Shire of Perenjori

Ordinary Council Meeting

MINUTES

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on the

17th March 2011, commencing at 1.30pm

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11031 PRELIMINARIES

11031.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
Cr LC Butler officially opened the meeting at 1.29pm.

11031.2 OPENING PRAYER
Cr GK Reid led Council in the opening prayer

11031.3 DISCLAIMER READING

11031.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present: Cr LC Butler
Cr JR Cunningham
Cr RA Benton
Cr RP Desmond
Cr CM Johnston
Cr GK Reid
Stan Scott – Chief Executive Officer
Doug Stead – Deputy Executive Officer
Ken Markham – Works Supervisor
Kimberley Wheeler – Executive Assistant

Apology: Cr JH Hirsch

Leave of absence: Cr Chris King

11031.5 PUBLIC QUESTION TIME

11031.6 PETITIONS / DEPUTATIONS / PRESENTATIONS

11031.7 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.

11031.8 APPLICATIONS FOR LEAVE OF ABSENCE
11031.9 CONFIRMATION OF MINUTES

Minutes of Ordinary Council meeting held 17th February 2011 are attached.

COUNCIL RESOLUTION

Moved: Cr R Benton  Seconded: Cr R Desmond

That the minutes of Ordinary Council meeting held on the 17th February 2011 be seen as a true and accurate record.

Carried: 6/0

11031.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

11031.11 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
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 July 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: N/A

UHF Haines Norton

Voting Requirements: Simple Majority

Officers Recommendation:

1. Statement of Financial Activity

That the Statement of Financial Activity for the period ended 28th February 2011 including report on variances be accepted as presented.

2. Finance Report

That the Finance Report for the period ended 28th February 2011 be accepted as presented.
3. Acquisition of Assets
   That the Acquisition of Assets Report for the period ended 28\textsuperscript{th} February 2011 with a balance of $960,909.00 as presented be received.

4. Reserves Report
   That the Reserves Report for the period ended 28\textsuperscript{th} February 2011 with a balance of $887,217.00 as presented be received.

5. Net Current Assets
   That the Net Current Assets report for the period ended 28\textsuperscript{th} February 2011 with a balance of $1,066,875.00 as presented be received.

6. Bank Reconciliation's
   That the balances of the Municipal Fund of $1,045,690.96 and the Trust Fund of $42,540.37 as at 28\textsuperscript{th} February 2011 as presented be received.

7. Sundry Creditors Report
   That the Sundry Creditors Report for the period ended 28\textsuperscript{th} February 2011 with a balance of $143,535.67 as presented be received.

8. Sundry Debtors Report
   That the Sundry Debtors Report for the period ended 28\textsuperscript{th} February 2011 with a balance of $359,988.08 as presented be received.

9. Accounts for Payment
   That the Accounts for payment for the Municipal Account consisting of Cheque Numbers 17792 to 17804 and EFT Numbers 2395 to 2458 for $418,362.99 and the Trust Account consisting of Cheque Number 805 to 808 for $400.00 for the period ended 28\textsuperscript{th} February 2011 as presented be accepted.

10. Rates Outstanding
    That the Rates Outstanding Report for the period ended 28\textsuperscript{th} February 2011 as presented be received.

COUNCIL RESOLUTION

Moved: Cr RP Desmond  
Seconded: Cr CM Johnston

That items 1-10 of the Financial Activity Report ending 28\textsuperscript{th} February 2011 be accepted as a true and accurate record.

Carried: 6/0
Executive Summary:
Council is required to adopt the Local Government Compliance Audit Return for the period 1 January 2010 to 31 December 2010.

Applicants Submission:
Each section of the Compliance Audit Return has been completed and initialled by the responsible officers. Each councillor is required to have the opportunity to review the return and to make comment to Council.

Once adopted, the return is then electronically submitted to the departments website.

This is required to be submitted by the 31 March 2011.

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: N/A

Financial Implications: N/A

Strategic Implications: N/A

Consultation:
All responsible officers are involved in the process of reviewing the Compliance Audit Return for the year.

Voting Requirements: Absolute majority

Comment:
For 2010 the Shire of Perenjori was compliant in all respects with the requirements monitored through the Compliance Audit Return with the exception of the following:

- **Section : Delegation of Duty— Question 5(Pg1)**
  Has Council reviewed delegations to its committees in the 2009/2010 financial year.
  Comment: Reviews April 2009 and October 2010

- **Section: Delegation of Duty – Question 12 (Pg 2)**
  Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2009/2010 financial year.
  Comment: Reviews April 2009 and October 2010
• Section: Local Laws – Question 6 (Pg 13)
  Have all reviews of local laws under sec 3.16(1) of the Act been carried out within a period of 8 years
  Comment: Council has resolved to amalgamate with neighbouring councils.

• Section: Tenders for Providing Goods and Services – Question 1 (Pg 18)
  Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods and services) where the consideration under contract was, or was expected to be, worth more than the consideration stated in Regulation 11 (1) of the Local Government (Functions & General) Regulations (Subject to Functions & General regulations 11(2)).
  Comment: Council acted as an Agent for Karara Mining to employ local contractors for road maintenance. Over time individual contractors exceeded prescribed amount.

• Section: Executive Functions – Question 10 (Pg 7)
  Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or management, and made those plans available for public inspection.
  Comment: On some unsealed roads details of levels are not available.

Officers Recommendation:

That Council adopt the Compliance Audit Return for 2010.

COUNCIL RESOLUTION

Moved: Cr CM Johnston  Seconded: Cr GK Reid
That Council adopt the Compliance Audit Return for 2010

Carried: 6/0
11032.3 OUTSTANDING RATES: SALE OF LAND UNDER 3 YEAR RULE

APPLICANT:  
FILE: 0  
DISCLOSURE OF INTEREST: 0  
AUTHOR: DOUG STEAD DCEO ________________________  
RESPONSIBLE OFFICER STAN SCOTT – CEO ________________________  
REPORT DATE: 11 MARCH 2011  
ATTACHMENTS ADVICE REGARDING POWER OF SALE – VALENTI LAWYERS  

Executive Summary:  
There are rates unpaid on Lot 45 Carnamah Road covering the financial years 2007 to date. Despite all attempts collection agencies have been unable to trace the debtor.  

Applicants Submission:  
Council should consider disposing of the property in question in order to recover the outstanding debt of $3 238.29. S6.68 of the LGA states that a local government is not to exercise its power under S6.64(1) (ie Power of Sale) unless within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under S6.56 to recover money due to it. Austral Mercantile have advised that they proceeded with legal action against the debtor in September 2007 and were unable to serve the debtor as she avoids service.  

Background:  
The debtor, Desiree Harris, last settled her rates in the 2006 financial year and has paid nothing further since then. Austral Mercantile report that “we are unable to provide a new address, any confirmed relatives or a possible point of contact for this debtor at all and there are over 200 D.Harris’ listed in the telephone searches in WA alone. We believe the debtor to be a single mother and have 6 kids. We have attempted traces on the debtor at different times for different creditors over 6 years. We have served her legal matters on 3 occasions (when we successfully located her) however we can’t provide a current address.  

“Searches conducted on the debtor list nothing current in her name on any data source. The debtor owns no other land, has no business or company registration in her name and no registered assets. There are no current phone listings in her name, nor is she referenced on Fcs. The debtor has never been enrolled to vote in this name and may be using another surname. We have contacted a neighbour at Oversby Road on 9973 1333 who claims the debtor has not been seen in town in years, stating that it appears she left in a hurry apparently even leaving clothes in cupboards and has no knowledge of her whereabouts. The debtor’s home is a wreck and is clearly abandoned. She is not listed in cemetery records and is not currently incarcerated. Unfortunately there are no internet or ICQ references to the debtor and if she does use Facebook or similar sites she doesn’t share information”  

We have been advised by Austral Mercantile that we have complied with all the requirements of S6.68(1) of the LGA and are now in a position to begin the auction process.
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:**

N/A

**Financial Implications:**

The outstanding amount is $3,238.29 which would have to be written off as an unbudgeted bad debt if we were unable to recoup this through a sale of the property.

**Strategic Implications:**

N/A

**Consultation:**

Austral Mercantile Collections

CEO

**Comment:**

The property in question measures 1056 hectares and should realise sufficient to settle the debt. Any surplus after settling the costs of the action are then applied to settling the local government debt. Any residue remaining after settling other debts accrue to the owner of the property, failing which the residue will accrue to the State.

**Voting Requirements:**

Absolute Majority

**Officers Recommendation:**

That Lot 145 Carnamah be sold via auction.

**COUNCIL RESOLUTION**

Moved: GK Reid

Seconded: Cr CM Johnston

That Lot 145 Carnamah be sold via auction

Carried: 6/0
Cr King declared an interest affecting impartiality as the property on which the camp will be located is owned by his brother.

Executive Summary:

Council is in receipt of an application to place a 52 person accommodation village on Lot 150 Downer Street Perenjori. The camp is expected to be in place for a period of six years.

Applicants Submission:

The applicant proposes to lease the lot of Mr S King of Credence Contracting Pty Ltd for a period of five years with the option of an additional 2+2 years.

Background:

The applicant proposes to have the camp in situ for a period of 6 years to accommodate a trucking company (Patience Bulk Haulage) during their cartage of Iron Ore from Extension Hill to the Mount Gibson Iron rail siding South of Perenjori.

The proponent also plans to have a standby generator to cater for any power failures in the future. The proposed access to the site is from Downer Street, this may create vehicle noise and safety issues so an alternative access along North Street may be preferred.

Statutory Environment:

Under the Shire of Perenjori Town Planning Scheme No 1, the lot is zoned Residential and the application is an “AA” use under the scheme giving Council discretionary powers to permit the use.

Policy Implications:

Nil.

Financial Implications:

Building/Health and Planning fees are applicable

Strategic Implications:

Nil

Consultation:

Nil
Comment:
Council should consider a time frame for the project so that if required the lot can be utilized for other purposes.

The recommendations below were forwarded to elected members by Email. Cr King declared an interest and did not participate. 6 Elected Members responded as supporting the recommendations, and the proponent has been informed.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council confirm the resolutions below which were supported by a majority of elected members in an email poll.

1. That Minesite Management Services be permitted to construct a 52 person single persons quarters on lot 150 Downer Street Perenjori to be in place for a period of six years subject to the following conditions
   a. That the applicant be required to place the generator on the North Road side of the lot to alleviate any noise issues
   b. That the access to the site be central to the North Road side of the lot
   c. That the proponent be required to lodge a landscape plan in accordance with the requirements of the town planning scheme
   d. That the accommodation units be enclosed with a new colourbond fence

2. That Council reconsider the use of the site after the initial six year time frame.

COUNCIL RESOLUTION
Moved: Cr CM Johnston Seconded: Cr JR Cunningham
That Council confirm the resolutions below which were supported by a majority of elected members in an email poll.

1. That Minesite Management Services be permitted to construct a 52 person single persons quarters on lot 150 Downer Street Perenjori to be in place for a period of six years subject to the following conditions
   a. That the applicant be required to place the generator on the North Road side of the lot to alleviate any noise issues
   b. That the access to the site be central to the North Road side of the lot
   c. That the proponent be required to lodge a landscape plan in accordance with the requirements of the town planning scheme
   d. That the accommodation units be enclosed with a new colourbond fence

2. That Council reconsider the use of the site after the initial six year time frame.

Carried: 6/0
11034.1 ROAD MAINTENANCE FEBRUARY 2011

APPLICANT: KEN MARKHAM – WORKS SUPERVISOR
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: KEN MARKHAM – WORKS SUPERVISOR
RESPONSIBLE OFFICER KEN MARKHAM – WORKS SUPERVISOR
REPORT DATE: 1st MARCH 2011
ATTACHMENTS MAP

Executive Summary:
Listed are the roads graded for the month of FEBRUARY.

Applicants Submission:
Keogh rd Caron rd
Gellatly West rd James rd
Gellatly rd Dring rd
Baxter rd Waddi rd
Sellner rd Forte rd
Bob Kings rd Rowe rd
Stan Cannon rd

Background:
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:
As per Council’s Road Maintenance Budget

Strategic Implications:
To maintain roads to a standard

Consultation: Nil
Comment: Nil
Voting Requirements: Nil
Officers Recommendation: Nil
**11034.2 SEALING PROGRAM 2010/11**

**APPLICANT:** KEN MARKHAM – WORKS SUPERVISOR  
**FILE:**  
**DISCLOSURE OF INTEREST:** 0  
**AUTHOR:** KEN MARKHAM – WORKS SUPERVISOR  
**RESPONSIBLE OFFICER** KEN MARKHAM – WORKS SUPERVISOR  
**REPORT DATE:** 1ST MARCH 2011  
**ATTACHMENTS** NIL

**Executive Summary:**
The sealing program for 2010/11 has been completed. This involved the seal widening of the last 4 km of Bunjil Carnamah rd and the resealing of the Blackspot intersections constructed last year.

**Applicants Submission:**
RnR contracting were engaged to supply & spray bitumen products and spread aggregate. The works were carried out over two days. The Bunjil Carnamah rd is now seal widened to 7 metres the whole length. This was carried out under Regional Road Group funding.

**Background:**

**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:**  
Under Regional Road Group funding and Council funding

**Strategic Implications:**
**Consultation:** Nil  
**Comment:** Nil  
**Voting Requirements:** NIL

**Officers Recommendation:** NIL
11034.3 PROPOSALS FOR 2011/12 ROAD PROGRAM

<table>
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<th>KEN MARKHAM – WORKS SUPERVISOR</th>
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<td>1ST MARCH 2011</td>
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**Executive Summary:**
Throughout the year, requests and inspections of roads brings up considerations for works. The following roads have are being suggested for works in the 2011/12 road program.

- Dring rd
- Tremlett rd
- Bunjie Carnamah rd
- Perenjori Rothsay rd
- Warriedar Coppermine rd
- Perenjori townsite streets
- Footpaths

**Applicants Submission:**
These are the suggested works for each road:

- Dring road – widen, reform and gravel 8 km
- Tremlett rd – Gravel and culverts
- Bunjie Carnamah rd – reseal ( Funded under RRG )
- Perenjori Rothsay – Reconstruct intersection with Wubin Mullewa and possible seal extension at Eastern end.
- Warriedar Coppermine rd – Culvert replacements, grid removals and some drainage works.
- Perenjori townsite streets – Reseal and some intersection drainage corrections.
- Construction of asphalt footpath along Carnamah Perenjori rd

**Background:**

**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:**
Strategic Implications:
Consultation:
Comment: Nil
Voting Requirements:
Officer Recommendation: Nil
11034.4 LIGHT VEHICLE CHANGEOVERS

| APPLICANT:       | KEN MARKHAM – WORKS SUPERVISOR |
| FILE:            | 0                               |
| DISCLOSURE OF INTEREST: | 0                           |
| AUTHOR:          | KEN MARKHAM – WORKS SUPERVISOR  |
| RESPONSIBLE OFFICER | KEN MARKHAM – WORKS SUPERVISOR |
| REPORT DATE:     | 9\textsuperscript{TH} MARCH 2011 |
| ATTACHMENTS:     | QUOTE                           |

**Executive Summary:**
Approaches were made to two light vehicle dealers in regards to the utilities requiring changeover. This was done using the State Government light and passenger vehicle pricing list. One of the dealers has replied in the time frame given and the other has not.

**Applicants Submission:**
Two utilities were up for changeover this year, being a fuel ute and a tipper ute. The old tipper ute is to be given to the caravan park and the other ute is to be traded. John Hughes Fleet have given prices for the vehicle changeovers.

**Background:**
The traded vehicle was budgeted at $18000 with a changeover of $9000. The new vehicle will cost $19270.55 less $7909 for the trade. This leaves us $2361.55 short.

The outright purchased vehicle was budgeted at $26000. The new vehicle will cost $24561.45. This puts us $1438.55 under budget. In all we will be $923 over budget.

**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 net changeover between the two vehicles will require an extra $923 plus GST than was budgeted.

**Strategic Implications:**
Nil

**Consultation:**
Nil

**Comment:**
Nil

**Voting Requirements:**
Simple majority

**Officers Recommendation:**
That the quote from John Hughes Fleet for the two light vehicles be accepted.

**Committee Recommendation**
Moved: Cr Reid
Seconded: Stan Scott
That the quote from John Hughes Fleet for the two light vehicles be accepted.
Carried: 5/0
COUNCIL RESOLUTION

Moved: Cr GK Reid  
Seconded: Cr RP Desmond

That the quote from John Hughes Fleet for the two light vehicles be accepted and that the two utilities up for changeover be retained.

Carried: 6/0

Amendment “and that the two utilities up for changeover be retained” added due to council wanting to confirm what is to be done with the currently owned utilities.
Executive Summary:

Two dealers were approached for a quote to replace the old road maintenance vehicle. They were Skipper Trucks and WA Hino. This was done using WALGA's Preferred suppliers panel.

Applicants Submission:

Skipper Trucks have given two options. The smaller vehicle is probably too small. The vehicle that best suits is the FUSO Fighter 6.0FK61FH1RFAA. With some of the optional extras and a toolbox fitted behind the cab, the net changeover would be $58309.20. Our budget was for $60,000.

The vehicle from WA HINO, the HINO 300 series 916 Long with the Engineering body would leave a net changeover of $59225.88. The vehicle with the P&G Body would leave a net changeover of $58,495.88. Our budget figure was $60,000.

Background:

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:

Both vehicles would come under our budget.

Strategic Implications:

Consultation: Nil

Comment: Nil

Voting Requirements:

Simple majority

Officers Recommendation:

That the quote from Skipper Trucks for the Fuso Fighter 6.0 FK61FH1RFAA for the net changeover of $58,309.20 be accepted.
COUNCIL RESOLUTION

Moved: Cr JR Cunningham  
Seconded: RP Desmond

That the quote from Skipper Trucks for the Fuso Fighter 6.0 FK61FH1RFAA for the net changeover of $58,309.20 be accepted.

Carried: 6/0
Executive Summary:
Six quotes were received for the supply of a new loader. This was done through WALGA’s preferred suppliers’ panel.
We had allowed for an $80,000 income for the trade vehicle.

Applicants Submission:
Quotes were received from WesTrac, Hitachi, CJD, Earthwest, BT Equipment and Komatsu.
A review of the quotes has led us to shortlist three machines that we feel would suit our needs and satisfy the requirements.
They were the ZW180 Hitachi from Hitachi, the HL757-9 Hyundai from Earthwest and the WA320PZ Komatsu from Komatsu.
At the time of this report, we had not been able to view any of these machines. The intent is to view these machines, either new or from somebody who owns one to compare and make a decision on the one best suited.

Background:
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:
Strategic Implications:
Consultation: Nil
Comment: Nil
Voting Requirements:
Simple majority
Officer Recommendation: For information only

MOTION
Moved: Cr GK Reid Seconded: CR JR Cunningham
That council proceed with the purchase of Hitachi subject to a satisfactory inspection by the Works Supervisor Ken Markham and the Mechanic Jamie Brack
Carried: 6/0
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<td>4-6 WEEKS</td>
<td>$241,500</td>
<td>$80,000.00</td>
<td>SATELLITE MONITORING SYSTEM FOR LIFE OF POWERTRAIN WARRANTY</td>
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<tr>
<td>CJD</td>
<td>VOLVO L90E</td>
<td>FULL MACHINE 12/2500</td>
<td>2.5M3</td>
<td>160HP</td>
<td>2-3 WEEKS</td>
<td>$306,000</td>
<td>$70,000.00</td>
<td>BOLT ON CUTTING EDGE WILL BRING CAPACITY TO APPROX 2.8M3</td>
</tr>
<tr>
<td>EARTHWEST</td>
<td>HYUNDAI</td>
<td>36/6000</td>
<td>2.5M3</td>
<td>173HP</td>
<td>WEEKS</td>
<td>$224,517.89</td>
<td>$40,000</td>
<td>REMOTE MANAGEMENT SYSTEM SATELLITE TRACKING &amp; PERFORMANCE MONITOR BOLT ON CUTTING EDGE INCREASES TO 2.8M3</td>
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<tr>
<td>BT EQUIPMENT</td>
<td>KAWASAKI 80ZV-2</td>
<td>12/1500 FULL MACHINE</td>
<td>3.6M3</td>
<td>204HP</td>
<td>4-6 WEEKS</td>
<td>$295,000</td>
<td>$60,000</td>
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<tr>
<td>BT EQUIPMENT</td>
<td>KAWASAKI 70ZV-2</td>
<td>12/1500 FULL MACHINE</td>
<td>3M3</td>
<td>184HP</td>
<td>4-6 WEEKS</td>
<td>$260,000.00</td>
<td>$60,000.00</td>
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<tr>
<td>KOMATSU</td>
<td>KOMATSU WA250PZ</td>
<td>36/6000</td>
<td>2.3M3</td>
<td>126HP</td>
<td>4-6 WEEKS</td>
<td>$258,228.00</td>
<td>$63,000</td>
<td>NOT BIG ENOUGH</td>
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<tr>
<td>KOMATSU</td>
<td>KOMATSU WA320PZ</td>
<td>36/6000</td>
<td>3M3</td>
<td>167HP</td>
<td>4-6 WEEKS</td>
<td>$293,617.68</td>
<td>$63,000</td>
<td></td>
</tr>
</tbody>
</table>
Executive Summary:
The low loader and 710A Volvo grader were advertised for sale again and there were several expressions of interest.

Applicants Submission:

Low Loader

- Geraldton Hire & Scaffolding $11,000 inclusive GST
- Adam Leopold $22,000 inclusive GST
- Allens Sand Supplies $21,500 inclusive GST
- John Yujnovich $3,750
- Welshpool Machinery $20,900 inclusive GST
- Karl Yukich $13,200 inclusive GST
- J McCabe $4,500 inclusive GST
- Todd Kammann $29,150 inclusive GST
- Brad Phillips $22,000 inclusive GST

Volvo grader

- Brad Phillips $55,000 inclusive GST
- A & KJ Mason $27,500 inclusive GST

Background:
The Low Loader was budgeted to sell at $30,000 ex GST and the Volvo grader at $90,000 ex GST.

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:
Strategic Implications:
Consultation: Nil
Comment: Nil
Voting Requirements:
Simple majority

Officers Recommendation:
1. The expression of interest from Todd Kammann for the low loader of $29,150 inclusive GST be accepted.
2. The expressions of interest for the Volvo grader not be accepted and the grader be arranged for auction
3. The grader be retained and traded next year along with the grader earmarked for replacement.

Committee Recommendation:
Moved: Cr Butler  Seconded: Cr Reid
The expression of interest from Todd Kammann for the low loader of $29,150 inclusive GST be accepted
And
That discussion on the sale of the grader be referred to full council
Carried: 5/0

OFFICER RECOMMENDATION:
That the offer for the Grader from Brad Phillips of $55,000 inclusive GST be accepted

Note: Officers recommendation added after the Plant and Works Committee meeting due to new information received that the value of the grader is between $50,000 and $60,000.

COUNCIL RESOLUTION
Moved: Cr JR Cunningham  Seconded: Cr GK Reid
The expression of interest from Todd Kammann for the low loader of $29,150 inclusive GST be accepted
Carried: 6/0

Moved: Cr CM Johnston  Seconded: Cr GK Reid
That the offer for the Grader from Brad Phillips of $55,000 inclusive GST be accepted
Carried: 6/0

Work Supervisor Ken Markham addressed outstanding status report items.

2.50pm Ken Markham left the Chambers
GOVERNANCE

DRY SEASON FUNDING

APPLICANT: COMMUNITY GROUPS
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: BEV LOGUE - CDO
RESPONSIBLE OFFICER: BEV LOGUE - CDO
REPORT DATE: 10TH MARCH 2011
ATTACHMENTS
LETTERS(X2) REQUESTING CONTRIBUTION
REPORT FROM COMMUNITY CONSULTATION

Executive Summary:
Community groups are requesting Dry Season Event Funding contributions with reference to the $20,000 Dry Season Assistance Package Community Grants Scheme funding received in December 2010.

Applicants Submission:
Perenjori Volunteer Bush Fire Brigade request for $3,000 to assist with the Fireman’s Ball.
Perenjori Farming Forward request for $1,500 to assist with at least 3 events beginning with the Men’s Health Day on 15th March 2011.

Background:
The $20,000 Dry Season Assistance Package Community Services Grant Funding is to be utilised to “bring the community together to maintain morale and personal well-being” and is for community events to be held up to the 30th November 2011. Qualification for this funding was identified due to poor agricultural season. This funding is to be provided through 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:
Nil – Funding is already received.

Strategic Implications:
The Funding received is to be utilised by the community for events that promote community involvement and a broad range of events have been identified. Therefore the proposed events need to be effective in engaging different age groups and areas of interest within the communities.
Consultation:

A Community Consultation meeting was held on the 10th Feb 2011 at the Shire to identify community needs in relation to this funding. At this time it was suggested that funding applications would be lodged with council prior to the March meeting. The attached Report of the consultation lists the varied events that were proposed.

Comment:

I have not been able to adequately contact all groups and committees due to other priorities and it has been apparent that the suggested time frame has not allowed for the process of planning for events to be held later in the year. It would be advantageous to amend the proposed timeline for submissions to allow for further development of the ideas presented at the community consultation.

Voting Requirements:

Simple Majority

Officers Recommendation:

That the funding be approved for the events submitted to date and that Council delegate authority to distribute the balance of the funds to the Chief Executive Officer in consultation with the Community Development Officer.

COUNCIL RESOLUTION

Moved: Cr JR Cunningham
Seconded: Cr RA Benton

That the funding be approved for the events submitted to date and that Council delegate authority to distribute the balance of the funds to the Chief Executive Officer in consultation with the Community Development Officer.

Carried: 6/0
Executive Summary:
Cr Bensdorp is no longer eligible to hold the office of Elected Member. Council must determine what steps to take to fill the vacancy.

Applicants Submission:
Under the Local Government Act 1995:
Under Section 4.8, where an extraordinary vacancy occurs that Council must fix a date within one month of the date the vacancy occurs; and the election date must be within 4 months.

However Section 4.16 (4) states as follow:

If a member’s office becomes vacant under section 2.32 —

(a) after the third Saturday in January in an election year; but
(b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

The situation this year is complicated by the poll and potential amalgamation.

Background:
The CEO became aware that Cr Bensdorp may no longer be on the State electoral roll and hence ineligible to remain as a Councillor. Further consultation with Cr Bensdorp and the Electoral Commission and Cr Bensdorp confirmed that he was no longer eligible and his position became vacant with effect on 9 March 2011.

Statutory Environment:
Local Government Act 1995 S2.27 – sets out the procedure to be followed should an elected members qualification to continue as an elected member cease.

Local Government Act 1995 S 5.10 covers appointment of committee members.

The Bush Fires Act 1954 S 38.1 covers the appointment of Bush Fire Control Officers, including the Chief and Deputy Chief.

Policy Implications:
Nil
Financial Implications: Nil

Strategic Implications: Nil

Consultation: Cr Bensdorp, WA Electoral Commission.

Comment:
For the avoidance of doubt there is no suggestion that Cr Bensdorp has done anything wrong. When he became an elected member he was on the Electoral roll. Subsequently the Australian Electoral Commission removed him from the roll because he had been included in error.

Cr Bensdorp has done an excellent job as an Elected Member and has responsibilities on several internal and external committees. He has also been appointed as Chief Bush Fire Control Officer, and is happy to continue in this role if Council so decides.

Extraordinary Election

Voting Requirements: Simple Majority

Officers Recommendation:
That Council seek the Electoral Commissioners permission fix the extraordinary election date, if required, to coincide with the October ordinary council elections.

Committee Vacancies

Voting Requirements: Absolute Majority

Officers Recommendation:
That Council make the following Committee appointment to fill the vacancies resulting from the vacancy on Council:

Finance Committee:

Plant & Works Committee:

Health Building and Planning Committee:

Delegates to External Committees

Voting Requirements: Simple Majority
Officers Recommendation:
That Council make the following appointments resulting from the vacancy on Council:

**North Midlands Regions Road Sub-Group**

*NOTE: Cr Reid is presently Deputy Delegate*

**Tourism Committee:**

*NOTE: Cr Desmond is presently Deputy Delegate*

**HACC Committee:**

*NOTE: Cr Benton is presently Deputy Delegate*

**Perenjori Townscape Committee:**

*NOTE: Cr Hirsch is presently Deputy Delegate*

Chief Bush Fire Control Officer

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That Council continue Mr Bensdorp’s appointment as Chief Bush Fire Control Officer.

That Council continue Mr Bensdorp’s appointment as Fire Weather Officer.

**COUNCIL RESOLUTION**

Moved: Cr GK Reid Seconded: Cr RA Benton
That Council seek the Electoral Commissioners permission fix the extraordinary election date, if required, to coincide with the October ordinary council elections

Carried: 6/0

**COUNCIL RESOLUTION**

Moved: RA Benton Seconded: Cr JR Cunningham
That Council make the following Committee appointment to fill the vacancies resulting from the vacancy on Council:
Finance Committee:
Cr Cathy Johnston

Plant & Works Committee:
Cr Rodney Desmond

Health Building and Planning Committee:
Cr John Cunningham

Delegates to External Committees

That Council make the following appointments resulting from the vacancy on Council:

North Midlands Regions Road Sub-Group
Cr Reid - Delegate
Cr Butlery - Deputy Delegate

Tourism Committee:
Cr Desmond - Delegate
CEO - Deputy Delegate

HACC Committee:
Cr Johnstone – Delegate
Cr Benton – Deputy Delegate

Perenjori Townscape Committee:
Cr Hirsch - Delegate

Chief Bush Fire Control Officer

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council continue Mr Bendsorp’s appointment as Chief Bush Fire Control Officer.

That Council continue Mr Bendsorp’s appointment as Fire Weather Officer.

Carried: 6/0

3.15pm Cr GK Reid left the Chambers
Main Roads WA has now executed the Mid West Local Governments Services Agreement, and the Joint Process Management Team has met for the first time.

Applicants Submission:
Between now and 1 July 2011 there are a number of activities that need to be completed to give effect to the agreement. The Joint Process Management Team is the means by which this work is coordinated. Stan Scott has been appointed by the Group as chairperson, and will prior to the next meeting on 25 March be drafting:

- Meeting Procedures;
- Environmental Management Plan
- Industrial Relations Management Plan
- Training & Skills Development Plan; and
- Continue to develop the Transition Plan.

The JPMT has also established a Finance Working Group to work out the mechanics of the financial administration of the contract including:

- Clarify intent of Schedule 7;
- Develop format for invoices and certificates of payment;
- Identify changes to charts of accounts;
- Prepare cash flow forecasts; and
- Develop procedural instructions.

Doug Stead will be involved in the Finance Working Group.

The Governance Team met in Mullewa on 2 February 2011, and the Governance Plan will be circulated for consideration at the March round of Ordinary Meetings.

**Background:**
Action to date can be summarised as follows:

*Shires to nominate Governance Team Representatives [Clause 3.3] and Alternatives [Clause 3.6]*

The Governance Team representatives have been appointed by the Shires.
MRWA to appoint Chairperson [Clause 3.4],

Mr John Marmion, Project Director of Operational Asset Management has been appointed by MRWA as the Chair of the Governance Team. Mr Marmion is a very experienced Main Roads executive and has also been designated as the Chair of some other ISA Governance Teams. Mr Rob Barnsley will Chair the Governance Team for the Midwest Gascoyne ISA.

Governance Plan to be completed within 3 months of first Governance Team Meeting [Clause 3.6],

The first meeting of the Governance Team was held on 2 February 2011. This means that the deadline for completion of the Governance Plan is 3 May 2011. A discussion draft was presented at the first meeting for consideration by the Governance Team, and will be circulated by MRWA when agreed revisions have been included.

Joint Process Management Team [Clause 4.1 and Schedule 3] nominated and approved by the Governance Team comprising best for network personnel,

The Roles and Responsibilities of the Joint Process Management Team (JPMT) are set out in Schedule 3 of the Agreement. The composition of the JPMT was approved by the February Meeting of the Governance Team. The JPMT met on 18 Feb 2011 and Stan Scott was appointed as Chair.

Two Local government personnel [Clause 6] to be identified to coordinate the transition developed within the Management Plan [ref Clause 11.6],

The Local Government Personnel nominated for the purposes of this requirement are Mr Stan Scott, CEO Shire of Perenjori and Mr Mark Hook, CEO Shire of Coorow.

Annual Works Program produced promptly after commencement date and thereafter by 31st March each year [Clause 7.2],

This is the responsibility of the JPMT and is required to be completed by 31st March for each subsequent year, and promptly for the first year. Initially the AWP will only include the two full time inspectors and the two road maintenance teams.

Main Roads to approve sub-contractors and plant [Clause 11],

The main items of plant to be used exclusively on the delivery of the services under the agreement will be the dedicated routine maintenance trucks based in Perenjori and Leeman. Downer Mouchel is developing a specification for this type of vehicle for this network and the intent is to adopt that specification. A decision will be required from the Perenjori and Coorow Shires as to the best procurement model.

Other Shire plant will be available as required for use on the Network. Shires will be able to seek pre-approval of local contractors for sub-contract work that may arise from time to time.

Statutory Environment: Nil
Policy Implications: Nil
Financial Implications:

The basic services covered by the agreement will generate $7.5 Million in the first five years. Additional maintenance works such as shoulder grading and reconditioning, vegetation clearing, emergency response and minor improvement works are all additional to the $1.5 million per year.

Work by the CEO and Deputy CEO may be costed against the contract and claimed as an implementation cost.
Strategic Implications:
This project has the capacity to increase the capability of local governments, increase our staffing and incrementally increase the amount of main roads work that is completed by member Councils.

Consultation:
Consultation for the development of this agreement has included officer, elected members, senior main roads personnel and even the former Minister for Transport.

Comment:
Council agreed for the CEO to take prime responsibility for the development of the Transition Plan. While the full time commitment to this task has now passed it has resulted in the Perenjori CEO being the de facto expert on the Main Roads ISA arrangements. This will continue to take up a significant portion of the CEO’s time during the implementation period.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council notes the development of the Main Roads ISA arrangements and the continued involvement of the CEO in transition and implementation planning.

COUNCIL RESOLUTION
Moved: Cr LC Butler Seconded: Cr RP Desmond
That Council notes the development of the Main Roads ISA arrangements and the continued involvement of the CEO in transition and implementation planning.
Carried: 5/0

3.17pm Cr GK Reid returned to the Chambers
AERIAL PHOTOGRAPHY

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO

RESPONSIBLE OFFICER STAN SCOTT – CEO

REPORT DATE: 8 MARCH 2011
ATTACHMENTS NIL

Executive Summary:
Aerometrix Group has contacted the Shire to offer Aerial photography for the Perenjori and Latham town sites while they are performing other work in the area.

Applicants Submission:
The Aerometrix offering is as follows:

Quote E01031101 – Perenjori and Latham.
Resolution: 10cm resolution, sample image attached.
Area (km2): 4km2 each town
Flying: 2 parallel runs at 70%fwd, 30% side overlap.
Mobilisation: to be acquired in conjunction with other work in the area.
Camera: Vexcel UltracamD. Metric, calibrated, large-format, 90 Mpixel digital aerial camera
Aircraft: Rockwell Shrike Commander
Products Fastlook orthophoto mosaic This is a quick orthophoto product which is spatially accurate to 3 pixels RMSE (30cm) but does not include manual QC editing of features such as water bodies and bridges, etc. In this case we do not expect these to be an issue.
Timing: Acquisition timing dependent on other work.
Processing to be complete within 2-3 weeks of capture.

Price: $ 3,630 + GST per township.

Background:
Aerometrix wrote to Local Governments in this region at the suggestion of the MWDC. Their initial email was as follows:
Shire of Perenjori

Ordinary Meeting

AGENDA 17th March 2011

We expect to be operating in the Geraldton-Pt Hedland area in the near future (3-4 week timeframe) as part of our ongoing data acquisition programme for the National Broadband Network.

Aerometrex is able to generate survey-accurate data for design engineering applications from its extremely high-resolution 2.5cm imagery, and this facility has been heavily utilized by our clients in the eastern States over the last 18 months in major infrastructure programmes (rail revitalisation, freeway construction, highway redevelopment, port redevelopments, etc). We would imagine that this service may be very useful to the Oakajee Deep Water Port and Murchison Rail Link developments.

We also have the capacity to fly more regional surveys to cover large areas if needed.

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:

Having both surveys completed would cost $7,260 Plus GST. This has not been budgeted

Strategic Implications:

Having high resolution images to underlay on maps and diagram makes planning easier and visual displays more effective.

Consultation:

Nil

Comment:

The present image of the Perenjori town site that is displayed on Google Earth and Sensis maps is more than 5 years old. The following improvements or changes are not represented on the current digital images:

- Construction of 159 and 160 John Street
- Construction of the new depot
- Construction of England Crescent
- Removal of Sundowner Units from Downer Street
- Caravan park Chalets
- Accommodation village at the Caravan Park
- New Aquatic Centre
- UWA House
- Multiple new footpaths
- Redevelopment of Perenjori Primary School

While there has been less activity at Latham developments like resealing rods, expanding pathways and the establishment of the identity wall are absent.
Shire of Perenjori

Ordinary Meeting

AGENDA

17th March 2011

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council order new aerial photographs of Perenjori and Latham from Aerometrix for $7,260.

That this be recognised as unbudgeted expenditure.

COUNCIL RESOLUTION

Moved: Cr RA Benton

Seconded: Cr JR Cunningham

That Council not order new aerial photographs of Perenjori and Latham from Aerometrix for $7,260.

Carried: 4/2

Amendment ‘not’ added to resolution due to council deciding not to go ahead with the photographs
Executive Summary:
The Local Government Advisory Board has recommended that the amalgamation proceed and has advertised its findings. The deadline for requests for a poll was 24 February 2011. There has been a valid petition for a poll for Perenjori.

Applicants Submission:
The Local Government Advisory Board has recommended that the amalgamation proceed and has advertised its findings. The deadline for requests for a poll was 24 February 2011. There has been a valid petition for a poll for Perenjori. In accordance with Council’s resolution, the WA Electoral Commission has been appointed to conduct the poll as a postal election.

The poll will take place on Saturday 16 April 2011. The following key dates should also be noted:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Close of electoral rolls</td>
<td>18 March 2011</td>
</tr>
<tr>
<td>Completion of Owners and Occupiers Roll (LG) and Residents Roll (WAEC)</td>
<td>23 March 2011</td>
</tr>
<tr>
<td>Electoral Packs lodged with Australia Post</td>
<td>24 March 2011</td>
</tr>
<tr>
<td>Polling Day (Polls Close at 6 pm)</td>
<td>16 April 2011</td>
</tr>
</tbody>
</table>

Even though it is a postal election there is still the requirement for a polling place to be available for the lodgement of votes on election day. The polling place with be the Perenjori Shire and it will be open at 8.00am to 6.00pm.

Following the close of polls votes will be tallied on the night in the Shire Chambers.

Elected Members should be aware that the referendum is subject to any of the usual rules of a Local Government election as can be applied. This means for example that any printed material prepared for the purposes of a poll must include the name and address of the person authorising and printing the material must be included.

There have been two public forums arranged in relation to the referendum:
The Shire of Perenjori hosted a forum on Monday 14th March 2011 to answer questions in relation to the process of conducting a poll.
The Structural Reform Working Group has scheduled its March Meeting for 22 March 2011 at the Perenjori Pavilion. This will be followed by a sausage sizzle for anyone
from the four affected communities to allow them to ask questions directly of the members of the working group. Clearly the Perenjori community is the main target audience for these discussions.

Background:
The Structural Reform Working Group consists of the CEO’s and two representatives of each participating Council, notionally the President and Deputy President. It has been working on the reform proposal since it lodged the proposal in September 2009.

Statutory Environment:
The WA Electoral Commission has been appointed to conduct the poll under the provisions of Division 12 of the Local Government Act 1995.

Policy Implications:
Nil

Financial Implications:
The WA Electoral Commission will charge the Local Government for running a poll in its behalf. The estimated cost of the poll is around $8,000 and will be funded by the Shire of Perenjori.

Strategic Implications:
The poll will determine whether the amalgamation proceeds.

Consultation:
There has been extensive consultation with the community, and the Perenjori community has had the highest participation level in public forums and events of any of the affected communities, and this is reflected in the valid petition,

Comment:
The subject of the future of the Perenjori community and Local Government reform is one that has generated much passion over the next few months. To date the debate has been very mature in that there has been respect for conflicting points of view, and debate has revolved around issues and not personalities. If that continues until the final resolution we will as a community have done very well.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council notes the election timetable
2. That Council notes the Structural Reform Working Group meeting in Perenjori on 22 March 2011.

COUNCIL RESOLUTION
Moved: Cr GK Reid  
Seconded: Cr CM Johnston
1. That Council notes the election timetable
2. That Council notes the Structural Reform Working Group meeting in Perenjori on 22 March 2011.

Carried: 6/0
# Shire of Perenjori
## Ordinary Meeting
### 17th March 2011

**AGENDA**

## Shires of Perenjori Referendum Timetable

### Local Government Postal Referendum

<table>
<thead>
<tr>
<th>Days to Polling Day</th>
<th>Local Government Act</th>
<th>References to Act/Regs</th>
<th>Day</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>Last day for agreement of Electoral Commissioner to conduct postal referendum.</td>
<td>LGA 4.20 (2)(3)(4)</td>
<td>Fri</td>
<td>25/02/2011</td>
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<tr>
<td>50</td>
<td>A decision made to conduct the election as a postal referendum cannot be rescinded after the 50th day.</td>
<td>LGA 4.61(5)</td>
<td>Fri</td>
<td>25/02/2011</td>
</tr>
<tr>
<td>50</td>
<td>Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.</td>
<td>LGA 4.20 (4)</td>
<td>Fri</td>
<td>25/02/2011</td>
</tr>
<tr>
<td>49</td>
<td>Between the 49th/50th day the CEO is to give Statewide public notice of the time and date of close of enrolments.</td>
<td>LGA 4.30(2)</td>
<td>Sat</td>
<td>26/02/2011</td>
</tr>
<tr>
<td>10</td>
<td>Preferred date Wednesday 23 February 2011</td>
<td>LGA 4.30(2)</td>
<td>to</td>
<td>26/02/2011</td>
</tr>
<tr>
<td>35</td>
<td>Close roll 5.00 pm</td>
<td>LGA 4.30(1)</td>
<td>Sat</td>
<td>12/03/2011</td>
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<tr>
<td>29</td>
<td>CEO to prepare an owners &amp; occupiers roll for the election.</td>
<td>LGA 4.41(1)</td>
<td>Fri</td>
<td>18/03/2011</td>
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<tr>
<td>24</td>
<td>Electoral Commissioner to prepare residents roll.</td>
<td>LGA 4.40(2)</td>
<td>Wed</td>
<td>23/03/2011</td>
</tr>
<tr>
<td>24</td>
<td>Lodgement of election packages with Australia Post.</td>
<td>Approx</td>
<td>Wed</td>
<td>23/03/2011</td>
</tr>
<tr>
<td>22</td>
<td>The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.</td>
<td>Reg. 18(2)</td>
<td>Fri</td>
<td>25/03/2011</td>
</tr>
<tr>
<td>19</td>
<td>Last day for the Returning Officer to give Statewide public notice of the election.</td>
<td>LGA 4.64(1)</td>
<td>Mon</td>
<td>28/03/2011</td>
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<tr>
<td>19</td>
<td>Preferred Date Wednesday 15 March 2011</td>
<td>LGA 4.64(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Commence processing returned election packages</td>
<td>Approx</td>
<td>Wed</td>
<td>13/04/2011</td>
</tr>
<tr>
<td>0</td>
<td>Polling Day</td>
<td>LGA 4.7</td>
<td>Sat</td>
<td>16/04/2011</td>
</tr>
<tr>
<td></td>
<td>Close of poll 6.00 pm</td>
<td>LGA 4.7</td>
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### Post Election Day

<table>
<thead>
<tr>
<th>Post Election Day</th>
<th>Post Declaration</th>
<th>References to Act/Regs</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>4</td>
<td>Referendum result advertisement.</td>
<td>LGA 4.77</td>
<td>Wed</td>
</tr>
<tr>
<td>14</td>
<td>Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.</td>
<td>Reg.91</td>
<td>Sat</td>
</tr>
<tr>
<td>28</td>
<td>An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice to given of the result of the election.</td>
<td>LGA 4.81(1)</td>
<td>Sat</td>
</tr>
</tbody>
</table>
REFERENDUM on the recommendation to abolish and amalgamate the Shires of Mingenew, Morawa, Perenjori and Three Springs to form a new local government to be named the Shire of Billeranga

BACKGROUND TO THE AMALGAMATION PROPOSAL

In January 2011, the Local Government Advisory Board [the Board] completed its Inquiry into the proposal to amalgamate the Shires of Mingenew, Morawa, Perenjori and Three Springs. In accordance with clauses 6 and 10A of Schedule 2.1 of the Local Government Act 1995 [the Act], it has recommended to the Minister for Local Government the amalgamation of the Shires of Mingenew, Morawa, Perenjori and Three Springs, to form a new local government to be named the Shire of Billeranga from 1 July 2011.

The Minister has received a petition for a poll on the recommendation from electors of the Shire of Perenjori. Electors from the Shire of Perenjori will be asked to vote yes or no to the following question:

Should the Shires of Mingenew, Morawa, Perenjori and Three Springs be abolished and amalgamated to form a new local government to be named the Shire of Billeranga?

THE YES/NO CASE FOR AMALGAMATION

The Act requires that the Board determine a summary case for each way of answering the above question. The summary case determined by the Board is as follows:

<table>
<thead>
<tr>
<th>Case for YES:</th>
<th>Case for NO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The merged local government will have greater capacity to deliver services and drive economic development within the region.</td>
<td>• The existing local governments are capable of providing a satisfactory level of services to their communities.</td>
</tr>
<tr>
<td>• The existing communities have strong linkages due to their similar social and economic characteristics.</td>
<td>• There may be concerns about the level of representation for the electors of the new local government.</td>
</tr>
<tr>
<td>• The new local government will be more sustainable and better positioned to address challenges emerging in the future.</td>
<td>• The Shires have a cooperative and effective working relationship under the existing arrangement.</td>
</tr>
<tr>
<td>• Commonwealth Financial Assistance Grants, that would otherwise decline, are guaranteed for a minimum of five years following any amalgamation.</td>
<td>• Residents are satisfied with the standard and level of services provided by their respective local governments.</td>
</tr>
</tbody>
</table>
Executive Summary:
Monsignor Hawes Heritage has requested a financial contribution to a heritage interpretation project.

Applicants Submission:
Monsignor Hawes Heritage is applying for funding through the MWDC and LotteryWest for the installation of interpretive signage at each of the Hawes buildings throughout the region, including St Joseph’s in Perenjori. It has requested a $2,000 financial contribution from Council for the 2011/12 financial year towards the project to a heritage interpretation project.

Background:
Monsignor Hawes Heritage has completed an audio tour history on CD.
Council contributed $2,000 to this project in 09/10.

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:
Small contributions from each of the towns hosting a site will help leverage substantial funding from other sources.

Strategic Implications:
Council has previously recognised the interpretive value of St Joseph’s and the Hawes legacy and at one stage sought to establish an interpretive centre as the southern extent of the Hawes influence.

Consultation:
Nil

Comment:
The Hawes churches and buildings are an iconic feature of the Midwest. Mullewa has already established a Hawes themed heritage walk in the Mullewa town site.
Local parishioners have worked assiduously to preserve and restore St Joseph’s and would appreciate quality interpretive signage on the site. Interpretation will complement the work that will be done as part of the Exploring Wildflower Country project.

**Voting Requirements:**

Absolute Majority

**Officers Recommendation:**

That Council allocate $2,000 in its 2011/12 budget towards the Monsignor Hawes interpretation project.

**COUNCIL RESOLUTION**

Moved: Cr RP Desmond Seconded: Cr CM Johnston

That Council allocate $2,000 in its 2011/12 budget towards the Monsignor Hawes interpretation project. Carried: 6/0
Mr Stan Scott
Chief Executive Officer
Shire of Perenjori
PO Box 22
PERENJORI WA 6620

Re: Monsignor Hawes Heritage Interpretation

Dear Mr Scott

Monsignor Hawes Heritage Incorporated is working on a long term plan to improve interpretation of the Monsignor Hawes churches and built heritage across the region. This work is part of the organisation's ongoing efforts to preserve, promote and celebrate the life and work of Monsignor Hawes.

The first stage of interpretation, a series of Audio Tour histories, was completed last year. The histories have been mastered to CD and distributed for sale across the region on CD and broadcast on ABC Radio.

Our next project is to install signage in seventeen locations across the region. Currently many of the buildings have little or no signage that is in poor repair. The signage varies from place to place, however many of these signs no longer serve the purpose of informing visitors about the buildings. The proposed project will transform the collection of buildings into a cohesive tourism product. This along with other work in progress by MHHI is creating a high quality tourism experience for the region.

MHMI is currently in the process of applying for funding to put together a project valued at $165,000. It is hoped that funding from the Mid West Development Commission and Lotterywest will be secured to cover the bulk of the project cost. We are also seeking a small contribution from each Local Government that will benefit from the project. We request that the Shire of Perenjori considers making a $2,000 contribution to the project in the next annual budget. Proposed interpretation in the Shire of Perenjori includes exterior and interior panels at St Joseph's Church as well as one of three gateway signs for the trail.

Financial support from Local Governments including the Shire of Perenjori will assist MHHI to secure substantial financial support from State and Federal Government agencies.

If you require further information please contact Project Officer Lucinda Jose on 0417 018 036.

Yours sincerely,

Laurie Graham
Treasurer
Monsignor Hawes Heritage Incorporated

—PO Box 1366 Geraldton—www.monsignorhawes.com.au—projectofficer@monsignorhawes.com.au—
Executive Summary:
The Australian Local Government Association (ALGA) has been lobbying for constitutional recognition of Local Government in Australia.

Applicants Submission:
Correspondence from ALGA is attached.
The Australian Local Government Association (ALGA) has been lobbying for constitutional recognition of Local Government in Australia. The Prime Minister has committed to a dual referendum to:

- Recognise Local Government; and
- Recognise Indigenous Australians.

The referendum will most likely be held in conjunction with the 2013 Federal Election. ALGA is garnering support for its proposal that the constitutional change would allow direct funding of Local Government and allow the Commonwealth to directly fund Local Government.

Background:
In May 2008 Council determined the relative priority it attaches to each of the potential benefits arising from recognition of Local Government under the Australian Constitution.

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

Statutory Environment:
The Australian Constitution is the blueprint for how government at the national level works in Australia. It commenced on 1 January 1901.
The Constitution:
• Creates a new set of central government authorities (such as the Parliament, the Public Service and the Armed Forces), and outlines their functions and powers.

• Regulates the relations between the Commonwealth and the States.

• Establishes an Australian common market – free trade between the States and a common external customs tariff.

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

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

• The concurrent powers – section 51 lists subject areas where both the Australian and states can make laws. However, if the Commonwealth makes a law, the state law yields.

• Residuary legislative powers – everything else which is not listed. These remain the responsibility of the States.

• Responsibility for local government is not mentioned anywhere in the Constitution, and is therefore the responsibility of the states.

The WA Constitution Act 1889 provides

52. Elected local governing bodies

(1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.

(2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

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

53. Certain laws not affected

Section 52 does not affect the operation of any law —

(a) prescribing circumstances in which the offices of members of a local governing body shall become and remain vacant; or

(b) providing for the administration of any area of the State —

(i) to which the system maintained under that section does not for the time being extend; or

(ii) when the offices of all the members of the local governing body for that area are vacant;

or

(c) limiting or otherwise affecting the operation of a law relating to local government; or

(d) conferring any power relating to local government on a person other than a duly constituted local governing body.

[Section 53 inserted by No. 88 of 1979 s. 3.]

In WA the Local Government Act 1995 provides the legislative framework for Local Government.
Policy Implications: Nil

Financial Implications: Nil

Strategic Implications:

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

• a broad recognition of local government’s role in the Federation (often referred to as – Symbolic Recognition);

• an acceptance of some principles relating to the existence and continuation of local government as an institution and local councils as democratic representative bodies (Institutional Recognition);

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

Consultation:

ALGA and WALGA have been discussing constitutional recognition with the sector for several years.

Comment:

ALGA is seeking Council’s support to help frame the form of any constitutional changes. The proposed approach to constitutional recognition is quite minimalist, which is the approach that would have the most chance of gaining bipartisan support. Historically constitutional changes without bipartisan support have failed.

Voting Requirements:

Simple Majority

Officers Recommendation:

That the Shire of Perenjori declares its support for financial recognition of Local Government in the Australian constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new preamble to the constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to achieve this recognition.

COUNCIL RESOLUTION

Moved: Cr RP Desmond
Seconded: Cr JR Cunningham

That the Shire of Perenjori declares its support for financial recognition of Local Government in the Australian constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new preamble to the constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to achieve this recognition.

Carried: 6/0
Cr Christopher King  
President  
Shire of Perenjori  
PO Box 22  
PERENJORI WA 6620

Dear President King,

Constitutional Recognition of Local Government – A role for Councils

In June last year, following the 2010 National General Assembly of Local Government, Geoff Lake wrote to you providing an update of progress on the Australian Local Government Association’s (ALGA’s) campaign for a referendum on the constitutional recognition of local government and providing copies of fact sheets and a brochure designed to highlight the importance of local government to local communities. I am now writing to advise you of further progress and to invite your council to become directly engaged in the campaign for constitutional recognition.

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in Pape v Federal Commissioner of Taxation. In that case the High Court set out the limitations of the Australian Government’s powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA’s research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government’s requirements and address the uncertainty highlighted by the Pape case.
The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

It is ALGA’s intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. ALGA’s objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government’s campaign, it also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils’ support for recognition after councils have passed a resolution in council chambers. I have enclosed some suggested text for such letters which you might find useful.

I will be writing to you again in the coming months with further materials which will help council in a campaign to win broad public support for constitutional recognition. While the challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.

Yours sincerely

Cr Genia McCaffery
President
TEXT OF POSSIBLE COUNCIL RESOLUTION ON CONSTITUTIONAL RECOGNITION

[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
GRV RATES FOR MINING ACCOMMODATION VILLAGES

Executive Summary:
The Department has approved the Shire’s request to change the basis for rates for mining accommodation villages associated with the Karara Iron Ore Project.

Applicants Submission:
The Department has approved the Shire’s request to change the basis for rates for mining accommodation villages associated with the Karara Iron Ore Project. The new rates will apply from 1 March 2011, the date on which the Department made the decision.

The effect of the decision is as follows:

<table>
<thead>
<tr>
<th>Village</th>
<th>Estimated GRV</th>
<th>Rate Assessment</th>
<th>2010/11 Pro Rata</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karara Village</td>
<td>$3,159,000</td>
<td>$363,598</td>
<td>$121,531</td>
</tr>
<tr>
<td>Lochada Village</td>
<td>$702,000</td>
<td>$80,799</td>
<td>$27,007</td>
</tr>
<tr>
<td>Exploration Village</td>
<td>$249,600</td>
<td>$28,729</td>
<td>$9,602</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,110,600</strong></td>
<td><strong>$473,126</strong></td>
<td><strong>$158,141</strong></td>
</tr>
</tbody>
</table>

The full year effect will depend on the GRV rate in the dollar applied in 2011/12, but interim rates for 2010/11 will be fairly close to the above estimate. The change in the basis of rates should appear in the Government Gazette of 11 March 2011.

Background:
Council resolved in October 2010 to seek Ministerial permission to apply a GRV Rate to mining accommodation villages.

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:
Over time increases in rates income are offset by reductions in FAGS General Purpose Grants.

Strategic Implications:
An increased rates base increases the Shire’s Rate Coverage Ratio, a key sustainability indicator.

Consultation:
The Shire consulted with affected rate payers, and the Department also sought their views as part of the decision making process.

Comment:
The Shire administration is conducting a review of the annual budget which will be presented to Council at its April Ordinary Meeting.

Voting Requirements:
Simple Majority

Officers Recommendation:
That Council notes the change the basis for rates for mining accommodation villages associated with the Karara Iron Ore Project.

COUNCIL RESOLUTION
Moved: Cr LC Butler Seconded: Cr RP Desmond
That Council notes the change the basis for rates for mining accommodation villages associated with the Karara Iron Ore Project.
Carried: 6/0
Dear Mr Scott,

I refer to your letter of 24 November 2010 seeking Ministerial approval to change the basis of rates to gross rental valuation (GRV) in relation to the accommodation villages for the Karara Iron Ore Project.

I wish to advise that the Executive Director Governance and Legislation, under delegated authority from the Minister for Local Government, has approved the Shire’s application. The change to GRV is to apply from 1 March 2011 (being the date of his approval).

The Department will now arrange to publish the change in the Government Gazette. You will be advised when gazetted has taken place.

Yours sincerely,

Kelvin Fowler  
ADVISORY & SUPPORT OFFICER  
GOVERNANCE  

2 March 2011
Executive Summary:
Local Government Managers Australia has approached the Shire seeking financial support for the 2011 Women in Local Government conference.

Applicants Submission:
Local Government Managers Australia has approached the Shire seeking financial support for the 2011 Women in Local Government conference.

Local Government Support Sponsor - $1000
Includes one complimentary delegate registration

Local Government Support Sponsor - $500

Background:
2010 was designated as the Year of Women in Local Government. LGMA has decided to run a Women in Local Government Conference again this year, but requires sponsorship to support the event.

Council rejected a similar request for support in 2010.

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:
Funding could be allocated against donations expense 14911.

Strategic Implications:
Nil

Consultation:
Nil

Comment:
The CEO has worked in Local Government for the last 8 years. My initial impression of the sector was that there was an element of the boys club about both management and governance. In most cases Councils are dominated by men - in Perenjori’s case men outnumber women 2 to 1. The vast majority of CEO’s are men. The vast majority of administrative staff are women. The vast majority of outside staff are men.
In short, there is a predominance of people working in traditionally male or female roles. That said 5 out of 7 Shire Presidents in the North Midlands are women.

Support for strategies to challenge the cultural norms within the industry are probably worthwhile. Whether Council decides it is a priority is a matter for Council.

**Voting Requirements:**
Simple Majority

**Officers Recommendation:**
That Council determine whether to provide financial support for 2011 LGAM Women in Local Government Conference.

**COUNCIL RESOLUTION**

Moved: Cr RA Benton  
Seconded: Cr CM Johnston

That Council not provide financial support for 2011 LGAM Women in Local Government Conference.

Carried: 6/0
11036 OTHER BUSINESS

11036.1 INFORMATION BULLETIN – TABLED IN THE COUNCIL CHAMBERS

- WALGA Local Government news – Issues 6.11, 7.11, 8.11 and 9.11
- WALGA Economic Briefing – March 2011
- WALGA Safe System News – Feb 2011
- WALGA Info Page
  - Commencement of Liquor Control Amendment Act 2010 – 18th Feb 2011
  - Prostitution Legislative Reform – Ministerial Statement – 18 Feb 2011
  - Blessing of the Roads 2011 – 24th Feb 2011
  - Bushfire Protection Guidelines – 2nd March 2011
- Legacy Newsletter – Autumn 2011
- Discrimination Matters – February 2011
- Correspondence
  - Heritage Council of WA – Nominations open for the 2011 WA heritage awards
  - Hon Matt Benson – Offer to be involved in events/issues of Perenjori
  - Department of Local Government – Professional Development Scholarship Opportunity
  - National Australia Day Council – Australia Say National Conference 2011
- Memo – Greenfield Technical Services – MGM Wanarra Rd Upgrade
- MWAC Information Bulletin – Feb 2011
- Mining Chronicle – March 2011
AGENDA

11036.2 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

11036.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

11036.4 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

11036.5 MATTERS BEHIND CLOSED DOORS

11036.6 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Council Meeting will be held on the 21st April 2011

11036.7 CLOSURE

With no further business the Ordinary Council meeting was closed by Cr Laurie Butler at 4.00pm

I certify that this copy of the Minutes is a true and correct record of the meeting held 17th March 2011.

Signed: ______________________

Presiding Elected Member

Date: ______________________