



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

Wednesday 15 November 2017

Shire of Mingenew

Ordinary Council Meeting Notice Paper

15 November 2017

Madam President and Councillors,

An Ordinary Meeting of Council is called for Wednesday, 15 November 2017, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm.

Martin Whitely
Chief Executive Officer

10 November 2017

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

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SHIRE OF MINGENEW

MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 15 November 2017 COMMENCING AT 4.35pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The CEO, Martin Whitely, declared the meeting open at 4.35pm and welcomed all in attendance.

1.1 ELECTION OF SHIRE PRESIDENT

Background

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for 2 years (until the next ordinary election).

Comment

The process of election is the same *mutatis mutandis* as the process for election of that of a Councillor.

The CEO is to preside at the meeting until the Office of President is filled. Once a Councillor has been elected and completed the declaration, the President is to assume the Chair.

Statutory Implications

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of President:

- (1) The office is to be filled as the first matter dealt with —
- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

- (1) the Council is to elect a Councillor to fill the office.
- (2) the election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) if a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

- (5) the Councillors are to vote on the matter by secret ballot as if they were electors voting at an election

In relation to the role of the President Section 2.8 provides that:

- (1) The president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
- (1) the President is not available or is unable or unwilling to perform the functions of the mayor or president, then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

- (2) For the purposes of sections 2.29 and 2.42 —
 - (b) the form of declaration for a mayor, president, deputy mayor, deputy president or Councillor is that in Form 7;
 - (c) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
 - (a) the immediate predecessor of the person in the office of mayor or president; or
 - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a Councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person
- (5) In this regulation —

“authorised person” means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

The Chief Executive Officer advised that he had received two nominations in writing for the position of President. The following candidates had been nominated;

- | | |
|------------------|----------------------------|
| 1. Cr G Cosgrove | Nominated by Cr G Cosgrove |
| 2. Cr HM Newton | Nominated by Cr HM Newton |

The Chief Executive Officer then called for further nominations for the position of President. No other nominations were received.

Ballot papers were drawn. The meeting was adjourned at 4:39pm to prepare the ballot papers and resumed at 4:42pm. The vote was conducted by secret ballot with the Chief Executive Officer as the Returning Officer.

The Chief Executive Officer declared Cr Helen Newton elected as Shire President for a period of 2 years. The vote was 4/3.

Cr HM Newton having read aloud and signed the Declaration required under the Local Government Act 1995, was formally sworn in as the Shire President before the Chief Executive Officer, Martin Whitely.

Cr HM Newton then took up the position of Shire President and assumed the Chair for the remainder of the meeting at 4:47pm.

1.2 ELECTION OF DEPUTY PRESIDENT

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

Comment

The process of electing the Deputy President is the same process for the election of the President.

Statutory Implications

In relation to the Office of Deputy President, Section 7 provides:

- (2) If the local government has a Councillor president the office of deputy president is to be filled
 - (a) as the next matter dealt with after the president is elected at the first meeting of the council after an ordinary elections day;

In relation to the role of the Deputy President Section 2.9 provides that the deputy President performs the functions of the President when authorised to do so under section 5.34.

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

- (1) For the purposes of sections 2.29 and 2.42 —
 - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or Councillor is that in Form 7;
 - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
 - (a) the immediate predecessor of the person in the office of mayor or president; or
 - (b) an authorised person.
 - (3) A declaration required by section 2.29 to be made by a person elected as a Councillor, deputy mayor or deputy president is to be made before an authorised person.
 - (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
 - (5) In this regulation —
“**authorised person**” means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2000*.

The President advised that one nomination had been received in writing for the position of Deputy President. The following candidate had been nominated;

1. Cr C Lucken Nominated by Cr C Lucken

The President then called for further nominations for the position of Deputy President. The following candidate was nominated;

1. Cr L Eardley Nominated by Cr L Eardley

Ballot papers were drawn. The meeting was adjourned at 4:50pm to prepare the ballot papers and resumed at 4:53pm.

The vote was conducted by secret ballot with the Chief Executive Officer as the Returning Officer.

The Chief Executive Officer declared Cr Crispian Lucken elected as Shire Deputy President for a period of 2 years. The vote was 4/3.

Cr Lucken having read aloud and signed the Declaration required under the Local Government Act 1995 was formally sworn in as the Shire Deputy President before the Chief Executive Officer, Martin Whitely.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

HM Newton	President	Town Ward
C Lucken	Deputy President	Town Ward
G Cosgrove	Councillor	Rural Ward
J Bagley	Councillor	Rural Ward
RW Newton	Councillor	Rural Ward
K McGlenn	Councillor	Town Ward
LM Eardley	Councillor	Town Ward

STAFF

MG Whitely	Chief Executive Officer
D Ojha	Finance Manager
B Bow	Governance Officer

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

There being no members of the public, the President proceeded with the meeting allowing a period of 15 minutes for questions from the public up until 5:15pm

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Cr Lucken requested to be excused from the meeting for work purposes. Permission granted by President Newton.

Cr Lucken left the meeting at 5.00pm.

6.0 DECLARATIONS OF INTEREST
Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 18 OCTOBER 2017

COUNCIL DECISION – ITEM 7.1.1

Moved: Cr Eardley

Seconded: Cr RW Newton

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 18th October 2017 be confirmed.

CARRIED 6/0

7.1.2 EXECUTIVE COMMITTEE MEETING HELD 16 OCTOBER 2017

COUNCIL DECISION – ITEM 7.1.2

Moved: Cr Bagley

Seconded: Cr Eardley

That the minutes of the Executive Committee Meeting of the Shire of Mingenew held in the Council Chambers on the 16th October 2017 be confirmed.

CARRIED 6/0

7.1.3 SPECIAL MEETING HELD 3 NOVEMBER 2017

COUNCIL DECISION – ITEM 7.1.3

Moved: Cr RW Newton

Seconded: Cr McGlenn

That the minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on the 3rd November 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 DELEGATIONS TO COMMITTEES & COMMUNITY ORGANISATIONS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0303
Date: 31 October 2017
Author: Martin Whitely, Chief Executive Officer

Summary

Council is requested to review and appoint delegations to the various committees and community organisations.

Attachment

Nil

Background

It is common practice for many local authorities to review appointments of Elected Members and Staff to serve on various Committee's and Community Organisations. It should be noted that this is a separate exercise to appointing members of a Council Committee.

Delegations to Committees & Community Organisations were last reviewed in July 2017 and below is a record of the appointments from the July 2017 Ordinary Council meeting:

WALGA Northern Country Zone

Delegates: Cr Bagley & Cr Cosgrove
Proxy: Cr Lucken

Main Roads Western Australia Regional Road Group

Delegates: Cr Cosgrove
Proxy: Cr Bagley

Tourist & Promotion Committee

Delegates: Community Development Officer
Proxy: Cr Eardley

Silver Chain Branch Committee

Delegates: Cr Eardley
Proxy: Nil

Community Resource Centre Management Committee

Delegates: Cr Criddle
Proxy: Nil

Local Emergency Management Committee

Delegates: Cr Cosgrove
Proxy: Chief Executive Officer

Wildflower Country Inc

Delegates: CEO
Proxy: Cr Bagley & Community Development Officer

Comment

Since the delegations were last reviewed in July 2017 the 2017 Council Elections have been held and as a result we now have 4 new Council representatives. As such it is appropriate to revisit any vacancies to the previous delegations to Community Organisations and Committees as a result of the two resignations.

It should be noted that there is an expectation that Council have representation on both the WALGA Northern Country Zone and Main Roads Western Australian Regional Road Group Committee's. It was also the decision of the Wildflower Country Inc. Committee that Council preferably have a Council and a Staff representative. There is no requirement for Councillor's to nominate for other Committee's, it is suggested that if a Councillor has a particular area of interest then they nominate for the respective Committee, alternatively a position on the Committee can be filled by a Staff member in the absence of a Council representative.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

1003 ELECTION TO COMMITTEES

Nomination of Councillor/s to Positions in Council/Committees - Prior to any nomination being made the person being nominated be advised of the proposal, and appointment to the position will be subject to the approval of the nominee.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.2.2 – To be strong advocates representing the Shire's interests

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Council appoint delegates to the various Committees and Community Organisation as follows:

WALGA Northern Country Zone

Delegates: _____ & _____

Proxy: _____

Main Roads Western Australia Regional Road Group

Delegates: _____ & _____
Proxy: _____

Tourist & Promotion Committee

Delegates: _____ & _____
Proxy: _____

Silver Chain Branch Committee

Delegates: _____ & _____
Proxy: _____

Community Resource Centre Management Committee

Delegates: _____ & _____
Proxy: _____

Local Emergency Management Committee

Delegates: _____ & _____
Proxy: _____

Wildflower Country Inc

Delegates: _____ & _____
Proxy: _____

COUNCIL DECISION – ITEM 9.1.1

Moved Cr Eardley

Seconded Cr RW Newton

That Council appoint delegates to the various Committees and Community Organisation as follows:

WALGA Northern Country Zone

Delegate(s): Pr HM Newton & Cr Lucken
Proxy: Cr McGlinn

Main Roads Western Australia Regional Road Group

Delegate(s): Cr Cosgrove
Proxy: Cr Bagley

Tourist & Promotion Committee

Delegate(s): CDO Budrikis
Proxy: Cr McGlinn

Silver Chain Branch Committee

Delegate(s): Cr Eardley
Proxy: Cr McGlinn

Community Resource Centre Management Committee

Delegate(s): Pr HM Newton
Proxy: CDO Budrikis

Local Emergency Management Committee

Delegate(s): Cr HW Newton
Proxy: CEO Whitely

Wildflower Country Inc
Delegate(s): Cr McGlenn & CDO Budrikis
Proxy: CEO Whitely

CARRIED 6/0

DRAFT

9.1.2 COMMITTEES OF COUNCIL

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0303
Date: 6 November 2017
Author: Martin Whitely, Chief Executive Officer

Summary

Council is requested to review and appoint delegates to the various Committees of Council.

Attachment

Nil

Background

Where Council elect to have Committees of Council each Committee must consist of 3 or more persons as per Section 5.8 of the Local Government Act 1995. Section 5.9 of the Local Government Act 1995 specifies the make up of a Committee with some examples below:

- Council members only
- Council members and employees
- Council members, employees and other persons
- Council members and other persons

Comment

Currently Council have 5 Committees of Council, these being;

1. Audit Committee
2. Executive Management Committee
3. RAV Network Committee
4. Town Hall Refurbishment Committee
5. Independent Living Units Working Group Committee

Council is required to review delegations to committees every financial year as per section 5.18 of the Local Government Act 1995 and given the recent Council Elections in October 2017 now is an opportune time to review the delegations to these Committees.

Audit Committee

As with other Committees of Council the Audit Committee must consist of at least 3 or more persons and the Chief Executive Officer is not permitted to be a member of the Audit Committee. At the Special Meeting held on Friday 3 November Council resolved to appoint the Full Council as the Audit Committee for the Shire of Mingenew so there is no need to review this delegation.

Executive Management Committee

The purpose of the Executive Management Committee is primarily to deal with the appointment of the Chief Executive Officer and the Chief Executive Officer Performance Review, therefore seem appropriate not to include the Chief Executive Officer on this Committee. Historically the Committee has consisted of the President, Deputy President and 1 Councillor. The last meeting was held on Monday 16 October 2017.

As per the resolution made at the July 2017 Ordinary Meeting the Executive Management Committee is made up of the following 3 elected members;

- Cr Bagley

- Cr Cosgrove
- Cr Lucken

RAV Network Review Committee

The purpose of the Committee is to provide feedback and advice in relation to the road network within the Shire of Mingenew and providing the CEO with the required information to liaise with Main Roads to allow the assessment of selected roads that would be beneficial in having their current RAV category reviewed.

As per the resolution made at the March 2017 Ordinary Meeting the RAV Network Review Committee is made up of the following 3 members;

- Cr Cosgrove
- Cr Lucken
- Chief Executive Officer

The last meeting was held on 1 June 2017 which resulted in various submissions being made to Main Roads Heavy Vehicle Services in Perth to have the Mingenew Mullewa, Scroops Road, Coalseam Road, Boundary Road, Erangy Springs Road and Milo Road roads reviewed and added to the RAV 7 Network. The Committee is likely to need to meet again in the future.

Town Hall Refurbishment Committee

The purpose of the Committee is to provide feedback and advice in relation to the scope of works to be undertaken in the event that refurbishment works do commence on the town hall in the 2017/18 financial year.

As per the resolution made at the March 2017 Ordinary Meeting the RAV Network Review Committee currently consists of the following members;

- Cr Bagley
- Cr Lucken
- Cr Criddle
- Chief Executive Officer

Since there are only 2 current members on this Committee at least one additional person will need to be assigned to the Town Hall Refurbishment Committee.

Independent Living Units Working Group Committee

The purpose of the Committee was to provide feedback and advice in relation to the design of the units to ensure that the units were fitted out appropriately for aged person and/or people with disabilities. As per the resolution made at the November 2016 Ordinary Meeting the Committee consists of the following members;

- Cr Bagley
- Cr Cosgrove
- Chief Executive Officer

As the project will be completed in the coming 4-6 weeks my recommendation is that there is no longer a need to have an Independent Living Units Working Group Committee.

Consultation

Nil

Statutory Environment

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to "office" were references to "office of presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members".
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to "office" were references to "office of deputy presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members"; and
 - (d) to "mayor or president" were references to "presiding member".

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or

- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.19. Quorum for meetings

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

5.20. Decisions of councils and committees

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections —
 - (a) by a council of the local government's mayor or president under section 2.11; or
 - (b) by a council of the local government's deputy mayor or president under section 2.15; or
 - (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12.

5.21. Voting

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded —
 - (a) his or her vote; or
 - (b) the vote of all members present,

on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

[Section 5.21 amended by No. 49 of 2004 s. 43.]

5.22. Minutes of council and committee meetings

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.

- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) 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; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably 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; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Policy Implications

1003 ELECTION TO COMMITTEES

Nomination of Councillor/s to Positions in Council/Committees - Prior to any nomination being made the person being nominated be advised of the proposal, and appointment to the position will be subject to the approval of the nominee.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.2.2 – To be strong advocates representing the Shire's interests

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

That Council

1. Resolve that the Independent Living Units Working Group Committee be disbanded, and
2. Appoint the following representatives to form the following Committees of Council;

Executive Management Committee

- President
- Deputy President
- Cr _____

RAV Network Review Committee

- Cr Cosgrove
- Cr Lucken
- Chief Executive Officer

Town Hall Refurbishment Committee

- Cr Lucken
- Cr _____
- Cr _____
- Chief Executive Officer

COUNCIL DECISION – ITEM 9.1.2

Moved Cr McGlenn

Seconded Cr Bagley

That Council

1. Resolve that the Independent Living Units Working Group Committee be disbanded, and
2. Appoint the following representatives to form the following Committees of Council;

Executive Management Committee

- Pr HM Newton
- Cr Lucken
- Cr RW Newton

RAV Network Review Committee

- Cr Cosgrove
- Cr Lucken
- CEO Whitely

Town Hall Refurbishment Committee

- Cr Lucken
- Cr RW Newton
- Cr Bagley
- CEO Whitely

CARRIED 6/0

DRAFT

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 3 November 2017
Author: Durga Ojha, Manager of Finance
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 October is presented to Council for adoption.

Attachment

Finance Report for period ending 31 October 2017

Background

The Monthly Financial Report to 31 October 2017 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 Fund & Cash on Hand	\$84,919
3 Month Term Deposit @ 2.45%	\$750,000
3 Month Term Deposit @ 2.45%	\$750,000
Restricted Funds (Unspent Grants)	\$568,498
Trust Fund	\$71,555

Reserve fund (6 Month Term Deposit) @ 2.55%	\$396,475
---------------------------------------------	-----------

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 31 October 2017:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	455	41,372	925	781	43,532

Rates Outstanding at 31 October 2017 were:

	October 2017	September 2017
Rates	585,914	603,004
Rubbish	22,125	23,669
ESL	7,301	7,709
TOTAL	625,340	634,382

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2017/18 financial year.

Consultation

Chief Executive 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 sub regulation (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 sub regulation (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 2017 to 31 October 2017 be received.

COUNCIL DECISION – ITEM 9.2.1

Moved Cr Eardley

Seconded Cr Bagley

That the Monthly Statement of Financial Activity for the period 1 July 2017 to 31 October 2017 be received.

CARRIED 6/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 OCTOBER 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 3 November 2017
Author: Durga Ojha, Manager of Finance
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council confirm the payment of creditors for the month of October 2017 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 October 2017 from the Municipal & Trust Fund totalling \$374,094.29 represented by Electronic Funds Transfers of EFT 11083 to EFT11143 & EFT11145, Direct Deduction DD8248.1, 2, 3, 4, 5 & 6 , DD 8249.1, 2, 3, 4,&6, and Municipal Cheque numbers 8525to 8528.

COUNCIL DECISION – ITEM 9.2.2

Moved Cr RW Newton

Seconded Cr McGlenn

That Council confirm the accounts as presented for October 2017 from the Municipal & Trust Fund totalling \$374,094.29 represented by Electronic Funds Transfers of EFT 11083 to EFT11143 & EFT11145, Direct Deduction DD8248.1, 2, 3, 4, 5 & 6 , DD 8249.1, 2, 3, 4,&6, and Municipal Cheque numbers 8525 to 8528.

CARRIED 6/0

9.3 ADMINISTRATION

9.2.3 2016/17 ANNUAL REPORT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	8 November 2017
Author:	Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council accepts the Draft 2016/2017 Annual Report and considers a date for convening the Annual Electors Meeting.

Attachment

Draft 2016/17 Annual 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, among other inclusions, the Shire of Mingenew's achievements from the Strategic Community Plan in the 2016/17 Financial Year.

Comment

Section 5.53(1) of the Local Government Act 1995 ("LGA") requires local governments to prepare an Annual Report for each financial year. The report summarises the year's highlights and achievements, and includes major initiatives that are proposed to commence or to continue in the next financial year.

Section 5.53(2) of the LGA specifies the content of the Annual Report is to contain:

- a) a report from the mayor or president;
- b) a report from the CEO;
- c) 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 to continue in the next financial year;
- d) the financial report for the financial year;
- e) such information as may be prescribed in relation to the payments made to employees;
- f) the auditor's report for the financial year;
- g) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- h) details of entries made under section 5.121 during the financial year in the register of complaints, including
 -
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- i) such other information as may be prescribed.

In addition, the State Records Commission Standard 2 requires certain information to be included in the Annual Report.

Section 5.54(1) of the LGA requires the Annual Report for a financial year to be accepted by absolute majority no later than 31 December after the reported financial year.

Section 5.27 (2) of the LGA requires the Annual Electors meeting to be held within 56 days of the Annual Report for the previous financial year being accepted by Council. Should Council accept the draft Annual Report, an Annual Electors Meeting is required to be held no later than 10 January 2018. This report recommends the Annual Electors Meeting is held Wednesday 20 December 2017 commencing at 6.00pm which is after the December Ordinary Meeting of Council.

The attached Annual Report 2016/2017 is in draft format. Following acceptance by Council, arrangements will be made for the final production of the report for availability prior to the Annual Electors Meeting. A copy will also be available on the Shire's website.

Consultation

Consultation on the Annual Report will be undertaken through the presentation of the Report to the Annual General Meeting of Electors.

Statutory Environment

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
 - (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) 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 to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* *Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Division 2 – Council meetings, committees and their meetings and elector's meetings

Subdivision 4 – Electors' meetings

5.27. Electors' general meetings

- (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.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Disability Services Act 1993

29. Report about disability access and inclusion plan

- (2) A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.

State Records Commission Standard 2 – Record keeping Plans

Principle 6 – Compliance

Government organisations ensure their employees comply with the recordkeeping plan.

Rationale

An organisation and its employees must comply with the organisations recordkeeping plan.

Organisations should develop and implement strategies for ensuring that each employee is aware of the compliance responsibilities.

Minimum Compliance Requirements

The recordkeeping plan is to provide evidence to adduce that:

1. The efficiency and effectiveness of the organisation's recordkeeping systems is evaluated not less than once every 5 years.
2. The organisation conducts a recordkeeping training program.
3. The efficiency and effectiveness of the recordkeeping training program is reviewed from time to time.
4. The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.
5. The organisation includes within its annual report an appropriate section that addresses points 1-4.

Policy Implications

Nil

Financial Implications

There will be a cost for producing the Annual Report in a few format and funds have been allocated in the 2017/18 Budget to meet these costs.

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council

1. Pursuant to Section 5.54(1) of the Local Government Act 1995 Council accepts the Shire of Mingenew Annual Report for the 2016/2017 financial year as contained in the Attachment.
2. Pursuant to Section 5.27 of the Local Government Act 1995 Council convenes an Annual Electors Meeting to be held on Wednesday 20 December 2017 commencing at 6.00pm in the Council Chambers.
3. Notes that in accordance with Section 5.29 and 5.55 of the Local Government Act 1995, the Chief Executive Officer will provide local public notice of the Annual Electors Meeting to be held on Wednesday 20 December 2017 and of the availability of the Shire of Mingenew's Annual Report for 2016/2017.

COUNCIL DECISION – ITEM 9.3.1

Moved Cr Eardley

Seconded Cr RW Newton

That Council

1. Pursuant to Section 5.54(1) of the Local Government Act 1995 Council accepts the Shire of Mingenew Annual Report for the 2016/2017 financial year as contained in the Attachment.
2. Pursuant to Section 5.27 of the Local Government Act 1995 Council convenes an Annual Electors Meeting to be held on Wednesday 20 December 2017 commencing at 6.00pm in the Council Chambers.
3. Notes that in accordance with Section 5.29 and 5.55 of the Local Government Act 1995, the Chief Executive Officer will provide local public notice of the Annual Electors Meeting to be held on Wednesday 20 December 2017 and of the availability of the Shire of Mingenew's Annual Report for 2016/2017.

CARRIED 6/0

9.4 TOWN PLANNING

Nil

9.5 BUILDING

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

Nil

11.2 STAFF

Nil

12.0 CONFIDENTIAL ITEMS

Nil

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 20 December 2017 commencing at 4.30pm.

14.0 CLOSURE

Prior to closing Pr HM Newton welcomed all new Councillors and wished them luck in their tenure. Pr Newton then thanked all for attending and declared the meeting closed at 5.25pm.

These minutes were confirmed at an Ordinary Council meeting on 20 December 2017.

Signed _____
Presiding Officer

Date: _____

