# Shire of Perenjori
## Ordinary Council Meeting
### MINUTES
#### 20 December, 2018

**Shire of Perenjori**

**MINUTES**

**Ordinary Council Meeting**

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on the 20, December, 2018, **commenced at 3.18 pm.**

## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>18121</td>
<td>PRELIMINARIES ........................................................................................................ 2</td>
</tr>
<tr>
<td>18121.1</td>
<td>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS .................................. 2</td>
</tr>
<tr>
<td>18121.2</td>
<td>OPENING PRAYER ...................................................................................................... 2</td>
</tr>
<tr>
<td>18121.3</td>
<td>DISCLAIMER READING .................................................................................................. 2</td>
</tr>
<tr>
<td>18121.4</td>
<td>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE .......................... 2</td>
</tr>
<tr>
<td>18121.5</td>
<td>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .................... 2</td>
</tr>
<tr>
<td>18121.6</td>
<td>PUBLIC QUESTION TIME ........................................................................................... 2</td>
</tr>
<tr>
<td>18121.7</td>
<td>NOTATIONS OF INTEREST .......................................................................................... 3</td>
</tr>
<tr>
<td>18121.8</td>
<td>APPLICATIONS FOR LEAVE OF ABSENCE ................................................................ 3</td>
</tr>
<tr>
<td>18121.9</td>
<td>CONFIRMATION OF MINUTES ..................................................................................... 3</td>
</tr>
<tr>
<td>18121.10</td>
<td>ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION ....................... 4</td>
</tr>
<tr>
<td>18121.11</td>
<td>PETITIONS / DEPUTATIONS / PRESENTATIONS ......................................................... 4</td>
</tr>
<tr>
<td>18122</td>
<td>CORPORATE AND DEVELOPMENT SERVICES ............................................................. 4</td>
</tr>
<tr>
<td>18122.1</td>
<td>FINANCIAL STATEMENTS – NOVEMBER 2018 ......................................................... 4</td>
</tr>
<tr>
<td>18122.2</td>
<td>ACCOUNTS FOR PAYMENT – NOVEMBER 2018 ......................................................... 6</td>
</tr>
<tr>
<td>18122.3</td>
<td>BLUES FOR THE BUSH REPORT 2018 EVENT ......................................................... 9</td>
</tr>
<tr>
<td>18122.4</td>
<td>PERENJORI PROMOTION OPPORTUNITY ................................................................... 13</td>
</tr>
<tr>
<td>18122.5</td>
<td>WRITE OFF OUTSTANDING DEBTS ......................................................................... 14</td>
</tr>
<tr>
<td>18124</td>
<td>INFRASTRUCTURE SERVICES .................................................................................... 16</td>
</tr>
<tr>
<td>18124.1</td>
<td>ROAD MAINTENANCE – NOVEMBER 2018 ................................................................. 16</td>
</tr>
<tr>
<td>18124.2</td>
<td>SEALING QUOTES FOR 2018/19 ............................................................................. 20</td>
</tr>
<tr>
<td>18124.3</td>
<td>RESTRICTED ACCESS VEHICLE APPLICATION ...................................................... 22</td>
</tr>
<tr>
<td>18125</td>
<td>GOVERNANCE ........................................................................................................ 24</td>
</tr>
<tr>
<td>18125.1</td>
<td>ADOPTION OF ANNUAL REPORT – 2017/2018 ..................................................... 24</td>
</tr>
<tr>
<td>18125.2</td>
<td>AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS ............................................... 28</td>
</tr>
<tr>
<td>18125.3</td>
<td>GOVERNANCE POLICY – COUNCIL FORUM / BRIEFING SESSIONS ................. 30</td>
</tr>
<tr>
<td>18125.4</td>
<td>LOCAL GOVERNMENT ACT, 1995 REVIEW – PHASE 2 ....................................... 31</td>
</tr>
<tr>
<td>18126</td>
<td>STATUS REPORT ..................................................................................................... 33</td>
</tr>
<tr>
<td>18127</td>
<td>OTHER BUSINESS .................................................................................................. 35</td>
</tr>
<tr>
<td>18127.1</td>
<td>MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN ......................................... 35</td>
</tr>
<tr>
<td>18127.2</td>
<td>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN ........ 35</td>
</tr>
</tbody>
</table>
Shire of Perenjori  
Ordinary Council Meeting  
MINUTES  
20 December, 2018

18127.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION ................................................................. 35
18127.4 MATTERS BEHIND CLOSED DOORS .................................................. 35
18127.4.1 CONFIDENTIAL ITEM – SELECTION OF CHIEF EXECUTIVE OFFICER....... 36
18127.5 DATE OF NEXT MEETING ........................................................................ 37
18127.6 CLOSURE .................................................................................. 38

18121 PRELIMINARIES

18121.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
Cr L Butler declared the meeting open at 3.18 pm.

18121.2 OPENING PRAYER
Cr L Butler led the opening prayer.

18121.3 DISCLAIMER READING

18121.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE
Cr L Butler – Chairperson
Cr R White
Cr P Waterhouse
Cr J Hirsch
Cr G Reid
Cr R Spencer
Cr K Pohl
Pascoe Durtanovich – Acting CEO
Joelene Dennis – MCDS
Ally Bryant – SFO
Ken Markham – MIS
Bianca Plug - EA

Apologies;
Cr L Smith
Cr J Cunningham

18121.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

18121.6 PUBLIC QUESTION TIME

L. Hepworth Re – Building Maintenance Officer Ivan Wells

Mr Hepworth requested Councillor Hirsch to submit the following questions to Public Question Time on his behalf as he is unable to attend the meeting.
Question 1 – In light of Stephen Tindale telling me that Ivan Wells issue was the worst case of mistreatment of an employee he has seen in his 40 years of Local Government, can the Council please release his report to the residents and ratepayers of Perenjori.

Question 2 – Also in interests of transparency if this is to be voted on, can the public be shown who voted against this proposal?

Question 3 – If this report is not to be made public can the residents and ratepayers also have an explanation on why.

Response – The Chief Executive Officer advise Council that the following response has been forwarded to Mr Hepworth.

Thank you for your questions re Ivan’s situation. The confidential report has been made public, to the extent council authorised, via the council meeting minutes on the shire website, see attached. The minutes also record councillors that voted against the motion, their reasons for voting against are not stated nor do they have to be but if you contact the councillors that voted against the motion they may be willing to discuss their reasons.

I would like to confirm that all allowances have now been paid to Mr Wells and I am working with him to ensure his workers comp claim is progressed.

18121.7 NOTATIONS OF INTEREST

FINANCIAL INTEREST – LOCAL GOVERNMENT ACT S 5.60A

PROXIMITY INTEREST – LOCAL GOVERNMENT ACT S 5.60B

INTEREST AFFECTING IMPARTIALITY – LOCAL GOVERNMENT - CODE OF CONDUCT.

Cr P Waterhouse declared a financial interest in item 18124.1 on the basis that he supplied gravel for the roadworks on Maya – East Road.

Mr Pascoe Durtanovich declared a financial interest in item 18127.4 on the basis that he is the incumbent acting CEO.

18121.8 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

18121.9 CONFIRMATION OF MINUTES – 15 NOVEMBER, 2018

<table>
<thead>
<tr>
<th>Officer Recommendation and Council Decision – Item 18121.9.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Cr P Waterhouse</td>
</tr>
<tr>
<td>Seconded: Cr R Spencer</td>
</tr>
<tr>
<td>That Council accepts the Minutes from the Ordinary Council Meeting held on the 15 November, 2018 as a true and correct record of that Meeting.</td>
</tr>
<tr>
<td>Carried: 7/0</td>
</tr>
</tbody>
</table>
18121.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION
NIL

18121.11 PETITIONS / DEPUTATIONS / PRESENTATIONS
NIL

18122 CORPORATE AND DEVELOPMENT SERVICES

18122.1 FINANCIAL STATEMENTS – NOVEMBER 2018

APPLICANT: SHIRE OF PERENJORI
FILE: ADM 0081
DISCLOSURE OF INTEREST: NIL
AUTHOR: ALLY BRYANT - SFO
RESPONSIBLE OFFICER JOELENE DENNIS - MCDS
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS MONTHLY FINANCIAL REPORT

Executive Summary
This item recommends that Council accepts the Financial Activity Statement for the period ending 30 November, 2018.

Background
Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to the Council.

Details

The following statements are presented to Council:
• Monthly Summary Information - Charts
• Statement of Financial Activity (Program and Nature& Type) - This provides the budget and actual income and expenditure for operating and non- recurrent as well and the closing surplus to date. (FM Reg 34(1))
• Statement of Capital Acquisitions and Capital Funding
• Net Current (Assets) Funding Position (Note 3). This provides the amount of assets over liabilities within the Balance Sheet. (FM Reg 34 (1)(e))
• Notes to the Financial Statements include:
  o Note 1.- Significant Accounting Policies
  o Note 2. - Explanation of Material Variances
  o Note 3. -- Net Current Funding Position
  o Note 4. -- Cash & Investments
  o Note 5. -- Budget Amendments
  o Note 6. -- Receivables
  o Note 7. -- Cash Back Reserves
  o Note 8. -- Capital Disposals
Shire of Perenjori

Ordinary Council Meeting

MINUTES

20 December, 2018

- Note 9. – Rating Information
- Note 10. – Information on Borrowings
- Note 11. – Grant and Contributions
- Note 12. – Trust Fund
- Note 13. – Details of Capital Acquisition

Legal Compliance

Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996 states —
(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
(a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
(b) budget estimates to the end of the month to which the statement relates;
(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —
(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
(b) an explanation of each of the material variances referred to in subregulation (1) (d); and (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —
(a) according to nature and type classification; or
(b) by program; or
(c) by business unit

(4) A statement of financial activity, and the accompanying documents referred to in subregulation 34 (2), are to be —
(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Section 6.8 of the Local Government Act 1995 (Expenditure from municipal fund not included in annual budget) states —
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(a) is incurred in a financial year before the adoption of the annual budget by the local government; or
(b) is authorised in advance by resolution; or
Policy Implications
Nil

Financial Implications
Nil

Strategic Implications
Area 5: Investing in Councils Leadership
Goal: Strengthen the Shire’s position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

Consultation
Liaison with CEO, SFO, & MIS.

Voting Requirements - Simple Majority

Committee Recommendation and Council Decision – Item 18122.1

Moved: Cr J Hirsch
Seconded: Cr K Pohl

Carried: 7/0

18122.2 ACCOUNTS FOR PAYMENT – NOVEMBER 2018

APPLICANT: SHIRE OF PERENJORI
FILE: 1306P
DISCLOSURE OF INTEREST: NIL
AUTHOR: LIZ MARKHAM - AO
RESPONSIBLE OFFICER: ALLY BRYANT - SFO
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS: ACCOUNTS FOR PAYMENT

Executive Summary
This item recommends that the schedule of accounts for payment for the month ending 30 November, 2018 be confirmed.

Background
The Schedule of Accounts is presented pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

The report identifies payments made from the Municipal and Trust Fund.

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the Local Government (Financial Management)
Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

a) The payee's name;
b) The amount of the payment;
c) The date of the payment; and

d) Sufficient information to identify the transaction.

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

**Legal Compliance**

Section 6.10 (d) of the Local Government Act 1995 refers, i.e.-

6.10. financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

Regulation 13(1), (3 & 4) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee’s name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

**Policy Implications**

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

**Financial Implications**

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

**Strategic Implications**

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.
Consultation
Nil

Comment
All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

Voting Requirements – Simple Majority

<table>
<thead>
<tr>
<th>Committee Recommendation and Council Decision – Item 18122.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Cr J Hirsch</td>
</tr>
<tr>
<td>Seconded: Cr R White</td>
</tr>
<tr>
<td>That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for the month ending 30 November, 2018 as attached to and forming part of this report.</td>
</tr>
<tr>
<td>Carried: 7/0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Municipal Account</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EFT</td>
<td>$184,863.05</td>
</tr>
<tr>
<td>Direct Debits</td>
<td>$73,093.85</td>
</tr>
<tr>
<td>Cheques</td>
<td>$68,390.09</td>
</tr>
<tr>
<td>Corporate MasterCard</td>
<td>$3685.79</td>
</tr>
<tr>
<td>Bank Fees</td>
<td>$1,794.06</td>
</tr>
<tr>
<td>Total</td>
<td>$331,826.84</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trust Account - Shire</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EFT</td>
<td>$560.00</td>
</tr>
<tr>
<td>Cheques</td>
<td>$1,120.00</td>
</tr>
<tr>
<td>Bank Fees</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$1,680.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trust Account – Mt Gibson Public Benefit Funds</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EFT</td>
<td>$</td>
</tr>
</tbody>
</table>
Cheques

Bank Fees

Total

Totalling $333,506.84 from Municipal and Trust Accounts for the month ending 30 November, 2018.

18122.3 BLUES FOR THE BUSH REPORT 2018 EVENT

APPLICANT: SHIRE OF PERENJORI
FILE: ADM 0047
DISCLOSURE OF INTEREST: NIL
AUTHOR: ALLY BRYANT - SFO
RESPONSIBLE OFFICER: JOELENE DENNIS - MCDS
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS:
Blues for the Bush Project Agreement
Blues for the Bush Project Management Plan
Blues for the Bush MOU

Executive Summary
A report for the 2018 Blues for The Bush event has been submitted by the Project Manager. A reconciliation of the financial position of the event has been completed.

Background
The Blues for the Bush is a biannual event held on the September long weekend. The Blues for the Bush 2018 is the first Project Event to be undertaken as part of a renewed five year commitment by both Bush Heritage and the Shire of Perenjori. A separate Project Agreement will be entered into for the blues for the Bush 2020 and 2022. The Project agreement sets out the respective contributions that Bush Heritage and the Shire of Perenjori will provide towards the Blues for the Bush 2018.

The Blues for the Bush 2018 – Project Agreement was signed on the 18th July 2018. It sets out the below terms.

3. Bush Heritage’s Contribution to the Project

3.1 Bush Heritage’s Financial Contribution to the Project will be a Total Financial Contribution of $36,000 (GST ex.), to be paid to SoP following signing of this Agreement and upon receipt of a Tax Invoice from SoP.

3.2 Bush Heritage’s in-Kind Contribution to the project will be:
(a) to provide access to bush Heritage’s Charles Darwin Reserve;
(b) to provide SoP Project Personnel with Bush Heritage’s Reserve Safety Induction Training; and
(c) to provide Bush Heritage Project Personnel to the Project, namely the CDR Manager who is to lead development and coordination of the Community Open Day program and will be a member of the Event organizing Committee.

4. SoP’s Contribution to the project

4.1 SoP’s Financial Contribution to the project will be a Total Financial Contribution of $36,000 (GST ex.).

4.2 SoP’s in Kind Contribution to the project will be to undertake and complete the activities detailed in Annexure A – Project activity Schedule.

Annexure A: Project activity schedule

SoP will undertake the following Activities:
- Engagement of all Event planners;
- Engagement of all external contractors;
- Promotion/advertising/publicity;
- Post event auditing/accounts/reports to Bush Heritage; and
- Undertaking full financial control of the project.

The 2018 Blues for the Bush Project Report November 2018 Part c) In-kind costs includes expenditure not stated in the Project Agreement. The in-kind costs have been reconciled to exclude the cleaners and works crew costs, SoP hire equipment etc and accommodation SoP costs. A conservative estimate of in-kind expenses of $13,977 have been included in the calculation of total out of pocket expenses. It has been calculated that the Shire is out of pocket $95,808 for the event.

The event income and expenses are incurred over two financial years. The event therefore has an affect on the Shires Budget for the 2017/2018 and 2018/2019 Financial years. Below the Actual and Budgeted amounts prior to Bush Heritage Australia’s contribution are tabled;

<table>
<thead>
<tr>
<th>17/18 Financial Year</th>
<th>Actual</th>
<th>Budget</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>$82,500</td>
<td>$15,000</td>
<td>$67,500</td>
</tr>
<tr>
<td>Expense</td>
<td>$38,809</td>
<td>$30,000</td>
<td>$8,809</td>
</tr>
<tr>
<td>Net position (profit/loss)</td>
<td>$43,691</td>
<td></td>
<td>$58,691</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18/19 Financial Year</th>
<th>Actual</th>
<th>Budget</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>$122,990</td>
<td>$344,030</td>
<td>-$221,040</td>
</tr>
<tr>
<td>Expense</td>
<td>$330,344</td>
<td>$389,030</td>
<td>$58,685</td>
</tr>
<tr>
<td>Net position (profit/loss)</td>
<td>-$207,354</td>
<td></td>
<td>-$162,355</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Event</th>
<th>Actual</th>
<th>Budget</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>$205,490</td>
<td>$359,030</td>
<td>-$153,540</td>
</tr>
<tr>
<td>Expense</td>
<td>$369,154</td>
<td>$419,030</td>
<td>$49,876</td>
</tr>
<tr>
<td>Net position (profit/loss)</td>
<td>-$163,664</td>
<td></td>
<td>-$103,664</td>
</tr>
</tbody>
</table>

The amount of additional funds owing for the event have been calculated as per the below term outlined in the Blues for the Bush 2018 – Project Agreement;

5. Financial Management
5.5 The parties agree that they will provide the necessary additional funding, in equal proportions, to make good any net financial losses of the Project that are incurred notwithstanding the remedial actions determined under Clause 5.4.

Shire of Perenjori $36,000 contribution plus half the loss on event of $45,831 Total $81,831.

Bush Heritage $36,000 contribution plus half the loss on event of $45,831 Total $81,831.

In consideration of the above contributions the 2018/2019 Budget variance is as below;

<table>
<thead>
<tr>
<th>18/19 Financial Year</th>
<th>Actual</th>
<th>Budget</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>$204,821</td>
<td>$344,030</td>
<td>-$139,209</td>
</tr>
<tr>
<td>Expense</td>
<td>$330,344</td>
<td>$389,030</td>
<td>$58,685</td>
</tr>
<tr>
<td>Net position (profit/loss)</td>
<td>-$125,523</td>
<td>-$80,524</td>
<td></td>
</tr>
</tbody>
</table>

The net financial result of the event is detailed below;

<table>
<thead>
<tr>
<th>Reimbursements</th>
<th>$</th>
<th>3,960</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants and sponsorship</td>
<td>$</td>
<td>135,645</td>
</tr>
<tr>
<td>Tickets and Merchandise sales</td>
<td>$</td>
<td>64,730</td>
</tr>
<tr>
<td>Vendor charges</td>
<td>$</td>
<td>1,155</td>
</tr>
<tr>
<td><strong>Total Event Income</strong></td>
<td>$</td>
<td><strong>205,490</strong></td>
</tr>
<tr>
<td>Creative Director</td>
<td>$</td>
<td>35,818</td>
</tr>
<tr>
<td>Project Management</td>
<td>$</td>
<td>39,997</td>
</tr>
<tr>
<td>Advertising and Merchandise</td>
<td>$</td>
<td>42,213</td>
</tr>
<tr>
<td>Site Costs eg Toilet, Sound, freight</td>
<td>$</td>
<td>89,813</td>
</tr>
<tr>
<td>Performers/Artists</td>
<td>$</td>
<td>123,500</td>
</tr>
<tr>
<td>Catering and catering expenses</td>
<td>$</td>
<td>5,546</td>
</tr>
<tr>
<td>Mid West Transportables Charges</td>
<td>$</td>
<td>10,710</td>
</tr>
<tr>
<td>Accommodation</td>
<td>$</td>
<td>13,236</td>
</tr>
<tr>
<td>Bank Charges</td>
<td>$</td>
<td>320</td>
</tr>
<tr>
<td>Hire of Items and water costs</td>
<td>$</td>
<td>3456</td>
</tr>
<tr>
<td>Admin and Outside crew wages</td>
<td>$</td>
<td>4545</td>
</tr>
<tr>
<td><strong>Total Event Expense</strong></td>
<td>$</td>
<td><strong>369,154</strong></td>
</tr>
<tr>
<td>Event Loss</td>
<td>-$</td>
<td>163,664</td>
</tr>
</tbody>
</table>

**Comment**

The net financial loss on event is $163,664, this excludes in-kind costs. In-kind costs of $13,977 SoP and BHA of $84,210 have not been included. This is a conservative calculation which excludes costs attributed to the event but not recorded.

This loss has resulted in a variance to budget for the 2018/2019 of $80,524 and a deficit to the bottom line of $125,523.

**Statutory Environment**

Nil

**Financial Implications:**
Allow for the correct calculation of contributions to the event.

Strategic Implications

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

**Goal:** A community that develops and lives sustainably in a thriving natural and quality built environment, which meets and maintains current and future community needs.

Area 3: People and Place – Our Community

**Goal:** Demonstrating a high quality of life for all, offering relevant activities, facilities and services, to enable people to meet their needs to achieve or exceed their potential.

Risk Management

<table>
<thead>
<tr>
<th>Risk Statement</th>
<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council not receiving the event report and not adhering to the Project Agreement.</td>
<td>Medium consequence and medium risk.</td>
<td>Council receive the report and be able to make informed decisions on the event.</td>
</tr>
</tbody>
</table>

Consultation

CEO, MCDS, SFO, Luke Bailey BHA, Emily Sutherland Project Manager

Voting Requirements – Simple Majority

**Officers Recommendation – Item 18124.3**

That council receive the attached report.

**Council Decision – Item 18124.3**

Moved: Cr J Hirsch  
Seconded: Cr R White  
That Council receive the Shire Officers report included under item 18124.3.  
Carried: 7/0

**Council Decision – Item 18124.3**

Moved: Cr J Hirsch  
Seconded: Cr G Reid  
That Council not accept the Project Managers Report on the 2018 Blues for the Bush event.  
Carried: 7/0
18122.4 PERENJORI PROMOTION OPPORTUNITY

APPLICANT: GWN 7 AND SHIRE OF MORAWA
FILE: ADM
DISCLOSURE OF INTEREST: NIL
AUTHOR: EMILY EAKINS – COMMUNITY DEVELOPMENT OFFICER
RESPONSIBLE OFFICER: JOELENE DENNIS - MCDS
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS: NIL

Executive Summary
The purpose of this report is for Council to consider a promotional opportunity for the Shire of Perenjori.

Background
The Shire of Morawa have been approached by the GWN7 network to participate in the television program Our Town WA, which promotes why people should live and work in small regional towns in Western Australia. The Shire of Morawa is looking to find 4 other shires that would like to collaborate with them on this project. The program is 30 minutes long, which will allow for a 20-minute story. The cost that has been quoted for the episode is $40,000 + GST. If 5 Shires participate the cost is $8,000 + GST.

Each Shire would get a 4-minute story on their town accompanied by their own shire logo and the beginning and the end of the story. They would then be able to use this video to promote on their shire website and social media.

As the current tourist and wildflower season has ended, the production company, Visage Media has stated that other high-quality footage can be used. They have also stated that any raw footage that is collected throughout filming can be used by the shire.

Comment
This collaboration with the Shire of Morawa and the Our Town Television program will be a good opportunity to promote the town of Perenjori and the region. Working with the other shires in the region the cost of the program is reasonable, and the shire would have access to the 4-minute story that can be used elsewhere to help promote the shire.

Obviously filming during the peak tourism/wildflower season would be a better option and maybe this should be a consideration when deciding this request.

Statutory Environment
Nil

Policy Implications
Policy 4007 – Purchasing Policy – the cost quoted complies with Policy 4007 in respect that only one quote is required for purchases up to $10,000.

Financial Implications
The current budget has an allocation of $40,000 for Area Promotion of which just over $5,000 has been expended.
Strategic Implications

Risk Management

<table>
<thead>
<tr>
<th>Risk Statement</th>
<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other promotion options have not been considered. The risk is that other options may be more effective.</td>
<td>Low</td>
<td>Ascertain the standard of the work proposed.</td>
</tr>
</tbody>
</table>

Consultation

Shire’s of Mingenew, Three Springs, Carnamah and Morawa

Voting Requirements – Simple Majority

Moved: Cr J Hirsch Seconded: Cr R White

That subject to 4 other Shires in the region agreeing to participate in the Our Towns WA project council commit to the project, at a maximum cost of $8,000 plus GST.

Carried: 7/0

18122.5 WRITE OFF OUTSTANDING DEBTS

APPLICANT: SHIRE OF PERNJORI
FILE: ADM 0081
DISCLOSURE OF INTEREST: NIL
AUTHOR: ALLY BRYANT - SFO
RESPONSIBLE OFFICER: JOELENE DENNIS - MCDS
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS NIL

Executive Summary

This item recommends that the Council approves the write off of specified outstanding debts.

Background

The following debtors have been outstanding for some considerable time and are now uncollectable.

<table>
<thead>
<tr>
<th>Debtor</th>
<th>Amount</th>
<th>Days overdue</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher Maculaitis</td>
<td>$559.77</td>
<td>945</td>
<td>Rent owed by ex-employee. $456.07 was written off on 29/04/2016 then reversed</td>
</tr>
</tbody>
</table>
Stating that it had been incorrectly written off. Following this 2 payments of $100 were received in May 2016 and then Debt Collection Charges added on 18/09/17.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Ref.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA Superannuation</td>
<td>$863.13</td>
<td>91</td>
</tr>
</tbody>
</table>

On 19th September 2017 Superannuation was paid to WA Super twice for Stephen Midgely. This amount was on our bank reconciliation and I created an invoice to try and retrieve the amount from WA Super. When I spoke to them Mr Midgely had already been paid out his Superannuation and we were unable to recoup the funds from them.

**TOTAL** $1422.90

**Comment**

Administration has worked with a Debt Collection Agency to recover the outstanding funds, all to no avail. To continue debt recovery action will incur additional costs with no guarantee of a positive outcome.

**Policy Implications**

Policy 4002 – Debt Collection Procedure

**Financial Implications**

Writing off the sum of $1422.90 will decrease budgeted income.

**Strategic Implications**

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire’s position as an innovative, independent Local Government providing excellence in all areas of governance, management and leadership.

**Consultation**

Debt Collectors

MCDS

**Comment**

Nil

**Voting Requirements – Simple Majority**

**Officers Recommendation and Council Decision – Item 15122.1**

Moved: Cr G Reid  
Seconded: Cr R Spencer

That Council, in accordance with Policy 4002 Council authorises the CEO to write off the debts listed in this report to the sum of $1422.90.

Carried: 7/0
Executive Summary
This item seeks Council’s acceptance of the road maintenance report for November 2018.

Background
Listed are the roads that were graded for the month of November.

- Grant Road
- Old Perth Road
- Dring Road
- Hirsch Road
- Waites Road
- Muriels Lane
- Coorow Maya Road
- Diamond Road
- Caffin Road
- Reids Road
- Forte Road
- Taylors Road
- Syson Road
- Rabbit Proof Fence Road
- Perenjori Rothsay Road
Shire of Perenjori

Ordinary Council Meeting

MINUTES

20 December, 2018

Comment
School bus routes and grain harvest movements are determining roads to be graded.

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
As per Road Maintenance Policy

Financial Implications
As per road maintenance budget

Strategic Implications
Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment
Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

Risk Management

<table>
<thead>
<tr>
<th>Risk Statement</th>
<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not maintaining roads will lead to deterioration of the asset and safety issues for users</td>
<td>High</td>
<td>To maintain roads to a standard and implementation of a Road Maintenance Plan.</td>
</tr>
</tbody>
</table>

Consultation
Team Leaders
Grader Operators

Voting Requirements – Absolute Majority

Officers Recommendation and Council Decision – Item 18124.2

Moved: Cr G Reid                                         Seconded: Cr R White
That the road maintenance report for November 2018 be accepted as received.
Carried: 7/0

Over expenditure Maya – East Road construction project

The Chief Executive Officer advised the meeting that as per previous advice given to Councillors the Maya – East Road construction project has exceeded budget by approximately $130,000 and that Council is required to authorise a budget amendment to accommodate the over expenditure.

Councillors were advised in the November Information Bulletin that additional time was required to complete this project due to extended lead for the cartage of gravel and water. The project is a Council funded project and does not affect grant funds however the additional time taken to complete the job will impact on the ability to complete the full
program of works in 2018/19 it is therefore recommended that Council note the over expenditure and defer the Spencer Road upgrading project to 2019/20.

Cr P Waterhouse declared a financial interest on the basis that he supplied gravel for the roadworks on Maya – East Road. Cr P Waterhouse left the room at 4.18 pm

<table>
<thead>
<tr>
<th>Officers Recommendation and Council Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Cr R White</td>
</tr>
<tr>
<td>Seconded: Cr R Spencer</td>
</tr>
<tr>
<td>That the over expenditure on the Maya – East Road be noted and the Spencer Road gravel sheeting project be differed to the 2019/20 budget.</td>
</tr>
<tr>
<td>Carried by absolute majority 6/0</td>
</tr>
</tbody>
</table>

Cr P Waterhouse returned at 4.26 pm.
18124.2 SEALING QUOTES FOR 2018/19

APPLICANT: SHIRE OF PERENJORI
FILE: NIL
DISCLOSURE OF INTEREST: NIL
AUTHOR: KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES
RESPONSIBLE OFFICER: KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS NIL

Executive Summary
This item seeks Council’s endorsement of the preferred contractor for the Shire of Perenjori’s 2018/19 sealing program.

Background
The Perenjori Shire’s 2018/19 road program has only one seal project which is the Carnamah Perenjori Road.

Utilising WALGA’s EQuote system, three suppliers where asked to submit prices for the works. One supplier- Fulton Hogan failed to submit by the closing date. Boral Asphalt and Bitutek both submitted responses. The following table shows the pricing submitted by the two respondents:

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>BITUTEK</th>
<th>BORAL ASPHALT</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOB/DEMOB</td>
<td>$2500</td>
<td>$5275</td>
</tr>
<tr>
<td>PRECOATING $/M3</td>
<td>$11</td>
<td>$13.22</td>
</tr>
<tr>
<td>APPROX AMOUNT 660M3</td>
<td>$7260</td>
<td>$8725.20</td>
</tr>
<tr>
<td>BITUMEN $/LT</td>
<td>$1.19</td>
<td>$1.19</td>
</tr>
<tr>
<td>APPROX 106000LT</td>
<td>$126,140</td>
<td>$126,140</td>
</tr>
<tr>
<td>SPEADING OF AGGREGATES $/M2</td>
<td>$0.18</td>
<td>$0.32</td>
</tr>
<tr>
<td>APPROX 55000M2</td>
<td>$9900</td>
<td>$17600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$145,800</td>
<td>$157,740.20</td>
</tr>
</tbody>
</table>

The above totals are estimates based on approximate materials and quantities required. Final service cost will be based on actual area covered and material sprayed.

Bitutek comes out on top based on pricing.

Preferred suppliers were also asked to submit a price for the supply and delivery of CRS Emulsion on as needed basis. The following table shows pricing submitted:

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>BITUTEK</th>
<th>BORAL ASPHALT</th>
</tr>
</thead>
</table>

20
The Shire of Perenjori orders CRS Emulsion on an as needed basis.

Pricing submitted for the supply and delivery of CRS Emulsion varied by $0.08/per litre.

**Comment**

Based on the pricing submitted by the tenderer’s, Bitutek have provided the best tender. They had previously been servicing the Shire of Perenjori until last year where Boral Asphalt had been awarded the works.

Boral Asphalt serviced the Shire well last year and the pricing between the two companies is close.

With the supply of emulsion, it would be a good idea to award to the best priced tenderer but have the other tenderer as secondary in case the preferred tenderer can’t supply.

**Statutory Environment**

Section 3.57(1) of the Local Government Act 1995 requires a Local Government to invite tenders before it enters into a contract for a purchase of a prescribed kind, however Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996, Regulation 11 states this is only required for purchases worth more than $150,000 unless Council have delegated otherwise.


**Policy Implications**

As per Council’s purchasing policy

**Financial Implications**

As per Council’s Road Program Budget for 2018/19

**Strategic Implications**

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

**Risk Management**

<table>
<thead>
<tr>
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<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service delivered could be affected if continually changing supplier</td>
<td>low</td>
<td>Both tenderers have provide good service over the years</td>
</tr>
</tbody>
</table>

**Consultation**

NIL

**Voting Requirements – Simple Majority**
Officers Recommendation and Council decision – Item 18124.2

Moved: Cr P. Waterhouse  
Seconded: Cr G. Reid

1. That Council accept the tender from Bitutek for the Supply, Spray and Cover of Bituminous Products for 2018/19 and

2. Accept the tender from Boral Asphalt for the Supply and Delivery of CRS Emulsion and

3. Accept the tender from Bitutek for the Supply and Delivery of CRS Emulsion if Boral Asphalt are unable to deliver.

Carried: 7/0

18124.3 RESTRICTED ACCESS VEHICLE APPLICATION

APPLICANT: RIVET MINING SERVICES
FILE: NIL
DISCLOSURE OF INTEREST: NIL
AUTHOR: KEN MARKHAM - MANAGER INFRASTRUCTURE SERVICES
RESPONSIBLE OFFICER: KEN MARKHAM - MANAGER INFRASTRUCTURE SERVICES
REPORT DATE: 20th DECEMBER 2018
ATTACHMENTS NIL

Executive Summary
This item seeks Council’s consideration and decision on an application for RAV 10 access on several Shire roads.

Background
An application has been forwarded from HVS on behalf of Rivet Mining Services for RAV 10 access to the Rothsay minesite. The roads requested are Perenjori Rothsay Road, Warriedar Coppermine Road and Boonerong Road. These roads are currently RAV 7.

They propose to undertake ore cartage from the Rothsay mine to the treatment plant at Kirkalooka. They anticipate the duration of haulage to be 3 years with 40,000 ton per month, 12 loads per day every 24 hours.

Rivet Mining Services have indicated that they are willing to work with the Shire of Perenjori to reach a road use agreement. They have initially indicated that they would have a double watercart with grader during haulage.

There would be other factors to be considered when entering a road maintenance agreement with the applicant as the Shire has two other arrangements with mining companies regarding road maintenance/ usage. These are Karara Mining with the section of unsealed Perenjori Rothsay Road and the section of Warriedar Coppermine Road from Perenjori Rothsay Road to Karara Road and Mt Gibson Mining for the Wanarra, Wanarra East Roads.

The agreement would need to consistant with the existing agreements and may require consultation/ discussion with the other parties.

The main concern regarding the roads is that the existing material along the majority of Warriedar Coppermine and Boonerong Roads would not hold up to the level of traffic movements and after
three years of cartage the roads would most likely require extensive works to be carried out to return to a fair condition.

Also to be considered is the Tungston Mine at Mt Mulgine situated approximately 14km further East of Boonerong Road. They are proposing to cart material out of their operations back along the Warriedar Coppermine, Perenjori Rothsay Roads. Their operation at this stage is for 2-3 RAV vehicle movements 1 way per week. They plan to transport the material in sea containers. We are currently applying for RAV 7 access from Boonerong Road to the Shire boundary as this is currently not RAV.

**Comment**

The proposed RAV10 movements would have a serious impact on the roads and any approval to use the roads would require entering into a road use agreement for the maintenance and renewal of the roads.

**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**

**Financial Implications**

If no agreement reached for road maintenance and renewal then the Shire of Perenjori would be up for significant costs.

**Strategic Implications**

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

**Risk Management**

<table>
<thead>
<tr>
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<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant costs to Shire with amount of vehicle movements affecting road integrity</td>
<td>Mid/high</td>
<td>Enter into a road use agreement with road users for maintenance/ upgrade of affected roads.</td>
</tr>
</tbody>
</table>

**Consultation**

Heavy Vehicles Services
Main Roads
Rivet Mining Services

**Voting Requirements – Simple Majority**
Officers Recommendation and Council decision – Item 18124.3

Moved: Cr J. Hirsch  Seconded: Cr P. Waterhouse

1. That Council support the application for RAV10 access on the Perenjori Rothsay, Warriedar Coppermine and Boonerong Roads with restrictions including speed and written authority and

2. Authorise the CEO to negotiate a road use agreement with Rivet Mining Services for the cartage of ore from Rothsay Goldmine along the affected roads or:

3. That Council not support the application for RAV 10 access on the Perenjori Rothsay, Warriedar Coppermine and Boonerong Roads.

Carried: 7/0

18125  GOVERNANCE

18125.1 ADOPTION OF ANNUAL REPORT – 2017/2018

APPLICANT: NOT APPLICABLE
FILE: ADM
DISCLOSURE OF INTEREST: NIL
AUTHOR: PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER: PASCOE DURTANOVICH – A/CEO
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS: ANNUAL REPORT AND AUDITORS REPORT

Executive Summary

The 2017/2018 Annual Report, containing the 2017/2018 Annual Financial Statements and the Auditors Report is presented for council for endorsement. Council is also required to set a date for the holding of the Annual General meeting of electors.

Background

The Annual Report has been prepared in accordance with Section 5.53 of the Local Government Act, 1995 and includes the Annual Financial Report and Auditors Report.

The Annual Financial Report and the Auditors Report was considered by the Shire’s Audit Committee on 20 December, 2018. The Audit Committee has recommended acceptance of both reports.

Comment

Council is now required to adopt the Annual Report, consider the matters raised in the Audit Report and set a date and time for the Annual General meeting of Electors. The meeting must be held within 56 days of acceptance of the Annual Report for the previous financial year, which is 14 February, 2019.
The Audit Report has identified three matters of non-compliance, one is shown as resolved. Action proposed to achieve compliance on the remaining two items is stated under management comment.

The three matters identified are as follows:

1.1 REVALUATION OF ROADS AND FOOTPATHS

Findings:
During the financial year, the Shire engaged an independent valuer to revalue its roads and footpaths infrastructure assets as at 30 June 2018. The valuation report indicated a material reduction of $16,750,858 in the carrying value of these assets. However, the Shire initially failed to bring to account the impairment of these assets in the draft financial statements presented for audit. Failure to bring to account the impairment is a breach of Regulation 17A(4) of the Local Government (Financial Management) Regulations 1996 and is also a failure to comply with AASB 136 Impairment of Assets.

During the audit, the Shire subsequently brought to account the financial impact of the independent valuation in the revised 30 June 2018 financial statements, which resulted in a reduction of $16,750,858 in the carrying value of these assets, a decrement to the asset revaluation reserve of $16,644,221 and a charge to the Statement of Comprehensive Income of $106,637.

Implication:
Failure to bring to account the financial impact of the independent valuation of the roads and footpaths infrastructure assets in the initial 30 June 2018 financial statements presented for audit, resulted in the carrying value of these assets being overstated by $16,750,858.

Furthermore, the Shire was initially in breach of Regulation 17A(4) of the Local Government (Financial Management) Regulations 1996 and was not complying with AASB 136 Impairment of Assets.

Management Comment:
The findings are noted and agreed with. It is noted that this matter is now a resolved issue however to ensure compliance with Financial Management Regulation 17A (4) in the future, Administration will establish a compliance calendar so that the need to assess and document whether an asset category valuation is likely to be materially different from its carrying amount is drawn to the attention of the responsible officer.

Responsible Person:
Manager Corporate and Development Services.

Completion Date:
31 December, 2018

1.2 FAILURE TO COMPLETE RELATED PARTY DISCLOSURE DECLARATION FORMS

Findings:
At the time of drafting the 30 June 2018 financial statements, it was noted that Shire Councillors and key management staff had not completed the Related Party Disclosure Declaration forms. These forms are used by the Shire as a means of gathering evidence to demonstrate compliance with the disclosure requirements of AASB 124 Related Party Disclosures. Audit notes that these forms had been completed by Shire Councillors and key management staff during the prior financial year.

Rating: Moderate
Implication:
There is a risk that the Shire will fail to comply with the requirements of AASB 124 Related Party Disclosures.

Management Comment:
Noted and agreed.
Councillors and relevant staff will be provided with the necessary forms so the disclosures can be completed.

Responsible Person:
Chief Executive Officer

Completion Date:
20 December, 2018

1.3 UPDATE OF LONG-TERM FINANCIAL PLAN AND ASSET MANAGEMENT PLAN

Findings:
The asset renewal funding ratio was calculated using required capital renewals per the asset management plan and planned asset renewals from the long term financial plan, with a rolling average applied for years beyond the period projected in the long term financial plan.

The asset renewal funding ratio must be calculated using both verifiable and reasonable assumptions and in accordance with Local Government (Financial Management) Regulation 50.

Implication:
There is a risk that the Shire will fail to comply with the requirements of Local Government (Financial Management) Regulation 50 in future years if the long term financial plan and asset management plan are not updated.

Management Comment:
Finding noted and agreed.
It is proposed to raise this issue with council on 20 December, 2018 with a view to resources being allocated so that the AMP and LTFP can be reviewed and updated prior to June 2019.

Responsible Person:
Chief Executive Officer

Completion Date:
AMP and LTFP to be reviewed and updated by May, 2019.

Statutory Environment
Section 5.27(1) states:
A general meeting of electors of a district is to be held once every financial year.
Section 5.27 (2)
A General meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the Annual Report for the previous financial year.

Section 5.29(1)

The CEO is to convene an electors’ meeting by giving – (a) at least 14 days local public notice; and (b)each council member at least 14 days notice of the date, time, place and purpose of the meeting.

Policy Implications

There are no policy implications relevant to this matter.

Financial Implications

There are no financial implications

Strategic Implications

There are no strategic implications

Risk Management

<table>
<thead>
<tr>
<th>Risk Statement</th>
<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk of non-compliance with legislation</td>
<td>Low</td>
<td>The audit conducted in time and set electors meeting within the time specified.</td>
</tr>
</tbody>
</table>

Consultation

Not applicable

Voting Requirements – Absolute Majority

Officers Recommendation and Council decision – Item 18125.1

Moved: Cr J. Hirsch                      Seconded: Cr R. Spencer

That Council:

1. Adopt the 2017/2018 Annual Report, containing the Annual Financial Report and Auditors Report, for the financial year ending 30 June, 2018;

2. Set the 13 February, 2019 as the date for the Annual Meeting of Electors, to be held in Perenjori, commencing 5:30pm.

3. Note the matters of non-compliance identified in the Audit Report and the remedial action proposed.

Carried by absolute majority 7/0
Executive Summary

The purpose of this report is for Council to review the Shire’s Australia Day Awards Nomination processes and consider adopting a Policy to manage same.

Background

The author understands that Council participates in the Australia Day Citizen of the year Awards however on some occasions nominations are not forthcoming and the objective of the program is not achieved.

Administration would like council to review the current practice with a view to generating more exposure to the Award program and to adopt a policy setting out the timing, advertising and nomination process.

Comment

The Community Citizens of the year awards program is promoted by the Australia Day Council, the Council has detailed information on how the award works, in terms of categories, nominations selection criteria, presentations etc.

The awards are promoted in four categories:

- Community Citizen of the Year
- Senior Community Citizen of the Year (65 years and over)
- Young Community Citizen of the Year (under 25 years)
- Active Citizenship Award (community group or event)

Most local governments work with the Australia Day Council guidelines, modified to suit their needs, however, Councils can have their own awards program, in whatever format they determine and still present the awards on Australia Day.

Given the population of Perenjori Council may wish to make the awards on a bi-annual basis and rather than have four categories just have the Community Citizen of the Year and community group or event. The draft policy reflects this suggestion.

Statutory Environment

There are no statutory implications

Policy Implications

Council does not have a policy dealing with Australia Day Citizen of the Year Awards.

Financial Implications
Strategic Implications

The Shire of Perenjori Strategic Community Plan – Strategic Theme 4: Civic Leadership states:

Support volunteering and the development of volunteers.

Risk Management

<table>
<thead>
<tr>
<th>Risk Statement</th>
<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>In order to foster community participation and volunteering those in the community that make a considerable contribution should be acknowledged.</td>
<td>medium</td>
<td>Continue to acknowledge volunteers in one form or another.</td>
</tr>
</tbody>
</table>

Consultation

Not applicable

Voting Requirements – Simple Majority

Officers Recommendation – Item 18125.2

That draft Policy no 1020, in respect to Community Citizen of the Year Awards, be adopted.

Council decision – Item 18125.2

Moved: Cr R. Spencer  
Seconded: K. Pohl

That draft Policy No. 1020, in respect to Community Citizen of the Year Awards, be adopted. Subject to the inclusion of the following three award categories:

1. Community Citizen of the year
2. Young citizen of the year
3. Community group award

Carried: 7/0

Reason for change to the officer recommendation

Council amended the draft policy to include three awards so that all age groups are included.
18125.3 GOVERNANCE POLICY – COUNCIL FORUM / BRIEFING SESSIONS

APPLICANT: NOT APPLICABLE
FILE: POLICY MANUAL
DISCLOSURE OF INTEREST: NIL
AUTHOR: PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER: PASCOE DURTANOVICH – A/CEO
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS: DRAFT POLICY

Executive Summary

The purpose of this item is for Council to re-affirm/amend the policy for the holding of Forum/Briefing Sessions.

Background

Council currently holds a Forum/Discussion Session each month prior to the council meeting. As far as can be ascertained there are no Forum procedures/guidelines documented in the Policy Manual. There is reference in the monthly Information Bulletin to a policy adopted in 2007 and it appears that this is what council has been working with, although there is no formal agenda or record of matters discussed.

Comment

The draft policy attached is similar to that adopted in 2007, council can make changes if required, any changes however should not compromise transparency and accountability in the decision making process.

The guidelines proposed are as follows:

Forum Procedure

- Forum to be held each month prior to the Ordinary Council Meeting, commencing 1pm.
- Forums to be attended by Councillors, the Chief Executive Officer, other senior staff, consultants and invited guests.
- Forum Agenda shall include discussion on items included on the next Ordinary Council meeting agenda, issues that may result in agenda items for future Council meetings, concept items, matters raised by councillors and questions/discussion on the Councillors Information Bulletin.
- The Chief Executive Officer will ensure timely written notice and the agenda for each Forum is provided to all members, at least three days prior to the Forum.
- The Shire President is to be the presiding member at all forums.
- Elected members, employees, consultants and other participants shall disclose their financial and conflict of interest in matters to be discussed. Interests are to be disclosed in accordance with the provisions of the Local Government Act, 1995 as they apply to Council meetings.
- Members of the public can attend the Forums.
Shire of Perenjori

Ordinary Council Meeting

MINUTES 20 December, 2018

- The Presiding Person shall be guided by the principles set out in Section 5.23 of the Local Government Act when determining if to go behind closed doors.

- A record shall be kept of all Forums. As no decisions will be made the record need only be a general record of items discussed but should record disclosures of interest with appropriate departure/return times.

Statutory Environment

Interest provisions as per the Local Government Act, 1995.

Policy Implications

New Policy

Financial Implications

There are no financial implications as the proposed policy only formalises current practice.

Strategic Implications

Risk Management

<table>
<thead>
<tr>
<th>Risk Statement</th>
<th>Level of Risk</th>
<th>Risk Mitigation Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not formalising Forum/Discussion Sessions could expose Council to</td>
<td>Medium to high</td>
<td>Adopt the proposed policy and adhere to the guidelines set.</td>
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<td>criticism on lack of transparency.</td>
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</tbody>
</table>

Consultation

Not applicable

Voting Requirements – Simple Majority

<table>
<thead>
<tr>
<th>Officers Recommendation and Council decision – Item 18125.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved: Cr R. Spencer Seconded: Cr J. Hirsch</td>
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<tr>
<td>That draft Policy No 9016 – Council Forums/Briefing Sessions, identified as</td>
</tr>
<tr>
<td>attachment 18125.3, be adopted.</td>
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<tr>
<td>Carried: 7/0</td>
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</tbody>
</table>

18125.4 LOCAL GOVERNMENT ACT, 1995 REVIEW – PHASE 2

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>FILE:</td>
<td>NIL</td>
</tr>
<tr>
<td>DISCLOSURE OF INTEREST:</td>
<td>NIL</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>PASCOE DURTANOVICH – A/CEO</td>
</tr>
<tr>
<td>RESPONSIBLE OFFICER:</td>
<td>PASCOE DURTANOVICH – A/CEO</td>
</tr>
<tr>
<td>REPORT DATE:</td>
<td>20 DECEMBER, 2018</td>
</tr>
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</table>
ATTACHMENTS: WALGA ADVOCACY POSITIONS

Executive Summary
The purpose of this item is to consider the West Australian Local Government Association’s (WALGA) advocacy positions on the Local Government Act review and for Council to raise other amendments as deemed necessary.

Background
The Minister for Local Government commenced a review of the Local Government Act in 2017 with community and local government consultation.

WALGA also conducted consultation with member local governments, resulting in the adoption of policy positions on Phase 1 of the review by State Council in December, 2017 and March, 2018.

The Minister for Local Government announced Phase 1 policy positions at the WALGA annual General meeting on 1 August, 2018. It is expected that an amendment Bill dealing with matters raised under Phase 1 will soon be presented to Parliament.

The Minister announced the consultation process for Phase 2 of the Act review in August, 2018, with 11 Themes, arranged under “Smart, Agile, Inclusive” headings:

Agile
- Beneficial Enterprises
- Financial Management
- Rates

Smart
- Administrative Efficiencies
- Local Laws
- Council Meetings
- Interventions

Inclusive
- Community Engagement
- Integrated Planning and Reporting
- Complaints Management
- Elections

Comment
WALGA is now offering an opportunity for member local governments submissions to consider, review, amend and add to the advocacy positions endorsed by State Council in March, 2018. A copy of WALGA’s advocacy positions is attached.

Council response is required by 1 February, 2019 so that an agenda item can be presented to the Zone meetings leading up to the March, 2018 State Council meeting.

The author of this agenda item recommends that WALGA’S advocacy positions on all 11 themes be supported. Council is also invited to submit any other matter of interest that can feed into the Act review process.

Statutory Environment
Local Government Act, 1995 and Local Government Regulations

Policy Implications
Nil

Financial Implications
Nil

Strategic Implications
Nil

Risk Management
Nil

Consultation
Consultation on this matter is being undertaken by the Minister for Local Government and WALGA

Voting Requirements – Simple Majority

Officers Recommendation – Item 18125.4

That the West Australian Local Government Association’s advocacy positions on Phase 2 of the Local Government Act, 1995 review, as detailed in attachment 18125.4, be supported.

Council Decision – Item 18125.4

Moved: Cr R. White  
Seconded: Cr G. Reid

That this item be deferred to the February, 2019 council meeting pending further consideration of the WALGA advocacy positions and consideration of any offer amendments put forward by councillors.

Carried: 7/0

18126  STATUS REPORT

APPLICANT:  SHIRE OF PERENJORI
FILE:  NIL
DISCLOSURE OF INTEREST:  NIL
AUTHOR:  PASCOE DURTANOVICh – A/CEO
RESPONSIBLE OFFICER:  PASCOE DURTANOVICh – A/CEO
Executive Summary

The status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Background
Nil

Comment
Nil

Statutory Environment

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

Policy Implications
Nil

Financial Implications
Nil

Strategic Implications

Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

Consultation
Staff

Office Recommendation and Council decision – Item 18126

Moved: Cr R. Spencer  
Seconded: Cr K. Pohl

Council accepts the Status Report as presented for the month of November 2018.

Carried: 7/0
18127 OTHER BUSINESS

18127.1 MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

18127.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

18127.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

18127.4 MATTERS BEHIND CLOSED DOORS

Mr Pascoe Durtanovich declared a financial interest in item 18127.4.1 on the basis that he is the incumbent Acting CEO

**Officer Recommendation and Council decision – Item 18126**

Moved: Cr J. Hirsch  
Seconded: Cr G. Reid  

That the Acting CEO be permitted to remain in the meeting to answer questions in respect to the CEO contract of employment.  

Carried: 7/0

*In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:*

  a) A matter affecting an employee or employees  
  b) The personal affairs of any person;  
  c) A matter that if disclosed, would reveal –  
    i. A trade secret; or  
    ii. Information that has a commercial value to a person; or  
    iii. Information about the business, professional, commercial or financial affairs of a person

**Officer Recommendation and Council decision – Item 18127.4**

Moved: Cr P. Waterhouse  
Seconded: Cr K. Pohl  

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:  

  a) a matter affecting an employee or employees

Carried: 7/0
18127.4.1 CONFIDENTIAL ITEM – SELECTION OF CHIEF EXECUTIVE OFFICER

APPLICANT: NOT APPLICABLE
FILE: NIL
DISCLOSURE OF INTEREST: PASCOE DURTANOVICH – A/CEO
AUTHOR: PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER: PASCOE DURTANOVICH – A/CEO
REPORT DATE: 20 DECEMBER, 2018
ATTACHMENTS DRAFT CONTRACT OF EMPLOYMENT PROVIDED TO COUNCILLORS UNDER SEPARATE COVER

Executive Summary
Interviews, negotiations etc for the position of Chief Executive Officer for the Shire of Perenjori have been completed. Council is now required to make an appointment.

Background
Council appointed Logo Appointments to assist in the recruitment of a Chief Executive Officer. Final interviews were conducted on Monday, 3 December, 2018. Following interviews councillors selected a preferred candidate subject to positive referee checks.

Logo Appointments have now completed referee checks for the preferred candidate.

Comment
The selection process has been conducted in accordance with the requirements of the Local Government Act, 1995. Council is now required to make a decision on the selection.

Statutory Environment
The appointment of a Chief Executive Officer is covered under Section 5.36 of the Local Government Act, 1995 which states:

5.36 Local Government employees

1. A local government is to employ-
   (a) a person to be the CEO of the Local Government; and

2. A person is not to be employed in the position of CEO unless the council –
   (a) believes that person is suitably qualified for the position; and
   (b) is satisfied* with the provisions of the employment contract

*Absolute majority

Policy Implications
Nil

Financial Implications
As outlined in the contract of employment.

Strategic Implications
Nil
Shire of Perenjori

Ordinary Council Meeting

MINUTES 20 December, 2018

Risk Management
Not applicable

Consultation
Not applicable

Voting Requirements
Simple majority for Recommendation (1)
Absolute majority for Recommendation (2)

Council Decision – 18127.4.1 (1)

Moved: Cr P. Waterhouse  Seconded: Cr R. Spencer

That Council is of the belief that Paul Bawden is suitably qualified for the position of Chief Executive Officer for the Shire of Perenjori.

Carried 5/2

Councillor R. White voted against the motion on the basis that he was not satisfied with the recruitment process, rather than the appointed applicant.

Council Decision – 18127.4.1 (2)

Moved: Cr R. Spencer  Seconded: Cr J. Hirsch

That Council:

1. Appoint Paul Bawden to the position of Chief Executive Officer with the Shire of Perenjori for a period of 4 years, commencing 31 January, 2019 and concluding 31 January, 2023.

2. Is satisfied with the provisions of the proposed employment contract to be entered into with Paul Bawden in accordance with the advertised package: and

3. Authorises the Shire President and Acting Chief Executive Officer to finalise contract conditions of employment.

Carried by absolute majority 5/2

Council Decision – 18127.4.1 (3)

Moved: Cr J. Hirsch  Seconded: Cr R. Spencer

That Council move from behind closed doors.

Carried 7/0
18127.5 DATE OF NEXT MEETING

The date of the next Council meeting will be held on Thursday 21 February, 2019 commencing at 3.00 pm.

18127.6 CLOSURE

Cr L Butler declared the meeting closed at 5.50 pm.