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## SHIRE OF MENZIES

### MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 17<sup>th</sup> FEBRUARY 2006 COMMENCING AT 9.07 AM

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#### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected members and declared the meeting open at 9.07am. He especially welcomed Mr Russell Conklin, Works Supervisor at Tjuntjuntjara.

#### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Present:	Cr S Tonkin	Shire President
	Cr A Kelly	Deputy Shire President
	Cr J Dwyer	Member
	Cr I Tucker	Member
	Cr I McGregor	Member
	Cr P Kennedy	Member
Staff:	Mr P Crawford	Chief Executive Officer
	Mr B Pepper	Minutes
Apologies:	Cr K Purchase	Member
Visitors:	Mr R Coughlin	Tjuntjuntjarra Community

#### 3. PUBLIC QUESTION TIME:

Mr Russell Coughlin from Tjuntjuntjarra explained that as he was in the region, he wanted to attend the Council Meeting and also see how the tender for Plant Hire be decided. He reported on the recent rains out at Tjuntjuntjarra and how it benefited the newly graded roads. He also advised that he expected the new Community Coordinator to be appointed within about six months.

#### 4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

#### 5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

The President advised the Meeting that he had attended a meeting with Lloyd Morley from Telstra regarding the future plans for mobile coverage installation in Menzies.

He also gave an overview of the first meeting of the Lake Ballard Advisory Group meeting and advised that he believes that good progress is being achieved in working towards the committees' outcomes and goals.

The funeral of the late Mr Murray Thomas was attended by the President as the representative for the Shire of Menzies.

He advised that he had recently been appointed as the new GEDC Board Member.

MOVER Cr J Dwyer

SECONDED Cr I McGregor

That the President's report be received

CARRIED 6/0

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL, HELD FRIDAY, 16 DECEMBER 2005**

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 6.1</b>
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MOVED Cr A Kelly

SECONDED Cr I Tucker

That the minutes of the Ordinary Meeting held on Friday 16 December 2005 as previously circulated be confirmed as a true and accurate record.

CARRIED 6/0

### **6.2 MINUTES OF THE 2004/05 ANNUAL ELECTORS MEETING, HELD FRIDAY, 16 DECEMBER 2005**

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 6.2</b>
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MOVED Cr J Dwyer

SECONDED Cr A Kelly

That the minutes of the Annual Electors Meeting held on Friday 16 December 2005 as previously circulated be confirmed as a true and accurate record.

CARRIED 6/0

### **6.3 MINUTES OF THE LAKE BALLARD ADVISORY GROUP MEETING, HELD ON THE 13 DECEMBER 2005**

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 6.3</b>
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MOVED Cr I McGregor

SECONDED Cr P Kennedy

That the minutes of the Lake Ballard Advisory Group Meeting held on 13 December 2005 as previously circulated be confirmed as a true and accurate record.

CARRIED 6/0

## **7. STATUS REPORT**

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 7.1</b>
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MOVED Cr I Tucker

SECONDED Cr I McGregor

That the Status Report as at 31 January 2006, be received.

CARRIED 6/0

## **8. FINANCIAL REPORTS**

<b>8.1</b>	<b>Financial Statements to 31 December 2005</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 103a  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 20 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, Haines Norton and printed in our office.

**COMMENT:**

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) is a rates report and a report on reserves funds

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton.

**STATUTORY ENVIRONMENT:** As per Local Government (Financial Management) Regulations 1996 Regulation 34 (i) (e)

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 8.1</b>
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MOVED Cr J Dwyer

SECONDED Cr I McGregor

That the Financial Statements to 31 December 2005 as presented, be adopted

CARRIED 6/0

<b>8.2</b>	<b>Financial Statements to 31 January 2006</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 103a  
**DISCLOSURE OF INTEREST:** None

**DATE:** 6 February 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, Haines Norton and printed in our office.

**COMMENT:**

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) is a rates report and a report on reserves funds

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton.

**STATUTORY ENVIRONMENT:** As per Local Government (Financial Management) Regulations 1996 Regulation 34 (i) (e)

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 8.2</b>
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That the Financial Statements to 31 January 2006 as presented, be adopted

CARRIED 6/0

<b>8.3</b>	<b>Accounts for Payment</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 103  
**DISCLOSURE OF INTEREST:** The author has an interest to the extent that he is a co-owner  
of a the local roadhouse, one of the creditors  
**DATE:** 31 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

Cheque numbers 3370 to 3457 and bank statement transfers totalling \$131,887.36 for the period ending 31 January 2006 are presented for payment as per the submitted lists.

**COMMENT:**

None required.

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton

**STATUTORY ENVIRONMENT:** Local Government (Financial Management)  
Regulations 1996 Regulation 13(2)

**POLICY IMPLICATIONS:** All signing of cheques were carried out as per Policy 3.8.  
(All amounts over \$15,000 were counter signed by a Council Member).

**FINANCIAL IMPLICATIONS:** Reduction to the Municipal Fund Balance

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 8.3</b>
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MOVED Cr P Kennedy

SECONDED Cr I McGregor

That cheques numbered 3370 to 3457 and direct bank payments totalling \$131,887.36 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

<b>8.4</b>	<b>Accounts for Payment</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 103

**DISCLOSURE OF INTEREST:** The author has an interest to the extent that he is a co-owner of a the local roadhouse, one of the creditors

**DATE:** 6 February 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

Cheque numbers 3458 to 3487 and bank statement transfers totalling \$77,097.53 are presented for payment as per the submitted lists.

**COMMENT:**

None required.

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton

**STATUTORY ENVIRONMENT:** Local Government (Financial Management)  
Regulations 1996 Regulation 13(2)

**POLICY IMPLICATIONS:** All signing of cheques were carried out as per Policy 3.8.  
(All amounts over \$15,000 were counter signed by a Council Member).

**FINANCIAL IMPLICATIONS:** Reduction to the Municipal Fund Balance

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 8.4</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That cheques numbered 3458 to 3487 and direct bank payments totalling \$77,097.53 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

<b>8.5 Financial Transactions Reporting Policy</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2005  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 103a  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 31 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is to present Council with a Policy detailing the reporting requirements that will be followed in depositing Council funds in interest bearing accounts.

**BACKGROUND:**

The Chief Executive Officer is currently delegated authority to invest funds into interest bearing accounts under Delegation 043 – Investments. However, there is no Policy determining the manner in which the transactions that are carried out are reported to Council.

**COMMENT:**

This report is for Council to consider adopting the following Policy in regards to the investment of surplus funds:

<b>Policy No. 3.9 - INVESTMENTS</b>
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The Chief Executive Officer be authorised to invest monies, not required for immediate need, in short term interest bearing deposits, thereby securing the best advantage to Council. This action should be cognisant of the need to ensure that sufficient operating funds are available to offset day to day expenses.
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The Chief Executive Officer is to prepare a monthly report to be presented to Council showing details of all previous month's transactions including:

- a) place of investment
- b) term of investment
- c) interest rate
- d) name of funds invested (eg. municipal, sweeper, reserve, trust)

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton

**STATUTORY ENVIRONMENT:** As per Local Government (Financial Management) Regulations 1996 Regulation 19

***19. Management of investments***

*(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*

*(2) The control procedures are to enable the identification of —*

- (a) the nature and location of all investments; and*
- (b) the transactions related to each investment.*

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 8.5**

MOVED Cr A Kelly

SECONDED Cr P Kennedy

That Council Adopt the following Policy:

**Policy No. 3.9 - INVESTMENTS**

The Chief Executive Officer be authorised to invest monies, not required for immediate need, in short term interest bearing deposits, thereby securing the best advantage to Council. This action should be cognisant of the need to ensure that sufficient operating funds are available to offset day to day expenses.

The Chief Executive Officer is to prepare a monthly report to be presented to Council showing details of all previous month's transactions including:

- c) place of investment
- d) term of investment
- c) interest rate
- d) name of funds invested (eg. municipal, sweeper, reserve, trust)

CARRIED 6/0

<b>8.6</b>	<b>Monitoring of Accounts for Payment</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2005

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 103a

**DISCLOSURE OF INTEREST:** None

**DATE:** 23 January 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

At the Ordinary Meeting of Council, held Friday, 16 December 2005, Council requested the Chief Executive Officer to prepare a report to Council regarding the appointment of a Councillor to inspect the Accounts for Payment each month.

Council has delegated the Chief Executive Officer the authority to pay monthly accounts as they become liable under Delegation No 018

**Delegation Number** - **018**

Legislative Power - Local Government Act 1995 (Section 5.42)

Delegation Subject - Payment of Accounts Between Meetings

Delegate - Chief Executive Officer

The Chief Executive Officer is delegated authority to authorise the approval of payments between Council meetings provided that:

- 1) The authority extends only to the making of investments, the payment of salaries and wages, payments for fuel and supplies, loan repayments, petty cash recoups, freight and the payment general trade creditors accounts of up to \$15,000. A Councillor signature is required in accompaniment with the Chief Executive Officer's signature for any amounts over \$15,000
- 2) The authority extends only to payments for items previously authorised by the Council by either inclusion in the budget or Council resolution and approved by the Chief Executive Officer.
- 3) The Chief Executive Officer is to ensure the relevant debt was incurred by a person who was properly authorised to do so and that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard as the case requires.
- 4) Notwithstanding the above, authority also extends to the payments to Creditors who provided goods or services by Tender, Contract or Quote previously authorised by Council. The authority is limited to amounts set out in the Tender, Contract or Quote. Furthermore, the works, services or goods must be supplied to the satisfaction of the Chief Executive Officer.
- 5) A list of the accounts so paid is to be presented to the next meeting of the Council and included in the minutes of that meeting, and

6) The vouchers, supporting invoices and other relevant documents be made available for inspection by Councillors at any time following the date of the payment and at the next ordinary meeting of the Council.

**Date of Decision:** *Originally adopted at the Ordinary Meeting of Council held 21<sup>st</sup> July 2002.*

**Details of Review:** *Reviewed at the Ordinary Meeting of Council held 18<sup>th</sup> October 2003 adopted without alteration.*

*Reviewed at the Ordinary Meeting of Council held 20<sup>th</sup> August 2004 and amended prior to adoption.*

*Reviewed and Adopted at the Ordinary Meeting of Council, 16 September 2005*

**Sub Delegation:** *Not Applicable*

Regulation 13 of the Local Government (Financial management) Regulations 1996 require a Chief Executive Officer to submit a list of accounts to Council each month detailing those payments.

**COMMENT:**

The responsibility to ensure that the accounts for payment are correct is with the Chief Executive Officer. The requirement for a Councillor to check these accounts would normally only be necessary if Council has grounds to believe that irregularities are occurring with the accounts.

Random checks by Council's Auditor has not revealed any discrepancies in the past. Our Consultants, Haines Norton also have not detected any cause for concerns.

That being so, there is no reason why Council cannot appoint a Councillor to check the accounts on a monthly basis if it so desires.

**CONSULTATION:**

Cr Stephen Tonkin - Shire President, Ms Mandy Wynne - Haines Norton

**STATUTORY ENVIRONMENT:** *As per Local Government (Financial Management) Regulations 1996 Regulation 13*

***13. Lists of accounts***

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

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing —*

- (a) for each account which requires council authorization 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 sub regulation (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.

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICER RECOMMENDATION**

**ITEM 8.6**

For Councillors information and action.

**COUNCIL DECISION**

**ITEM 8.6**

That Council receive the above report and take no further action

MOVED Cr A Kelly

SECONDED Cr P Kennedy

CARRIED 6/0

*Reason for the decision was that Council believed that the current procedures for monitoring of Accounts for Payment were adequate*

**8.7 Investments – January 2006**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2005  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 103a  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 31 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is to advise Council of the investment transaction for the month of January 2006.

**BACKGROUND:**

The Chief Executive Officer is currently delegated authority to invest funds into interest bearing accounts under Delegation 043 – Investments and Policy No 3.9 Investments details the reporting requirements

**COMMENT:**

The Reserve funds currently invested with the National Bank matured on 8 January 2006. The total of the funds invested were \$1,195,142.96 which accumulated an amount of interest on maturity of \$16,502.80 giving an investment total of \$1,211,645.76

The following transaction has been actioned on 8 January 2006:

Place of investment	National Bank
Term of investment	90 days (Mature 8 April 2006)
Interest rate	5.60% pa
Name of funds invested	Reserve Account
Amount	\$1,211,645.76

Attached are the supporting documents for that transaction.

Current balance of all accounts is as follows:

Municipal Acct.	\$122,352.88	Interest rate 3.55% pa
Sweeper Acct.	\$696,191.52	Interest rate 5.20% pa
Reserve Acct.	\$1,211,645.76	Interest rate 5.6% pa

**CONSULTATION:**

**Mr Adam Seiler, Deputy Chief Executive Officer-Shire of Yilgarn**

**STATUTORY ENVIRONMENT:** As per Local Government (Financial Management) Regulations 1996 Regulation 19

***19. Management of investments***

*(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*

*(2) The control procedures are to enable the identification of —*  
*(a) the nature and location of all investments; and*  
*(b) the transactions related to each investment.*

**POLICY IMPLICATIONS:**

***Policy No. 3.9 - INVESTMENTS***

*The Chief Executive Officer be authorised to invest monies, not required for immediate need, in short term interest bearing deposits, thereby securing the best advantage to Council. This action should be cognisant of the need to ensure that sufficient operating funds are available to offset day to day expenses.*

*The Chief Executive Officer is to prepare a monthly report to be presented to Council showing details of all previous month's transactions including:*

- e) place of investment*
- f) term of investment*
- c) interest rate*
- d) name of funds invested (eg. municipal, sweeper, reserve, trust)*

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICER RECOMMENDATION**

**ITEM 8.7**

That Council receive the above report detailing investment transactions for the month of January 2006.

**COUNCIL DECISION**

**ITEM 8.7**

MOVED Cr P Kennedy

SECONDED Cr I McGregor

That Council receive the above report detailing investment transactions for the month of January 2006 and that the Chief Executive Officer arrange quotes from other financial institutions on what interest rates they would offer should Council decide to invest the Reserve Funds with them.

CARRIED 6/0

*Reason for the change was that Council wanted to ascertain what other options were available for a fixed term deposit of our Reserve Funds.*

**8.8 Accounts for Payment**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 103

**DISCLOSURE OF INTEREST:** The author has an interest to the extent that he is a co-owner of a the local roadhouse, one of the creditors

**DATE:** 17 February

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is a correction of the Previous Accounts for Payment, submitted to the Ordinary Meeting of Council, Friday, 18 November 2005

**BACKGROUND:**

Cheque numbers 3234 to 3300 and bank statement transfers totalling \$126,117.70 were presented for payment as per the submitted lists.

**COMMENT:**

At the Ordinary Meeting of Council, held Friday, 17 November 2005, the supporting documents for the accounts for payment were only partially complete. A second page showing the payees name and particulars did not photo copy and was not presented to Council.

The Accounts for Payment for this period ending 31 October 2005 is again presented for Council's confirmation.

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton

**STATUTORY ENVIRONMENT:** Local Government (Financial Management)  
Regulations 1996 Regulation 13(2)

**POLICY IMPLICATIONS:** All signing of cheques were carried out as per Policy 3.8.  
(All amounts over \$15,000 were counter signed by a Council Member).

**FINANCIAL IMPLICATIONS:** Reduction to the Municipal Fund Balance

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 8.8</b>
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MOVED Cr I Tucker

SECONDED Cr P Kennedy

That cheques numbered 3234 to 3300 and direct bank payments totalling \$126,117.70 which have been paid by the Acting Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

**9. WORKS REPORT**

**9.1 Works Supervisors Report**

<b>9.1.1 Roadworks and General Report</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies Shire  
**APPLICANT:** N/A  
**FILE REF:** 405a  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 2006  
**AUTHOR:** Brad Pepper, Works Supervisor  
**SIGNATURE OF AUTHOR:**  
**SENIOR OFFICER:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF SENIOR OFFICER:**

**COMMENT:**

The works crew have been on annual leave since 23 December 2005 and returned to duty on Monday, 30 January 2006

During that period, casual staff have kept the town's essential services operational. No serious issues have arisen in that time.

Some rain in the region has necessitated the closing of roads and due to the shortage of staff, this has created some concerns with the issuing of road closure notices and the erection of road closed signs. This problem will be addressed in the future with the staff being scheduled for leave on

alternating breaks. There will not be a mass closure of the works department in the future. While this may cause some issues, these matters will be negotiated with all concerned.

The grading contractor was brought back to work early in order to clean up some of the washouts that are around the area, however, all in all, we were treated quite leniently by the wet weather.

The road crew is currently engaged in upgrading the section of the Menzies-Sandstone Road in the region of the lakes crossing. This is a Black Spot Project funded jointly by MRWA and the Shire of Menzies. It is intended that the crossings will be much safer to negotiate, particularly during periods of inclement weather.

The clearing permits from the Department of Environment have still not been approved, these applications have been sitting with the DEP since December 2004 and despite the advertised 90 day turnaround, the clearances are still being examined. It is expected that approval will be granted within two weeks from today!

The delay in the clearances being approved has thrown the roads program into a fair bit of confusion and we are looking at alternative projects for the remainder of the year. We will be presenting Council with a verbal report on what options are available to us.

Mosquitoes are in abundance at present but unfortunately, there is very little that we can do about the problem other than to be aware of and remove the breeding places where water is left in any quantity. Mosquitoes will travel great distances to get a supply of blood before laying their eggs and the numerous mines around the area make any semblance of control virtually impossible.

Tenders will be advertised during March for the upgrade of the town playing field.

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general Functions provisions.

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 9.1.1</b>
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MOVED Cr I McGregor

SECONDED Cr J Dwyer

That the Works Supervisor's report, as presented, be received.

CARRIED 6/0

**1048 hrs. The President adjourned the Meeting for morning tea.**

**1105 hrs. The President reconvened the Meeting.**

**11. CHIEF EXECUTIVE OFFICER'S REPORT**

*The Chief Executive Officer declared a financial interest in this Item to the extent that the author of the application that was received through the Caravan Park Manager for rent reduction is employed by the Menzies Roadhouse of which he is a Co-Owner. The CEO did not leave the room but took no further discussion regarding the letter of application.*

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies Shire

**APPLICANT:** N/A

**FILE REF:** 124

**DISCLOSURE OF INTEREST:** None

**DATE:** 2 February 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is for Council to consider reviewing certain fees at the Menzies Caravan Park (See attached letter).

**BACKGROUND:**

Each year during Budget Adoption, Council reviews the fees and charges for all services, including those set for the Menzies Caravan Park. Current charges are for a weekly rate of \$84.00 per week which includes GST.

**COMMENT:**

The rate of \$84.00 per week is set as a weekly rate, there is no rate classified as a permanent rate which most caravan parks have. Those parks that have a permanent rate have charges that vary from \$85.00 per week plus GST plus power charges up to \$110.00 plus GST plus power per week. While these charges may seem quite expensive, it must be remembered that each bay has its own ablutions block and power meter and most are grassed areas.

It would seem from those comparisons that our charges for what we provide are reasonable for a weekly rate but somewhat high for permanent residents especially as we do not have any grassed areas or individual ablution blocks. However, in defence of that statement, we do not charge extra for power which can be quite costly, particularly during the summer months.

In keeping with the theme to encourage tourists to stay and "Take a look around", Council could consider a reduction in charges for "permanent" residents. In defining the status of permanent, there would have to be a period of full priced stay after which they would become eligible for a reduced weekly charge. Perhaps the full rate could apply for 6 weeks, after which the rate would fall \$24.00 per week to \$60.00. This concession would also only apply to a caravan with a maximum of two adults and one child (irrespective of age) residing in it, any increase in numbers would see the rate remain or return to the full amount. The rate would also apply to a caravan with a single person in because the amount of power consumed by electrical appliances/air conditioners is basically the same as for a double.

I believe that this concession is very generous considering that Council do not charge extra for power for the site. When the new caravan park is established with powered sites, grassed areas and individual ablution blocks, the opportunity will arise to allow all fees and charges to be reviewed. This rate concession will not have any financial impact on Council's Budget for this Financial Year as we have already exceeded our estimated income for the year, however, as the rate for fees and charges were struck by Council last July for this Financial Year, an Absolute Majority vote by Council is required

**CONSULTATION:**

Mr Brad Pepper - Works Supervisor, various Caravan parks in the region.

**STATUTORY ENVIRONMENT:** As per Section 2.7 and 3.1 of the Local Government Act 1995 relating to general Functions provisions.

**POLICY IMPLICATIONS:** Encouraging residents to stay in the region longer.

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Absolute Majority required

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1</b>
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That Council Adopt the following new charges for the Menzies Caravan Park as from Monday, 20 February 2006:

1. The qualifying period to be classified as a permanent resident in the Menzies Caravan park will be six continuous weeks stay.
2. The weekly rate applicable for permanent residents in the Menzies Caravan Park after that six weeks stay will be \$60.00 per week.
3. This rate will only apply to a caravan with a maximum of two adults and a single child, any further occupants will attract the full rate of charges. Single persons rates are to be the same as for a double.
4. The stay must be of a continuous nature without breaks for the concession to become eligible.
5. This concession is not available to commercial enterprise organisations,

<b>COUNCIL DECISION</b>
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<b>ITEM 11.1</b>
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MOVED Cr I McGregor

SECONDED Cr J Dwyer

That Council Adopt the following new charges for the Menzies Caravan Park as from Monday, 20 February 2006:

1. The qualifying period to be classified as a permanent resident in the Menzies Caravan park will be six continuous weeks stay.
2. The weekly rate applicable for permanent residents in the Menzies Caravan Park after that six weeks stay will be \$60.00 per week.
3. This rate will only apply to a caravan with a maximum of two adults and a single child, any further occupants will attract the full rate of charges. Single persons rates are to be the same as for a double.
4. The stay must be of a continuous nature without breaks for the concession to become eligible.

5. This concession is not available to commercial enterprise organisations,  
and that the CEO investigate other options in which to attract and retain visitors to stay longer in Menzies.

CARRIED 6/0

*The reason for the change was for the CEO to investigate other ways in which to attract and retain visitors to stay in the Menzies Caravan Park.*

*1117 HRS. The CEO left the Chambers*

*1119 hrs. The CEO returned to the Chambers*

## **11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

<b>11.2</b>	<b>Review of Local Laws</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies Shire  
**APPLICANT:** N/A  
**FILE REF:** 119  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 13 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

### **SUMMARY:**

This item is to advise Council of the need to review the Shire of Menzies' Local Laws.

### **BACKGROUND:**

Section 3.16 of the Local Government Act 1995 requires Local Governments to carry out a review within eight years from the date when the Local Government adopted or last reviewed their Local Laws.

### **COMMENT:**

The Shire of Menzies has not reviewed their Local Laws in that statutory period and now must carry out that review.

Council has the following Local Laws:

- Health Local Laws 1999
- Bush fires Act 1954
- General Provisions 1999
- Dogs 1988

The Health Local Laws should be reviewed this year with a view to amending them with a new set during the next two years. This task can be carried out by the Health Surveyor from Leonora, it will alleviate the need to bring in a consultant at a substantial cost.

The Bush Fires Act were previously reviewed by the Fire and Emergency Services Authority on behalf of the Local Government. However, this practice has ceased and it is now up to the individual Local Government to carry out this review.

The remaining General Provisions and Dog Local Laws will require a consultant to review them and present the amended Laws as Council directs.

This process will take time as the statutory advertising period must be complied with before adopting and presenting the new Laws to the Department of Local Government and Regional Development for their approval.

I have spoken to a Local Government consultant, Mr Lance Croft regarding this review and he has indicated that he is available to conduct the review. As time is of the essence, it is imperative that Council appoint a consultant to conduct this review as soon as possible.

### **CONSULTATION:**

Mr Lance Croft, Consultant, Mr Tony Nottle, CEO-Carnarmah Shire.

### **STATUTORY ENVIRONMENT:** LOCAL GOVERNMENT ACT 1995 - SECT 3.16

#### ***Periodic review of local laws***

#### ***3.16 . Periodic review of local laws***

*(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

*(2) The local government is to give Statewide public notice stating that —*

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 12 weeks after the notice is given.*

*(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*

*(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*

*(4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required.*

*(5) After it makes the determination, the local government is to give Statewide public notice —*

- (a) stating the title of the local law reviewed;*
- (b) advising of its determination; and*

(c) advising that copies of the report of the review may be inspected or obtained from the local government's office.

*[Section 3.16 amended by No. 64 of 1998 s.7*

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.2**

MOVED Cr I McGregor

SECONDED Cr P Kennedy

That Council Resolve to appoint Mr Lance Croft to carry out a review of the Shire of Menzies Local Laws as follows:

- Bush fires Act 1954
- General Provisions 1999
- Dogs 1988

CARRIED 6/0

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

**11.3 Blocks of Land in Menzies and Kookynie**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies and Kookynie Townsite

**APPLICANT:** N/A

**FILE REF:** 116

**DISCLOSURE OF INTEREST:** None

**DATE:** 11 January 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is to request Council to make decisions on surrendering certain vacant blocks of land in Menzies and Kookynie back to the Crown

**BACKGROUND:**

At the Ordinary Meeting of Council held 17 December 2004, Council wrote off some \$323,379.57 in rates that were not recoverable due to the rates not being paid for more than 3 years and the owners not being traceable.

At present, there is an amount of \$8,396.06 in ESL fees due on those blocks.

**COMMENT:**

Council has recently discussed the possibility of securing a number of these blocks to be vested in Council and handing the remainder back to the crown. These blocks could be used for future Council plans or alternatively sold off to private enterprise should the need arise.

Advice to date is that the ESL levy will not be applicable to the blocks while they remain in an undeveloped state and in the possession of the Shire of Menzies inclusive.

Attached is a map of both Menzies and Kookynie with the blocks highlighted yellow to be kept and green to be handed back to the Crown. As rates have not been paid for over a period of three years, under Section 6.64 of the Local Government Act 1995, the Local Government is empowered to take possession of the land and dispose of that land as the Local Government see fit.

**CONSULTATION:**

Mr Jan Pruyn- Department of Planning and Infrastructure.

**STATUTORY ENVIRONMENT:**

**LOCAL GOVERNMENT ACT 1995 SECTION 6.64** Actions to be taken

**6.64 . Actions to be taken**

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

- (a) from time to time lease the land;
- (b) sell the land;
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

**POLICY IMPLICATIONS:** No specific Policy is implicated but the acquisition of these blocks of land would give Council a reserve in the case of a demand for land arose.

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple majority required

**OFFICER RECOMMENDATION**

**ITEM 11.3**

That Council Resolve to instruct the Chief Executive Officer to commence action in the process to have the following blocks of land, Lot No's \_\_\_\_\_ vested in the Council's name and that the remainder of the blocks, Lot No's \_\_\_\_\_ be handed back to the Crown.

**COUNCIL DECISION**

**ITEM 11.3**

MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council Resolve to instruct the Chief Executive Officer to commence action in the process to have all of the blocks of land vested in the Council's name.

CARRIED 6/0

*Reason for the change was that Council considered that none of the blocks of land should revert to Unclaimed Crown Land status.*

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

**11.4**

**Delegation 047**

**Attendance at Meetings by Electronic Means**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 113b  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 13 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is to have Council rescind a Motion that was passed at the Ordinary Meeting of Council, held 19 August 2005.

**BACKGROUND:**

At the Ordinary Meeting of Council, held Friday, 19 August 2005, the following resolution was passed by Council:

<b>Delegation Number</b>	-	<b>047</b>
<b>Legislative Power</b>	-	<b>Local Government Act 1995</b>
Delegation Subject	-	Attendance at Meetings by Electronic Means.
Delegate	-	Chief Executive Officer
Pursuant to Section 5.25(1)(b)(a) of the Local Government Act 1995 and Section 14(A) of the Local Government (Administration) Regulations 1996 relating to Regulations concerning Council and Committee Meetings, the Chief Executive Officer is delegated authority to approve the attendance at Meetings by electronic means.		

Further to this delegation, the Chief Executive Officer is also empowered to approve the electronic means of communication and the location of the distant base from which the transmission is effected.

**COMMENT:**

Under the Local Government Act 1995, Council is not permitted to delegate any authority that requires a vote of Absolute Majority by Council. As such, the action in delegating this authority to the Chief Executive Officer must be rescinded.

**CONSULTATION:**

Mr Darrel Forest, Local Government Department.

**STATUTORY ENVIRONMENT: 5.43 . *Limits on delegations to CEO's***

*A local government cannot delegate to a CEO any of the following powers or duties —*

*(a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.4**

MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council rescind the Motion which was passed at the Ordinary Meeting of Council, held Friday, 17 August 2005 under Item 13.2.2 Delegation 047 Attendance at Meetings by Electronic Means, which gave the Chief Executive Officer the authority to approve Attendance at Meetings by Electronic Means

CARRIED 6/0

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

**11.5 Election of Audit Committee Presiding Member and Deputy**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 114  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 24 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is to advise Council of the need to elect the Presiding member and Deputy Presiding Member of the Audit Committee

**BACKGROUND:**

The Audit Committee were appointed by Absolute Majority of Council at the Ordinary Meeting of Council, held Friday, 16 June 2005. This Committee comprised of full Council as it was decided that the full Council should be involved in all Audit matters.

However, under Section 5.12 (1) and (2) of the Local Government Act 1995, the Presiding Member and Deputy Presiding Member were not elected as required.

**COMMENT:**

In order to comply with the Local Government Act 1995, Council is required to conduct an election to fill the roles of Presiding Member and Deputy Presiding Member.

**CONSULTATION:**

None

**STATUTORY ENVIRONMENT:**

***LOCAL GOVERNMENT ACT 1995 - SECT 5.12***

***Election of presiding members and deputies***

***5.12 . Election of presiding members and deputies***

*(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*

- (a) to “office” were references to “office of presiding member”;*
- (b) to “council” were references to “committee”; and*
- (c) to “councillors” were references to “committee members”.*

*(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*

- (a) to “office” were references to “office of deputy presiding member”;*
- (b) to “council” were references to “committee”;*
- (c) to “councillors” were references to “committee members”; and*
- (d) to “mayor or president” were references to “presiding member”.*

**LOCAL GOVERNMENT ACT 1995      SCHEDULE 2.3 Division 1**

***Division 1 — Mayors and presidents***

## **1. Definitions**

*In this Division —*

*“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);*

*“the office” means the office of councillor mayor or president.*

## **2. When the council elects the mayor or president**

*(1) The office is to be filled as the first matter dealt with —*

*(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*

*(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.*

*(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.*

## **3. CEO to preside**

*The CEO is to preside at the meeting until the office is filled.*

## **4. How the mayor or president is elected**

*(1) The council is to elect a councillor to fill the office.*

*(2) The election is to be conducted by the CEO.*

*(3) Nominations for the office are to be given to the CEO in writing.*

*(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*

*(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*

*(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*

## **5. Votes may be cast a second time**

*(1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*

*(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*

(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

## **Division 2 — Deputy mayors and deputy presidents**

### **6. Definitions**

In this Division —

“**extraordinary vacancy**” means a vacancy that occurs under section 2.34(1);

“**the office**” means the office of deputy mayor or deputy president.

### **7. When the council elects the deputy mayor or deputy president**

(1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —

(a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.

(3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

### **8. How the deputy mayor or deputy president is elected**

(1) The council is to elect a councillor (other than the mayor or president) to fill the office.

(2) The election is to be conducted by the mayor or president, or if he or she is not present, by the CEO.

(3) Nominations for the office are to be given to the person conducting the election in writing.

(4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.

(5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

**9. Votes may be cast a second time**

(1) If, when the votes cast under subclause (2) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

(3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

[Schedule 2.3 amended by No. 64 of 1998 s.54.]

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.5</b>
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That Council Resolved to elect Cr \_\_\_\_\_ as the Presiding Member and Cr \_\_\_\_\_ as the Deputy Presiding Member of the Audit Committee.

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.5</b>
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MOVED Cr J Dwyer

SECONDED Cr P Kennedy

That Council Resolved to elect Cr S Tonkin as the Presiding Member and Cr A Kelly as the Deputy Presiding Member of the Audit Committee.

CARRIED 6/0

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

<b>11.6 Conversion to Freehold Lots - Kookynie</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Kookynie  
**APPLICANT:** Department of Planning and Infrastructure  
**FILE REF:** 307  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 30 January 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to advise Council of an application to convert lots from lease to freehold in Kookynie townsite

**BACKGROUND:**

A request has been received from the Department of Planning and Infrastructure to convert Lots 337 and 338 in Hayes Street, Kookynie to freehold (See attached).

**COMMENT:**

There does not appear to be any reason for Council not to agree with the conversion.

**CONSULTATION:**

None

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.6</b>
--	------------------

MOVED Cr I Tucker

SECONDED Cr P Kennedy

That Council raise no objections to the conversions of Lots 337 and 338 Kookynie to freehold.

CARRIED 6/0

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

<b>11.7</b>	<b>Old Station Masters House - Menzies</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies  
**APPLICANT:** VSA Property  
**FILE REF:** 210  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 31 January 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to advise Council of the impending sale of the old Station Masters house in Walsh Street, Menzies.

**BACKGROUND:**

A letter has been received from VSA Property, a firm acting on behalf of the Public Transport Authority to dispose of the old Station Masters house (See attached).

They have requested that Council provide them with any comments regarding the disposal or vested interested that they may have.

**COMMENT:**

From Council's point of view, there does not appear to be any reason to object to the disposal of this building. However, there may be some concerns as to what the future of the building holds.

There are currently two station masters houses in the Menzies Shire, the house in question in Menzies and the one at Goongarrie. The Goongarrie house is vested in Council and a contract has been recently let to have improvements carried out.

The Menzies house appears to be in reasonable condition and it would be within Council's interests to ensure that the future condition of the house is assured.

Discussions with the Heritage Commission in Perth have revealed that as the house is included in the State Register of Heritage Places, the disposal of the property will need to be considered under the Government Heritage Property Disposal Process (GHPDP). This process allows the Heritage Council to determine whether the place requires special protection through the implementation of a Heritage Agreement.

A flow chart is attached showing the process that must be followed.

Due to the heritage value of the property, it would be in Council's best interests to take all possible steps to ensure that the future integrity of the building is assured.

**CONSULTATION:**

Ms Paula Grey – Heritage Council of WA.

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the :Local Government Act 1995 relating to General Functions provisions

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.7</b>
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MOVED Cr I McGregor

SECONDED Cr J Dwyer

That Council resolve to make recommendation to VSA Property that there is no objection to the disposal of the Old Station Masters house, provided that the Government Heritage Property Disposal Process is followed.

*After discussion had started Cr I Tucker declared that he might have a financial interest in the matter and left the room.*

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

<b>11.8 Local Government Compliance Audit Return - 2005</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006  
**LOCATION:** Menzies Shire  
**APPLICANT:** N/A  
**FILE REF:** 200  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 6 February 2006  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This item is to advise Council of the requirement to submit the 2005 Local Government Compliance Audit Return.

**BACKGROUND:**

Each year, Council is required to complete and submit a Local Government Compliance Audit Return from 1 January to 31 December for the previous calendar year. This is a Statutory requirement under the Local Government Act 1995.

**COMMENT:**

Attached as Appendix "A" is the Return for the period 1 January to 31 December 2006. Responses to the Return are as follows:

**(a) Local Laws**

Item 7 Local Laws have not been reviewed within the period of 8 years as required but Council has Resolved at the Ordinary Meeting of Council, held Friday, 17 February 2006 to have them reviewed prior to June 30, 2006.

**(c) Thoroughfares**

Item 3 There are no plans available of town streets in Menzies or Kookynie. Roads were constructed in 1896 and no plans were drawn up.

**(d) Tenders For Providing Goods Or Services**

Item 5 Previous tenders for goods or services have not specified either a criteria for deciding which tender would be accepted or whether the Local Government had decided to submit a tender. Future tender specifications will contain clauses clearly addressing such information in line with F&G Reg 14(3) (4).

**(f) Meeting Process**

Items 11&12 When full Council were appointed as the Audit Committee at the Ordinary Meeting of Council held 16 June 2005, the Presiding Member and Deputy Presiding Member were not appointed as required under Sections 5.12 (1) &(2) of the Local Government Act 1995. These appointments have now been conducted at the Ordinary Meeting of Council. held Friday, 17 February 2006.

Item 30 Council previously Delegated the Chief Executive Officer the authority to approve the arrangements for Attendance at Meetings by Electronic Means. Council is not empowered to delegate this authority and that delegation has now been revoked at the Ordinary Meeting of Council, held Friday, 17 February 2006.

**(g) Delegation of Power/Duty**

Item 3 The Resolution of Friday, 19 August 2005 to authorise the Chief Executive Officer to approve the Attendance at Meetings by Electronic Means was rescinded at the Ordinary Meeting of Council, held Friday, 17 February 2006.

**CONSULTATION:**

Mr A Nottle, previous CEO, Mr S Tonkin, Shire President.

**STATUTORY ENVIRONMENT: Local Government Act 1995**

*Section 7.13 . Regulations as to audits*

*Regulations may make provision —*

*(i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*

*(i) of a financial nature or not; or*

*(ii) under this Act or another written law.*

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.8</b>
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MOVED Cr I McGregor

SECONDED Cr P Kennedy

That Council Resolve to Adopt the Local Government Compliance Audit Return for the period 1 January 2005 to 31 December 2005, noting the comments on the various sections and recommendations for future compliance.

CARRIED 6/0

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 146

**DISCLOSURE OF INTEREST:** None

**DATE:** 27 January 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

It is a requirement that the use of the Common Seal of the Shire of Menzies be endorsed by Council.

**COMMENT:**

During the previous month, the Shire President and the Chief Executive Officer witnessed the affixing of the Common Seal of the Shire of Menzies to the following documents:

1. Town Planning Scheme No 1 - Amendment No 1
2. Town Planning Scheme No 1 - Amendment No 2
3. Contract of Employment – Chief Executive Officer

Town Planning Schemes Amendments No's 1 and 2 had only had the Common Seal affixed to two copies earlier last year instead of three as required

The Chief Executive Officer's Contract of Employment has been signed as of 12 January 2006.

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICER RECOMMENDATION****ITEM 11.9**

MOVED Cr A Kelly

SECONDED Cr P Kennedy

That Council endorse the affixing of the Common Seal to the following documents:

1. Town Planning Scheme No 1 - Amendment No 1
2. Town Planning Scheme No 1 - Amendment No 2
3. Contract of Employment – Chief Executive Officer

**11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.****11.10 Tender MN 130 – Supply of Bulk Fuel**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies Shire

**APPLICANT:** N/A

**FILE REF:** 408

**DISCLOSURE OF INTEREST:** None

**DATE:** 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to present Council with details of Tender MN 130 – Supply of Bulk Fuel.

**BACKGROUND:**

As per the Local Government Act regarding tendering processes, Council is obliged to call public tenders for goods and services above \$50,000. As the annual fuel allocation is well in excess of that figure, tenders for the supply of bulk fuel were called in January 2006.

**COMMENT:**

Tender MN 130 – Supply of Bulk Fuel were advertised in the West Australian and Kalgoorlie Miner newspapers on Saturday, 7 January 2006 and closed at 4.00 pm on Friday, 27 January 2006.

Tenders were opened in the Chief Executive Officer's office at 7.50 am on Tuesday, 31 January 2006 in the presence of:

Mr Keith Purchase	Councillor
Mr Peter Crawford	Chief Executive Officer
Mr Brad Pepper	Works Supervisor

and in the following order:

Link Energy

Below is a summary of the tender received.

<b>COMPANY</b>	<b>PRICE PER LITRE FOR BULK FUEL</b>	<b>PRICE FOR THREE FUEL CARDS</b>	<b>HIRE OF BULK FUEL TANK</b>
Link Energy	\$1.3390 Includes GST	\$42.50 per card	\$1,683 per month (Min of 3 years hire)

The following is an excerpt from the tender specifications:

*This tender will be valid until 30 June 2006 at which time, the tenderer will be given the opportunity of extending the contract, subject to the Shire of Menzies conducting and receiving a*

*satisfactory review of their performance and pricing history. The pricing of the product will be monitored in comparison to the State Government preferred suppliers rates for the life of the tender.*

As there was only one tender received, no comparisons were available, however, the price for bulk fuel is quite reasonable. Link Energy stated that the price of their product would follow the Caltex Reference price for supplies, nevertheless, when reviewing the contract at June 30 this year, the pricing of the product will be monitored in comparison to the State Government preferred suppliers rates.

The intention of hiring a bulk fuel tank will not be an option due to the price.

**CONSULTATION:** None

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions and Section 3.57 relating to tenders.

**POLICY IMPLICATIONS:** N/A

**FINANCIAL IMPLICATIONS:** Provided for in the current Budget.

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.10</b>
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MOVED Cr P Kennedy

SECONDED Cr I McGregor

That Council Resolve the following;

- (i) To ratify the action in calling Tender MN 130 - Supply of Bulk Fuel
- (ii) To award Tender MN 130 – Supply of Bulk Fuel to Link Energy for:
  - (a) Supply of bulk fuel at a price of \$1.3390 per litre (rate to follow the Caltex reference price).
  - (b) Supply of three fuel cards at a cost of \$42.50 each per annum, and,

No tender be accepted for the supply of a bulk fuel tank

CARRIED 6/0

## **11. CHIEF EXECUTIVE OFFICER’S REPORT CONT.**

<b>11.11</b>	<b>Tender MN 131 – Hire of Plant</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Menzies Shire

**APPLICANT:** N/A

**FILE REF:** 408

**DISCLOSURE OF INTEREST:** None

**DATE:** 31 January 2006

**AUTHOR:**

Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:****SUMMARY:**

This Item is to present Council with details of Tender MN 131 – Hire of Plant

**BACKGROUND:**

As per the Local Government Act regarding tendering processes, Council is obliged to call public tenders for goods and services above \$50,000. As the allocation for roads maintenance in the Tjuntjuntjara region is well in excess of that figure, tenders for the hire of plant were called in January 2006.

**COMMENT:**

Tender MN 131 – Hire of Plant were advertised in the West Australian and Kalgoorlie Miner newspapers on Saturday, 7 January 2006 and closed at 4.00 pm on Friday, 27 January 2006.

Tenders were opened in the Chief Executive Officer's office at 7.50 am on Tuesday, 31 January 2006 in the presence of:

Mr Keith Purchase	Councillor
Mr Peter Crawford	Chief Executive Officer
Mr Brad Pepper	Works Supervisor

and in the following order:

LR Archibald and Co  
G&G Contractors  
Paupiyala Tjarutja Aboriginal Corporation

Below is a summary of the tenders received.

<b>COMPANY</b>	<b>Price for Grader Hire</b>	<b>Price for Loader Hire</b>	<b>Price for Side Tipper Hire</b>
LR Archibald & Co	\$141.00 /hr *** Cat 140G	\$111.00 /hr *** Cat IT28	\$136.00 /hr ***
LR Archibald & Co		\$134.00 /hr *** Cat 970F	
G&G Contractors	\$135.00 /hr *** Cat 140H	\$95.00 /hr *** Case 2000	\$110.00 /hr ***
Paupiyala Tjarutja Aboriginal Corporation	\$115.00 /hr Cat 140H	\$105.00 /hr Cat 966C	\$105.00 /hr

\*\*\* denotes that GST must be added on to these rates.

All tenders generally complied with the specifications to the extent that they all qualify for consideration.

It will be recommended that the tender be awarded to the Paupiyala Tjarutja Aboriginal Corporation for a number of reasons. Firstly, their pricing is well below the other tenders, they are situated in the region and are more familiar with the country where the work will take place and have an intimate knowledge of the Aboriginal Heritage issues related to work on roads.

**CONSULTATION:** None

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions and Section 3.57 relating to tenders.

**POLICY IMPLICATIONS:** N/A

**FINANCIAL IMPLICATIONS:** Provided for in the current Budget.

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.11**

MOVED Cr I Tucker

SECONDED Cr A Kelly

That Council Resolve the following;

- (iii) To ratify the action in calling Tender MN 131 – Hire of Plant
- (iv) To award Tender MN 131 – Hire of Plant to the Paupiyala Tjarutja Aboriginal Corporation for the following prices:
  - (a) Hire of Grader at \$115.00 per hour
  - (b) Hire of Loader at \$105.00 per hour
  - (c) Hire of Side Tipper at \$105.00 per hour

CARRIED 6/0

*CEO left the room at 12.01pm to check a typing error and returned at 12.02pm.*

## **11. CHIEF EXECUTIVE OFFICER'S REPORT CONT.**

### **11.12 Annual Donation to Leonora Golden Gift**

**SUBMISSION TO:** Ordinary Meeting of Council Friday,  
17 February 2006

**LOCATION:** Leonora

**APPLICANT:** N/A

**FILE REF:** 107

**DISCLOSURE OF INTEREST:** None

**DATE:** 6 February 2006

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

#### **SUMMARY:**

This Item is to request Council to consider the annual donation to the Leonora Shire towards the running of the Leonora Golden Gift foot race.

#### **BACKGROUND:**

Each year, Council makes a donation towards the running of the Leonora Golden Gift, a foot race within the Leonora townsite (See attached letter from the Leonora Shire).

The amount of donation has been reduced from \$250.00 in 2003 to \$175 in 2005.

**COMMENT:**

The donation from the Shire of Menzies towards this event in a neighbouring Shire is indicative of the harmonious relationship that we enjoy with Leonora. It is recommended that Council continue to support the event by again making the annual donation.

**CONSULTATION:**

N/A

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

**POLICY IMPLICATIONS:** None.

**FINANCIAL IMPLICATIONS:** Provided for in the current budget.

**VOTING REQUIREMENTS:** Simple Majority required

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.12</b>
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That Council Resolve to make a donation of \$\_\_\_\_\_ to the Leonora Shire towards the running of the 2006 Leonora Golden Gift foot race.

<b>COUNCIL DECISION</b>
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<b>ITEM 11.12</b>
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MOVED Cr I Tucker

SECONDED Cr A Kelly

Council Resolved to make a donation of \$250.00 to the Leonora Shire towards the running of the 2006 Leonora Golden Gift foot race.

CARRIED 6/0

**12. REPORTS:**

**12.1 REPORTS FROM COUNCILLORS:**

Cr Kelly

A tree is dying and falling down near the causeway south of Menzies townsite.

Remove coming events signs.

Reset the town clock.

Cr I Tucker

Request for weeds to be sprayed. CEO provided an update on this issue.

Expressed a need to have cat removal traps available for the public.

Cr P Kennedy

Old butcher shop has holes in the front of the building. CEO to provide further info on this matter

Cr Dwyer

Advised that Kookynie does not have a Community meeting place. A building was available and that the community has some funds and would erect the building if the Shire could provide a block of land. The CEO will submit an Agenda Item for the next Meeting.

Cr McGregor

The causeway on the Mt Remarkable Rd is in need of upgrading. The CEO to provide some information to the next Meeting with a view to including the matter in the next Roadworks Program in 2006/2007.

An increasing number of wild dogs in the region, the CEO to write to the Minister expressing concern regarding this matter and that not enough is being done to control the number of wild dogs. Serious concern regarding the potential for a dangerous situation that could arise.

**1240 hrs President adjourned the Meeting for lunch**

**1315 hrs. President reconvened the Meeting**

## **12.2 CHIEF EXECUTIVE OFFICER'S SUPPLEMENTARY REPORT**

Items discussed were

- Lake Ballard Advisory Group, DPI draft licence to be perused by the President and CEO and signed
- Elected Members Development Programme – request for feed back from Councillors
- Request for donation \$100.00 towards the RFDS
- Goldfields Pest Control – weed control on the Menzies-Evanston Rd
- WALGA, health regs to be drafted to prevent private contractors negotiating direct with the residents regarding the removal of rubbish
- Cooks Tours advert
- GQDT MOU to be signed
- PAP – Agenda Item for next Meeting
- Ward representation – Local Government Advisory Board has given Council an extension until 30 September 2006
- Russells resignation – staff review of positions
- LG week – Banners in the Terrace to be entered again by the Menzies school
- Lady Shenton and Goongarrie cottages upgrade to commence on 16 March 2006
- Telstra Pack – Council to become a signatory
- Street scape ideas to be forwarded to the CEO
- Budget review – Agenda Item for next Meeting
- Water Corporation – CEO to write to them expressing concern regarding the delay in the installation of the new water plant
- Town entry statement – progress report
- Walk trail meeting in Kookynie – update of progress

## **13 NEW BUSINESS OF AN URGENT NATURE**

### **13.1 MEMBERS**

Nil

### **13.2 OFFICERS**

Nil

## **14. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS**

Nil

**15. NEXT MEETING**

The next Ordinary Council Meeting is scheduled for Friday 17 March 2006 at the Council Chambers, Menzies, commencing at 9.00 am

**16. CLOSURE**

There being no further business to discuss, the Shire President declared the Meeting closed at 2.00 pm

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 17 March 2006

UNCONFIRMED

**SHIRE PRESIDENT.....**