



MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
19TH MAY 2010



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SHIRE OF MINGENEW
MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS,
MINGENEW, ON WEDNESDAY THE 19TH MAY 2010

1.0 DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Michelle Bagley, declared the meeting open at 2:30pm.

2.0 ATTENDANCE

2.1 PRESENT

MA Bagley	President	Rural Ward
ET Hathaway	Deputy President	Town Ward
BP Horwood	Councillor	Rural Ward
JL Holmes	Councillor	Town Ward
PJ Ward	Councillor	Rural Ward
MP Pearce	Councillor	Town Ward
PJ Gledhill	Councillor	Town Ward

STAFF

IB Fitzgerald	Chief Executive Officer
CG Jackson	Manager of Corporate Services
KA McGree	Senior Finance Officer

Attending to present verbal reports;

TB Brandy	Environmental Health & Building Officer
WL Borrett	Works Manager

2.2 APOLOGIES

Nil

3.0 DECLARATION OF INTEREST

Nil

4.0 LEAVE OF ABSENCE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 VISITATIONS

Nil

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

100501 MOVED CR ET Hathaway
 SECONDED CR PJ Gledhill

That the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st April 2010, be confirmed as a true and accurate record of proceedings subject to amendment to Motion 100414 page 31 to read as follows;

“That Council declares that the Shire of Mingenew will have Sunday’s as a burn free day all year round.”

CARRIED
Voting 7/0

8.0 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS

Nil

9.0 OFFICER REPORTS

9.1 HEALTH, BUILDING AND TOWN PLANNING

Verbal Report presented.

9.2 WORKS AND SERVICES

Verbal Report presented.

9.3 FINANCE AND ADMINISTRATION

9.3.1 Financial Statements for Month Ending 31 March, 2010

Agenda Reference: SFO 05/10
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11 May, 2010
Author: Kylie M^oGree, Senior Finance Officer

SUMMARY

The Monthly Statement of Financial Activities report for the month ending 31 March, 2010 is presented to Council for adoption.

ATTACHMENT

Monthly Statement of Financial Activities report for the month ending 31 March, 2010

BACKGROUND

Financial regulations require a monthly statement of financial activities report to be presented to Council.

COMMENT

Council's operating surplus as at the 31 March, 2010 is \$1,231,171.00.

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Funds	\$71,952.11
Business Maximiser Fund (Municipal)	\$562,280.66
Trust Account	\$29,384.65
Reserve Account	\$532,611.44
Rates Outstanding	\$43,729.11

It should be noted that Rates Outstanding as at end of March, 2009 was \$53,278.32.

The final instalment notices were issued in March with payment on 30 April, 2010. Over 30 ratepayers have elected to pay by instalments.

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$426,913.32 was owing to Council as at 31 March, 2010 with a couple of Debtors 60 days or more. Erin Greaves is following up on these outstanding accounts.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2009 / 2010 financial year.

CONSULTATION

No consultation required

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

Financial implications are outlined in comments.

STRATEGIC IMPLICATIONS

No strategic implications

VOTING REQUIREMENTS

Simple Majority

100502

MOVED: Cr JL Holmes

SECONDED: Cr ET Hathaway

That Council adopts the Monthly Statement of Financial Activity for the month ending 31 March, 2010.

CARRIED

Voting 7/0

9.3.2 Financial Statements for Month Ending 30 April, 2010

Agenda Reference: SFO 05/10
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11 May, 2010
Author: Kylie M^oGree, Senior Finance Officer

SUMMARY

The Monthly Statement of Financial Activities report for the month ending 30 April, 2010 is presented to Council for adoption.

ATTACHMENT

Monthly Statement of Financial Activities report for the month ending 30 April, 2010

BACKGROUND

Financial regulations require a monthly statement of financial activities report to be presented to Council.

COMMENT

Council's operating surplus as at the 30 April, 2010 is \$1,014,184.00.

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Funds	\$463,684.45
Business Maximiser Fund (Municipal)	\$314,006.45
Trust Account	\$29,505.65
Reserve Account	\$534,428.15
Rates Outstanding	\$18,840.78

It should be noted that Rates Outstanding as at end of April, 2009 was \$38,162.06.

The payment date of final instalment notices was on 30 April, 2010.

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$24,791.14 was owing to Council as at 30 April, 2010 with a couple of Debtors 60 days or more. Erin Greaves is following up on these outstanding accounts.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2009 / 2010 financial year.

CONSULTATION

No consultation required

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

Financial implications are outlined in comments.

STRATEGIC IMPLICATIONS

No strategic implications

VOTING REQUIREMENTS

Simple Majority

100503

MOVED: Cr PJ Ward

SECONDED: Cr PJ Gledhill

That Council adopts the Monthly Statement of Financial Activity for the month ending 30 April, 2010.

CARRIED

Voting 7/0

9.3.3 ACCOUNTS DUE AND SUBMITTED FOR PAYMENT – APRIL 2010

Agenda Reference: AO 05/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Julie Borrett

SUMMARY

Council to confirm the payment of creditors for the month of April 2010 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.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 14

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

100504

MOVED: Cr JL Homes

SECONDED: Cr PJ Ward

That Council confirm the accounts as presented for April 2010 from the Municipal Fund totalling \$394,861.64 represented by Electronic Funds Transfers of EFT4084 to EFT4140 and Cheque No's 7195 – 7202.

CARRIED
Voting 7/0

9.3.4 EXTENSION OF LEASE – NATIONAL AUSTRALIA BANK

Agenda Reference: CEO 05/10-01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th April 2010
Author: Ian Fitzgerald, Chief Executive Officer

Summary

Council is requested to approve a three year lease extension for the National Australia Bank for a portion of Lot 73 Midlands Road being the premises currently operating as the National Australia Bank Mingenew Branch.

Attachment

Nil

Background

The original lease commenced in September 2004.

Comment

Council has received a request from Minter Ellison Lawyers acting on behalf of the National Australia Bank for a three (3) year extension to their lease – J011835 dated 4th September 2004. The lease fell due in September 2009 and the new extension will take the lease though until September 2012. The commencing rent will be \$2.00 per annum inclusive of GST.

The request for a lease extension is an indication that the National Australia Bank intends to continue to provide a banking service to the Mingenew community.

There have been no issues raised by either the bank or Council in relation to the existing lease.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

The extension of the lease indicates a commitment by the National Australia Bank to continue to provide a banking service in Mingenew.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council:

- a) Agrees to the three (3) lease extension to the National Australia Bank of the portion of Lot 73 Midlands Road that is currently operating as a bank branch
- b) Authorizes the Shire President and Chief Executive Officer to sign the lease documents once prepared

COUNCIL RESOLUTION

100505

MOVED: Cr PJ Ward

SECONDED: Cr BP Horwood

That the item Extension of Lease National Australia Bank lay on the table pending a copy of the proposed lease agreement being provided to Council.

CARRIED
Voting 7/0

9.3.5 APPLICATION FOR PLANNING APPROVAL - BRINDAL

Agenda Reference: CEO 05/10-02
Location/Address: Strawberry North East Road - Shire of Mingenew
Name of Applicant: WA Planning Commission (Brindal)
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Ian Fitzgerald, Chief Executive Officer

Summary

The Western Australian Planning Commission (WAPC) has received an application for planning approval (sub-division) – number 141885 from Mr. David Brindal and seeks comment from Council.

Attachment

A copy of the map submitted to the WAPC showing current boundaries and proposed boundaries is attached.

Background

Nil.

Comment

The application from the Brindal family involves lots 1, 2, 7, and 102 on Strawberry NE Road Mingenew.

The proposal is to create contiguous parcels of land – one on the NW side of Strawberry North East Road and a second on the SE side of the road. The attached map shows clearly the proposed boundary changes to the individual lots.

The proposal would see a rationalization of boundaries to create better farm management and has no affect on roads or neighbouring properties.

The planning application has also been forwarded to a number of other agencies for comment including Department of Environment and Conservation, Department of Water, Water Corporation, Telstra, and FESA.

Council has been invited to comment, provide information in relation to the application or submit recommended conditions to be placed on any approval to be given.

Statutory Environment

Local Government Act 1995

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil in relation to Council's own activities.

Voting Requirements

Simple Majority

100506

MOVED: Cr PJ Gledhill
SECONDED: Cr JL Holmes

That Council advises the Western Australian Planning Commission it has no objections to the proposed sub-division outlined in Application 141885 lodged by Mr. David Brindal.

CARRIED
Voting 7/0

9.3.6 APPLICATION FOR PLANNING APPROVAL - PEARSE

Agenda Reference: CEO 05/10-03
Location/Address: Depot Hill North Road - Shire of Mingenew
Name of Applicant: WA Planning Commission (Pearse)
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Ian Fitzgerald, Chief Executive Officer

Summary

The Western Australian Planning Commission (WAPC) has received an application for planning approval (sub-division) – number 141865 from Hill, Thompson and Delfos on behalf of Mr. Alex Pearse and seeks comment from Council.

Attachment

A copy of the map submitted to the WAPC showing current boundaries and proposed boundaries is attached.

Background

Nil.

Comment

The application from the Hill, Thompson and Delfos involves lot 5 Depot Hill North Road (note the application refers to Depot Hill Road).

The proposal is to create two lots from the existing 2,421.3 ha – one lot of 118 ha and a second of the remaining 2,303.3 ha.

The attached map shows clearly the proposed boundary changes to allow creation of the individual lots.

The proposal would see a separate lot created for the satellite tracking station that Council has previously approved to be developed on the lot and allow for future expansion of the tracking station. The Swedish Space Corporation is currently working with staff on a proposal that would see new buildings and satellite dishes being constructed on the site.

An existing paddock boundary has been chosen for the proposed sub-division and will not alter existing farming practices.

The planning application has also been forwarded to a number of other agencies for comment including Department of Environment and Conservation, Department of Water, Water Corporation, Telstra, and FESA.

Council has been invited to comment, provide information in relation to the application or submit recommended conditions to be placed on any approval to be given.

Statutory Environment

Local Government Act 1995

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil in relation to Council's own activities.

Voting Requirements

Simple Majority

100507

MOVED: Cr MP Pearce
SECONDED: Cr PJ Ward

That Council advises the Western Australian Planning Commission it has no objections to the proposed sub-division outlined in Application 141865 lodged by Hill, Thompson and Delfos on behalf of Mr. Alex Pearse.

CARRIED
Voting 7/0

9.3.7	FRAUD AND ERROR ASSESSMENT – INTERIM AUDIT
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Agenda Reference: CEO 05/10-04
Location/Address: Shire of Mingenew
Name of Applicant: UHY Haines Norton – Council’s appointed auditors
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Ian Fitzgerald, Chief Executive Officer

Summary

As a part of the normal audit process the auditors have requested a response from the Chair of the Audit Committee to a series of questions in relation to the risk that fraud could occur within the organization.

As Council forms the Audit Committee it felt appropriate to bring this matter to Council’s notice prior to the Chair (Shire President) completing the return. The Chief Executive Officer was required to also complete an assessment as a part of the risk of fraud assessment.

Attachment

Nil.

Background

Each financial year Council undergoes an audit process – an interim audit which looks mainly at systems and processes and then a final audit that looks mainly at the financial reporting of Council.

Comment

As a part of the interim audit process this year the Chair of the Audit Committee, with for the Shire of Mingenew the Audit Committee being made up of all of Council, has been asked to respond to the following questions:

To the Chair of the Audit Committee

re: Fraud and error assessment for the year ended 30 June 2010.

We are preparing to perform our Interim risk assessment of your Council in relation to the audit for the year ended 30 June 2010. In performing the engagement, the Australian Auditing Standards require us to consider the risk that fraud could occur within the organisation.

These standards require us to make enquiries of those charged with governance of the risk of fraud within the organisation.

We would appreciate you taking the time to briefly answer the following questions in the spaces provided, and return this letter.

- 1. Do you believe the policies and procedures in place within the organisation are adequate to minimise the risk of fraud to an appropriately low level? Please provide an explanation for the reasons for your answer.*
- 2. Are you aware of any instances where policies and procedures have not been adhered to which could have resulted in a fraud occurring? If yes please provide details.*
- 3. Have you, during the past year, become aware of or suspected fraud within the organisation? If yes please provide details.*
- 4. If there any concerns or questions you would like us to address during the course of our audit, please describe*

As Council in full forms the Shire of Mingenew Audit Committee it felt appropriate to bring this matter to Council's notice prior to the Chair (Shire President) completing the return. The Chief Executive Officer was also required to complete an assessment as a part of the risk of fraud assessment process.

In response to question 1 staff advise that it is considered the policies and procedures in place are adequate to minimize the risk of fraud. Procedures have been put in place to provide for the counter signing or authorising of financial transactions and this includes purchasing guidelines that limits individual purchasing limits. Over the past 3 years new procedures have been put in place to help protect both the individual and Council from the risk of fraud.

The independent financial management assessment conducted some 18 months ago identified no particular weaknesses in Council's financial management procedures.

In relation to questions 2 and 3 it is recommended a nil response be recorded.

Staff are not in a position to respond to question 4 as this is a matter that needs to be determined by Council but no matters have recently been raised by Council in relation to the risk of fraud.

Statutory Environment

Local Government Act 1995 and Final Management Regulations 2006

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council considers the questions asked by the auditors in relation to the risk of fraud and develop a response that can be signed off on by the Shire President as Chair of the Audit Committee.

100508

MOVED: Cr ET Hathaway
SECONDED: Cr MP Pearce

That the item Fraud and Error Assessment – Interim Audit lay on the table pending further advice from the auditors.

CARRIED
Voting 7/0

The Shire President adjourned the meeting for afternoon tea at 3:16pm and reopened the meeting at 3:55pm. All Councillors and staff present re-entered Chambers.

During the adjournment the Shire President took the opportunity to speak with auditors in relation to the audit and this advice was provided to Council.

100509

MOVED: Cr ET Hathaway

SECONDED: Cr MP Pearce

That the item Fraud and Error Assessment – Interim Audit now be lifted from the table and discussed as further information has been received from Council auditors.

CARRIED

Voting 7/0

100510

MOVED: Cr MP Pearce

SECONDED: Cr ET Hathaway

That the Shire President, as Chair of the Audit Committee be authorized to sign and provide the following response to Council auditors in relation to the Fraud and Interim Assessment – Interim Audit;

1. *Do you believe the policies and procedures in place within the organisation are adequate to minimise the risk of fraud to an appropriately low level? Please provide an explanation for the reasons for your answer.*

YES

2. *Are you aware of any instances where policies and procedures have not been adhered to which could have resulted in a fraud occurring? If yes please provide details.*

NO to the best of my knowledge

3. *Have you, during the past year, become aware of or suspected fraud within the organisation? If yes please provide details.*

NO

4. *If there any concerns or questions you would like us to address during the course of our audit, please describe*

NO

CARRIED

Voting 7/0

10.0 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Shire President advised that;

At the most recent Resource Sharing Committee meeting, the Shire of Mingenew indicated that the review of the CEO should be undertaken in-house. The CEO has advised that the Shire of Three Springs has today resolved that a consultant be used in the review process. As both Council's have different views on this matter the Resource Sharing Agreement provides that a dispute resolution process take place which includes a joint meeting of both Councils. Following discussion it was agreed that the joint meeting should take place sometime after the 10th June 2010.

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

Nil

12.0 URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

Nil

13.0 CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT S5.23 (2)

Nil

14.0 CLOSURE

The Shire President declared the meeting closed at 4:45pm

These minutes were confirmed at a meeting on 16th June 2010

Signed: _____

Presiding Officer
Date: 16th June 2010