



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

**Wednesday 21 March 2018**

# Shire of Mingenew

## Ordinary Council Meeting Notice Paper

21 March 2018

Madam President and Councillors,

An Ordinary Meeting of Council is called for Wednesday, 21 March 2018, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm.

**Martin Whitely**  
**Chief Executive Officer**

16 March 2018

### **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 THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 21 March 2018 COMMENCING AT 4.30PM

#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4.30pm and welcomed all in attendance.

#### 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE COUNCILLORS

HM Newton	President	Town Ward
KJ McGlinn	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward

#### APOLOGIES

CR Lucken	Councillor	Town Ward
LM Eardley	Councillor	Town Ward

#### STAFF

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

#### PUBLIC

Nil

#### 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 public present the President proceeded with the meeting allowing a period of 15 minutes for questions from the public up until 4.45pm.

#### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 6.0 DECLARATIONS OF INTEREST

Nil

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

7.1.1 ORDINARY MEETING HELD 21 FEBRUARY 2018

**COUNCIL DECISION – ITEM 7.1.1**

**MOVED: Cr JD Bagley**

**SECONDED: Cr KJ McGlenn**

**That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 February 2018 be confirmed as a true and accurate record of proceedings.**

**VOTING DETAILS:**

**CARRIED 5/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9.0 OFFICERS REPORTS**

DRAFT

## 9.1 CHIEF EXECUTIVE OFFICER

### 9.1.1 MINGENEW NETBALL CLUB

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Mingenew Netball Club  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0074  
**Date:** 15 March 2018  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

This report recommends that Council consider a proposal from the Mingenew Netball Club to apply for funding to resurface the netball courts.

#### Attachment

Mingenew Netball Club Funding Application

#### Background

At the December 2017 Concept Forum representatives from the Mingenew Netball Club ("Netball Club") gave a presentation to Council to update them on the status of the Netball Courts and to confirm that funds allocated within the current budget will still be available for use given that the project will begin at the end of the playing season in 2018. It was agreed by Council that the Netball courts should be a priority and that the funds will be rolled over to next financial year if not used within this budget.

#### Comment

The Netball Club has submitted a funding application seeking endorsement from Council to submit the application to the Department of Local Government, Sport & Cultural Industries Community Sporting and Recreation Facility Funds ("CSRFF") small grants program.

Under the CSRFF program funding is eligible for projects up to a value of \$200,000 with a maximum grant contribution of \$66,667 from the Department of Local Government, Sport & Cultural Industries. The CSRFF fund opens twice a year with applications needing to be endorsed by Council and submitted to the Department of Local Government, Sport & Cultural Industries by the last working day in March and August respectively.

In addition to the CSRFF fund there is also an Annual Grants program administered by the Department of Local Government, Sport & Cultural Industries. This program is for projects costing \$200,001 - \$500,000. Applications under this program need to be endorsed by Council and submitted to the Department of Local Government, Sport & Cultural Industries by the end of September each year.

The submission received from the Netball Club has a total budget cost of \$214,574. This total cost comprises an amount of \$29,200 relating to in-kind costs, these being \$15,000 for volunteer contributions (Mingenew Football Club) and \$14,200 for the Shire to assist with site works.

Clearly the submission's total budget is greater than the \$200,000 cut off for projects usually funded through the CSRFF grants program. However it is an option to reduce the total budget to \$200,000 and apply for funding under the CSRFF program this March.

As a comparative, the maximum funding that would be received under the CSRFF program would be \$66,667. If an Annual Grant submission was successful for the \$214,574 projected cost, funding of \$71,527, the difference being \$4,860.

The pricing provided is also indicate pricing as the Shire will be required to call tenders since the total project costs is above the \$150,000 threshold. Tender pricing could well be lower than the quotes provided given that greater interest is usually shown by contractors once funding for projects have been approved.

The Netball Club are keen to progress the funding application so that the project can be completed prior to the 2019 netball season. The Annual Grants program which closes in September each year will usually notify successful applicants by January/February the following year, making it difficult to complete the project prior to the commencement of the netball season.

The Netball Club has advised that they currently only have capacity to contribute an amount of up to \$55,000. The Club is actively pursuing other funding opportunities including the Netball WA round of funding which will open in May 2018. The Netball Club has also advised that if required they would look at taking out a self supporting loan from the Shire if this was requested by Council.

Based on a 1/3<sup>rd</sup>, 1/3<sup>rd</sup> a 1/3<sup>rd</sup> basis this component would be \$71,524. Within the application the Shire are being asked to contribute \$77,907 (\$63,707 cash and \$14,200 in-kind), the Netball Club are proposing to contribute \$70,000 (\$55,000 cash and \$15,000 in-kind) with the balance coming from the CSRFF grant.

There are several options for Council consideration, some of which include;

- Endorse the funding request as submitted, revising the total budget to \$200,000 and submitting the application in the March 2018 CSRFF funding round,
- Deferring the application until the Annual Grants funding round in September
- Endorsing the funding application and reducing the Shire's contribution to 1/3<sup>rd</sup>
- Providing a self supporting loan to the Netball Club for the balance of funds required

While the Shire are being asked to contribute slightly more than 1/3<sup>rd</sup> of the total project cost, on this occasion I feel it is a reasonable request. The reason I believe that it is a reasonable request is that the netball courts are currently in a very poor condition and if the Netball Club and/or the Department of Local Government, Sport & Cultural Industries were not to contribute towards the project then the Shire may need to allocate a far greater amount of \$77,907 on the basis that the courts may need to be replaced in the eminent future to address any potential liability issues that could be associated with the safety of the courts.

### **Consultation**

Bronwyn Criddle, Mingenew Netball Club

Ella Budrikis, Community Development Officer

Richard Malacari, Department of Local Government, Sport & Cultural Industries

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

An allocation of \$150,000 was made in the 2017/18 Budget, of which a \$50,000 cash contribution was allocated from the Shire on a 1/3<sup>rd</sup>, 1/3<sup>rd</sup> a 1/3<sup>rd</sup> basis.

**Strategic Implications**

Community Strategic Plan

Outcome 3.2.3 - Maintain and further develop the recreation complex

Outcome 4.1.1 – Continue to support community groups.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.1**

**MOVED: Cr KJ McGlinn**

**SECONDED: Cr RW Newton**

**That Council;**

- 1. Endorse the proposal from the Mingenew Netball Club to make a funding submission under the Department of Local Government, Sport & Cultural Industries CSRFF funding round in March 2018;**
- 2. The Funding submission is endorsed on the basis of the Mingenew Netball Club contributing a minimum cash contribution of \$55,000 (GST Exclusive);**
- 3. Agree to a Shire provide cash contribution of up to \$63,707 (GST Exclusive) towards the project;**
- 4. Agree to the Shire providing in-kind support for site works required ;**
- 5. Make provision in the 2018/19 Budget for the project to be completed in that financial year.**

**VOTING DETAILS:**

**CARRIED 5/0**

DRAFT



### 9.1.2 MINGENEW HOCKEY CLUB

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Mingenew Netball Club  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0204  
**Date:** 15 March 2018  
**Author:** Martin Whitely, Chief Executive Officer

#### **Summary**

This report recommends that Council consider a proposal from the Mingenew Netball Club to install a 5mx3m visitors shed at the Mingenew Hockey oval.

#### **Attachment**

Mingenew Hockey Club Request

#### **Background**

A request has been submitted from the Mingenew Hockey Club ("Hockey Club") to install a 5x3 shed on the northern side of the Mingenew Hockey oval for the purpose of housing visiting hockey teams.

#### **Comment**

The Hockey Club are seeking permission to install a 5mx3m shed on the northern side of the Hockey oval for the purpose of housing the visiting hockey teams. The proposed plans for the shed are attached for Council information.

The Hockey Club are not seeking any financial contribution from the Shire, rather they are seeking endorsement from the Shire to proceed with the project.

With the timing of the project the Shire will have a contractor in town assisting with the preparation of site works for the footpath and kerbing maintenance. I have suggested to the Hockey Club that the Shire would be able to assist with the preparation of the sand pad for the shed whilst the contractor is in town. This would be a very minimal cost to Council.

#### **Consultation**

Carine De San Miguel, Mingenew Hockey Club

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Any financial costs to the Shire for the proposed project are negligible and would be absorbed within the Shire's operating budget.

#### **Strategic Implications**

Community Strategic Plan

Outcome 3.2.3 - Maintain and further develop the recreation complex

Outcome 4.1.1 – Continue to support community groups.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.2**

**MOVED: CR RW NEWTON**

**SECONDED: CR JD BAGLEY**

**That Council:**

1. Endorse the proposal from the Mingenew Hockey Club to proceed with the installation of a 5mx3m shed at the Mingenew Hockey oval, and
2. Assist the Mingenew Hockey Club by preparing the sand pad for the installation of the shed.

**AMENDMENT**

**MOVED: CR GJ COSGROVE**

**SECONDED: CR JD BAGLEY**

**That the word “sand” in Condition 2 be replaced with “concrete”.**

**VOTING DETAILS:**

**THE AMENDMENT WAS PUT AND CARRIED 5/0  
AND FORMED PART OF THE SUBSTANTIVE MOTION**

**COUNCIL DECISION – ITEM 9.1.2**

**MOVED: CR RW NEWTON**

**SECONDED: CR JD BAGLEY**

**That Council:**

1. Endorse the proposal from the Mingenew Hockey Club to proceed with the installation of a 5mx3m shed at the Mingenew Hockey oval, and
2. Assist the Mingenew Hockey Club by preparing the concrete pad for the installation of the shed.

**VOTING DETAILS:**

**CARRIED 5/0**

**REASON FOR CHANGING THE OFFICER RECOMMENDATION**

Council were satisfied that sufficient funds were available in the budget to provide a concrete pad instead of a sand pad.

## **9.2 FINANCE**

### **9.2.1 BUDGET REVIEW**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0130  
**Date:** 13 March 2018  
**Author:** Durga Ojha, Manager of Finance  
**Senior Officer:** Martin Whitely, Chief Executive Officer

#### **Summary**

Council is requested to review and adopt the documentation tabled for the 2017/18 Budget Review.

#### **Attachment**

Detailed Budget Review Documents

#### **Background**

Regulation 33A of the Local Government (Financial Management) requires a local government to carry out a review of its annual budget between 1 January and 31 March each financial year.

#### **Comment**

There are various timing and permanent timing variances that have been addressed in the budget review. Explanations for these variances are provided in the Budget Review commentary and a conservative approach has been taken in finalising the forecast closing surplus position.

#### **Consultation**

Chief Executive Officer

#### **Statutory Environment**

Local Government (Audit) Regulations 1996

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

The Budget Review process is an integral part of the integrated planning frameworks and risk management processes carried out by Council.

#### **Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.2.1**

**MOVED: CR RW NEWTON**

**SECONDED: CR JD BAGLEY**

**That Council:**

- 1. Adopts the 2017/18 Budget Review as tabled, and**
- 2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted in “Note 4 – Predicted Variances” within the 2017/18 Budget Review document.**

**Councillor Newton, with the consent of Councillor Bagley sought and was granted leave of the meeting to vary the motion as follows:**

**That Council (As varied):**

- 1. Adopts the 2017/18 Budget Review as tabled;**
- 2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted in “Note 4 – Predicted Variances” within the 2017/18 Budget Review document; and**
- 3. That administration staff include the CEO recruitment expenses of \$15,000 in the Budget Review.**

**VOTING DETAILS:**

**CARRIED 5/0**

**REASON FOR CHANGING THE OFFICER RECOMMENDATION**

**The recommendation was amended to include the out of budget expenditure for the CEO Recruitment process as per the council Resolution at the Special Meeting held 31 January 2018.**

**9.2.2 FINANCIAL STATEMENTS FOR PERIOD ENDING 28 FEBRUARY 2018**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 13 March 2018  
**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 28 February 2018 is presented to Council for adoption.

**Attachment**

Finance Report for period ending 28 February 2018

**Background**

The Monthly Financial Report to 28 February 2018 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**

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Fund & Cash on Hand	\$498,053
3 Month Term Deposit @ 2.45%	\$1,513,822
Restricted Funds ( Unspent Grants) included in the above term deposit	\$583,500
Trust Fund	\$61,159
Reserve fund (6 Month Term Deposit) @ 2.55%	\$401,872

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 March 2018

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 28 February 2018;

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	175,500	1,135	77	6,064	181,736

Rates Outstanding at 28 February 2018 were:

	February 2018	January 2018
Rates	264,030	279,330
Rubbish	13,425	13,846
ESL	4,242	4,742
<b>TOTAL</b>	<b>281,697</b>	<b>297,918</b>

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

### Consultation

Martin Whitely, 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 AND COUNCIL DECISION – ITEM 9.2.2**

**MOVED: CR JD BAGLEY**

**SECONDED: CR KJ MCGLINN**

**That the Monthly Statement of Financial Activity for the period 1 July 2017 to 28 February 2018 be received.**

**VOTING DETAILS:**

**CARRIED 5/0**

### 9.2.3 ACCOUNTS FOR PAYMENT – MONTH ENDING 28 FEBRUARY 2018

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Disclosure of Interest:** Nil  
**Date:** 14 March 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 February 2018 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).

List of Payments  
Payroll, Licensing & Credit Card

#### **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 AND COUNCIL DECISION – ITEM 9.2.3**

**MOVED: CR RW NEWTON**

**SECONDED: CR JD BAGLEY**

That Council confirm the accounts as presented for February 2018 from the Municipal & Trust Fund totalling \$331,599.97 represented by Electronic Funds Transfers of EFT 11305 to 11382 Direct Deduction DD8355.1, 2, 3, 4, &5 , DD 8369.1, DD 8317.1, 2, 3, 4,&5 and Municipal Cheque numbers 8543 to 8546.

**VOTING DETAILS:**

**CARRIED 5/0**

DRAFT

## 9.3 ADMINISTRATION

### 9.3.1 COMPLIANCE AUDIT RETURN 2017

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	AMN0081
<b>Date:</b>	15 March 2018
<b>Author:</b>	Belinda Bow, Governance Officer
<b>Senior Officer:</b>	Martin Whitely, Chief Executive Officer

#### **Summary**

The purpose of this report is to present Council with the completed 2017 Compliance Audit Return (CAR), which has been reviewed by the Audit Committee as required by Local Government (Audit) Regulations 1996.

#### **Attachment**

2017 Compliance Audit Return

#### **Background**

In accordance with the Local Government Act 1995 and Local Government (Audit) Regulations 1996, a local government is required to complete an annual CAR for the period 1 January to 31 December of the preceding year.

The CAR, after being adopted by Council, is to be forwarded to the Department of Local Government by 31 March 2018.

#### **Comment**

The purpose of the annual CAR is for individual local governments to assess their level of compliance with the Local Government Act 1995 and associated Regulations.

The specific areas addressed by the CAR are:

- Commercial Enterprises by Local Government;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Local Government Employees;
- Official Conduct; and
- Tenders for Providing Goods and Services.

The Compliance Audit has been undertaken as an internal audit, sourcing evidence of compliance through the Shire's own records. Where relevant, resolution references have been included in the CAR.

The completed CAR indicates that the Shire of Mingenew is maintaining a high level of compliance in the key areas that the CAR focuses on. There were no areas of non-compliance found.

### **Consultation**

Durga Ojha- Finance Manager  
Martin Whitely- Chief Executive Officer  
Darrell Forrest- Governance Consultant

### **Statutory Environment**

Local Government (Audit) Regulations 1996  
Local Government (Functions & General) Regulations 1996  
Local Government (Administration) Regulations 1996  
Local Government (Elections) Regulations 1997  
Local Government (Rules of Conduct) Regulations 2007

### **Local Government Act 1995**

#### **s 7.13(i) Regulations as to audits**

- (1) Regulations may make provision —
  - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
    - (i) of a financial nature or not; or
    - (ii) under this Act or another written law.

### **Local Government (Audit) Regulations 1996**

#### **r 14 Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

### **Local Government (Audit) Regulations 1996**

#### **r 15 Compliance audit return, certified copy of etc. to be given to Executive Director**

- 1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation — certified in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
  - (b) the CEO.

**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 AND COUNCIL DECISION – ITEM 9.3.1**

**MOVED: CR GJ COSGROVE**

**SECONDED: CR JD BAGLEY**

**That Council:**

- 1. Notes that recommendation by the Shire of Mingenew Audit Committee in regards to the review of the 2017 Compliance Audit Return;**
- 2. Adopts the completed 2017 Compliance Audit Return for the period of 1 January to 31 December 2017 as presented in Attachment 1; and**
- 3. Submits the completed Compliance Audit Return for the Shire of Mingenew to the Department of Local Government after the Joint Certificate is signed by the Shire President and the Chief Executive Officer.**

**VOTING DETAILS:**

**CARRIED 5/0**

### 9.3.2 POLICY MANUAL REVIEW

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Date:</b>	06 March 2018
<b>Author:</b>	Belinda Bow, Governance Officer
<b>Senior Officer:</b>	Martin Whitely, Chief Executive Officer

#### **Summary**

Council will be asked to consider a number of deletions, amendments and additions to the Shire of Mingenew Policy Manual, with the aim of making the policies more relevant, manageable and consistent.

#### **Attachment**

Current Policy Manual (under review)  
Revised/Proposed Policy Manual  
Procedure Manual

#### **Background**

Determining local government policies is one of the roles of Council outlined in section 2.7 of the Local Government Act 1995. Regular review of the Shire's policies is required to ensure their continued relevance and applicability.

#### **Comment**

The Policy Manual has had a thorough review in consultation with the Chief Executive Officer, Finance Manager, Town Planner and Governance Consultant. It appears that the current Policy Manual is outdated with many policies listed now:

- a) redundant
- b) have been succeeded by legislation; or
- c) are not in keeping with the definition of policy.

It requires reformatting to ensure a consistent policy development and enable ease of use.

#### **Format and Content of Current Manual**

One of the issues identified with the layout of the current manual is that there is no clear distinction between Council and Administrative (Shire) policies. Administrative policies are to be developed by the CEO and/or senior management employees and are authorised by the CEO to govern the day to day running of the Shire Administration. These policies do not require Council adoption.

Council policies are policies adopted by Council to represent its position and detail its principals on strategic matters. Such policies should be formatted as broad-termed guiding statements with intent of providing a basis for future Council and administrative decisions. Broad Council policy affords flexibility and this inturn enables the administration to implement procedures that are efficient, workable and achievable, therefore enhancing the ability of the Shire to meet Councils vision and goals.

Of the policies that are in the current manual, it is recommended that 50 be retired and removed from the manual as they are either administrative and/or procedural in nature. The revised version of the manual does not include such policies. Some have been integrated into Shire of Mingenew Procedure Manual which is a new manual that has been developed to support the policies.

It has been attached for your viewing to satisfy Council's responsibility of ensuring sufficient procedures are in place to carry out Council's policies. Please note that this is still under development and is the responsibility of the Administration.

To clearly delineate the policies ownership and in turn responsibility for review I recommend separating the policies into Council and Administrative sections which has been undertaken in the revised manual. It is anticipated that this will assist in clarifying the separation of duties and will make policy review a more manageable task for Council now and in the future. Council will only be required to review and adopt policies that fall within their spectrum of responsibility. The CEO will be responsible for reviewing the remaining Policy and Procedures.

#### Town Planning Policies

It is recommended that all Building, Planning and Health policies that are in the current manual be removed as they are either procedural in nature or have been provided for within:

- a) The Shire's Town Planning Scheme; or
- b) Legislation.

The town planning policies can be reviewed again once the new Scheme is adopted by Council in the near future.

#### Aesthetics

I have attempted to keep the layout of the policies simple and consistent in the revised manual. Please note that the finished manual will be formatted with a cover and header in keeping with the Annual Report design (will be done by Lateral) to align the Shire's corporate documents and project a cohesive brand.

#### Summary of Changes

A summary of the changes made to the revised Policy Manual are provided in the table below.

<b>Policy</b>	<b>Amendments/Changes</b>
1001 Annual Electors Meeting	Removed as a Council direction not a Council Policy. Provided for within the Local Government Act 1995 (LGA).
1002 Council Elections - Voting in Person	Removed as a Council direction not a Council Policy. Provided for within the LGA.
1003 Election to Committees	Removed as a Council direction not a Council Policy. Provided for within the LGA.
1004 Conference and Meetings	Removed as provided for within the new Elected Members Entitlements Policy and associated procedures.
1005 Council Expenses	<p>Removed as provided for within the new Elected Members Entitlements Policy and associated procedures.</p> <p>Note that detailed entitlements and reimbursements are now within procedures as Part 1&amp; 2 entitlements are governed/set by the Salaries and Allowances Tribunal, not Council. These are Mandatory Payments (part 2 – if claimed by the Councillor).</p> <p>Part 3 details reimbursements that MAY be reimbursed by Council if they so decided. As Council have already decided by resolution to support such reimbursements they</p>

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	are now within procedures. The extent of reimbursement is governed by the Salaries and Allowances Tribunal.
1006 Recognition of Councillors and Staff	Removed as provided for by the new Elected Members Entitlements Policy and associated procedures.
1007 Council Meetings Policy and Procedures	Removed as Council now have a Standing Orders Local Law which renders the policy superfluous.
2001 Rationalisation of MWRC Member Shires Senior Staff	Removed as procedural in nature. Will be added to the Procedure Manual in the future.
2002 Legal Representation	Amended into a new policy and procedures. Most details in the procedures are noted with "subject to council approval" Now policy no. 1.2.2
2003 Press Release and Media Statements	Removed as provided for within the new Elected Members Communications Policy and procedures.
2004 Recognition of Passing of Community Member	Removed. Will apply to procedures in the future.
2005 Historical Committee	Removed as no longer used- now Tourist and Promotions Committee.
2006 Tidy Town Committee	Removed as no longer used
2007 Tourism and Promotions Committee	Removed as provided for within Community Engagement Policy and procedures
2008 Sportsground Advisory Committee	Removed as provided for within Community Engagement Policy and procedures
2009 Street Stall Permits	Removed as provided for within the Health Act
2010 Complaints Handling	Redesignated to a Shire (administrative) Policy.
2011 IT	Removed as procedural.
2012 Community Bus Hire	Have made provision for within the new Supporting the Community Policy- clause b. The bus policy that is in the current manual will be placed in the Procedure manual.
2013 Risk Management	Amended Risk appetite included in procedural manual as Council have passed a resolution on its use. Clause- "Roles, Responsibilities and Accountabilities"- removed as part of administrative procedure. Clause "Monitor and Review- removed as provided for within the LG (Audit) Regulations.
2014 Record Keeping	Redesignated to a Shire Policy.
3001 Significant Accounting Policies	Kept but is to be reviewed by the new Finance Manager in the future. Layout is inconsistent with the rest of manual as it is a statutory policy that requires a specific layout.
3002 Investment	Amended wording. Title now Investment of Surplus Funds and is to be accompanied by a delegation.
3003 Budget	Removed as a Council direction. Provided for within the LGA
3004 Donations	Removed as provided for within Supporting the Community Policy. Procedures to be developed.
3005 Cash Contributions and Self Supporting Loans.	Removed as provided for within Supporting the Community Policy. Procedures to be developed.
3006 Debt Collection	Redesignated to Shire Policy
3007 Purchasing	Amended. Tender process omitted as provided for within the Local

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	Government (Functions & General) Regulations 1996. Pre-Qualified panel of suppliers removed and replaced with WALGA Preferred Supplier Program as the Shire does not currently have a Pre-qualified Panel. Request for Quotation Process omitted as provided for within the WALGA Preferred Supplier Program. The purchasing thresholds remain the same and as passed by resolution of Council and thus been placed within procedures.
3008 Regional Price Preference	Removed as provided for within the Purchasing Policy
3009 Content of Monthly Financial Reports	Removed as a Council direction and is provided for within legislation.
3010 Corporate Credit Card Policy	Redesignated to Shire Policy.
3011 Asset Management	Amended. Same principals but reformatted. Added clauses on reporting and levels of service.
4001 Equal Opportunity Statement	Removed. To be displayed on website separately.
4002 Sexual Harassment	Removed as provided by legislation.
4003 Appointments	Removed as an administrative role, not a Council decision.
4004 Medical and Police Clearance Certificates	Removed as administrative- apart of Application process and induction.
4005 Superannuation	Removed as administrative
4006 Professional Development	Removed as administrative.
4007 Uniform Subsidy	Removed as administrative
4008 Emergency Services Leave	Removed as should be apart of Contract
4009 Motor Vehicles	Removed as is a condition of employment and should be stipulated within employee contracts
4010 Payments to Employees in Addition to Contract/Award	To be reviewed in the future.
4011 Drivers Licence Renewal	Removed as is a condition of employment and should be stipulated within employee contracts.
5001 Allocations of Staff Housing	Removed as forms part of Council's Disposal of Property delegation
5002 Residential Rentals/Leases	Removed as forms part of Council's Disposal of Property delegation
5003 Telephones in Council/Staff Houses	Removed as is a condition of employment and should be stipulated within employee contracts.
5004-5006 Water Charges	Removed as is a condition of employment and should be stipulated within tenancy agreement.
5007 Reimbursement of Utility Charges	Removed as is a condition of employment and should be stipulated within tenancy agreement.
6001 Picking Wildflowers	Removed as provided for within the Wildlife Conservation Act 1950 and Conservation and Land Management Act 1984
6002 Hall and Rec Centre Hire	Removed as provided for by the Supporting the community policy and is to be amended into procedure manual.
7001 Vehicle Replacement Program	Removed as provided for within Integrated Planning Legislation (Asset Management Planning)
7002 Crossings	Removed as forms part of Council Delegation
7003 Pipe Across Roads	Removed as forms part of Council Delegation
7004 Gates	Removed as forms part of Council Delegation
7005 Salt Drain/ Road Reserve	Removed as forms part of Council Delegation



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Crossings	
7006 Roadside Vegetation	Removed as provided for within the Environmental Protection Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Policy contained mostly administrative procedures.
7007 Road Closure	Removed as forms part of Council Delegation
8001 Occupational Health & Safety	Amended. Removed duty of care responsibilities as detailed with the OSH Act 1984. Specific OSH procedures will be detailed in a separate procedure manual.
8002 Smoking	Removed as provided for within the Occupational Health and Safety Act
8003 Drug and Alcohol	Removed as provided for within the Occupational Health and Safety Act and the OSHE Procedure. The policy was mainly administrative procedures.
9001 Oversize Sheds/Rain Water Tanks	Removed as a Council direction. Is provided for within Town Planning Scheme No.3.
9002 Grey Water Reuse	Removed as a Council direction. Grey-water is provided for by health legislation.
9003 Finished Floor Level	Removed as Council direction.
9004 Extractive Industry	Removed as provided for within the Town Planning Scheme No.3. A local law needs to be done to provide Council with more control over Industry applications and extraction within its Shire.

**New Policies**

The new policies included in the Revised Manual include:

- a) Elected Members Entitlements
- b) Elected Members Communications
- c) Communications between Elected Members and Staff
- d) Community Engagement; and
- e) Supporting the community.

Further policy development may need to be undertaken in the future when gaps are identified. However in its current form the revised Policy Manual provides is a sound basis for Council to govern.

**Consultation**

Martin Whitely                      Chief Executive Officer  
 Durga Ojha                              Finance Manager  
 Simon Lancaster                      Town Planning  
 Darrell Forrest                         Governance Consultant

**Statutory Environment**

Local Government Act 1995

**s2.7. Role of council**

- (1) The council —
  - (a) governs the local government’s affairs; and
  - (b) is responsible for the performance of the local government’s functions.

- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government’s finances and resources;

- (b) determine the local government's policies.

**Financial Implications**

Nil

**Policy Implications**

It is anticipated that a more manageable suite of policies will emanate from this review with an associated Procedure Manual.

**Strategic Implications**

Community Strategic Plan

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

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION – 9.3.2**

**MOVED: CR RW NEWTON**

**SECONDED: CR KJ MCGLINN**

**That Council:**

- 1. Adopt the Council policies contained within the revised Shire of Mingenew Policy Manual, and**
- 2. Note the Shire policies contained within the revised Shire of Mingenew Policy Manual, and**
- 3. Note the Shire of Mingenew Procedure Manual.**

**VOTING DETAILS:**

**CARRIED 5/0**

**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 18 April 2018 commencing at 4.30pm.

**14.0 CLOSURE**

President HM Newton thanked Martin Whitely for his tremendous efforts whilst serving as CEO for the Shire of Mingenew and on behalf of Council wished him all the best in his future endeavours.

The President thanked all for attending and declared the meeting closed at 5.10pm.

**These minutes were confirmed at an Ordinary Council meeting on 18 April 2018**

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_