

SHIRE OF TAMMIN

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Donnan Street, Tammin, on
Wednesday, 7 December 2005, commencing at 1:00pm

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

1:52pm - The Presiding Person, Cr Leslie declared the meeting open.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Cr. B. Leslie	President (Presiding Person)–Absent from chambers 5:48pm to 7:04pm
Cr. L Caffell	Deputy President – Presiding Person 5:48pm to 7:04pm
Cr. R Stokes	Member
Cr. M Greenwood	Member
Cr M Wheeldon	Member
Cr S Jefferies	Member
Mr F. Peczka	Chief Executive Officer
Miss G. Stewart	Personal Assistant (Minutes)

Apologies

NIL

Leave of Absence

NIL

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil

PUBLIC QUESTIONS TAKEN ON NOTICE

APPLICATIONS FOR LEAVE OF ABSENCE - Nil

DECLARATION OF INTEREST

PRESENTATIONS - Nil

MEETING GUEST

CONFIRMATION OF MINUTES PREVIOUS MEETING

MINUTES OF ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 2 NOVEMBER 2005

MIN 224/05 MOTION - Moved Cr. Greenwood 2nd Cr. Wheeldon

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 2 November 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 6/0

BUSINESS ARISING FROM MINUTES – Nil

MINUTES OF KELLERBERRIN TAMMIN RESOURCE SHARE MEETING HELD ON WEDNESDAY, 2 NOVEMBER 2005

MIN 225/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

That the minutes of the Kellerberrin Tammin Resource Share Meeting of the Shire of Tammin held on 2 November 2005 at Council Chambers, Kellerberrin be confirmed as a true and correct record.

CARRIED 6/0

BUSINESS ARISING FROM MINUTES – Nil

MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 17 NOVEMBER 2005

MIN 226/05 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

That the minutes of the Special Council Meeting of the Shire of Tammin held on 17 November 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 6/0

BUSINESS ARISING FROM MINUTES – Nil

MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY, 21 NOVEMBER 2005

MIN 227/05 MOTION - Moved Cr. Greenwood 2nd Cr. Jefferies

*That the verbal report as presented, summarized hereunder;
President advised purpose of meeting was to meet and set a date and time to meet with new incoming Chief Executive Officer to finalise employment and contract negotiations. Four (4) Councilors present at this meeting, be accepted.*

CARRIED 6/0

(No Record of Formal Minutes taken)

BUSINESS ARISING FROM MINUTES – Nil

MINUTES OF SPECIAL COUNCIL MEETING HELD ON SUNDAY, 27 NOVEMBER 2005

MIN 228/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Jefferies

*That the verbal report as presented, summarized hereunder;
All Councillors present on Sunday, 27th November 2005 commencing at 12noon to meet with new incoming Chief Executive Officer to discuss the following subjects;*

1. *Inspected 2 x residential properties for Chief Executive Officer*
2. *Discussed and finalised Contract of Employment*
3. *Discussed outsourcing financial services, be accepted.*

CARRIED 6/0

(No Record of Formal Minutes taken)

BUSINESS ARISING FROM MINUTES – Nil

MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 1 DECEMBER 2005

MIN 229/05 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

That the minutes of the Special Council Meeting of the Shire of Tammin held on 1 December 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 6/0

BUSINESS ARISING FROM MINUTES – Nil

ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

11. AGENDA ITEMS - CORPORATE SERVICES

Agenda Reference:	11.1.1
Subject:	Harvest Ban Policy
Location:	Shire of Tammin – Policy Document
Applicant:	Shire of Tammin
File Ref:	BUSH-00
Disclosure of Interest:	NIL
Date:	28 th November 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Council in its October ordinary meeting of Council adopted the following:

MIN 203/05 MOTION - Moved Cr. Greenwood 2nd Cr. Wheeldon

That Council adopt the following and that it be implemented for the coming 2005/2006 Harvest Season

1. *adopt the Bushfire Index Rating of 32, the wind speed be the average wind speed and certified weather recording equipment, Kestral Meter be used as the adopted equipment standard.*
2. *Harvest Bans and Vehicle Movement Bans are not to be separated, however, designated out loading areas be confined to homestead shed based silo storage sites (not paddock storage sites).*
3. *That the Harvest Ban and Vehicle Movement Policy of the Shire of Yilgarn be presented to Council for implementation with the following amendments*
 - a. *Replace Shire of Yilgarn with Shire of Tammin*
 - b. *Replace six (6) with 2 (2) to initiate a Harvest Ban*
4. *Replace Fire Weather Officers with Fire Control Officers*
5. *That Council arranges for magnets are made for the advertising and reminder of Councils new contact details for Harvest Ban information.*
6. *That a flyer be prepared and placed at the Kellerberrin, Tammin, Yorkrakine, Quairading, Cunderdin CBH Receival Points, including advice of the new Harvest Ban Information Line.*

CARRIED 6/0

REASON

Included and Deleted Receival Points for flyers to go.

COMMENT

Since adopting the above policy for both the Shire of Tammin and Shire of Kellerberrin it has been very evident that with stating a time for the Harvest Ban to be reviewed instead of using the working "to be reviewed at" it is very hard in the circumstance of a Harvest Ban due to a fire within the Shire.

To compensate this administration are suggesting that we add to the current Policy with the following:

"A Harvest and Vehicle Movement Ban is in effect over the whole of the Shire of Tammin until further notice, due to a fire within the Shire of Tammin".

As Council have the new Message Bank Away Facility for farmers to call to see if a Harvest Ban is in place or not there is also no information within the Policy document to state what is to be said in this instance. Administration is suggesting the following:

“Currently there are no Harvest and Vehicle Movement Ban within the Shire of Tammin”.

In adjusting the Policy Document with the above amendments Council will also need to amend the final point on the Policy which highlights that under no circumstance that the wording “to be reviewed at” are to be utilised.

This is very hard in the circumstances of a fire therefore we are suggesting to amend the policy to add “due to weather conditions” so this then allows the wording of “Until Further Notice” to be used in case of fires. The statement will then read:

“Under no circumstances will the words ‘to be reviewed at’ be utilised when issuing notice of Harvest and Vehicle Movement Ban due to weather conditions.”.

Changing the wording for the media releases does not change the policy on issuing harvest bans it is only for when they are initiated that when advertising the fact by phone and radio that the correcting wording be utilised to reflect the ban issued.

FINANCIAL IMPLICATIONS – Nil

POLICY IMPLICATIONS

Shire of Tammin Policy Document – Shire of Tammin Harvest and Vehicle Movement Policy as adopted at Councils November Ordinary Meeting of Council.

STATUTORY IMPLICATIONS

Bush Fires Act 1954 - Section 27

- 1) Subject to the provisions of subsection (2) a person shall not operate, during the prohibited burning times or the restricted burning times –
 - a) A tractor or self propelled harvester unless –
 - i) Its exhaust system including pipes, is maintained in sound and efficient condition;
 - ii) Its exhaust pipe is fitted with a spark arrester as prescribed by regulation; and
 - iii) Its exhaust pipe terminates so as to discharges exhaust emissions vertically upwards or, in the case of a self-propelled harvester the exhaust pipe of which terminates at least 2 metres above the ground, so as to discharge exhaust emissions horizontally or in a direction upwards of the horizontal plane;
 - b) An internal combustion engine, steam engine or other prescribed machinery or vehicle contrary to the regulations or otherwise than in accordance with the regulations.

Penalty: \$500

- 2) A local government may at any time permit the use in orchards within its district of tractors the exhaust pipes of which are not vertical, and in any district where permission is so given, a person may operate in an orchard during the times mentioned in subsection (1) a tractor the exhaust pipe of which is not vertical, so long as the person while operating that tractor complies with the other requirements specified in respect of a tract in paragraph (a) of that subsection and with the requirements of any notice under subsection (3) having effect in the district for the time being.
- 3) A local government may, by notice published in its district by –
 - a) Publication in a newspaper circulating in that district;

- b) Broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district; and
- c) Display in prominent positions in that district

Prohibit the operation in its district of any tractor or self-propelled harvester other than a tractor or self-propelled harvester that is equipped with a fire extinguisher.

4) A notice under subsection (3) –

- a) Shall have effect for such period during the prohibited burning times or the restricted burning times, or both, as is specified in the notice;
- b) May be varied or cancelled by the local government by a notice published in the manner set out in that subsection.

5) During any period for which a notice under subsection (3) has effect in a district a person shall not operate a tractor or self-propelled harvester in that district unless a fire extinguisher as prescribed by regulation is carried on that tractor or self-propelled harvester, or in the case of a tractor, on a trailer, semi-trailer or agricultural machine or appliance being drawn or propelled by that tractor.

Penalty: \$500

STRATEGIC PLAN IMPLICATIONS - Nil

PRINCIPAL ACTIVITY PLAN IMPLICATIONS – Nil

STAFF RECOMMENDATION

That Council adopts the amendments to Councils Harvest and Vehicle Movement Policy as per the following:

1. Include the wording “Currently there are no Harvest and Vehicle Movement Bans within the Shire of Tammin” when there are no Harvest Bans in the Shire of Tammin
2. Include the wording “A Harvest and Vehicle Movement Ban is in effect over the whole of the Shire of Tammin until further notice, due to a fire within the Shire of Tammin”.
3. Add “due to weather conditions” at the end of: “Under no circumstances will the words ‘to be reviewed at’ be utilised when issuing notice of Harvest and Vehicle Movement Ban due to weather conditions”

COUNCIL RECOMMENDATION

MIN 230/05 MOTION - Moved Cr. Caffell 2nd Cr. Jefferies

1. *That Council table item 11.1.1 and invite FESA to Council’s February 2006 Ordinary Meeting.*

CARRIED 6/0

REASON

Council seeks clarification in proposed wording.

Agenda Reference:	11.1.2
Subject:	Booking of indigenous rap/hip-hop music group – Native Ryme Syndicate
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	PUB-07
Disclosure of Interest:	N/A
Date:	29 th November 2005
Author:	Carol Crane, Community Development Officer

BACKGROUND

Brisbane based indigenous rap/hip-hop music group are touring Western Australia in November 2006. The tour incorporates a venue performance and 3 youth mentoring/self worth/life skills and music workshops.

COMMENT

1. Native Ryme Syndicate's rap music and youth mentoring workshops have been in production now for over eight years all over Australia
2. Native Ryme Syndicate have recently signed recording contracts in New York, London and Germany.
3. The total fee for the performance is \$800 which includes travel, accommodation and general expenses.

FINANCIAL IMPLICATIONS

Shire of Tammin 06/07 Budget – Expenses for Promotion and Development of Youth.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS

Shire of Tammin Strategic Plan 2003-2006

Theme 1 – Our Community

1. Sport and Recreation
 - d. Encourage Youth groups (including activities with other towns), and school holiday programs and excursions.

FUTURE PLAN IMPLICATIONS

COMMUNITY CONSULTATION

STAFF RECOMMENDATION

That the Shire of Tammin confirm a booking with Native Ryme Syndicate for November 25th 2006 for a quoted cost of \$800.00 + GST

COUNCIL RECOMMENDATION

MIN 231/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

That the Shire of Tammin confirm a booking with Native Ryme Syndicate for November 25th 2006 for a quoted cost of \$800.00 + GST

CARRIED 6/0

Agenda Reference:	11.1.3
Subject:	Junior Country Week Cricket – Donation
Location:	Shire of Tammin
Applicant:	East Avon Junior Cricket Association
File Ref:	FIN-04
Disclosure of Interest:	N/A
Date:	9 th June 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Council as a sponsor of the 2005 Junior Country Week side received a letter requesting Councils continued support for the upcoming 2006 Junior Country Week Carnival to be held from the 2nd January 2006 – 6th January 2006.

In previous years the team that was sent to Country Week was fielded as Kellerberrin. This year the team will be known as East Avon to incorporate more players from Kellerberrin, Tammin and Quairading.

The sponsorship will assist in the costs involved in sending a side to Country Week. Costs are estimated to be over \$2,000.00. The expenses incurred include:

- Accommodation
- Nomination Fees
- Umpire Fees
- Balls and Equipment

COMMENT

Council in 2004/2005 contributed \$50 towards 2005 Country Week.

This year there will be the following children representing Tammin at Junior Country Week:

1. Rohan Button
2. Scott Crane
3. Chris Thomson
4. Ryan Thomson
5. James Ryan

Also Mr Michael Crane will be Head Coach of the East Avon side for this years Country Week side.

FINANCIAL IMPLICATIONS

Shire of Tammin 2005/2006 Budget – Community Budget Donations

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS – Nil

PRINCIPAL ACTIVITY PLAN IMPLICATIONS – Nil

STAFF RECOMMENDATION

That Council contributes \$100 to East Avon Junior Cricket Association towards operating costs of Junior Country Week for 2006.

COUNCIL RECOMMENDATION

MIN 232/05 MOTION - Moved Cr. Stokes 2nd Cr. Greenwood

That Council contributes \$100 to East Avon Junior Cricket Association towards operating costs of Junior Country Week for 2006 Cricket Carnival.

CARRIED 6/0

3:27pm – Cr Jefferies left Council Chambers.

3:29pm – Cr Jefferies returned to Council Chambers.

Agenda Reference:	11.1.4
Subject:	Proposed Regional Sheep Saleyards, Northam
Location:	Northam
Applicant:	Shire of Northam
File Ref:	AGR-11
Disclosure of Interest:	N/A
Date:	8 th June 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

1. Shire of Tammin Special Council Meeting Minutes of 10th August 2005 reads;

Review of Draft Budget

MIN 128/05 MOTION – Moved Cr Jefferies 2nd Cr Wheeldon

1. Delte \$25,000.00 – Saleyard Donation

2. That Council re-allocate the savings from MIN127/05 and item 1 to the following items; a. etc..

CARRIED 4/0

2. Shire of Tammin Ordinary Council Minutes of 16th June 2005 reads;

MIN 88/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

That Council support in principle and requests further clarification on the Share issue allocation.

CARRIED 6/0

REASON

Council were unclear on the share issue allocation price.

3. Shire of Tammin Ordinary Council Agenda/Minutes of 16th June 2005 reads;

Letter received from the Shire of Northam on May 19, 2005 in part reads;

“The Northam Saleyards Relocation Committee has now progressed to the stage where it has recommended to Local Government that the construction of the saleyards proceed. Ground plans have been finalized, the site surveyed and final specifications are being considered to allow for the calling of tenders.

With budget time drawing near, the committee believe Local Government should be given the opportunity and encouraged to become a shareholder in what is currently a joint venture between the Shires of Northam and Goomalling and the Town of Northam.

Local Government is invited to take out \$10,000.00 shares, which we believe would assist to make the saleyards a Regional project. The Shire of Northam and the Town of Northam have indicated they are willing to purchase 100 shares at \$10,000.00, with the Goomalling Shire purchasing 50 shares at \$10,000.00.

They have also indicated that they are prepared to reduce that number if other investors are willing to participate. It is hoped other Local Governments will seize the opportunity and invest in the long-term future for their community and producers”.

4. Updated Information - Correspondence Received from the Shire of Northam letter received on 22nd June 2005 reads;

(Letter received in the Office of Council on 22nd June 2005)

“The major contributing Local Governments for the Saleyard construction project have recently met and decided on how the project should be financed.

It has been decided that one Local Government, the Shire of Northam, will undertake the responsibility of raising a loan. Participating Local Governments will enter into an agreement to underwrite their proportion of the loan in the event of the shortfall in operation.

If the saleyards operate to expectation it is not anticipated that Local Governments will be required to assist with an operating loss after the first years operation.

Essentially, what is proposed is that the Shire of Northam will raise the loan and be responsible for paying the loan debenture, this will obviously come from operating income, should a shortfall in operations eventuate the shortfall will be paid by Local Governments in proportion to their investment. Any profits from operations will be disbursed on the same basis as the value of their investment.

One Local Government, outside the Town of Northam, Shires of Northam and Goomalling has already committed \$100,000.00.

The method will alleviate the necessity of having to raise the initial capital. In the event of no sheep passing through the saleyard the loan by the Local Government committing \$100,000.00 is \$8,143.00. If $\frac{3}{4}$ of the budgeted sheep figures is reached the Local Government commitment will be \$1,660.00.

Under this basis can your Local Government not afford to be a participant in view of the total savings to sheep producers in your district”.

5. Shire of Tammin Ordinary Council Minutes of 1st December 2004 reads;

MIN 1794/04 MOTION – Moved Cr Caffell 2nd Cr Thomson

That Council invites representatives from the Shire of Northam Saleyards Relocation Committee to the next Ordinary Meeting of the Council, to explain the financial arrangements and benefits and possible commitment of the Council, towards a joint venture of constructing a Sheep Saleyards Complex

CARRIED 6/0

6. Shire of Tammin Ordinary Council Minutes of 2nd February 2005 reads;

BUSINESS ARISING FROM MINUTES

Item 11.1.8; page 15 – Proposed Sheep Saleyards – at this stage the proposed sheep saleyards is continuing in terms of construction by the Steering Committee.

COMMENT

Previous comment;

The establishment of sheep saleyards in Northam will have an effect and provide savings in transport to sheep producers and even receive improved and/or consistent pricing for sales processed through the saleyards at Northam, in consideration of current venues in place and/or being proposed elsewhere.

Council has previously expressed an interest in this project and support to the Shire of Northam by way of a \$200.00 donation to assist with further research when the proposal was first floated.

Current Comment: Interested Local Governments were circulated with a late meeting notice from the Shire of Northam on 21st October 2005 to attend a meeting in Northam and receive an update on the project proposal and to consider furthering the project within the parameters of a Business Plan and an Agreement for stakeholder contribution/s either underwritten and/or in the event the saleyard complex failing to meet its operating target and therefore closed down with any assets held jointly by the Shire of Northam and the Town of Northam, sold off.

**Note 1: Minutes of the 21st October 2005 meeting appends this Agenda Item; and
Note 2: a copy of the DRAFT Business Plan and Agreement appends this agenda item.**

FINANCIAL IMPLICATIONS

2005/2006 Shire of Tammin Budget – no expenses allowed for on the basis of project being successful if, Council subscribes to an underwriting guarantee amount for the project.

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 as amended

Section 6.2 - section relates to local governments requiring to prepare and adopt its Annual Budget, with all known Expenditures and Revenues.

STRATEGIC PLAN IMPLICATIONS

Shire of Tammin Strategic Plan 2003 to 2006

Theme 2 – Our Economy relates to generally, facilitate business development and new opportunities and is not specific on proposals such as presented by the Shire of Northam.

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

STAFF RECOMMENDATION

1. That Council “*participates or not participates*”, in providing an underwritten financial amount of \$ towards the Northam Regional Saleyards Project.
2. That Council agrees to execute an Agreement to identify commitment and contribution towards the Project.
3. That Council accepts the Project Business Plan.

COUNCIL RECOMMENDATION

MIN 233/05 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

1. *That Council “participates” in providing an underwritten financial amount of \$50,000 towards to Northam Regional Saleyards Project.*
2. *That Council agree to execute an Agreement to identify commitment and contribution towards the Project subject to:*
 - a) *Councils approval of the business plan and;*
 - b) *acceptance of the legal agreement*

CARRIED 6/0

REASON

Council support for Regional Saleyards project.

Agenda Reference:	11.1.5
Subject:	Local Government Structural Reform and Electoral Reform in WA
Location:	Local Government Advisory Board
Applicant:	Local Government Advisory Board and the Minister for Local Government and Regional Development
File Ref:	ADM-26
Disclosure of Interest:	N/A
Date:	1 st December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

The Minister for Local Government and Regional Development, Hon John Bowler MLA, has presented a set of Terms of Reference to the Local Government Advisory Board to undertake a review of Local Government Structural Reform and Electoral Reform in Western Australia, that includes a series of Public Hearings.

Council was represented at the Public Hearing at York and Merredin conducted by the Local Government Advisory Board.

Council has completed its Electoral Reform in Local Government at its recent November 2005 Ordinary Meeting.

The timeline set for submissions from within the Local Government Industry and generally throughout the Community to the Local Government Advisory Board is 23rd December 2005. The Local Government Advisory Board must report to the Minister by February 6, 2006.

COMMENT

To assist Council with formulation of their submission I have enclosed a copy of the following documents;

1. *Western Australia Local Government Association's response to the Local Government Advisory Board.*
2. *WE-ROC DRAFT response to the Local Government Advisory Board*
3. *Local Government Advisory Board Issues Paper*

Under the broad issue of Local Government Structural Reform in Western Australia the following broad issues are summarised hereunder for Councillor guidance to addressing the issues raised and to assist with presenting a written submission;

1. The need for structural reform – *the objectives and need for structural reform and assessment of how structural reform can enhance the future economic, environmental and social sustainability of Western Australia Communities.*

2. Some possible approaches – *identification of approaches that can be adopted by councils achieving structural reform, ranging from local government amalgamation through to resource sharing.*

3. Constraints to reform – *identification of impediments to structural reform including but not limited to legislation impediments and options to overcome these impediments, which should include but not limited to legislative changes and provision of financial and non-financial support by the State Government.*

4. Amalgamation of local governments – *the identification of local governments where amalgamations may be the most effective and efficient method of achieving future economic, environmental and social sustainability.*

5. Other forms of structural reform for local governments – *the identification of local governments where the issues of future economic, social and environmental sustainability are more appropriately addressed by approaches other than amalgamations. In particular, the issue of future sustainability of rural and remote communities should be recognized, as well as the increased cost of governance and coordination of services.*

6. Procedures and processes – the procedures and processes (legislative or otherwise) which need to be adopted to facilitate the implementation of the above changes.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Hon John Bowler MLA Minister for Local Government and Regional Development announcement of a Review of Structural and Electoral Reform of Local Government in Western Australia, dated 5th October 2005.

Local Government Advisory Board set Terms of Reference to undertake the Review as instructed by the Minister for Local Government and Regional Development.

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time during the review)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time during the review)

COMMUNITY CONSULTATION

Councillors of the Shire of Tammin and attendance at Local Government Advisory Board Public Hearings, by Councillors.

Chief Executive Officer attendance at a Public Hearing at Merredin

STAFF RECOMMENDATION

That the following submission be presented to the Local Government Advisory Board and the Western Australian Local Government Association as the endorsed position of the Shire of Tammin;

- 1. The need for Structural Reform;
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- 2. Some possible approaches;
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- 3. Constraints to Reform;
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- 4. Amalgamation of local governments;
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- 5. Other forms of structural reform for local governments;
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- 6. Procedures and processes;
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7. Other issues;

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COUNCIL RECOMMENDATION

MIN 234/05 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

That the Chief Executive Officer prepare a draft response and circulate to Councillors prior to final submission.

CARRIED 6/0

4:24pm – Council adjourned for a break.

Agenda Reference:	11.1.6
Subject:	New Chief Executive Officer Residence – 10 Ridley Street Tammin – Review of Residence Allocation
Location:	Ridley Street Tammin
Applicant:	Shire of Tammin
File Ref:	ADM33/PERS14
Disclosure of Interest:	N/A
Date:	1 st December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Council allocated 10 Ridley Street as the Chief Executive Officer’s Residence by minute when the purchase was made at that time. With the appointment of the new CEO, it is assumed and planned for that residence and property being allocated to the new Chief Executive Officer.

COMMENT

It is the understanding of the current CEO as advised by the new incoming CEO on Monday 28th November 2005, that the allocated residence to the new CEO is being re-allocated to 20 Ridley Street, Tammin ie the new 3 bedroom transportable residence.

FINANCIAL IMPLICATIONS

2005/2006 Shire of Tammin Budget – expenses relating to property maintenance to 10 and 20 Ridley Street Tammin ie identified maintenance and establishment costs.

POLICY IMPLICATIONS

Normal Policy applies by way of Tenancy Agreement being executed with the new Chief Executive Officer at the allocated property.

STATUTORY IMPLICATIONS

Residential Tenancy Act – Tenancy Agreement to be executed
Bond Administration Act – if applicable, bond to be forwarded to the Bond Administrator

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

Councillors and President via Council Meeting/s

STAFF RECOMMENDATION

That the following actions be endorsed for the allocation of residential property to the new incoming Chief Executive Officer;

1. re-allocate the new 3 bedroom transportable residence located at 20 Ridley Street, Tammin.
2. delete residence allocation at 20 Ridley Street to the Works Supervisor position.
3. delete allocation of 10 Ridley Street Residence to the Chief Executive Officer position.
4. re-allocate 10 Ridley Street Residence to

COUNCIL RECOMMENDATION

MIN 235/05 MOTION - Moved Cr. Jefferies 2nd Cr. Caffell

That the following actions be endorsed for the allocation of residential property to the new incoming Chief Executive Officer:

1. *Re-allocate the new 3 bedroom transportable residence located at 20 Ridley Street, Tammin*
2. *Delete residence allocation at 20 Ridley Street to the Works Supervisor position.*
3. *Delete allocation of 10 Ridley Street Residence to the Chief Executive Officer position.*
4. *Allocate 10 Ridley Street Residence at Council's discretion.*

CARRIED 6/0

Agenda Reference:	11.1.7
Subject:	Works Supervisor Staff Position – Re-advertising
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	PERS03/PERS14
Disclosure of Interest:	N/A
Date:	1 st December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Shire of Tammin Ordinary Council Meeting held on September 7 2005, Minute 154/05 reads;

Moved Cr Caffell 2nd Cr Jefferies

That the position of full time Works Supervisor for the Shire of Tammin be created, endorsed and advertised in accordance with the Local Government Amendment Act 2004 as follows;

1. *Employment Package including the salary range of \$47,000.00 to \$52,000.00 cash component with a total package of \$67,000.00 to \$72,000.00.*
2. *Employment Contract including Key Performance Indicators and Performance Appraisal process.*
3. *Allocation of Residential Property at 4 Old Yorkrakine Road, Tammin to the position of Works Supervisor.*
4. *That a Special Meeting be held on Thursday 15th September 2005 at 4.00pm to finalise the Position description Document and Contract of Employment for the Works Supervisor.*

CARRIED 6/0

Shire of Tammin Ordinary Council Meeting held on October 5, 2005, Minute 184/05 reads;

Moved Cr Caffell 2nd Cr Stokes

That Council rescinds motion/minute number 152/05 adopted at the September 2005 Ordinary Meeting.

CARRIED 5/0
By Absolute Majority

Shire of Tammin Ordinary Council Meeting held on October 5, 2005, Minute 185/05 reads;

Moved Cr Caffell 2nd Cr Greenwood

That Council adopts the following new motion;

“That the revised full time Administration and Management Structure and associated costs for the Shire of Tammin be created and endorsed as follows, in accordance with the Local Government Act 2004;

- Chief Executive Officer
 - Financial Services including Payroll and Creditors, be outsourced
 - Administration Officer – Full Time
 - Community Development Officer – 3 days per week
 - Works Supervisor x 1
 - Truck/Loader Operator x 1
 - Grader/Truck Operator x 2
 - General Hand/Plant Operator x 1
 - Parks & Gardens x 1
- Total Works & Services Staff = 6

CARRIED 5/0

Shire of Tammin Special Council Meeting held on 27th October 2005, notation made reads;

Council discussed options in regards to future staff structure. No changes were made to previous decisions.

COMMENT

Interviews were held for the endorsed and vacant position of Works Supervisor on 7th November 2005 with Crs Stokes and Greenwood and the CEO on the interview panel. Three (3) applicants were interviewed, one by teleconference.

One applicant was indicated to be considered for the position subject to satisfactory background checking of performance at previous local government employment.

The applicant proved to be unsuited to Councils needs and it was agreed to re-advertise the position. President Cr Leslie enquired on the update of outcomes from the interview process and requested that the position be held over to early in 2006 as too much was happening with Council finalizing matters associated with the establishment of Council as an independent local government and that further consideration to advertising may present better opportunities at that time.

Councillors were advised by Memo dated 25th November 2005, of the process and outcome in summary format and a copy of that advice appends to this agenda item. It is recommended that Council Minute be recorded to endorse the request and to cease any further advertising for the agreed and endorsed position.

FINANCIAL IMPLICATIONS

Shire of Tammin 2005/2006 Budget – expenses relating to vacant staff position advertising
- expenses relating to employment of such position

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 as amended; provisions relating to;

- employment of Senior Designated Staff
- employment of Staff by the Chief Executive Officer

Council Ordinary Meeting Minutes – 7th September 2005

- 5th October 2005

Council Special Meeting Minutes – 27th October 2005

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

Councillors and President

Chief Executive Officer

STAFF RECOMMENDATION

That Council endorses the following actions;

1. the interview process and interview panel deliberations for consideration of the appointment of a Works Supervisor to the vacant position.
2. that advertising of the vacant position be “held over” until early in 2006, when improved opportunities are available for potential Works Supervisor applications to be considered.

COUNCIL RECOMMENDATION

MIN 236/05 MOTION - Moved Cr. Greenwood 2nd Cr. Jefferies

That Council endorses the following actions;

1. *the interview process and interview panel deliberations for consideration of the appointment of a Works Supervisor to the vacant position.*
2. *that advertising of the vacant position be “held over” until early in 2006, when improved opportunities are available for potential Works Supervisor applications to be considered.*

CARRIED 6/0

Agenda Reference:	11.1.8
Subject:	Table Tennis Table and Pool Table purchased with funds received from Family and Children’s Services
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	ADM-47
Disclosure of Interest:	N/A
Date:	30 th of November 2005
Author:	Carol Crane, Community Development Officer

BACKGROUND

In 2001 The Shire of Tammin received grant funding from Youth Grants W.A. to the value of \$2500.00 for the establishment of a “youth activities centre”. The application was submitted by Allan Stabous (Be

Active Coordinator at the time) on behalf of the Shire of Tammin and requested funding for a Basketball Ring, Table Tennis Table and a Pool Table. The Basketball Ring was purchased on the 11th of February 2003 and has been erected at TALEC. The Table Tennis Table was purchased on the 19th of March 2003 and is currently in the Be Active coordinators shed in Bruce Rock. The Pool table has not been ordered or paid for. The Be Active coordinator at this time was Jason Bow who had requested quotes from "The Pool Table Man" however these would now be superseded.

Contact has been made with the current Be Active Coordinator Rod Thornton, regarding this matter and he will be delivering the Table Tennis Table to Tammin next week. Rod has checked the filing system in his office for a copy of the application, but is unable to locate one.

COMMENT

A decision needs to be made as to where the Table Tennis Table will be housed and eventually the Pool Table when it is purchased and delivered. Sites that could be considered to house these items include TALEC, Tammin Bowling Club, Tammin Town Hall, Lesser Hall, CWA Building, Donnan Park. The buildings that Council manage have issues with size, security and supervision. The obvious preferred building for size would be the Town Hall where both pieces of equipment could be set up along with other activities like badminton etc for holiday programs.

Supervision is the key issue in setting up the Youth Activities Centre. Rod Thornton – Be Active Coordinator based in Bruce Rock has indicated that this would come under his portfolio and if requested would be able to visit Tammin on a regular basis to set up the program. If he was unable to attend on the designated day a replacement would be made available with the Trainee that Rodney has working with him. Volunteers and parent representatives would need to take over this supervisory position in the long term and it would be good to get people involved early on and extend the availability of these facilities.

FINANCIAL IMPLICATIONS

Funds were received from Family and Children's Services for an amount of \$2500.00. From this amount \$249.00 was spent on the basketball ring and \$640.00 was spent on a table tennis table and equipment, leaving a balance of \$1611.00 to purchase the Pool Table.

2005/2006 Budget – no budget expense has been allocated for the purchase, other than working on the assumption that all is paid for previously at the time of grant application and associated funding and since, have been awaiting delivery of the pool table.

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

- Grant Application process and acquittal of grant – Department of Family and Children's Services under the Youth WA Grants Funding Program.
- Local Government Act 1995 as amended – section 6.2 relating to Council preparing Annual Budget with all known expenses and revenues of the Council for the ensuing financial year.

STRATEGIC PLAN IMPLICATIONS

Shire of Tammin Strategic Plan 2003-2006

Theme 1 – Our Community

2. Sport and Recreation

d. Encourage Youth groups (including activities with other towns), and school holiday programs and excursions.

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

Be-Active Co-ordinator – Central Wheatbelt Be-Active Co-ordinator Scheme
Chief Executive Officer
Manager Corporate Services
Community Development Officer
Ex Councillor Donald Thomson

STAFF RECOMMENDATION

1. That the Shire of Tammin Administration investigates the cost of a Pool Table for the proposed development of a Youth Activity Centre, subject to;
 - 1.1. If purchase price is less than \$1611.00, Administration be authorized to purchase.
 - 1.2. If Administration are unable to source a Pool Table that meets the identified budget, Administration shall report back to the next Ordinary Council Meeting on the findings and provide further recommendations.
 - 1.3. 2005/2006 Budget be amended to allow an “out of budget” expense against general ledger account number
2. That the Table Tennis Table and the Pool Table (when purchased) be set up in the Town Hall and that the Shire of Tammin Administration contact the Be Active Coordinator Rod Thornton to request that either he or the Trainee, make time available on a regular basis to supervise youth activities in Tammin and that the Administration advertise for volunteers who would be interested in supervising youth activities on agreed times and roster.

COUNCIL RECOMMENDATION

MIN 237/05 MOTION - Moved Cr. Greenwood 2nd Cr. Jefferies

1. *That the Shire of Tammin Administration investigates the cost of a Pool Table for the proposed development of a Youth Activity Centre, subject to;*
 - 1.1. *If purchase price is less than \$1611.00, Administration be authorized to purchase.*
 - 1.2. *If Administration are unable to source a Pool Table that meets the identified budget, Administration shall report back to the next Ordinary Council Meeting on the findings and provide further recommendations.*
 - 1.3. *2005/2006 Budget be amended to allow an “out of budget” expense against general ledger account number 111.1.731.*
2. *That the Table Tennis Table and the Pool Table (when purchased) be set up in the Town Hall and that the Shire of Tammin Administration contact the Be Active Coordinator Rod Thornton to request that either he or the Trainee, make time available on a regular basis to supervise youth activities in Tammin and that the Administration advertise for volunteers who would be interested in supervising youth activities on agreed times and roster.*

CARRIED 6/0

Agenda Reference:	11.1.9
Subject:	October Cheque List
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	14 th November 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Accounts for Payment from 1st October 2005 to 31st October 2005

Municipal Fund

12512	-	12575	\$73,507.79
12576			TEST RUN
12577			TEST RUN
12578	-	12608	\$52,966.36
			<u>\$126,474.15</u>

Trust Fund

Nil

COMMENT

During the month of October 2005 the Shire of Tammin made the following significant purchases:-

Shire of Kellerberrin Resource Sharing Works	\$ 8,035.42
Municipal Liability Scheme Insurance Renewal From 01/07/05 to 30/06/06 2nd Instalment Contrib.	\$ 5,791.50
Municipal Workcare Scheme Workers Compensation - Insurance Renewal 30/06/06 to 30/06/06 - 2nd Instal	\$ 6,607.50
Rocla Pipeline Products Various Goods & Consumables	\$ 5,876.66
Bitumen Emulsions Supply of CRS 170/60	\$ 7,315.00
Western Australian Treasury Corporation Loan 77	\$ 8,349.95

FINANCIAL IMPLICATIONS

Shire of Tammin 2005/2006 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS – Nil

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

STAFF RECOMMENDATION

That the accounts submitted from 1st October 2005 to 31st October 2005 be accepted.

COUNCIL RECOMMENDATION

MIN 238/05 MOTION - Moved Cr. Jefferies 2nd Cr. Caffell

That the accounts submitted from 1st October 2005 to 31st October 2005 be accepted.

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.10
Subject:	October Financial Management Report
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	14 th November 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Enclosed is the monthly report for the month of October 2005.

Direct Debit list for the month of October 2005:-

Municipal Fund

03.10.2005	CBA Merchant Fee for September 2005	\$	19.31
03.10.2005	National Online Fee for October 2005	\$	65.35
05.10.2005	Net Pay for F/E 05.10.2005	\$	9,972.69
05.10.2005	CBA Pos Fee for September 2005	\$	36.65
19.10.2005	Net Pay for F/E 19.10.2005	\$	11,527.00
25.10.2005	Lease Repayment for 928 H Cat Grader	\$	5,641.53
31.10.2005	Municipal Fund Bank Fees for October 2005	\$	128.30
31.10.2005	Reserve Fund Bank Fees for October 2005	\$	20.00
31.10.2005	Trust Fund Bank Fees for October 2005	\$	27.80

Trust Fund

31.10.2005	Police Licensing Debits for October 2005	\$	1,700.65
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COMMENT

No capital purchases were made during the month of October 2005.

FINANCIAL IMPLICATIONS

- Financial Management of 2005/2006 budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Amendment Regulations (No. 2) 2005

Regulation 34 – Financial reports to be prepared – s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
 - a. Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. Budget estimates to the end of 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 sub regulation (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;
 - b. By program; or
 - c. By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
 - a. Presented to the council –
 - i. At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - ii. If the statement is not prepared in time to present it to the meeting referred to in sub paragraph (i), to the next ordinary meeting of the council after that meeting;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 AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation –
 - “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
 - “**restricted assets**” has the same meaning as in AAS 27.

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

STAFF RECOMMENDATION

- 1 That Council approves the Monthly Financial Statements for the period ending 31st October 2005.
- 2 That the Direct Debit List be accepted for the month of October 2005.

COUNCIL RECOMMENDATION

MIN 239/05 MOTION - Moved Cr. Jefferies 2nd Cr. Stokes

1. *That Council approves the Monthly Financial Statements for the period ending 31st October 2005.*
2. *That the Direct Debit List be accepted for the month of October 2005.*

CARRIED 6/0

DEVELOPMENT SERVICES AGENDA ITEMS

Agenda Reference:	11.2.1
Subject:	Building Returns: Jun05 – Nov05
Location:	Shire of Tammin
Applicant:	Administration
File Ref:	BUILD-06
Disclosure of Interest:	Nil
Date:	25 th November 2005
Author:	John Mitchell, Manager Development Services

BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the Building Code of Australia and the requirements of the Shire of Tammin Town Planning Scheme.

COMMENT

Three building licences have been issued since July 2005.

Two applications were for patio additions and the third was issued to the Shire to construct the garage at lot 66 Ridley Street, Tammin.

Copies of the monthly returns append.

FINANCIAL IMPLICATIONS

The two applications for building licences – income \$80.00 + BRB receipting income.

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

The licences issued were considered compliant with the Building Code of Australia.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

PRINCIPAL ACTIVITY PLAN IMPLICATIONS

There are no Principal Activity Plan implications.

COMMUNITY CONSULTATION

There is no requirement for Community Consultation.

STAFF RECOMMENDATION

Council should resolve: -

“That the Council of the Shire of Tammin endorses the issuing of licences 1/05 – 3/05 by the Building Inspector for the period July 2005 to October 2005.”

COUNCIL RECOMMENDATION

MIN 240/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

“That the Council of the Shire of Tammin endorses the issuing of licences 1/05 – 3/05 by the Building Inspector for the period July 2005 to October 2005.”

CARRIED 6/0

Agenda Reference:	11.2.2
Subject:	Proposed Consolidated Emergency Services Building
Location:	Shire of Tammin
Applicant:	Administration
File Ref:	BUSH-00
Disclosure of Interest:	Nil
Date:	7 th November 2005
Author:	John Mitchell, Manager Development Services

BACKGROUND

Plans of the proposed consolidated emergency services building have been received. Due to delays from FESA final proposals have only just been received.

COMMENT

FESA seeks Council acceptance of the following costs associated with the project: -

1. Levelling of the site and provision of the sand pad compacted to the required standards – 8blows/300mm – estimated cost \$3,000
2. Supervision of the project by Council Administration. Supervision includes acceptance of tenders, project supervision and assessment of project at set stages – estimated costs \$4,400
3. Provision of effluent disposal – cost \$5,000 – estimated on two x septic tanks + two by leachdrains – note that the system could be connected to the sewer system that discharges into the lagoon. Discussions with the owners – Tammin Hotel will be required.
4. Crossover – a ten metre crossover is required. An allowance of \$4,700 is estimated for the 90m2 crossover + costs of removal of gravel, reset down, reinstatement of pathway – allow \$1,000 additional.

5. Payment of building licence fees – a loss to Council of approximately \$500.

Council comment is sought. The plans append to this report.

In addition if Council seeks to annex land for the Hydrology Model the minimum cost is \$2,500 being Surveyor costs and application fees to the Western Australian Planning Commission.

FINANCIAL IMPLICATIONS

1. Council contribution in kind of \$4,400 in site supervision and \$3,000 in land preparation;
2. Cash contribution of up to \$4,700 for the crossover;
3. Loss of \$500 in income.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Nil at this stage. Council has not budgeted for the expenditure. An absolute majority to amend the budget for this financial year is required.

STRATEGIC PLAN IMPLICATIONS - Nil

PRINCIPAL ACTIVITY PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

STAFF RECOMMENDATION

Council should resolve: -

“That the Shire of Tammin will provide a sandpad and leveling of the site of the new Consolidated Emergency Services Building, waive the building licence fees and BCITF levy, provide a concrete crossover and site supervision of the project.”

“That the Shire of Tammin will investigate effluent disposal systems and provide advice to FESA for the proposed new Consolidated Emergency Services building.”

“That the Shire of Tammin seeks to acquire 15m of the rear of the lot for the Consolidated Emergency Services building lot for amalgamation into the Hydrology Model land for the purposes of changerooms and infrastructure for the model.”

COUNCIL RECOMMENDATION

MIN 241/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

“That the Shire of Tammin will provide a sandpad and leveling of the site of the new Consolidated Emergency Services Building, waive the building licence fees and BCITF levy, and site supervision of the project.”

“That the Shire of Tammin will investigate effluent disposal systems and provide advice to FESA for the proposed new Consolidated Emergency Services building.”

“That the Shire of Tammin proceed to acquire 15m of the rear of the lot for the Consolidated Emergency Services building lot for amalgamation into the Hydrology Model land for the purposes of changerooms and infrastructure for the model.”

CARRIED 6/0

REASON

Council did not wish to provide the concrete crossover.

Agenda Reference:	11.2.3
Subject:	Stage Canopy Request for Engineering Costs
Location:	Kadjininy Kep
Applicant:	Tensile Canopy Systems
File Ref:	AGR-19
Disclosure of Interest:	Nil
Date:	25 th November 2005
Author:	John Mitchell, Manager Development Services

BACKGROUND

Attached is correspondence received from Tensile Canopy Systems (TCS). They are seeking \$2,750 in engineering fees for the design of the stage canopy.

COMMENT

The original quotation from TCS was \$42,900.

The comment that they reduced the bottom line by \$2,000 is erroneous. The final cost of \$31,500 left Council with the \$4,000 cost of hire of scaffold, as the Director advised that unless worksafe approved they would not erect.

No guarantees were provided by neither the Manager, Development Services or the President that they would receive the contract. At that time (Sept03), the Administration and Council were seeking avenues to reduce costs and the proposal was put to TCS that was that the bottom line. Mr. White responded with the final price of \$31,500.00, but left adequate scaffold and safety to the Council administration to resolve.

The Manager's conversation with Mr. White "some weeks later" was that the project was on hold for a variety of reasons.

Council engaged A Shade, A Cunderdin based Company, to supply engineering plans, manufacture and erect the canopy for \$31,500 + GST. This is a minimum saving of \$4,000.00. A Shade incurred the costs of quotation including an Engineer without any guarantees from the President or the Manager, Development Services

The original agreement with TCS appears to commence with arrangements with McClean & Lawrence, the overseeing Engineers.

From memory, I recall Council advising McClean that we cannot have preferred contractors. I cannot find any records of this comment.

I do not believe that Council is liable for this invoice.

FINANCIAL IMPLICATIONS

The invoice from Tensile Canopy Systems Pty Ltd is for \$2,750 including GST.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

The matter has not been referred for legal advice as to Council's liability.

The Manager, Development Services should have advised Tensile Canopy Systems that their quotation was not accepted. The account would have still been received, as their argument orientates around the “preferred contractor” status.

STRATEGIC PLAN IMPLICATIONS

The plan has not been consulted.

PRINCIPAL ACTIVITY PLAN IMPLICATIONS

The PAP has not been consulted.

COMMUNITY CONSULTATION

Community consultation is not considered necessary, nor is there any obligation to advise the public.

STAFF RECOMMENDATION

Council should resolve: -

“That Council does not accept liability for the costs of preparation of the quotation received from Tensile Canopy Systems.”

Or

“That Council offers \$500 towards the costs for the non successful quotation received from Tensile Canopy Systems.”

COUNCIL RECOMMENDATION

MIN 242/05 MOTION - Moved Cr. Jefferies 2nd Cr. Wheeldon

That Council does not accept liability for the costs of preparation of the quotation received from Tensile Canopy Systems. That this matter be referred to McLean and Lawrence, consulting engineers for determination.

CARRIED 6/0

WORKS & SERVICES AGENDA ITEMS

No Items

LATE BUSINESS ITEMS OF AN URGENT NATURE

COUNCIL RECOMMENDATION

MIN 243/05 MOTION - Moved Cr. Jefferies 2nd Cr. Greenwood

That Council accept late Agenda items.

CARRIED 6/0

5:48pm – Cr Leslie Left Council Chambers

5:48pm - Cr Caffell assumed the role of Chairperson.

Agenda Reference:	Late Item 1
Subject:	Contract Services Presentation – Shire of Kellerberrin
Location:	Shire of Tammin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-26
Disclosure of Interest:	N/A
Date:	2 nd December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Shire of Tammin Council Ordinary Meeting held on November 5, 2005, Minute reads;

IDENTIFIED CONTRACT SERVICES FROM THE SHIRE OF KELLERBERRIN

RESOLVED

That the Shire of Tammin put forward the following amendments to proposed Scope of Works:

Inclusion of a general condition as follows:

Contracts Register

All contractors are to sign in and out at the Shire Office (clock in and clock out priority). This includes Building Services, Mechanical Services and Parks & Gardens provided by the Shire of Kellerberrin. If they commence work or complete work out of hours contact must be made with the Chief Executive Officer of the Shire of Tammin for approval and/or acknowledgment.

Under Building Services:

- *Shire of Kellerberrin provides provision of a **Qualified Builder** to read Provision of a Competent Builder*
- *Include provision for the builder to take a lunch break.*
- *General Condition: **That the contract services be for a two year period** to read: **That the contract services be for a six (6) month period.***

Under Mechanical Services:

- *Under General Conditions change the word **Building Services** to read **Mechanical Services.***
- *Includes a General Condition as follows:*

The Shire of Tammin has the option to utilize other mechanical services. ie if unable to complete urgent and priority mechanical Works, alternate arrangements to be made by the Shire of Tammin.

- *General Condition: **That the contract services be for a two year period** to read: **That the contract services be for a six (6) month period.***

Under Parks & Gardens:

- *Under General Conditions change the word **Building Services** to read **Parks & Gardens Services (Oval and Turf Wicket)***

- **General Condition:** *That the contract services be for a two year period to read: That the contract services be for a six (6) month period.*

NOTE: The Shire of Tammin wish to not identify required financial services until further research with the new Chief Executive Officer is completed and upon completion the appointment of the new Chief Executive Officer.

General Conditions:

Change words from “Contract Services” too “Preferred Services”, where it appears in the submission from the Shire of Kellerberrin.

The Shire of Tammin to further consider contract services submission from the Shire of Kellerberrin at their December Ordinary Meeting and finalise services required by the Shire of Tammin.

COMMENT

Shire of Tammin withdrawal notice and effective date on Thursday 15th December 2005, has and was agreed to by both Councils for the Shire of Kellerberrin present the Shire of Tammin with proposals to undertake identified and agreed services to the Shire of Tammin.

Shire of Kellerberrin was written to Council seeking outcomes after Councils December Ordinary Meeting date and by Friday 9th December to enable that Council to continue finalizing its staff structure and forward planning.

It is difficult to gauge standard of Contract Specifications as submitted by the Shire of Kellerberrin as Council had no base conditions or specifications to advise the Shire of Kellerberrin prior to submitting their Contract Services proposals. However Council had an early preview and consideration at their November 2005 Ordinary Meeting and further considerations just recently during the CEO interview process.

President Cr Leslie also informed me briefly and verbally late Monday afternoon that Council is keeping the Financial Services “in-house” and the other three identified services more likely be offered to the Shire of Kellerberrin.

FINANCIAL IMPLICATIONS

Nil (unknown at this stage until finalization of the Contract for Services submission from the Shire of Kellerberrin is finalized)

2005/2006 Shire of Tammin Budget – expenses relating to operating costs associated with the various Contract for Services submissions presented by the Shire of Kellerberrin, is unknown until Council accepts or rejects the submissions received.

POLICY IMPLICATIONS: Nil (not known at this time)

Generally acknowledge that the Kellerberrin Tammin Resource Sharing Agreement as amended and dated November 2004, is about to cease on Thursday 15th December 2005.

STATUTORY IMPLICATIONS

Local Government Act 1995 as amended – requirement for local government to prepare a budget with all known expenditures and revenues for the next ensuing year.

STRATEGIC PLAN IMPLICATIONS:

Nil note; resource sharing will cease on 15th December 2005 at close of business and therefore the objective of the Strategic Plan will have no effect in regards to Resource Sharing with the Shire of Kellerberrin).

FUTURE PLAN IMPLICATIONS

Nil (minimal effect if the Contracts were agreed to by the Shire of Tammin as they are deemed to be within the budget parameters of the Council0.

COMMUNITY CONSULTATION

Kellerberrin Tammin Resource Sharing Committee Meeting
Councillors of the Shire of Tammin
Councillors of the Shire of Kellerberrin

STAFF RECOMMENDATION

That Council accepts/declines the following identified Contract Services as presented by the Shire of Kellerberrin, including the terms and conditions for each Contract Service.

- 1. Financial Services
 - 1.1 Term
 - 1.2 Amount
 - 1.3 Conditions
 - 1.4 Other
- 2. Mechanical Services
 - 2.1 Term
 - 2.2 Amount
 - 2.3 Conditions
 - 2.4 Other
- 3. Building Services
 - 3.1 Term
 - 3.2 Amount
 - 3.3 Conditions
 - 3.4 Other
- 4. Parks & Gardens (Turf Wicket and grassed oval area)
 - 4.1 Term
 - 4.2 Amount
 - 4.3 Conditions
 - 4.4 Other
- 5. Other conditions not listed or changes to original submissions received from the Shire of Kellerberrin is summarised as follows;
 - 5.1
 - 5.2
 - 5.3
 - 5.4
 - 5.5

COUNCIL RECOMMENDATION

MIN 244/05 MOTION - Moved Cr. Jefferies 2nd Cr. Stokes

That Council accepts the following identified Contract Services as presented by the Shire of Kellerberrin, including the terms and conditions for each Contract Service.

- 1. *Mechanical Services*
 - 2.1 *Term: 2005/2006 financial year (6 months)*
 - 2.2 *Amount*
 - 2.3 *Conditions*
 - 2.4 *Other (Preferred supplier)*
- 2. *Building Services*
 - 3.1 *Term: 2005/2006 financial year (6 months)*

3.2 Amount – up to 2 days per week.

3.3 Conditions

3.4 Other

3. Parks & Gardens
(Turf Wicket & grassed
oval area)

4.1 Term: 2005/2006 financial year (6 months)

4.2 Amount – as per previous advice

4.3 Conditions

4.4 Other

CARRIED 5/0

REASON

Financial services being retained in-house.

Agenda Reference:	Late Item 2
Subject:	Performance Appraisal and Position Review – Community Development Officer
Location:	Shire of Tammin
Applicant:	Administration-Shire of Tammin
File Ref:	PERS/CDO-Crane
Disclosure of Interest:	N/A
Date:	3 rd December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

A preliminary Performance Appraisal was undertaken at around the six month mark for Councils appointed part time Community Development Officer after commencement of employment. A recent and annual assessment was completed with the appointed Staff Member to better gauge position requirements after some time to establish the associated duties and continuance of an employment map for benefit of the Council and the Community.

COMMENT

Carol has continued the growth of her role as the appointed part-time full-time Community Development Officer and a recent appraisal has further highlighted the excellent results Carol has achieved within the defined role of part-time Community Development Officer.

Council created the position of part-time full time Community Development Officer after withdrawing from the resource sharing role with the Shire of Kellerberrin some time earlier. Initial appointment was on the basis of two days per week (15.2 hours) expanding to three days per week (22.8 hours) at 2005/2006 Budget consideration and adoption by the Council.

Currently Carol is appointed at Level 3 Step 4 of the Local Government Officer's Award 1999 and paid at the pro-rata rate of \$35,378.00 gross per annum. It is strongly recommended for the Council to consider increasing this level from the Classification Level stated to within band 5 of the Local Government Officer's Award 1999 as Level 5 Step 1 at a pro-rata rate of \$39,735.00 gross per annum.

In discussion with Carol recently and agreement reached with the Chief Executive Officer is that the role of Community Development Officer is considered to be operating at capacity of the recommended three days per week with the desired and required programs of the Council and the Community in particular, being achieved within the allocated part-time full-time position. The Position Description has been "fine tuned" further to reflect the accuracy of position requirements fulfilling the needs of the Community and the Council whilst being employed in the stated position and to now continue on with the solid foundation

built. It is also noted that Councillor/s have had separate discussions with the appointed person in recent times regarding the position role and position expectations.

FINANCIAL IMPLICATIONS

2005/2006 Shire of Tammin Budget – Salary expenses

- nominal allowance has been made within Councils Budget for nominal increases and it is recommend that Council endorses the salary level at the recommended classification of Level 5 Step 1 as per the Local Government Officer's Award. The estimated cost of the increase is \$2,614.00 gross per annum.

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 as amended

-section 5.59 relates to the Chief Executive Officer undertaking annual Staff Performance Appraisals and is the responsible person of employing Staff other than the position of the Chief Executive Officer.

-section 6.2 relates to local governments requiring the preparation of a Budget with all known expenses and revenue when adopting the Budget.

STRATEGIC PLAN IMPLICATIONS: Nil

Some effect will be had on various community programs and grants identified within the Strategic Plan of the Shire, involving the Community Development Officer in terms of grant applications, community assistance with information and research.

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

Chief Executive Officer – on a day to day basis and at annual performance appraisal process
Councillor/s – regular direct contact with the appointed staff member

STAFF RECOMMENDATION

That the Annual Performance Appraisal Program (including Position Description Review) for the appointed part-time full-time Community Development Officer (Staff Member Carol Crane) be endorsed as being completed by the Chief Executive Officer and that Council endorses the re-classification of the position from a Level 3 Step 4 to a Level 5 Step 1, in accordance with the Local Government Officer's Award and recommendation presented for excellent achievement to the position by the Staff Member employed.

COUNCIL RECOMMENDATION

MIN 245/05 MOTION - Moved Cr. Jefferies 2nd Cr. Wheeldon

That the Annual Performance Appraisal Program (including Position Description Review) for the appointed part-time full-time Community Development Officer (Staff Member Carol Crane) be endorsed as being completed by the Chief Executive Officer and that Council endorses the re-classification of the position from a Level 3 Step 4 to a Level 5 Step 1, in accordance with the Local Government Officer's Award and recommendation presented for excellent achievement to the position by the Staff Member employed.

CARRIED 5/0

NOTE: Late Item 3 was held over until return of President and Presiding Person to Council Chambers.

Agenda Reference:	Late Item 4
Subject:	Review of the Cemeteries Act 1986 Discussion Paper
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	ACTS 04
Disclosure of Interest:	N/A
Date:	22 nd November 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

The Department of Local Government and Regional Development is undertaking a review of the Cemeteries Act 1986. A discussion paper has been prepared for Councils to review and provide comments on the issues for considerations.

The release of the Paper marks the beginning of the review process which will consist of two consultation periods, one of three months and the other period for two months. At the end of this first round of consultation, a revised set of proposals will be made available for consideration during the second round of consultation. A final set of proposed amendments will then be prepared for the Government's consideration and endorsement.

Comment is also invited to raise other issues not included in the paper as this would be appreciated.

The current Cemeteries Act was in place by the end of 1986 and has been in operation for 19 years. While the Act provides for regulations to be made in accordance with the purposes of the Act, none have ever been gazetted. The Act replaced the previous Act that was enacted at the end of the nineteenth century.

The Cemeteries Act 1986 provides for:

- *The declaration and management of cemeteries*
- *The establishment, constitution and functions of cemetery boards*
- *The licensing of funeral directors;*
- *The regulation of burials; and*

Other incidental matters including the setting of fees and charges for specified purposes, the making of local laws and by-laws and other related purposes.

Since the Act came into operation, it has only been amended on two occasions. Both of these amendments occurred as a result of consequential amendments from other Acts. The first amendments occurred in 1987 and arose from amendments to the Public Service Act 1978. The second amendments occurred in 1996 following the adoption of the new Local Government Act 1995. These latter amendments related to a change of local government terminology and the adoption of a new procedure for the adoption of local laws or by-laws.

COMMENT

Section 15 Ministers of religion and religious ceremonies

A suggestion has been put forward to consider for the board to determine the hours of operation and scheduled funeral times. Hours of operation have generally been prescribed by local laws and by laws under section 55 or simply treated as an operational matter.

Currently the Shire of Tammin has a Local Law in place which states:

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

Section 17 Statewide application of funeral licences

Under the current Cemeteries Act each Funeral Director that holds funeral services at the Tammin Cemetery are required to be licenced with the Shire of Tammin. In this discussion paper it is being suggested that the application and payment for a funeral licence be made statewide. The issues involved with this application are:

- Who receives the funds for the application
- Will the funds be disbursed evenly to each board operating and managing the Cemetery.

It would be suggested that the current application of funeral licences to remain the same. Currently under Councils Local Law relating to the management and control of Tammin Cemetery 2003 states under section 4.1

A funeral director's licence shall expire on the 30th day of June in each year.

Section 24 Management of Cemeteries

Section 24 currently states:

- 1 *A Board shall –*
 - a. *Set aside areas of a cemetery for burials; and*
 - b. *Preserve and maintain a cemetery in a safe, clean and orderly condition*
- 2 *A Board may –*
 - a. *Set aside areas of a cemetery for and provide crematoria, chapels, parks, gardens, landscaping, buildings and other works for the effective operation of a cemetery;*
 - b. *Provide office accommodation for administration of the cemetery and other buildings and areas for the use and convenience of employees of the Board or persons visiting the cemetery; and*
 - c. *Acquire and dispose of plant, machinery, vehicles, equipment, fittings and other things which are necessary or convenient for the efficient operation of a cemetery.*

One of the current items suggested for inclusion is to properly and efficiently develop a cemetery. What defines a properly and efficiently developed cemetery?

The current wording within the act clearly states what is expected of the board to do in regards to operation and maintenance of the cemetery. With this in mind it would be accepted to think that now they would be looking at the boards to go above and beyond what is currently within the act and with Local Governments being responsible for most cemeteries it would bring additional costs to the Local Government in Managing and upkeep of the cemetery.

Section 53 Fees and Charges

The suggestion to re-word Paragraph (c), which states "*digging or opening a grave*" "*Internment of a coffin or casket in a grave or crypt*" is an acceptable decision as the wording is more polite for the environment in which the act is dealing with.

Sections 11, 14, 17, 18, 20 & 55 (Penalties)

Currently the Shire of Tammin under its Local Laws has the following charges with the corresponding fees:

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4	Excessive speed	\$50.00
2	5.4	Unauthorised use - driving of vehicles	\$50.00
3	7.3	Placing and removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	8.1	Animal at large	\$50.00
6	8.5	Dumping of Rubbish	\$50.00
7	8.6	Unauthorised advertising, and/or trading	\$50.00
8	8.7	Disobeying sign or lawful direction	\$50.00

Do Council see this as sufficient fines for the charges?

Cremations

Should the Cremations Act 1929 and the Cemeteries Act 1986 be combined or kept separate. As we are well aware we are governed already by several acts and the possibility of reforming and combining the two acts would be in the best interest of all involved.

FINANCIAL IMPLICATIONS

Within this discussion paper there is the possibility of the funeral directors licence fee being removed from Council. This would result in a reduction of income.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Cemeteries Act 1986

Shire of Tammin – Local Law relating to the Management and Control of Tammin Cemetery 2005. (Currently in Advertising)

STRATEGIC PLAN IMPLICATIONS - Nil

PRINCIPAL ACTIVITY PLAN IMPLICATIONS – Nil

STAFF RECOMMENDATION

1. That Council review the Discussion Paper for the Review of the Cemeteries Act 1986 and provide submissions to the Department of Local Government and Regional Development

2. That Council wish to provide submissions of the following matter
 - a. Section 17 – That application for funeral licences remain with the board controlling the cemetery
 - b.
 - c.
 - d.
 - e.
 - f.
 - g.

COUNCIL RECOMMENDATION

MIN 246/05 MOTION - Moved Cr. Jefferies 2nd Cr. Stokes

1. *That Council review the Discussion Paper for the Review of the Cemeteries Act 1986 and provide submissions to the Department of Local Government and Regional Development*
2. *That Council wish to provide submissions of the following matter*
 - a. *Section 17 – That application for funeral licences remain with the board controlling the cemetery*
 - b. *That hours of work be flexible*
 - c. *Section 5 – current provisions are adequate*
 - d. *Section 25 – to be (3) three consecutive 25 year periods.*

CARRIED 5/0

Agenda Reference:	Late Item 5
Subject:	Staff Structure Review and Adoption
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	ADM26/PERS/10
Disclosure of Interest:	N/A
Date:	4 th December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

1. Shire of Tammin October Ordinary Council Meeting held on 5th October 2005 reads;

MIN 185/05 MOTION – Moved Cr. Caffell 2nd Cr. Greenwood

That Council adopts the following new motion;

“That the revised full time Administration and Management Staff Structure and associated costs for the Shire of Tammin, be created and endorsed as follows, in accordance with the Local Government Act 2004;

- *Chief Executive Officer*
 - *Financial Services including Payroll and Creditors, be outsourced*
 - *Administration Officer – full time*
 - *Community Development Officer – 3 days per week*
 - *Works Supervisor x 1*
 - *Truck/Loader Operator x 1*
 - *Grader/Truck Operator x 2*
 - *General Hand/Plant Operator x 1*
 - *Parks & Gardens x 1*
- Total Works & Services Staff = 6*

CARRIED 5/0

REASON:

To review and refine the required staffing levels of the Shire

1. That the Shire of Tammin resolve to adopt the following broad duties for the adopted positions:
Financial Services – to be outsourced including payroll and creditors

Administration Officer:

- Debtors
- Reception
- Library
- Police licensing
- Records Management
- Rates – new

Chief Executive Officer:

- Electoral Roll
- Agendas & Minutes

Community Development Officer:

- Website – new

DELETION OF ADVERTISED TRUCK OPERATOR WORKS STAFF POSITION

MIN 186/05 MOTION – Moved Cr. Wheeldon 2nd Cr Greenwood

That the advertised vacant position of Truck Operator, be deleted as an endorsed staff position of the Council.

CARRIED 5/0

REASON

As a result of a further review of staffing levels, the position is deemed surplus to achieve required efficiency levels.

OUTSOURCING OF FINANCIAL SERVICES and STAFF POSITION REQUIREMENT

MIN 187/05 MOTION – Moved Cr Caffell 2nd Cr. Wheeldon

That due to Councils decision to outsource Financial Services and the resulting designated Finance Officer position is no longer required, a Redundancy Offer be made to the Staff Member concerned.

CARRIED 5/0

COMMENT

Given recent chain of events and the recent decisions of the Council in regards to not outsourcing Financial Services and to the uncertainty of the Works Supervisor position (both are in agenda items for formal confirmation/direction by minute), Council needs to revisit its Staff Structure requirements again in order that the new Administration can move forward. The current employed Chief Executive Officer is not aware of recent discussions and direction of the Council in regards to its future Staff Structure requirements.

Councils Resource Sharing arrangements with the Shire of Kellerberrin, ceases on Thursday 15th December 2005 at close of business at 5.00pm.

FINANCIAL IMPLICATIONS

2005/2006 Shire of Tammin Budget

- Staff Salaries are associated with adopted Staff Structures set by the Council
- Whatever Council decision is made Councils needs to endorse its position and has a statutory responsibility to ensure its Staff Structure is adequate and up to date to service its needs in the short term and in the future for reasonable standard of service delivery to the community.

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 as amended

- section 2.7; relates to the role of the council –

(1) *The Council –*

- (a) *directs and controls the local government’s affairs; and*
- (b) *is responsible for the performance of the local government’s functions.*

(2) *Without limiting subsection (1), the council is to –*

- (a) *oversee the allocation of the local government’s finances and resources; and*
- (b) *determine the local government’s policies.*

- section 3.18 relates to the local government performing executive functions, such as administration of local laws and all things necessary in performing its functions under the Act, may provide services and facilities that are integrated, not duplicated and are managed efficiently and effectively.

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS

Ability to deliver Councils adopted projects and programs for the community and that of the Council, may be hindered by reduced definition of Councils Staff Structure.

COMMUNITY CONSULTATION

Councillors of the Shire of Tammin

STAFF RECOMMENDATION

That Council reviews its Staff Structure as follows and adopts the following Staff Structure for the Shire of Tammin and applicable from 16th December 2005 onwards;

1. Administration and Management Staff;

- 1.1
- 1.2
- 1.3
- 1.4
- 1.5

2. Works & Services Staff;

- 2.1
- 2.2
- 2.3
- 2.4
- 2.5

2.6
 2.7
 3. Cleaning and TALEC Staff;
 3.1
 3.2
 3.3
 3.4

COUNCIL RECOMMENDATION

MIN 247/05 MOTION - Moved Cr. Greenwood 2nd Cr. Stokes

That Council reviews its Staff Structure as follows and adopts the following Staff Structure for the Shire of Tammin and applicable from 16th December 2005 onwards;

- 1. Administration and Management Staff;
 - 1.1 Administration Officer
 - 1.2 Finance Officer
 - 1.3 Chief Executive Officer
 - 1.4 Part-Time Community Development Officer (3 days per weeks)
- 2. Works & Services Staff;
 - 2.1 Truck/Loader Operator x 1
 - 2.2 Grader/Truck Operator Team Leader x 1
 - 2.3 Grader/Truck Operator x 1
 - 2.4 General Hand/Plant Operator x 1
 - 2.5 Parks & Gardens x 1
 - 2.6 Works Supervisor x 1
- 3. Cleaning and TALEC Staff;
 - 3.1 TALEC Managers
 - 3.2 Office Cleaner
 - 3.3 Town Amenities Cleaner

CARRIED 5/0

REASON

Financial Services being retained in-house.

Agenda Reference:	Late Item 6
Subject:	Approval to Hire Hydrology Model (Kadjininy Kep) Facility New Years Eve Function – Local Group
Location:	Kadjininy Kep Facility, Tammin
Applicant:	Terence P O’Dea of “Wots Sinner Name?”
File Ref:	AGR-19
Disclosure of Interest:	N/A
Date:	5 th December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Council’s Administration has received a copy of a letter forwarded to the President of the Shire, from Mr Terence P O’Dea requesting to use/hire the Kadjininy Kep Facility on New Years Eve with local band “Wots Sinner Name?” providing free entertainment, with no monetary gain.

Spokesperson of the Group, Mr O'Dea, seek to use the Facility from 8.00pm to 12.45am providing free entertainment with no monetary gain and requests Council consideration to waiving the adopted fee for hiring the facility on New Years Eve in Tammin.

COMMENT

Council adopted "refined" the fees and charges for casual hirer use at their October 5, 2005 Ordinary Meeting, following from their fee and charges structure for the ABBR Concert at their 18th August 2005 Ordinary Meeting upon receiving a report from the inaugural meeting of the Tammin Events Committee..

FINANCIAL IMPLICATIONS

2005/2006 Shire of Tammin Budget

- revenue from property hire
- reduced revenue potential from hosting/holding a function or event on such an important date on the calendar.

POLICY IMPLICATIONS

Policy adopted in terms of responsibility and conditions of use for users/hirers/caterers of the Kadjininy Kep Facility

STATUTORY IMPLICATIONS

Local Government Act 1995 as amended

- section relating to the adoption of Fees and Charges for hire of Facilities and Revenue from Property of the Council
- Council resolution required to waive/cancel fees and charges that normally apply to the hire of any facility or property owned by the Council.

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS

Marketing and Promotion of the Kadjininy Kep Facility to maximize facility standard

COMMUNITY CONSULTATION

Community Development Officer
Chief Executive Officer

STAFF RECOMMENDATION

1. That Council waives applicable Fees and Charges for provision of free community entertainment on New Years Eve at the Kadjininy Kep Facility.
2. That Council grants approval for local group "Wots Sinner Name?" to perform at the Kadjininy Kep Facility, between the hours of 8.00pm and 12.45am on New Years Eve.
3. That no group or stall holder or club or organisation shall operate and gain profit from the event being conducted as agreed to in item 1 and 2 above.
4. That Council approval is granted for alcohol to be consumed at the facility for the purpose of free entertainment to the community.

5. That Council authorize Cleaning Staff to clean the facility on the day after of facility use and pay for the cost of Staff to do so on a Public Holiday.

COUNCIL RECOMMENDATION

MIN 248/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Jefferies

1. *That Council waives applicable Fees and Charges for provision of free community entertainment on New Years Eve at the Kadjininy Kep Facility.*
2. *That Council grants approval for local group "Wots Sinner Name?" to perform at the Kadjininy Kep Facility, between the hours of 8.00pm and 12.45am on New Years Eve.*
3. *That no group or stall holder or club or organisation shall operate and gain profit from the event being conducted as agreed to in item 1 and 2 above.*
4. *That Council approval is granted for alcohol to be consumed at the facility for the purpose of free entertainment to the community.*
5. *That local group 'Wots Sinner Name' be responsible for the cleaning and tidying of the facility the morning after hosting the function.*
6. *Local police to be notified of the event.*

CARRIED 5/0

REASON

Council believes that the local group Wots Sinner Name be responsible for cleaning of the facility the following day.

Agenda Reference:	Late Item 7
Subject:	Emergency Services Leave - Policy
Location:	Shire of Tammin – Policy Document
Applicant:	Shire of Tammin
File Ref:	ADM
Disclosure of Interest:	N/A
Date:	5 th December 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Council in its November Ordinary Meeting of Council moved:

MIN 205/05 MOTION – Moved Cr. Caffell 2nd Cr. Stokes

That Council staff prepare a policy for the December meeting for employees volunteering their services for emergency services.

CARRIED 6/0

COMMENT

Currently Council does not have a policy in place should an employee be registered or act in the capacity of a volunteer as either an Ambulance Driver, Bush Fire Brigade / Fire and Rescue Volunteers. Therefore there is no set procedure in place for payment of wages for employees attending to a call from the Emergency Agency in which they are registered with as a Volunteer.

Currently staff have are aware that should they be requested to attend an Emergency as a Volunteer with their respected Agency they will be paid the normal wage for the hours in which they are aware from the workplace during ordinary working hours.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS

Shire of Tammin Policy Document – Inclusion of new policy into Shire of Tammin Policy Document

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS - Nil

PRINCIPAL ACTIVITY PLAN IMPLICATIONS – Nil

STAFF RECOMMENDATION

- 1 That Council accept / does not accept the recommended Policy – Emergency Services Leave and implement in the Shire of Tammin Policy Document.

COUNCIL RECOMMENDATION

MIN 249/05 MOTION - Moved Cr. Jefferies 2nd Cr. Greenwood

- 1 *That Council accepts the recommended Policy – Emergency Services Leave and implement in the Shire of Tammin Policy Document.*

CARRIED 5/0

7:04pm – Cr Leslie entered Council Chambers and assumed the Chair.

7:08pm – Cr Stokes left Council Chambers

7:09pm – Cr Stokes returned to Council Chambers.

7:20pm - Cr Caffell left Council Chambers.

7:21pm - Cr Caffell returned to Council Chambers.

7:27pm – Frank Peczka left Council Chambers.

7:30pm – Frank Peczka returned to Council Chambers.

COUNCIL RECOMMENDATION

MIN 250/05 MOTION - Moved Cr. Jefferies 2nd Cr. Caffell

That Council accept the Chief Executive Officers Report and the following Sub reports:

*Manager Corporate Services Report
Manager Development Services Report
Manager Works and Services Report
Community Development Officer Report*

CARRIED 6/0

8:01pm – Cr Greenwood left Council Chambers.

BUSINESS ARISING FROM THE CHIEF EXECUTIVE OFFICER REPORT

COUNCIL RECOMMENDATION

MIN 250/05 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

That Administration obtain quotations for the design of an oval watering system (Donnan Park).

CARRIED 5/0

8:05pm – Cr Greenwood returned to Council Chambers.

Agenda Reference:	Late Item 3
Subject:	Leave Liability (Annual and Long Service Leave) – Chief Executive Officer
Location:	Kellerberrin Tammin Resource Sharing Committee
Applicant:	Kellerberrin Tammin Resource Sharing Committee
File Ref:	ADM-26
Disclosure of Interest:	Frank Peczka, Chief Executive Officer-employed staff
Date:	3 rd December 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

1. Kellerberrin Tammin Resource Sharing Committee Meeting held on 2nd November 2005 reads;

MIN RS38/05 MOTION - Moved Cr. Lamplugh 2nd Cr. Doncon

That the Resource Share committee recommends to the Shire of Kellerberrin and the Shire of Tammin that the Shire Presidents of both Shire of Kellerberrin and Shire of Tammin meet with Mr Simon White of Local Government Workplace Solutions in conjunction with the Chief Executive Officer to discuss the liability of Leave Entitlements as soon as possible.

CARRIED 8/0

2. Letter received 13 December 2005 from Western Australian Local Government Association – Workplace Solutions reads;

As requested, the following advice has been prepared to assist the Shires of Kellerberrin and Tammin in concluding the current Resource Sharing Agreement. As you are the employee impacted by this advice, we are advised that both Council's have authorised this advice to be obtained by you on their behalf.

We have been provided with copies of:

1. Kellerberrin Tammin Resource Sharing Agreement;
2. Chief Executive Officer Contract of Employment – Shire of Kellerberrin;
3. Chief Executive Officer Contract of Employment – Shire of Tammin.

We understand the initial clarification sought is the contractual status between the Chief Executive Officer (CEO) and each of the Local Governments. As it appears a contract has been entered into between the CEO and each of the Local Governments, we believe that two employment relationships currently exist.

The separate contracts of employment are obviously intended to be read together, although neither import the Resource Sharing Agreement into the terms. As a result the Resource Sharing Agreement sits outside the employment contracts and we do not believe the method of payment details between the

Local Government as outlined in sub clause 10.2 of the Agreement impacts on the employment relationships. Rather, it prescribes the accounting treatment which applies to payment of the employee.

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The separate contracts of employment are obviously intended to be read together, although neither import the Resource Sharing Agreement into the terms. As a result the Resource Sharing Agreement sits outside the employment contracts and we do not believe the method of payment details between the Local Government as outlined in sub clause 10.2 of the Agreement impacts on the employment relationships. Rather, it prescribes the accounting treatment which applies to payment of the employee.

If the Resource Sharing Agreement was not concluding we would recommend clarifying the parties intentions in writing. The Shire of Tammin contract refers to the Shire of Kellerberrin contract as determining remuneration and leave entitlements. It may have been considered by the Australian Industrial Relations Commission that as the employment contract with the Shire of Tammin relates to a separate employment relationship it must also provide conditions in accordance with the Local Government Officers' (WA) Award 1999.

If either employment contract is to be terminated prior to the end of its term on 12 January 2006 due to the conclusion of the Agreement, we advise that notice is provided in accordance with clause 8 – Termination of Employment.

In relation to leave accruals, we believe that the Resource Sharing Agreement is intended to proportion liability at 30% for the Shire of Tammin and 70% for the Shire of Kellerberrin, as with normal salary payments/entitlements. Leave is not specifically referred to in the Resource Sharing Agreement, but the alternative is that each Local Government would be liable for five weeks annual leave (as stipulated by the Shire of Kellerberrin employment contract and clause 24 of the Local Government Officers' (WA) Award 1999 for the Shire of Tammin contract) and half each of long service leave accrued as set out as sub regulation 9(4) of the Local Government (Long Service Leave) Regulations.

Please contact me on 9213 2015 if you require any additional clarification on this issue.

Yours sincerely,



Simon White
Employee Relations Service Manager
Local Government Workplace Solutions

3. Shire of Kellerberrin Ordinary Meeting held on 18th October 2005 reads;

LATE ITEM 7 CEO ANNUAL LEAVE/LONG SERVICE LEAVE

MIN 273/05 MOTION - Moved Cr. Morrell 2nd Cr. Doncon

- That Council on behalf of the Kellerberrin Tammin Resource Sharing Committee seek an opinion on long service leave and annual leave liability of both Councils as employers of the current Chief Executive Officer.
- That copies of the Contracts of Employment and Resource Sharing Agreement be authorized to be released to obtain the opinion on leave liabilities of each Council.

- *That the opinion obtained be presented as an Agenda Item to the next Kellerberrin Tammin Resource Sharing Committee Meeting scheduled 2 November 2005.*

CARRIED 7/0

COMMENT

Council is advised that Simon White of WALGA – Workplace Solutions is offering professional advice to Council via telephone on December Ordinary Meeting day and is prepared to answer any queries that may be raised in regards to Leave Liability. The advice and presentation should assist both local governments in determining the outcomes.

From instruction by Committee recommendation, the Chief Executive Officer contacted Western Australian Local Government Association Workplace Solutions, on behalf of both local governments, to ascertain guidance to the identified Leave Liability and Leave Entitlements of the current appointed Chief Executive Officer.

Documents forwarded to WALGA – Workplace Solutions included;

1. Contract of Employment – Shire of Tammin
2. Contract of Employment – Shire of Kellerberrin
3. Kellerberrin Tammin Resource Sharing Agreement – November 2004 (as amended)

The written request, forwarded by email to WALGA Workplace Solutions (copy circulated to Councillors) was to seek a view and give direction to each local government as part of the withdrawal process as submitted by the Shire of Tammin.

I have communicated with WALGA – Workplace Solutions to confirm a meeting between the two Shire Presidents and the Chief Executive Officer in Perth to convene further discussions. The Chief Executive Officer has circulated the appointment to both Shire Presidents advising of the meeting opportunity and presented that if the meeting appointment cannot be held separate meetings can be had with a report to respective Councils and/or the Resource Sharing Committee as part of business prior to close down, if required with the Resource Sharing Committee.

The Chief Executive Officer is not aware of any other information relating to final outcomes other than the proposed meeting appointment with WALGA cannot be convened due to commitments of the two Presidents of both local governments. The matter will remain tabled and sorted between the two Presidents and/or as directed by both Councils in agreement.

FINANCIAL IMPLICATIONS

Shire of Tammin 2005/2006 Budget – operating expenses relating to payroll (Salaries and Wages).

Shire of Kellerberrin 2005/2006 Budget – operating expenses relating to payroll (Salaries and Wages).

1. Long Service Leave Estimated Calculations (payable at time of LSL due date);
 - a) Employment period and Leave Term – 3 years
 - b) Weekly Rate of Employee - \$1,730.77 gross
 - c) Calculations = 13 weeks LSL Liability for 10 year period
 - d) Pro-rata rate = $1.3 \times 3 = 3.9 \times \$1,730.77 = \$6,750.00$
 - e) Resource Sharing Split = 70% Kellerberrin / 30% Tammin
 - f) Cost estimates = Kellerberrin $\$6,750.00 \times 70\% = \$4,725.00$
= Tammin $\$6,750.00 \times 30\% = \$2,025.00$
2. Annual Leave Estimated Calculations;
 - a) Employment Term – 3 years
 - b) Leave Entitlements – 15 weeks / 75 days
 - c) Leave Taken – 3.5 weeks / 19 days
 - d) Outstanding Leave – 11 weeks / 56 days

- e) Current weekly rate = \$1,730.77 gross
 - f) Calculations = 11 x \$1,730.77 = \$19,038.47
 - g) Resource Sharing Split = 70% Kellerberrin / 30% Tammin
 - h) Cost Estimates = Kellerberrin 70% = \$13,326.93
= Tammin 30% = \$5,711.54
 - i) Annual Leave Loading = estimated value outstanding \$1,584.31
 - a. = Kellerberrin 70% = \$1,109.02
 - b. = Tammin 30% = \$475.29
3. Summary of Estimated Costs
- 3.1 Kellerberrin = \$19,160.95
 - 3.2 Tammin = \$8,211.83
 - 3.3 Estimated Total = \$27,372.78

POLICY IMPLICATIONS

Kellerberrin Tammin Resource Sharing Agreement

Clause 10 – Savings and Payments

Sub Clause 10.2 – The payment details shall be based on Salary, not on percentage, and shall be reviewed annually. Below is an example of how the payment is to be split according to time spent in each office.

OFFICER	SALARY	TAMMIN	KELLERBERRIN
Chief Executive Officer	100%	30%	70%

Clause 14 – Amendment

If any of the Shires wishes to amend or vary this Agreement then the Shire shall give to the other Shire at least two (2) calendar months notice of the proposed amendment or variation and suggest an implementation date.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- relating to adoption of budget for known expenditures and revenues
- employment responsibilities for appointment of CEO and Senior Staff

Local Government (Financial Management) Amendment No2 Regulations 2005

- relating to expenditure control and accountability
- relating to approval for budget amendments

Contracts of Employment (CEO)

- Shire of Kellerberrin
 - Clause 5 relates to Remuneration Package
 - Clause 6 relates to Leave Entitlements
 - Clause 9 relates to Inconsistency and Amendment
- Shire of Tammin
 - a) Clause 5 relates to Remuneration Package
 - b) Clause 6 relates to Leave Entitlements
 - c) Clause 9 relates to Inconsistency and Amendment

Long Service Leave Regulations

- sub regulation 9(4) relates to calculations of leave accrued for the purpose of Long Service Leave and employer obligations

Local Government Officer's Award (WA) 1999

- clause 24 relates to Annual Leave in regards to period and payment of leave

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time in relation to this matter)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time in relation to this matter)

COMMUNITY CONSULTATION

- Kellerberrin Tammin Resource Sharing Committee Meeting held 12th October 2005
- Shire of Kellerberrin
- Western Australian Local Government Association – Workplace Solutions Industrial Relations Advisers to Local Government Member Councils – letter of request sent
- Copy of WALGA Workplace Solutions response circulated to Resource Sharing Committee Members at last meeting.
- Presidents Memo regarding an appointment to meet with WALGA – Workplace Solutions regarding matters raised and identification of outcome.

STAFF RECOMMENDATION

1. That Council “*accepts or rejects*” Leave (Annual and Long Service) Liability of the employed Chief Executive Officer.
2. That the Shire of Kellerberrin be advised of the Shire of Tammin “*acceptance or rejection*” of Leave (Annual and Long Service) Liability of the employed Chief Executive Officer.

**Dependant upon the above outcome, Council will need to state agreed payment to be made, if applicable as per outcome in item 1, or reasons for rejection, if applicable.*

COUNCIL RECOMMENDATION

MIN 251/05 MOTION - Moved Cr. Caffell 2nd Cr. Jefferies

That Administration investigate past Chief Executive Officer Annual Leave and Long Service Leave liability payments by the Shire of Tammin.

That the President seek further clarification from the Western Australian Local Government Association – Workplace Solutions.

CARRIED 6/0

CLAIM FOR INTERVIEW EXPENSES

COUNCIL RECOMMENDATION

MIN 252/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Stokes

That Council decline Chief Executive Officer interview expenses as requested by an applicant.

CARRIED 6/0

REASON

Applicant was advised that Council will not be paying for expenses.

CLOSURE OF MEETING

8:33pm – There being no further business the Presiding Person, Cr Barry Leslie closed the meeting.

NEXT MEETING DATES

- Ordinary Council Meeting - Wednesday, 8 February 2006