

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 19 December 2009.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr R Stokes declared the meeting open at 2.04pm, welcoming Councillors, and also the Chief Executive Officer designate, Mr G Stanley.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present

Cr R.J. Stokes	President (Presiding Person)
Cr K.L. Caffell	Deputy President
Cr M.D. Greenwood	Member
Cr S.J. Jefferies JP	Member
Cr B.F. Stokes	Member
Cr S.A. Uppill	Member

Mr R.G. Bone Acting Chief Executive Officer

Visitor

Mr Graham Stanley Chief Executive Officer designate

Apologies

Nil

Leave of Absence

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

M.D. Greenwood – 17 February 2010.

MIN 218/09 MOTION – Moved Cr Jefferies 2nd Cr Caffell

That leave of absence be granted to Cr Greenwood, for the Ordinary Council Meeting to be held on 17 February 2010.

CARRIED 6/0

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Cr M Greenwood declared an interest affecting impartiality for item 11.4.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes – 19 November 2009

STATUTORY ENVIRONMENT

Section 5.22(2) of the *Local Government Act 1995* provides that minutes of all meetings are to be kept and submitted to the next full Council meeting for confirmation.

STAFF RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 19 November 2009, be confirmed as a true and correct record.

Simple Majority Required

MIN 219/09 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Audit Committee Meeting Minutes – 23 November 2009

Staff Recommendation

That the Minutes of the Audit Committee held on 23 November 2009, be received.

Simple Majority Required.

MIN 220/09 MOTION – Moved Cr Greenwood 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 6/0

10.2 WE-ROC Executive Meeting – 25 November 2009 (ORG-15)

Meeting held in Tammin and participated in by the Acting Chief Executive Officer. Issues discussed relevant to Tammin included:

- Allocation of portfolios - the Shire of Tammin's portfolio of Transport and Resources did not change.
- Each member Shire within WE-ROC will receive an allocation of \$30,000 based upon submission of eligible projects. The Regional and Local Community Infrastructure Program (RLCIP) submissions closed on 20 November 2009.
- Hon Brendon Grylls, Minister for Regional Development, announced the opening of contestable grants program through nine Development Commissions. Individual Shires must return submissions prior to Wednesday 10 February 2010.
- WE-ROC adopted a Council meeting schedule for 2010 as follows:
 - 24 February 2010 – Tammin
 - 28 April 2010 – Westonia
 - 23 June 2010 – Southern Cross
 - 25 August 2010 – Bruce Rock
 - 27 October 2010 – Kellerberrin
- WE-ROC also adopted an Executive meeting schedule for 2010 as follows:
 - 3 February 2010 – Westonia
 - 24 March 2010 – Southern Cross
 - 26 May 2010 – Bruce Rock
 - 28 July 2010 – Kellerberrin
 - 29 September 2010 – Merredin
 - 24 November 2010 – Tammin

10.3 GECZ Meeting – 26 November 2009 (ORG-02)

Meeting via teleconference on 26 November 2009 and attended by Cr R Stokes and the Acting Chief Executive Officer. Issues discussed relevant to Tammin included:

- The Shire of Tammin successfully put forward the following motion:
 1. Forward to State Council its concerns re the possible closure by 2011 of the School of Agriculture and Environment (Muresk) and in particular, the potential ramifications to the Avon and Wheatbelt region in respect to educational opportunities, employment and regional structure; and
 2. Prepare a submission to the review committee, chaired by the Hon Phil Gardiner MLC, expressing concern at the possible closure of Muresk, highlighting the potential ramification to the Avon and Wheatbelt region in respect to educational opportunities, employment and regional structure.

- The Shire of Tammin was also successful with a further motion on education:
 1. That the GECZ forward to State Council its concerns re the possible removal of year 7 from the Primary School structure of the State's education system and the consequential incorporation of these students into the High School System.
- WALGA has been advised that the GECZ wish to hold a meeting on 4 August 2010, as part of Local Government Week.

10.4 Events Committee Meeting Minutes – 01 December 2009

Staff Recommendation

That the Minutes of the Tammin Events Committee held on 1 December 2009, be received.
Simple Majority Required

MIN 221/09 MOTION – Moved Cr Uppill 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 6/0

10.5 Housing Design Committee Meeting Minutes – 08 December 2009

Staff Recommendation

That the Minutes of the Housing Design Committee held on 8 December 2009, be received.
Simple Majority Required.

MIN 222/09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 6/0

Staff Recommendation

That the Housing Design Committee recommendation at Min.217/09, be adopted.
Simple Majority Required.

MIN 223/09 MOTION – Moved Cr Uppill 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 6/0

10.6 Annual Electors' Meeting Minutes – 08 December 2009

Staff Recommendation

That the Minutes of the Annual Electors' Meeting held on 8 December 2009, be received.
Simple Majority Required.

MIN 224/09 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 6/0

11. AGENDA ITEMS

11.1 Tammin Basketball Courts (SPREC-05)

Author – RG Bone, Acting CEO, 10 December 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

A request has been received from Lewis and Myra Henry for the re-connection of lights to the basketball courts situated at Donnan Park.

The Henrys' advise that since the Shire replaced the basketball rings, they have been utilising the courts more and it would be nice now that the weather is warmer, to be able to play in the evenings.

COMMENT

The Acting Chief Executive Officer met onsite with electrician Peter Mitchell to gain an insight of what would be required to achieve lighting of the basketball courts. Essentially, a

complete re-wiring job and installation of new light fittings would be required. Mr Mitchell was not asked to prepare a formal quotation, but left me with the understanding such a project would be upwards of \$10,000.

From a community prospective, club activity or basketball competition has not been active in Tammin for quite some time.

Consequently and under the circumstances of no budgeting provision and little community demand, it is hard to justify such a project.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council regretfully advise Lewis and Myra Henry that the scope of lighting provision at the Basketball Courts, cannot be achieved in 2009/10.

Simple Majority Required

MIN 225/09 MOTION – Moved Cr B Stokes 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 6/0

11.2 Tamma Village – Unit 7 Garden Maintenance (AGE-02)

Author – RG Bone, Acting CEO, 18 November 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

An approach has been received from Barrington Norris for the Shire to maintain the garden area at the front of Unit 7, Tamma Village. Mr Norris explains that due to the onset of arthritis he is finding it very hard to upkeep the garden. He adds that he has no family in the area and respectfully asks Council's help and understanding in this matter.

Mr Norris also contends his understanding from reading the Joint Venture Agreement, is that it is the Shire's responsibility to upkeep the area in front of the units.

COMMENT

A quick reading of the two sets of wording on garden upkeep (*see Statutory Environment*) perhaps conveys an impression that there is not a lot of difference.

Certainly in the earlier Agreement there appears to be a direct obligation on the Organisation (i.e. the "Shire") to perform the garden maintenance. However, the emphasis changes in the second Agreement whereby the operative word is that the Organisation shall "ensure" the gardens are maintained, etc.

My interpretation of this wording is that while there is a responsibility for the Shire to see that the gardens for each of the units are maintained, it does not necessarily mean that the Shire has to do the work itself. The Shire could for example, require the tenant to undertake the garden maintenance, alternatively it could engage a contractor, or lastly, it could perform the gardening itself.

However, reference is also made in the Periodic Tenancy Agreement at item 7 of the additional conditions as adopted by the Tammin Senior Citizens Committee, to landscaping in the following way:

- *Item 7 – The Shire of Tammin is responsible for rates, water, taxes, normal repairs and regular up-keep of landscaping.*

The above also seems to imply an obligation on the Shire for maintenance of gardens throughout the complex. But in practise, this has not been the overall case. The Shire has certainly maintained the "common" areas and has allowed/encouraged tenants to maintain their own unit gardens.

Fortunately, there is one further alternative to this issue and this is through the local HACC service. Part of the charter of HACC services is to provide home support including cleaning and gardening to occupants who have disabilities. Cunderdin HACC have informed me their new charge for gardening services will be \$9/hour and I would therefore see this as the most appropriate pathway on the basis that Mr Norris can no longer perform gardening activities himself.

FINANCIAL IMPLICATIONS

There would be additional expense to the Shire for the operation of Tamma Village if it were to undertake garden upkeep in front of Unit 7.

It is also believed there would be a flow on effect (precedent) with other tenants seeking similar support, hence a further escalation in costs.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Due to Tamma Village being constructed in two stages, there are not surprisingly, two separate Joint Venture Agreements with what was then Homeswest (now Department of Housing). The wording in regard to landscaping and gardens at the Village in the two agreements is slightly different.

The initial Agreement for the first six units was made in January 1995 and at clause 10 provides:

- (a) Throughout the term of continuance of this agreement the organisation as Manager of the Project shall at all times and at its own expense: -
- (b) Keep and maintain the landscaping of the gardens and the common areas of the Units in good repair and neat and tidy.

The second Agreement for the remaining four units was made in December 1998 and at clause 11.5 provides:

11.5 - The Organisation shall ensure that the gardens, landscaping and the grounds of the units and any common areas are maintained to a good standard and are kept neat and tidy.

From a positional standing, unit 7 falls within the umbrella of the latter Agreement.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Mr Norris' request for the Shire to undertake garden maintenance to the front of Unit 7, Tamma Village, be declined and that he be encouraged to approach the HACC service for assistance.

Simple Majority Required

MIN 226/09 MOTION – Moved Cr Caffell 2nd Cr Uppill

That the Staff Recommendation be adopted.

CARRIED 6/0

11.3 Tammin Senior Citizens Committee – Tamma Village (ASS-1093)

Author – RG Bone, Acting CEO, 30 November 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.6 – 15 October 2009.

BACKGROUND

Correspondence requesting/advising on the following matters:

- responding that the Committee believe the eastern end of the visitors' car park adjacent to unit 5 is the best location for caravan parking. However, to make this functional they suggest some trees be removed to enable caravans to go back further (i.e. to the east) and also the removal of kerbing at the east end.
- further query about whether the gas heater in unit 5 is to be removed because of lack of ventilation.
- request for the installation of external power points for units 6 & 8. (Seniors' Committee will pay for this work)

COMMENT

- Regarding caravan parking, an inspection reveals two trees would need to be removed and another two (one on each side could be left).
Removal of the eastern section of the kerbing can also be facilitated. However, it will also be appropriate to provide gravel and compact same. Cost for these works is estimated at \$1,250.

Improvements to the east end of the visitors' car park would enable three caravans to park there. Consequently, it is proposed that the area adjacent to unit 5 be the designated area where tenants can park their caravans and that they are each levied a nominal parking fee for this facility. It is proposed this be \$3.00 per week.

In addressing the foregoing matters, it has also come to mind there is a possibility that caravan owners may wish to accommodate from time to time, friends or relatives in their vans. This would introduce further issues such as access to power, noise and convenience to residents. Overall, it should be recognised from the outset that Tamma Village is not a caravan park and therefore it would be appropriate to designate that there be no occupancy of caravan's onsite at Tamma Village. (Note: Clause 12 of the additional conditions to the Tenancy Agreement does allow for visitor stay in the units and on the basis of up to a period of 2 months per calendar year).

- At the October meeting (Min.182/09) the Acting CEO was requested to investigate the flu ventilation requirements for gas heaters. The following has been determined:

When gas heaters are installed with a gas bayonet fitting, a vent is also required to be in that same room pursuant to the Gas Standards (*Gas fitting and Consumer Gas Installations*) Regulations 1999. The regulations are not retrospective so don't apply

to buildings older than 1999 (Tamma Village was built in two stages – 1995 and 1998).

However, unit 5 is hard plumbed and the foregoing is not applicable! This therefore means that the unit can be left as it is, or alternatively could be removed, as it is understood the tenants would appreciate the extra space and in any event use the reverse cycle air conditioner. If the gas heater unit is removed the line would of course need to be plugged. It is not known at this stage what this would cost.

- A purchase order has been issued for the installation of two external power points to units 6 and 8.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council:

1. (a) Designate the eastern sector of the Tamma Village visitor parking area (adjacent to unit 5), to be the area where tenants can park/store their caravans;
(b) Impose a fee of \$3.00 per week for the parking/storage of caravans in the designated area, with effect from 1 July 2010;
(c) Determine that under no account are caravans within Tamma Village to be occupied at any time; and
(d) Authorise improvement works to the designated area including the removal of two trees, removal of kerbing (eastern end) and provision of gravel, estimated to cost \$1,250.
2. Authorise the removal of the gas heater in unit 5.

Simple Majority Required

MIN 227/09 MOTION – Moved Cr Greenwood 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 6/0

Cr Michael Greenwood declared an interest affecting impartiality for item 11.4. The nature of the interest is that his mother occupies Unit 3.

11.4 Tamma Village – Unit 3 (ASS-1093)

Author – RG Bone, Acting CEO, 30 November 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

An approach has been received from Beryl Greenwood who is seeking permission to install a shade cloth shelter to part of the front of unit 3, Tamma Village. The purpose of the shade cloth shelter is to provide relief from the afternoon sun on the western wall of the unit. Mrs Greenwood is prepared to meet the cost of this installation.

COMMENT

Clauses 11 and 12 of the Periodic Tenancy Agreement provide that:

11 – The Tenant shall not affix any fixture or make any renovation, alteration or addition to the residential premises, without the prior consent of the OWNER, provided that such consent shall not be unreasonably withheld.

12 – Where the OWNER has given consent pursuant to paragraph 11 above the TENANT may remove any fixture that the tenant has affixed in the premises during the tenancy, unless the removal would cause irreparable damage to the premises.

Accordingly, it is within the scope to approve the request, subject to the shade cloth shelter being installed by a qualified tradesperson.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Mrs Beryl Greenwood be granted permission to have a shade cloth shelter to the western wall of unit 3 by a qualified tradesperson.

Simple Majority Required

MIN 228/09 MOTION – Moved Cr Caffell 2nd Cr Jefferies

That the Staff Recommendation be adopted.

CARRIED 6/0

11.5 General Electors' Meeting

Author – RG Bone, Acting CEO, 09 December 2009 Interest – Nil

PREVIOUS REFERENCE

BACKGROUND

The Shire of Tammin General Meeting of Electors' was held on 8 December 2009. Minutes of the meeting have been provided to Councillors.

Legislation requires Council to consider the minutes of the Electors' meeting at the next practicable Ordinary Meeting.

Legislation also requires Council to record reasons for its decisions arising from decisions made at the Electors' meeting.

COMMENT

In respect to General Business items, no resolutions were forth coming that require a Council decision.

However, item 5.5 – Rural Farming, contained a suggestion for Council to investigate the need or otherwise, of Fencing Local Laws. As matters stand, any question on fencing within the Shire of Tammin relies on the provisions of the Dividing Fences Act 1961.

The Purpose of this Act relates to the construction and repair of dividing fences between certain lands and for incidental and other purposes. This Act does not bind the Crown.

It is of course open for Council to determine needs for any local law including a Fencing Local Law. The Shire seems to have coped satisfactory without a Fencing Local Laws and it would therefore beg the question as to the need for such, particularly, with the question of structural reform hanging about.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 5.32 of the *Local Government Act 1995* provides that the CEO is to —

- (a) cause minutes of the proceedings at an Electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

Section 5.33 of the *Act* provides that:

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council resolve not to prepare any Fencing Local Laws.

Simple Majority Required

MIN 229/09 MOTION – Moved Cr Uppill 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 6/0

11.6 GMO Trials (AGR-21)

Author – RG Bone, Acting CEO, 09 December 2009 Interest – Nil

PREVIOUS REFERENCE

Item 11.3 – 27 October 2008.

BACKGROUND

The Shire of Tammin has a Policy of opposition to GMO trials – arising from trials carried out in the Region some years ago.

Council at its October 2008 meeting discussed whether or not the GMO trials Policy should be changed. All property owners were invited to respond to a Rural Landowner Survey resulting in 57% of the property owners supporting Council's opposition to GMO trials.

As a result, Shire of Tammin's opposition to GMO trials – remained the same.

COMMENT

Whilst the benefits for GMO trials are many, and the technology may provide agronomic benefits to help WA adapt to a changing climate, the risks associated with using the technology are not well understood and could lead to environmental disaster.

Although WALGA encourages local government to take a position on GMO crops which reflects the views of their community, the legal decision making powers lie with the Minister for Agricultural and Food.

Above all, the Minister has indicated he will consider the Policies put in place by each local government when making decisions on GMO Crops.

A copy of WALGA's Genetically Modified Crops Policy Background Paper is attached for consideration.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Rural Landowners Survey sent out in October 2008.

STAFF RECOMMENDATION

That Council retain its opposition to GMO trials.

Simple Majority Required

MIN 230/09 MOTION – Moved Cr R Stokes 2nd Cr Uppill

That Council conduct another survey on GMO crops to ascertain if rural landowners have changed their opinion.

Reason: Council considered there may be a shift in community opinion since the last survey was conducted.

CARRIED 6/0

11.7 Westone Pty Ltd – Proposal to re-open Tammin Abattoir (ASS-171)

Author – RG Bone, Acting CEO, 09 December 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

Westone Pty Ltd have proposed re-opening the Tammin Abattoir for slaughter on the 4 January 2010. The Abattoir will operate 5 days a week, subject to availability of stock. It is intended 500-600 head of stock will be slaughtered daily.

Westone Pty Ltd have made applications to the Department of Health, the Western Australian Meat Industry Authority as well as obtaining a licence from the Department of Environment and Conservation (L7390/2004/3).

COMMENT

Meat Inspection Fees

The *Food Regulations Act 2009* provide that the proprietor of an abattoir at which carcasses are inspected must pay to the appropriate enforcement agency, the appropriate fee set in Schedule 1 for each inspection (fee per animal).

Under the previous regime the above process was not pursued and instead recovery was sought on a fortnightly basis of actual expenses incurred. In the main, this comprised the value of the meat inspector's invoice, rent for the Shire house and other small incidentals.

Insofar as to whether the Shire's expenditure is recovered by meat inspection fees on a per head basis, or via an invoice for actual expenses, it probably doesn't matter a great deal. The easiest process for the Shires would be the latter.

Regulation 41(3) sets out the basis that fees set to be paid weekly, fortnightly or monthly as determined by the Shire, and are to be paid within seven days of whatever of the foregoing periods is selected. However, should the Shire not make a determination in regards to Regulation 41(3), the fee is payable monthly.

I believe it would be prudent for the Shire to continue the previous practise of invoicing actual expense on a fortnightly basis.

Security to Recover Unpaid Fees

Council is of course well aware of the closure of the Tammin Abattoir on 25 May 2009 and the subsequent liquidation of De Quintal Property Holdings Pty Ltd. The Shire is owed \$4518.23 (mainly for the reimbursement of wages) and has very little chance of recovering any of this debt.

However, with the impending re-opening of the abattoir under new ownership, there are fortunately means available for the Shire to protect itself against the possibility of future loss.

The *Food Regulations 2009* vide regulations 43-45, provide a process whereby a local government may require a person to provide security in a form approved by the local government. Typically, this would either be a cash sum held in the Trust Fund, or a Bank Guarantee.

From the Shire's perspective the security sought should not be any less than the deemed equivalent of two month's fees (based on previous operations – approx \$10,650). The period of two months has been selected because of the lead time prescribed in regulations 44 and 45.

Of particular significance is regulation 45 which for ongoing difficulties with fee collections also enables a local government to withdraw inspection services and thus avoid being forced to absorb mounting debt as was the circumstance until about 1997 under the Health Act 1911.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Food Regulations 2009 –

41. Statements and inspection fees

(1) The proprietor of an abattoir at which animals or carcasses are inspected as required under this Part must lodge with the appropriate enforcement agency a signed statement, in a form approved by and at the times determined by the enforcement agency, setting out the information required by the enforcement agency about animals slaughtered at the abattoir.

Penalty: a fine of \$5 000.

(2) The proprietor of an abattoir at which animals or carcasses are inspected as required under this Part must pay to the appropriate enforcement agency, in accordance with subregulation (3), the appropriate fee set out in Schedule 1 for each inspection.

Penalty: a fine of \$5 000.

(3) Fees under subregulation (2) —

(a) are payable weekly, fortnightly or monthly, as determined by the appropriate enforcement agency; and

(b) are to be paid within 7 days after the end of the week, fortnight or month in which the inspections are carried out.

(4) If the appropriate enforcement agency does not make a determination for the purposes of subregulation (3) in relation to a fee, the fee is payable monthly.

42. Application of inspection fees

(1) A local government to which a fee is paid under regulation 41 is to credit the amount of the payment to an account —

(a) established and maintained by the local government for the purposes of this subregulation; and

(b) to be called the [*name of local government*] Meat Inspection Account.

(2) Any funds standing to the credit of an account referred to in subregulation (1)(b) are to be applied by the local government only to the payment of the costs of inspections carried out by authorised officers under Division 3 at premises in the district of the local government.

(3) An account maintained by a local government under the *Health Act 1911* section 246F(4)(b) immediately before the commencement of this regulation may be used by the local government for the purposes of subregulation (1).

43. Local governments may require security

- (1) A local government may require a person to provide security, in a form approved by the local government, for the payment of fees by the person to the local government under regulation 41.
- (2) If security is to be provided under subregulation (1) in the form of a contract of insurance, the local government may require that the contract provides for the local government to be a joint insured or a beneficiary.
- (3) A person who has provided security to a local government under subregulation (1) may apply in writing to the local government for the security to be discharged.

44. Application of security to recover unpaid fees

- (1) If any fees —
 - (a) are due and payable by a person under regulation 41 to a local government; and
 - (b) have not been paid within 30 days after notice requiring the fees to be paid is served on the person by the local government,the local government may use any security provided by the person under regulation 43(1) to recover the amount of the unpaid fees.
- (2) Subregulation (1) does not limit the means by which unpaid fees that are due and payable to a local government under regulation 41 may be recovered.

45. Withdrawal of inspection services

- (1) A local government may decide not to provide authorised officers to carry out inspections at an abattoir at which inspections are required under this Part until the proprietor of the abattoir —
 - (a) pays any fees due and payable under the Act or these regulations to the local government by the proprietor; or
 - (b) complies with any order or direction lawfully given to the proprietor under the Act or these regulations; or
 - (c) provides any security that the local government has required the proprietor to provide under regulation 43(1).

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council in regard to the planned re-opening of the Tammin Abattoir, determine the following:

1. Meat inspection fees be charged on a cost recovery basis at fortnightly intervals; and
2. Pursuant to the provisions of regulation 43 of the Food Regulations 2009, a bank guarantee of \$11,000 redeemable to the Shire of Tammin, be required from Westone Pty Ltd prior to the commencement of operations.

Simple Majority Required

MIN 231/09 MOTION – Moved Cr B Stokes 2nd Cr Jefferies
That the Staff Recommendation be adopted.

CARRIED 6/0

11.8 Financial Report (FIN-05)

Author – M Henry, Finance Officer, 9 December 2009 Interest – Nil

BACKGROUND

The Financial Report for 2009/10 to 30 November 2009 is attached.

COMMENT

The Financial Report has been prepared in the format requested by Council.

The effect of the Council's Policy decision on reporting variances is shown in the far right column – being the calculated variance between the Actual Column and the YTD Budget column figures where the variance is greater than 10% and \$5,000.

FINANCIAL IMPLICATIONS

No significant implications.

POLICY IMPLICATIONS

Council resolved (Item 11.10 – 20 August 2009) that in accordance with section 34(5) of the *Local Government (Financial Management) Regulations 1996*, a variance percentage of 10% and \$5,000 be adopted for reporting material variances.

STATUTORY ENVIRONMENT

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Financial Report for November 2009, be received.

Simple Majority Required

MIN 232/09 MOTION – Moved Cr Jefferies 2nd Cr B Stokes
That the Staff Recommendation be adopted.

CARRIED 6/0

11.9 List Of Payments (FIN-05)

Author – C Wilks, Administration Officer, 9 December 2009 Interest – Nil

BACKGROUND

Last month at Min.213/09, Council resolved to call tenders for the supply of a second hand 11m³ two way tipper. Tenders closing on 10 December 2009 were advertised on the "West Australian" on 25 November 2009. Unfortunately, no tenders were received.

COMMENT

Enquires with two organisations who had expressed an interest in the tender opportunity, revealed one thought the tender closed next week.

FINANCIAL IMPLICATIONS

The budget provides for a purchase price of \$210,000, with a \$15,000 (trade-in) provision for the disposal of the Mitsubishi Truck.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 states:

Section 3.57 – Requires that a local government is required to invite tenders before it enters into a contract of a prescribed kind.

Local Government (Functions & General) Regulations 1996 states:

Regulation 11 (1) – Tenders are to be publically invited before a local government enters into a contract expected to be more than \$100,000.

Regulation 14 (2a) – A local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

(3) The notice, whether under subregulation (1) or (2), is to include –

- (a) a brief description of the goods or services required;
- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;
- (c) information as to where and how tenders may be submitted; and
- (d) the date and time after which tenders cannot be submitted.

(4) In subregulation (3)(b) a reference to detailed information includes a reference to –

- (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
- (b) detailed specifications of the goods or services requires;
- (c) the criteria for deciding which tender should be accepted;
- (d) whether or not the local government has decided to submit a tender; and
- (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Regulation 15 – Statewide public notice of the tender has to be at least 14 days after the notice is first published in the newspaper.

Regulation 17(2)(b) – The tenders register is to include for each invitation to tender, particulars of the making of the decision to invite tenders.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That tenders for the supply of a second hand 11m³ two way tipper, be recalled.

Simple Majority Required

MIN 234/09 MOTION – Moved Cr Jefferies 2nd Cr Uppill

That the tenders for the supply of a new or a second hand 11m³ two way tipper, be called.

CARRIED 6/0

The meeting adjourned at 3.53pm and recommenced at 4.05pm with all those present prior to the adjournment, present once again.

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

MIN 235/09 MOTION – Moved Cr Uppill 2nd Cr Caffell

That Council allow the consideration of Urgent Items 13.1 and 13.2.

CARRIED 6/0

13.1 GECZ – Nomination of Zone President, Deputy President & Three Zone Executive Committee Members (ORG-02)

Author – RG Bone, Acting CEO, 15 December 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

At the next in-person meeting of the Great Eastern Country Zone (GECZ) to be held on Thursday 4 March 2010 (in Koorda) in accordance with the CECZ Constitution an election for the Zone President, Zone Deputy President and up to Three Zone Executive Committee members will be held.

As required by the GECZ Constitution nominations are now invited as per the attached Information and Nomination form. Nominees must be an elected councillor who has been appointed Council delegate to the GECZ.

Nominations close at 4pm on 25 January 2010.

COMMENT

This nomination process is separate to the nomination and election process currently underway for the election of WALGA State Council and WALGA Deputy State Council Representative. They are two distinct processes even though the nomination dates are the same.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council consider and if thought appropriate, make nominations of persons for the various GECZ vacancies.

Simple Majority Required

MIN 236/09 MOTION – Moved Cr R Stokes 2nd Cr Jefferies

That Council make no nominations for the GECZ vacancies (State Council).

CARRIED 6/0

13.2 GECZ – Nomination of GECZ WALGA State Council & Deputy State Council

Representative (ORG-02)

Author – RG Bone, Acting CEO, 15 December 2009 Interest – Nil

PREVIOUS REFERENCE

Nil

BACKGROUND

At the next in-person meeting of the Great Eastern Country Zone (GECZ) to be held on Thursday 4 March 2010 (in Koorda) in accordance with the WALGA election process an election will be held for GECZ WALGA State Council and WALGA Deputy State Council Representative.

In accordance with the WALGA election process nominations are now invited for WALGA State Council and WALGA Deputy State Council Representative. Nominees must be an elected councillor who has been appointed Council delegate to the GECZ.

Nominations close at 4pm on 25 January 2010.

COMMENT

This nomination process is separate to the nomination and election process currently underway for the election of a Zone President, Deputy President and Zone Executive Committee representatives. They are distinct processes even though the nomination dates are the same.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council consider and if thought appropriate, make nominations of persons for the various GECZ vacancies.

Simple Majority Required

MIN 237/09 MOTION – Moved Cr R Stokes 2nd Cr Jefferies
That Council make no nominations for the GECZ vacancies (GECZ Executive).

CARRIED 6/0

14. CLOSURE OF MEETING

There being no further business the Chairman closed the meeting at 4.26pm.

Tabled before the Ordinary Council meeting on 17 February 2010.

Cr R.J. Stokes, Chairman