

Minutes of the Shire of Tammin Ordinary Council meeting held at Council Chambers, 1 Donnan Street, Tammin, on Thursday, 16 July 2008.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr R Stokes declared the meeting open at 2.06pm.

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 B.F. Stokes Member

Cr M.K. Wheeldon Member

Mr M.G. Oliver Chief Executive Officer

Visitors

Apologies

Cr S.J. Jefferies JP Member

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

5.1 Cr Greenwood

Cr Greenwood sought leave of absence for the August 2008 Ordinary Council meeting.

MIN 108/08 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That leave of absence be granted to Cr Greenwood for the August 2008 Ordinary Council meeting.

CARRIED 5/0

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

6.1 Cr B Stokes

Cr B Stokes declared a proximity interest in Item 11.5 – FA & GM Batchelor – Aquaculture Development Application.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes – 19 June 2008

STATUTORY ENVIRONMENT

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

MIN 109 /08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the minutes of the Ordinary Council meeting held on 19 June 2008 be confirmed as a true and correct record.

CARRIED 5/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 WE-ROC Council (ORG-15)

Meeting held in Tammin on 24 June 2008 and attended by Crs Stokes and Caffell together with the CEO.

Tammin's item (10.2 – 15 May 2008) regarding future ROC meetings, particularly joint meetings, received a mixed reception however the outcome was for the NEW-ROC and WE-ROC meetings to be held concurrently where possible.

Tammin's item to ascertain whether WALGA had a position on the issue of GMOs resulted in a resolution that WALGA be requested to determine a position with the view to lifting the moratorium on GMOs.

The meeting also resolved to request the Department of Agriculture and Food WA form a Biosecurity Group for the WE-ROC group of Councils.

Arising from the joint WE-ROC / NEW-ROC meeting was a direction that the paper titled *Structural Reform – A Wheatbelt Perspective* is to be circulated to all local governments in WA together with the media and WALGA with a request that WALGA allocate sufficient time to allow discussion on the SSS Report – *The Journey*. Further, that sufficient signatures under the WALGA constitution be obtained to force WALGA to hold a full discussion if they become recalcitrant.

10.2 LEMAC (ORGE-05)

Meeting held in Kellerberrin on 1 July 2008 and attended by the CEO.

The meeting reviewed the Plans and discussed:

- a desktop exercise following the next meeting (2 September 2008);
- an actual exercise during the week 16-19 March 2009;
- the grant process for light towers (January/February 2009); and
- AIIMs training (Tammin 3 July 2008).

10.3 Kellerberrin Sub-Group of Regional Road Group (ENG-43)

Meeting held in Kellerberrin on 8 July 2008 and attended by Cr Stokes, the CEO and Works Supervisor.

The Shire of Tammin's change in the 2008/09 Roadworks Program from widen/prime to seal/reseal for both Tammin Wyalkatchem Rd and Goldfields Rd was approved.

11. AGENDA ITEMS

Crs B Stokes and Wheeldon declared a financial interest in item 11.1.

11.1 2008/09 Community Grants (FIN-04)

Author – MG Oliver, CEO, 3 June 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.6 – 15 May 2008 refers.

BACKGROUND

In April 2005, May 2006 and April 2007 Council resolved to advertise for budget submissions from sporting, community or welfare groups/organisations requiring financial assistance from the Shire of Tammin in the following year. This process was repeated in May 2008.

Draft 2008/09 Budget submissions have been received as follows:

• Tammin Primary School – swimming lessons	\$2,000	
• Tammin Bowling Club – to subsidize employment of a greenkeeper	\$20,000	Inc
• Tammin Economy Shop (Coinda) – for wages for the co-ordinator and assistant	\$5,000	
• Tammin Seniors – purchase of indoor bowls	\$500	
• CWA Tammin – 2008 WA Week Luncheon	\$350	
• CWA Tammin – 70th birthday celebrations – April 2009		
• Tammin Cricket Club – renew practice wicket	\$2,570	

COMMENT

In July 2007 Council resolved to include provision in the draft 2006/07 Budget for community grants to:

• Tammin Economy Shop (Coinda) – for wages for the co-ordinator and assistant	\$5,000	
• Tammin Art Committee – for Tammin Art Prize (cash \$1,000 & in-kind)	\$1,650	
• Tammin Bowling Club – to subsidize employment of a greenkeeper	\$20,000	Inc
• CWA Tammin – WA Week Luncheon	\$375	
• Tammin Catholic Guild – toilet block repairs (pans, cisterns and seats)	\$1,000	
• Tammin Playgroup – Uniting Church wheelchair ramp and gate repairs	\$900	
• Royal Flying Doctor Service	\$200	
• Eastern Districts Display Committee, Royal Show	\$350	
• Lord Mayors Disaster Appeal	\$500	
• Wheatbelt Agcare	\$900	
• Significant local achievements program	\$500	
• Tammin Primary School – in kind community bus for swimming lessons	\$2,000	

Council promoted the community cropping lease for the benefit of:

- Tammin Senior Citizens
- Tammin Play Group
- Tammin P & C
- Tammin Golf Club
- Tammin Bowling Club
- Tammin Cricket Club
- Tammin Hockey Club
- Kellerberrin Tammin Football Club
- CWA Tammin

In 2007/08 Council also contributed \$525 to the Central Districts Visitors Centre.

The cricket wicket should be partially funded by the Department of Sport & Recreation.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That provision be included in the draft 2008/09 Budget for the submissions received (with the exception of the Tammin Cricket Club) together with:

- | | |
|---|-----------|
| • Royal Flying Doctor Service | \$200 |
| • Eastern Districts Display Committee, Royal Show | \$350 |
| • Lord Mayors Disaster Appeal | \$500 |
| • Significant local achievements program | \$500 |
| • Merredin Visitors Centre | \$500 |
| • Wheatbelt Agcare | \$990 Inc |

Simple Majority Required

That Council determine a provision (if any) towards the Tammin CWA's 70th birthday celebrations in April 2009.

Simple Majority Required

The CEO advised that due to the lack of a quorum on this item it would need to be held over until the August 2008 Ordinary Council meeting – and that the Staff recommendation would be included in the draft 2008/09 Budget.

11.2 Equal Employment Opportunity Management Plan (PERS-01)

Author – MG Oliver, CEO, 16 June 2008 Interest – Nil

BACKGROUND

The Office of Equal Employment Opportunity has drawn attention to the requirement under the Equal Opportunity Act that all public authorities prepare and implement an Equal Employment Opportunity (EEO) Management Plan and requested a copy of the Shire of Tammin's Plan on or before 31 August 2008.

COMMENT

Using the template provided (for local governments with less than 100 employees) a draft Plan has been prepared. A copy of the draft has been provided to Councillors.

FINANCIAL IMPLICATIONS

No direct costs – other than time involved in implementing the Plan.

POLICY IMPLICATIONS

Nil to existing Policies

STATUTORY ENVIRONMENT

Section 145 of the *Equal Opportunity Act 1984* provides:

- (1) Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.
- (2) The management plan of an authority shall include provisions relating to —

- (a) the devising of policies and programmes by which the objects of this Part are to be achieved;
 - (b) the communication of those policies and programmes to persons within the authority;
 - (c) the collection and recording of appropriate information;
 - (d) the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices;
 - (e) the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed;
 - (f) the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a);
 - (g) the revision and amendment of the management plan; and
 - (h) the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).
- (3) The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.
- (4) The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and —
- (a) in the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and
 - (b) in the case of an institution of tertiary education or an authority the subject of regulations under section 139(1)(e), on or before such day as is specified in the regulations.
- (5) An authority may, from time to time, amend its management plan.
- (6) Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the draft Equal Employment Opportunity Management Plan be adopted.

Simple Majority Required

MIN 110/08 MOTION – Moved Cr Caffell 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 5/0

11.3 WALGA – Compulsory Voting In Local Government Elections (ELE-03)

Author – MG Oliver, CEO, 16 June 2008 Interest – Nil

BACKGROUND

WALGA is seeking advice in relation to a proposal to seek a change in legislation such that voting in local government elections is compulsory.

The issue of compulsory voting in Local Government elections has come to the fore following recent changes to the electoral provisions in the *Local Government Act* and associated regulations introduced for the 2007 Local Government Elections. Significantly,

the first-past-the-post system of voting was changed to preferential voting and proportional preferential voting (PPV).

Prior to the change to PPV, State Council's position was to support the continuation of voluntary voting. During Local Government's campaign against the introduction of PPV, State Council's position changed to support compulsory voting under the new system.

Now that PPV has been introduced to the Local Government electoral system, State Council has requested that the issue of compulsory voting be considered afresh.

To facilitate consideration of compulsory voting in Local Government elections, a discussion paper has been prepared, which examines the following themes:

- current electoral arrangements and the situation in other States of Australia
- the possibility of Optional Preferential Voting being introduced
- arguments in favour of compulsory voting
- arguments against compulsory voting; and,
- practical considerations

WALGA is seeking responses from all Local Governments by 25 July 2008. Once responses have been received, an agenda item will be prepared for Zone consideration during September prior to a final position being reached at the October State Council meeting.

Specifically:

1. Does Council support the *principle* of compulsory voting in Local Government elections - all other things being equal?
2. Does Council support the *introduction* of compulsory voting in Local Government elections under *current electoral arrangements*?
3. If Council supports the introduction of compulsory voting under current electoral arrangements, what changes to the electoral arrangements would see Council withdraw their support?
4. Would Council support the introduction of optional preferential voting in Local Government elections as an alternative to proportional preferential voting?

COMMENT

In June 2008 Council resolved that this issue lay on the table until after the debate at Local Government Week.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That Council indicate it's response to the 4 questions posed (and any other issues highlighted in the discussion paper) to allow a response to be made.

Simple Majority Required

MIN 111/08 MOTION – Moved Cr B Stokes 2nd Cr Greenwood

That the Shire of Tammin oppose compulsory voting in local government elections.

CARRIED 5/0

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

Author – MG Oliver, CEO, 16 June 2008 Interest – Nil

PREVIOUS REFERENCE

IB 15 – 15 May 2008 refers.

BACKGROUND

Correspondence:

- acknowledging the replacement of blinds and providing a financial contribution of \$5,000 towards the project.
- expressing the opinion that there should have been more consultation with the Committee and Tenants as some felt that the replacement of all blinds was not a priority and in some cases not necessary.
- requesting that in future where items originally provided by the Committee that a more professional approach be taken if a request for a donation towards the cost is made.
- seeking the installation in the future to the erection of a boundary fence on the eastern side of the village – which would define the boundary as well as improving the site. The Committee has funding to help with the cost of the fence.
- seeking the continuation of the paving (slabs) of the covered areas at the side/back of units utilising the Prisoner Work Camp inmates. The Committee will pay for the slabs.

COMMENT

The cost of the supply and fitting of the blinds for the 10 units was \$23,829.19.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

- Council inspect the Village to determine the need for more fencing;
- the paving of the rear of the individual units continue.

Simple Majority Required

MIN 112/08 MOTION – Moved Cr Wheeldon 2nd Cr Greenwood

That the item lay on the table until the August 2008 Ordinary Council meeting to enable Councillors to inspect the site.

CARRIED 5/0

Cr B Stokes declared a proximity interest and left the Chamber at 3.07pm.

11.5 FA & GM Batchelor – Aquaculture Development Application (ASS-90)

Author – MG Oliver, CEO, 18 June 2008 Interest – Nil

BACKGROUND

The Applicant is seeking to add two species to his aquaculture licence – *silver perch* and *barramundi* relating to location 15031. These fish will be held in tanks and with a recirculating system whereby there will be no discharge – all water will be used to water sheep after use.

COMMENT

The Applicant indicates that previous approval has been granted (around 8 years ago) however a search of the minutes did not locate any reference to this. On 24 September 2002 a letter was sent to FA & GM Batchelor advising that the Shire of Tammin has no objection to the continuation of their aquaculture venture with *murray cod* and other Fin fish. The letter further indicated that Aquaculture was an approved use in agricultural areas under the Shire of Tammin's *Town Planning Scheme No 1*.

The Town Planning Scheme requires Council to grant planning approval for aquaculture development.

The Aquaculture License under the *Fish Resources Management Act* from the Fisheries Department requires a letter of approval from the local government.

No issues are known which would compromise any approval.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

The Shire of Tammin's *Town Planning Scheme No. 1* provides:

aquaculture: means any fish farming operation for which a farm licence issued pursuant of the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.

intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with aquaculture.

For land zoned Rural, *Intensive Agriculture* is an AA use – which means that the use is not permitted unless the Council has granted planning approval.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That planning approval under the Shire of Tammin Town Planning Scheme No 1 be granted to FA & GM Batchelor for the aquaculture farming of *silver perch*, *barramundi*, *murray cod* and other Fin fish on location 15031.

Simple Majority Required

MIN 113/08 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the Staff Recommendation be adopted.

CARRIED 4/0

Cr B Stokes entered the Chamber at 3.10pm.

11.6 Lesser Hall Charge (ASS-1063)

Author – MG Oliver, CEO, 21 June 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.10 – 15 May 2008 refers.

BACKGROUND

Cr Wheeldon has requested Council reconsider the charges for the Lesser Hall.

Council resolved in May 2008 that the charges for the hire of the Lesser Hall remain at:

- Local people/organisations with liquor \$200.00
- without liquor \$100.00
- Outside people/organisations with liquor \$400.00
- without liquor \$300.00
- Local Seniors Group 50% ordinary charge
- Tammin Primary School 50% ordinary charge
- Bond \$300.00
- (where “local” refers to Shire of Tammin residents and electors)
- Employment Agency – Lesser Hall \$25.00

Note 1: Rehearsals and decorating may take place free of charge up to 24 hours prior to the time hired unless facility is booked. Any other rehearsals are charged at the set rate.

Note 2: Hirers are responsible for setting up, repacking chairs and cleaning. Excess cleaning is chargeable to the hirer. Cleaning is the responsibility of the hirer.

Note 3: A bond of \$300.00 must be charged to all hirers based on the above.

These charges were increased on 17 August 2006 from:

- Hire of Town Hall \$50.00
- Hire of Lesser Hall \$25.00
- Hire of Hall kitchen only \$25.00
- Hire by Landcare Lesser Hall/Kitchen \$20.00

with a 22 level scale of bonds.

COMMENT

The Lesser Hall is not separately accounted from the Town Hall. For 2007/08 to 31 May 2008, expenditure on the Hall complex was \$5,188 with income of \$409.

FINANCIAL IMPLICATIONS

Minimal use.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 6.16 of the *Local Government Act* provides that:

- (1) a local government may impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
- (2) A fee or charge may be imposed for the following
 - a. Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government
 - b. Supplying a service or carrying out work at the request of a person

- c. Subject to section 5.94, providing information from local government records;
 - d. Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorization or certificate;
 - e. Supplying goods;
 - f. Such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
- a. Imposed (by absolute majority) during a financial year; and
 - b. Amended (by absolute majority) from time to time during a financial year.

Section 6.17 further provides:

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
 - a. The cost to the local government of providing the service or goods;
 - b. The importance of the service or goods to the community; and
 - c. The price at which the service or goods could be provided by an alternative provider.
- (2) A high fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service –
 - a. Under section 5.96;
 - b. Under section 6.16 (2) (d); or
 - c. Prescribed under section 6.16 (2) (f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service
- (4) Regulations may –
 - a. Prohibit the imposition of a fee or charge in prescribed circumstances; or
 - b. Limit the amount of a fee or charge in prescribed circumstances.

Regulation 2 of the *Local Government (Financial Management) Regulations* provides that the CEO is to –

- (a) ensure that the resources of the local government are effectively and efficiently managed;
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

Section 6.19 of the *Local Government Act* provides that if a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the status quo be retained.

Simple Majority Required

MIN 114/08 MOTION – Moved Cr B Stokes 2nd Cr Greenwood

That the Staff Recommendation be adopted.

CARRIED 4/1

11.7 Financial Management Systems & Procedures Review (FIN-02)

Author – MG Oliver, CEO, 30 June 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.8 – 20 March 2008 refers.

BACKGROUND

The *Local Government (Financial Management) Regulations* requires the Chief Executive Officer to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures not less than once in every 4 financial years and report the results to Council.

Council resolved in March 2008 that the review of the appropriateness and effectiveness of the financial management systems and procedures in accordance with the *Local Government (Financial Management) Regulations* be carried out internally.

COMMENT

A copy of the Report has been provided to Councillors.

The Report notes the following Issues:

- Section 1 – A hierarchal relational rating database (rather than a single “flat” file) needs to be developed. Further training is required for Staff for this to be achieved in house.
- Section 3 – A UPS might assist the loss of data and corruption of the database for the accounting software computer and should be investigated.
- Section 3 – An external review of the computer network’s security controls is considered desirable.
- Section 3(ii) – The initiator of creditor accounts (person signing Purchase Order) should be initialling invoices to confirm that the goods or services have been received.

FINANCIAL IMPLICATIONS

Costs associated with Staff training - \$500 plus Staff time. UPS is estimated at \$500. An external review of security controls is estimated at \$1,500.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Regulation 5 of the *Local Government (Financial Management) Regulations* provides the financial management duties of the CEO

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government;
 - (b) for the safe custody and security of all money collected or held by the local government;
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable;
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments;
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

- (2) The CEO is to —
- (a) ensure that the resources of the local government are effectively and efficiently managed;
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That:

- Staff undertake training appropriate for the further development Microsoft Access databases.
- Staff investigate whether a UPS would prevent the loss of data and corruption of the database for the accounting software computer during power failures.
- An external review of the computer network's security controls be undertaken.
- The initiator of creditor accounts (person signing Purchase Order) initial invoices to confirm that the goods or services have been received.

Simple Majority Required

MIN 115 /08 MOTION – Moved Cr Caffell 2nd Cr B Stokes

That the Staff recommendation be adopted.

CARRIED 5/0

11.8 WALGA AGM (OLGOV-12)

Author – MG Oliver, CEO, 1 July 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.8 – 15 May 2008 refers.

BACKGROUND

The Agenda for the AGM meeting to be held on 2 August 2008 has now been received.

The Agenda includes the following Member issues on which a decision will be made:

3.1 Endorsement of "The Journey"- Sustainability into the Future – Draft Paper

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

3.2 Systemic Sustainability Study Report – SSS – Shire of Dardanup Delegate to move:

1. That the convention debate the suitability of the SSS Report; The Journey – Sustainability into the Future as a planning tool to drive structural reform of Local Government in Western Australia.
2. That members acknowledge the rights of individual Local Governments to determine their own future where they have the support of their electors to either remain in their present form, become involved in Regional Councils of their choosing for the provision of services of their choosing or merger with adjoining Local Governments.

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

3.3 Closing of Regional Partnerships and the Area Consultative Committees – Shire of Gnowangerup Delegate to move that WALGA be requested to work with Australian Local Government Association (ALGA) to voice the following concerns and request the Federal Government to address the issues raised:

1. The closure of the Regional Partnerships program has removed the only avenue available to regional communities to access Commonwealth funds for Local Government or community projects (acknowledging the Roads to Recovery and FAGS funding which is available to Local Governments only).
2. The criteria for funding the Regional Development Australia projects needs to be clarified.
3. The closure of state offices of the Department of Infrastructure, Transport, Regional Development and Local Government has removed a level of state assessment and monitoring of future projects, will centralise all assessments in Canberra, removing significant local knowledge.
4. The reduction in the number of Regional Development Australia committees from the current 54 Area Consultative Committees will reduce local representation on these committees and will further reduce the local knowledge available in the assessment process.
5. Budget figures for the continuation of local administrative staff needs to be finalised.

3.4 Australian Bureau of Statistics (ABS) – Census 2011 Fly-In, Fly-Out – City of Kalgoorlie-Boulder Delegate to move that WALGA liaises with the Australian Local Government Association (ALGA) to lobby the Australian Bureau of Statistics and the Federal Government to include a section of questions in the 2011 Census relating to Fly-in Fly-out workers and their living arrangements, to enable an accurate assessment of the Estimated Residential Population to be achieved.

3.5 Wheatbelt Drainage Council – Shire of Mukinbudin Delegate to move that WALGA lobby the State Government (Ministers and/or Departments as appropriate) to request that with reference to the recommendations from the Wheatbelt Drainage Council:

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

3.6 Binding the Crown–Risk Prevention and Mitigation – Shire of Serpentine Jarrahdale Delegate to move that WALGA actively pursue the State Government to provide the necessary legislative and policy framework, funding and resources to ensure risk prevention and mitigation activities in relation to fire hazards, removal and management of Federal, State and locally declared pest weeds and animals are prioritised and undertaken with regularity and consistency by State Government agencies.

- 3.7 Enquiry into Fire and Emergency Services Legislation** – City of Albany Delegate to move that the Western Australian Local Government Association seek an urgent amendment to section 7(2) of the Bush Fires Act 1954 to exclude Local Authorities as owners or occupiers of land for the purposes of the Act.
- 3.8 Funding to the Royal Flying Doctor Service** - Shire of Denmark Delegate to move that we, the democratically elected Councils of WA comprising 139 Councils, and on behalf of the State's entire population, petition the Premier of Western Australia, the Hon Alan Carpenter, through and represented collectively by the WA Local Government Association, to urgently provide additional much-needed funding to the Royal Flying Doctor Service to enable it to adequately service this vast State and its regions.
- 3.9 Withdrawal State Government Services** – Shire of Laverton Delegate to move that WALGA seek a firm commitment from the Premier and State Government to acknowledge its lead role in the provision of services to rural and remote Western Australia and that the State Government immediately discontinue the practice of withdrawal of services solely on the basis of cost efficiency.
- 3.10 Private Members Bill to secure Third Party Review Rights** – City of Albany Delegate to move that the Western Australian Local Government Association actively support Dr Woollard's attempt through a Private Members Bill to secure a Third Party Review (Appeal) Right for Western Australians under the *Planning and Development Act 2005*.
- 3.11 Third Party Appeal Rights for the City of Albany** – City of Albany Delegate to move that the Western Australian Local Government Association make representation to the Hon Alannah MacTiernan, Minister for Planning and Infrastructure, supporting the City of Albany's request to incorporate Third Party Appeal Rights into the text of its new Community Planning Scheme, on the grounds that these rights have existed in the Shire of Albany Town Planning Scheme for three decades and the City of Albany has resolved to extend them to the former Town of Albany.
- 3.12 Elected Member Allowances** – City of South Perth/Albany Delegate to move that the Western Australian Local Government Association:
1. at the Annual General Meeting in August 2008 support a review of the allowances paid to elected members;
 2. continue to support the principal of the Western Australian Salary and Allowances Tribunal determining on an ongoing basis fees and allowances paid to Elected Members pursuant to Part 5, Division 8 of the *Local Government Act 1995*; and
 3. advocate to the Minister for Local Government to give effect to these changes by amending regulations 30 to 34(a) (b) inclusive of the *Local Government (Administration) Regulations 1996*.
- 3.13 Local Government (Official Conduct) Amendment Act 2007** – City of Albany Delegate to move that the Western Australian Local Government Association request the Minister for Local Government and Regional Development to immediately review the *Local Government (Official Conduct) Amendment Act 2007* and the *Local Government (Rules of Conduct) Regulations 2007*, and give effect to changes that better reflect the principles of natural justice in the prescribed complaint process.
- 3.14 Elected Member Legal Representation** – City of Stirling Delegate to move that the Western Australian Local Government Association lobby for an inclusion of independent legal representation for elected members issues in the *Local Government Act 1995* and associated legislation.

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

3.16 Capital Improved Value – Basis of Rating – Shire of Gingin Delegate to move that the Western Australian Local Government Association acknowledge the merits of introducing a single basis of rating for those Local Governments experiencing rapidly escalating property values and make political representations to the State Government with a view to having the Local Government Act 1995, amended to accommodate the discretionary application of a single basis of rating across land used for rural and non-rural purposes.

COMMENT

Full details of the Agenda items are included in the Agenda document – available from the CEO.

In May 2008 Council appointed Crs Stokes and Caffell to be the Voting Delegates to the WALGA AGM with Cr Wheeldon and the CEO also attending.

Council may wish to give it's delegates *riding* instructions on some or all of these issues.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That delegates listen to the debate on the items and vote accordingly.

Simple Majority Required

MIN 116/08 MOTION – Moved Cr Greenwood 2nd Cr Wheeldon

That the Staff Recommendation be adopted.

CARRIED 5/0

11.9 Freedom Of Information (OSGOV-19)

Author – MG Oliver, CEO, 2 July 2008. Interest – Nil

PREVIOUS REFERENCE

Item 11.1 – 23 August 2007 refers.

BACKGROUND

The Freedom of Information Statement is required to be updated annually.

The last review was carried out in August 2007 – without substantial change.

COMMENT

The 2007 Statement has been reviewed. No amendments are considered required.

A Nil return has again been provided to the Office of the Information Commissioner for 2007/08.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 94 of the *Freedom of Information Act* provides.

A reference in this Act to an "information statement", in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge);
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

Section 96 provides:

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —
 - (a) within 12 months after the commencement of this Act; and
 - (b) at subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

Section 97 provides that:

- (1) An agency (other than a Minister or an exempt agency) has to cause copies of —
 - (a) its most up-to-date information statement; and
 - (b) each of its internal manuals,to be made available for inspection and purchase by members of the public but may delete any exempt matter from those copies.
- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.
- (3) A subcontractor does not have to comply with subsections (1) and (2) if the relevant contractor has complied with those subsections on behalf of the subcontractor.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the Shire of Tammin Freedom of Information Statement 2008 be adopted, advertised and a copy forwarded to the Office of the Information Commissioner.

Simple Majority Required

MIN 117 /08 MOTION – Moved Cr Greenwood 2nd Cr B Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.10 Bushfire Officer Appointments (BUSH-12)

Author – MG Oliver, CEO, 4 July 2008 Interest – Nil

PREVIOUS REFERENCE

Items 6.4 – 28 February 2007, 10.6 – 15 March 2007 and 12.3 – 15 November 2007 refer.

BACKGROUND

In March 2007 Council appointed:

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Paul Thomson
- Mr Tom Applegate
- Mr Ray Reid

as Fire Control Officers for the Shire of Tammin and:

- Mr Haydn Dixon
- Mr Tim York
- Mr Shane Mackin
- Mr Paul Thomson
- Mr Ray Reid.

as Authorised Officers for issuing permits to burn.

In November 2007 Council nominated:

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Paul Thomson
- Mr Ray Reid

as Dual Fire Control Officers with the Shires of Kellerberrin, Quairading, Cunderdin and Wyalkatchem.

COMMENT

With the exception of Paul Thomson who has left the district, general support exists for the 2007/08 appointments to be reappointed for the 2008/09 bushfire season.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

In relation to Fire Control Officers, Section 38 of the *Bush Fires Act 1954* provides that:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
(c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
(d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
(e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5) (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
(b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
(c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6) (a) In this section —
“approved local government” means a local government approved under paragraph (b) by the Authority.

- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the Government Gazette —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

In relation to Dual Bushfire Control Officers, Section 40 of the *Bush Fires Act 1954* provides that:

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

In relation to Permits to Burn, Section 18 of the *Bush Fires Act 1954* provides that:

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
 - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
 - (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
 - (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
 - (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Chief Bushfire Control Officer and Tammin Volunteer Fire Service

STAFF RECOMMENDATION

That:

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Tom Applegate
- Mr Ray Reid

be appointed as Fire Control Officers for the Shire of Tammin;

- Mr Haydn Dixon
- Mr Tim York
- Mr Shane Mackin
- Mr Ray Reid.

be appointed as Authorised Officers for issuing permits to burn for the Shire of Tammin;
and

- Mr Haydn Dixon
- Mr Shane Mackin
- Mr Tim York
- Mr Ray Reid

be nominated as Dual Fire Control Officers with the Shires of Kellerberrin, Quairading, Cunderdin and Wyalkatchem. Further, that Permit Issuing Officers be requested to liaise with the Chief Bushfire Control Officer prior to issuing Permits in extreme weather conditions.

Simple Majority Required

MIN 118/08 MOTION – Moved Cr Wheeldon 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.11 Firebreak Order (BUSH-02)

Author – MG Oliver, CEO, 4 July 2008 Interest – Nil

PREVIOUS REFERENCE

Items 6.3 – 28 February 2002 and 10.6 – 15 March 2007 refer.

BACKGROUND

Council adopted the Firebreak Order for the 2007/08 bushfire season on 15 March 2007.

The Order for 2008/09 requires adoption to enable it to be distributed to all property owners with the rate notice (to avoid the cost of advertising in the Government Gazette and local paper).

The Firebreak Order adopted for 2007/08 reads:

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required to clear of inflammable material, firebreaks not less than 3 metres in width in the following positions on all land owned or occupied by you and situated within the Shire of Tammin:

- Immediately inside all external boundaries of the said land.
- Immediately surrounding all buildings erected on the said land.

Firebreaks may be constructed by one or more of the following methods:

- Ploughing
- Cultivating
- Scarifying
- Burning
- Chemical Spraying

or other approved method and are to be cleared to the satisfaction of the Shire. In addition you may be required to carry out further works which may be deemed necessary by the Shire and specified by way of a separate written notice forwarded to the address as shown on the Shire of Tammin's rates records for the land.

If it is considered impracticable for any reason to clear firebreaks in the position required by this notice, the approval of the Council must be obtained to provide them in an alternative place. In the first instance, you are requested to contact the Chief Fire Control Officer and discuss the matter.

In some instances naturally occurring features such as rocky outcrops, natural water courses or landscaping such as reticulated gardens, lawns or driveways may be an acceptable substitute for cleared firebreaks. This option must first be discussed with and approved by the Shire.

All firebreaks must be prepared on or before the 1 November 2007 (or within 14 days of you becoming the owner or occupier should this be after that date) and maintained clear of inflammable material up to and including the 1 day of April 2008.

COMMENT

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Section 33 of the *Bush Fires Act 1954* provides that:

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so — as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land, and in any event to do so to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984*.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.
- Penalty: \$5 000.
- (4) (a) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice, the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with.
- (b) The bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.
- (5) (a) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be prima facie evidence of the amount.
- (b) The local government may recover the amount in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* —
- (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
- (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply mutatis mutandis as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
- (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
- (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.

- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
- (a) a debt due from each subsequent owner in succession;
 - (b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and
 - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.
- (9) In this section —
"owner or occupier of land" includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Liaison between the CEO, the Chief Bushfire Control Officer and the Tammin Volunteer Fire Service.

STAFF RECOMMENDATION

That the wording of the 2008/09 Firebreak Order be that of the 2007/08 Firebreak Order with the dates adjusted and that the requirement be enforced.

Simple Majority Required

MIN 119 /08 MOTION – Moved Cr Wheeldon 2nd Cr Stokes

That the Staff Recommendation be adopted.

CARRIED 5/0

11.12 Local Emergency Management Advisory Committee (ORGE-05)

Author – MG Oliver, CEO, 4 July 2008 Interest – Nil

PREVIOUS REFERENCE

Items 14.1 – 17 May 2007 and 10.2 – 16 July 2008 refer.

BACKGROUND

In May 2007 Council adopted the

- Kellerberrin Tammin Local Emergency Management Plan;
- Kellerberrin Tammin Local Recovery Arrangements; and
- Kellerberrin Tammin Local Welfare Emergency Support Plan.

COMMENT

On 2 July 2008 the Committee reviewed the Plans and Arrangements, updating contact details only.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the updated:

- Kellerberrin Tammin Local Emergency Management Plan;
 - Kellerberrin Tammin Local Recovery Arrangements; and
 - Kellerberrin Tammin Local Welfare Emergency Support Plan.
- be adopted.

Simple Majority Required

MIN 120 /08 MOTION – Moved Cr Greenwood 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

11.13 Members Meeting Attendance Fees & Allowances (ADM-41)

Author – MG Oliver, CEO, 4 July 2008 Interest – Nil

PREVIOUS REFERENCE

Item 11.7 – 8 March 2006 refers.

BACKGROUND

Council to consider the meeting attendance fees and allowances for 2008/09.

COMMENT

It is understood that Council has traditionally:

- paid the minimum sitting fees for Council meetings and nil for Committee meetings
- not paid allowances unless claimed.
- Paid travelling in accordance with the rate set by the Local Government Officers (WA) Award with a minimum of \$5 per meeting.

Further, that the Presidential allowance has been \$1,000 whilst the allowance for the Deputy President has been nil.

The minimum attendance (sitting) fees are:

	Council	Committee
President	\$120	\$30
Councillor	\$60	\$30
Non-Councillor	n/a	\$0

The minimum allowance for the President is \$600.

The maximum allowance for the Deputy President (25% of the Presidential allowance) is \$250.

The current rate (cents per kilometre) in Schedule E of the *Public Service Award 1992* for the South West Land Division for engine displacement (in cubic centimetres) is:

	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
First 4,000 kilometres	154.3	130.9	106.4

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

2008/09 Budget.

STATUTORY ENVIRONMENT

Section 5.98 of the *Local Government Act* provides that:

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the prescribed minimum fee for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the prescribed minimum annual local government allowance for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of, a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a "committee meeting" is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

Section 5.98A provides that:

- (1) A local government may decide to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).
- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

Section 5.99 provides that a local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the prescribed minimum annual fee; or
- (b) where the local government has set a fee within the prescribed range for annual fees, that fee.

Section 5.99A provides that a local government may decide that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members —

- (a) the prescribed minimum annual allowance for that type of expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount, and only reimburse the member for expenses of that type in excess of the amount of the allowance.

Section 5.100 provides that:

- (1) A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.
- (2) Where —
 - (a) a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and
 - (b) a maximum amount for reimbursement of expenses has been prescribed for the purposes of section 5.98(3)(b), the local government must ensure that the amount reimbursed to that person does not exceed that maximum.

Regulation 30 of the *Local Government (Administration) Regulations* provides that:

- (1) for the purposes of section 5.98(1) of the *Local Government Act*, subject to subregulation (3) —
 - (a) the minimum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meetingis \$60 for each meeting; and
 - (b) the maximum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meetingis \$140 for each meeting.
- (2) For the purposes of section 5.98(1), subject to subregulation (3) or (5), as the case requires —
 - (a) the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$70 for each meeting.
- (3) The total of fees paid to a council member other than —
 - (a) the mayor or president; or
 - (b) in the case of a regional local government, the chairman, for attending meetings (whether of the council or of any committee) in each year is not to exceed \$7 000.
- (4) For the purposes of section 5.98(1), subject to subregulation (5) —
 - (a) the minimum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meetingis \$120 for each meeting; and
 - (b) the maximum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meetingis \$280 for each meeting.

- (5) The total of fees paid —
 - (a) to the mayor or president; or
 - (b) in the case of a regional local government, to the chairman, for attending meetings (whether of the council or of any committee) in each year is not to exceed \$14,000.

Regulation 31 provides that:

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.
- (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20 per hour, whichever is the lesser amount.
- (4) The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —
 - (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
 - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

Regulation 32 provides that:

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government;
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.
- (2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.

Regulation 33 provides that:

- (1) For the purposes of section 5.98(5) —
 - (a) the minimum annual local government allowance for a mayor or president is \$600; and
 - (b) the maximum annual local government allowance for a mayor or president is —
 - (i) \$12,000; or
 - (ii) 0.002 of the local government's operating revenue, whichever is the greater amount, but in any case no more than \$60,000.

- (2) In this regulation —
“operating revenue” has the meaning that it has in the *Local Government (Financial Management) Regulations*.

Regulation 33A provides that for the purposes of section 5.98A(1) the prescribed percentage is 25%.

Regulation 34 provides that:

- (1) For the purposes of section 5.99 —
- (a) the minimum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending meetings (whether of the council or of any committee) is \$2,400; and
 - (b) the maximum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending meetings (whether of the council or of any committee) is \$7,000.
- (2) For the purposes of section 5.99 —
- (a) the minimum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending meetings (whether of the council or of any committee) is \$6,000; and
 - (b) the maximum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending meetings (whether of the council or of any committee) is \$14,000.

Regulation 34A provides that for the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2,400.

Regulation 34AA provides that for the purposes of section 5.99A(b), the maximum total annual allowance for information technology expenses that have been approved for reimbursement under regulation 32 is \$1,000.

Regulation 34AB provides that:

- (1) For the purposes of section 5.99A(b), the maximum annual allowance for travelling and accommodation expenses —
- (a) prescribed as being a kind of expense to be reimbursed by all local governments under regulation 31; or
 - (b) that have been approved for reimbursement under regulation 32, is the same amount as the amount to which a person would be entitled for those expenses in the same circumstances under the Public Service Award.
- (2) In this regulation —
“Public Service Award” means the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as amended from time to time.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATIONS

That for 2008/09 Members be paid (if claimed) attendance (sitting) fees of:

	Council	Committee
President	\$120	\$30
Councillor	\$60	\$30

Simple Majority Required

That for 2008/09 Members be reimbursed (if claimed) travelling expenses in accordance with the Public Service Award rate with a minimum of \$5 per meeting.

MIN 121 /08 MOTION – Moved Cr B Stokes 2nd Cr Greenwood

That the Staff Recommendations be adopted.

CARRIED 5/0

11.14 Donnan Park Oval – Lighting (ASS-1158)

Author – MG Oliver, CEO, 8 July 2008 Interest – Nil

PREVIOUS REFERENCE

Item 23.8 – 4 June 2008 refers.

BACKGROUND

Arising from the Property Inspection was a direction to seek comment from the Football Club and Hockey Club regarding the two spare lighting towers.

Comment has been sought from the Clubs.

COMMENT

Cr Stokes has met with the Football Club who have suggested that:

- the 2 lights (7 and 8) on top of the grandstand be replaced with 4 of the new 2000W lights (as fitted to the towers erected in 2006);
- the 2 lights on Pole 6 be replaced with 2 of the new 2000W lights; and
- the tower 5 and 2 lights be replaced with a new pole and 2 of the new 2000W lights .

A response from the Hockey Club is still to be received.

There is some conjecture as to whether four 2000W lights on the grandstand will be required or whether two or three will be sufficient.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

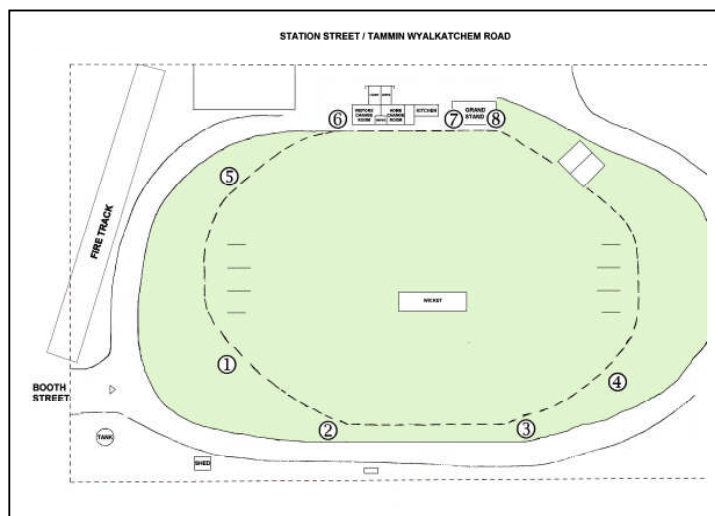
Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil



STAFF RECOMMENDATION

That provision be included in the draft 2008/09 Budget to:

- replace the 2 lights (7 and 8) on top of the grandstand with up to four new 2000W lights;
 - replace the 2 lights on Pole 6 with up to two 2000W lights;
- and the replacement of the tower 5 and 2 lights with a new pole and two new 2000W lights be considered with the draft 2009/10 Budget.

Simple Majority Required

The CEO reported that each light would cost around \$1500 plus fitting costs.

MIN 122/08 MOTION – Moved Cr Caffell 2nd Cr Wheeldon

That the Staff Recommendation be adopted.

CARRIED 5/0

11.15 Town Hall Hire Charge Waiver (ADM-00)

Author – MG Oliver, CEO, 8 July 2008 Interest – Nil

BACKGROUND

Correspondence from Tammin Community Groups seeking the waiver of the hire charge for a concert on 16 July 2008 featuring Slim Connor, a country singer.

COMMENT

Details of the beneficiary of the concert have not been provided. The cost of the artist is \$300. The hire charge (Local people/organisations with liquor) is \$200. Entrance charges have been set at \$15 for adults, \$10 for seniors, \$25 for families.

In discussions with Cr Caffell, the concert should be regarded as a Shire of Tammin organised event with the Shire of Tammin paying all costs (Hall hire, Artist and promotion) and receiving all funds.

FINANCIAL IMPLICATIONS

Up to \$600.

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That applicants be advised that the hall hire charge will not be waived however the Shire of Tammin will underwrite the cost of the hall hire charge on the basis that it is a Shire of Tammin event.

Simple Majority Required

The CEO advised Council that following further discussions with Councillors and Staff, the concert was to become a Shire of Tammin promoted event and that the costs involved would be included in the draft 2008/09 Budget.

11.16 Financial Report (FIN-05)

Author – JS Oliver, Senior Finance Officer, 9 July 2008 Interest – Nil

BACKGROUND

The interim Financial Report for 2007/08 to 30 June 2008 is attached.

COMMENT

The Report is subject to the finalisation of accounts for the financial year.

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 11.8 – 23 August 2007) 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* 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 interim Financial Report for June 2008 be received.

Simple Majority Required

MIN 123/08 MOTION – Moved Cr Greenwood 2nd Cr Wheeldon

That the Staff Recommendation be adopted.

CARRIED 5/0

11.17 List Of Accounts Paid (FIN-05)

Author – JS Oliver, Senior Finance Officer, 9 July 2008 Interest – Nil

BACKGROUND

Accounts paid and for payment for June 2008 are listed totalling:

Municipal Fund	Voucher numbers 1853 – 1935	\$199,907.08
Trust Fund	Voucher number 887-889	\$12,356.95

COMMENT

No abnormal expenditure has occurred.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

STAFF RECOMMENDATION

That the list of accounts for June 2008 be endorsed.

Simple Majority Required

MIN 124/08 MOTION – Moved Cr B Stokes 2nd Cr Caffell

That the Staff Recommendation be adopted.

CARRIED 5/0

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

Nil

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

Nil

15. CLOSURE OF MEETING

There being no further business the Chairman closed the meeting at 5.02 pm.

Tabled before the Ordinary Council meeting on 21 August 2008.

Cr R.J. Stokes, Chairman

COUNCILLORS INFORMATION BULLETIN – JULY 2008

Councillors are invited to view any of the information listed by seeking a copy of the document at the Shire Office.

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IB 1 Status Report

The following is an update on items considered relevant to Council either in progress or completed. Those items marked with an asterisk (*) are new for this month.

	Council Resolution	Officer	Action
	Consolidated Emergency Services Building Item 11.2.2 – 7 December 2005 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 change rooms and infrastructure for the model.	CEO	FM Surveys Northam quoted \$6,150 (November 2005) and have been requested to prepare the necessary documentation for the acquisition. Application has been made to DLI.
	Storage & Catchment Dams Item 11.6 – 20 April 2006 That the gravel bund at the corner of Shields Street and Station Road be replaced with a concrete wall with an emergency removable section.	CEO	
	Kadjininy Kep Item 11.14 – 20 April 2006 That a non-return valve be sourced and fitted to the stage area water trough.	CEO	
	Properties Inspection Item 11.18 – 20 April 2006 <ul style="list-style-type: none">• Locate memorabilia or small cardboard buildings for historic photo cabinet. Seek advice from Ron York regarding displaying the existing photos.• Prepare septic and storm water drainage plans for the Hall.	CEO	
	Roads Inspection Item – 20 April 2006 That pedestrian ramps (concrete slab) over curb be provided at the intersection of Ridley & Redmond Streets (south west corner).		Alex Peron requested.
	Municipal Inventory, Statements & Plans Item 11.13 – 21 June 2006 That the CEO research and complete/update draft plans when time permits for Council's consideration. <ul style="list-style-type: none">• Municipal Inventory• Equal Employment Management Plan• Health & Safety Plan• Severance & Redundancy Plan• Gratuity Plan• Future Plan	CEO	

	<ul style="list-style-type: none"> • Strategic Plan • Review of Wards & Representation 		
	<p>Roads Inspection Item 10.7.6 – 19 April 2007 That the hole in the culvert on Yorkrakine Rd be filled with concrete and that the section of road be lifted using fill from the windrows immediately to the south of the culvert.</p> <p>Item 10.7.13 – 19 April 2007 That Staff patch the joins in the widening on Goldfields Rd and also the surface damage.</p> <p>Item 10.7.17 – 19 April 2007 That Staff clear the existing prunings and carry out further clearing to allow Mr Ralston to replace the section of fence. Note to keep the culvert clear and avoid the water pipe running through the culvert.</p> <p>Item 10.7.22 – 19 April 2007 That a crossover be installed into the School vehicle gate off Booth Street and a footpath crossover in Ridley St across Redmond St (both sides) to allow gopher on the footpath.</p>	<p>Works Supervisor</p> <p>Works Supervisor</p> <p>Works Supervisor</p> <p>Works Supervisor</p>	<p>Alex Peron requested.</p>
	<p>Properties Inspection Item 10.3 – 17 May 2007</p> <ul style="list-style-type: none"> • Re-nail timber slat in lesser hall ceiling and also in kitchen. • Replace missing tiles in Donnan Park umpires room. • Replace broken floodlight (250W/500W) in Donnan Park carpark (protect with mesh). • Install saddles on reticulation wiring in TALEC west accommodation wing. 	<p>CEO</p>	<p>Job issued to Warner Hutchinson.</p> <p>Job issued to Peter Mitchell.</p>
	<p>House Inspections Item 10.3 – 17 May 2007</p> <ul style="list-style-type: none"> • 4 Russell St - Timber skirting fallen off eaves. • 11 Nottage Way - Smoke alarm required. • 9 Nottage Way - Smoke alarm required. • 22 Ridley Street - Paving of path to clothes to be installed. 	<p>CEO</p>	

	<p>Equipment Hire Item 11.9 – 18 July 2007 That Staff provide details of items of equipment that should not be available for hire together with items of equipment that are available for hire but are currently not on the fees and charges list for further consideration by Council.</p>	CEO	
	<p>Outstanding Projects Item 12.1.3 – 21 December 2007</p> <ul style="list-style-type: none"> • Kadjininy Kep completion. • Dam completion – plan to stabilise inlet to catchment dam and plan to transfer of water to storage dam are required. Headwall (with relief gate) to be installed across the creek on the corner of Station Rd and Shields Street. Northern section of the drain (between the Donnan Park gate and the dam) requires widening. Consideration of the width of the drain at the crossover into Donnan Park has been mentioned. Provision of a security flap across the drain in the fence still to be completed. • Donnan Street off street parking – power supply to be resolved. • Building maintenance program – program to consider heavy maintenance and improvements to the Shire’s buildings. • 4 Russell St – bathroom refit. • Tamma Village – Unit 1 bathroom. • Painting – 4 Russell St interior 		<p>The outstanding realignment of the southern fence (between Memorial Park and Kadjininy Kep is preventing the commencement of the pathways, hard pan area, additional lawns and kerbing and new garden beds (see July 2006 design) <i>With Landgate.</i></p> <p>Job issued to Peter Mitchell.</p> <p>Tiler to be sourced.</p> <p>Tiler to be sourced.</p>

IB 2 Tammin P & C – Liquor Permit (RES-21156)

Permission to consume liquor at the Tammin Golf Club on 6 July 2008 was granted to the Tammin P & C utilising delegated authority, subject to the following conditions:

- the requirements of the Liquor Licensing Act are fully complied with;
- the liquor is consumed in an orderly manner;
- no liquor is served or consumed by persons under the age of 18 years; and
- all rubbish (including drink containers) is placed in the receptacles provided before departing the property.

IB 3 WALGA – Agriculture & Land Use Policy Review (TPLAN-03)

Correspondence advising that the WAPC in partnership with the Association has commenced a review of State Planning Policy 2.5: *Agricultural and Rural Land Use Planning* which includes the establishment of the Policy Advisory Group. The Group has issued a discussion paper on the issued identified including:

- Minimum Lot Size for Agriculture
- Definitions and Terminology
- Methodology
- Management of Conflicting Land Use and the Impacts of Rural 'Lifestylers' and 'Tree Changers'
- Protecting Multiple Title Farms
- Services
- Reservation of Land
- Planning for Carbon Trading and Tree Farming
- Administration of Policy
- Natural Resource Management (NRM)
- Department of Agriculture and Food (DAF)
- State Sustainability Strategy

IB 4 WALGA – Issues Update No 23.08 (OLGOV-11)

Correspondence providing an update on issues including:

- Vacancies on Boards and Committees
- Local Government Convention 2008 – Registration Deadline
- Advertising
- Governance Policy Update – Feedback Requested
- Training Update
- CCTV
- Energy Procurement
- Draft State NRM Plan out for Comment
- Transit Oriented Development Toolbox for Planners

IB 5 Disability Services Commission – Act Review (OSGOV-41)

Correspondence advising that the *Disability Services Act 1993* is being reviewed by the Minister in accordance with Section 57 of the Act and that submissions are invited by 25 July 2008.

IB 6 WALGA – Issues Update No 24.08 (OLGOV-11)

Correspondence providing an update on issues including:

- Voting Registration at the WALGA AGM 2008
- Workplace Solutions to Promote Local Governments in NZ and South Africa
- Local Government Convention 2008 – Registration Deadline
- Reminder - Comments on Draft Dust Guideline due Monday, 30 June
- Reminder - Daytime Sprinkler Bans Come into Effect Tuesday 1 July 2008
- On the Fringe – Community Development and Rural Local Government Workshops July 2008
- 2008 Governor's Prayer Breakfast

IB 7 Insurance (ADM-34)

IB 2 – 19 June 2008 refers.

Further to the review of the Shire of Tammin's insurance cover on 9 May 2008 Local Government Business Practices Protection (which indemnifies against actions by agencies such as Worksafe, DEC and Heritage Council) has been purchased (\$1,680 + GST) for 2008/09 whilst Employee Income Protection (which provides 24 cover for Staff for loss of income if unable to work) was not purchased (premium of \$5,085.86 plus GST).

IB 8 Common Seal

On 24 June 2008 the Common Seal was affixed to the MOU between the WE-ROC local governments for the period 1 July 2008 to 30 June 2010.

On 25 June 2008 the Common Seal was affixed to the Transfer of Land form for the disposal of Lots 1-6 and 11 to Transport Innovation Technology Services (F-111).

IB 9 Staff

On 25 June 2008 Staff undertook Occupational Safety and Health training by Greg Cook in Tammin.

IB 10 Record Keeping Plan (ADM-50)

A new draft Plan (including updated Record Keeping Plan Policy & Procedures) has been prepared in accordance with the *State Records Act* and forwarded to the State Records Commission for endorsement.

IB 11 Public Interest Disclosure Internal Procedures (OSGOV-33)

An Internal Procedures document has been developed as required by the Office of Public Sector Standards in accordance with section 23(1)(e) of the *Public Interest Disclosure Act*. The Office of the Public Sector Standards Commissioner has been advised that the CEO is the PID Officer for the Shire of Tammin and a Nil return has been submitted for 2007/08 in accordance with Section 23(1)(f) of the Act

IB 12 WALGA – Issues Update No 25.08 (OLGOV-11)

Correspondence providing an update on issues including:

- Voting Registration at the WALGA AGM 2008
- WA Local Government Grants Commission – Appointment of Commissioners
- Local Government Convention 2008 – Plenary and Concurrent Session Changes
- Local Government Tax Service
- Waste & Recycle Conference 2008 – the Heat is on: No Time to Waste
- Environmental Protection and Heritage Council Tyre Submission
- ICWA Road Safety Awards – Nominations Now Open
- Apply now for Open Grants Round for Federal NRM Funding
- Renewal of the State Crime Prevention Strategy

IB 13 Salaries and Allowances Tribunal – CEO Salary Recommendations (PERSONELL)

Correspondence forwarding a copy of the June 2008 report on the Tribunal's recommendation regarding salary banding for local government CEOs.

Comment

The Shire of Tammin is in Band 1 – \$103,048-\$139,386 (up from \$99,180-\$134,154).

Each of the following is considered an appropriate component of a CEO's Total Reward Package:

- Base salary
- Annual leave loading
- Associated FBT accrued
- Association membership fees
- Attraction/retention allowance
- Benefit value of provision of motor vehicle for private use
- Cash bonus and performance incentives
- Cash in lieu of vehicle
- Fitness club fees
- Grooming/clothing allowance
- Health insurance subsidy
- Private phone
- Recognition programme benefits

- School fees and child's uniforms (ongoing)
- Superannuation
- Travel or any other benefit taken in lieu of salary
- Unrestricted entertainment allowance

Each of the following components is considered an appropriate exclusion from the CEO's Total Reward Package:

- Airfare to home base
- Appointment/relocation expenses
- Computer provision
- Entertainment allowance (business restricted)
- Expense of office (business restricted)
- Isolation/location allowance
- Mobile phone
- Professional development and library allowance
- Rental subsidy
- Travel on business
- Water/power subsidies

IB 14 Refuse Collection Contract (ENVH-41/TEND-26)

The contract with Avon Waste for the collection of refuse expired in December 2007.

Tenders were called (in conjunction with the Shire of Kellerberrin and Cunderdin) in May 2008. Avon Waste was the only Tenderer and their tender (\$1.57 + GST per service per week) was accepted by the Shire of Tammin.

IB 15 Interim Audit (FIN-02)

Butler Settineri completed the interim audit on 3 July 2008.

IB 16 WALGA – Issues Update No 26.08 (OLGOV-11)

Correspondence providing an update on issues including:

- Association Meeting with Minister Templeman MLA
- Native Vegetation Clearing Review
- Universal Beach Access – Good Practice Guide
- Review of Disability Services Act 1993
- 7th National Mainstreet Conference 2009
- LIWA Aquatics Annual Conference
- Reminder - Office of Crime Prevention State Strategy Renewal
- South West Biodiversity Project Targeted Grants Awarded

IB 17 Community Development Officer's Report

Since joined this team last month, I started my job by getting to know Tammin, what community services and social clubs are available, social and sport activities' time schedules, what has happened during last year, and getting information about funding bodies that I believe could be linked in meeting Tammin's needs and interests.

Currently, I'm working on the following tasks:

- Organizing the 2008 Tammin's Awards Night
 - within the Budget provision.
 - meeting with the key stakeholders of the community to make an agreement of when, where and how this event should be organized.
 - after meeting with the Tammin Community Service Committee, the community would like to see the Awards night happen on 25 September or 30 September 2008.
 - booking the venue, preparing awards certificates, invitation letters, advertising letters.

- Researching available grants and preparing application forms for the coming Christmas Carols Night to meet the community's needs and to value Tammin's culture and tradition.
- Attend CDO network meeting at Cunderdin on 3 July 2008 which gave me a great opportunity to know what happens in neighbouring towns.
- Helping the community in advertising a concert by Slim Connor, a Country & Western Singer on 16 July 2008. With the support of other community members, Gloria Hutchinson invited him to have a concert in Tammin when he is visiting Gloria Hutchinson and her family.
- Getting familiar with the working environment – Shire's daily operation, each colleague's responsibilities and working to build up a trust relationship with them.

In the future, I see myself being busy once I know more about what Tammin wants. My future work plan will focus on the following areas.

- Keeping working on the Awards Night & Christmas Carols Night
- Encouraging more people to participate in Tammin's community services.
- Helping the community to have performing art groups to Tammin, at least 3 times during the next year.
- Upgrade/renew Seniors' activities equipment.

IB 18 Works Supervisor's Report

Road Construction

- Rabbit Proof Fence Rd
- Livesey Rd/Packham Rd intersection
- Tammin South Rd

Road Maintenance Grading

- Harris Rd
- Livesey Rd north
- Yorkrakine West Rd
- Packham Rd
- Bolton Rd
- Doongin Peak Rd
- Yorkrakine shoulders
- Donnan Oval Perimeter
- Barrack Rd
- McLaren St
- Hunt Rd
- Jameson St
- Draper St
- Uphill St
- Underwood Rd
- Britton St

Spraying

- Tennis courts
- Donnan Oval (management of cape weed)

Projects

- Continued upgrade and replacing road signs south side
- Reinstallation of Kadjininy Kep pump

Other

- 45 Draper St driveway graded to 1.0m of fence
- 45 Draper Rd – shade trees planted to front
- Private works to Mr B Stokes driveway

Current Works

- Donnan Oval rehabilitation
- Tamma Village reticulation upgrade
- Frearson Park upgrade
- Donnan Oval playground relocation

IB 19 J Taylor – Native Seed Collection (AGR-13)

Correspondence seeking approval to collect native seed from within Reserves vested to the Shire of Tammin.

Comment

Under Delegation 21 – 20 December 2007 to the CEO, approval was granted subject to:

- all persons collecting native seed are licensed according to the Wildlife Conservation Act and abide by the license conditions.
- the consent is for a 12 month period to 30 June 2009.
- appropriate hygiene measures to be followed at all times to prevent the spread of plant disease and weeds.
- all care to be taken to minimise the disturbance of fauna habitat and soil degradation.

IB 20 WALGA – Waste & Recycle Conference (AGR-13)

Correspondence advising that the Waste & Recycle Conference 2008 will be held 8-12 September at The Esplanade Hotel Fremantle.

Early Bird Registrations closes on the Friday 18 July 2008.

Comment

In past years the Shire of Tammin has been represented at this Conference although there is no plan to attend this year (unless Council wishes otherwise).