



**MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY**

21 December 2016

SHIRE OF MINGENEW



Contents

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	4
2.0	ATTENDANCE	4
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.0	PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	4
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.0	DECLARATIONS OF INTEREST	4
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES	5
7.1	ORDINARY MEETING HELD 16 November 2016.	5
7.2	EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 25 November 2016.	5
7.3	INDEPENDENT LIVING UNITS WORKING GROUP COMMITTEE MEETING HELD 9 December 2016.	5
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	5
9.0	OFFICERS REPORTS	6
9.1	CHIEF EXECUTIVE OFFICER	6
9.1.1	COMMON SEAL	6
9.1.2	REVIEW OF RISK MANAGEMENT GOVERNANCE FRAMEWORK	9
9.1.3	REVIEW OF INTERNAL CONTROLS	12
9.1.4	RAV NETWORK – MIDLANDS ROAD.....	15
9.2	FINANCE	17
9.2.1	FINANCIAL STATEMENTS FOR PERIOD ENDING 30 November 2016	17
9.2.2	ACCOUNTS FOR PAYMENT – MONTH ENDING 30 November 2016	20
9.2.3	2015/16 ANNUAL REPORT	22
9.2.4	ANNUAL ELECTORS MEETING	25
9.3	ADMINISTRATION	27
9.3.1	COUNCIL MEETING DATES FOR 2017	27
9.3.2	FREEDOM OF INFORMATION ACT 1992 – INFORMATION STATEMENT	30
9.4	TOWN PLANNING	32
10.0	ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	32
11.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	32
11.1	ELECTED MEMBERS	32
11.2	STAFF	32
11.2.1	HIRE OF COMMUNITY BUS	33
11.2.2	MANAGEMENT AUDIT REPORT	37
11.2.3	FEES & CHARGES - HIRE OF COMMUNITY BUS.....	41
11.2.4	COMMUNITY BUS HIRE POLICY.....	49
12.0	CONFIDENTIAL ITEMS	52

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 December 2016

12.1	RANGER & EMERGENCY SERVICES	52
13.0	TIME AND DATE OF NEXT MEETING	53
14.0	CLOSURE	53

SHIRE OF MINGENEW

MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL 21 December 2016 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President, Cr Bagley, declared the meeting open at 4.30pm and welcomed all in attendance.

2.0 ATTENDANCE

MA Bagley	President	Rural Ward
HM Newton	Councillor	Town Ward
GJ Cosgrove	Councillor	Rural Ward
MP Pearce	Councillor	Town Ward
KL Criddle	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward

STAFF

MG Whitely	Chief Executive Officer
NS Jane	Deputy Chief Executive Officer

APOLOGIES

Nil.

LEAVE OF ABSENCE

CR Lucken	Councillor	Town Ward
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3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY MEETING HELD 16 November 2016.

COUNCIL DECISION – ITEM 7.1

Moved Cr Eardley

Seconded Cr Criddle

That the minutes of the ordinary meeting of the Shire of Mingenew held in the Council Chambers on 16th November 2016 be confirmed.

CARRIED: 6/0

7.2 EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 25 November 2016.

COUNCIL DECISION – ITEM 7.2

Moved Cr Newton

Seconded Cr Cosgrove

That the minutes of the Executive Management Committee meeting of the Shire of Mingenew held in the Council Chambers on 25th November 2016 be confirmed.

CARRIED: 6/0

7.3 INDEPENDENT LIVING UNITS WORKING GROUP COMMITTEE MEETING HELD 9 December 2016.

COUNCIL DECISION – ITEM 7.3

Moved Cr Newton

Seconded Cr Eardley

That the minutes of the Independent Living Units Working Group Committee meeting of the Shire of Mingenew held in the Council Chambers on 9th December 2016 be confirmed.

CARRIED: 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 COMMON SEAL

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0396
Date: 7 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report seeks Council endorsement to use the common seal for the transfer of land of Lot 184 Oliver Street and the sale of land at Lot 4 Eleanor Street.

Attachment

Nil

Background

There is currently a property that has rates outstanding by three or more years for which it has not been possible to enter into an acceptable and successful arrangement for the payment of the balance owing. In October 2012 Council resolved to sell by public auction this property, and recover from the proceeds of sale the outstanding balance. The auction was held on 15 February 2014, however there were no bids, and the property was passed in. Subsequently the property was listed with Ray White Dongara. In November 2015 contact was made with the owners' mother who holds Enduring Powering of Attorney for the owner. She advised there is no capacity to pay the debt and has requested that the property be transferred to the shire in settlement of the outstanding rates and charges. At the February 2016 Ordinary Meeting Council in relation to a property that resolved as follows;

OFFICER RECOMMENDATION – ITEM 9.1.1
--

1. That Council pursuant to Section 6.64 of the Local Government Act 1995, proceed to make application for the property, Assessment 353, which has rates in arrears for 3 or more years, to be transferred to the local government, and
2. That, once the property has been transferred to the Shire of Mingenew, Council pursuant to Section 6.12(1)(c) of the Local Government Act 1995, write off all outstanding rates and charges on Assessment 353.

The paperwork for the transfer of land has now been completed and the common seal is required for the document to be executed.

At the November 2016 Ordinary Council Meeting in relation to the sale of land at Lot 4 Ernest Street Council resolved as follows;

COUNCIL DECISION – ITEM 12.1

Moved Cr Cosgrove

Seconded Cr Criddle

That:

1. Council accept the offer from Paul Starick Transport of \$15,000 for the sale of Lot 4 Ernest Street, Mingenew, and
2. The proceeds from the sale are allocated to the Land & Building Reserve for the purchase or future industrial land that become available and/or uses the proceeds to develop Lot 303 Eleanor Street at some stage in the future.

CARRIED 5/0

As such the paperwork for the transfer of land has now been completed and the common seal is required for the document to be executed.

Comment

Section 9.49A of the Local Government Act 1995 requires a document to be executed which contains the common seal to be signed by the President and Chief Executive Officer (or other Senior Employee of which there are none) and to be approved by Council to do so.

Consultation

Nil

Statutory Environment

Section 9.49A of the Local Government Act 1995 states;

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,

each of whom is to sign the document to attest that the common seal was so affixed.

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

[Section 9.49A inserted by No. 17 of 2009 s. 43.]

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.5.1 - Ensure compliance with local, town planning, building and health and all other relevant legislation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1
--

That Council endorse the common seal to be affixed to the following documents;

- 1. The transfer of land of Assessment 353 to the Shire of Mingenew, and**
- 2. The sale of land of Lot 4 Ernest Street, Mingenew to Paul Starick Transport**

COUNCIL DECISION – ITEM 9.1.1

Moved Cr Newton

Seconded Cr Cosgrove

That Council endorse the common seal to be affixed to the following documents;

- 1. The transfer of land of Assessment 353 to the Shire of Mingenew, and**
- 2. The sale of land of Lot 4 Ernest Street, Mingenew to Paul Starick Transport**

9.1.2 REVIEW OF RISK MANAGEMENT GOVERNANCE FRAMEWORK

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0362
Date: 16 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Audit Committee notes and accepts the review of the Shire's Risk Management Governance Framework which incorporates the Risk Management Policy and Risk Management Procedure and recommends adoption of these by Council.

Attachment

- Risk Management Policy
- Risk Management Procedure

Background

The Local Government Audit Regulations 1996 have extended the functions of local government Audit Committees. These functions now include reviewing the Chief Executive Officer's report on the appropriateness and effectiveness of the local government's systems in regard to risk management, internal control and legislative compliance; and reporting the results of the Committee's consideration of that review to the Council.

LGIS Risk Management was engaged to assist in the initial preparation of a Risk Management Governance Framework, Risk Management Policy and Risk Management Procedure. These documents are attached to this report. The documents have been reviewed by the CEO.

The review is required to be carried out on a biennial basis with the deadline for this review being December 2016. The regulation requires that the Audit Committee considers the review prior to consideration by Council.

Comment

The attached Risk Management Policy and Risk Management Procedure have been developed and include a list of identified risks. In the Framework, these identified risks are analysed and the level of risk is determined by the relationship between the likelihood (frequency and probability) and the consequence (impact or magnitude of effect) of the risk occurring.

Local governments are now required to incorporate risk management processes and reviews as part of its operational activities.

Consultation

Nita Jane, Deputy Chief Executive Officer

Statutory Environment

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures
- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
 - (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
 - (3) The CEO is to report to the audit committee the results of that review.
- [Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]*

Policy Implications

Risk Management Policy

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.2 - An open and accountable local government that is respected, professional and trustworthy

Outcome 4.5 - Achieve a high level of compliance

Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other relevant legislation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.2
--

That Council:

1. **Notes and accepts the review of the Shire's Risk Management Governance Framework comprised of the:**
 - **Risk Management Policy and**
 - **Risk Management Procedure,**
2. **And adopts the Policy and Procedure as presented.**

COUNCIL DECISION – ITEM 9.1.2

Moved Cr Cosgrove

Seconded Cr Newton

That Council:

- 1. Notes and accepts the review of the Shire's Risk Management Governance Framework comprised of the:**
 - Risk Management Policy and**
 - Risk Management Procedure,**
- 2. And adopts the Policy and Procedure as presented.**

CARRIED 6/0

9.1.3 REVIEW OF INTERNAL CONTROLS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0362
Date: 16 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Audit Committee notes and accepts the review of the Shire's internal control procedures and recommends adoption of these by Council.

Attachment

- Risk Dashboard Report (Confidential Attachment)
- Local Government Operational Guidelines Number 09 – Audit in Local Government – Appendix 3

Confidential Attachment – in accordance with section 5.23(2)(f) of the Local Government Act 1995 – a matter that if disclosed, could reasonably be expected to –

- (i) ***Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;***
or
- (ii) ***Endanger the security of the local government's property.***

Background

The Local Government Audit Regulations 1996 have extended the functions of local government Audit Committees. These functions now include reviewing the Chief Executive Officer's report on the appropriateness and effectiveness of the local government's systems in regard to risk management, internal control and legislative compliance; and reporting the results of the Committee's consideration of that review to the Council.

The review is required to be carried out on a biennial basis with the deadline for this review being December 2016. The regulation requires that the Audit Committee considers the review prior to consideration by Council.

Comment

The attached Internal Control Environment documentation and identification of Shire internal controls has been developed and includes a list of risk areas.

The following risk areas have been addressed:

- Misconduct
- Business & Community Disruption
- Inadequate Environmental Management
- Errors, omissions and delays
- External theft and fraud (including Cyber Crime)
- Failure of IT &/or communication systems and infrastructure

- Failure to fulfil statutory, regulatory or compliance requirements
- Inadequate safety and security practices
- Providing inaccurate advice/information
- Ineffective employment practices
- Inadequate document management processes
- Inadequate project/change management
- Inadequate engagement practices
- Inadequate supplier/contractor management
- Inadequate asset sustainability practices
- Ineffective management of facilities, venues, events

Consultation

Nita Jane, Deputy Chief Executive Officer

Statutory Environment

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

Policy Implications

Risk Management Policy

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.2 - An open and accountable local government that is respected, professional and trustworthy

Outcome 4.5 - Achieve a high level of compliance

Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other relevant

legislation.

Voting Requirements

Simple Majority

COMMITTEE RECOMMENDATION – ITEM 9.1.3

That Council:

Notes and accepts the review of the Shire's internal control procedures

COUNCIL RESOLUTION – ITEM 9.1.3

Moved Cr Criddle

Seconded Cr Cosgrove

That Council:

Notes and accepts the review of the Shire's internal control procedures

CARRIED 6/0

9.1.4 RAV NETWORK – MIDLANDS ROAD

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0197
Date: 16 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council make a submission to Main Roads pertaining to the section of Midlands Road from Mingenew to Three Springs.

Attachment

Nil

Background

At the November 2016 Concept Forum Cr Cosgrove raised concerns at the suitability of Midlands Road as a RAV 7 approved network road due to the width of the road (Mingenew to Three Springs) the number of bends and the state of the shoulders and hat an approach be made to Main Roads regarding the road and that either improvement works be undertaken, a speed limit on trucks be introduced or the road be removed from the RAV 7 network.

Comment

Following discussions with Mr Bernie Miller at Main Roads I have suggested looking at an 80km/hour speed limit for trucks on the Midlands Road from SLK 22400 (Mill's Property) into Mingenew. As the Midlands Road is owned by Main Roads a local government can make such a request for conditions to be placed on roads not under their jurisdiction. In this instance Council can make a request to reduce the speed limit and Main Roads will carry out an assessment of the request and make a decision based upon their assessment to see if the request made by the local government should be enforced.

In relation to the likelihood of Main Roads widening and/or upgrading the section of Midlands Road between Mingenew and Three Springs this depend largely on the financial capacity of Main Roads to complete such works. Similarly an assessment would be carried out and the proposed widening of this section of road would then need to be prioritised along with other similar works to be carried within the region. There could be opportunities for the Shire to work with Main Roads to obtain State or Federal funding to assist with the proposed works.

Consultation

Bernie Miller, Regional Manager Main Roads Geraldton Office

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 2.5.1 - Maintain and improve road assets

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.4

That Council make a submission to Main Roads

- 1. To make future provision for widening and upgrading the section of Midlands Road from Mingenew to Three Springs**
- 2. Impose a condition on the RAV Network for the Midlands Road for an 80km/hour speed limit for trucks from the existing 80km/hour speed limit east of Mingenew to SLK 22400**

COUNCIL DECISION – ITEM 9.1.4

Moved Cr Pearce

Seconded Cr Criddle

That Council make a submission to Main Roads

- 1. To make future provision for widening and upgrading the section of Midlands Road from Mingenew to Three Springs**
- 2. Impose a condition on the RAV Network for the Midlands Road for an 80km/hour speed limit for trucks from the existing 80km/hour speed limit east of Mingenew to SLK 22400**

CARRIED 6/0

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 November 2016

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0304
Date:	7 th December 2016
Author:	Nita Jane, Deputy CEO
Senior Officer:	Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 November 2016 is presented to Council for adoption.

Attachment

Finance Report for period ending 30 November 2016.

Background

The Monthly Financial Report to 30 November 2016 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

Comment

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	34,445
Business Cash Maximiser (Municipal Funds)	1,936,147
Trust Account	135,443
Reserve Maximiser Account	309,610

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 30 November 2016:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	1,048	60	1,495	3,333	5,936

Rates Outstanding at 30 November 2016 were:

	Current	Arrears	TOTAL
Rates	354,008	29,787	383,795
Rubbish	6,597	2,070	8,667
ESL	4,360	670	5,030
Payment Plan Fees	200	0	200
TOTAL	365,165	32,527	397,692

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2016/ 2017 financial year.

Consultation

Chief Executive Officer
Senior Finance Officer

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

Financial implications are outlined in comments.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.1
--

That the Monthly Statement of Financial Activity for the period 1 July 2016 to 30 November 2016 be received.

COUNCIL DECISION – ITEM 9.2.1

Moved Cr Cosgrove

Seconded Cr Newton

That the Monthly Statement of Financial Activity for the period 1 July 2016 to 30 November 2016 be received.

CARRIED 6/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30 November 2016

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 12 December 2016
Author: Julie Borrett, Senior Finance Officer
Senior Officer: Nita Jane, Deputy CEO

Summary

This report recommends that Council confirm the payment of creditors for the month of November 2016 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

Attachment

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.2

That Council confirm the accounts as presented for November 2016 from the Municipal Fund totalling \$221,240.84 represented by Electronic Funds Transfers of EFT 10364 to EFT10452, Direct Deduction DD7734.1, 2 and 3, DD7862.1, 2 and 3 and Cheque numbers 8103-8109.

COUNCIL DECISION – ITEM 9.2.2

Moved Cr Newton

Seconded Cr Criddle

That Council confirm the accounts as presented for November 2016 from the Municipal Fund totalling \$221,240.84 represented by Electronic Funds Transfers of EFT 10364 to EFT10452, Direct Deduction DD7734.1, 2 and 3, DD7862.1, 2 and 3 and Cheque numbers 8103-8109.

CARRIED 6/0

9.2.3 2015/16 ANNUAL REPORT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
Date:	12 th December 2016
Author:	Nita Jane – Deputy CEO
Senior Officer:	Martin Whitely, Chief Executive Officer

SUMMARY

To consider and accept the Shire of Mingenew Annual Report (Incorporating the Annual Financial Report) for the year ending 30 June 2016.

ATTACHMENT

- 2015/2016 Annual Report.
- Butler Settineri Report

BACKGROUND

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each financial year by 31 December after that financial year.

The Annual Report highlights the Shire of Mingenew achievements from the Strategic Community Plan in the 2015/2016 Financial Year.

COMMENT

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is enclosed with the agenda papers for Councillors' perusal, consideration and acceptance.

Council's Auditors, Butler Settineri, have completed an audit of Council's financial records and have forwarded an audit report to the Shire President as well as a management letter.

The audit report is included in the annual report with no matter, in the opinion of the auditors, to indicate significant adverse trends in the financial position or the financial management practices of the Shire and no other matters indicating non-compliance with Part 6 of the Local Government Act 1995, Local Government (Financial Management) Regulations 1996.

Once the Annual Report has been accepted, Council is required to give local public notice of the availability of the Annual Report as soon as practicable.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995, sections 5.53 provides that the Annual Report is to contain the following:

- A report from the Shire President
- A report from the Chief Executive Officer
- An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year
- The financial report for the financial year
- Such information as may be prescribed in relation to the payments made to employees

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 December 2016

- The auditor's report for the financial year
- A matter on which a report must be made under section 29(2) of the Disability Services Act 1993
- Details of entries made under section 5.121 during the financial year in the register of complaints, including –
 - The number of complaints recorded in the register of complaints; and
 - How the recorded complaints were dealt with; and
 - Any other details that the regulations may require;
 - And
- Such other information as may be prescribed.

The Local Government Act 1995 Section 7.2 provides:

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.

The Local Government Act 1995 Section 7.12A provides:

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to –
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to –
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,
By the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no financial or budget implications.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COMMITTEE RECOMMENDATION – ITEM 9.2.3

1. That Council endorse the Audit Findings Report from Butler Settineri for the year ending 30 June 2016 noting that no further reporting to Council is required in relation to the findings in the report, and
2. That Council accepts the 2015/16 Annual Report complete with the 2015/16 Annual Financial Statements for the period ending 30 June 2016 with the following amendments:
 - a. Page 7 – Correct spelling of Land and Buildings
 - b. Page 8 – Correct grammar to “I would like to acknowledge”

COUNCIL DECISION – ITEM 9.2.3

Moved Cr Cosgrove

Seconded Cr Pearce

1. That Council endorse the Audit Findings Report from Butler Settineri for the year ending 30 June 2016 noting that no further reporting to Council is required in relation to the findings in the report, and
2. That Council accepts the 2015/16 Annual Report complete with the 2015/16 Annual Financial Statements for the period ending 30 June 2016 with the following amendments:
 - c. Page 7 – Correct spelling of Land and Buildings
 - d. Page 8 – Correct grammar to “I would like to acknowledge”

CARRIED 6/0

9.2.4 ANNUAL ELECTORS MEETING

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
Date:	12 th December 2016
Author:	Nita Jane – Deputy CEO
Senior Officer:	Martin Whitely, Chief Executive Officer

SUMMARY

This report recommends that Council set a date to hold the Annual General Meeting of Electors.

ATTACHMENT

Nil

BACKGROUND

The Annual Report has been prepared and is circulated with this Agenda (attachment to Item 9.2.3). Council is required to conduct its Annual General Meeting of Electors within 56 days of the adoption of the Annual Report.

COMMENT

Councils Ordinary Meeting in February 2017 has been scheduled for Wednesday 15th at 4.30pm. It is expected that there will be sufficient time to finish the meeting in time to conduct the Annual General Meeting of Electors at 6.00pm. This is exactly 56 days from this meeting which has adopted the Annual Report. The Annual Report must be adopted by Council by 31 December following the end of the financial year.

CONSULTATION

CEO

STATUTORY ENVIRONMENT

Local Government Act 1995, sections 5.27 – Electors General Meeting

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial or budget implications.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.4

That Council hold the Annual General Meeting of Electors on Wednesday 15th February 2017 at 6.00pm in the Council Chambers and the required Public Notice be given of this meeting.

COUNCIL DECISION – ITEM 9.2.4

Moved Cr Newton

Seconded Cr Cosgrove

That Council hold the Annual General Meeting of Electors on Wednesday 15th February 2017 at 6.00pm in the Council Chambers and the required Public Notice be given of this meeting.

CARRIED 6/0

9.3 ADMINISTRATION

9.3.1 COUNCIL MEETING DATES FOR 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0
Disclosure of Interest: Nil
Date: 7 December 2016
Author: Nita Jane, Deputy CEO
Senior Officer: Martin Whitely, CEO

Summary

Council is requested to formally agree to the Council meeting dates for 2017 as outlined below.

Attachment

Nil

Background

Council has an obligation under the Local Government Act 1995 and associated regulations to advertise at least once a year the proposed meeting dates, times and place for the coming year.

There is the ability to change the date and/or time of a meeting if required and also the ability to call a Special Council meeting if required. These changes are to be advertised if time permits.

The Shire of Mingenew has traditionally met on the third Wednesday of the month. The ordinary council meetings have commenced at 4.30pm in the Council Chambers, Victoria Street, Mingenew.

Council does not usually hold a meeting in January but has the option of calling a meeting if required.

Comment

The meeting dates proposed for 2017 are as follows:

January 2017	No meeting
15 February 2017	
15 March 2017	
19 April 2017	
17 May 2017	
21 June 2017	
19 July 2017	
23 August 2017	
20 September 2017	
18 October 2017	
15 November 2017	
20 December 2017	

The Easter public holidays for 2017 are Friday 14 April and Monday 17 April 2017.

Mingenew Expo is scheduled for 16th & 17th August, therefore the August meeting date is one week later.

Consultation

Martin Whitely - CEO

Statutory Environment

Local Government Act 1996, Section 5.25(1)g

Local Government (Administration) Regulations 1996, Sections 12(1)

Policy Implications

Nil

Financial Implications

Advertising costs are included in the annual operational budget

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.1
--

That Council set the 2017 Council meeting dates as:

January 2017	No meeting
15 February 2017	
15 March 2017	
19 April 2017	
17 May 2017	
21 June 2017	
19 July 2017	
23 August 2017	
20 September 2017	
18 October 2017	
15 November 2017	
20 December 2017	

To be held at 4.30pm in Council Chambers, Victoria Street, Mingenew; and

That local public notice of these Meeting Dates be given.

COUNCIL DECISION – ITEM 9.3.1

Moved Cr Newton

Seconded Cr Pearce

That Council set the 2017 Council meeting dates as:

January 2017	No meeting
15 February 2017	
15 March 2017	
19 April 2017	
17 May 2017	
21 June 2017	
19 July 2017	
23 August 2017	
20 September 2017	
18 October 2017	
15 November 2017	
20 December 2017	

To be held at 4.30pm in Council Chambers, Victoria Street, Mingenew; and

That local public notice of these Meeting Dates be given.

CARRIED 6/0

9.3.2 FREEDOM OF INFORMATION ACT 1992 – INFORMATION STATEMENT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0303
Date:	25 November 2016
Author:	Nita Jane, Deputy CEO
Senior Officer:	Martin Whitely, Chief Executive Officer

SUMMARY

This report includes a copy of the revised Shire of Mingenew Information Statement (IS) and recommends that Council review and endorse the Information Statement as amended.

ATTACHMENT

Revised Shire of Mingenew Information Statement

BACKGROUND

Part 5 of the *Freedom of Information Act 1992 (WA)* (**the FOI Act**) requires each agency to prepare and publish an information statement within 12 months after the commencement of the FOI Act, and to update the statement at intervals of not more than 12 months (sections 96 and 97 of the FOI Act).

Further, the Act requires that all Local Governments have an information statement made available for inspection and/or purchase by members of the public.

COMMENT

Information Statements are an important part of FOI legislation. They assist members of the public to exercise their rights under the FOI Act, by describing the information and records available, together with a summary of the responsibilities and functions carried out by each agency.

The Information Statement can be published electronically on Council's website, as a stand-alone hard copy or incorporated into Council's Annual Report or a combination of all the options. A copy of the Information Statement must also be provided to the Information Commissioner when first produced and when any amendments are made.

CONSULTATION

Alison McCubbin, Senior Advisory Officer, Office of the Information Commissioner

STATUTORY ENVIRONMENT

Freedom of Information Act, 1992

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are costs associated with producing copies of the Information Statement, however the FOI Act allows Council to charge members of the public for a copy of the Information Statement and other documents that may be requested.

STRATEGIC IMPLICATIONS

The Shire of Mingenew Community Strategic Plan supports the notion of open and accountable government.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council

1. Review and endorse the amended Freedom of Information – Information Statement, and
2. Provide a copy of the amended Information Statement to the Information Commissioner.

COUNCIL DECISION – ITEM 9.3.2

Moved Cr Newton

Seconded Cr Eardley

That Council

1. Review and endorse the amended Freedom of Information – Information Statement, and
2. Provide a copy of the amended Information Statement to the Information Commissioner.

CARRIED 6/0

9.4 TOWN PLANNING

Nil

10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

11.1 ELECTED MEMBERS

11.2 STAFF

11.2.1 HIRE OF COMMUNITY BUS

Location/Address: Shire of Morawa
Name of Applicant: Mrs Nadine Pullbrook
Disclosure of Interest: Nil
File Reference: ADM0424
Date: 20 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council consider a request from Mrs Nadine Pullbrook to hire the community bus at a discounted rate to the schedule of fees and charges.

Attachment

Nil

Background

A verbal request has been received from Mrs Nadine Pullbrook for a discounted rate to use the community bus to take the North Midlands team to Junior Country Week. Junior Country Weeks runs from Monday 2 January 2017 to Friday 6 January 2017. Mrs Pullbrook would like to pick up the community bus on the Sunday prior to country week, so in total the request is for 6 days. Mrs Pullbrook has indicated that an amount of \$350 has been allocated for bus hire. Fuel for the bus has been budgeted separately.

Comment

The current Fees & Charges are as follows for the hire of the community bus;

Category 1 – Mingenew Primary School & Seniors

Daily Hire Fee (Includes Unlimited Km's) - Within Midwest	\$77.00
Daily Hire Fee (Includes Unlimited Km's) - Outside Midwest	\$145.00
Hourly Hire Fee (Included Unlimited Km's)	N/A
Per Kilometre Fee	\$0.73

Category 1 hire charges either per Km rate or daily rate whichever the greater.

Category 2 - Community & Sporting Groups and Ratepayers, Mingenew Based Business / Commercial Enterprises

Daily Hire Fee (Includes Unlimited Km's) - Within Midwest	\$83.00
Daily Hire Fee (Includes Unlimited Km's) - Outside Midwest	\$155.00
Hourly Hire Fee (Included Unlimited Km's)	N/A
Per Kilometre Fee	\$1.55

Category 2 hire charges either per Km rate or daily rate whichever the greater.

Category 3 - Business/Commercial & Private Groups

Daily Hire Fee	\$207.00
Per Kilometre Fee	\$2.10

Bonds - All Categories

Vehicle Hire	\$400.00
Cleaning	Nil

Any cleaning required will be charged at \$55 per hour and deducted from the bond.

There are some anomalies with the current Schedule of Fees & Charges and the Council Policy which need to be resolved, however putting that aside, if Council consider the request as Category 2 for a community sporting club the daily rate of hire will be \$155 a day since the bus will be taken outside of the Mid West region as Junior Country Week is held in Perth. If bus hire is only charged for the 5 days which is not including the day that it will be picked up then the fee charged will be 5 x \$155 = \$775.

I appreciate that the community bus will be used for benefit of a wider community than Mingenew as currently there are only 3 juniors from Mingenew represented at Country Week, however I am also mindful of the need to try and reduce costs to encourage juniors to participate at such events. As such I am not opposed to the request for a discounted rate, rather the only real concern that I have is that providing a discount may be setting a precedent for other community groups who may want to use the community bus for similar senior events.

In saying that, my recommendation to Council is that a 50% discount be offered on the usual Category 2 daily rate as a one off request due to the nature of the request benefitting and encouraging junior sport within the region.

Consultation

Mrs Nadine Pullbrook
Mrs Michelle Bagley, President

Statutory Environment

Nil

Policy Implications

Policy 2012 – Community Bus Hire Policy

BUS BOOKINGS

There are three categories of groups requesting to hire the Shire Community Bus;

- Category 1 – Mingenew Primary School and Seniors
- Category 2 – Community and Sports Groups
- Category 3 – Business/Commercial and Private Groups

When booking the bus each category is required to complete the relevant booking form and nominate a driver who has been authorized by the Shire of Mingenew.

A bond is applicable to all bus hire categories; this bond is to be made up of the following:

- A bus hire bond to the value of the vehicles insurance excess; and
- A cleaning bond of \$60

Note: Council has a list of endorsed drivers, if a hire group wishes to use its own driver, that driver must obtain endorsement from Council prior to the hire event.

CATEGORY 1 MINGENEW PRIMARY SCHOOL & SENIORS

Mingenew Primary School and Mingenew Autumn group are two of the most regular bus users; the fee for this category is to be included in the Schedule of Fees & Charges and reviewed annually but is not to exceed 50% of the Category 3 daily hire rate, with no fee for kilometres travelled.

As regular users, the bond amount is payable once and will be held in a trust account by Council. On each return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. Any cleaning/repair costs will be deducted from the bond and the hirer will be advised.

The Community Bus must be returned with a full fuel tank; however, with the prior approval of the Chief Executive Officer, this requirement may be waived.

CATEGORY 2 COMMUNITY and SPORTS GROUPS

For Community and Sports Groups located within the Shire of Mingenew the hire fee is to be included in the Schedule of Fees and Charges and reviewed annually but is not to exceed 50% of the Category 3 daily hire rate for usage within the Midwest Region, or 100% of the Category 3 daily hire rate for usage outside the Midwest Region. The charge for kilometres travelled is not to exceed 50% of the Category 3 cents per kilometre.

As regular users, the bond amount can be payable once and will be held in a trust account by Council or to pay the bond before the bus is collected, on each return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. When all conditions have been met, the hire form will be signed off and if all is clean and no damage, the bond can be refunded less the kilometres used charge or if the bond is being retained by Council in Trust, then payment of the kilometre used charge must be received in full.

Note: By prior agreement with the Shire, an invoice can be issued for the daily hire fee and kilometres travelled charge.

The Community Bus must be returned with a full fuel tank; however, with the prior approval of the Chief Executive Officer, this requirement may be waived.

CATEGORY 3 BUSINESS/COMMERCIAL, PRIVATE GROUPS

(Hire to users in this category is at the discretion of the Shire's Chief Executive Officer)

Category 3 covers individuals or any group not covered by Categories 1 or 2; charges for this category, including a per kilometre charge are to be included in the Schedule of Fees & Charges and reviewed annually. The Community Bus must be returned with a full fuel tank.

There is also a requirement for the hirer to pay the bond before the bus is collected, on return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be

recorded. When all hire conditions have been met, the hire form will be signed off and if all is clean and no damage, the bond will be refunded less the kilometres used charge and the cost for fuel, if the bus has not been refuelled prior to return.

Policy Adopted – 16 May 2012 (Resolution 120502)

Financial Implications

If the recommendation is passed Council will have forgone \$387.50 in user charges had the bus been hire out at the rate as tabled in the Schedule of Fees & Charges. There are funds allocated in the budget to support community groups and organisations.

Strategic Implications

Community Strategic Plan

Outcome 3.2.5 – Investigate and encourage youth facilities and services

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 11.2.1

That Council approves the request from Mrs Nadine Pullbrook for a discounted rate on the community bus as follows;

- 1. The request for a discount is a one off request and has been approved on the basis that the reduced rate is for the betterment of junior sport in the region, and**
- 2. The discount applied is 50% of the normal Category 2 daily rate which totals \$387.50 for the 5 day period from Monday 2 January 2017 – Friday 6 January 2017 inclusive, and**
- 3. All other normal bus hire conditions still apply**

COUNCIL DECISION – ITEM 11.2.1

Moved Cr Cosgrove

Seconded Cr Criddle

That Council approves the request from Mrs Nadine Pullbrook for a discounted rate on the community bus as follows;

- 1. The request for a discount is a one off request and has been approved on the basis that the reduced rate is for the betterment of junior sport in the region, and**
- 2. The discount applied is 50% of the normal Category 2 daily rate which totals \$387.50 for the 5 day period from Monday 2 January 2017 – Friday 6 January 2017 inclusive, and**
- 3. All other normal bus hire conditions still apply**

CARRIED 6/0

11.2.2 MANAGEMENT AUDIT REPORT

Location/Address: Shire of Mingenew
Name of Applicant: Butler Settineri
Disclosure of Interest: Nil
File Reference: ADM0081
Date: 20 December 2016
Author: Nita Jane, Deputy CEO
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Audit Committee notes and receives the Management Audit Report prepared by Butler Settineri in relation to the 2015/16 year.

Attachment

- Audit Management Report

Background

The appointed auditors for the Shire are Butler Settineri. The audit process for the 2015/16 has been completed and Butler Settineri have issued a Management Report along with their Audit Report. The Audit Report is included in the Annual Financial Report however the Management Report is for the information of Council and Management.

Comment

The Audit Management Report in relation to the 2015/16 financial year has raised two matters:

1. Separation of duties

We appreciate that due to the nature and size of the Shire, management oversees all the functions within the Shire. However there is an inherent risk of a lack of segregation of duties within the general financial administrative process and we recommend that this should be continually considered by Council and management in designing compensating controls.

2. Financial ratios

Note 18 of the financial report sets out various financial ratios. We note that the asset sustainability and operating surplus ratios do not meet the benchmarks set by the Department of Local Government.

Management comment on these matters:

1. Separation of duties

It is acknowledged that there is reduced segregation of duties however as suggested in their report, it is difficult to achieve high levels of segregation in a small team. Continual improvement will be sought where possible through changes to duties and where this is not possible, improved control measures will be implemented.

2. Financial Ratios

The department benchmarks for the ratios compared to the Shire of Mingenew ratios are shown below:

RATIO	Target	2016	2015
Current Ratio	>1.00	1.07	0.75
Debt Service Cover Ratio	>2.00	3.40	5.33
Own Source Revenue Coverage Ratio	>40%	57%	57%
Operating Surplus Ratio	>1%	(60%)	(32%)
Asset Consumption Ratio	>50%	50%	51%
Asset Sustainability Ratio	90-110%	49%	110%
Asset Renewal Funding Ratio	75-95%	95%	92%

In the coming months Council, the community and management will be focusing closely on the Strategic Planning of the Shire. This process will include the Long Term Financial Plan and Asset Management Plan, where it will be necessary to pay particular attention to establishing strategies for improving these ratios whilst continuing to deliver services to our community.

The Asset Sustainability Ratio is calculated:

$$\frac{\text{Capital Renewal and Replacement Expenditure}}{\text{Depreciation Expense}}$$

There are two underlying reasons for the decrease in the Asset Sustainability Ratio from 2015 (110%) to 2016 (49%). Firstly, the depreciation expense has increased from \$1,816,963 to \$2,370,889 and secondly the Capital Expenditure reduced from \$2,043,020 to \$1,335,176. The additional capital expenditure in 2015 was funded with additional grant funding received in that year.

Consultation

Marius Van Der Merwe, Director, Butler Settineri
Martin Whitely, CEO

Statutory Environment

Local Government (Audit) Regulations 1996

10. Report by auditor

- (1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.
- (2) The report is to give the auditor's opinion on —
 - (a) the financial position of the local government; and
 - (b) the results of the operations of the local government.
- (3) The report is to include —

- (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and
 - (b) any matters indicating non-compliance with Part 6 of the Act, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls in any other written law; and
 - (c) details of whether information and explanations were obtained by the auditor; and
 - (d) a report on the conduct of the audit; and
 - (e) the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —
 - (i) the asset consumption ratio; and
 - (ii) the asset renewal funding ratio.
- (4A) In subregulation (3)(e) —
- asset consumption ratio*** has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 50(2);
- asset renewal funding ratio*** has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 50(2).
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.
- [Regulation 10 amended in Gazette 21 Jun 2013 p. 2449-50.]

Policy Implications

Nil

Financial Implications

Financial Ratios

Strategic Implications

Community Strategic Plan

Outcome 4.2 - An open and accountable local government that is respected, professional and trustworthy

Outcome 4.5 - Achieve a high level of compliance

Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other relevant legislation.

Voting Requirements

Simple Majority

COMMITTEE RECOMMENDATION – ITEM 11.2.2

That Council:

- 1. Notes and receives the Management Audit Report prepared by Butler Settineri in relation to the 2015/16 financial year;**
- 2. As part of the Strategic Planning process develop and establish strategies to improve the ratios in line with the targets.**

COUNCIL DECISION – ITEM 11.2.2

Moved Cr Pearce

Seconded Cr Criddle

That Council:

- 1. Notes and receives the Management Audit Report prepared by Butler Settineri in relation to the 2015/16 financial year;**
- 2. As part of the Strategic Planning process develop and establish strategies to improve the ratios in line with the targets.**

CARRIED 6/0

11.2.3 FEES & CHARGES - HIRE OF COMMUNITY BUS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0424
Date: 21 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council amend the current Schedule of Fees & Charges to reflect the current Shire policy and proposed changes to the Shire policy for the hire of the Community Bus.

Attachment

Nil

Background

Every financial year the Schedule of Fees & Charges is adopted with the annual budget. The Fees & Charges that have been endorsed by Council for the hire of community bus do not reflect the Shire's policy no. 2012 for the Hire of the Community Bus.

Comment

The current Fees & Charges are shown in black as follows for the hire of the community bus and I have provided comments in red for each category. ;

Category 1 – Mingenew Primary School & Seniors

Daily Hire Fee (Includes Unlimited Km's) - Within Midwest	\$77.00
Daily Hire Fee (Includes Unlimited Km's) - Outside Midwest	\$145.00
Hourly Hire Fee (Included Unlimited Km's)	N/A
Per Kilometre Fee	\$0.73

Category 1 hire charges either per Km rate or daily rate whichever the greater.

Council's policy states that there is to be no per kilometre fee, however I think that the policy could be reworded and the daily rates changed so that there is only one daily rate but a per kilometre fee would be charged when in excess of 250km's is travelled. This would allow any groups return travel to Geraldton, Dongara, Morawa, Perenjori, Three Springs, Coorow and Carnamah to pay only the daily rate with only more substantial trips (ie. Kalbarri in the Mid West or Perth outside of the Mid West) being charged a per kilometre fee. The fees & charges for Category 1 would then be tabled as such;

Category 1 – Mingenew Primary School & Seniors

Daily Hire Fee	\$77.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$0.73

Category 2 - Community & Sporting Groups and Ratepayers, Mingenew Based Business / Commercial Enterprises

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 December 2016

Daily Hire Fee (Includes Unlimited Km's) - Within Midwest	\$83.00
Daily Hire Fee (Includes Unlimited Km's) - Outside Midwest	\$155.00
Hourly Hire Fee (Included Unlimited Km's)	N/A
Per Kilometre Fee	\$1.55

Category 2 hire charges either per Km rate or daily rate whichever the greater.

Council's policy states that the daily rate charged is not to not exceed 50% of the Category 3 daily rate. This criteria is currently met. The policy also states that the per kilometre fee is not to exceed 50% of the Category 3 rate. This criteria is not currently being met so I have suggested that the Category 3 per kilometre rate be left at \$2.10 and the Category 2 per kilometre rate be reduced to \$1.05 km.

Similarly, as with Category 1, I think that the policy could be reworded and the daily rates changed so that there is only one daily rate but a per kilometre fee would be charged when in excess of 250km's is travelled. The fees & charges for Category 2 would then be tabled as such;

Category 2 – Community & Sporting Groups and Ratepayers, Mingenew Based Business / Commercial Enterprises

Daily Hire Fee	\$83.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$1.05

Category 3 - Business/Commercial & Private Groups

Daily Hire Fee	\$207.00
Per Kilometre Fee	\$2.10

Category 3 could be left as it is but for consistency I am suggesting that the policy could be reworded and the daily rates changed so that there is only one daily rate but a per kilometre fee would be charged when in excess of 250km's is travelled. The other thing to keep in mind is that the community bus is rarely hired out under Category 3. The fees & charges for Category 3 would then be tabled as such;

Category 3 - Business/Commercial & Private Groups

Daily Hire Fee	\$207.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$2.10

Bonds - All Categories

Vehicle Hire	\$400.00
Cleaning	Nil

Any cleaning required will be charged at \$55 per hour and deducted from the bond.

There is also a cleaning bond of \$60 mentioned in the policy. My suggestion is that this be increased to \$100, which combined with the Shire's current excess of \$300 for our Motor Vehicle Policy, will make the bond \$400 which is currently the bond amount being charged. The cleaning charge will also be amended to \$65 an hour to reflect the adopted Fees & Charges for Plant and Labour hire. The fees & charges for the bonds would then be as follows;

Bonds - All Categories

Vehicle Hire	\$300.00
Cleaning	\$100.00

Any cleaning required will be charged at \$65 per hour and deducted from the bond.

Consultation

Nita Jane, Deputy Chief Executive Officer

Statutory Environment

Local Government Act 1995 states

6.16. Imposition of fees and charges

- (1) A local government may impose* 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.

** Absolute majority required.*

- (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, authorisation 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* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (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; and
 - (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 higher 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; or
 - (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.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

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.

Policy Implications

Policy 2012 – Community Bus Hire Policy

BUS BOOKINGS

There are three categories of groups requesting to hire the Shire Community Bus;

- Category 1 – Mingenew Primary School and Seniors
- Category 2 – Community and Sports Groups
- Category 3 – Business/Commercial and Private Groups

When booking the bus each category is required to complete the relevant booking form and nominate a driver who has been authorized by the Shire of Mingenew.

A bond is applicable to all bus hire categories; this bond is to be made up of the following:

- A bus hire bond to the value of the vehicles insurance excess; and
- A cleaning bond of \$60

Note: Council has a list of endorsed drivers, if a hire group wishes to use its own driver, that driver must obtain endorsement from Council prior to the hire event.

CATEGORY 1

MINGENEW PRIMARY SCHOOL & SENIORS

Mingenew Primary School and Mingenew Autumn group are two of the most regular bus users; the fee for this category is to be included in the Schedule of Fees & Charges and reviewed

annually but is not to exceed 50% of the Category 3 daily hire rate, with no fee for kilometres travelled.

As regular users, the bond amount is payable once and will be held in a trust account by Council. On each return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. Any cleaning/repair costs will be deducted from the bond and the hirer will be advised.

The Community Bus must be returned with a full fuel tank; however, with the prior approval of the Chief Executive Officer, this requirement may be waived.

CATEGORY 2 COMMUNITY and SPORTS GROUPS

For Community and Sports Groups located within the Shire of Mingenew the hire fee is to be included in the Schedule of Fees and Charges and reviewed annually but is not to exceed 50% of the Category 3 daily hire rate for usage within the Midwest Region, or 100% of the Category 3 daily hire rate for usage outside the Midwest Region. The charge for kilometres travelled is not to exceed 50% of the Category 3 cents per kilometre.

As regular users, the bond amount can be payable once and will be held in a trust account by Council or to pay the bond before the bus is collected, on each return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. When all conditions have been met, the hire form will be signed off and if all is clean and no damage, the bond can be refunded less the kilometres used charge or if the bond is being retained by Council in Trust, then payment of the kilometre used charge must be received in full.

Note: By prior agreement with the Shire, an invoice can be issued for the daily hire fee and kilometres travelled charge.

The Community Bus must be returned with a full fuel tank; however, with the prior approval of the Chief Executive Officer, this requirement may be waived.

CATEGORY 3 BUSINESS/COMMERCIAL, PRIVATE GROUPS

(Hire to users in this category is at the discretion of the Shire's Chief Executive Officer)

Category 3 covers individuals or any group not covered by Categories 1 or 2; charges for this category, including a per kilometre charge are to be included in the Schedule of Fees & Charges and reviewed annually. The Community Bus must be returned with a full fuel tank.

There is also a requirement for the hirer to pay the bond before the bus is collected, on return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. When all hire conditions have been met, the hire form will be signed off and if all is clean and no damage, the bond will be refunded less the kilometres used charge and the cost for fuel, if the bus has not been refuelled prior to return.

Policy Adopted – 16 May 2012 (Resolution 120502)

Financial Implications

The proposed amendments with the Community Bus fees & charges will have some impact on the budgeted revenue for the 2016/17 financial year however this amount will be negligible.

Strategic Implications

Community Strategic Plan

Outcome 4.5.2 – Maintain, review and ensure relevance of Council policies and local laws.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 11.2.3

That Council;

4. Gives local public notice of the proposed change in fees for the hire of the community bus under s6.19 of the Local Government Act 1995, and
5. The revised fees and charges for the hire of the community bus be as follows;

Category 1 – Mingenew Primary School & Seniors

Daily Hire Fee	\$77.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$0.73

Category 2 – Community & Sporting Groups and Ratepayers, Mingenew Based Business / Commercial Enterprises

Daily Hire Fee	\$83.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$1.05

Category 3 - Business/Commercial & Private Groups

Daily Hire Fee	\$207.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$2.10

Bonds - All Categories

Vehicle Hire	\$300.00
Cleaning	\$100.00

Any cleaning required will be charged at \$65 per hour and deducted from the bond.

MOTION

Moved Cr Pearce

Seconded Cr Eardley

That Council;

1. Gives local public notice of the proposed change in fees for the hire of the community bus under s6.19 of the Local Government Act 1995, and
2. The revised fees and charges for the hire of the community bus be as follows;

Category 1 – Mingenew Primary School & Seniors

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Category 3 - Business/Commercial & Private Groups

Daily Hire Fee	\$207.00
Per Kilometre Fee (charged on travel in excess of 250 km's)	\$2.10

Bonds - All Categories

Vehicle Hire	\$300.00
Cleaning	\$100.00

Any cleaning required will be charged at \$65 per hour and deducted from the bond.

AMENDMENT

Moved Cr Pearce

Seconded Cr Eardley

That in Part 2, Category 3 – Business/Commercial & Private Groups the fees be amended to read:

Category 3 - Business/Commercial & Private Groups

Daily Hire Fee		\$207.00
	and	
Per Kilometre Fee		\$2.10

CARRIED 6/0

COUNCIL DECISION – ITEM 11.2.3

Moved Cr Pearce

Seconded Cr Eardley

That Council;

1. Gives local public notice of the proposed change in fees for the hire of the community bus under s6.19 of the Local Government Act 1995, and
2. The revised fees and charges for the hire of the community bus be as follows;

Category 1 – Mingenew Primary School & Seniors

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Category 3 - Business/Commercial & Private Groups

Daily Hire Fee	\$207.00
	and
Per Kilometre Fee	\$2.10

Bonds - All Categories

Vehicle Hire	\$300.00
Cleaning	\$100.00

Any cleaning required will be charged at \$65 per hour and deducted from the bond.

CARRIED 6/0

11.2.4 COMMUNITY BUS HIRE POLICY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0424
Date: 21 December 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council amend the current policy for the hire of community bus to reflect changes made to the Schedule of Fees & Charges for the hire of the community bus.

Attachment

Nil

Background

The current Shire policy – Policy 2012: Community Bus Hire is not consistent with the current Schedule of Fees & Charges for the hire of the community so amendments to the current policy have been recommended to remove these anomalies.

Comment

The current Shire Policy for the Community Bus Hire is tabled below. Where changes are suggested these changes have been highlighted in red and the current policy wording crossed out.

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A bond is applicable to all bus hire categories; this bond is to be made up of the following:

- A bus hire bond to the value of the vehicles insurance excess; and
- A cleaning bond of ~~\$60~~ \$100

Note: Council has a list of endorsed drivers, if a hire group wishes to use its own driver, that driver must obtain endorsement from Council prior to the hire event.

CATEGORY 1

MINGENEW PRIMARY SCHOOL & SENIORS

Mingenew Primary School and Mingenew Autumn group are two of the most regular bus users; the fee for this category is to be included in the Schedule of Fees & Charges and reviewed annually but is not to exceed 50% of the Category 3 daily hire rate. ~~with no fee for kilometres travelled.~~

As regular users, the bond amount is payable once and will be held in a trust account by Council. On each return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. Any cleaning/repair costs will be deducted from the bond and the hirer will be advised.

The Community Bus must be returned with a full fuel tank; however, with the prior approval of the Chief Executive Officer, this requirement may be waived.

CATEGORY 2 COMMUNITY and SPORTS GROUPS

For Community and Sports Groups located within the Shire of Mingenew the hire fee is to be included in the Schedule of Fees and Charges and reviewed annually but is not to exceed 50% of the Category 3 daily hire rate for usage within the Midwest Region, or 100% of the Category 3 daily hire rate for usage outside the Midwest Region. The charge for kilometres travelled is not to exceed 50% of the Category 3 cents per kilometre.

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Note: By prior agreement with the Shire, an invoice can be issued for the daily hire fee and kilometres travelled charge.

The Community Bus must be returned with a full fuel tank; however, with the prior approval of the Chief Executive Officer, this requirement may be waived.

CATEGORY 3 BUSINESS/COMMERCIAL, PRIVATE GROUPS

(Hire to users in this category is at the discretion of the Shire's Chief Executive Officer)

Category 3 covers individuals or any group not covered by Categories 1 or 2; charges for this category, including a per kilometre charge are to be included in the Schedule of Fees & Charges and reviewed annually. The Community Bus must be returned with a full fuel tank.

There is also a requirement for the hirer to pay the bond before the bus is collected, on return, the bus will be checked over by an appropriate Shire employee and the kilometres travelled will be recorded. When all hire conditions have been met, the hire form will be signed off and if all is clean and no damage, the bond will be refunded less the kilometres used charge and the cost for fuel, if the bus has not been refuelled prior to return.

Consultation

Nita Jane, Deputy Chief Executive Officer

Statutory Environment

Nil

Policy Implications

Policy 2012 – Community Bus Hire Policy

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.5.2 – Maintain, review and ensure relevance of Council policies and local laws.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 11.2.4

That Council review and adopt the changes as tabled for Policy 2012 – Community Bus Hire.

COUNCIL DECISION – ITEM 11.2.4

Moved Cr Criddle

Seconded Cr Eardley

That Council review and adopt the changes as tabled for Policy 2012 – Community Bus Hire.

CARRIED 6/0

12.0 CONFIDENTIAL ITEMS

12.1 RANGER & EMERGENCY SERVICES

This matter will be dealt with as a confidential item in accordance with Section 5.23 of the Local Government Act as it contains information about a matter affecting an employee and/or a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL DECISION – MEETING CLOSED TO PUBLIC
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Moved Cr Cosgrove

Seconded Cr Newton

That the meeting be closed to members of the public in accordance with section 5.23(2)(e) of the Local Government Act to allow council to discuss a matter that concerns information that has a commercial value to a person.

CARRIED 6/0

COUNCIL DECISION – MEETING REOPENED TO PUBLIC
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Moved Cr Newton

Seconded Cr Cosgrove

That the meeting be reopened to members of the public.

CARRIED 6/0

COUNCIL DECISION – ITEM 12.1

Moved Cr Newton

Seconded Cr Pearce

That Council;

1. Continue discussions with the Shire of Carnamah for the shared services arrangement of a Ranger & Emergency Services Officer on the basis that the Shire of Mingenew would be allocated 20% of the resources available up to a maximum of \$25,000 per annum, and
2. Review the final proposal from the Shire of Carnamah prior to formalising any agreement which would not commence until 1 July 2017 or thereafter.

CARRIED 6/0

The full details of Item 12.1 Ranger and Emergency Services are held in the Council Safe in the "Confidential Items" file.

COUNCIL DECISION

Moved Cr Cosgrove

Seconded Cr Newton

That sincere thanks be given to CEO Martin Whitely and his team for the tremendous work done this year, especially in relation to the improvement in the financial position of the shire.

CARRIED 6/0

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 21st December 2016 commencing at 4.30pm.

14.0 CLOSURE

The President thanked all for attending and declared the meeting closed at 5.06 pm.

These minutes were confirmed at an Ordinary Council meeting on 15 February 2017.

Signed _____
Presiding Officer

Date: _____