written to the State Government on a number of occasions expressing its concerns with the withdrawal of State Government services to regional and remote areas; most recently with regard to the closure of the Menzies Police Station, the withdrawal of driver’s licence assessment services in regional and rural areas and the withdrawal of small business support services in Laverton.

This recommendation calls on the State Government to recognise its role in providing services to rural and remote Western Australia and the ways in which the withdrawal of services negatively impacts upon the community.

SECRETARIAT COMMENT
Sustainability of regional and rural communities depends on more than cost efficiency of service delivery.

Given the significant growth in State revenues being generated in the regions, the State Government must strike a balance between delivering cost efficiencies in service delivery with equitable access to infrastructure and services to regional WA.

WALGA continues to advocate for improved funding to regional WA.

CEO COMMENT
The CEO supports the sentiment expressed although it does seem a little naïve. What is probably more pertinent is a whole of government approach to service delivery in regional areas. It is unlikely that any government or agency will agree to a moratorium on making decisions within their purview. What is needed is a policy framework that supports the decision not to remove services.

Officer Recommendation
That the motion be supported.

Council Resolution:
Moved: Cr I F West     Seconded: Cr G K Reid
That this motion should be supported.

CARRIED: 8/0
City of Albany Delegate to move:

MOTION

That the Western Australian Local Government Association actively support Dr Woollard’s attempt through a Private Members Bill to secure a Third Party Review (Appeal) Right for Western Australians under the Planning and Development Act 2005.

MEMBER COMMENT

At the November 2007 meeting, Council considered a request from Dr Woollard for comment on a Private Member’s Bill to secure a “third party appeal review (appeal)” right for Western Australians under the Planning and Development Act 2005. The following motions were passed at that meeting:

“THAT Council:
Write to Dr Woollard:
 a) disclosing the existence and content of the City’s resolution on this matter; and
 b) support her attempt through a Private Member’s Bill to secure a third party right of appeal / review for Western Australians; and

Write to all Councils in Western Australia:
 a) urging them to support Dr Woollard’s attempt through a Private Member’s Bill to secure a third party right of appeal / review for Western Australians;
 b) enclosing a copy of the City’s letter to Dr Woollard; and
 c) requesting that copies of our letter to the Councils and to Dr Woollard be distributed to all Councillors.”

An attempt to progress Council’s resolution through the Great Southern Zone of WALGA has failed to gain support by State Council.

Western Australia is the only State which does not allow third party appeal rights. Our communities do not have the same level of standing before the Tribunal to challenge and ensure that government bodies, which are granted wide planning powers, act fairly and reasonably.

Third party appeal rights to the Tribunal act as a check and balance in the planning system. It is unreasonable that an applicant can enjoy an appeal right against an unfavourable decision based upon their property rights, yet third party property rights are ignored by the same appeals system.
Local Governments spend considerable time seeking community engagement in the planning process, yet the planning process excludes the community from any actions that follow a planning decision by the local authority. Local residents may leave a meeting, confident that appropriate conditions are attached to approvals to address any concerns they have raised, only to find that those conditions can be over-ruled by the Tribunal without any further public input or knowledge.

By supporting third party participation in the approval and appeal processes, we are allowing issues to be identified that may have been overlooked in the initial decision-making process, as well as allowing people to more fully participate in the planning of their localities. Third party appeals can improve planning outcomes by placing pressure on developers to concede and improve design elements where appropriate or reasonable to do so.

SECRETARIAT COMMENT

The Private Member’s Bill proposed by Dr Janet Woollard MLA, Member for Alfred Cove, is modeled on Victoria’s Planning and Development Act 1987. The basis for the development of the Bill and its objectives are not stated in the documentation provided by Dr Woollard and it appears that the only reason put forward for the introduction of third party appeals is that Western Australia is the only State in Australia that does not have third party appeal rights. This is somewhat misleading as the overall planning system within Western Australia differs from other States within Australia and appeal rights in other States are limited to specific matters.

Prior to State Council’s resolution in February 2008, the introduction of third party appeal rights had been considered by member Councils during the State Government’s consolidation and development of the new Planning and Development Legislation in 2002 and prior to that in 2001, during debate on the new planning appeal system.

State Council resolved in February 2008 the following position:

  That:

1. the member for Alfred Cove, Dr Janet Woollard MLA and the Minister for Planning and Development, Hon Alannah MacTiernan be advised of the inaccuracies and duplications contained in the proposed Planning and Development Amendment (Third Party Appeals) Bill 2007; and

2. as there is no justification for the proposed legislation and there are significant negative implications for Local Government, industry and the community, Local Government continues to be opposed to the introduction of third party appeal rights in Western Australia.

It was considered that the current strategic and statutory planning process in WA, and consideration of applications by Local Governments, already takes into account the views of affected parties and the community generally.

In addition, third party appeals could be lodged because of vexatious or commercial interests, not because of genuine planning matters, resulting in significant delays and additional costs for development.

It was also considered that additional planning appeals would increase pressure on Local Government in terms of resources. Local Government would incur additional costs for new administrative steps in processing applications, preparation and response to appeals lodged and legal representation.

In summary, it is considered that the WA planning system provides for orderly and proper planning and the proposed Bill does not sufficiently demonstrate that third party appeal rights will improve the planning process for Local Government, the development industry and the community and as such, is not supported.
CEO COMMENT
The CEO does not support an additional layer of appeal mechanisms and there was nothing in the Woollard proposal that indicated that it would result in better planning decisions – it would simply make the process longer and facilitate vexatious complaints.

Officer Recommendation
That the motion NOT be supported.

Council Resolution:
Moved: Cr C R King  Seconded: Cr J A Bensdorp
That the motion NOT be supported.  CARRIED: 8/0
3.11 Third Party Appeal Rights for the City of Albany (06-13-07-04-001 BF)

City of Albany Delegate to move:

**MOTION**

That the Western Australian Local Government Association make representation to the Hon Alannah MacTiernan, Minister for Planning and Infrastructure, supporting the City of Albany’s request to incorporate Third Party Appeal Rights into the text of its new Community Planning Scheme, on the grounds that these rights have existed in the Shire of Albany Town Planning Scheme for three decades and the City of Albany has resolved to extend them to the former Town of Albany.

**MEMBER COMMENT**

There are a number of communities throughout the State where third party appeal rights exist due to the original drafting of their Town Planning Schemes. The rural and peri urban portions of the City of Albany enjoy a third party appeal right and the Albany community is keen, following the amalgamation of the former Town and Shire, to expand those rights throughout the entire City.

The Minister has advised that the City will be required to abandon the third party appeal rights when it submits its new District Town Planning Scheme as it is inconsistent with the Model Scheme Text. Rigid compliance with model scheme provisions is removing the right of Local Authorities to respond to local community aspirations and it will remove a longstanding right that the Albany community has enjoyed and not abused.

WALGA support to any action that the City of Albany intends to pursue to entrench those long standing third party appeal rights has broader benefits for Western Australian Local Governments. Individual Local Government Town Plans should be responsive to local community aspirations.

**SECRETARIAT COMMENT**

State Council has previously considered the State wide introduction of third party appeal rights through legislation in the review of planning and development legislation and also the planning appeal system, and in both instances has not supported the introduction of third party appeal rights. However, whilst State Council does not support State wide legislation, it has not commented on individual town planning scheme provisions for this purpose, and as such, the City of Albany’s request for the inclusion of third party appeal rights into the new City of Albany Community Planning Scheme is considered to be a local matter for local determination.

**Officer Recommendation**

That the motion be supported.

**Council Resolution:**

Moved: Cr I F West  
Seconded: Cr J A Bensdorp  
That the motion be supported.  
CARRIED: 8/0
3.12 Elected Member Allowances (05-034-01-0001 TB)

City of South Perth/Albany Delegate to move:

**COMPOSITE MOTION**

That the Western Australian Local Government Association:

1. at the Annual General Meeting in August 2008 support a review of the allowances paid to elected members;

2. continue to support the principal of the Western Australian Salary and Allowances Tribunal determining on an ongoing basis fees and allowances paid to Elected Members pursuant to Part 5, Division 8 of the Local Government Act 1995; and

3. advocate to the Minister for Local Government to give effect to these changes by amending regulations 30 to 34(a) (b) inclusive of the Local Government (Administration) Regulations 1996.

**ASSOCIATE MOTION**

That the Western Australian Local Government Association at the Annual General Meeting in August 2008 support a review of the allowances paid to elected members and that the Department of Local Government and Regional Development be urged to amend the relevant provisions of the Act.

**City of Albany Comment**

ASSOCIATE MOTION

That the Western Australian Local Government Association:

1. supports the principal of the Western Australian salary and allowances tribunal determining on an ongoing basis fees and allowances paid to Elected Members pursuant to Part 5, Division 8 of the Local Government Act 1995; and

2. advocate to the Minister for Local Government and Regional Development to give effect to these changes by amending regulations 30 to 34(a) (b) inclusive of the Local Government (Administration) Regulations 1996.

**MEMBER COMMENT**

City of South Perth

In support of this motion the following comments are made in relation to Councillors’ allowances although the same principles apply for Mayoral/Deputy Mayoral allowances:

- When the “new” Local Government Act came into effect in July 1996 the maximum allowance payable to elected members was $6 000 per annum. In the past 12 years this amount has only been reviewed on one occasion and the maximum amount now payable is $7 000 per annum.

- Even if it was agreed that the base figure of $6 000 was reasonable when set in 1996, the increase in the Consumer Price Index for the period July 1996 to June 2008 is
approximately 37%, therefore resulting in a revised annual allowance in excess of $8
200.

However, it is clear that the base allowance of $6 000 was not realistic and even the CPI
adjusted allowance of $8 200 per annum does not represent anywhere near the value of the
workload that councillors are required to perform in carrying out their duties. In this regard it
is interesting to note that elected members can receive this sum (in some instances
significantly more) by simply being elected to represent Local Government on numerous
committees or boards such as:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Protection Board</td>
<td>$10 700</td>
</tr>
<tr>
<td>Coastal Planning Coordination Protection Council</td>
<td>$8 100</td>
</tr>
<tr>
<td>LG Advisory Board</td>
<td>$13 700</td>
</tr>
<tr>
<td>WA Health Promotion Council</td>
<td>$8 000</td>
</tr>
<tr>
<td>WALG Grants Commission</td>
<td>$20 800</td>
</tr>
<tr>
<td>WALG Insurance Board</td>
<td>$16 424</td>
</tr>
<tr>
<td>WA Planning Commission</td>
<td>$11 500</td>
</tr>
<tr>
<td>WA LG Superannuation Fund</td>
<td>$15 000</td>
</tr>
</tbody>
</table>

- Clearly, the work and responsibilities of an elected member on any of these committees
  is not as demanding as representing a local government as an elected member, yet the
  amount of allowances paid exceeds the current value of Local Government elected
  member allowances paid.
- The amount payable to Western Australian elected members is also amongst the
  lowest in the country:
  - New South Wales - up to $25 850
  - Victoria - $18 000
  - Queensland - determined by each Council but is understood to be linked to
    the remuneration paid to State Members of Parliament.
  - Tasmania - up to $12 000
- The low annual allowance paid does little to attract nominations from members of the
  community for the position of elected member. An opposite view to this is that a higher
  more realistic allowance will almost certainly attract a wider range of people with a
  diversity of backgrounds.
- In a recent Local Government Advisory Board report entitled Local Government
  Structural and Electoral Reform in WA - Ensuring the Future Sustainability of
  Communities dated April 2006, it was proposed that elected members remuneration
  should be determined by the Salaries and Allowances Tribunal and updated on an
  annual basis and this position is understood to be supported by WALGA.
- The proposition to increase elected members’ allowances was also supported in the
  WALGA SSS study in conjunction with a reduction in the number of elected members.

Should motion 1 detailed above be supported at the Annual General Meeting, State Council
at its meeting in October 2008 be requested to urgently support the motion and make a
submission to the Minister for Local Government prior to 31 December 2008.
City of Albany Comment

Elected member fees and allowances are currently set by the Minister for Local Government and Regional Development on advice from departmental officers.

The writer is unaware of the methodology used to establish the fees, however, charges appear not to take into account moves in the Consumer Price Index and no nexus between fees paid and responsibilities/workloads of elected members has ever been undertaken, or if it has, never released to Member Councils for consideration.

The Salaries and Allowances Tribunal is established under the Salaries and Allowances Act 1975 and has the responsibility for both determining and recommending rates or remuneration for the Governor, Members of Parliament, Judges, Magistrates, the parliamentary Inspector of the Corruption and Crime Commission, Clerks of the Parliament, Commissioners of the WAIRC, CEO’s of Local Governments, Members of the special division of the Public Service and Prescribed office holders.

The following table represents the amounts payable and review methodology for comparable States:

<table>
<thead>
<tr>
<th>State</th>
<th>Mayor</th>
<th>Deputy Mayor</th>
<th>Councillors</th>
<th>Review Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA</td>
<td>$26,000 - $74,000</td>
<td>$10,000 - $22,000</td>
<td>$7,000</td>
<td>Department of Local Government and Regional Development Western Australia.</td>
</tr>
<tr>
<td>SA</td>
<td>$7,280 - $60,000</td>
<td>$2,275 - $18,750</td>
<td>$1,820 - $15,000</td>
<td>SA State Parliament through the Local Government (Members’ Allowances and Benefits) Regulations 1999.</td>
</tr>
<tr>
<td>NSW</td>
<td>$20,660 - $46,280</td>
<td>-</td>
<td>$6,610 - $14,540</td>
<td>Local Government Remuneration Tribunal (NSW)</td>
</tr>
<tr>
<td>QLD</td>
<td>$82,260 - $101,250</td>
<td>$53,790 - $69,610</td>
<td>$44,300 - $60,120</td>
<td>Local Government Remuneration Tribunal (QLD)</td>
</tr>
<tr>
<td>VIC</td>
<td>Up to $60,700</td>
<td>-</td>
<td>$8,100 - $19,600</td>
<td>Ministry for Local Government</td>
</tr>
</tbody>
</table>

SECRETARIAT COMMENT

The proposed Motions represent existing Association Policy.

In 2006, The Local Government Advisory Board (LGAB) report on Structural Reform included the following recommendation:

“That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each Local Government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis (p 142).”

State Council subsequently supported the Local Government Advisory Board recommendation.

The Minister for Local Government is aware of the Sector’s position in this regard. Most recently, the Department of Local Government and Regional Development informed of proposed amendments to the Local Government Act 1995, which excluded reference to the
issue of Elected Member remuneration. Despite re-iterating the State Council resolution and Sector support for the WA Salaries and Allowances Tribunal to establish the range of fees and allowances, the draft Amendment Bill excluded reference to this request.

CEO COMMENT
There is little debate that the work of Elected Members is undervalued, and they are for all intents and purposes working as volunteers. Substantially increasing the remuneration of elected members will add weight to the need for Local Government structural reform. Present governance arrangements are at least affordable. Paying even modest salaries to an average of 8 elected members in 139 local governments across WA would lend weight to the argument that there are too many local governments and too many elected members.

Notwithstanding the above, an independent mechanism for determining remuneration for Elected Members is supported.

Officer Recommendation
That the composite motion be supported.

Council Resolution:
Moved: Cr I F West  Seconded: Cr J R Cunningham
That it be left to the delegates discretion.

CARRIED: 8/0
3.13 Local Government (Official Conduct) Amendment Act 2007 (05-034-01-0006 TB)

City of Albany Delegate to move:

**MOTION**

That the Western Australian Local Government Association request the Minister for Local Government and Regional Development to immediately review the Local Government (Official Conduct) Amendment Act 2007 and the Local Government (Rules of Conduct) Regulations 2007, and give effect to changes that better reflect the principles of natural justice in the prescribed complaint process.

**MEMBER COMMENT**

The City of Albany has reservations about the content of both the Local Government (Official Conduct) Amendment Act and the Local Government (Rules of Conduct) Regulations. The principal concern of Council is that the Act appears to deny Councillors who are the subject of complaints the elementary protection of the principles of natural justice. Nothing in the Act or Regulations provides the subject of a complaint the right to be heard or to make written submissions to either the Standards Panel, in the case of an alleged minor breach of the regulations, or the State Administrative Tribunal, in the case of an alleged serious breach. This denial of justice is all the more serious because under the Act a finding of a breach of the regulations may be based on the balance of probabilities.

The only natural justice rights given by the legislation to Councillors who are the subject of complaints are firstly, the right to receive notice of the complaint, and secondly, in the case of complaints of minor breaches, the right, once a finding of a breach has been made, to make a submission to the Standards Panel that the complaint be dismissed. One must consider the right to a fair hearing is meaningless unless it is a right to be heard by the Standards Panel before it makes its decision on whether or not there has been a breach of the regulations.

The legislation needs to be amended to ensure that Councillors are accorded the protection of the principles of natural justice so as the complaints procedure is not capable of serious abuse.

**SECRETARIAT COMMENT**


In the consultation process it was always proposed that the principles of natural justice, commonly referred to as procedural fairness, would be the default approach in the conduct of an investigation by the Standards Panel or State Administrative Tribunal.

The rules for procedural fairness include:

- a hearing appropriate to the circumstances;
- lack of bias;
- evidence to support a decision; and
inquiry into matters in dispute.

The Association has recently received advice from the Office of the Standards Panel that the following procedure is in place:

- for a council member complained about to be advised of the allegation and given a reasonable opportunity to rebut the complaints before the Panel considers the matter; and

- before an adverse finding is made, the council member is given a reasonable opportunity to make submissions on how the Panel should deal with the complaint.

It is not the case that procedural fairness is excluded by statute, but rather, it is enshrined in the adopted procedures of the Standards Panel.

### CEO COMMENT

While the procedures adopted by the standards panel do meet the requirements for procedural fairness and natural justice, these principles should not be an option extra but should be enshrined in the legislative instrument.

### Officer Recommendation

That the motion is supported.

### Council Resolution:

Moved: Cr C R King  
Seconded: Cr R A Benton  
That the motion is supported.  

CARRIED: 8/0
3.14 Elected Member Legal Representation (05-034-01-0003 TB)

City of Stirling Delegate to move:

**MOTION**

That the Western Australian Local Government Association LOBBY for an inclusion of independent legal representation for elected members issues in the *Local Government Act 1995* and associated legislation.

**MEMBER COMMENT**

A notice of motion was passed at the City of Stirling's Ordinary Council meeting held 20 May 2008 as follows:

"The increasing complexity of the Local Government Act 1995 regarding Councillor(s) roles and responsibilities require Councillors to have ready access to independent legal representation in order for procedural fairness and equity with members of staff and that the Local Government Act 1995 BE AMENDED to address such issues at the next WALGA North Zone meeting and that this matter be LISTED by the City of Stirling for discussion at the WALGA AGM to be held on 2 August 2008."

Accordingly, the City of Stirling requests that WALGA lobby for an amendment to the *Local Government Act 1995* to address issues relating to Councillor(s) roles and responsibilities and the requirement of legal representation.

This matter has also been referred to the North Metropolitan Zone for consideration.

This matter was deferred by the North Metropolitan Zone at their meeting of 22 May 2008, to be discussed at their July meeting.

**SECRETARIAT COMMENT**

Regulation 9 (1) of the *Local Government (Rules of Conduct) Regulations 2007* states:

"A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task."

Further, Regulation 8 (b) of the *Local Government (Rules of Conduct) Regulations 2007* prohibits misuse of local government resources, stating:

"A person who is a council member must not either directly or indirectly use the resources of a local government –

(b) for any other purpose,

unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose."

The motion seeks to establish a situation where an Elected Member can obtain legal advice independently of the Council's administration, and (by implication) for that advice to be paid for by the Council. It is not clear why this is either necessary or desirable.
In such circumstances it is possible that each individual Councillor could obtain their own council funded advice in addition to that obtained by the staff for the Council as a whole, resulting in an expensive and extensive array of advice, confused by the nuances of the briefing and questioning provided to each legal advisor.

If a Councillor has concerns about an issue of law, it is that Councillor’s responsibility to bring this to the attention of the Council and its administration, and for the Council to request the appropriate legal advice if it believes that the advice is warranted. If a Council is not satisfied with the advice it receives, it is at liberty to request additional or different advice, or advice from a different source if it so desires.

**CEO COMMENT**

The CEO shares the view of the secretariat that unfettered access by elected members to legal advice at the Local Government’s expense cannot be supported.

**Officer Recommendation**

That the motion is NOT supported

**Council Resolution:**

Moved: Cr C R King  
Seconded: Cr I F West  

That the motion is NOT supported.  

CARRIED: 8/0
3.15 Rate Exemption Charitable Bodies (05-034-01-0007 TB)

Shire of Dardanup Delegate to move:

MOTION

That the Western Australian Local Government Association lobby the State and Federal Governments for Local Governments to be compensated for loss of revenue associated with the area of land used for independent living units on estates operated by registered charities and religious bodies, and that the compensation be an annual direct payment to the Local Governments on the production of an invoice to the State Revenue Department and Federal Treasury.

MEMBER COMMENT

Members are aware, property owners that are registered as a charity by the Australian Taxation Office are eligible to claim a rate exemption for their property under section 6.26 (2) (g) of the Local Government Act 1995.

The Shire of Dardanup has two properties that qualify for this exemption, as a result of an appeal against paying rates to the State Administrative Tribunal (SAT), the SAT upheld the appeal based on precedents set by the Uniting Church versus the City of Stirling, subsequently Council had to comply with the ruling.

During 2006 and 2007 this Council was a party to a lobbying effort by WALGA to the Minister for Local Government to amend the Local Government Act to empower Local Governments to rate only the Independent Living Units (ILUs) within estates owned and operated by groups registered as charities.

Residents (owners/life time leaseholders) of ILUs continue to enjoy the quality of life as a land owner owning and living in a residential area of the Shire, that is, they continue to be mobile, use the Local Government facilities such as footpaths, roads, libraries, parks and reserves, enjoy life as much as they did prior to entering their ILU. It is a widely held view that these residents are taking an unfair advantage of the law by not making a contribution to the provision of services by Local Government when they continue to enjoy the benefits of the services. (Readers should not misconstrue the officers or the elected members views toward helping the aged, widows, widowers the injured and the disabled, the Shire of Dardanup has a powerful testimony of making provision for all of the members of the community in the way of services and facilities by improving buildings, disability access and other services, including mobile library visits to homes and to the aged care facility. Council has a strongly held view and sound record for helping the disadvantaged, this report and the objective is about equity and fairness.)

Council is on the record as not opposing the rate exemption status for the value of the property that is the Aged Person Hostel.

The Minister rejected the lobbying effort by this Shire, WALGA and others, stating that the LGA did not preclude Local Governments from negotiating a contribution toward rates from the charities. What the Minister has not acknowledged is that negotiation requires cooperation from both parties, it is a voluntary process.
The Shire of Dardanup has foregone revenue of $98,226 in 2006, which has grown to $123,363pa, since that time. This represents 2.46% of 07/08 rate revenue. This figure will increase by a further $177,000 when the second aged facility is constructed, representing another 3.5% of 07/08 rate revenue. These rate estimates are based on the rate equivalent for residential land of the same land area.

Council has provided the following services over the last 3 years as direct benefit to the residents of the aged facilities:

- visiting library service;
- keep fit programs and social interaction at the Eaton Recreation Centre;
- construction of new bus stop and dual use path on Eaton Drive;
- construction of new dual use path on Edith Cowan Avenue;
- reconstruction of dual use path access at the intersection of Glen Huon Boulevard and Eaton Drive; and
- construction of new dual use path on Eaton Drive from the village to the Shopping Centre on the South Side of Eaton Drive, due for completion this year.

(Note: This list does not include general services enjoyed by the community at large.)

Negotiations have commenced with the organisation on the payment of a contribution toward rates for the second facility, the organisation has refused to negotiate in relation to the existing facility. There is no guarantee that, a) negotiations will be successful and b) that the contribution will be ongoing.

The Shire of Dardanup seeks member support to have WALGA lobby the State and Federal Government through the Minister for Local Government and the Treasurer, for Local Government to be compensated for the loss in revenue that is forgone when a body registered as a charity or religious body owns land and claims the rate exemption under Section 6.26 (2) (d) (e) and (g) of the Local Government Act 1995 as Amended.

Council believes that the presentation of this item for debate at the State Convention is timely given the current focus on Local Government sustainability and the obvious trend and need for more aged accommodation for our aging population.

The Government, State and Federal, run the risk of creating a situation where Local Governments may not approve re-zonings of their Town Planning Schemes to allow for development of aged persons accommodation. This will lead to a shortfall in facilities that would have to be considered by Government to be a potential catastrophe, notwithstanding that the Government has the power to take away Local Governments planning powers if they are not happy with decisions made.

Both tiers of Government ought to be lobbied as the Federal Government is responsible for accommodation for the aged and provide funding for them and the Australian Taxation laws, and the State Government is responsible for the Local Government Act.

It is important to note that such charitable bodies are not exempt from the State Government imposed Emergency Service Levy that is raised on behalf of the State by Local Governments.

This was highlighted in the inquiry by the Local Government Advisory Board into the operation of the provisions of the Local Government Act relating to rating of land used for charitable purposes in November 2005.

The matter of rate exemptions for charitable bodies goes directly to the question of financial sustainability. The State and Federal Government are aware of the impacts of cost shifting on Local Government yet choose to do nothing to increase Local Governments share of
revenue, the States themselves cry foul and seek compensation when the Federal
Government considers making a decision to reduce goods and services tax revenue to the
States. This is nothing short of double standards and an issue that the Shire of Dardanup
believes the Association can use to demonstrate the impacts that Government decisions
have on Local Government revenue.

SECRETARIAT COMMENT

The Association’s policy position in regard to land held for charitable purposes is embodied
in the response to the Minister for Local Government and Regional Development on
proposed strategies following the Local Government Advisory Board’s Inquiry into the
operation of section 6.26 (2) (g) of the *Local Government Act 1995*, carried in 2006.

The Association’s position was that Independent Living Units (ILUs) owned and operated by
religious, charitable and other non profit organisations are to be rated if not subsidised.

The Association consolidated this policy position in the context of supporting the Shire of
Derby West Kimberley Supreme Court Appeal on Rating of Aboriginal Land/Charitable
Organisations:

The Association resolved in June 2007 to request the support of the Minister for Local
Government to either:

a) amend the Charitable Organisations section of the *Local Government Act 1995* to
eliminate exemptions for overt commercial business activities of charitable
organisations; or

b) establish a compensatory fund for Local Governments, similar to the pensioner
discount provisions, if the State Government believes these types of organisations
should not pay Local Government rates.

The Shire of Dardanup Motion is consistent with the current policy position of the
Association.

**Officer Recommendation**

That the motion be supported.

**Council Resolution:**

Moved: Cr C R King    Seconded: Cr J A Bensdorp

That it be left to the delegates discretion.

CARRIED: 8/0
3.16 Capital Improved Value – Basis of Rating (05-061-03-0001 TB)

Shire of Gingin Delegate to move:

**MOTION**

That the Western Australian Local Government Association acknowledge the merits of introducing a single basis of rating for those Local Governments experiencing rapidly escalating property values and make political representations to the State Government with a view to having the *Local Government Act 1995*, amended to accommodate the discretionary application of a single basis of rating across land used for rural and non-rural purposes.

**MEMBER COMMENT**

In the Systemic Sustainability Study Report, reference is made to the "Capital Improved Value" (CIV) basis of rating as follows:

*Examining the advantages of the CIV system, it does reduce the compression effect that is associated with GRV’s. This compression appears as a reduction in the spread of valuations at higher GRV levels due to the rental market having a market ceiling. This reduction in compression would offer a more equitable distribution of the rate burden.*

*The trade-off between the cost of maintaining a new CIV method and the benefits to ratepayers capacity to pay is extremely difficult to quantify. After reviewing the objection data in considering the difficulties with CIV, on balance, it is considered that the advantages of introducing a CIV system may not be sufficient to outweigh the costs.*

Although the Systemic Sustainability Study Report has recommended against the introduction of a CIV system of rating, the Shire of Gingin is still of the view that a single basis of rating option must be available as a rating alternative under the provisions of the *Local Government Act, 1995*.

The Gingin Shire Council has previously discussed with representatives of the former Office of the Valuer General the possibility of introducing a single rating category based either on "Capital Improved Value" or one of the current categories of "Unimproved Value" (UV) or "Gross Rental Value" (GRV).

The Shire’s previous representations to both the former Office of the Valuer General and the Department of Local Government and Regional Development regarding this matter were triggered in response to the rapidly escalating property values being experienced in the Shire. It was considered that the adoption of a single basis of rating in a developing Shire would provide a more equitable basis of rating than is being achieved with the use of UV and GRV rating which differentiates between land used for rural purposes and land used for essentially non-rural purposes.

In support of Council’s case, Shire Staff researched the use of CIV rating in other parts of Australia and had proactive discussions with Local Government Authorities located on Australia’s eastern seaboard. As a result of these discussions, Council has formed the view

**IN BRIEF**

- Shire of Gingin propose for the Local Government Act to be amended to accommodate the discretionary application of a single basis of rating across rural and non-rural land.
that a single basis of rating would be a fairer and more equitable means of rating land within the Shire of Gingin. With this said, however, Council is not necessarily fixed on the use of CIV principles as the foundation for the introduction of a single basis of rating.

Over recent years, significant time and resources have been devoted by Councillors and administrative personnel in endeavouring to find an equitable mix between the rates burden borne by the GRV sector and that borne by the UV sector. Council considers that the application of a uniform and equitable singular basis of rating across the Shire will assist enormously in establishing a common denominator from which the Shire of Gingin can plan its future.

Ongoing dialogue has been had with various sectors of government in relation to this challenge, and Council is firmly of the view that a single basis of rating will consolidate and simplify the Shire of Gingin's approach to revenue raising and will minimise, to a significant degree, the impasse which is experienced on an annual basis in relation to the Shire’s rate-setting philosophy.

SECRETARIAT COMMENT

The Shire of Gingin proposal is for an amendment to the Local Government Act to allow for the discretionary application of a single basis of rating system to be introduced across rural and non-rural land. The single basis of rating could be on a Capital Improved Value (CIV), Gross Rental Value (GRV) or Unimproved Value (UV).

The Independent Panel report on the Systemic Sustainability Study (SSS) of December 2006 recommended “That the Association campaign for greater flexibility and differentiation in the rating and own-source revenue options available to Local Government”. This recommendation was referred to the Revenue Working Group who examined all three valuation methods and met with the Valuer General to seek information on the systems and to specifically look at the potential for a CIV system in Western Australia.

The Revenue Working Group found that there were advantages in the CIV system in that it reduces the spread of valuations that is associated with GRV’S, however it would be a costly system to maintain an additional valuation system, given that other users of valuation information require UV and GRV data.

CEO COMMENT

The CEO does not have a strong view on this issue, except that the principle of general governance competency for local governments would mitigate in favour of CIV rating being available as an option, as should a single basis for rating.

Officer Recommendation

That the motion be supported.

Council Resolution:

Moved: Cr I F West Seconded: Cr J R Cunningham

That it be left to the delegates discretion.

CARRIED: 8/0
Meeting adjourned for afternoon tea at 3.35pm
Meeting resumed at 3.55pm

8076 OTHER BUSINESS

8076.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

Shire of Perenjori – Letter to Brendan Mason re- Orchid Ridge
WALGA – Info Pages
WALGA – SSS Taskforce Bulletin
WALGA – Training & Development 2008
WALGA – Western Councillor Issue 17 May 2008
WALGA – Local Government News Issue No.23.08
WALGA – Local Government News Issue No.24.08
WALGA – Local Government News Issue No.25.08
FESA – FCO Training 20 & 21 August 2008
About the House – Issue 33, June 2008
Regional Achievement & Community Awards Info
Liebe Group Newsletter June 2008 Volume 11 Issue 4
Austwide Mining Title Management – Application for General Purpose Lease 70/238
Hetherington – Application for Exploration Licence 59/1521
Prospect Magazine
Perth Airport – Vision for the future
Hon John Kobelke – Novice Drivers Changes
Corruption Prevention – Issue 3 June 2008
SSS Taskforce Bulletin – Issue 15
Dept of Consumer & Employment Protection – Retail trading Extensions
Road Safety Council – 2008 WA Forum Awards
Buntine-Marchagee Catchment News
WALGA Info Page
8076.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

8076.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

8076.4 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

8076.4.1 LATE ITEM - UWA FLAT PACKED HOUSING

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 16 JULY 2008
ATTACHMENTS Letter from DLGRD
Email to Premier and Minister Ford

Executive Summary:
The Shire’s Application for funding to support the flat packed housing project has been rejected.

Applicants Submission:
A copy of the letter is attached, as is a copy of an email sent to the Premier and Minister Ford.

A telephone discussion with the DLGRD contact provided the following feedback:

- It was not ranked highly enough by the Mid West Development Commission (feedback from the MWDC indicates that they have 4 projects that they considered very worthy of support, including ours, and in addition to our project their highest ranked project was also rejected)
- There were a number of applications for housing projects and all were rejected (despite acknowledgement that remote housing and affordable housing are both major issues)
- There was not enough information in the application on the level of innovation (I have now found out that the word limits in the application are routinely ignored without penalty)
- There was no indication to the selection panel from Ministers' offices that there was any ministerial support for the application.

Background:
Council was seeking support to expand the project from the 2 two bedroom units to be funded 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:**

Council’s budgeted allocation from its own sources is still sufficient to construct the 2 bedroom units.

**Strategic Implications:**

The flat packed housing project is a cornerstone to demonstration of local innovation.

**Consultation:**

The CEO has discussed the situation in detail with the Department and the Midwest Development Commission. The MWDC remains very supportive of the project.

**Comment:**

This project has consumed considerable time and energy but in the CEO’s view remains an excellent project worthy of our perseverance.

The CEO has sought a meeting with the Premier and Minister Ford later this month in Geraldton. In the meantime it is suggested that while we continue to pursue State funding that we also:

- Advertise for commercial partners to manufacture, erect and market the homes;
- Formalise the offer from Gindalbie to take 4 houses on a long term lease; and
- Seek interest from private investors to build and lease the houses.

Council’s draft budget includes grant funding for additional houses. The CEO believes that this provision should remain until we have exhausted the political process with the State Government.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

1. The Council retains existing budget provisions;
2. That the CEO prepare a comprehensive item on this issue for the August Ordinary Meeting.

**Council Resolution:**

Moved: Cr C R King
Seconded: Cr G K Reid

1. The Council retains existing budget provisions;
2. That the CEO prepare a comprehensive item on this issue for the August Ordinary Meeting.

CARRIED 8/0
Our Ref: 130-08

Mr Stan Scott
Chief Executive Officer
Shire of Perenjori
PO Box 29
PERENJORI WA 6620

Dear Mr Scott

REGIONAL INFRASTRUCTURE FUNDING PROGRAM (RIFP)
Perenjori Innovative Housing Project

Thank you for submitting an Expression of Interest (EOI) seeking funding assistance through the RIFP.

I appreciate the effort you put into supplying the RIFP information and your commitment to the project for which you sought funding assistance but unfortunately your project has not been short listed to progress to the full application stage.

The Department received 60 EOI’s from throughout the State representing a diverse range of projects. Many of these were of considerable merit but were not invited to proceed to the next stage of the RIFP application process because of the strong competition. The provision of financial assistance under this Scheme is dependent on the availability of funds and it is envisaged that not all organisations that lodge full RIFP applications will be funded as the Scheme is heavily oversubscribed.

If you have any queries regarding the above or would like feedback on your EOI, please contact Steve May, A/Principal Grants Officer, on 9217 1463, or toll free (country callers only) on 1800 620 511, or by email steve.may@dlgrd.wa.gov.au.

Yours sincerely

Ross Weaver
DIRECTOR
STRATEGIES AND LEGISLATION

July 2008
Email to Premier and Minister for Regional Development 15 July 2008

Dear Premier and Minister Ford

I am writing on behalf of Brian Baxter, President of the Shire of Perenjori. I am seeking an appointment to meet with you together during your trip to Geraldton for the Regional Cabinet Meeting. We can meet with you anytime during the two days you are in Geraldton.

You will recall that in October 2007 you visited Perenjori with the Cabinet Standing Committee on Regional Policy. At that meeting you considered a presentation by the Shire of Perenjori setting out regional development strategies we had been pursuing.

We have received support and encouragement in the development of the inland aquaculture and mustard seed projects from Ministers Ford and Chance and their respective offices and agencies, and this support is appreciated.

Of the projects presented to the committee the one that seemed to capture the most interest was our collaboration with the University of Western Australia to develop modular passive solar flat packed housing. We sought your support for the construction of prototype dwellings using this method. Our impression was that this project had in principle support, and we were directed to the Regional Infrastructure Fund as the appropriate vehicle for that support. The MWDC provided $10,000 to assist us to develop the concept.

I received on Friday advice from the Department of Local Government and Regional Development that our expression of interest had been rejected and we will not be invited to submit a full application. It appears there were a number of housing related project proposals all of which were rejected.

While Council did not take the feedback from the Cabinet Committee as an iron clad guarantee of funding, Council felt reasonably confident that a full application would be considered on its merits. Given that all applications that related to housing were rejected at the Expression of Interest stage is RIF the right vehicle to provide support? Tens of millions of dollars have been distributed to traditional home builders through the State's affordable housing program. Perhaps there is a case for some of this funding to be redirected to housing innovation projects?

The advantages of the Perenjori Housing Model include:

- The houses are architect designed, aesthetically pleasing and very liveable;
- Are passive solar and hence have a lower life cycle carbon footprint
- Can be transported without the use of wide loads or pilot vehicles
- Can be assembled on site with limited requirement for building tradespeople; and most importantly
- Offer a considerable cost saving over built in situ houses.

The opportunities for such a building model are manifold:

- It provides a viable housing option for remote locations and indigenous communities
- Speed of construction will contribute to a more responsive housing market (this is not limited to remote locations)
- Can be translocated if necessary in the future
- The modular design creates the possibility of buildings which change purpose over time (for example single persons units or temporary classrooms become houses.)
We are seeking the opportunity to discuss the way forward with this project. Our enthusiasm remains, and we are hoping that the project may have also captured your imagination. Please let me know if you can accommodate a short meeting during your visit.

Yours faithfully

*Stan Scott*

Chief Executive Officer

Shire of Perenjori

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### 8076.4.2 LATE ITEM – LIQUOR STORE LICENSE – EZIWAY PERENJORI

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<th>SHIRE OF PERENJORI</th>
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<tr>
<td>DISCLOSURE OF INTEREST:</td>
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<tr>
<td>AUTHOR:</td>
<td>STAN SCOTT – CEO ____________________</td>
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<tr>
<td>RESPONSIBLE OFFICER</td>
<td>STAN SCOTT – CEO ____________________</td>
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<tr>
<td>REPORT DATE:</td>
<td>14 JULY 2008</td>
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**Executive Summary:**

The Department of Racing Gaming and Liquor has requested submissions from all parties relating to the application for a liquor license for Eziway Food Stores, Perenjori.

**Applicants Submission:**

The Department has requested by 5 August 2008 submissions from all parties to the Liquor License Application and the Shire of Perenjori. Specific issues the court is seeking to address relate to potential harms from issuing the license, including:

- Increased consumption levels resulting in increased alcohol related crime and health impacts; and
- The viability of other premises becoming marginal and resulting in not only a lessening of the overall quality of service in a particular community but also an increase in discounting and non compliance.

It is the latter point that seems to be of the most concern to the Department.

**Background:**

Council has previously considered the liquor license only in the context of town planning (the Eziway premises is appropriately zoned) and health (the proposed premises will meet health requirements). Council has not previously considered whether the proposed license is desirable.

**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.

Liquor Licenses are granted under the Liquor Control Act 1988

33. Discretion vested in licensing authority

(1) Subject to this Act, the licensing authority has an absolute discretion to grant or refuse an application under this Act on any ground, or for any reason, that the licensing authority considers in the public interest.

(2) An application —
   (a) may be refused, even if the applicant meets all the requirements of this Act; or
   (b) may be granted, even if a valid ground of objection is made out, but is required to be dealt with on its merits, after such inquiry as the licensing authority thinks fit.

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications:

Council needs to balance the enhancement of a local business to prevent leakage from the local economy with the potential impact on existing licenses.

Consultation:

The Liquor License application has been advertised locally and interested parties including other licensees have been able to lodge objections.

Comment:

The case in favour of supporting a new license:

- Existing licensed premises are open for limited hours.
- Tourists wishing to purchase packaged alcohol cannot do so before 4 pm.
- Many people purchase alcohol as part of their regular shopping, and the lack of this facility is one of the things that encourages people to shop outside Perenjori;
- Most other towns in the region have alcohol available from the supermarket, yet continue to have both a viable hotel and sports club;
- A bottle shop allows people to browse and select wines and spirits;
- The additional facility helps enhance the continued viability of the supermarket;
- The availability of alcohol for additional hours will not substantially affect people’s drinking habits; and
- The primary competition will be with liquor stores in Perth, Geraldton and neighbouring towns, not over the bar sales by local licensed premises.

The case against supporting a new license:

- Perenjori has a small population and is well serviced by the existing liquor outlets;
- Business lost to other towns has more to do with the availability of other services such as banks and lotto rather than bottle shops;
- Most locals are aware that they can obtain packaged alcohol outside bar opening times;
• People purchasing packaged alcohol will usually buy one or two drinks over the bar, and this additional business will be lost; and

• More readily available alcohol will change people’s drinking habits, encouraging them to drink earlier and at home, and will reduce over the bar sales.

**Conclusion**

There is no black and white answer on what the effects of the new license will be. It is also a matter of conjecture what the impact of mining camps will have on overall demand for services. What is most likely is a combination of some positive and some negative effects.

Council basically has three choices:

• Support the issue of a new license;

• Oppose the issue of a new license; or

• Take a neutral stance.

Granting of the license would clearly be a commercial benefit to Eziway, and would be a detriment to the Perenjori Hotel, but the scale of the impact is unclear.

The CEO’s own view is that on balance the new license would have more positive effects than negative. If we are satisfied that the new license would not have adverse health consequences or an unacceptable impact on the other licenses, perhaps the questions should be whether this additional service would make Perenjori more attractive to potential new residents?

The Shire is seeking to grow the town and have every reason to be confident of a positive effect from mining activity. This will inevitably create situations where existing businesses will be faced with competition from new businesses or investment from other existing businesses. Council should seek to promote competition and encourage investment rather than simply support the status quo.

**Voting Requirements:**

Simple Majority

**Officers Recommendation:**

That Council advise that it has no objections to the granting of a new liquor license for the sale of packaged alcohol from Eziway Perenjori.

**Council Resolution:**

Moved: Cr R A Benton    Seconded: Cr G K Reid

That Council advise that it has no objections to the granting of a new liquor license for the sale of packaged alcohol from Eziway Perenjori.

LOST 3/5

Moved: Cr J A Bensdorp    Seconded: Cr L C Butler

That Council take a neutral stance.

LOST 2/6
Moved: Cr B T Baxter  
Seconded: Cr J R Cunningham

That Council advise that it opposes the granting of a new liquor license for the sale of packaged alcohol from Eziway Perenjori.

TIED 4/4

As the vote was tied s5.21(3) of the Local Government Act required that the Shire President cast a second vote. He voted in favour of the resolution.

CARRIED 5/4

Reason: Council felt that on balance that the potential social effects of increased availability of alcohol and the impact on other outlets outweighed the increased convenience offered. Further it considered that perhaps we might not be attracting the most suitable residents if the availability of alcohol was a significant factor in their decision to relocate.

8076.4.3 LATE ITEM – AGribusiness DEVELOPMENT

APPLICANT: Shire of Perenjori
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO ________________________
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________
REPORT DATE: 16 JULY 2008
ATTACHMENTS Letter from the Department of Agriculture

Executive Summary:
The CEO has expressed interest for Perenjori to be considered as a centre for Agribusiness development.

Applicants Submission:
See Attached Letter

Background:
The proposal fits well with work previously undertaken by the Shire.

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:
Cabinet has identified funding to support the development of 5 to 6 such centres in WA.

Strategic Implications:
Council’s vision for Perenjori is as the inland centre for mining and agriculture.
Consultation:
The CEO expressed interest in the project and Ms Madson will be visiting Perenjori on 4 August 2008.

Comment:
There are a number of factors which could make Perenjori attractive for this proposal including:

- Council has identified a location East of the Mount Gibson Rail Siding for Industrial Development. This land provides the necessary buffer zone for heavy or noxious industry
- On completion of Mount Gibson's upgrade work we will have excellent access to rail and Great Northern Highway
- We have available vacant residential and light industrial lots
- The potential water supply from Asia Iron could support additional industry
- The high voltage transmission lines for Asia Iron, and its potential solar power project could support additional industry
- If we succeed in attracting resident mine workers such a precinct would provide employment opportunities for spouses and family members
- Our involvement in mustard trials, rubber plants, lupin development, chemical mulesing, flat packed housing and inland aquaculture help demonstrate our bona fides as innovators
- Our proximity to several mining projects will help create the critical mass for service industries that can support both Mining and Agribusiness.

These are just the starting point for a formal proposal.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council authorise the CEO to put forward Perenjori as an Agribusiness Development site.

Council Resolution:
Moved: Cr I F West  Seconded: Cr R A Benton
That Council authorise the CEO to put forward Perenjori as an Agribusiness Development site.

CARRIED 8/0
13th July 2008

Chief Executive Officer
Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Dear Stan

Expressions of Interest – Agribusiness Development

The Department of Agriculture and Food (DAFWA) is looking for local government authorities who are interested in participating in a project to identify and plan the locating and infrastructure needs of agriculture based processing opportunities.

Commercial investment in value added agriculture has been limited by access to suitable infrastructure and locations. In conjunction with interested local government authorities, DAFWA will be undertaking feasibility and environmental assessments to establish the suitability of potential development areas.

The Project will complete the analysis of potential opportunities to designate areas that consolidate establishment and headwork costs, environmental protection requirements, waste management and separation distance. Investigations will also be completed on the environmental and economic sustainability of the proposed development scenario, utilising the deemed suitable land as a trial.

These agribusiness locations may focus on a mix of large scale, energy intensive industries, light and medium manufacturing enterprises, and stockfeed, stock-waste, meat and meat by-products processing. Agricultural locations will also be designated to focus on intensive animal husbandry and associated feed cropping, with some opportunistic irrigated horticulture.

Development of the integrated agribusiness and agricultural locations has the potential to generate new jobs and attract value adding investment into the region. The Project will provide greater certainty for strategic infrastructure provision, and encourage the development of high value industries in sectors in which Western Australia has a clear comparative advantage.

If Council is keen to participate in this research, please do not hesitate to contact me on 9881 0231 or 0400 209 599 to discuss further the specific aspects of the research.

Yours faithfully

Allison Madson
Development Officer
Agribusiness Precinct Development
Dear Sir/Madam

APPLICATION FOR GRANT OF LIQUOR STORE LICENCE: EZIWAY FOOD STORES
PERENJORI

I refer to the above application for a liquor store licence and advise that the Director General has ruled that submissions are required in respect to the possible impact on existing services in the community that may be caused if the application was granted.

When considering alcohol-related harm, there is a substantial body of evidence which suggests a link between outlet density and increased harms. These harms include, but are not limited to:

- increased consumption levels resulting in increased alcohol-related crime and health impacts, and
- the viability of other premises becoming marginal (in certain cases) and resulting in not only a lessening of the overall quality of services in a particular community but also an increase in discounting and non-compliance (that is: a licensee may be prepared to sell liquor under any circumstances).

There are some significant Supreme Court decisions which have had regard for the objects of the Act and which suggest that, notwithstanding anything else, it is appropriate when determining the public interest to consider the broader economic impacts of a new licence being granted.

In Liquorland (Australia) Pty Ltd v Austin Nominees Pty Ltd Lib. No. 990160C, when looking at the grant of a new liquor store licence, Anderson J said:

"...No doubt this reflects a recognition that a proliferation of liquor stores selling packaged liquor at discount prices may result in a decline in other forms of Category A licences such as hotels and taverns, and that if this happened, it would disadvantage a significant section of the public who prefer that form of supply... although it was not part of the philosophy of the Liquor Licensing Act to protect a monopoly or the market share of an existing licensee, the capacity of existing licensed premises to continue to offer services in respect to the supply of liquor to members of the public in the affected area should be taken into account. These cases expressly recognise that it is a
2 of 2

legitimate objective in the field of liquor licensing to ensure, so far as reasonably practicable, the viability within the affected area of a range of Category A licences. This is not for the purpose of advancing the economic interests of existing licensees but to satisfy the requirements of the public for a range of licence types. Diversity of consumer demand, is of course, a matter to which the licensing authority is bound to have regard pursuant to s5(2)(c) of the Liquor Licensing Act.”

Further, in Vermouth Nominees Pty Ltd v The Cabaret Owners Association of WA Inc & Ors No. 2155 of 1989, Malcolm CJ said:

“The objects of the Act set out in s 5 include the regulation and proper development of the liquor industry and the provision of adequate controls. One of the basic purposes of the Act is to regulate the sale of liquor by licensing in a manner which ensures that the reasonable requirements of the public are met. This is achieved by limiting the number of licences of a particular category in any given area. These purposes are apparent from the provisions of s 38... it would not be in the public interest to have a licence granted in or removed to an area, if the result would be that the overall standard of services and facilities would fall because of significant adverse effects on the viability of the individual outlets in the area. The public, therefore, have an interest in the administration of the Act in a way which will take account of and be consistent with the objects and purposes of the legislation.”

Other cases include Woolies Liquor Store v Carleton Investments (SA Supreme Court) and Lincoln Bottle Shop Pty Ltd v Hamden Hotel Pty Ltd No. 2 (SA Supreme Court). Both these cases deal with proliferation and suggest that competition is not to be given “unrestrained” effect. In essence, these decisions indicate that the capacity of existing licensed premises to continue to offer diverse services to the public is a matter of public interest.

Therefore, all parties to this application and the Shire of Perenjori are afforded until 5 August 2008 to provide submissions addressing the above issues.

Should you have any queries regarding the above please contact me on (08) 6425 1832.

Yours faithfully

Chris Kelly
RESEARCH & PUBLIC INTEREST ASSESSMENTS OFFICER

11 July 2008
Shire of Perenjori  Ordinary Meeting
AGENDA  17th JULY 2008

8076.5 MATTERS BEHIND CLOSED DOORS
Moved: Cr R A Benton  Seconded: Cr G K Reid
That Council move into Committee to discuss the Mount Gibson Agreements.
CARRIED: 8/0

Moved: Cr J R Cunningham  Seconded: Cr L C Butler
That Council move out of committee.
CARRIED 8/0

Moved: Cr C R King  Seconded: Cr J R Cunningham
That Councillor representation is requested for negotiations with Mt Gibson on the 22nd July 2008.
CARRIED 8/0

8076.6 DATE OF NEXT MEETING / MEETINGS

Next meeting of Council will be held on Thursday 21st August 2008.

8076.7 CLOSURE

There being no further business the meeting was declared closed at 5.15pm

I certify that this copy of the Minutes is a true and correct record of the meeting held 17th July 2008.

Signed: ______________________
Presiding Elected Member

Date: ______________________