



# MINUTES FOR THE ORDINARY COUNCIL MEETING

18 MARCH 2020

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON  
18 MARCH 2020 COMMENCING AT 4.30PM**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The President GJ Cosgrove declared the meeting open at 4:30pm and welcomed all in attendance.

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

GJ Cosgrove	President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
AR Smyth	Councillor	Town Ward

**APOLOGIES**

CV Farr	Councillor	Town Ward
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**STAFF**

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**

Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 19 FEBRUARY 2020**

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 7.1 - Resolution 18032001**

Moved: Cr AR Smyth

Seconded: Cr JD Bagley

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 19 February 2020 be confirmed as a true and accurate record of proceedings.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

**9.0 DECLARATIONS OF INTEREST**

As the responsible officer for the tasks which are to be audited and reported on the 2020 Compliance Audit Return, Erin Greaves, Governance Officer disclosed an Impartiality Interest.

Nils Hay, CEO also disclosed an Impartiality Interest relating to the Regulation 17 Audit (Item 5.2), as the reporting officer on matters that are audited on.

**10.0 RECOMMENDATIONS OF COMMITTEES**

**10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 3 MARCH 2020**

**COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEMS 10.1.1 - Resolution 18032002**

Moved: Cr AR Smyth

Seconded: Cr JD Bagley

That the Council receives the Minutes of the Local Emergency Management Committee meeting held 3 March 2020.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

**COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEMS 10.1.2 - Resolution 18032003**

Moved: Cr JD Bagley

Seconded: Cr AR Smyth

That Council supports a funding application be prepared and submitted to the Department of Fire and Emergency Services (DFES) for a new Fire Shed to be designed (based on the DFES-endorsed design) and installed on suitable Council-owned land (further analysis be undertaken to determine most appropriate and feasible location).

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

**COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEMS 10.1.3 - Resolution 18032004**

Moved: Cr AR Smyth

Seconded: Cr HM Newton

That Council endorses the Response Vehicle Identifier (RVI) Stickers Procedure to assist in the management and control of personnel / vehicles accessing a fire ground or incident site.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

## 10.2 AUDIT & RISK COMMITTEE MEETING HELD 11 MARCH 2020

### OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 10.2.1 - Resolution 18032005

Moved: Cr HM Newton

Seconded: Cr RW Newton

That Council receives the Minutes of the Audit & Risk Committee meeting held 11 March 2020.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

NOTE: The following discussion points and outcomes were raised by Committee members for Council's information:

- Item 5.3 Workforce Plan 2020-2024 was laid on the table with the matter to be referred to a future Council Forum with significant changes, including:
  - Contractor vs Employee
  - Less detail
  - More strategic, positive approach
- Investment of Surplus Funds Policy and Procedure to be reviewed to ensure it reflects the current financial environment and recommended practice.
- Investigate a purchasing panel for contracted services to improve governance and practicality of purchasing procedures and oversight.

### COMMITTEE RECOMMENDATION AND COUNCIL DECISION ENCLOC - ITEMS 10.2.2 TO 10.2.6 - Resolution 18032006

Moved: Cr HM McTaggart

Seconded: Cr RW Newton

That the Council:

1. a) adopts the 2019 Compliance Audit Return (CAR) for the period 1 January to 31 December 2019 as presented in the Attachment Booklet subject to the response to Question 27 of the Tenders for Providing Goods and Services section be amended to state "One occasion where only 1 quote (of required 3) received..."; and  
  
b) Authorises the Shire President and Chief Executive Officer to sign the certification of the CAR, and lodge it with the Department of Local Government, Sport and Cultural Industries as required.
2. receives the CEO's Regulation 17(1) Report, reviewed by the Audit & Risk Committee, as required under Regulation 17(3) of the Local Government (Audit) Regulation 1996.
3. receives the updated Shire of Mingenew Risk Register and Internal Audit Plan.
4. receives the Shire of Mingenew Business Continuity Plan 2020, as presented in the Attachment Booklet – February 2020 and recommends to Council that it be adopted subject to the following amendments:

- A response to the impact of a pandemic on personnel be to include flexible working arrangements (i.e. working remotely from home)
- That the Contact List in the Appendix be updated with the current LEMC contacts

And that the CEO is to develop and implement a Working From Home Policy and Procedure to manage risk associated with ensuring a safe working environment outside of the ordinary workplace.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

### 10.3 BUSHFIRE ADVISORY COMMITTEE MEETING HELD 11 MARCH 2020

#### COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEMS 10.3 - Resolution 18032007

Moved: Cr JD Bagley

Seconded: Cr HM Newton

That Council:

1. Receives the Minutes of the Bushfire Advisory Committee meeting held 11 March 2020;
2. Appoints the following persons to the position of Captain or Deputy Captain for the following Bush Fire Brigades:

Yandanooka

Captain:\_ N Duane

Deputy Captain:\_\_\_ J Bagley

Lockier

Captain:\_ D Michael

Deputy Captain:\_ P Flanders

Guranu

Captain:\_ B Cobley (TBC)

Deputy Captain:\_\_\_ G Elsegood (TBC)

Mingenew North

Captain:\_ A Pearse

Deputy Captain:\_ A Green

Mingenew Town

Captain:\_ A Smyth

Deputy Captain:\_ T Anderson (TBC)

3. Appoints Murray Thomas to the position of Bushfire Control Officer and Nick Duane to the position of Deputy Bushfire Control Officer for the Shire of Mingenew.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

**11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER**  
**11.1 GIFTED PROPERTY TRANSFER – RATES WRITE OFF**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Mr T Finnegan  
**File Reference:** A308, A349, A350, A351, A502 and A503  
**Disclosure of Interest:** Nil  
**Date:** 10 March 2020  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

**Summary**

To write-off the outstanding rates owed by Mr Finnigan following the gifting of the property, as endorsed by Council in October 2019.

**Key Points**

- Council resolved to purchase property from Mr Finnigan at the 16 October 2020 Ordinary Council meeting.
- Mr Finnigan's outstanding rates debt is \$3,850.98.
- The CEO currently has delegated authority to write-off debts up to the value of \$1,000 therefore Council endorsement is sought for the rates write-off.

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 11.1 - Resolution 18032008**

Moved: Cr JD Bagley  
Seconded: Cr RW Newton

That Council authorises the outstanding rates owed by Mr Finnigan totalling \$3,850.98 to be written off, in lieu of the property being gifted to the Shire of Mingenew, as per Council resolution 16011905 at the 16 October 2019 Ordinary Council meeting.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

**Background**

At the 16 October Ordinary Council meeting it was resolved:

**OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 - Resolution 16101904**

Moved: Cr Eardley    Seconded: Cr Cosgrove

- That Council endorses the acquisition of the following lots as gifted assets from Mr. Terrence Finnigan: Lot 14 King Street and Lots 176, 177, 178 Oliver Street and Lots 163, 164 Broad Street Mingenew.
- That Council authorises the Chief Executive Officer to proceed with the transfer of this land to the Shire of Mingenew

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

- That Council makes available of a budget of \$5,000.00 from reserves for the purpose of land transfer costs.

**VOTING DETAILS:**

**CARRIED BY ABSOLUTE MAJORITY: 7/0**



The resolution has been enacted. The execution date for the Deed and Transfer was 20 January 2020.

### Comment

The CEO's delegated authority is conditional with regard to writing off debts, as per the extract from the Delegation - CD02 Debts, Waiver, Concessions, Write Off and Recovery:

### Conditions.

1. The power to waive or write off debt and grant a concession does not apply to debts which are prescribed as debts, that are taken to be a rate or service charge.
2. A debt may only be waived where:
  - a) in accordance with the Supporting the Community Policy a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and
  - b) Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.
3. A concession may only be granted where:
  - a) In accordance with the Supporting the Community Policy a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and
  - b) Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.
4. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Mingenew.
5. Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$100. Write off of debts greater than these values must be referred for Council decision.
6. Debt recovery is to be in accordance with the Shire's Internal Debt Recovery Policy and Procedures and subject to the provisions of the Local Government Act 1995.
7. Subject to the reporting of the exercise of this delegation to the Concept Forum each month.

### Statutory Environment

#### *The Local Government Act 1995*

#### 6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

#### *Rates and Charges (Rebates and Deferrals) Act 1992*

### Policy Implications

#### 1.3.9 Debt Collection Policy

### Financial Implications

The valuation of the property, as presented to Council in October 2019, exceeds the outstanding value of rates owed by Mr Finnigan and the cost of the property transfer.

### Strategic Implications

#### Community Strategic Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

## 11.2 GIFTING OF COOLROOM BY MINGENEW TURF CLUB

**Location/Address:** Mingenew Turf Club / Recreation Centre  
**Name of Applicant:** Mingenew Turf Club  
**File Reference:** ADM0012  
**Disclosure of Interest:** Nil  
**Date:** 11 March 2020  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

To consider the proposal from the Mingenew Turf Club to gift the Coolroom located at the rear of the Mingenew Turf Club bar, to the Shire of Mingenew.

### Key Points

- The Mingenew Turf Club has approached the Shire with a proposal to gift the Coolroom, located at the Turf Club, to the Shire for appropriate management.
- The Turf Club request first rights to use and charges be waived for their use (in recognition of their contribution to providing the facility).
- It is proposed that, should Council resolve to accept the Club's proposal, that a Policy and Fee be determined and adopted by Council to clarify management arrangements of the Coolroom.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 11.2 - Resolution 18032009**

**Moved:** Cr HM Newton

**Seconded:** Cr AR Smyth

#### **That Council:**

- Accepts the gifted Coolroom, donated by the Mingenew Turf Club for the purpose of making it available for community use;**
- Gives the Mingenew Turf Club first rights use of the Coolroom facility for the Mingenew Races and other activities, as approved by Council Policy (to be prepared and presented to Council at a future meeting), at no cost for the life of the current coolroom; and**
- Considers setting a hire charge for the use of the Turf Club Coolroom for inclusion in Council's Fees and Charges 2020/21.**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

### Attachment

Attachment 11.4.1 Correspondence from Mingenew Turf Club

### Background

The Mingenew Turf Club have indicated to the Shire that they would like to gift the Coolroom, located at the rear of the Turf Club, to the Shire. Reasoning being that it can then be available for broader community use and more easily managed through the Shire's current administrative procedures.

The Turf Club's Vice President has indicated that it is their expectation that the Turf Club would have first rights of use at no cost, for the life of the coolroom.

The Turf Club have offered to provide assistance to any hirers in operating and accessing the coolroom to ensure the correct operation and management by new users. They are also proposing to install a coded lock box.

### Comments

The Coolroom is approximately 25 years old and has had the refrigeration unit replaced 5 years ago (with 7 year warranty) which was purchased for \$13,000 including GST by the Turf Club. Initial research suggests that replacement costs would be \$7,000 - \$10,000 second-hand or from \$12,000 new. Insurance costs would require a replacement valuation which would be sought before taking ownership.

In taking ownership of the coolroom, the Shire takes on the responsibility of maintenance and administration as well as insurance. Should there be any operating issues with the coolroom an appropriate tradesperson would need to be contracted to travel and repair which is an additional expense to the Shire. It is also worth considering that should the coolroom require replacing, the replacement costs (or whether or not the Shire would replace the unit at all) need to be determined. Therefore, it is recommended that staff research anticipated replacement and maintenance costs to then inform any cost recovery through the setting of hire charges.

To ensure the consistent and fair management of the facility it is also proposed that a Policy be developed to clarify any requirements around the Turf Club's ongoing use and broader management. It is suggested that the Turf Club would have first rights, as requested but usage would still need to be communicated through the Shire to ensure booking management, cleaning and maintenance is efficient and consistent.

### Consultation

Mr David Bagley, Vice President - Mingenew Turf Club  
Leadership Team

### Statutory Environment

Local Government Act 1995

#### **6.16. Imposition of fees and charges**

(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

\* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

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

\* Absolute majority required.

#### **6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

### Policy Implications

Council will need to clarify any usage expectations for the Mingenew Turf Club and it is suggested that a policy be developed that sets out the usage arrangements (similar to the Community Bus policy). It will be appropriate to clarify first rights and fee waivers to apply to the Mingenew Turf Club's use of the Coolroom, as well as any usage arrangements for the broader community. To ensure good booking management practices, it is recommended that all access to the Coolroom be managed exclusively through the Shire's booking and key system, rather than the maintenance of a lockbox.

### **Financial Implications**

In conjunction with the obvious social benefits this proposal may provide, it is important that Council considers the ongoing financial (lifetime) costs and implications, as well as the associated income from any hire fee charged.

Should Council wish to set a fee for community or commercial use of the coolroom, a Council resolution is required. However, so the Shire can appropriately off-set any anticipated expense and calculate a reasonable fee it is proposed that a hire fee be set as part of the 2020/21 Budget process.

### **Strategic Implications**

Community Strategic Plan:

Strategy 1.1.2 Provide buildings, facilities and services to meet community needs

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

## 12.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 29 FEBRUARY 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 11 March 2020  
**Author:** Jeremy Clapham – Finance & Administration Manager

#### Summary

This report recommends that the Monthly Financial Report for the period ending 29 February 2020 as presented to the Council be received.

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 12.1 - Resolution 18032010**

**Moved:** Cr HM Newton

**Seconded:** Cr HR McTaggart

**That the Monthly Financial Report for the period 1 July 2019 to 29 February 2020 be received.**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

#### Attachment

12.1.1 Monthly Financial Report for period ending 29 February 2020

#### Background

The Monthly Financial Report to 29 February 2020 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund
- Explanation of Material Variances

#### Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 29 February 2020	
Municipal Funds	\$1,793,006
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$147,814
Trust Fund	\$1
Reserve fund (3 Month Term Deposit) @ 2.50%	\$310,035

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2019/20 financial year.

### Consultation

Nil

### 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**

No financial implications are indicated in this report.

**Strategic Implications**

Nil

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 FEBRUARY 2020 TO 29 FEBRUARY 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Attachment/s:** List of Payments – February 2020  
**Disclosure of Interest:** Nil  
**Date:** 12 January 2020  
**Authorising Officer:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period 1 February 2020 to 29 February 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 12.2 - Resolution 18032011**

Moved: Cr RW Newton  
Seconded: Cr HM Newton

That Council receive the attached list of payments for the period of 1 February 2020 to 29 February 2020 as follows:

\$14,683.66	Municipal Cheques;
\$174,122.61	Municipal EFT's;
\$56,991.30	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$20,458.14	Municipal Direct Debit Other;
\$1,385.33	Municipal Other Charges.

Totalling \$267,641.04 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$68,396.62

Total of all payments - \$336,037.66.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

### 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

### 12.3 BUDGET REVIEW – 2019/20

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0130  
**Attachment/s:** Budget Review for the period ended 29 February 2020  
**Date:** 11 March 2020  
**Author:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Absolute majority

#### Summary

Council is requested to review and adopt the documentation tabled for the 2019/2020 Budget Review.

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 12.3 - Resolution 18032012**

Moved: Cr HM McTaggart

Seconded: Cr AR Smyth

That Council

1. Adopts the 2019/2020 Budget Review as tabled; and
2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted and proposed in "Note 4" within the 2019/20 Budget Review document.

**VOTING DETAILS:**

**CARRIED BY ABSOLUTE MAJORITY: 6/0**

#### Background

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

#### Comment

The attached budget review is to comply with the Shire's statutory obligations.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

This report provides information by program and nature or type and is based on the eight month period from 1 July 2019 to 29 February 2020.

The budget review reflects a view of the position of the Shire of Mingenew, projected full year revenue and expenditure against full year original budget.

The projected actuals are based on the information provided for each program, with an estimated zero increase/decrease in the closing funding surplus/(deficit) compared to original budget.

In the attachment is an explanation of identified major expenditure and revenue expectations of specific projects not proceeding, reduction in revenue or timing issues.

**Consultation**

Nils Hay; Chief Executive Officer  
Helen Sternick; Senior Finance Officer  
Concept Forum; February 2020

**Statutory Environment**

Local Government Act 1995  
Local Government (Financial Management) Regulations 1996  
Australian Accounting Standards

**Policy Implications**

Nil

**Financial Implications**

While the proposed amended budget does re-allocate funds across several areas, the final result provides a balanced budget.

**Strategic Implications**

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

## 12.4 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION - 29 FEBRUARY 2020

<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>	ADM0059
<b>Date:</b>	11 March 2020
<b>Author:</b>	Jeremy Clapham – Finance & Administration Manager
<b>Voting Requirements:</b>	Simple Majority

### Summary

To consider variations to the Trust Deed for the Local Government House Trust.

### Key Points

- Council's consent is sought, to a variation to the Trust Deed for the Local Government House Trust (The Trust) as the Shire of Mingenew is a unit holder and beneficiary to the Local Government House Trust, holding 3 units as advised in WALGA's recent Quarterly Report Q4 2019.
- The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.
- As a beneficiary, the Shire of Mingenew is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent in writing, to consent for the Trustee to formally execute the Deed

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 12.4 - Resolution 18032013**

Moved: Cr h Newton

Seconded: Cr Bagley

That, with respect to the Local Government House Trust – Deed of Variation, Council:

1. Consent to a variation to the Trust Deed for the Local Government House Trust (The Trust) as detailed in Attachment 12.4.1; and
2. Communicate this consent in writing to the Local Government House Trust's Board of Management.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

### Attachment/s

12.4.1. Email from WALGA CEO Nick Sloan

12.4.2. Deed of Variation (Draft)

12.4.3. Clause 12 of Trust Deed 1994

### Background

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

#### Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

#### 1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust- ~~The Subject to clause 22.3, the~~ right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

#### 2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

#### 3. Variation 2.3 insert a new clause 13A

##### 13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

#### Comment

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the

transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

### **Consultation**

Nil

### **Statutory Environment**

There are no relevant statutory provisions.

### **Policy Implications**

Nil

### **Financial Implications**

There are no relevant financial implications upon the Council's Budget or Long Term Financial Plan.

One Seventy (170) Railway Parade, (local government house), where WALGA is located, is owned by the Association. The Shire of Mingenew owns six (3) units in the Trust that owns the 'local government house', which were valued at \$17,517.11 each (as at 30/6/18 as advised by WALGA).

Supporting the Deed of Variation will only strengthen WALGA's financial position, of which the Shire of Mingenew is a financial member.

### **Strategic Implications**

Nil

**13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING**

Nil.

**14.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**COUNCIL DECISION - ITEMS 14.0 - Resolution 18032014**

Moved: Cr HM Newton

Seconded: Cr AR Smyth

That Council consents to the Late Item 14.1 Mid West Secondary Grain Freight Network being accepted for consideration in accordance with clause 3.13 of the Shire of Mingenew Standing Orders Local Law 2017.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

## 14.1 MID WEST SECONDARY GRAIN FREIGHT NETWORK

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0180  
**Disclosure of Interest:** Nil  
**Date:** 16 March 2020  
**Author:** Nils Hay, Chief Executive Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

To endorse the Regional Road Group's proposed project listing for the Mid West Secondary Grain Freight Network.

### Key Points

- List collated and endorsed by North Midland and Coastal Zone local governments with assistance from Main Roads WA
- List intended to be provided to Federal Government to be funded as part of a major regional road infrastructure project

### **OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 14.1 - Resolution 18032015**

**Moved:** Cr JD Bagley

**Seconded:** Cr RW Newton

**That Council endorses the priority list of road work projects identified in the Mid West Secondary Grain Freight Network as prepared by Main Roads WA.**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 6/0**

### Attachment

Attachment 14.1.1 Mid West Secondary Grain Freight Network listing

### Background

The Mid West Regional Road Group has, over the past two years, been compiling a list of regional road networks (typically routes across individual Shire boundaries) with the intent of seeking external (State or Federal) funding to assist in the delivery of significant road upgrades to support our region's grain freight network.

We have had recent communication from both Melissa Price and the Deputy Prime Minister seeking details of potential transport infrastructure projects.

This list has been presented to Regional Road Group meetings and it has been indicated that endorsement from individual local governments would assist with strengthening the final application or presentation to the Federal Government.

### Comments

Main Roads and the Regional Road Group – including their Technical Working Group – have developed this listing based upon consultation with member local governments and through a multi-criteria analysis of the freight networks in this area (which resulted in the priority designations below). One of the key deliverables is a consistent network with an 8m seal on 10m pavement.



The roads identified in the Shire of Mingenew for this widening of formation and seal are:

Road		Section Details				
Road Name	Road Section	From	To	Dist	Priority	Est. Cost
Allanooka Springs Rd	Irwin Boundary to Depot Hill Rd	0	7.24	7.24	Med	\$724,000
Depot Hill Rd	Allanooka Springs to Mingenew-Mullewa	0	15.58	14.57	Med	\$3,642,500
Mingenew Mullewa Rd	Mingenew to Walkaway Nangetty Rd	0	31.09	31.09	High - Med	\$7,772,500
Mingenew South Rd	Midlands Rd to Yandanooka W Rd	0	2.5	2.5	Med	\$625,000
Mingenew South Rd	Midlands Rd to Yandanooka W Rd	2.5	8.88	6.38	Med	\$1,276,000
Mingenew South Rd	Midlands Rd to Yandanooka W Rd	8.88	10.8	1.92	Med	\$192,000
Mingenew South Rd	Midlands Rd to Yandanooka W Rd	10.8	11.9	1.1	Med	\$330,000
Mingenew South Rd	Midlands Rd to Yandanooka W Rd	11.9	17.06	5.16	Med	\$516,000
Nanekine Rd	Coalseam Rd to Morawa Shire boundary	0	6.04	6.04	Low	\$604,000
Nanekine Rd	Coalseam Rd to Morawa Shire boundary	6.04	7.18	1.14	Low	\$285,000
Nanekine Rd	Coalseam Rd to Morawa Shire boundary	7.18	8.37	1.19	Low	\$119,000
Nanekine Rd	Coalseam Rd to Morawa Shire boundary	8.37	8.85	0.48	Low	\$120,000
Nanekine Rd	Coalseam Rd to Morawa Shire boundary	8.85	10.5	1.65	Low	\$165,000
Nanekine Rd	Coalseam Rd to Morawa Shire boundary	10.5	13.87	3.37	Low	\$842,500
Yandanooka North East Rd	Midlands Rd to Mingenew Morawa Rd	0	4.7	4.7	High - Med	
Yandanooka North East Rd	Midlands Rd to Mingenew Morawa Rd	4.7	8.33	3.63	High - Med	\$726,000
Yandanooka North East Rd	Midlands Rd to Mingenew Morawa Rd	8.33	9.4	1.07	High - Med	\$321,000
Yandanooka North East Rd	Midlands Rd to Mingenew Morawa Rd	9.4	21.58	12.18	High - Med	\$3,654,000
					<b>TOTAL</b>	<b>\$21,914,500</b>

Whilst the list above does not include some items in our 5 year road plan, it represents a number of our key transport networks (and ultimately not every Shire can have every road which requires widening listed).

### Consultation

- Main Roads WA
- Mid West RRG Technical Working Group

### Statutory Environment

It is not entirely clear through which funding agency or arrangement this project will be delivered, but it would be anticipated there will be funding agreements to be put in place – with appropriate guidelines – for allocation, control and acquittal purposes. Whether those agreements are managed by individual local governments, or Main Roads at a regional level, remains to be determined.

### **Policy Implications**

Some of these roads form part of the Shire's 5 year road plan. Should this proposal be funded, the plan may need to be revised in accordance with those changes.

### **Financial Implications**

The precise financial implications are unknown at the time of writing the report, as no clear guidelines for the funding exist. At this stage, no financial contribution is being offered by the participating Mid West local governments.

Should co-funding be required, Council will need to consider this as part of future budget/budget review processes and when reviewing the 5 year road plan.

Should little, or no, co-funding be required, this would represent a significant opportunity to the Shire – and region more broadly.

### **Strategic Implications**

Community Strategic Plan:

Strategy 1.1.1 Provide and support cost effective transport networks

**15.0 CONFIDENTIAL ITEMS**

Nil.

**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 15 April 2020 commencing at 4.30pm.

**17.0 CLOSURE**

The meeting was declared closed at 5:02pm.

These minutes were confirmed at an Ordinary Council meeting on 15 April 2020.

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

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