



MINUTES OF ORDINARY COUNCIL MEETING HELD 17 JULY 2007

I hereby certify that the Minutes of the Ordinary Meeting of Council held 17 July 2007 are a true and accurate record of the proceedings contained therein.

Shire President Confirmed

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF
WYNDHAM EAST KIMBERLEY HELD ON TUESDAY, 17 JULY 2007 AT
WYNDHAM COUNCIL CHAMBERS, COMMENCING AT 6:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6:07pm.

2. RECORD OF ATTENDANCE

Cr Michele Pucci	Shire President
Cr Keith Wright	Councillor
Cr Di Ausburn	Councillor
Cr John Buchanan	Councillor
Cr Maxine Middap	Councillor
Cr Roch Devenish-Meares	Councillor
Cr Jane Parker	Councillor
Mr Peter Stubbs	Chief Executive Officer
Mr Alex Douglas	Executive Manager Engineering and Development Services
Ms Jo-Anne Ellis	Executive Manager of Corporate Services
Mr Keith Williams	Executive Manager of Town Planning
Miss Amanda Trengove	Manager Financial Services
Ms Fiona Kuiper	Executive Support Officer and Minute Taker

APOLOGIES

Nil

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3. DECLARATIONS OF INTEREST

• **Financial Interest**

Mr Keith Williams, Executive Manager of Town Planning, declared a Financial Interest in Item 17.1 as his contract is the subject of the item.

• **Members Impartiality Interest**

Cr Maxine Middap declared an Impartiality Interest in Item 13.4.5 as she is the Director of Ord Air Pty Ltd.

• **Proximity Interest**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Minute No. 7778

Moved: Cr K. Wright

Seconded: Cr D. Ausburn

That Cr Roch Devenish-Meares is granted a leave of absence for the Special Meeting of Tuesday 31 July 2007.

Carried Unanimously 7/0

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

- 8.1. Confirmation of Minutes of the Ordinary Meeting of Council Held On Tuesday 19 June 2007**

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 19 June 2007.

COUNCIL DECISION

Minute No. 7779

Moved: Cr D. Ausburn

Seconded: Cr. R. Devenish-Meares

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 19 June 2007.

Carried Unanimously 7/0

- 8.2. Confirmation of Minutes of the Ordinary Meeting of Council Held On Tuesday 20 March 2007**

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 20 March 2007.

COUNCIL DECISION

Minute No. 7780

Moved: Cr J. Parker

Seconded: Cr R. Devenish- Meares

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 20 March 2007.

Carried 6/1

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President made the following announcements:

I would thank and offer congratulations to Council staff, and those from the Kununurra District High School who assisted particularly this year's Coordinator Mandy Knox, for their involvement in the very successful delivery of this year's Kimberley Writers Festival, held since our last Council meeting. It was fabulous and judging by the attendance at the various events held over the weekend the Festival is going from strength to strength.

Special congratulations must go to Nickita Gerrard, who commenced work with the Shire as a Trainee through Kimberley Group Training, about year ago and who has progressed to the position as an Executive Support Officer to our Corporate Services Team. Nickita has been awarded the Trainee of the Year Award from Kimberley Group Training. This is an outstanding achievement as Kimberley Group Training host over 200 apprentices and trainees across the Kimberley region. Well done Nickita.

I thank Cr Ausburn for attending the Business Continuity Workshop which designed to assist communities in their contingency planning for provisions of services in the event of a pandemic influenza outbreak.

I thank Cr Wright for his input with the CEO to land and housing needs in our communities with the Landcorp Executive who visited the region on Thursday 5th July. Thank you to Cr's Ausburn, Buchanan, Middap and Wright for attending the social occasion that evening with the Landcorp Executive.

On behalf of Council I was invited to present a paper at the recent National party State Parliamentarian Conference held in Broome on Friday 13th July. The party was particularly keen to hear about the barriers we are experiencing in terms of development and also the opportunities we have as a region. My paper included the following topics:

Council and community frustrations over the delays with Ord stage two - encouraged the Nationals to lobby for the state contributions to road infrastructure. Added to this I raised the potential opportunity to release other lots of farming land Mintinea and Ord West Bank to enable and support further horticulture development.

GM cotton – Raised Council's position on the matter and outlined the key reason we support the lifting of the moratorium.

Highlighted the strategic importance of the East Kimberley Regional Airport and the Wyndham port particularly linked these to future of Ord stage two, browse basin project and tourism. In addition I spoke about the Heavy Haulage roads for Kununurra and Wyndham.

I outlined the Ord's growing agriculture industries particularly Sandalwood production and highlighted this as an emerging new growth market in the region. I raised Council's strong desire to encourage sustainable development of Sugar, potentially cotton and tree farming to ensure balance and avoid monocultures.

I also highlighted our social needs highlighting housing, high cost of living, need to increase zone rebate and the senior school status for Kununurra District high school.

The feedback from the Nationals was very positive; there was commitment from the WA members, Mr. Grills, Redman and Waldron promising to put their weight behind our projects where possible.

I would like to thank staff and Councillors for their efforts at the Agricultural Show Shire display and information stand over the weekend. Well done to the staff involved in putting together the information for the stand. I am sure the community was pleased to see the informal face of Shire and Council. It is important that we can engage with the community at such a grass roots level.

I would also like to acknowledge the work of the local farmers involved in the trials for GM cotton particularly those involved in the research behind the recently released Norpak resource. This resource will be a great tool for those interested in the commercial production of Cotton in the Ord.

I also acknowledge the recent Birthday celebration of our local Indigenous radio station Warringarri well done to Colin and the committee on achieving 25 years of producing radio in the East Kimberley.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

Nil

12. ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President called for nominations for Deputy Shire President.

COUNCIL DECISION

Minute No. 7781

Moved: Cr R. Devenish-Meares Seconded: Cr J. Parker

That Cr John Buchanan be nominated for Deputy Shire President of the Shire of Wyndham East Kimberley.

Carried Unanimously 7/0

With no other nominations and a unanimous vote, the Shire President declared that Cr Buchanan was elected to the position of Deputy Shire President.

13. REPORTS

13.1. ENGINEERING SERVICES

13.1.1 Policy – Footpath & Kerbing Deposits

DATE:	17 July 2007
PROPONENT:	Executive Manager Engineering & Development Services
AUTHOR:	Alex Douglas, Executive Manager Engineering & Development Services and Sharon McLachlan, Building Surveyor Inspector
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering & Development Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the adoption of a new policy and implementation of deposits taken on application and issue of building licence, and held in trust as security for the condition of kerbing and footpaths.

BACKGROUND

- The construction of new houses, particularly within Lakeside has caused a number of issues for the road infrastructure;
- The nature of the issues relate to damage to road surfaces, kerbing, footpaths, verges (finished levels, street trees etc) and sand drift (obstructing road surfaces and blocking drainage inlets and stormwater pipes);
- The majority of these problems can be avoided by due care and diligence by the builder and contractors;
- At present there are no substantive disincentives for the avoidance of the temporary and longer term damage; and
- The cost of damages can be recovered under provisions within the Activities in Thoroughfares and Public Places and Trading Local Law 2005 – Clause 2.4. The provision to impose deposits is provided within s3.77, sub-sections (1), (2), (3) and (4) of the Local Government Act 1960 (Miscellaneous Provisions).

SITE LOCATION

Road reserves

PROPOSED LAND USE / DEVELOPMENT

N/A

Ordinary Meeting, MINUTES
17 July 2007

FINANCIAL IMPLICATIONS

The footpath / kerb deposit shall be held in trust by Council and at no administrative cost be released upon completion of the construction works and satisfaction that the infrastructure has no damage.

Damage to infrastructure shall be reimbursed from the deposit held with the balance of rectification costs sourced from the owner/builder.

PLANNING ASSESSMENT

N/A

CONSULTATION

N/A

CONCLUSION / COMMENT

Typical Fee Structure

- Fees should be applied to suit the circumstances e.g. if no kerb or footpath, kerb only, kerb and footpath etc

- A fee structure is yet to be finalised but is anticipated to be as follows: -
 - Rural lot (no kerb, footpath etc) - \$200
 - Urban – Residential – fee range - \$250 to \$800
 - Urban – Commercial – fee range - \$500 to \$1500
 - A negotiated fee may be applied in exceptional circumstances

The fees are proposed to be fully refundable (e.g. no Administrative cost), and would only be partially or fully withheld in the circumstances where a builder (or owner/builder) did not complete reinstatement of the pre-building conditions. The primary objective is for the building activities to not degrade the pre-existing infrastructure.

ATTACHMENTS

Proposed policy E12 – Footpath & Kerb Deposits

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the proposed Policy E12, implementing deposit charges on new construction works within the Townsite boundaries of Kununurra and Wyndham.

COUNCIL DECISION

Minute No. 7782

Moved: Cr K Wright

Seconded: Cr R. Devenish-Meares

That Council adopt the proposed Policy E12, implementing deposit charges on new construction works within the Townsite boundaries of Kununurra and Wyndham.

Carried Unanimously 7/0

Cr Wright highly commended Mr Douglas on the quality of the background of this and the following item.

ATTACHMENT (1) PROPOSED POLICY E12

POLICY No:	E12
DIVISION:	Engineering
SUBJECT:	PAYMENT OF DEPOSITS TO REPAIR DAMAGE TO FOOTPATH, KERB, ROAD OR ROAD RESERVE OR MATERIAL LEFT ON THE ROAD
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Local Government (Miscellaneous Provisions) Act 1960

OBJECTIVE:

To ensure that builders are aware of their obligations to take care when depositing materials on, or traversing council controlled footpaths, kerbs, roads or road reserves during building construction.

The obligations placed on builders will ensure that footpaths, kerbs, roads or road reserves used during the building process are returned to their original condition at the completion of works.

POLICY:

- 1.0 In accordance with s3.77, sub-sections (1), (2), (3) and (4) of the Local Government Act 1960 (Miscellaneous Provisions) Council issue a license, combined with the Building License, to builders, to allow them to deposit materials on the street and to set a fee payable in advance to remove the said materials, or to repair the street, kerb, footpath or nature strip damaged by the license holder, and such fee shall be assessed based upon the type of building to be erected by the license holder and that the deposit payable in advance by the license holder shall be assessed by the Building Surveyor, in accordance with the following schedule of deposits:-
 - (a) Single residential block, having one street boundary \$ 250.00
 - (b) Single residential block, having two street boundaries \$ 350.00
 - (c) Duplex block, having one street boundary \$ 350.00
 - (d) Duplex block, having two street boundaries \$ 450.00
 - (e) Multi Residential block, up to a maximum of \$ 800.00
 - (f) Services Trades and Commercial, up to a maximum of \$1500.00
- 1.1 The deposit assessed shall be added to all building licenses from that date.
- 1.2 License holders will be required to submit to the Shire a completion notice advising that all conditions of the license have been complied with.
- 1.3 Upon receipt of the completion notice the Building Surveyor or his/her nominee will inspect the building and site and record compliance or non-compliance issues (damage or poor quality of reinstatement).

- 1.4 If there is any damage to Council property (non-compliance) the Executive Manager Engineering & Development Services or his/her nominee shall advise the license holder in writing, advising that rectification shall be carried out within 14 days. The decision of the Executive Manager Engineering & Development Services or his/her nominee in this regard shall be binding and final. Where rectification work is not carried out within 14 days, Council may carry out the work at a time convenient to Council, and recover all costs from the deposit, or recover any shortfall over an above the deposit sum as a lawful debt by the licensee to the Council as provided in the Local Government Act.
- 1.5 Deposits or part thereof as the case may be shall only be refunded on authorisation of the Executive Manager Engineering & Development Services or his/her nominees after a final site inspection, and the deposit will only be refunded in full if the license holder rectifies all damage to Council property to the full satisfaction of the Executive Manager Engineering & Development Services or his/her nominee. It shall not be incumbent upon the Executive Manager Engineering & Development Services to carry out any inspection in company with the license holder.

ADOPTED:
REVIEWED:
AMENDED:

13.1.2 Proposed Light Vehicle Plant Replacement Guidelines

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the adoption of guidelines for the replacement of light vehicles.

BACKGROUND

There have been several discussions within Council as to the present plant replacement policies. There are no specific policies in place at this time and the Executive Manager Engineering and Development Services has proposed to review present practices and submit discussion papers for consideration.

At the Council meeting held on 19 June 2007 the issue was again raised in respect of a vehicle replacement and it was requested that an item be considered at the July Briefing Session.

The first of those papers was presented at the July briefing and that information forms the basis of this report.

STATUTORY IMPLICATIONS

There are no specific statutory implications associated with the recommended action with officer's recommendation action.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

The appropriate management of assets of all types should be based on the assets being 'fit for purpose'. Assets such as light vehicles typically remain 'fit for purpose' throughout their life cycle however the net cost to Council in maintaining the vehicles to ensure reliability will increase over time, and the cost of replacement should be factored in to that calculation.

Ignoring factors other than replacement cost, the following table summarises the trend in changeover costs over a three time frame.

Plant Description	New	1 yr	Net	2yr	Net	3 yr	Net
Mid-range 4WD Station Sedan (Prado GXL)	49000	38600	10400	35800	13200	31500	17500
Mid-range 4WD Station Sedan (Prado GXL)	49000	38600	10400	35800	13200	31500	17500
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
4WD M/Duty Tray Top Utility (Hilux SR Cab Chassis)	31000	20600	10400	16400	14600	14300	16700
Mid-range 4WD Dual Cab Utility (Toyota SR5)	43000	25000	18000	18700	24300	15800	27200
Mid-range 4WD Dual Cab Utility (Toyota SR5)	43000	25000	18000	18700	24300	15800	27200
4WD M/Duty Dual Cab Utility (Hilux SR Dual Cab)	35500	25000	10500	18700	16800	15800	19700
4WD M/Duty Dual Cab Utility (Hilux SR Dual Cab)	35500	25000	10500	18700	16800	15800	19700
4WD M/Duty Dual Cab Utility (Hilux SR Dual Cab)	35500	25000	10500	18700	16800	15800	19700
TOTALS	538500	367000	171500	296300	242200	256400	282100

The table is not intended to imply that vehicles will be changed over in one year however the net effect is that same total cost would be incurred.

The above exercise did not extend out to 4 years as all the vehicles as examples have undergone substantial model changes in shape and engines and it was considered that the comparison would not be applicable looking forward.

STRATEGIC IMPLICATIONS

N/A

COMMENT

Prior to the introduction of the Goods and Services Tax (GST), local government was able to derive a benefit from the Sales Tax Exemption requirements by retaining vehicles for a minimum of 2 years or 40,000 kilometres (whichever occurred first).

When the GST was introduced many local governments continued with the same principles however over time the basis of managing their respective light vehicle fleets now vary substantially. In general terms there is a need for differences simply to reflect the style/mix of vehicles in a fleet, the prevailing road and use conditions and the level of competition from suppliers.

Whilst fleet management can be seen as a significant local political issue the management of a light vehicle fleet should be considered in the same manner as any asset owned and operated by a local government.

The fleet vehicles should generally satisfy the following criteria:

- Meet work related use requirements
- Avoid high maintenance cost vehicles (e.g. exotic brand or heavily modified for specific purpose)
- Meet private use needs (where applicable and appropriate)
- Provide good trade-in value

The current light vehicle fleet comprises the following: -

5304005	Ranger2	M/Duty 4WD Xtra Cab Utility
5304015	Ranger1	Toyota Landcruiser H/Duty 4WD Tray Top Utility
7504002	EHO	Mitsubishi Triton 4WD Standard Cab Utility
7604001	AEHO	Toyoyta H/Duty 4WD Tray Top Utility with canopy
10804012	TP	Holden 4WD Dual Cab Utility
13304023	BSI	Holden Rodeo 4WD Dual Cab Utility
14204000	CEO	Large 4WD Station Sedan
14204010	EMCCS	Tooyota Prado Mid-size 4WD Station Sedan
14204015	EMEDS	Toyota Mid-size 4WD Station Sedan
14204030	EMCS	Holden Mid-size 4WD Station Sedan
14304105	MTS	Toyota Hilux 4WD Dual Cab Utility
14304110	Knx WKS Supervisor	H/Duty 4WD Tray Top Utility
14304115	ETO	Toyota 4WD Standard Cab Utility
14304116	Maint Grader Ute	Nissan Navara M/Duty 4WD Tray Top Utility
14304117	Ranger Brian	Nissan Navara 4WD Xtra Cab Utility
14304118	Wyn Pks & Gdns	Nissan 2WD Tray Top Utility
14304120	WOC	Holden Rodeo 4WD Dual Cab Utility
14404140	Knx Retic	Toyota 4WD Standard Cab Utility
14404148	Knx Pks & Gdns	Toyota M/Duty 4WD Tray Top Utility
New	BS	Mid range 2WD Tray Top Utility

Utilising the Redbook website a comparison of purchase price versus trade-in value from one to three years. The information is summarised as follows: -

4WD Station Sedan

	2004 TOYOTA LANDCRUISER PRADO	2005 TOYOTA LANDCRUISER PRADO	2006 TOYOTA LANDCRUISER PRADO
	view price	view price	view price
Description	KZJ120R GXL Wagon 8st 4dr Auto 4sp 4x4 3.0DT	KZJ120R GXL Wagon 8st 4dr Auto 4sp 4x4 3.0DT	KZJ120R GXL Wagon 8st 4dr Auto 4sp 4x4 3.0DT
Prices based on km	45,000 - 75,000	30,000 - 50,000	15,000 - 25,000
Trade in	\$31,500 - \$34,500	\$35,400 - \$38,600	\$38,300 - \$41,600
Private sale	\$36,600 - \$42,000	\$41,000 - \$46,700	\$44,200 - \$50,300
New Price	\$55,270	\$55,610	\$55,890

4WD Single Cab Utility

	2004 TOYOTA HILUX			2005 TOYOTA HILUX			2006 TOYOTA HILUX		
	view price			view price			view price		
Description	KZN165R	MY02	Cab Chassis 2dr Man 5sp 4x4 3.0DT	KZN165R	MY04	Cab Chassis 2dr Man 5sp 4x4 3.0DT	KUN26R	MY05	SR Cab Chassis 2dr Man 5sp 4x4 3.0DT
Prices based on km	60,000 - 90,000			40,000 - 60,000			20,000 - 30,000		
Trade in	\$14,300 - \$16,000			\$16,400 - \$18,700			\$20,600 - \$22,700		
Private sale	\$17,700 - \$20,900			\$20,200 - \$23,700			\$24,600 - \$28,500		
New Price	\$33,840			\$34,140			\$34,590		

4WD Dual Cab Utility

	2004 TOYOTA HILUX			2005 TOYOTA HILUX			2006 TOYOTA HILUX		
	view price			view price			view price		
Description	LN167R	MY02	Dual Cab Utility Dual Cab 4dr Man 5sp 4x4 3.0Di	LN167R	MY04	Dual Cab Utility Dual Cab 4dr Man 5sp 4x4 3.0Di	KUN26R	MY05	SR Utility Dual Cab 4dr Man 5sp 4x4 3.0DT
Prices based on km	60,000 - 90,000			40,000 - 60,000			20,000 - 30,000		
Trade in	\$15,800 - \$17,700			\$18,700 - \$20,800			\$25,000 - \$27,400		
Private sale	\$19,500 - \$23,000			\$22,500 - \$26,300			\$29,800 - \$34,200		
New Price	\$37,300			\$37,780			\$41,490		

The retail prices quoted for new vehicles is more than local government pricing with generally a 10-15% reduction.

Whilst the vehicles chosen are Toyota, the typical experience is that the highest loss in value occurs after 12 months, and the rate of decline tends to flatten. The flatness of the curve is significantly affected by the number of new models or model upgrades that occur during the period after purchase. The prices that the Shire will be offered for trade-ins is typically the wholesale price which is the lower range of figures shown in the above tables.

The other unavoidable factor is that new vehicle prices rise each year and therefore a divergent trend between new price and trade value exists.

It is intended that further research be done over the next twelve months to evaluate other options but at this time the proposal for the light vehicle fleet is for a 3 year or 70,000 km changeover. The basis of the 70,000 kilometres is mid range of the industry anticipated 'mileage' on a used vehicle up to three years old. If the distance is travelled inside three years then the early disposal of the vehicle attracts some

financial benefit from the residual manufacturer warranty which is typically 3 years or 100,000 km.

The light vehicle replacement schedule for the 2007/08 financial year has been prepared on the basis of the 3 year/70,000 km approach.

Future briefing papers will be presented on the Plant and Equipment options as the characteristics of their management differs substantially.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council accept the basis of a 3 year/70,000 km changeover period as the basis for replacement of light vehicles within the 2007/08 Budget.

COUNCIL DECISION

Minute No. 7783

Moved: Cr D Ausburn

Seconded: Cr J Buchanan

That Council accept the basis of a 3 year/70,000 km changeover period as the basis for replacement of light vehicles within the 2007/08 Budget.

Carried Unanimously 7/0

13.1.3 Imposition of Zero Waste Plans

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering Services
FILE NO:	52.11.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a item to be submitted to the Kimberley Country Zone (the Zone) meeting inviting discussion on the imposition of Zero Waste Plans for local government within the Kimberley region.

BACKGROUND

Council received a background report on the issue at the July Briefing Session and it was requested that an item be brought forward to the July Council meeting proposing that the matter be raised at the next Zone meeting.

STATUTORY IMPLICATIONS

There are no specific statutory implications associated with the recommended action with officer's recommendation action.

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

There is no direct financial cost associated with the recommended action of this report.

There are very real cost implications for local government within the Kimberley and to varying degrees local government across the State. The State government has offered token amounts to 'encourage' local government to participate albeit that there has been no outline of a strategy other than gathering saying there are two phases – (1) gather data, and (2) prepare Zero Waste Plans.

STRATEGIC IMPLICATIONS

N/A

COMMENT

Through proposed changes to the legislation controlling waste management in Western Australia, the 'authority' under which local government provides waste management services will be legislated within the Waste Avoidance and Resource Recovery Bill. The Act is expected to be passed during 2007.

The Waste Management Board was established by the state government to oversee and guide waste management strategies across the state. A quote from their 2006-2007 Business Plan reads *The role of the Waste Management Board is to facilitate the transition Towards Zero Waste in Western Australia by developing and implementing policies and programs to reduce waste and support recycling.*

Even though the legislation is not yet passed the government is using the Board to direct local governments to engage in the process by various means. One of the present actions is the use of on-line surveys that 'promise' access to funds to assist local governments to prepare Zero Waste Plans.

As a general statement of principle the management of waste should be undertaken in a manner that is not detrimental to the environment and should be provided to a level of service that reflects the capacity of the local government to provide those services. The level of service across the State will vary due to local and regional circumstances. Perth Metropolitan local governments could be expected to provide a more sophisticated level of waste and recycling collection services than a remote local government due to factors such as scale of operation and distance to potential recyclable receipt or processing centres.

What is of concern to staff is the apparent ignorance of these factors in the Boards approach to the imposition of Zero Waste Plans. The process is in two Phases: -

- Phase 1 – data collection exercise – “to identify information gaps and create a baseline characteristic for municipal waste management in the State. This information will assist State and local government planning and policy development in the municipal waste area.”
- Phase 2 – development of strategic Zero Waste Plans by local government – “These plans will be designed to enable the achievement of best practice municipal waste management practices that are in alignment with the vision of Towards Zero Waste in Western Australia.”

The above quotes are from correspondence by David Templeman, Minister for the Environment.

The other issue that is yet to be addressed is that the new Bill moves the oversight of waste management from the Dept of Health (Health Act 1911) to the Environmental Protection Authority (EPA). The Bill provides significant powers to the Chief Executive Officer of the EPA in overseeing waste management services provided by local governments.

The above information, whilst general in detail is provided to alert elected members to the fact that resources will be needed to meet the demands of the Board through the completion of surveys that require data to be collected and researched, and the imminent passage of the new Bill that will see the imposition of more costs on local government.

Offers of grants to assist in the development of Zero Waste Plans is insulting (\$5,000) and offers of assistance in providing recycling services (\$1,000 minimum) is even worse,

There will be 'encouragement' to develop regional Zero Waste Plans but clearly these will be suited to small 'regions' rather than the Pilbara and Kimberley where distances between significant communities is equal to the distance of Perth to Albany.

In the absence of any detail from the state government it can only be assumed that the implementation of Zero Waste Plans is consistent with several recent examples of strategic planning by the state government – there isn't any. Unfortunately it also mirrors the implementation of security measures at regional airports by the federal government - a political decision is made in the absence of any planning and the government agency required to implement it is not adequately prepared to deal with the process. These scenarios lead to utter confusion for the organisations at the coal face providing the actual services.

It would be appropriate for the Zone to consider the most appropriate means of dealing with the issue of Zero Waste Plans within the Kimberley. The Pilbara region would no doubt be experiencing similar concerns.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

1. That Council recommend to the Kimberley Country Zone seeks clarity from the Minister for Environment as to why the proposed Container Deposit Legislation is not being progressed simultaneously with Zero Waste Plans.
2. That Council recommend to the Kimberley Country Zone, that in keeping with the Intergovernmental Agreement on cost shifting, the Zone request the Minister for Environment to provide the evaluation of resource impacts on Local Government of the new Waste Avoidance and Resource Recovery Bill (2005), as the proposed \$5000 grant per Council for the preparation of the Plans and the \$1000 offered for recycling services is grossly inadequate.
3. That Council recommend to the Kimberley Country Zone request relevant technical officers from each of the four Kimberley Shires to meet and prepare a scoping paper regarding the impacts of the Zero Waste Plans on the Shires and on how the implementation of the plan is best progressed.

COUNCIL DECISION

MINUTE NO. 7784

MOVED: CR M. MIDDAP

SECONDED: CR J. PARKER

- 1. *That Council recommend to the Kimberley Country Zone that it seeks clarity from the Minister for Environment as to why the proposed Container Deposit Legislation is not being progressed simultaneously with Zero Waste Plans.***
- 2. *That Council recommend to the Kimberley Country Zone, that in keeping with the Intergovernmental Agreement on cost shifting, the Zone request the Minister for Environment to provide the evaluation of resource impacts on Local Government of the new Waste Avoidance and Resource Recovery Bill (2005), as the proposed \$5000 grant per Council for the preparation of the Plans and the \$1000 offered for recycling services is grossly inadequate.***
- 3. *That Council recommend to the Kimberley Country Zone request relevant technical officers from each of the four Kimberley Shires to meet and prepare a scoping paper regarding the impacts of the Zero Waste Plans on the Shires and on how the implementation of the plan is best progressed.***

CARRIED UNANIMOUSLY 7/0

13.2. CORPORATE SERVICES

13.2.1 Monthly Financial Report

DATE:	17 July 2007
PROPONENT:	Shire Wyndham East Kimberley
LOCATION:	Shire Wyndham East Kimberley
AUTHOR:	Amanda Trengove, Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt the Monthly Financial Report for May 2007.

BACKGROUND

Council is required to adopt Monthly Financial Reports, the minimum requirement, as stated in the Local Government (Financial Management) Regulations 1996, is to prepare a "Financial Activity Statement Report". Options were put to the Audit Committee in October to determine what was to be presented to Council. At this meeting, the Committee decided to present to Council every month the following information:

1. Financial Activity Statement report, by Function;
2. Financial Activity Statement report, by Responsible Officer (business unit);
3. Reconciliation of Cash Surplus to Current Assets; and
4. Municipal Bank Reconciliation.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996 (as amended)

34. Financial activity statement report — s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (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;
 - (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;
 - (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 to the council:
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; 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 AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation:

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

“restricted assets” has the same meaning as in AAS 27.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Monthly financial reporting is a primary financial management and control process, it provides Council with the ability to oversee the Shire’s financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Nil

COMMENT

At the July 2006 Council meeting Council adopted variance figures of 8% or \$80, 000. To comply with Financial Management Regulation 34(5) officers will comment on the variances below. Please refer to attachment "Statement of Financial Activity by Function" and the comment column.

1. General Purpose Funding – Timing difference, at this stage rates written off is lower than originally expected and Spot Rating expenses have not occurred to date. Debt collection has been done by officer and minimal debt collection costs have been incurred.
2. Governance – Timing Difference and saving in various areas such as public relations, advertising, travel and chamber maintenance.
3. Housing – Underspending on maintenance for many Council owned residences due to difficulties in attracting suitable trades people.
4. Community Amenities – Timing difference, projects in Environment are under way but not yet expended.
5. Transport - Timing difference, maintenance not completed or invoiced in May.
6. Economic Services – No capital maintenance completed to date on East Kimberley Tourism House. Minor underspending amongst staff related expenses.
7. Welfare – Completion of Childcare centre will allow the Shire to acquit all grants.
8. Housing – Timing difference, sale of council property realised.
9. Recreation and Culture – Timing difference, grant funding for Recreational Boating and Youth Centre not yet received.
10. Transport – Timing difference, waiting on completion of projects so as acquittals can be completed.
11. Governance – Timing difference, transfer to reserves still to occur.
12. Health - Timing difference, transfer to reserves still to occur.
13. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.
14. Transport – Timing difference in completion of various major projects and trade of vehicles, purchasing and trading still to occur.
15. Public Work Overhead – Timing difference with computer upgrade and replacement IT infrastructure.

ATTACHMENTS

Monthly Financial Reports for May 2007

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council adopt the Monthly Financial Reports for month end of May 2007.
2. That Council note the following material variances:
 1. General Purpose Funding – Timing difference, at this stage rates written off is lower than originally expected and Spot Rating expenses have not occurred to date. Debt collection has been done by officer and minimal debt collection costs have been incurred.
 2. Governance – Timing Difference and saving in various areas such as public relations, advertising, travel and chamber maintenance.
 3. Housing – Underspending on maintenance for many Council owned residences due to difficulties in attracting suitable trades people.
 4. Community Amenities – Timing difference, projects in Environment are under way but not yet expended.
 5. Transport - Timing difference, maintenance not completed or invoiced in May.
 6. Economic Services – No capital maintenance completed to date on East Kimberley Tourism House. Minor underspending amongst staff related expenses.
 7. Welfare – Completion of Childcare centre will allow the Shire to acquit all grants.
 8. Housing – Timing difference, sale of council property realised.
 9. Recreation and Culture – Timing difference, grant funding for Recreational Boating and Youth Centre not yet received.
 10. Transport – Timing difference, waiting on completion of projects so as acquittals can be completed.
 11. Governance – Timing difference, transfer to reserves still to occur.
 12. Health - Timing difference, transfer to reserves still to occur.
 13. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.
 14. Transport – Timing difference in completion of various major projects and trade of vehicles, purchasing and trading still to occur.
 15. Public Work Overhead – Timing difference with computer upgrade and replacement IT infrastructure.
3. That Council direct officers that in lieu of presenting Management Reports for June 2007, Council would accept for review, the 2006/2007 Annual Report upon issue of the audit report.

COUNCIL DECISION

Minute No. 7785

Moved: Cr K. Wright

Seconded: Cr R. Devenish-Meares

1. *That Council adopt the Monthly Financial Reports for month end of May 2007.*
2. *That Council note the following material variances:*
 1. *General Purpose Funding – Timing difference, at this stage rates written off is lower than originally expected and Spot Rating expenses have not occurred to date. Debt collection has been done by officer and minimal debt collection costs have been incurred.*
 2. *Governance – Timing Difference and saving in various areas such as public relations, advertising, travel and chamber maintenance.*
 3. *Housing – Underspending on maintenance for many Council owned residences due to difficulties in attracting suitable trades people.*
 4. *Community Amenities – Timing difference, projects in Environment are under way but not yet expended.*
 5. *Transport - Timing difference, maintenance not completed or invoiced in May.*
 6. *Economic Services – No capital maintenance completed to date on East Kimberley Tourism House. Minor underspending amongst staff related expenses.*
 7. *Welfare – Completion of Childcare centre will allow the Shire to acquit all grants.*
 8. *Housing – Timing difference, sale of council property realised.*
 9. *Recreation and Culture – Timing difference, grant funding for Recreational Boating and Youth Centre not yet received.*
 10. *Transport – Timing difference, waiting on completion of projects so as acquittals can be completed.*
 11. *Governance – Timing difference, transfer to reserves still to occur.*
 12. *Health - Timing difference, transfer to reserves still to occur.*
 13. *Housing – Timing difference on release of land from Landcorp and building of two new shire houses.*
 14. *Transport – Timing difference in completion of various major projects and trade of vehicles, purchasing and trading still to occur.*
 15. *Public Work Overhead – Timing difference with computer upgrade and replacement IT infrastructure.*
3. *That Council direct officers that in lieu of presenting Management Reports for June 2007, Council would accept for review, the 2006/2007 Annual Report upon issue of the audit report.*

Carried Unanimously 7/0

13.2.2 Payments and Debtors

DATE:	17 July 2007
PROONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Gill Old – Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis – Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of Accounts Paid and Sundry Debtors in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

A detailed list of all accounts and sundry debtors has been appended as a separate attachment to the Agenda.

BACKGROUND

The List of Payments presented for endorsement covers:

- Municipal cheques numbered 037773 to 037873 \$ 73,994.37
- EFT payments numbered EFT100688 to EFT100930 \$ 604,831.34
- Direct bank debits (1st June to 30th June 2007) \$ 210,331.02

Total Payment of Accounts totalling \$ 989,156.73

Outstanding over 90 days Sundry Debtors (as at 30th June 2007) \$ 72,187.57

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4 (2)

The financial report is to:

- Be prepared and presented in the manner and form prescribed; and*
- Contain the prescribed information.*

Local Government (Financial Management) Regulations 1996 – Clause 34 (1)(b)(2)

Clause 35(1) –

“A quarterly financial report is to be in the form that sets out and includes an operating statement and supporting notes.”

POLICY IMPLICATIONS

Policy F7 – Significant Accounting Policies

Objectives: *To provide the basis for Council's accounting concepts and annual reporting guidelines. To maintain accounting reporting procedures that will comply with statutory requirements and to demonstrate Council's financial position.*

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

5.5 Key Result Area 5 – Governance Goal 2 – Financial Management

That the Shire's finances are well managed, user friendly with expenditure reflecting expressed community priorities.

Strategy 1 – Refine the Shire's monthly and quarterly financial statements to make them more simple and user-friendly

COMMUNITY CONSULTATION

N/A

COMMENT

The accounts for payment, direct debits and sundry debtors are presented for endorsement by Council.

ATTACHMENTS

1. Accounts for Payment and Direct Debits.
2. Outstanding Sundry Debtors over 90 days.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That the Accounts for payment from 7th June to 6th July 2007, and direct debits from 1st June to 30th June 2007 totalling \$989,156.73 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 30th June 2007 totalling \$72,187.57 (GST inclusive) be received.

COUNCIL DECISION

Minute No. 7786

Moved: Cr D. Ausburn

Seconded: Cr J. Parker

- 1. *That the Accounts for payment from 7th June to 6th July 2007, and direct debits from 1st June to 30th June 2007 totalling \$989,156.73 (GST inclusive) be received.***
- 2. *That the Outstanding Sundry Debtors' over 90 days as at 30th June 2007 totalling \$72,187.57 (GST inclusive) be received.***

Carried Unanimously 7/0

Shire of Wyndham East Kimberley

List of accounts due & submitted to Council 19/07/07

Chq/EFT	Date	Name	Description	
MUNICIPAL FUND				
37773	07/06/2007	BLANK	DAMAGED BY PRINTER	
37774	07/06/2007	BLANK	DAMAGED BY PRINTER	
37775	07/06/2007	TELSTRA	LANDLINE PHONE ACCOUNT FOR APRIL 2007	3,061.18
37776	08/06/2007	AMANDA BECKER-KNOX	KIMBERLEY WRITERS FESTIVAL CONSULTANCY	2,650.00
37777	08/06/2007	DEPT FOR PLANNING & INFRASTRUCTURE	REGISTRATION FOR RANGER VEHICLE	230.90
37778	08/06/2007	DOMINQUE BREIG	STAFF EXPENSES REIMURSEMENT	83.00
37779	08/06/2007	GRAB A BARGAIN VARIETY STORE	2 WREATHS FOR ANZAC CIVIC FUNCTIONS	39.90
37780	08/06/2007	HIDDEN VALLEY TOURIST PARK	ACCOMMODATION	1,375.00
37781	08/06/2007	HORIZON POWER	VOUCHER ONLY - NOT FOR VALUE	-
37782	08/06/2007	HORIZON POWER	ELECTRICITY KUNUNURRA LEISURE CENTRE	21,977.50
37783	08/06/2007	HORIZON POWER - NON ENERGY	INSTALL STREETLIGHTS IN WYNDHAM	27,479.00
37784	08/06/2007	KUNUNURRA T WELD	WELD ON SKIDS TO SLASHER	429.00
37785	08/06/2007	VAGG'S WYNDHAM LIQUOR	REFRESHMENTS FOR MEETINGS	60.97
37786	08/06/2007	WESLEY ADAMTHWAITE	REFUND OF ASIC CARD BOND	50.00
37787	18/06/2007	Amanda Johnson	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37788	18/06/2007	BROWN, JANE FLEUR	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37789	18/06/2007	CASH - PETTY CASH KNX AIRPORT	PETTY CASH IMPREST	93.85
37790	18/06/2007	CASH - PETTY CASH KNX DEPOT	PETTY CASH IMPREST	91.60
37791	18/06/2007	CHRISTIE GODDARD	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37792	18/06/2007	CHRISTINE DUFF	REFUND FOR CANCELLED SWIMMING LESSONS	195.00
37793	18/06/2007	ELECIA PARSONSON	REFUND FOR CANCELLED SWIMMING LESSONS	65.00

37794	18/06/2007	HORIZON POWER	ELECTRICITY - STREET LIGHTING APRIL - MAY	9,600.60
37795	18/06/2007	HORIZON POWER - NON ENERGY	UPGRADE TO STREETLIGHTING	11,827.00
37796	18/06/2007	JOANNE FENNEL	CHEQUE CANCELLED DUE TO DUPLICATION	-
37797	18/06/2007	JOANNE FENNEL	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37798	18/06/2007	KATE PADGHAM	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37799	18/06/2007	KATIE PERERA	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37800	18/06/2007	KERRI PTOLOMEY	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37801	18/06/2007	KYRA INGLE	REFUND FOR CANCELLED SWIMMING LESSONS	130.00
37802	18/06/2007	LAURAIN MARY CECELIA GRACE WANSTALL	REFUND FOR CANCELLED GYM MEMBERSHIP	200.00
37803	18/06/2007	LEISL WILSON	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37804	18/06/2007	LISA GUERINONI	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37805	18/06/2007	LOUISA HARDING	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37806	18/06/2007	LYNETTE SWART	REFUND FOR CANCELLED SWIMMING LESSONS	195.00
37807	18/06/2007	MARIA CHAMBERLAIN	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37808	18/06/2007	MELISSA MOORE	REFUND FOR CANCELLED SWIMMING LESSONS	130.00
37809	18/06/2007	MICHELLE BAKER	REFUND FOR CANCELLED SWIMMING LESSONS	130.00
37810	18/06/2007	NICKI VANNDER LOOP	REFUND FOR CANCELLED SWIMMING LESSONS	195.00
37811	18/06/2007	RACHEL NELSON	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37812	18/06/2007	RAY DIXON	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37813	18/06/2007	SABRINA DONE	REFUND FOR CANCELLED SWIMMING LESSONS	65.00

37814	18/06/2007	SANDRA RAVENSCROFT	LESSONS REFUND FOR CANCELLED SWIMMING LESSONS	130.00
37815	18/06/2007	SARA SMITH	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37816	18/06/2007	SARAH LUCAS	REFUND FOR CANCELLED SWIMMING LESSONS	130.00
37817	18/06/2007	SUPA FRESH HOT BREAD SHOP	CATERING	46.00
37818	18/06/2007	TELSTRA	STAFF MOBILE PHONE ACCOUNT ISSUED 11/05/07	1,060.41
37819	18/06/2007	WILSON, SUE	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37820	22/06/2007	AUSTSWIM WA	Austswim Membership	75.00
37821	22/06/2007	GLOBALSTAR AUSTRALIA PTY LIMITED	SAT PHONE CHARGES	184.00
37822	22/06/2007	HORIZON POWER	19 BANDICOOT DRIVE ELECTRICITY	2,994.25
37823	22/06/2007	KUNUNURRA AMCAL PHARMACY	FIRST AID KIT	99.00
37824	22/06/2007	KUNUNURRA MGM	WRITERS FESTIVAL CD'S	30.95
37825	22/06/2007	NORTH AUSTRALIAN DIAMONDS	Rates refund	1,397.99
37826	22/06/2007	ORDCO AGRICULTURE	ROUNDUP	786.50
37827	22/06/2007	PRO-AM AUSTRALIA	SWIMMING POOL TOYS & EQUIPMENT	821.63
37828	22/06/2007	RICK SPRY	MEALS AND ACCOMMODATION FOR CONFERENCE	388.40
37829	22/06/2007	SHIRE OF WYNDHAM EAST KIMBERLEY	Payroll deductions	5,364.14
37830	22/06/2007	STRIKER RESOURCES NL	Rates refund	1,212.84
37831	22/06/2007	SUPA FRESH HOT BREAD SHOP	CATERING FOR MEETING	85.14
37832	22/06/2007	Supa Dupa Cleaning	CLEAN AND BUFF FLOOR IN WYNDHAM REC CENTRE	300.00
37833	22/06/2007	TELSTRA	TELEPHONE ACCOUNT FOR MAY/JUNE	3,223.90
37834	29/06/2007	Acromat	Mat - General Purpose	1,091.20
37835	29/06/2007	B & G PROPERTY CARE	STEAM CLEANING OF CARPETS BETWEEN TENANTS	176.00
37836	29/06/2007	BISHOP CONTRACTING	CLEAN UP OF TREES	9,592.00
37837	29/06/2007	CASH - PETTY CASH WYNDHAM OFFICE	REFRESHMENTS FOR CHAMBERS	135.30
37838	29/06/2007	CASH-PETTY CASH W.N.C.	WORKING WITH CHILDREN CHECK	50.00

37839	29/06/2007	CHALARIMERI, AMBROSE	Attendance fee for Kimberley Writer's Festival	500.00
37840	29/06/2007	CHEMISTRY CENTRE	Chemical analysis of 2 water samples for 23 May 2007	231.00
37841	29/06/2007	COUNCILLOR DI AUSBURN	FOURTH QUARTER MEETING ALLOWANCE	1,500.00
37842	29/06/2007	COUNCILLOR MAXINE MIDDAP	FOURTH QUARTER MEETING ALLOWANCE	1,500.00
37843	29/06/2007	COUNCILLOR MICHELE PUCCI	FOURTH QUARTER PRESIDENTS ALLOWANCE	5,125.00
37844	29/06/2007	DEPARTMENT FOR PLANNING & INFRASTRUCTURE	ANNUAL JETTY LICENCE SWIM BEACH	87.00
37845	29/06/2007	DEPARTMENT OF CULTURE AND THE ARTS	Recoveries of Lost and Damaged Books	376.20
37846	29/06/2007	DEPT FOR PLANNING & INFRASTRUCTURE	REGISTRATION CROSSING FALLS VBFB	242.10
37847	29/06/2007	DOMINQUE BREIG	WRITERS FESTIVAL INCIDENTALS	225.00
37848	29/06/2007	HORIZON POWER	VOUCHER ONLY - NOT FOR VALUE	-
37849	29/06/2007	HORIZON POWER	ELECTRICITY - WYNDHAM AIRPORT	9,860.75
37850	29/06/2007	KLEENHEAT GAS	WYNDHAM AND KUNUNURRA CONTRACT	302.50
37851	29/06/2007	LOCAL GOVT COMMUNITY SERVICES ASSOC WA	2007 Place Planning Seminar DVD	66.00
37852	29/06/2007	SUPA FRESH HOT BREAD SHOP	CATERING	177.10
37853	02/07/2007	KIMBERLEY WASTE SERVICES	TOWN TIDY LITTER MARCH 2007	9,135.00
37854	06/07/2007	B & G PROPERTY CARE	CLEAN 3 EUCALYPTUS FOR INCOMING TENANT	192.50
37855	06/07/2007	COMMANDER AUSTRALIA LIMITED	RENTAL OF PHONE SYSTEM IN WYNDHAM	590.70
37856	06/07/2007	CURRINGA COMMUNICATIONS	Visiting Author / Illustrator Fee - Anita Heiss	1,474.00
37857	06/07/2007	DEPT FOR PLANNING & INFRASTRUCTURE	VEHICLE REGISTRATION	447.51
37858	06/07/2007	DEPT OF INDUSTRY & RESOURCES (CHEMISTRY)	REPORT ON ONE SAMPLE OF WATER	165.00
37859	06/07/2007	EAST KIMBERLEY CRICKET ASSOCIATION	QUICK GRANT EAST KIMBERLEY CRICKET ASSOC	550.00
37860	06/07/2007	ESTUARY PRODUCTIONS	Author Fees Kununurra Writers Festival	1,430.00
37861	06/07/2007	GEOFF GUNSON ELECTRICAL	Electrical Repairs Ivanhoe Pump	357.50
37862	06/07/2007	HORIZON POWER	STREETLIGHTING MAY-JUNE	16,590.80
37863	06/07/2007	IVANHOE VILLAGE CARAVAN RESORT	Accommodation - Melanie Houghton	625.00
37864	06/07/2007	JEANNIE BAKER	Visiting Author / Illustrator Fee - Jeannie Baker	1,474.00
37865	06/07/2007	KAREN SMITH-CLARE	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
37866	06/07/2007	KUNUNURRA CRUISES 'THE BBQ BOAT'	21 June 07 Exclusive Charter Kimberley Writers Festival	3,475.00

37867	06/07/2007	KUNUNURRA GYMNASTICS CLUB	QUICK GRANT FOR GYM CLUB ROPE LADDER	550.00
37868	06/07/2007	LOCAL GOVT COMMUNITY SERVICES ASSOC WA	3 TEXT BOOKS - WEAVING TAPESTRIES	114.00
37869	06/07/2007	OOMBULGURRI ASSOCIATION INCORPORATED	BEING SHARE OF FLIGHT TO OOMBULGURRI	235.00
37870	06/07/2007	ORDCO AGRICULTURE	Glyphoste Herbicide	506.00
37871	06/07/2007	PRO AUDIO AND LIGHTING BUNBURY	DISCO LIGHTS AS PER QUOTE 279	1,646.70
37872	06/07/2007	SHIRE OF ROEBOURNE	JONATHAN JONES SICK LEAVE PORTABILITY	3,022.07
37873	06/07/2007	TELSTRA	MOBILE PHONE ACCOUNT	451.79

Total of Cheque Payments

173,994.37

EFT100688	08/06/2007	ALLGEAR SMALL ENGINE CENTRE	HONDA BRUSHCUTTER	502.40
EFT100689	08/06/2007	ALLIED PICKFORDS PTY LTD	STAFF RELOCATION	5,703.50
EFT100690	08/06/2007	ARGYLE ENGINEERING	LABOUR TO FIT BASKETBALL RINGS TO STANDS	2,200.00
EFT100691	08/06/2007	BEAUREPAIRES (KUNUNURRA)	TYRES FOR WY11655	664.00
EFT100692	08/06/2007	BLACKWOODS ATKINS PTY LTD	PVC CONDUIT	266.12
EFT100693	08/06/2007	BOB'S BRUSH STROKES	REPAINT INTERNAL AREAS - 23 BOOBIALLA WAY	6,908.00
EFT100694	08/06/2007	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL	178.36
EFT100695	08/06/2007	BUSH CAMP SURPLUS STORES	3 PAIRS OF WORKBOOTS FOR AIRPORT STAFF	493.00
EFT100696	08/06/2007	CIVIC LEGAL	LEGAL FEES	687.50
EFT100697	08/06/2007	CORPORATE EXPRESS	STATIONERY ORDER FOR MAY 2007	777.06
EFT100698	08/06/2007	CROCODILE SIGNS	KEEP OF THE GRASS SIGNS	158.40
EFT100699	08/06/2007	DERRICK STEENSON	REPAIR GRADER EDGE	610.50
EFT100700	08/06/2007	EAST KIMBERLEY HARDWARE	POLY PIPE	273.50
EFT100701	08/06/2007	EAST KIMBERLEY PLUMBING	REPAIR LEAKING COPPER PIPE IN CHEMICAL ROOM	193.60
EFT100702	08/06/2007	FESA - EMERGENCY SERVICES LEVY PAYMENTS	EMERGENCY SERVICES LEVY MAY 2007	1,059.25
EFT100703	08/06/2007	FLAMETREE NURSERY	TREE FOR CELEBRITY PARK	27.50
EFT100704	08/06/2007	FRANMOR CONSTRUCTIONS PTY LTD	STRAIGHTEN & BRACE POLES FOR VOLLEYBALL NET	1,589.38
EFT100705	08/06/2007	GRAEME DONALD BUILDING CONSULTANT	BUILDING SURVEYOR CONSULTING	1,600.00
EFT100706	08/06/2007	GULLIVERS TAVERN	REFRESHMENTS FOR COUNCIL MEETING	113.46

EFT100707	08/06/2007	JSW HOLDINGS PTY LTD	ROLLER HIR FOR ANZAC HILL WORKS	550.00
EFT100708	08/06/2007	KIMBERLEY COLLEGE OF TAFE	STAFF TRAINING	1,423.00
EFT100709	08/06/2007	KIMBERLEY COMMUNICATIONS	REPAIR SBS TRANSMITTER	462.00
EFT100710	08/06/2007	KIMBERLEY WASTE SERVICES	TOWN TIDY LITTER COLLECTION APRIL 07	10,306.05
EFT100711	08/06/2007	KUNUNURRA DIESEL SERVICES	MAJOR SERVICE TO WY11194	1,722.35
EFT100712	08/06/2007	KUNUNURRA HOME HARDWARE	SAW HAND JACK	47.65
EFT100713	08/06/2007	KUNUNURRA MOTOR TRIMMING	REPAIR SHADE SAILS	242.00
EFT100714	08/06/2007	KUNUNURRA REFRIGERATION	AIRCONDITIONER SERVICING	143.00
EFT100715	08/06/2007	KUNUNURRA SECURITY SERVICE	AIRPORT SECURITY	440.00
EFT100716	08/06/2007	LOCAL GOVERNMENT NETWORK	ADVERTISING - ASS BUILDING SURVEYOR	82.50
EFT100717	08/06/2007	MCLEAN ENTERPRISES	BITUMEN EMULSION FOR ROAD PATCHING	660.00
EFT100718	08/06/2007	MT ELIZABETH STATION	HIRE OF GRADER FOR GIBB RIVER ACCESS ROAD	2,640.00
EFT100719	08/06/2007	NEAT N TRIM UNIFORMS	UNIFORMS	129.00
EFT100720	08/06/2007	NORSIGN PTY LTD	STREET SIGNAGE	504.90
EFT100721	08/06/2007	O'CONNOR, NICOLE LOUISE	REIMBURSEMENT OF HR STUDIES	179.40
EFT100722	08/06/2007	OCE-AUSTRALIA LIMITED	TONER KIT FOR PLAN PRINTER	287.10
EFT100723	08/06/2007	OFFICE NATIONAL KUNUNURRA	REPAIRS TO CANON FAX B-822	120.00
EFT100724	08/06/2007	ORD RIVER ELECTRICS	REPAIR PUMP SWITCH	506.86
EFT100725	08/06/2007	ORIA ORCHARDS	FLOWER DISPLAY FOR KUNUNURRA FOYER	15.00
EFT100726	08/06/2007	PAINT INDUSTRIES PTY LTD	LINEMARKING PAINT	2,626.36
EFT100727	08/06/2007	ROGERS MACHINERY SERVICE	REPAIRS TO SLASHER	2,026.00
EFT100728	08/06/2007	ROYAL LIFE SAVING (WA BRANCH)	POOL OPERATIONS TRAINING COURSE	5,197.80
EFT100729	08/06/2007	SPORTSWORLD OF WA	STOCK FOR SALE AT LEISURE CENTRE	256.85
EFT100730	08/06/2007	STATE LAW PUBLISHER	GOVERNMENT GAZETTE ADVERTISING	93.80
EFT100731	08/06/2007	STITCHED UP EMBROIDERY SERVICES	ADD SWEK LOGO TO UNIFORMS	88.00
EFT100732	08/06/2007	TOP END MOTORS	TRAVEL TO SITE, MAJOR AIRCONDITIONER REPAIRS	2,729.43
EFT100733	08/06/2007	TRAVELWORLD KUNUNURRA	STAFF TRAVEL	538.42
EFT100734	18/06/2007	AUSTRALIA POST,ACCOUNTS RECEIVABLE TEAM	POSTAGE AND STATIONERY	1,199.89
EFT100735	18/06/2007	BOAB CARPENTRY MAINTENANCE SERVICE	REPAIR TOP STEP AT WYNDHAM HEALTH CLINIC	192.50
EFT100736	18/06/2007	CIVIC LEGAL	LEGAL FEES	2,490.53

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EFT100737	18/06/2007	DELRON CLEANING PTY LTD	CLEANING CONTRACT MAY 07	5,000.07
EFT100738	18/06/2007	FRONTIER POST & NEWS	POSTAGE AND STATIONERY	154.15
EFT100739	18/06/2007	GARRATT,SARAH	FITNESS CLASS INSTRUCTOR FEES	1,355.00
EFT100740	18/06/2007	GRAEME DONALD BUILDING CONSULTANT	BUILDING SURVEYOR CONSULTANCY	2,000.00
EFT100741	18/06/2007	HEALTH CORPORATE NETWORK	STATE HEALTH DEPARTMENT SEPTIC APPLICATION	35.00
EFT100742	18/06/2007	ICEAGE REFRIGERATION & AIRCONDITIONING	SERVICE ALL AIRCONDITIONERS AT 3 EUCALYPTUS	407.00
EFT100743	18/06/2007	JOANNE BARKLA	ELECTRICITY SUBSIDY CLAIM	421.17
EFT100744	18/06/2007	K & M ALLCLEAN	GENERAL CLEANING CONTRACT MAY 07	7,197.83
EFT100745	18/06/2007	KALUMBURU MISSION	DIESEL FUEL FOR AEHO	259.58
EFT100746	18/06/2007	KIMBERLEY GROUP TRAINING	HOST EMPLOYER CONTRIBUTIONS PPE 23.05.07	3,189.49
EFT100747	18/06/2007	KIMBERLEY METAL RECYCLERS	MANAGEMENT OF LANDFILL SITES MAY	20,443.50
EFT100748	18/06/2007	KIMBERLEY MOTORS	FUEL PURCHASES APRIL	2,745.86
EFT100749	18/06/2007	KIMBERLEY STOCK-OLIVER	INVOICES 10709, 10736,10735,10734,10733,10732	20,847.85
EFT100750	18/06/2007	KUNUNURRA PANEL BEATING WORKS WA P/L	REPAIRS TO MITSUBISHI TRUCK	658.89
EFT100751	18/06/2007	LOCAL GOVERNMENT NETWORK	ADVERTISING OF VACANT POSITIONS	121.00
EFT100752	18/06/2007	NOEL BRYAN SMITH	Rates refund	333.44
EFT100753	18/06/2007	NORTHERN INFO TECHNOLOGY SERVICES	ROUTER FOR DRAFTING SERVICES	407.00
EFT100754	18/06/2007	O'CONNOR, NICOLE LOUISE	REFUND FOR CANCELLED SWIMMING LESSONS	65.00
EFT100755	18/06/2007	PARDOE-BELL, ALLAN JOHN	CLEANING MAY 2007	1,952.00
EFT100756	18/06/2007	RAM PAPER & OFFICE PRODUCTS	PAPER	2,792.19
EFT100757	18/06/2007	RICK SPRY	ELECTRICITY SUBSIDY CLAIM MARCH - MAY 07	250.81
EFT100758	18/06/2007	SADANIK PTY LTD	IT STRATEGIC SUPPORT FEB, MAR, APRIL	7,825.00
EFT100759	18/06/2007	DEPARTMENT OF CULTURE AND THE ARTS	LOST AND STOLEN BOOK CHARGES	36.30
EFT100760	18/06/2007	STUBBS, PETER	TELEPHONE CLAIM SUBSIDY BILL ISSUED 01/06/07	51.62
EFT100761	18/06/2007	TNT AUSTRALIA PTY LIMITED	FREIGHT CHARGES	505.79
EFT100762	18/06/2007	TOLL WEST	FREIGHT CHARGES	885.12
EFT100763	18/06/2007	VANDERFIELD MACHINERY PTY LTD	HARDWARE - REPAIRS TO WY10406	19.43

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EFT100764	18/06/2007	WYNDHAM SUPERMARKET	FOOD FOR SCHOOL HOLIDAY PROGRAM	457.28
EFT100765	18/06/2007	WYNDHAM TOURIST INFORMATION CENTRE	TOURIST INFORMATIN SERVICES WYNDHAM	476.66
EFT100766	19/06/2007	ALLGEAR SMALL ENGINE CENTRE	REPAIR WHIPPER SNIPPER	242.80
EFT100767	19/06/2007	APPERLEY, KARYN	UNIFORMS K APPERLEY	86.94
EFT100768	19/06/2007	BUSH CAMP SURPLUS STORES	UNIFORM SHIRTS	43.50
EFT100769	19/06/2007	COMPUTING RESOURCES (NT) PTY LTD	NOTEBOOK REC SERVICES MANAGER	2,079.00
EFT100770	19/06/2007	East Kimberley Co-Operative Limited	4061 FULLY PAID A CLASS SHARES @ .01c	40.61
EFT100771	19/06/2007	FISCHER, CYNTHIA	WYNDHAM CLEANING CONTRACT MAY	2,988.15
EFT100772	19/06/2007	KIMBERLEY KOOL REFRIGERATION	REPAIR AND SERVICE AIRCONDITIONERS	220.00
EFT100773	19/06/2007	KUNUNURRA REFRIGERATION	SUPPLY AIRCONDITIONER COMPRESSOR	5,538.50
EFT100774	19/06/2007	OFFICE NATIONAL KUNUNURRA	DIARY	8.95
EFT100775	19/06/2007	TRAVELWORLD KUNUNURRA	ANNUAL AIRFARE SUBSIDY	2,145.23
EFT100776	22/06/2007	ALLGEAR SMALL ENGINE CENTRE	CUT OFF WHEEL	510.00
EFT100777	22/06/2007	ALLIGATOR AIRWAYS PTY LTD	CHARTER FLIGHT TO SERVICE COMMUNITIES	1,475.00
EFT100778	22/06/2007	ATO CHILD SUPPORT AGENCY (ANNO)	Payroll deductions	848.72
EFT100779	22/06/2007	AUSTRALIAN AIRPORTS ASSOCIATION, THE SEC	ANNUAL MEMBERSHIP	2,420.00
EFT100780	22/06/2007	AUSTRALIAN SERVICES UNION	Payroll deductions	378.40
EFT100781	22/06/2007	BEAUREPAIRES (KUNUNURRA)	TYRES FOR EHO	1,298.80
EFT100782	22/06/2007	BOAB BOOKS	BOOKS FOR LIBRARY	985.00
EFT100783	22/06/2007	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL	190.66
EFT100784	22/06/2007	BRENDAN JOHNS ELECTRICS	ELECTRICAL SAFETY CHECK AND TOOLS TAGGING	189.30
EFT100785	22/06/2007	DARWIN AIRPORT RESORT	NATIONAL INDIGENOUS EH CONFERENCE	185.00
EFT100786	22/06/2007	EAST KIMBERLEY HARDWARE	2 x Gimpy Hammers	76.90
EFT100787	22/06/2007	FLAMETREE NURSERY	7 GOLDEN FLAMETREES FOR CHILDCARE CENTRE	136.50
EFT100788	22/06/2007	FLICK REFRIGERATION & AIRCON	Service all Kununurra Admin air conditioners	1,832.60
EFT100789	22/06/2007	GARRARDS PTY LTD	RESLIN 20 LITRES	1,813.83
EFT100790	22/06/2007	GAULT, JOHN DOUGLAS	TRAINING FOR DIPLOMA OF PUBLIC WORKS	185.45
EFT100791	22/06/2007	GRAEME DONALD BUILDING CONSULTANT	BUILDING SURVEYOR CONSULTANT	2,000.00
EFT100792	22/06/2007	HAYTER & CO	LEGAL FEES - DEBT COLLECTION	1,175.00
EFT100793	22/06/2007	JAMES O'KENNY AUCTIONEER	Hire of Donga for Ewin Centre - May 2007	3,300.00

EFT100794	22/06/2007	JORRITSMA H & CO	HOSE TAPS, NYLON VALVES, THREAD TAPE, A KEY	852.65
EFT100795	22/06/2007	KIMBERLEY MARKETING, ATT: PHIL	CHIPS AND PIES FOR DISCO	144.69
EFT100796	22/06/2007	KIMBERLEY PROPERTY VALUERS	VALUATION LOT 987, 988, 989	880.00
EFT100797	22/06/2007	KNICKEL GARDENING SERVICES	ADDITIONAL WORKS FOR APRIL	34,945.72
EFT100798	22/06/2007	KP PUMPS & IRRIGATION	SPRINKLERS & FITTINGS	1,875.67
EFT100799	22/06/2007	KUNUNURRA 4WD SPARES	LOCK BOX	474.00
EFT100800	22/06/2007	KUNUNURRA COURIERS	WATER FOR FOYER	64.00
EFT100801	22/06/2007	KUNUNURRA DIESEL SERVICES	AERIAL BASE AND LEAD	108.85
EFT100802	22/06/2007	KUNUNURRA POOLS AND SPAS	1 net scoop	25.00
EFT100803	22/06/2007	KUNUNURRA MOBILE WELDING SERVICE	OVAL WORKS - SUPPLY GATE, REPAIR FENCING	3,685.00
EFT100804	22/06/2007	KUNUNURRA SECURITY SERVICE	CALL OUT AT LEISURE CENTRE	66.00
EFT100805	22/06/2007	L.G.R.C.E.U	DEDUCTION	30.60
EFT100806	22/06/2007	NETWORK DRAFTING	General/Road Mapping	5,830.00
EFT100807	22/06/2007	OFFICE NATIONAL KUNUNURRA	STATIONERY FOR STORYTIME	190.22
EFT100808	22/06/2007	ORD RIVER ELECTRICS	OVAL LIGHTS REPAIRS	203.50
EFT100809	22/06/2007	ORIA ORCHARDS	FLOWER DISPLAY FOR FOYER	25.00
EFT100810	22/06/2007	THORLEY'S STORE	INTERNAL OFFICE FREIGHT	364.10
EFT100811	22/06/2007	TOLL WEST	LIBRARY FREIGHT	52.00
EFT100812	22/06/2007	TRAVELWORLD KUNUNURRA	ANNUAL AIRFARES	2,235.93
EFT100813	22/06/2007	VANDERFIELD MACHINERY PTY LTD	WATER PUMP KIT	895.16
EFT100814	22/06/2007	WA LOCAL GOV'T SUPER	Superannuation contributions	31,157.03
EFT100815	22/06/2007	WYNDHAM SUPERMARKET	CLEANING PRODUCTS, MILK	46.36
EFT100816	29/06/2007	AMANDA BECKER-KNOX	Graphic Design Consumables	158.90
EFT100817	29/06/2007	ARGYLE ENGINEERING	Insertion rubber for pontoon	545.96
EFT100818	29/06/2007	AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS	7000 LITRES @ 1.31005	18,115.40
EFT100819	29/06/2007	AUSTRALIAN FEDERAL POLICE	PMV CHECKS	98.02
EFT100820	29/06/2007	AUTO PRO KUNUNURRA	BELTS FOR WY001	38.90
EFT100821	29/06/2007	BARNES, WILLIAM	FOURTH QUARTER MEETING ALLOWANCE	2,125.00
EFT100822	29/06/2007	BOAB REFRIGERATION AND AIRCON	SERVICE AIRCONDITIONING	123.75
EFT100823	29/06/2007	BOSS FLUID POWER	TOILET CONSUMABLES FOR CHILD CARE CENTRE	421.12

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EFT100824	29/06/2007	BRANKO BP MOTORS	Misc Order for May 2007	1,736.21
EFT100825	29/06/2007	BRENDAN JOHNS ELECTRICS	FIT A NEW RED LIGHT ON KELLY'S KNOB	1,001.90
EFT100826	29/06/2007	CHEMSEARCH	VARIOUS ITEMS FOR TESTING	1,262.56
EFT100827	29/06/2007	CIVIC LEGAL	PROFESSIONAL FEES	892.93
EFT100828	29/06/2007	COATES HIRE OPERATIONS PTY LTD	Hire of Water filled Barriers	498.72
EFT100829	29/06/2007	CORPORATE EXPRESS	STATIONERY ORDER JUNE 07	481.04
EFT100830	29/06/2007	COUNCILLOR JANE PARKER	FOURTH QUARTER MEETING ALLOWANCE	1,500.00
EFT100831	29/06/2007	COUNCILLOR JOHN BUCHANAN	FOURTH QUARTER MEETING ALLOWANCE	1,500.00
EFT100832	29/06/2007	COUNCILLOR KEITH WRIGHT	FOURTH QUARTER MEETING ALLOWANCE	1,500.00
EFT100833	29/06/2007	COUNCILLOR ROCH DEVENISH-MEARES	FOURTH QUARTER MEETING ALLOWANCE	1,500.00
EFT100834	29/06/2007	COVENTRYS	RAGS, HAND WASH, DASH CARE	232.50
EFT100835	29/06/2007	CREDIPAC AUSTRALIA	DEBT COLLECTORS FEES	330.16
EFT100836	29/06/2007	CROCODILE SIGNS	2 IVANHOE CROSSING SIGNS	490.60
EFT100837	29/06/2007	DARWIN AIRPORT RESORT	INDIGENOUS HEALTH CONFERENCE	152.00
EFT100838	29/06/2007	DELRON CLEANING PTY LTD	GENERAL CLEANING FOR JUNE 07	5,000.07
EFT100839	29/06/2007	EAST KIMBERLEY HARDWARE	2 PALLETS 20KG CEMENT	1,428.30
EFT100840	29/06/2007	EAST KIMBERLEY PLUMBING	REPAIR URINALS	563.09
EFT100841	29/06/2007	FEWSTER, KELLY	HOME PHONE SUBSIDY ALLOWANCE	36.03
EFT100842	29/06/2007	FLAMETREE NURSERY	SELECTED PLANTS	177.50
EFT100843	29/06/2007	GARRATT,SARAH	BOXING CLASSES	645.00
EFT100844	29/06/2007	GUERINONI & SON	GRADER FOR KALUMBURU ROAD	32,161.80
EFT100845	29/06/2007	GULLIVERS TAVERN	CATERING FOR MEETING	706.00
EFT100846	29/06/2007	HOMESAT TV EAST KIMBERLEY	Repair of Network point at front counter	132.00
EFT100847	29/06/2007	KALUMBURU MISSION	ROAD INSPECTION - FUEL FOR KALUMBURU	206.28
EFT100848	29/06/2007	KIMBERLEY ECHO-ALBANY ADVERTISER	MOSQUITO FOGGING ADVERTISEMENT	1,284.29
EFT100849	29/06/2007	KIMBERLEY GROUP TRAINING	TRAINEESHIP WAGES	5,457.22
EFT100850	29/06/2007	KIMBERLEY INDUSTRIES METALAND	MATERIALS FOR WORK FOR THE DOLE PROJECT	743.97
EFT100851	29/06/2007	KIMBERLEY METAL RECYCLERS	SWEK CONTRACT JUNE 07	21,163.02
EFT100852	29/06/2007	KIMBERLEY MOTORS	FUEL MARCH 2007	2,121.39
EFT100853	29/06/2007	KIMBERLEY WASTE SERVICES	WASTE COLLECTION FEES	97,829.33
EFT100854	29/06/2007	KINGS CROWN INSTRUMENTATION & ELECTRICAL	Replacement of Wyndham Basketball Court lights	13,860.00

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EFT100855	29/06/2007	KUNUNURRA HOME HARDWARE	PVC ELBOW	6.50
EFT100856	29/06/2007	KUNUNURRA SECURITY SERVICE	SECURITY SERVICES KUNUNURRA AIRPORT	440.00
EFT100857	29/06/2007	LAKESIDE BLINDS & MACHINERY	DINGO HIRE - CHILDCARE CENTRE	165.00
EFT100858	29/06/2007	LANDGATE	MINING TENEMENTS	501.33
EFT100859	29/06/2007	LANGFORD MACHINERY PTY LTD	FIT NEW WATER PUMP TO JOHN DEERE TRACTOR	943.00
EFT100860	29/06/2007	MCKINLAY, BETTY	SAFETY GATES FOR DOORS	192.81
EFT100861	29/06/2007	NEAT N TRIM UNIFORMS	UNIFORMS	733.00
EFT100862	29/06/2007	NORTHERN INFO TECHNOLOGY SERVICES	IT SUPPORT JOB 3056	597.00
EFT100863	29/06/2007	OFFICE NATIONAL KUNUNURRA	COPY COUNT COST FOR MONTH OF MAY	1,670.59
EFT100864	29/06/2007	ORD MACHINING	SERVICE AND INSPECTION OF CONVEYOR	1,049.29
EFT100865	29/06/2007	ORD RIVER ELECTRICS	Hot water system repairs for the Leisure Centre	465.86
EFT100866	29/06/2007	ORIA ORCHARDS	FLOWER DISPLAY FOR FOYERS	15.00
EFT100867	29/06/2007	PLANT HIRE SERVICES PTY LTD	GRADER HIRE PARRYS ROAD	7,029.00
EFT100868	29/06/2007	RACHEL WORNES	ELEC-SUBSIDY R WORNES APRIL - JUN 07	126.85
EFT100869	29/06/2007	REBECCA JACOB	INCIDENTALS FOR WRITERS FESTIVAL	33.95
EFT100870	29/06/2007	RED SUN SPORTS	Basketball Equipment	1,782.95
EFT100871	29/06/2007	ROGERS MACHINERY SERVICE	EDGE, PINS	443.40
EFT100872	29/06/2007	SETON AUSTRALIA PTY LTD	Red vinyl marking tape, scissor action mop & fringe refill	548.68
EFT100873	29/06/2007	STUBBS, PETER	HIRECAR RENTAL PERTH DHW, DPI AND MINISTER	159.92
EFT100874	29/06/2007	TUCKERBOX/RETRAVISION	TUCKERBOX PURCHASES MAY	1,300.98
EFT100875	29/06/2007	UHY HAINES NORTON (WA) PTY LTD	Audit Services - Kununurra Child Care Centre	660.00
EFT100876	29/06/2007	VANDERFIELD MACHINERY PTY LTD	PARTS TO REPAIR SLASHER	1,659.65
EFT100877	29/06/2007	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING - BUILDING SURVEYOR	3,642.33
EFT100878	06/07/2007	ALLGEAR SMALL ENGINE CENTRE	2 x Sets Push Lawn Mower Blades	39.00
EFT100879	06/07/2007	AMANDA BECKER-KNOX	Consultancy Fees Kimberley Writers Festival	7,425.00
EFT100880	06/07/2007	AUST INSTITUTE OF ENVIRONMENTAL HEALTH	Membership Renewal Miss Kelly Fewster	282.00
EFT100881	06/07/2007	BEAUREPAIRES (KUNUNURRA)	Tyres	194.00
EFT100882	06/07/2007	BOAB BOOKS	Author's meals for Kimberley Writers Festival	1,356.90
EFT100883	06/07/2007	BOB'S BRUSH STROKES	PATCH & PAINT REPAIRED WALLS	184.00
EFT100884	06/07/2007	BOSS FLUID POWER	Toilet Tissue, Hand Towels	1,698.40

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EFT100885	06/07/2007	CORPORATE EXPRESS	STATIONERY ORDER	262.94
EFT100886	06/07/2007	Creston Investments	Envelopes	271.30
EFT100887	06/07/2007	DELRON CLEANING PTY LTD	DEPOT CLEANING MAY 2007	398.20
EFT100888	06/07/2007	EAST KIMBERLEY HARDWARE	1x Water sealer 1x Chalk board paint 3x Paint brushes	693.45
EFT100889	06/07/2007	FRANE LESSAC, ARTBEAT PUBLISHING	Visiting Author / Illustrator Fee - Frane Lessac	1,474.00
EFT100890	06/07/2007	FRANMOR CONSTRUCTIONS PTY LTD	SCRAPE FLAKY WALLS AND PAINT SQUASH COURTS	8,439.00
EFT100891	06/07/2007	GARRARDS PTY LTD	44 GALLON DRUM OF CARMEL CARRIER	1,655.50
EFT100892	06/07/2007	JASON SIGNMAKERS LTD	500 x Flexi Guide Posts as per Quote	4,372.50
EFT100893	06/07/2007	JORRITSMA H & CO	4X65MM COUPLINGS AND 2X65MM PVC COUPLINGS	477.20
EFT100894	06/07/2007	JSW HOLDINGS PTY LTD	60 METRES OF GRAVEL	1,372.80
EFT100895	06/07/2007	KIMBERCRUST BAKERY	CATERING FOR KIMBERLEY WRITERS FESTIVAL	120.00
EFT100896	06/07/2007	KIMBERLEY COLLEGE OF TAFE	CERT III IN CHILDREN'S SERVICES TUITION FEES	48.90
EFT100897	06/07/2007	KIMBERLEY ECHO-ALBANY ADVERTISER	6 reams of A2 paper	487.00
EFT100898	06/07/2007	KIMBERLEY GROUP TRAINING	HOST EMPLOYER CONTRIBUTIONS	4,494.52
EFT100899	06/07/2007	KIMBERLEY INDUSTRIES METALAND	3X8MM HOOKS FOR CHAINS ON LOW LOADER	17.82
EFT100900	06/07/2007	KIMBERLEY MARKETING, ATT: PHIL	REFRESHMENTS FOR EVENT	433.86
EFT100901	06/07/2007	KIMBERLEY STOCK-OLIVER	RETIC SUPPLIES	2,239.41
EFT100902	06/07/2007	KP PUMPS & IRRIGATION	GENERAL RETIC SUPPLIES	122.40
EFT100903	06/07/2007	KUNUNURRA DIESEL SERVICES	Repair rim for tyre fitting	60.50
EFT100904	06/07/2007	KUNUNURRA PANEL BEATING WORKS WA P/L	Fit Scrub Bars	90.75
EFT100905	06/07/2007	KUNUNURRA PEST MANAGEMENT	Treat Whitegum Park Power poles for ant activity	176.00
EFT100906	06/07/2007	KUNUNURRA POOLS AND SPAS	Salt tester for Wyndham Pool	330.00
EFT100907	06/07/2007	MARTIN PRINT	Business cards - Jesse Mortensen.	78.00
EFT100908	06/07/2007	MCLEAN ENTERPRISES	WELDING CONSUMABLES	75.35
EFT100909	06/07/2007	MICHELLE FORREST	RELOCATION EXPENSES	1,212.98
EFT100910	06/07/2007	NORDIG EARTHMOVING	Slasher Hire	2,035.00
EFT100911	06/07/2007	OFFICE NATIONAL KUNUNURRA	2 CANON INK CARTRIDGES	69.90
EFT100912	06/07/2007	ORD RIVER ELECTRICS	Cable check at Celebrity Tree Park	330.77

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EFT100913	06/07/2007	ORIA ORCHARDS	FLOWER DISPLAY FOR FOYER	15.00
EFT100914	06/07/2007	PLANT HIRE SERVICES PTY LTD	Shale internal road	1,760.00
EFT100915	06/07/2007	RAECO INTERNATIONAL P/L	RESOURCES FOR LIBRARY	469.26
EFT100916	06/07/2007	ROYAL LIFE SAVING (WA BRANCH)	Lifeguard re-qualification - Michelle Forrest	95.00
EFT100917	06/07/2007	SHELF SUPPLY	1 x Bag of Dog Food	43.00
EFT100918	06/07/2007	SHERIDAN'S FOR BADGES	Name badges for Jo-Anne Ellis and Jesse Mortensen	53.02
EFT100919	06/07/2007	STATE LAW PUBLISHER	LOCAL GOVERNMENT ACT	118.20
EFT100920	06/07/2007	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLING	105.01
EFT100921	06/07/2007	TOLL WEST	LIBRARY FREIGHT	394.39
EFT100922	06/07/2007	TOP END MOTORS	60,000 km Service 1BJN958	1,418.05
EFT100923	06/07/2007	TRAVELWORLD KUNUNURRA	STAFF TRAVEL FOR TRAINING	675.57
EFT100924	06/07/2007	TUCKERBOX/RETRAVISION	CORDLESS PHONE	144.00
EFT100925	06/07/2007	VANDERFIELD MACHINERY PTY LTD	SUPPLY 1 JD5325 TRACTOR	45,540.00
EFT100926	06/07/2007	WA LIBRARY SUPPLIES	Walsco PVC Book Covering - Wyndham Library	262.24
EFT100927	06/07/2007	WAUGH & DWYER PTY LTD	Grader hire - Fire Control	8,651.50
EFT100928	06/07/2007	WESTRAC EQUIPMENT PTY LTD	Turning Circle Parts	268.63
EFT100929	06/07/2007	WESTRALIA AIRPORTS CORPORATION PTY LTD,	SECURITY IDENTIFICATION FOR A.YARDLEY	50.00
EFT100930	06/07/2007	WYNDHAM SUPERMARKET	Consumables for Wyndham Rec Centre	14.80
				-
			Total for EFT Payments	604,831.34
				-
				-
PAYROLL	06/06/2007	FORTNIGHTLY PAYROLL		81,440.44
PAYROLL	06/06/2007	SUNDRY PAY		4,083.83
PAYROLL	20/06/2007	FORTNIGHTLY PAYROLL		92,613.96
				-
			Total for Payroll Payments	178,138.23
DIRECT DEBIT		RENT 12/33 KONKERBERRY DRIVE KUNUNURRA		1,395.87
DIRECT DEBIT		BANK FEES		277.70

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DIRECT DEBIT	BILL EXPRESS	55.00
DIRECT DEBIT	VISA PAYMENT	8,444.93
DIRECT DEBIT	WESTNET P/L	441.72
DIRECT DEBIT	LOAN REPAYMENT	9,669.66
DIRECT DEBIT	MOBILE OIL AUSTRALIA	11,907.91
Total for Direct Debit Payments		<u>32,192.79</u>
Total Payments Submitted to Council		<u><u>989,156.73</u></u>

Sundry Debtors as of 30th June 2007

Sundry Debtor	Amounts Over 90 Days Outstanding	Balance @ 30th June 2007	Debt Collection Status for Debts over 90 Days
ARGYLE KIMBERLEY RESORT	750.00	750.00	Paid in full in July
CARTER RON	967.00	967.00	Final Notice Issued
CHADWICK, STEVE	5,949.96	5,949.96	Debtor with Credipac
WARRICK DONE	225.00	225.00	Reminder Notice Issued
KIMBERLEY METAL RECYCLERS	180.00	660.00	Paid \$180 in July
KIMBERLEY COLLEGE OF TAFE	22.50	22.50	Reminder Notice Issued
NEIL LAVERS	1,280.00	1,280.00	Debtor with Credipac
ORD AIR CHARTER PTY LTD	55,428.24	57,410.21	Debtor with Credipac
ORD RIVER SPORTS CLUB	4,219.38	14,688.12	Monthly Repayments are being made
ROWLAND, BARBARA	400.00	400.00	Final Notice Issued
WYNDHAM COMMUNITY CLUB	2,760.49	2,760.49	Debtor made monthly payment
	72,182.57	85,113.28	

13.2.3 Rates Write Off Report – F12 Rate Collection Policy

DATE:	17 July 2007
PROONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Gill Old, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager of Corporate Services
FILE NO:	61.23.03
ASSESSMENT NO:	N/A

PURPOSE

To report to Council a write off to the value of \$803.14 in outstanding rates and penalties as required by policy F12 – Rate Collection Policy

BACKGROUND

On 20/04/2004 Council adopted policy F12 Rate Collection Policy

The objective of this policy is “To establish a uniform approach to the collection of rates and to minimise Council’s outstanding rate debtors.”

This policy states “That properties with outstanding rates of \$20.00 or less be written off and this write off reported to Council”

STATUTORY IMPLICATIONS

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;
 - (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*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

POLICY IMPLICATIONS

On 20/11/1997 Council adopted Rate Collection Policy – F12 which was amended on the 20/04/2004.

This Policy states:

- That properties with outstanding rates of \$20.00 or less be written off and this write off reported to Council.

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- The Chief Executive Officer be given delegated authority to initiate the necessary action under this policy (with the exception of the sale, or the reverting of property back to the Shire).

FINANCIAL IMPLICATIONS

Council to incur an expense of \$803.14 as a write off.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Upon investigation on 30th June 2007 it was determined there was a total of 365 properties with an outstanding balance of \$20.00 or less.

The total value of \$803.14 which has been written off consists of rates of \$3.28 and interest of \$799.86.

The highest value written off against any individual property was \$19.99.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council note that a total value of \$803.14 has been written off in accordance with policy F12 Rate Collection Policy.

COUNCIL DECISION

Minute No. 7787

Moved: Cr J. Buchanan

Seconded: Cr M. Middap

That Council note that a total value of \$803.14, consisting of rates of \$3.28 and interest of \$799.86, has been written off in accordance with policy F12 Rate Collection Policy.

Carried Unanimously 7/0

13.2.4 East Kimberley Regional Airport Sterile Area

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Rick Spry, Airports Manager Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	20.09.01
ASSESSMENT NO:	N/A

PURPOSE

That Council to consider a recommendation that Officers submit an amended Transport Security Program (TSP) with the Shire of Wyndham East Kimberley as the screening authority and that tenders be issued to purchase new screening security equipment at East Kimberley Regional Airport.

BACKGROUND

This item was presented at the 19 June 2007 Ordinary Council Meeting and at the request of the author was deferred. The author believed that additional information may be available following attendance at a conference related to the item.

COUNCIL RESOLUTION

MINUTE NO.7758

MOVED: CR K WRIGHT

SECONDED: CR D AUSBURN

That this item be moved to a briefing session for further discussion.

Carried Unanimously: 7/0

Under the current East Kimberley Regional Airport Transport Security Program (TSP), Qantas is the screening authority positioned at the East Kimberley Regional Airport. Due to Qantas ceasing all operations into the airport, they no longer wish to be the screening authority. As at the end of September 2007, Qantas will be removing all screening equipment from the sterile area.

It is recommended that the Shire of Wyndham East Kimberley take over as the Screening Authority under the new TSP and that they seek to contract out the Passenger Screening. This service is currently sub-contracted to Kununurra Security Services by Chubb Security who holds a contract with Qantas.

DOTARS have advised that a period of 60 days minimum is required for the processing of a new TSP.

STATUTORY IMPLICATIONS

The Local Government (Functions and General) Regulations 1996, Part 4 applies with the relevant extract provided as follows: -

Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub-regulation (2) states otherwise.*

Section 6.8, Local Government Act 1995 also is applicable given the urgent nature of the situation. S6.8 reads as follows: -

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

Sections 5.42 and 5.43, Local Government Act 1995 also are applicable in respect of the Officer's recommendation. S5.42 and S5.43 read as follows: -

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties -

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*

- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The purchase or lease of this equipment and the ongoing maintenance costs will be funded from the Airport Reserve and Airport Operating budget.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Qantas has offered to sell their security equipment to SWEK for \$149,000. The condition of this equipment is unknown and the purchase price of new equipment is expected to be within 15 – 20% of this cost.

Quotations for the outright purchase of new security equipment, including a 5 year maintenance program, installation, commissioning, handover, training and freight indicate the cost will be in excess of the \$100,000 tender threshold so a purchase through tender is recommended.

Options to lease equipment also exist and it is recommended the tender include outright purchase as well as lease options to enable an informed decision to be made.

Passenger screening security equipment that is required is detailed as follows:

- Passenger Screening X-ray Machine
- 0.8 Meter Entry Roller Bed
- 3.0 Meter Exit Roller Bed
- Acrylic Shielding
- Walk through Metal Detector
- 2 x Hand Held Metal Detectors
- Explosives Trace Detector
- Maintenance Contract
- Installation/Commissioning/Handover/ Training and Freight.

The issue for Council is threefold, in that: -

1. The processing time required for the TSP to be considered and adopted by DOTARS
2. The date nominated by QANTAS to withdraw the present services – staffing and equipment
3. The cost of the equipment exceeding the tender threshold set by the Local Government (Functions and General) Regulations 1996.

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Whilst the situation faced for the provision of passenger screening is considered urgent, the research by staff regarding equipment availability and the extension of time accepted by QANTAS it is considered that the circumstances are not appropriate to request the Shire President to authorise expenditure of funds under S6.8(1)c.

Staff recommend that the most appropriate actions to be initiated are as follows: -

- Amend and submit to DOTARS a TSP nominating the Shire of Wyndham East Kimberley as the nominated Screening Authority and Kununurra Security Services as the nominated Screening Agent
- Request Council to delegate authority to the Chief Executive Officer to invite tenders for the supply, installation and maintenance of the screening equipment, consider and accept a supplier for a total cost not exceeding \$200,000.
- Engage the service of Kununurra Security Services until 1 March 2008 as the Shire's nominated Screening Agent as a transitional arrangement, allowing adequate time for a tender process to be implemented for a longer term service provider. Kununurra Security Service are the only local accredited service provider for this service. This would commence at the time approval to be the nominated Screening Authority has been granted to the Shire and when equipment is installed and ready for use.
- Prepare and invite tenders for the provision of screening services at the East Kimberley Regional Airport and for the tender period to be effective from 1 March 2008.

ATTACHMENTS

Quotes for the passenger screening security equipment were included with the agenda for 19 June 2007 Ordinary Council Meeting.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. Approve the submission a new Transport Security Program to DOTARS appointing the Shire of Wyndham East Kimberley as the new screening authority and Kununurra Security Services as the screening agent at East Kimberley Regional Airport.
2. Delegate to the Chief Executive Officer the authority to invite, consider and accept a tender for the supply, installation and maintenance of screening equipment as listed below. The total value of the tender should not exceed \$200,000 and should include outright purchase and lease options.
 - Passenger Screening X-ray Machine
 - 0.8 Meter Entry Roller Bed
 - 3.0 Meter Exit Roller Bed
 - Acrylic Shielding

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- Walk through Metal Detector
 - 2 x Hand Held Metal Detectors
 - Explosives Trace Detector
 - Maintenance Contract
 - Installation/Commissioning/Hangover/ Training and Freight.
3. Authorise the engagement of Kununurra Security Services as screening agents until 1 March 2008 commencing on the date the Shire of Wyndham East Kimberley has authority to act as the Screening Authority. This transitional arrangement will allow adequate time for a tender process to be implemented for a longer term service provider.
 4. Authorise the inviting of tenders for the provision of Screening Agent services at the East Kimberley Regional Airport to be timed so that a tender can be accepted and operational by 1 March 2008.

COUNCIL DECISION

Minute No. 7788

Moved: Cr K. Wright

Seconded: Cr J. Buchanan

That Council:

1. ***Approve the submission a new Transport Security Program to DOTARS appointing the Shire of Wyndham East Kimberley as the new screening authority and Kununurra Security Services as the screening agent at East Kimberley Regional Airport.***
2. ***Invite, consider and accept a tender for the supply, installation and maintenance of screening equipment as listed below. The total value of the tender should include outright purchase and lease options.***
 - ***Passenger Screening X-ray Machine***
 - ***0.8 Meter Entry Roller Bed***
 - ***3.0 Meter Exit Roller Bed***
 - ***Acrylic Shielding***
 - ***Walk through Metal Detector***
 - ***2 x Hand Held Metal Detectors***
 - ***Explosives Trace Detector***
 - ***Maintenance Contract***
 - ***Installation/Commissioning/Hangover/ Training and Freight.***
3. ***Authorise the engagement of Kununurra Security Services as screening agents until 1 March 2008 commencing on the date the Shire of Wyndham East Kimberley has authority to act as the Screening Authority. This transitional arrangement will allow adequate time for a tender process to be implemented for a longer term service provider.***
4. ***Authorise the inviting of tenders for the provision of Screening Agent services at the East Kimberley Regional Airport to be timed so that a tender can be accepted and operational by 1 March 2008.***

Carried 5/2

Cr D. Ausburn requested that the votes be recorded.

**For: Cr M. Pucci, Cr M. Middap, Cr K. Wright, Cr J. Buchanan, Cr J. Parker
Against: Cr R. Devenish-Meares, Cr D. Ausburn**

13.2.5 Differential Rates 2007/08

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

Council to endorse and approve the advertisement of proposed Differential Rate in the Dollar and the Minimum Rates for 2007/08

BACKGROUND

Before Council can impose differential rate in the dollar, Council must advertise the proposed differential rate for a minimum period of 21 days. The advertising period can occur up to two months prior to adoption of the Budget. This period of advertising allows rate payers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the Budget adoption process. Currently Council is planning to adopt the 2007/08 Budget at a Special Council meeting on the 31 July 2007.

Additionally, under the Local Government Act, Council must seek permission from the Minister of Local Government to raise the differential rate where the highest differential rate is more than twice the lowest differential rate.

Due to staff changeover this advertising and approval process was overlooked. Advice was sought from the Compliance Section of the Department of Local Government and Regional Development as to how compliance with the Local Government Act can be achieved with Budget Adoption still taking place on 31 July 2007. The adoption of the budget will be subject to the advertising and submission process and Ministerial Approval.

The following proposed timeline of events will need to occur to ensure compliance with the Act:

1. 17 July 2007 - Council consider, endorse and approve the advertisement of proposed Differential Rate in the Dollar and the Minimum Rate for 2007/08
2. 18 July 2007 – Executive Manager Corporate Services to write to Minister of Local Government to seek approval to raise the differential rate where the highest differential rate is more than twice the lowest differential rate and to impose a minimum rate that affects more than 50% of a differential rating category.
3. 26 July 2007 - Executive Manager Corporate Services to advertise proposed Differential Rate in the Dollar and the Minimum Rate for 2007/08 in Kimberley Echo inviting submissions from ratepayers.

4. 31 July 2007 – Council to consider and adopt Budget with Differential Rate in Dollar and Minimum Rate adopted subject to Ministerial Approval and consideration of any submissions received.
5. 16 August 2007- Public submission period ends
6. 17 August 2007 – Executive Manager Corporate Services advises Minister of details of any submissions received
7. prior to 21 August 2007 - Ministerial Approval
8. 21 August 2007 - Council considers any submissions received and with Ministerial approval imposes differential rates in dollar and minimum rates
9. 24 August 2007 - Rates issue date
10. 28 September 2007 - Rates due date.

In March 2005 Council adopted the 2005/06 Financial Plan (Minute 7077) which outlined a Council rating strategy for the following 5 years. This plan basically allowed for Consumer Price Index (CPI) increases from 2006/07 onwards to achieve parity with neighbouring Councils. The estimated CPI in this plan was 3%. Achieving parity with neighbouring Councils would require analysis of the rating trends in neighbouring Councils and not just locking the Shire of Wyndham East Kimberley into a minimum increase. It is understood that one neighbouring Council is intending to raise their rates by 12% this financial year.

This Plan does not mention the Bio Security “Levy” Council also adopted on 15 March 2005.

CPI for the March 2007 quarter is 3.5%.

Advice in recent years from the Western Australian Local Government Association (WALGA) has alerted Councils to the issue that CPI is a good measure of a household's ability to pay but is not a good measure of the increasing costs of a Local Government. The Local Government Cost Index is considered a more appropriate measure as it is a combination of CPI and the Construction Index.

Additionally the Systemic Sustainability Study commissioned by WALGA noted that some Local Governments are not increasing rates by a sufficient amount and this was causing issues with their ability to maintain ageing and deteriorating infrastructure.

The Audit Committee and Council have previously considered revising the differential rating categories in respect to raising funds to promote the East Kimberley. This discussion was deferred for six months. As part of this continuing review it is suggested that a revised rating strategy be developed that takes into account the findings of the Systemic Sustainability Study and incorporates the Local Government Cost Index.

For the 2007/08 budget it is recommended that total rates increase by the March 2007 quarter Local Government Cost Index of 5.38%. Inclusive in this a \$50,000 transfer to the Bio Security Reserve.

The rates in the dollar included in this agenda item are relevant to the rates database as at 11 July 2007. A UV revaluation needs to be loaded into the rating system prior to the issue of rates and this may impact on the rate in the dollar required to achieve the overall recommended rate increase. The rates system is in the process of being balanced to enable this up-load of new values.

Working through issues with the very recent migration to a new system is making the year end balancing slower than normal. It is hoped that this will be completed prior to the Council meeting to enable Council to consider and endorse the rates in the dollar relevant to the updated valuations. Should this not be achieved the rates will be available for budget adoption. It is appropriate to adjust the rate in the dollar to reflect the update valuations and it should not impact on the submission process as the increase recommended will be uniformly applied to achieve a recommended 5.3% increase in total rates.

Based on current rates modelling there is one differential rating category that does not comply with section 6.35 of the Local Government Act. UV Mining has 233 assessments and 132 will have minimum rates applied under the current rates model. This is in excess of the 50% allowable under the Act. Approval from the Minister to apply this minimum rate will be sought.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics.
 - (a) the purpose for which the land is zoned under a town planning scheme in force under the *Town Planning and Development Act 1928*.
 - (b) the predominant purpose for which the land is held or used as determined by the local government.
 - (c) whether or not the land is vacant land or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may
 - (a) specify the characteristics under subsection (1) which a local government is to use or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1)
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency
 - (b) is to contain
 - (i) details of each rate or minimum payment the local government intends to impose
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed and
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government -
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a) or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than $\frac{3}{4}$
 - (a) 50% of the total number of separately rated properties in the district;
or
 - (b) 50% of the number of properties in each category referred to in subsection (6),on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6),unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories
 - (a) to land rated on gross rental value;
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.

POLICY IMPLICATIONS

Council Policy F7 – Significant Accounting Policies

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FINANCIAL IMPLICATIONS

The following table illustrates the proposed changes to rates in the dollar

	2007/08		2008/09	
	Cents in the \$	Min Rate \$	Cents in the \$	Min Rate \$
GRV - Townsites	9.3927	650.00	9.8980	700
GRV - Other	9.3927	650.00	9.8980	700
UV - Rural Agricultural 1	0.6367	750.00	0.6710	750
UV - Rural Agricultural 2	0.8950	750.00	0.9432	750
UV - Rural Living	1.1811	750.00	1.2466	750
UV - Mining	8.7238	750.00	9.1931	750
UV - Pastoral	6.9708	750.00	7.3458	750

The proposed Rate in the Dollar and Minimum Rate will increase rate revenue by \$227,137.15, based on current valuations, over and above what would be raised if no increase was imposed. This equates to an increase of 5.35% on total rates revenue due to the impact of minimum rates.

Should the Council not endorse and advertise the proposed Rate in the Dollar and Minimum Rate, the public comment process will be delayed and the rates issue date will be extended past the current expected date, thus impacting on cash flows.

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance
Goal 2 – Financial Management
Strategy 2

COMMUNITY CONSULTATION

The Public comment and submission process is designed to ensure consultation with the community and ratepayer base.

COMMENT

The act of advertising these rates in the dollar and minimums does not prohibit Council amending these rates or minimums at Budget Adoption or following a period of public comment. The purpose of advertising is to give ratepayers the ability to comment and make a submission prior to the rates being imposed. Normally this would be prior to Budget Adoption but in the process outlined above the rates will be imposed by a further decision of Council, at this stage it is expected to be at the Ordinary Meeting on 21 August 2007.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. Council endorse and arrange to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2007/08

	Cents in the dollar	Min Rate \$
GRV - Townsites	9.8980	700
GRV - Other	9.8980	700
UV - Rural Agricultural 1	0.6710	750
UV - Rural Agricultural 2	0.9432	750
UV - Rural Living	1.2466	750
UV - Mining	9.1931	750
UV - Pastoral	7.3458	750

2. That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.

COUNCIL DECISION

Minute No. 7789

Moved: Cr K. Wright

Seconded: Cr J. Parker

1. *Council endorse and arrange to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2007/08*

	Cents in the dollar	Min Rate \$
GRV - Townsites	9.8980	700
GRV - Other	9.8980	700
UV - Rural Agricultural 1	0.6710	750
UV - Rural Agricultural 2	0.9432	750
UV - Rural Living	1.2466	750
UV - Mining	9.1931	750
UV - Pastoral	7.3458	750

2. *That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.*

Carried 6/1

Cr K. Wright requested that the votes be recorded.

For: Cr. M. Pucci, Cr K. Wright, Cr J. Parker, Cr J. Buchanan, Cr D. Ausburn, Cr R. Devenish-Meares

Against: Cr M. Middap

13.3. COMMUNITY SERVICES

13.3.1 Naming of the Kununurra Child Care Building

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Naming of the Kununurra Child Care Building
AUTHOR:	Karyn Apperley, Executive Manager Community Services
REPORTING OFFICER:	Peter Stubbs, CEO
FILE NO:	31.09.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the matter of the name of the new Child Care building in Kununurra.

BACKGROUND

At its meeting of 15 May 2007, Council resolved:

“that a Committee of three people including the Shire President, Ewin Centre president and the Executive Manager of Community Services call for suggestions from the public for a new name for the new Child Care Centre in Chestnut Avenue and that the Committee present a recommendation to Council.”
(Minute No. 7705).

The Shire President, Chairperson of the Ewin Children's Services Inc Committee and the Executive Manager of Community Services met on Friday 22 June 2007 as the Chairperson of the Ewin Children's Services Inc Committee was unavailable prior to this time due to personal commitments.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

In keeping with the 15 May 2007 resolution of Council, consultation to date has occurred with the Chairperson and members of the Ewin Children's Services Inc Committee.

COMMENT

On 22 June 2007 the Committee, formed at the request of Council to consider the naming of the new Child Care building in Kununurra, met to discuss the options available to progress Council's resolution. As a result of the issues identified by this discussion, it was felt by the Committee that a more positive and timely outcome could be achieved by working through the concerns held by the Council and the Ewin Children's Services Inc Committee about the naming of the building.

Following this meeting, the Chairperson of the Ewin Children's Services Inc Committee advised she had sought feedback from the Ewin Children's Services Inc Committee and received no objections to the removal of the public submission phase and the utilisation of the title Kununurra Child Care Centre for the plaque to be located at the new building and for statutory purposes.

Therefore, the recommendation of the Committee to Council is:

"That Council utilise the title of 'Kununurra Child Care Centre' for the new Child Care Centre building for the plaque and legal and statutory reporting purposes."

ATTACHMENTS

Nil

VOTING REQUIREMENT

Recommendation 1 – absolute majority

Recommendation 2 – simple majority

RECOMMENDATION

1. That Council rescind Minute No. 7705 which states:

"that a Committee of three people including the Shire President, Ewin Centre president and the Executive Manager of Community Services call for suggestions from the public for a new name for the new Child Care Centre in Chestnut Avenue and that the Committee present a recommendation to Council."

2. That Council utilise the title of 'Kununurra Child Care Centre' for the new Child Care Centre building for the plaque and legal and statutory reporting purposes.

Councillors K. Wright, J. Buchanan and R. Devenish-Meares supported raising the matter of rescinding Minute No 7705.

COUNCIL DECISION

Minute No. 7790

Moved: Cr K. Wright Seconded: Cr J. Buchanan

That Council rescind Minute No. 7705 which states:

“that a Committee of three people including the Shire President, Ewin Centre president and the Executive Manager of Community Services call for suggestions from the public for a new name for the new Child Care Centre in Chestnut Avenue and that the Committee present a recommendation to Council.”

Carried Unanimously 7/0

COUNCIL DECISION

Minute No. 7791

Moved: Cr K. Wright Second: Cr J. Buchanan

That Council utilise the title of ‘Kununurra Child Care Centre’ for the new Child Care Centre building for the plaque and legal and statutory reporting purposes.

Carried Unanimously 7/0

13.4. CHIEF EXECUTIVE OFFICER

13.4.1 Use Of Common Seal

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 16 June to 6 July 2007.

BACKGROUND

Information is presented to inform Council on those documents to which the Shire Common Seal has been applied. In the time period specified above, the following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

- Town Planning Scheme Amendment No. 21 – 3 copies
- Healthway Sponsorship Agreement 17088 Kimberley Writer's Festival – 2 copies
- Department of Transport and Regional Services Sustainable Regions Programme Kununurra Youth Centre Funding Agreement – 2 copies
- Backyard Frontline: Australia Under Attack 1942-1943 Travelling Exhibition Loan Agreement – 2 copies
- WARIS "Music - A Way of Life" workshops Funding Agreement – 1 copy
- Helping Young People Engage (HYPE) Grant Agreement – 2 copies

STATUTORY IMPLICATIONS

Local Government Act 1995

Council's Standing Order Local Law makes reference to the application of the Common Seal.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Goal 2 – Decision making within the Governance KRA of the Strategic Plan includes a strategy which is relevant to this item:

Strategy 3:

Establish succinct monthly reports that graphically indicate key data for financial, human resource, risk and operational management.

As does Goal 6 – Legislation:

Strategy 3:

Ensure continued compliance with all relevant legislation through the submission of relevant reports and documents.

COMMENT

It is the Officers' recommendation that Council formally receive a report on use of the Shire Common Seal.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 16 June to 6 July 2007.

COUNCIL DECISION

Minute No. 7792

Moved: Cr D. Ausburn

Seconded: Cr M. Middap

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 16 June to 6 July 2007.

Carried Unanimously 7/0

13.4.2 Delegated Authority Report

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 1 June to 30 June 2007.

BACKGROUND

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant officers for the above period.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

Register of, and records relevant to, delegations to CEO's and employees

5.46 . Register of, and records relevant to, delegations to CEO's and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Governance KRA of the Shire's Strategic Plan includes a strategy, which is relevant to this item:

Goal 2 – Decision Making, Strategy 1 – To have established procedures and protocols that facilitate timely, effective decision making by the Council.

COMMUNITY CONSULTATION

Not Applicable

COMMENT

The attached reports outline use of Delegated Authority by relevant Council Officers for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Delegated Authority Report for the period 1 June to 30 June 2007.

COUNCIL DECISION

Minute No. 7793

Moved: Cr D. Ausburn

Seconded: Cr M. Middap

That Council receive the Delegated Authority Report for the period 1 June to 30 June 2007.

Carried Unanimously 7/0

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY - JUNE 2007

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	LOT AREA	FLOOR AREA	ROOF CLAD	WALL CLAD	EST. VALUE
089/ 2007	6/06/2007	COMMONWEALTH BANK OF AUSTRALIA	PO BOX Z5384 PERTH 6831	BOVIS LEND LEASE	LOT 104 COOLIBAH DRIVE KUNUNURRA	SHOP FIT-OUT / REFURBISHMENT	ADD			EXIST	EXIST	\$250,000.00
090/ 2007	13/06/2007	GREEN COUNTRY HOLDINGS PTY LTD	PO BOX 1019 KUNUNURRA	K WRIGHT	LOT 102 BULLRUN ROAD KUNUNURRA	SHADE STRUCTURE	NEW		54	STEEL	STEEL	\$10,000.00
091/ 2007	13/06/2007	BARRY LERCH	PO BOX 628 KUNUNURRA	TROPICAL FORESTRY SERVICES	LOT 417 RESEARCH STATION ROAD KUNUNURRA	RURAL SHED	NEW		60	STEEL	STEEL	\$17,000.00
092/ 2007	13/06/2007	CAROLYN DUFFEY	1 KWINANA STREET WYNDHAM	CAROLYN DUFFEY	LOT 1088 (1) KWINANA STREET WYNDHAM	FRONT FENCE	NEW		N/A	N/A	STEEL	\$2,500.00
093/ 2007	13/06/2007	ORDCO PORT	PO BOX 186 WYNDHAM	RH CLARKE CONSTRUCTION	LOT 813 GREAT NORTHERN HIGHWAY WYNDHAM	CARPORT	NEW		14	STEEL	N/A	\$5,000.00

094/ 2007	14/06/2007	REG PROPERTIES , BROOME RESORT DEVELOPME NT & WISESTAR PTY LTD	218 ATTUNGA ROAD YOWIE BAY NSW 2228	COLIN WILKINSON DEVELOPME NTS PTY LTD	LOT 134 (4) GREVILLEA AVENUE KUNUNURRA	GROUP DWELLING (3 UNITS)	NEW	1,501	450	STEEL	STEEL	\$826,500.00
095/ 2007	20/06/2007	WOODHEAD NOMINEES	PO BOX 42 KUNUNURRA	WOODHEAD NOMINEES	LOT 971 VICTORIA HIGHWAY KUNUNURRA	10 X 2 BEDROOM TRANSPORTAB LE ACCOMMODATI ON UNITS	NEW		390	STEEL	STEEL	\$450,000.00
096/ 2007	18/06/2007	RHYS WILSON	PO BOX 1678 KUNUNURRA	RHYS WILSON	LOT 1818 (5) BOSSEA STREET KUNUNURRA	CARPORT	NEW		62.4	STEEL	N/A	\$10,000.00
097/ 2007	PENDING - LICENCE NOT ISSUED YET											
098/ 2007	PENDING - LICENCE NOT ISSUED YET											
099/ 2007	14/06/20 07	REG PROPERTIES & WISESTAR PTY LTD	218 ATTUNGA ROAD YOWIE BAY NSW 2228	COLIN WILKINSON DEVELOPME NTS PTY LTD	LOT 138 (40) BARDING LOOP KUNUNURRA	GROUP DWELLING (2 UNITS)	NEW	1,023	509	STEEL	STEEL	\$550,000.00
100/ 2007	PENDING - LICENCE NOT ISSUED YET											
101/ 2007	PENDING - LICENCE NOT ISSUED YET											

102/ 2007	15/06/20 07	CHRIS DONE	PO BOX 242 KUNUNURRA	CHRIS DONE	LOT 1078 (3A) WEABER PLAIN ROAD KUNUNURRA	PATIO	NEW		35	STEEL	N/A	\$4,000.00
103/ 2007	15/06/20 07	ST JOSEPHS SCHOOL - WYNDHAM	ST PETERS WAY WYNDHAM WA	CANVAS SHED	LOT 840 ST PETERS WAY WYNDHAM	SHADE SAIL	NEW		48	SHADE CLOTH	N/A	\$3,276.00
104/ 2007	25/06/20 07	ST JOSEPHS SCHOOL - KUNUNURRA	PO BOX 262 KUNUNURRA	ST JOSEPHS SCHOOL - KUNUNURRA	LOT 970 COOLIBAH DRIVE KUNUNURRA	SHED	NEW		72	STEEL	STEEL	\$20,000.00
105/ 2007	18/06/20 07	CAPRICORN LAND HOLDINGS	11 SWALLOW COURT CHURCHLAN DS	KGC ENTERPRISE S PTY LTD	LOC 605 MULLIGANS LAGOON ROAD KUNUNURRA	RURAL SHED & ABLUTION	NEW		178	STEEL	STEEL	\$59,316.00
106/ 2007	18/06/20 07	BG & BC SPACKMAN	PO BOX 941 KUNUNURRA	BG & BC SPACKMAN	LOT 205 COTTONTREE AVENUE KUNUNURRA	EXTENSION OF EXISTING BAR, BEER GARDEN & STORAGE AREA	ADD			STEEL	STEEL	\$1,600,000.00
107/ 2007	18/06/20 07	DEPT OF HOUSING & WORKS	169 HAY STREET EAST PERTH	FRANMOR CONSTRUCT IONS	LOT 137 (42) BARDING LOOP KUNUNURRA	GROUP DWELLING (2 UNITS)	NEW	1,110	345	STEEL	STEEL	\$509,563.00
108/ 2007	20/06/20 07	TONY WHITE	PO BOX 1617 KUNUNURRA	FRANMOR CONSTRUCT IONS	LOT 16 EGRET CLOSE KUNUNURRA	SHED	NEW	146,000	126	STEEL	STEEL	\$18,000.00
109/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 97	ANCILLARY FLAT ADDITION	ADD			STEEL	STEEL	\$125,008.00

110/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 125	ABLUTION ADDITION	ADD			STEEL	STEEL	\$125,008.00
111/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 106	CARPORT ADDITION	ADD			STEEL	STEEL	\$125,008.00
112/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 34	ANCILLARY FLAT ADDITION	ADD			STEEL	STEEL	\$125,008.00
113/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 107	DWELLING ADDITION	ADD			STEEL	STEEL	\$125,008.00
114/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 105	DWELLING ADDITION	ADD			STEEL	STEEL	\$125,008.00
115/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 132	DWELLING ADDITION	ADD			STEEL	STEEL	\$125,008.00
116/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY	DWELLING ADDITION	ADD			STEEL	STEEL	\$125,008.00

117/ 2007	19/06/20 07	ABORIGINAL LANDS TRUST	99 PLAIN STREET EAST PERTH	KGC ENTERPRISE S PTY LTD	LOC 21 KALUMBURU COMMUNITY C/L 40	DWELLING ADDITION	ADD			STEEL	STEEL	\$125,008.00
118/ 2007	20/06/20 07	DAY DEKKO PTY LTD	PO BOX 1119 KUNUNURRA	DAY DEKKO PTY LTD	LOT 111 (22) NUTWOOD CRES KUNUNURRA	FRONT FENCE	NEW			N/A	STEEL	\$2,500.00
119/ 2007	22/06/20 07	PINCTADA RESORT	PO BOX 12 NIGHTCLIFF NT 0801	JACG PTY LTD	LOT 2387 VICTORIA HIGHWAY KUNUNURRA	SWIMMING POOL	NEW			N/A	CONC	\$300,000.00
120/ 2007	26/06/20 07	PETER COLLINS	PO BOX 1032 KUNUNURRA	JEFF SMITH	LOT 165 (10) GARDENIA DRIVE KUNUNURRA	GARDEN SHED	NEW		6	STEEL	STEEL	\$1,000.00
121/ 2007 AE	27/06/20 07	W & D McCASKER	PO BOX 914 KUNUNURRA	EXISTING	LOT 1949 (1) EUCALYPTUS CLOSE KUNUNURRA	ACKNOWLEDG E EXISTING	EXIST			EXIST	EXIST	\$0.00
												\$5,763,727.00

THERE WERE NO SIGN LICENCES OR DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/06/2007 – 30/06/2007.

13.4.3 Compliance Audit Return 2006

DATE:	19 June 2007
PROPONENT:	Chief Executive Officer
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter , Chief Executive Officer
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To advise Council of the outcomes of the 2006 Shire of Wyndham East Kimberley self audit process, the Compliance Audit.

BACKGROUND

The Chief Executive Officer is required to complete and submit a self audit known as the Compliance Audit Return to the Department of Local Government and Regional Development by 31 March each year. The Compliance Audit is one of the tools that allows Council to monitor how the organisation is functioning.

Regulations require that upon completion of the Compliance Audit Return the return is to be:

- § Presented to the Council at a meeting of the Council.
- § Adopted by the Council
- § Recorded in the minutes of the meeting at which it is adopted.

Compliance audits are essentially a checklist whereby the CEO confirms compliance (or otherwise) with the various legislation that pertains to local government administration and decision making. The Compliance Audit is undertaken using an online Compliance Audit Return that is prepared by the Department of Local Government and Regional Development (the Department).

During the 2004 review a total of nine non-compliances were identified. This was significantly less than that found in the previous four years where over 35 were found per annum.

STATUTORY IMPLICATIONS

Section 7.13 (i) of the Local Government Act 1995 states that:

Regulations may make provision requiring local governments to carry out in the manner and form prescribed an audit of compliance with such statutory requirements as are prescribed wether those requirements are:

- (i) Of a financial nature or not*
- (ii) Under this act or another written law*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Nil

COMMENT

When undertaking the Shire's 2002 Audit, the Department identified a total of 38 non-compliances. While there were 34 non-compliances reported in the 2003, the vast majority of these items had been rectified throughout the year and were compliant prior to the end of 2003.

In 2004 and 2005 there was a greater level of attention to detail on compliance issues with compliance issues regularly being discussed at the Senior Staff meetings and Executive Team meetings. This led to a significant improvement in the level of compliance with legislation. The non-compliances that were identified were relatively minor in nature with the majority of them being rectified throughout the 2004 & 2005 years.

The 2007 Compliance Audit asked 275 questions related to compliance with the Local Government Act, other relevant legislation, and regulations impacting on Local Government.

The most pressing non compliance issues identified in the self audit are:

- Then need for Council to review its Delegations Register.
- The need for Council to compete its revised Plan for the Future.

A revised Delegations Register has been presented to Council in the June 2007 Council Agenda.

The Plan for the Future is in draft form and realistically with current work commitments will be presented to elected members again at the August 2007 Briefing Session and subject to elected members feedback, it will be presented at the August 2007 Council meeting.

ATTACHMENTS

2006 Compliance Audit Report

VOTING REQUIREMENT

Simple Majority

Ordinary Meeting, MINUTES
17 July 2007

RECOMMENDATION

That Council adopt the 2006 Compliance Audit report.

COUNCIL DECISION

Minute No. 7794

Moved: Cr K. Wright Seconded: Cr M. Middap

That Council adopt the 2006 Compliance Audit report.

Carried Unanimously 7/0


Wyndham-East Kimberley - Compliance Audit Return 2006

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district with in the period 1 July 2005 to 30 June 2006.	Yes		Peter Stubbs

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial.	Yes	John Gaul maintains	Peter Stubbs
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or requests of grants.	Yes	John Gaul maintains	Peter Stubbs
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in 2 above.	Yes	John Gaul maintains	Peter Stubbs

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) Functions & General Regulation 7,9	Has the local government prepared a business plan for each major trading undertaking in 2006.	No		Peter Stubbs
2	s3.59(2)(a)(b)(c) Functions & General Regulation 7,10	Has the local government prepared a business plan for each major land transaction that was not entered in 2006.	N/A		Peter Stubbs
3	s3.59(2)(a)(b)(c) Functions & General Regulation 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2006.	N/A		Peter Stubbs
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2006.	N/A		Peter Stubbs
5	s3.59(2)	Did the Council, during 2006, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions concerning the proposed policy, together with a closing date of not less than 4 weeks for tender submissions (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs



Delegation of Power / Duty

No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes	Council has two Committees, an Audit Committee & CEO review Committee	Peter Stubbs
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Peter Stubbs
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Peter Stubbs
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	No	Delegations register needs review	Peter Stubbs
5	s5.18	Has Council reviewed delegations to its committees in the 2005/2006 financial year.	Yes		Peter Stubbs
6	s5.42(1), 5.43 Administration Regulation 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	No		Peter Stubbs
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		Peter Stubbs
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	Yes	by virtue of Council minutes	Peter Stubbs
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes	standing delegations from previous years in writing, but needs review	Peter Stubbs
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Peter Stubbs
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him, and to other employees.	Yes		Peter Stubbs
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2005/2006 financial year.	No	requires review June 2007	Peter Stubbs
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Peter Stubbs

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.57	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including any decision approvals granted under s.5.58).	Yes	yes for financial interest. Member remained in chambers for impartiality interests	Peter Stubbs



**Department of Local Government
and Regional Development**
Government of Western Australia

No	Reference	Question	Response	Comments	Respondent
2	s5.68(2)	Were decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Peter Stubbs
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Peter Stubbs
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Peter Stubbs
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Peter Stubbs
6	s5.75(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2006.	Yes		Peter Stubbs
7	s5.75(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2006.	Yes		Peter Stubbs
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Peter Stubbs
9	s5.80(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Peter Stubbs
10	s5.80(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.74, in the form prescribed in Administration Regulation 28.	Yes		Peter Stubbs
11	s5.80 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Peter Stubbs
12	s5.84(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Peter Stubbs
13	s5.10(1) Admin Reg 34	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Peter Stubbs



Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was any property that was not disposed of by public auction or tender, given local public notice prior to disposal (except where excluded by Section 3.58(5)).	Yes		Peter Stubbs
2	s3.58(4)	Where the local government disposed of property under section 3.58(2), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Peter Stubbs

Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 196	Has the local government prepared an annual report for the financial year ended 30 June 2006 that contained the prescribed information under the Act and Regulations.	Yes		Peter Stubbs
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2006.	Yes		Peter Stubbs
3	s5.54(1), (2)	If the Auditor's report was not available in time for acceptance by 31 December, will it be accepted no more than two months after the Auditor's report is made available.	N/A		Peter Stubbs
4	s5.55	Did the CFC give local public notice of the availability of the annual report, as soon as practicable after the local government accepted the report.	Yes		Peter Stubbs
5	s5.56 Admin Reg 190(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes		Peter Stubbs
6	Admin Reg 190	After a motion for the future, or modifications to a plan, were accepted under regulation 190, did the local government give public notice in accordance with subsection (2).	No	Plan requires review, not giving public comment.	Peter Stubbs
7	s5.96 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		Peter Stubbs
8	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Peter Stubbs
9	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
10	s5.93A Admin-Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.53 (4)?	Yes		Peter Stubbs
11	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by a 60% majority?	N/A		Peter Stubbs
12	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range?	N/A		Peter Stubbs
13	s5.99A Admin Reg 34A, AA, AB	When a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by a 60% majority?	Yes		Peter Stubbs
14	s5.99A Admin Reg 34A, AA, AB	When a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range?	Yes		Peter Stubbs
15	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee?	Yes		Peter Stubbs
16	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribed range?	N/A		Peter Stubbs
17	s6.7	Did Council, prior to 31 August in the review period, accept by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the 'Comments' column)	Yes		Peter Stubbs
18	s6.7	If 'no', was Ministerial approval sought for an extension?	N/A		Peter Stubbs
19	Financial Management Reg 23	Was the 2006/2007 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the 'Comments' column).	Yes		Peter Stubbs
20	s6.4(1) FM Reg 24	Did the local government prepare an annual financial report as prescribed.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
21	s5.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	No		Peter Stubbs
22	FM Reg 34	If the local government prepare other financial reports as prescribed in s5.4(1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	N/A		Peter Stubbs
23	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2006, submitted to the Auditor by 30 September 2006 or by the extended time allowed by the Minister or his delegate.	Yes		Peter Stubbs
24	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 33 days after receiving the Auditor's report.	No		Peter Stubbs
25	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by a 75% majority resolution.	Yes		Peter Stubbs
26	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A		Peter Stubbs
27	s6.9(1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes		Peter Stubbs
28	s6.9(1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes		Peter Stubbs
29	s6.9(2)	Has the local government's trust fund been applied for the purposes or use in accordance with the trusts affecting it.	Yes		Peter Stubbs
30	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	Yes		Peter Stubbs
31	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	N/A		Peter Stubbs
32	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by a 75% majority.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
34	s6.11(2) FM Reg 18	Did the local government give one month's public notice of the proposed change of purpose or proposed use of money held in reserve funds. (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditures authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000).	N/A		Peter Stubbs
37	s6.12, s.13, s.15 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes		Peter Stubbs
35	s6.12, s.13, s.15 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		Peter Stubbs
36	s6.12, s.13, s.15 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority (Notice is applicable to money other than rates and service charges).	Yes		Peter Stubbs
37	s6.17(3)	Were the fees or charges imposed for a copy of information available under section 5.9(a), limited to the cost of providing the service or goods.	Yes		Peter Stubbs
38	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		Peter Stubbs
39	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		Peter Stubbs
40	s6.19	After the budget was adopted, did the local government give oral public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	Yes	advertising agencies or or to budget adoption	Peter Stubbs
41	s6.20(2) FM Reg 20	On each occasion where the local government exercises the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
42	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority? (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A		Peter Stubbs
43	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A		Peter Stubbs
44	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A		Peter Stubbs
45		Did Council determine by absolute majority to impose a general rate on rateable land within its district.	Yes		Peter Stubbs
46		Did Council determine by absolute majority to impose a speeded area rate on rateable land within its district.	N/A		Peter Stubbs
47		Did Council determine by absolute majority to impose a MILEAGE payment on rateable land within its district.	Yes		Peter Stubbs
48		Did Council determine by absolute majority to impose a levy or charge on rateable land within its district.	N/A		Peter Stubbs
49	s6.22(1)	Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	Yes		Peter Stubbs
50	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A		Peter Stubbs
51	s6.25(1) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
52	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	Yes		Peter Stubbs
53	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	Yes		Peter Stubbs
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	Yes		Peter Stubbs
55	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	Yes		Peter Stubbs
56	s6.36	Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	Yes		Peter Stubbs
57	s6.36	Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	Yes		Peter Stubbs
58	s6.30(1); s6.34	Where a local government imposed a service charge was it only imposed for a prescribed purpose of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A		Peter Stubbs
59	s6.38	Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A		Peter Stubbs
60	s6.46	Did Council, in granting a discount or other concession for early payment of any rate or service charge, do so by absolute majority.	Yes		Peter Stubbs
61	s6.47	When a local government resolved to give a rate or service charge or grant other concessions did it do so by absolute majority.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
62	s6.51	Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority?	Yes		Peter Stubbs
63	s6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision?	Yes		Peter Stubbs
64	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained?	Yes		Peter Stubbs
65	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems?	Yes		Peter Stubbs
66	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made?	Yes		Peter Stubbs
67	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account?	Yes		Peter Stubbs
68	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority?	Yes		Peter Stubbs
69	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council?	Yes		Peter Stubbs
70	FM Reg 14	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name?	Yes		Peter Stubbs
71	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the amount of the payment?	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
72	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes		Peter Stubbs
73	FM Reg 3	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	Yes		Peter Stubbs
74	FM Reg 5	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes		Peter Stubbs
75	FM Reg 28	Do the internal control procedures over investments, established and documented by the local government, enable the identification of the transactions related to each investment.	Yes		Peter Stubbs
76	FM Reg 55	Does the local government's rate record include all articles set out in the FM Regulations.	Yes		Peter Stubbs
77	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes		Peter Stubbs
78	FM Reg 56,57	Are the contents of the local government's rate notice for instalment payments in accordance with the FM Regulations.	Yes		Peter Stubbs
79	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Peter Stubbs
80	s7.1A	Where a local government determines to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Peter Stubbs
81	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Peter Stubbs
82	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Peter Stubbs
83	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Peter Stubbs
84	Audit Act 10	Was the Auditor's report for the financial year ended 30 June 2006 received by the local government within 30 days of completion of the audit.	Yes		Peter Stubbs
85	s7.9(1)	Was the Auditor's report for 2005/2006 received by the local government by 31 December 2006.	Yes		Peter Stubbs



**Department of Local Government
and Regional Development**
Government of Western Australia

No	Reference	Question	Response	Comments	Respondent
85	57.12A(5), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes		Peter Stubbs
87	57.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (2) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	Yes		Peter Stubbs
88	57.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 3 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	No		Peter Stubbs
89	A Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Peter Stubbs
90	A Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Peter Stubbs
91	A Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Peter Stubbs
92	A Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Peter Stubbs
93	A Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Peter Stubbs
94	FN Reg 35A	Did the local government, between 1 January and 31 March 2006, carry out a review of its annual budget for the year ended 30 June 2006.	Yes		Peter Stubbs

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	ss.39, Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CFO before the position was advertised.	N/A		Peter Stubbs
2	ss.36(7), 5.37(1), Admin Reg 18A	Were all responses for the position of CFO and the designated senior employees advertised.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
3	s5.36(4), 5.37(3), Admin Reg 18A	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	Yes		Peter Stubbs
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	Yes		Peter Stubbs
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	Yes		Peter Stubbs
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	Yes		Peter Stubbs
7	s5.36(4), 5.37(4), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees include the duration of the proposed contract.	Yes		Peter Stubbs
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	Yes		Peter Stubbs
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Peter Stubbs
10	r.4.23	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes		Peter Stubbs
11	Admin Reg 16D	When the Council considered the CEO's performance review did it decide to accept the review (with or without modification)	Yes		Peter Stubbs
12	Admin Reg 16D	When the Council considered the CEO's performance review did it decide to reject the review	No		Peter Stubbs
13	s5.39	During the period covered by the Regulations, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1995.	Yes		Peter Stubbs
14	s5.39 Admin Reg 16A	Does the contract for the CEO and a designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	No	needs review	Peter Stubbs



No	Reference	Question	Response	Comments	Respondant
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	No		Peter Stubbs
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract of service.	Yes	HR Policy No 14	Peter Stubbs
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		Peter Stubbs
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		Peter Stubbs
19	55.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$120,000 or more.	Yes		Peter Stubbs
20	55.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$2,000 and over \$100,000.	No		Peter Stubbs
21	Admin Reg 14F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Peter Stubbs
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true. (Applicable if staff engaged in 2006)	N/A		Peter Stubbs

Local Government Grants Commission

No	Reference	Question	Response	Comments	Respondent
1	s.12(1) Local Government Grants Act 1978	Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission.	Yes		Peter Stubbs

Local Laws



No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in functions and General Regulation 3.	N/A		Peter Stubbs
2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law.	N/A		Peter Stubbs
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	N/A		Peter Stubbs
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development.	N/A		Peter Stubbs
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, where applicable, to the Minister who administers the Act under which the local law was made.	N/A		Peter Stubbs
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	N/A		Peter Stubbs
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	N/A		Peter Stubbs
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	N/A		Peter Stubbs
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	N/A		Peter Stubbs
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	N/A		Peter Stubbs
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	N/A		Peter Stubbs
14	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 3 years.	Yes		Peter Stubbs
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	N/A		Peter Stubbs
15	s3.16(2)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	N/A		Peter Stubbs
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	N/A		Peter Stubbs
17	s3.16(7)	Did the local government (after the cost for submissions) prepare a report of the review and have it submitted to Council.	N/A		Peter Stubbs
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	N/A		Peter Stubbs

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(2)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	N/A		Peter Stubbs
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	N/A		Peter Stubbs
3	s2.25(4)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
4	s2.25(2)	Was prior serial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of Council?	N/A		Peter Stubbs
5	s5.4	On all occasions when the Mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting?	Yes		Peter Stubbs
5	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting?	Yes		Peter Stubbs
7	s5.6(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council?	Yes		Peter Stubbs
8	s5.6(2)	Did the CEO give each council member notice of the date, time, place and purpose of each special meeting of Council?	Yes		Peter Stubbs
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of votes of member needed for a quorum at a Council meeting?	No		Peter Stubbs
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of votes of member required for absolute majorities?	No		Peter Stubbs
11	s5.8	Did the local government ensure all Council committees during the review period were established by an absolute majority?	Yes		Peter Stubbs
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10(1)(c))?	Yes		Peter Stubbs
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.10(2)(a) & (b) of the Act?	Yes		Peter Stubbs
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act?	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst those who) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		Peter Stubbs
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A		Peter Stubbs
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present were recorded in the minutes.	Yes		Peter Stubbs
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Peter Stubbs
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Peter Stubbs
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes		Peter Stubbs
21	s5.23 (1)	Were all Council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		Peter Stubbs
22	s5.23 (1)	Were all meetings of committees to which a power of duty had been delegated open to members of the public (subject to section 5.23(2) of the Act)	N/A		Peter Stubbs
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Peter Stubbs
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		Peter Stubbs
25	s5.24 (1) AR 586	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Peter Stubbs
26	s5.24 (1) AR 586	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
27	sls.24 (1) AR 486	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	N/A		Peter Stubbs
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A		Peter Stubbs
29	Admin Reg 3	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Peter Stubbs
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	Yes		Peter Stubbs
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number or officers of member (whichever was not) of the Council or committee.	Yes		Peter Stubbs
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes		Peter Stubbs
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes		Peter Stubbs
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Peter Stubbs
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Peter Stubbs
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Peter Stubbs
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
38	Admin Reg 11	Did the contents of the minutes of a Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes		Peter Stubbs
39	Admin Reg 11	Did the contents of minutes of a Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		Peter Stubbs
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each decision made under sections 5.66 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		Peter Stubbs
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Peter Stubbs
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	Yes		Peter Stubbs
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the date, time or places referred to in the question above.	Yes		Peter Stubbs
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was appropriate, were all special meetings of Council (that were open to members of the public) advertised by a local public notice.	Yes		Peter Stubbs
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Peter Stubbs
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes		Peter Stubbs
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes		Peter Stubbs
48	Admin Reg 14(1) (2)	Were notice papers, agendas and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A		Peter Stubbs
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(1).	N/A		Peter Stubbs
51	s5.27(2)	Was the annual general meeting of electors held within 55 days of the local government's acceptance of the annual report for the previous financial year?	Yes		Peter Stubbs
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Peter Stubbs
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Peter Stubbs
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		Peter Stubbs
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		Peter Stubbs
56	s5.30(3) Admin Reg 345	Has the CEO kept a register of all losses/gifts received by Council members and employees.	Yes		Peter Stubbs
57	s5.102	Has the local government reviewed its code of conduct in the 12 months immediately following each ordinary election day. (Please advise of the Date of Review in the comments column. If the review has not been done please indicate when it a review will be undertaken).	Yes		Peter Stubbs


Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondant
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government, exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		Peter Stubbs
2	s9.25(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	N/A		Peter Stubbs

Swimming Pools

No	Reference	Question	Response	Comments	Respondant
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, that have been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	Yes		Peter Stubbs

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondant
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (hereby meaning fixed contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than \$50,000. (Subject to functions and General Regulation 11(2))	Yes		Peter Stubbs
2	F&G Reg 12	Is the local government aware of any occasion in which it entered into 2 or more contracts to avoid the requirements to call tenders in accordance with F&G Reg 11(1).	No		Peter Stubbs
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Peter Stubbs
4	RG Reg 14(2)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Peter Stubbs
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Peter Stubbs
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Peter Stubbs
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Peter Stubbs
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to a prospective tenderer about whether or not the local government had decided to submit a tender.	Yes		Peter Stubbs
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Peter Stubbs
11	F&G Reg 14(3)(4)	Did the local government ensure a prospective tenderer had any other information that should be disclosed to their interest in submitting a tender.	Yes		Peter Stubbs
12	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Peter Stubbs
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		Peter Stubbs
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, including tenders submitted by facsimile or other electronic means, were held in safe custody.	Yes		Peter Stubbs
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, including tenders submitted by facsimile or other electronic means, remained confidential.	Yes		Peter Stubbs
16	F&G Reg 16(2)(b), (3)(a)	Did the local government ensure all tenders received were received, examined or assessed until after the time for tender closure of tenders.	Yes		Peter Stubbs
17	F&G Reg 16(2)(b), (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		Peter Stubbs
18	F&G Reg 16(3)(c)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		Peter Stubbs
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Peter Stubbs
21	F&G Reg 14 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Peter Stubbs
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Peter Stubbs
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and to apply the decision to seek expressions of interest under Regulation 21(1).	Yes		Peter Stubbs
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenders were sought and any person who submitted an expression of interest.	Yes		Peter Stubbs
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenders that was prepared under regulation 15(4)	Yes		Peter Stubbs
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		Peter Stubbs
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		Peter Stubbs
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		Peter Stubbs
29	F&G Reg 17 (1) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes		Peter Stubbs
30	F&G Reg 15	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a statewide public notice.	Yes		Peter Stubbs
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	Yes		Peter Stubbs
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	Yes		Peter Stubbs
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	Yes		Peter Stubbs
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	Yes		Peter Stubbs
36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	Yes		Peter Stubbs
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Peter Stubbs
38	F&G Reg 24(a)	After the local government considered expressions of interest, did the LGA use each person considered capable of satisfactorily supplying goods or services.	Yes		Peter Stubbs
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice inviting in accordance with Functions & General Regulation 24.	Yes		Peter Stubbs
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (or if a policy had not been previously adopted by Council).	N/A		Peter Stubbs
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs

13.4.4 Delegations Register Review

DATE:	19 June 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a revised/new Delegations Register.

BACKGROUND

The Local Government Act 1995 allows Council delegation of certain powers to expedite a range of functions and services to the community, by allowing decisions to be made by Senior Officers within defined boundaries.

The Local Government Act requires a review of delegations at least once each financial year.

Council has not reviewed its delegations since the 2004/05 year and a review is therefore overdue.

Without delegated authority a large volume of matters would need the full and formal consideration of Council. This would have effect of delaying services to the community and detracting from the ability of Council to focus on more strategic issues.

STATUTORY IMPLICATIONS

5.42 . Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation

Under section 5.43 of the Local Government Act a Council cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

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- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The need for and format of a Delegations Register was discussed with Council's Auditors at the interim audit conducted June 2007.

The current Delegations Register provides for a wide range of delegations consistent with the aim of expediting decisions for services to the community and allowing for the ability of Council to focus on more strategic issues, as is the intent of the Local Government Act.

An alternate draft Delegations Register is recommended in the interest of improving understanding of both staff and elected members of the purpose and extent of each delegation.

ATTACHMENTS

- Current Authority to Order Register
- Current Delegations Register - last reviewed in October 2004.
- Revised Draft Delegations Registered, June 2007

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the recommended Delegations Register dated June 2007 to replace the Delegations Register it adopted in October 2004.

Moved: Cr D. Ausburn

Seconded: Cr J. Buchanan

That Council adopt the recommended Delegations Register dated June 2007 to replace the Delegations Register it adopted in October 2004.

COUNCIL DECISION

MINUTE NO. 7795

Moved: Cr M. Middap

Seconded: Cr K. Wright

That Council suspend Standing Orders, to enable Elected Members to speak more than once on the item and the motion.

Carried Unanimously 7/0

COUNCIL DECISION

MINUTE NO. 7796

Moved: Cr J. Parker

Seconded: Cr R. Devenish-Meaes

That Council resume Standing Orders.

Carried Unanimously 7/0

Cr K. Wright moved an amendment. The amendment was seconded by Cr M. Middap.

COUNCIL DECISION

Minute No. 7797

Move: Cr K. Wright Seconded: Cr M. Middap

That council amend the values in point number 97 Authority to Order in the recommended Delegations Register dated June 2007, to read as follows:

Position	Amount
Chief Executive Officer	\$100,000
Executive Manager Engineering & Development Services	\$50,000
Executive Manager Corporate Services	\$50,000
Executive Manager Town Planning	\$50,000
Executive Manager Community Services	\$50,000
Manager Financial Services	\$10,000
Senior Finance Officer	\$2,000
Manager Technical Services	\$20,000
Environmental Health Officer (aboriginal Communities)	\$1,000
Environmental Health Officer	\$1,000
Building Surveyor	\$1,000
Manager Recreation & Leisure	\$1,000
Recreation Development Officer	\$1,000
Pool Manager/Duty Supervisor	\$500
Wyndham Pool Manager	\$500
Wyndham Operations Manager	\$5,000
Airport Manager	\$10,000
Executive Support Officer	\$1,000
EDS Support Officer	\$1,000
Environmental Project Officer	\$5,000
Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000

Carried 4/3

Cr M. Pucci requested that the votes be recorded.

**For: Cr K. Wright, Cr M. Middap, Cr J. Buchanan, and Cr J. Parker
Against: Cr R. Devenish-Meares, Cr M. Pucci, and Cr D. Ausburn**

The amended motion becomes the substantive motion below.

COUNCIL DECISION

Minute No. 7798

Moved: Cr D. Ausburn

Seconded: Cr J. Buchanan

That Council adopt the recommended Delegations Register dated June 2007 to replace the Delegations Register it adopted in October 2004, with the following amendment to point number 97 Authority to Order:

Position	Amount
Chief Executive Officer	\$100,000
Executive Manager Engineering & Development Services	\$50,000
Executive Manager Corporate Services	\$50,000
Executive Manager Town Planning	\$50,000
Executive Manager Community Services	\$50,000
Manager Financial Services	\$10,000
Senior Finance Officer	\$2,000
Manager Technical Services	\$20,000
Environmental Health Officer (aboriginal Communities)	\$1,000
Environmental Health Officer	\$1,000
Building Surveyor	\$1,000
Manager Recreation & Leisure	\$1,000
Recreation Development Officer	\$1,000
Pool Manager/Duty Supervisor	\$500
Wyndham Pool Manager	\$500
Wyndham Operations Manager	\$5,000
Airport Manager	\$10,000
Executive Support Officer	\$1,000
EDS Support Officer	\$1,000
Environmental Project Officer	\$5,000
Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000

CARRIED 5/2

Authority to Order as of June 2007

Position	Amount
Chief Executive Officer	\$50,000
Executive Manager Engineering & Development Services	\$20,000
Executive Manager Corporate Services	\$20,000
Executive Manager Town Planning	\$1,000
Executive Manager Community Services	\$5,000
Manager Financial Services	\$1,000
Senior Finance Officer	\$500
Manager Technical Services	\$5,000
Enviornmental Health Officer (aboriginal Communities)	\$1,000
Environmental Health Officer	\$1,000
Building Surveyor	\$1,000
Manager Recreation & Leisure	\$1,000
Recreation Development Officer	\$1,000
Pool Manager/Duty Supervisor	\$500
Wyndham Pool Manager	\$500
Wyndham Operations Manager	\$2,000
Airport Manager	\$5,000
Executive Support Officer	\$1,000
EDS Support Officer	\$500
Environmental Project Officer	\$5,000
Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000



DELEGATED AUTHORITY REGISTER

This Register was adopted by Council on 24 June 2003

Reviews and updates to the Register have been undertaken by Council on the following dates:

21 October 2003

19 October 2004

It is a statutory requirement that the register be reviewed at least once in every twelve month period

Introduction

1.1 Purpose of delegating authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This delegations register is consistent with the Shire's Strategic Plan directions. In particular it forms part of Councils response to the following Goal Statements that are listed within the Strategic Plan:

Strategic Leadership: That the community recognises that Council is providing effective and accountable strategic leadership.

Decision Making: That Council is effectively controlling the operations of the Shire.

The register identifies the related documents(s) from where the delegated authority is derived from, including legislation and policies. This has been provided to enable cross referencing between the delegations and other relevant documents. This delegated authority Register will be reviewed in accordance with the Local Government Act 1995 on an annual basis. The CEO will co-ordinate the review.

1.2 Structure of Delegations Register

The Delegations register has been divided into the following sections

- Section 1 - Delegations from the Council to CEO (and the Chief Bush Fire Control Officer)
- Section 2 - Authorisations from Council to its Officers
- Section 3 - Delegations from the CEO to Other Officers
- Section 4 - Authorisations from the CEO

The following definitions are provided to explain the variance between the Sections.

Delegation from the Council to the CEO – Are instances where the Council delegates the role of undertaking certain roles and responsibilities to the CEO or the CBFCE.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for example the Dog Act 1997 or the Bush Fires Act 1954.

Delegations from the CEO to Other Officers – Are instances where the Chief Executive Officer, in accordance with S 5.44 of the Local Government Act 1995, delegates a power to another officer or where an executive function is delegated to another officer. An officer delegated a power under the Local Government Act 1995 must complete a Primary and Annual Return.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an

executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the Bush Fires Act 1954 (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the Local Government Act 1995 where a delegated authority exists.

1.3 Legislation

The Local Government Act commenced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim was to enable local governments to provide good, open and accountable government to the community. One of the changes was the degree of delegated authority available to be passed onto the Chief Executive Officer or a committee in order to manage the day-to-day operations of the Shire.

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of most of its powers or the discharge of most of its duties under the Act. All delegations made by the Council must be by absolute majority decision. *{S5.42(1)}*.

1.4 Associated Legislation

Legislation other than the Local Government Act 1995, its regulations and the local government's local laws created under the Local Government Act where delegations or authorisations may occur include the following: -

- Western Australian Planning Commission Act 1985
- Town Planning and Development Act 1928 including regulations, and adopted policies;
- Dog Act 1976 and regulations;
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Health Act 1911 (as amended) regulations and local law created under that Act;
- Freedom of Information Act 1992;
- Land Administration Act 1997, as amended and regulations;
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provisions) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
- Spearguns Control Act 1955

NB – This is not an exhaustive list

1.5 Matters which cannot be delegated

The following are decisions that can not be delegated by Council to the Chief Executive Officer under the Local Government Act 1995. *{S5.43}*

- Ø any power or duty that requires a decision of an absolute majority or 75% majority of the local government;

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- Ø accepting a tender which exceeds an amount determined by the local government;
- Ø appointing an auditor;
- Ø acquiring or disposing of any property valued at an amount determined by the local government;
- Ø any of the local government's powers under Sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
- Ø borrowing money on behalf of the local government;
- Ø hearing or determining an objection of a kind referred to in Section 9.5;
- Ø any power or duty that requires the approval of the Minister or Governor; or
- Ø such other duties or powers that may be prescribed by the Act.

(#S 5.98A & 5.99A were inadvertently left off the list of matters, which cannot be delegated in the 1999 amendments but are included here for completeness.)

1.6 Delegation by the Chief Executive Officer

Regulations govern the ability of the CEO to delegate any of the powers granted to another employee. These include:

- § The Local Government Act 1995 allows for the Chief Executive Officer to delegate any of the powers to another employee. *{S5.44 (1)}*
- § This must be done in writing. *{S5.44 (2)}*
- § **The Act allows for the Chief Executive Officer to place conditions on any delegations if desired. {S 5.44 (4)}**
- § A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year. *{S.5.46 (1) & (2)}*
- § If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used. *{S 5.46 (3)}*
- § The record is to contain the following information
 - how the person exercised the power or discharged the duty;
 - when the person exercised the power or discharged the duty; and
 - the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. *{Local Government (Administration) Regulations 1996 Cl 19.}*
- § A person to whom a power is delegated under the Local Government Act 1995 is considered to be a 'designated employee' under S 5.74 (b) of the Local Government Act 1995 and is required to complete a primary and annual return each year.
- § There is no power for a person other than the CEO to delegate a power. *{(S 5.44 (1))}*.

SECTION 1 - DELEGATIONS FROM COUNCIL TO THE CEO

Local Government Act 1995

Delegation To

Chief Executive Officer

Delegated Powers

General powers and duties of a local government under:

Local Government Act 1995, including the appointment of authorised persons as required within the Act;

Any regulations made under that Act;

Any of the Shire's local laws;

The Local Government (Miscellaneous Provisions) Act 1960, including the power to authorise officers under the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1960.

Conditions and Exceptions

With the exception of:

1. The powers and duties set out in S5.43 of the Local Government Act 1995 including, without limitation:

any power or duty which requires an absolute, or a 75% majority decision;

- accepting a tender for an amount exceeding \$50,000;
- appointing an auditor;
- acquiring or disposing of property (other than land) valued at an amount exceeding \$50,000;
- powers under sections 5.98, 5.99 5.99A or 5.100 of the Act regarding fees, expenses and allowances for council and committee members;
- borrowing money on behalf of the local government;
- hearing or determining an objection under section 9.5 of the Act; or
- any power or duty that requires the approval of the Minister or the Governor.

2 Determination of senior officers in accordance with S5.37 (1)

3 Consideration of the Principal Activity Plan (Section 5.58)

4 Adoption and review of the Code of Conduct (Section 5.103)

5 Dealing with a suspension of effect of decision on appeal (Section 9.9 (1) (b))

Delegation To:
Chief Executive Officer

Delegated Powers

CEO has delegated authority to make decisions on the following matters

1. LAND USES

Authority to deal with the following:

- Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7;
- Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7;
- Approve the following development applications where the proposed use is an 'AA' use in Town Planning Scheme No. 6 or No. 7;
 - i. Group Dwellings in Residential and Town Centre Zones
 - ii. Offices and Warehouses in Mixed Business Zones
 - iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living Zones.
 - iv. Building extensions to existing buildings
- Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.

2. ADVERTISING OF 'SA' USES – TOWN PLANNING SCHEME No.6 or No. 7

- Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;

3 SUBDIVISIONS

- § Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Town Planning and Development Act 1928. (Note: S24 relates to objections and recommendations received regarding subdivisions)

4. MISCELLANEOUS

- All matters which arise out of the imposition of conditions on development approvals
- Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the President (or in the absence of the President the Deputy President)
- Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)

- Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.

Notes:

For the purpose of S 24 of the *Town Planning and Development Act 1928*, Council's functions with regard to subdivisions were specified as functions to be performed by the Chief Executive Officer under s5.41(i) of the *Local Government Act 1995*

The endorsement and variation of building envelopes in accordance with the requirements of Town Planning Scheme No 6 or No 7, were specified as a function that can be performed by the Chief Executive Officer under S5.41(i) of the *Local Government Act 1995*.

Conditions and Exceptions

- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
- Every applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive Officer and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
- All applications where the CEO recommendation is for refusal must be presented to Council for consideration;
- Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes (single and grouped dwellings) must be presented to Council for consideration;
- Any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council policy, is referred to Council for a decision;
- Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can not be undertaken without prior consideration of the Council.

Note:

Some powers have been on-delegated by Chief Executive Officer to Executive Manager Engineering and Development Services.

Strata Titles Act 1985

Delegation To:

Chief Executive officer

Delegated Powers

Council's function under S23 of the Strata Titles Act 1985. (Note: S23 relates to Certification of Strata Titles/Schemes)

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Conditions and Exceptions

A list of all Strata Title applications determined under delegated authority shall be incorporated in the Council's agenda and minutes

NOTES:

On delegated to Executive Manager Engineering and Development Services – EXCEPT the power to issue a certificate under S23 (3). (Note: S23(3) relates to issuing a certificate in circumstances where the Local Government Authority does not have all relevant information.)

Non Statutory Delegations

Delegated authority is provided to respond to referrals received by the Shire on the following matters.

Sale or lease of land by State or Federal Government Departments.

Land clearing applications from the Department of Environment

Mining tenement referrals from the Department of Industry and Resources.

Liquor license applications

Fireworks applications

Approval of names by Geographic Names Committee

Bush Fires Act 1954

Delegation To:

Chief Bush Fire Control Officer;

Delegated Powers

Powers Delegated to Chief Bush Fire Control Officer:

Powers in accordance with S39 of the Bush Fires Act 1954. (Note: S39 relates to the special powers of bush fire control officers.

Power to prosecute in accordance with S59 of the Bush Fires Act 1954 (Note: S59 relates to prosecution of offences under the Bush Fires Act 1954.

Powers delegated to Chief Bush Fire Control Officer & President jointly:

Powers under S 17 (7) & (8) in accordance with S 17 (10). (Note: S17 relates to regulation pertaining to prohibiting burning times.)

Conditions and Exceptions:

Delegation applies only where the Chief Bushfire Control Officer is an employee of the Shire.

SECTION 2 - AUTHORISATIONS FROM COUNCIL

Dog Act 1976 & associated regulations.

Officers Authorised

Council Rangers

Executive Manager Engineering & Development Services

Administration and Customer Service Officers as identified by the CEO

Council Rangers:

Authorisation

Authorised persons for the purposes of the *Dog Act 1976* and any regulations or local laws made under that Act, in accordance with S 29 of the Dog Act

Conditions and Exceptions

Except the power to withdraw infringements or commence legal proceedings

Executive Manager Engineering and Development Services

Authorisation

Authorised person for the purposes of the Dog Act 1976 to withdraw infringements and commence legal proceedings

Power to instigate court proceedings under S 44 (2) (b) of the Dog Act 1976.

Conditions and Exceptions

Power to instigate court proceedings to be exercised following written approval of the Chief Executive Officer.

A list of all prosecutions under delegated authority shall be incorporated in the Council's agenda and minutes.

Administration and Customer Service Officers as Identified by the CEO

Authorisation

Act as registration officers under the Act

Conditions and Exceptions

Nil

Bush Fires Act 1954

Authorisation of:
Chief Executive Officer

Authorised To:
Commence court proceedings under S 59 (3) Bush Fires Act 1954.

Conditions and Exceptions:
Nil

Control of Off-Road Vehicles (Off-road areas) 1978

Authorisation of
Shire Rangers.
Executive Manager Engineering & Development Services

Shire Rangers

Authorised To:

Act in accordance with S38 (3) as authorised officers in respect to the whole of the Shire of Wyndham-East Kimberley. (Note: S38(3) relates to the district in which an authorised officer has jurisdiction over)

Conditions and Exceptions:

Nil

Executive Manager Engineering & Development Services

Authorised To:

In accordance with S 38 (3) as authorized officers in respect to the whole of the Shire of Wyndham-East Kimberley; to instigate court proceedings

Conditions and Exceptions:

Court proceedings to be instigated only after approval of the Chief Executive Officer.

SECTION 3 - DELEGATIONS FROM THE CHIEF EXECUTIVE OFFICER TO OTHER OFFICERS

Delegations to Executive Manager Corporate & Community Services

1. Delegations and Powers

All responsibility for financial management under S6 of the Local Government Act 1995 in accordance with S5.44.

(Note: S6 relates to the Financial Management of the Local Government authority. S5.44 relates to the powers that powers that the CEO may delegate and the means in which those delegations are to be communicated.)

Conditions and Exceptions

Actions requiring an absolute majority decision as specified in S6 of the Act must be considered by Council .

Delegations to Executive Manager Engineering & Development Services

Delegations and Powers – Local Government Act

Delegated authority to act under the following provisions of the Local Government Act:

- § S3.24 – powers under subdivision 2, division 3 of Part 3 of the Local Government Act 1995.
- § S3.31 (2); Local Government Act 1995 - Provides officer with authority to enter property.
- § S3.34 (2); Local Government Act 1995 - Provides officer authority to entry property in an emergency
- § Powers under S3.25 & 3.26 of the Local Government Act 1995 – Provides authority to give notice requiring certain things to be done by an owner or occupier of land. Provides additional powers when notices are given,
- § Powers relating to thoroughfares under division 3, subdivision 5 of Part 3 of the Local Government Act 1995;

Conditions and Exceptions

Commencement of legal proceedings only to commence following approval of the Chief Executive Officer

**Delegations and Powers under the:
Western Australian Planning Commission Act 1985
Town Planning and Development Act 1928
Shire of Wyndham-East Kimberley Town Planning Schemes**

Delegated Powers

CEO on-delegates authority to the Executive Manager to make decisions on the following matters:

1. Land Uses
Authority to deal with the following:
 - Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7;
 - Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7;
 - Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.

2. Advertising of 'SA' uses – Town Planning Scheme No. 6 or No. 7
 - Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;

3. Miscellaneous
 - Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
 - Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.

Conditions and Exceptions

- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
- Every applicant who received notification of a conditional approval of a development application that was determined by delegation and is aggrieved by the decision, may within 28 days of the date of that decision request that the matter be reconsidered by Council;
- All applications where the Executive Manager's recommendation is for refusal must be presented to Council for consideration;
- Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes (single and grouped dwellings) must be presented to Council for consideration;
- Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can not be undertaken without prior consideration of the Council.

SECTION 4 - AUTHORISATIONS FROM THE CHIEF EXECUTIVE OFFICER
All Rangers

Authorization

As officers authorized to administer the following Acts, regulations and local laws:

Dog Act 1976 and regulations;
Bush Fires Act 1954, regulations and local laws created under that Act;
Litter Act 1979 and regulations;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road) and regulations;
Spearguns Control Act 1955;
Local Government (Parking for Disabled Persons) Regulations 1998;
Local Government Act 1995 in accordance with S9.10 as follows: -
S 3.39 – power to remove and impound;
S 9.13 (1) – power to issue notices requesting identification;
S9.16 – giving a notice;
S 9.17 – content of notice;
S 9.19 – extension of time.

The following local laws of the Shire of Wyndham-East Kimberley:

2003 Shire of Wyndham East Kimberley Local Laws

Conditions and Exceptions

The authority to commence prosecution action may only be made with the approval of the Chief Executive Officer.

No officer who issues an infringement notice may withdraw an infringement notice.

Environmental Health Officers

Authorisation to:

Environmental Health Officers including casual, temporary and contracted staff

Powers:

Authorised as follows

To act as Council's deputies under S26 of the *Health Act 1911* associated regulations and local laws;

To administer the Litter Act 1979 and regulations;

To act as an authorized person in accordance with S17 of the *Caravan Parks and Camping Grounds Act 1995*;

To administer the provisions of the Fly Eradication Regulations.

Authorised to administer the following local laws of the Shire of Wyndham-East Kimberley:

2003 Shire of Wyndham East Kimberley Local Laws

2004 Shire of Wyndham East Kimberley Health Local Law

Conditions and Exceptions

Health Act 1911

Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;

Litter Act 1979

Except the power to withdraw infringement notices issued under Acts, regulations or local laws.

Caravan Parks and Camping Grounds Act 1995;

The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;

Fly Eradication regulations

The power to prosecute may only be exercised with the approval of the Chief Executive Officer.

Building Surveyor/Inspector

Authorisations

1. Local Government (Miscellaneous Provisions) Act 1960

Authorised to:

endorse and vary authority to approve or refuse to approve plans and specifications submitted under *Section 374 (1) (b) of the Local Government (Miscellaneous) Act 1960*

to determine building classifications in accordance with S374C;

to issue demolition licences under s374A for buildings that are not listed on Council's heritage list, or subject to any order under the *Heritage of Western Australia Act 1990*;

to serve notices under S401 regarding buildings which are unsafe, or a departure from approved plans and specifications;

to issue stop work orders under S401A;and

to act as authorised persons under S245A of the *Local Government (Miscellaneous Provisions) Act 1960* and take such action as is deemed necessary to enforce the provisions of the Act in accordance with the Act.

Undertake powers of Council in accordance with S378 of the *Local Government (Miscellaneous Provisions) Act 1960*. (Section 378 relates to removal of signs, hoardings and/or materials that have not been permitted by Council.

Conditions and Exceptions

No plan or specification, which conforms to all relevant local laws, town planning schemes and Council policies shall be refused approval without the consent of Council.

The powers set out in S245A (5) (c) may only be exercised following approval of the Chief Executive Officer.

2. Caravan Parks & Camping Grounds Act 1995

Act as an authorised person in accordance with S17 of the *Caravan Parks & Camping Grounds Act 1995*.

Conditions and Exceptions

May not withdraw infringements.

Local Government (Uniform Local Provisions) Regulations 1996

Power to approve crossovers under Regulation 12 (1) (a) of *the Local Government (Uniform Local Provisions) Regulations 1996*.

Conditions and Exceptions

Nil

Town Planner

Authorisation

1. Local Laws

As authorised persons under S9.10 (1) to administer the provisions of Council's local laws with regard to;

2003 Shire of Wyndham East Kimberley Local Laws

Conditions & Exceptions

This authority does not extend to:

commencing prosecution action without the approval of the Chief Executive Officer;

receiving payments for modified penalties and withdrawing infringement notices.

2. Local Government (Miscellaneous Provisions) Act 1960

Authorisation

To act as authorised persons under s245A of the *Local Government (Miscellaneous Provisions) Act 1960* and take such action as is deemed necessary to enforce the provisions of the Act in accordance with the Act.

Conditions and Exceptions

The powers set out in S245 (5) (c) may only be exercised after consultation with both the Executive Manager Engineering & Development Services and the Building Surveyor.

Manager Technical Services

Authorisation

Local Government (Uniform Local Provisions) Regulations 1996

Power to approve crossovers under Regulation 12 (1) (a) of *the Local Government (Uniform Local Provisions) Regulations 1996*.

Conditions and Exceptions

Nil

SHIRE OF Wyndham East Kimberley

DELEGATIONS REGISTER

June 2007

INTRODUCTION

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

The Council of the Shire of Wyndham East Kimberley has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

The Local Government Act, 1995 Section 5.46 (3) requires that a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Further, Regulation 19 of the Local Government (Administration) Regulations requires that where a power or duty has been delegated under the Act to the CHIEF EXECUTIVE OFFICER or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of -

- a) How the person exercised the power or discharged the duty;
- b) When the person exercised the power or discharged the duty; and
- c) The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

For recording purposes the discharge of delegations is recorded in a Monthly Report to Council.

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

In any instance where a delegation is to be conveyed by the delegator in writing then this manual of delegations shall be the relevant instrument and as such is signed by the Shire President and Chief Executive Officer on the front cover.

5.43 . Limits on delegations to CHIEF EXECUTIVE OFFICERS

Under section 5.43 of the Local Government Act a Council cannot delegate to a CHIEF EXECUTIVE OFFICER any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

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- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

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#1 (COUNCIL)	ENFORCEMENT & LEGAL PROCEEDINGS
<p>The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions or other legal actions on behalf of Council under the Local Government Act 1995 and Council's Local Laws. Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer. The appointments being those referred to in Section 9.10 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#2 (COUNCIL)	TENDERS
<p>Unless otherwise specified, the Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$100,000 provided that appropriate provision is made in Council's Budget.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(b))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#3 (COUNCIL)	PROPERTY – ACQUISITIONS & DISPOSALS
<p>The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$100,000 provided that appropriate provision is made on Council's Budget.</p> <p>The Chief Executive Officer is delegated authority to call tenders and/or quotations for the changeover of light vehicles.</p> <p>The Chief Executive Officer is further delegated authority to purchase the appropriate light vehicle or to accept a tender for the light vehicle provided the tender amount does not exceed the amount determined by Council in accordance with Section 5.43(b).</p> <p>This delegation shall only be exercised when provision of sufficient funds for the purpose has been made in Council's budget.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(d))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Executive Manager Corporate Services
COUNCIL POLICY	N/A
REVIEWED	

#4 (COUNCIL)	IMPOUNDING GOODS
<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> (1) Authorise an employee in accordance with Section 3.39 to remove and impound any 'goods that are involved in a contravention that can lead to impounding. (2) Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42. (3) Give notice in accordance with Section 3.44 to collect goods. (4) Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46. (5) Sell confiscated or uncollected goods in accordance with Section 3.47. (6) Take action to recover expenses in accordance with Section 3.48. 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services, Rangers
COUNCIL POLICY	N/A
REVIEWED	

#5 (COUNCIL)	SALE OF IMPOUNDED/SEIZED/CONFISCATED VEHICLES, ANIMALS OR GOODS
<p>The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 and 3.58 of the Local Government Act 1995.</p> <p>The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations. The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the Local Government Act 1995 to accept any tender up to the value of \$10,000. Tenders for amounts exceeding \$10,000 shall be referred to the Council for consideration.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	N/A
REVIEWED	

#6 (COUNCIL)	LOCAL LAWS
<p>The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:</p> <ol style="list-style-type: none"> (1) Give statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the statewide public notice as required under Section 3.12(3). (2) After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5). (3) After the local law has been published in the Gazette give statewide public notice in accordance with Section 3.12(6). (4) Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15. (5) Give State wide public notice stating intention to review a local law as required under Section 3.16(2). (6) After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3). (7) After the Council has made a determination in respect of the local law review, give statewide public notice as required under Section 3.16(5). 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Manager Engineering and Development Services, Executive Manager Town

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	Planning.
COUNCIL POLICY	N/A
REVIEWED	

#7 (COUNCIL)	EXECUTIVE FUNCTIONS - DUTIES
<p>The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions (refer Section 3.21):</p> <ol style="list-style-type: none"> (1) Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met. (2) Ensure that as little harm or inconvenience is caused and as little damage is done as is possible. (3) Ensure that danger to any person or property does not arise from anything done on land. <p>Ensure that anything belonging to the Local Government, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there.</p> <ol style="list-style-type: none"> (5) Ensure that buildings, fences, and other structures are not disturbed nor damaged. (6) Ensure that when the Local Government enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence. (7) Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid. 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#8 (COUNCIL)	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND
<p>The Chief Executive Officer is delegated authority to authorise any person to exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the Act.</p> <p><i>(Refer Section 3. 24.)</i></p>	

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#9 (COUNCIL)	POWER OF ENTRY
<p>The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers, Executive Manager of Town Planning
COUNCIL POLICY	N/A
REVIEWED	

#10 (COUNCIL)	REGISTER OF DELEGATION TO COMMITTEES
<p>The Chief Executive Officer is delegated authority to keep a Register of the delegations made by Council to any Committees, the Register being required in accordance with the provisions of Section 5.18 of the Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officer
COUNCIL POLICY	N/A
REVIEWED	

#11 (COUNCIL)	ANNUAL REPORT
<p>The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by Section 5.53(1) of the Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)

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DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officer
COUNCIL POLICY	N/A
REVIEWED	

#12 (COUNCIL)	PLAN FOR THE FUTURE
<p>The Chief Executive Officer is delegated authority to prepare, each financial year, the Plan for the Future as required by Section 5.56 of the Act.</p> <p>In addition, the Chief Executive Officer is delegated authority to give the local public notice required under Section 5o57(1), after the Plan has been prepared and adopted in draft by Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officer
COUNCIL POLICY	N/A
REVIEWED	

#13 (COUNCIL)	COPIES OF INFORMATION
<p>The Chief Executive Officer is delegated authority to ensure copies are available to persons inspecting information made available for inspection under Division 7, Part 5 of the Act and ensure that the price at which the copies are sold does not exceed the cost of providing the copies (refer Section 5.96).</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Manager of Town Planning, Builder Surveyors, Executive Support Officer
COUNCIL POLICY	N/A
REVIEWED	

#14 (COUNCIL)	COUNCIL & COMMITTEE MEETINGS
<p>The Chief Executive Officer is delegated authority to perform the following duties:</p> <p>(1) At least once each year, give Local Public Notice of the dates on which and the time and place at which ordinary Council meetings, and, the Committee meetings that are required under the Act to be open to members of the public, are to be held.</p> <p>(2) Give Local Public Notice of any change to the date, time or place of a meeting that is open to the public.</p> <p>(3) Give Local Public Notice of the date, time, place and purpose of any special meeting of the Council that is to be open to members of the public.</p> <p><i>(Reference: Local Government (Administration) Regulation No 12.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#15 (COUNCIL)	PUBLIC INSPECTION OF DOCUMENTS RELATING TO COUNCIL & COMMITTEE MEETINGS
<p>The Chief Executive Officer is delegated authority to ensure that unconfirmed minutes of each Council meeting and each Committee meeting are available for inspection by members of the public within 10 and 5 business days respectively.</p> <p>The Chief Executive Officer is delegated authority to ensure notice papers and agenda relating to any Council or Committee meeting and which have been made available to members of the Council or Committee are available for inspection by members of the public from the time the documents are made available to the members.</p> <p><i>(Reference: Local Government (Administration) Regulation Numbers 13 and 14.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#16 (COUNCIL)	TENDERS FOR PROVIDING GOODS & SERVICES
<p>In respect to part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer is delegated authority to perform the following:</p> <p>(1) Publicly invite tenders for the supply of goods and services expected to be worth more than \$100,000.</p> <p><i>(Reference: Regulations 11(1), 12 and 13.)</i></p> <p>(2) Give statewide public notice in accordance with Regulation 14.</p> <p>(3) Give each Tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.</p> <p><i>(Reference: Regulation 19.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#17 (COUNCIL)	COMMERCIAL ENTERPRISES
<p>The Chief Executive Officer is delegated authority to prepare any business plan as required under Section 3.59(2) of the Local Government Act 1995 and to give Statewide public notice as required by Section 3.59(4) of the Act prior to consideration by Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#18 (COUNCIL)	PAYMENT OF CREDITORS
<p>The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:</p> <p>a) The payee's name b) The amount of the payment c) The date of the payment d) Sufficient information to identify the transaction.</p> <p>The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services, Financial Officers.
COUNCIL POLICY	N/A
REVIEWED	

#19 (COUNCIL)	RATE BOOK
<p>The Chief Executive Officer is hereby delegated the performance of the following functions of the Council:</p> <ol style="list-style-type: none"> (1) Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40. (2) The service of rate notices referred to in Section 6.41 of the Local Government Act 1995 (as amended). (3) Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995 for the payment of rates and service charges. (4) Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995. (5) The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995. <p>Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled. (Section 6.64(3).)</p> <ol style="list-style-type: none"> (7) Exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with Section 6.76(4) of the Local Government Act 1995. (8) Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6). (9) Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79). 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services, Financial Officers.
COUNCIL POLICY	N/A
REVIEWED	

#20 (COUNCIL)	FINANCIAL REPORTS
<p>The Chief Executive Officer is delegated authority to prepare the annual financial reports and such other financial reports as prescribed in Local Government (Financial Management) Regulation No 34. Refer Section 6.4(1) of the Act.</p> <p>Further, the Chief Executive Officer is delegated authority to submit the accounts and financial reports to the Council's auditors in accordance with Section 6.4(2) of the Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
REVIEWED	

#21 (COUNCIL)	TRUST FUND
<p>The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
REVIEWED	

#22 (COUNCIL)	INVESTMENTS
<p>The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose. In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act.</p> <p>Further, the Chief Executive Officer is delegated authority to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of: -</p> <p>(a) The nature and location of all investments, and</p> <p>(b) The transactions related to each investment.</p> <p>(Reference: Local Government (Financial Management) Regulation No 19.)</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	F11; <i>Management of Investments</i>
REVIEWED	

#24 (COUNCIL)	EXPENDITURE BEFORE ADOPTION OF BUDGET
<p>The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Plan for the Future from the Municipal Fund prior to the adoption of the annual budget. (Reference Section 6.8(1))</p> <p>The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#25 (COUNCIL)	TEMPORARY CLOSURE OF THOROUGHFARE TO VEHICLES
<p>The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding 3 months. The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.49 and 3.50 of the Local Government Act.</p> <p>Any proposal to close a thoroughfare for any period exceeding 3 months shall be referred to Council for determination.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services.
COUNCIL POLICY	N/A
REVIEWED	

#26 (COUNCIL)	GATES ACROSS PUBLIC THOROUGHFARE
<p>The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	N/A
REVIEWED	

#27 (COUNCIL)	DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE
<p>The Chief Executive Officer is delegated authority to take all appropriate to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	N/A

REVIEWED	
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#28 (COUNCIL)	CROSSOVERS
<p>The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant.</p> <p>The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	
REVIEWED	

#29 (COUNCIL)	PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND
<p>The Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.</p> <p>Further, the Chief Executive Officer is delegated authority to consider any submissions received and proceed with the proposal if no objection is received.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	N/A
REVIEWED	

#30 (COUNCIL)	PUBLIC THOROUGHFARES – PUBLIC USE & PLANS
<p>The Chief Executive Officer is delegated authority to:</p> <p>(1) Ensure that public thoroughfares are kept open for public use as required under Section 3.53(2) of the Act.</p> <p>(2) In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided. (Reference Section 3. 52(3))</p> <p>(3) Keep plans of the levels and alignments of public thoroughfares that are under Council's control or management and make those plans available for public inspection. (Reference Section 3. 52(4))</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	N/A
REVIEWED	

#31 (COUNCIL)	DEMOLITION LICENSES
<p>The Chief Executive Officer is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyors
COUNCIL POLICY	N/A
REVIEWED	

#33 (COUNCIL)	BUILDINGS – ISSUE OF SECTION 401 NOTICES
<p>The Chief Executive Officer is delegated authority to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyor
COUNCIL POLICY	N/A
REVIEWED	

#34 (COUNCIL)	BUILDING LICENSES
<p>That pursuant to Section 374(lb) of the Local Government (Miscellaneous Provisions) Act 1960, the Building Surveyor is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:</p> <p>a) All Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and</p> <p>b) All Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,</p> <p>The Environmental Development Manager shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.</p> <p>Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions, as the Environmental Development Manager considers necessary.</p> <p>All licenses issued under this delegated authority shall, in addition to any conditions imposed by the Environmental Development Manager, contain and be subject to the following conditions:</p> <p>w The building licence is valid for a maximum period of twenty-four (24) months.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyor
COUNCIL POLICY	N/A
REVIEWED	

#35 (COUNCIL)	BUILDINGS – REMOVAL OF NEGLECTED & DILAPIDATED
<p>The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyor
COUNCIL POLICY	N/A

REVIEWED	
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#36 (COUNCIL)	UNLAWFUL WORKS
<p>(a) The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.</p> <p>(b) The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyor
COUNCIL POLICY	N/A
REVIEWED	

#37 (COUNCIL)	BUILDINGS - DANGEROUS
<p>The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:</p> <p>(1) Issue a certificate which states that the subject building is in a dangerous state.</p> <p>(2) Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.</p> <p>(3) Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyor
COUNCIL POLICY	N/A
REVIEWED	

#38 (COUNCIL)	13.4.1.1. CERTIFICATES OF CLASSIFICATION
The Chief Executive Officer is delegated authority to issue Certificates of Classification of Buildings in accordance with Section 374C of the Local Government (Miscellaneous Provisions) Act 1960.	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyors
COUNCIL POLICY	N/A
REVIEWED	

#39 (COUNCIL)	LICENCE TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO A STREET
The Chief Executive Officer is delegated the authority to issue licenses to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960. The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street, way or public place. Licenses are to be issued subject to the conditions detailed in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and such other conditions as considered relevant by the Chief Executive Officer.	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services
COUNCIL POLICY	N/A
REVIEWED	

#40 (COUNCIL)	AWARD/INDUSTRIAL MATTERS
The Chief Executive Officer is delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers

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COUNCIL POLICY	N/A
REVIEWED	

#41 (COUNCIL)	LEGAL ADVICE
Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the local government.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#42 (COUNCIL)	CONTRACT VARIATIONS
The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#43 (COUNCIL)	NATIVE TITLE
The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting Council in order for Council to have sufficient interest to become a party to the Native Title Application.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer

SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#44 (COUNCIL)	TELEPHONES (PRIVATE) & PERSONAL COMPUTERS – USE BY EMPLOYEES FOR COUNCIL BUSINESS
<p>The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with all employees to have a telephone/fax and/or a personal computer installed in his/her principal place of residence within the Shire for some use on Council business. The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone/fax expense incurred on Council business.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
REVIEWED	

#45 (COUNCIL)	APPOINTMENT OF CONSULTANTS
<p>The Chief Executive Officer is delegated authority to appoint consultants including architects, valuers, planning consultants and the like. In exercising this delegated authority the following conditions shall apply:</p> <ul style="list-style-type: none"> • Any Council policy is to be observed. • Adequate funds shall be available in Council budget. • The appointment is to be for an approved project. • The value of the appointment shall not exceed \$100,000. 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	
REVIEWED	

#46 (COUNCIL)	INSURANCE – PUBLIC LIABILITY CLAIMS
<p>The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.</p> <p>In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's Solicitors.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services
COUNCIL POLICY	N/A
REVIEWED	

#47 (COUNCIL)	CONFERENCES/SEMINARS/TRAINING COURSES – EXPENSES OF COUNCILLORS & STAFF
<p>The Chief Executive Officer is delegated authority to reimburse all reasonable expenses to members and staff incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer. Such expenses may include registration fees, accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Councillor or staff member receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.</p> <p>This delegation also applies to the payment of expenses of partners when the Council has specifically resolved that it is appropriate for a Councillor or staff member to be accompanied by another person.</p> <p>The Chief Executive Officer shall observe any Council policy in place from time to time.</p>	
LEGISLATIVE POWER	
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	
REVIEWED	

#51 (COUNCIL)	USE OF VEHICLES
<p>The Chief Executive Officer is delegated the authority to make all appropriate private use arrangements with all staff having use of a Council vehicle.</p>	
LEGISLATIVE POWER	Local Government Act 1995
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
REVIEWED	

#52 (COUNCIL)	STAFF HOUSING
<p>The Chief Executive Officer is delegated authority to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council. In exercising this delegation the Chief Executive Officer shall have regard to any Council policy in place from time to time.</p> <p>In the event that any Council provided accommodation is, at any time, not required for Council employees, the Chief Executive Officer is delegated authority to rent the accommodation to persons other than Council employees, provided the tenancy arrangement is appropriate to the needs of Council.</p> <p>The Chief Executive Officer is further delegated authority to determine the level of bond to be applied to each occupancy arrangement and Tenancy Agreement.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	
REVIEWED	

#53 (COUNCIL)	SALARIES
<p>The Chief Executive Officer is delegated authority to alter salaries payable to all staff who are not Senior Officers under the Local Government Act. 1995.. The alteration may be within the employee's assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.</p> <p>In exercising this delegated authority the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available on Council's budget. If any salary change is likely to involve over budget expenditure, the change will require endorsement of Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
REVIEWED	

#54 (COUNCIL)	EVENTS ON ROADS
<p>The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991. The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Manager Technical Services, Community Development Officer
COUNCIL POLICY	N/A
REVIEWED	

#55 (COUNCIL)	STRATA TITLES
<p>Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Chief Executive Officer is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and other Council requirements and that the Chief Executive Officer is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.</p> <p><i>(Note: This delegation is to be supported by an instrument in writing under the Common Seal of the Shire.)</i></p>	
LEGISLATIVE POWER	Strata Titles Act 1985
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager of Town Plannings
COUNCIL POLICY	N/A
REVIEWED	

#57 (COUNCIL)	PROHIBITED & RESTRICTED BURNING TIMES (VARIATIONS)
<p>That pursuant to Sections 17(10) and 18(5)(c) of the Bush Fires Act, the Shire President and the Chief Bush Fire Control Officer be delegated jointly the Council's powers and duties under Section 17(7) and (8) and Section 18(5) of the Bush Fires Act in respect to varying the prohibited burning times and restricted burning times, provided that the Officer in Charge of FESA is consulted before the authority under this delegation is exercised.</p>	
LEGISLATIVE POWER	Bush Fires Act 1954
DELEGATE	Shire President, Chief Executive Officer, Chief Bush Fire Control Officer
SUB DELEGATION	Executive Manager of Engineering and Development Services
COUNCIL POLICY	N/A
REVIEWED	

#58 (COUNCIL)	BUSH FIRES ACT 1954 - OFFENCES
<p>The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with the provisions of Section 59A of the Act.</p>	
LEGISLATIVE POWER	Bush Fires Act 1954 (Section 59(3))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#59 (COUNCIL)	PROCEEDINGS UNDER DOG ACT
<p>In accordance with Section 44 of the Dog Act, the Chief Executive Officer is authorised to institute and carry on proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against the Dog Act.</p> <p>This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Act.</p>	
LEGISLATIVE POWER	Dog Act
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services
COUNCIL POLICY	N/A
REVIEWED	

#60 (CHIEF EXECUTIVE OFFICER)	CONVENING OF MEETINGS
<p>The Chief Executive Officer is delegated authority to convene ordinary and special meetings of the Council by giving notice of meeting and agenda.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
REVIEWED	

#62 (CHIEF EXECUTIVE OFFICER)	CONVENING OF ELECTOR'S MEETINGS
<p>The Chief Executive Officer is delegated authority to convene Elector's meetings of the Council by giving required notice of meeting and agenda. The Executive Manager of Corporate Services shall have regard to Section 5.29 (1) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager of Corporate Services
COUNCIL POLICY	N/A

REVIEWED	
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#63 (CHIEF EXECUTIVE OFFICER)	ELECTOR'S MEETING MINUTES
<p>The Chief Executive Officer is delegated authority to cause minutes of Elector's meetings to be kept and preserved and ensure minutes are available for inspection before the Council meeting at which decisions made at the Electors' meeting are first considered. The Chief Executive Officer shall have regard to Section 5.32 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#69 (CHIEF EXECUTIVE OFFICER)	RETENTION & MANAGEMENT OF RECORDS
<p>The Chief Executive Officer is delegated authority to ensure that the records and documents of the local government are properly kept for the purposes of this Act and any other written law.</p> <p>The Chief Executive Officer shall have regard to Section 5.41 (h) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42), State Record Act 2000
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#70 (CHIEF EXECUTIVE OFFICER)	REGISTER OF DELEGATIONS TO CHIEF EXECUTIVE OFFICER
<p>The Chief Executive Officer is delegated authority to keep a register of the delegations made to the Chief Executive Officer and to employees under Part 5, Division 4 of the Act.</p> <p>The Chief Executive Officer shall have regard to Section 5.46 (1) of the Local Government Act 1995.</p>	

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#71 (CHIEF EXECUTIVE OFFICER)	ANNUAL REPORT ADVERTISING
<p>The Chief Executive Officer is delegated authority to give local public notice of availability of the Annual Report as soon as practicable after the report has been accepted by Council.</p> <p>The Chief Executive Officer shall have regard to Section 5.55 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#73 (CHIEF EXECUTIVE OFFICER)	MINISTERIAL APPROVAL FOR DISCLOSING MEMBER TO PARTICIPATE IN MEETING
<p>The Chief Executive Officer is delegated authority to apply to the Minister to allow a disclosing member to participate in part of meeting relating to the matter</p> <p>The Chief Executive Officer shall have regard to Section 5.69 (1) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#74 (CHIEF EXECUTIVE OFFICER)	RECORDING OF DISCLOSURES OF FINANCIAL INTERESTS IN MINUTES
<p>The Chief Executive Officer, is delegated authority to record in the minutes of meetings, details of disclosures made under Section 5.65 or 5.70 of the Act.</p> <p><i>(Refer to Section 5.66 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#75 (CHIEF EXECUTIVE OFFICER)	COUNCIL OR COMMITTEE MEMBER ACCESS TO INFORMATION
<p>The Chief Executive Officer, is delegated authority to ensure that a Council member or a committee member has access to information that is relevant to the performance by the person of any of his or her functions under the Local Government Act or under any other written law.</p> <p><i>(Refer to Section 5.92 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#76 (CHIEF EXECUTIVE OFFICER)	INSPECTION OF RECORDS BY ANY MEMBER OF THE PUBLIC
<p>The Chief Executive Officer, is delegated authority to ensure that any person attending the office during office hours, and free of charge inspect, subject to Section 5.95, the records specified in Section 5.94 whether or not current at the time of inspection.</p> <p><i>(Refer to Section 5.94 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer

SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#77 (CHIEF EXECUTIVE OFFICER)	RIGHT TO INSPECT RECORDS
<p>The CHIEF EXECUTIVE OFFICER is delegated authority to determine a person's right to inspect information referred to in Section 5.94 where discretion is provided to the Chief Executive Officer.</p> <p><i>(Refer to Section 6.5 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#78 (CHIEF EXECUTIVE OFFICER)	FINANCIAL RECORDS
<p>The CHIEF EXECUTIVE OFFICER is delegated authority to ensure that there are kept, in accordance with Regulations, proper accounts and records of the transactions and affairs of the local government and keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under the Local Government Act or another written law.</p> <p><i>(Refer to Section 6.5 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Finance Manager
COUNCIL POLICY	N/A
REVIEWED	

#79 (CHIEF EXECUTIVE OFFICER)	APPOINTMENT OF EMPLOYEES – LEGAL PROCEEDINGS
<p>The CHIEF EXECUTIVE OFFICER has delegated authority to appoint an employee to</p>	

represent the local government in legal proceedings either generally or in a particular case.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#80 (CHIEF EXECUTIVE OFFICER)	CERTIFYING OF DOCUMENTS
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to authorise an employee for the purpose of certifying a document to be a true copy.</p> <p><i>(Refer to Section 9.31 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#81 (CHIEF EXECUTIVE OFFICER)	SAFE CUSTODY & CONFIDENTIALITY OF TENDERS
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to ensure that all tenders received are deposited in safe keeping in the duly allotted tender box and to ensure that all tenders remain confidential.</p> <p><i>(Refer to Regulation 16 of the Local Government (Functions and General) Regulations.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Officers, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#82 (CHIEF EXECUTIVE OFFICER)	TENDERS REGISTER
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OFFICER)	
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to keep a tender register and make it available for public inspection.</p> <p><i>(Refer to Regulation 17 of the Local Government (Functions and General) Regulations.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Officers, Executive Support Officers
COUNCIL POLICY	N/A
REVIEWED	

#83 (CHIEF EXECUTIVE OFFICER)	ESTABLISHMENT & MAINTENANCE OF ACCOUNTING SYSTEMS
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to establish efficient systems and procedures for -</p> <ul style="list-style-type: none"> a) For the proper collection of all money owing to the local government; b) For the safe custody and security of all money collected or held by the local government; c) For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); d) To ensure proper accounting for municipal or trust - income received or receivable; expenses paid or payable; and assets and liabilities; e) To ensure proper authorisation for the incurring of liabilities and the making of payments; f) For the maintenance of payroll, stock control and costing records; and g) To assist in the preparation of budgets, accounts and reports required by the Act or these regulations. <p><i>(Refer to Regulation 5(1) of the Local Government (Finance Management) Regulations.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Finance Manager
COUNCIL POLICY	N/A
REVIEWED	

#88 (COUNCIL)	DONATIONS OF WORK TO LOCAL COMMUNITY GROUPS
<p>The Chief Executive Officer is delegated authority to exercise discretion on the use of</p>	

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Council resources on small community works for local facilities and not for profit volunteer groups.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services
COUNCIL POLICY	
REVIEWED	

#89 (COUNCIL)	LIQUOR CONSUMPTION APPLICATIONS
The Chief Executive Officer is delegated authority to approve applications for the consumption of alcohol on Shire facilities in accordance with whatever conditions are imposed by the Licensing Court.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
REVIEWED	

#90 (CHIEF EXECUTIVE OFFICER)	SIGNING OF COUNCIL CORRESPONDENCE
Correspondence to be personally signed by the Chief Executive Officer:	
(1) Letters which either:	
<ul style="list-style-type: none"> (a) Offer an opinion on Council Policy; (b) Give political comment; (c) Seek a meeting or deputation, or (d) Make a major commitment, financial or otherwise in terms of Council's resources; 	
and which are addressed to the following:	
<ul style="list-style-type: none"> (i) State or Federal Member of Parliament (ii) Permanent Secretaries or Directors of the like of State and Federal Departments (iii) Mayors/Presidents of other Councils (iv) Chief Executive Officers of other Councils (v) The Ombudsman (vi) Western Australian Municipal Association (vii) The Department of Local Government 	

<p>(2) Letters: -</p> <p>(a) of appointment for Council staff</p> <p>(b) letters of dismissal in relation to Council staff or contractors working for Council</p> <p>Correspondence that can be signed by Managers:</p> <p>(1) Letters other than those referred to above</p> <p>(2) Letters that are of normal operations</p> <p>(3) Letters that are the result of a Council decision</p> <p>(4) Letters that are permitted by another delegation or Council policy</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#91 (COUNCIL)	Community Quick Grants
<p>The Chief Executive Officer is delegated authority to award quick grants to not for profit community groups up to the value of \$500.00 providing funding is available within Council's Budget.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
REVIEWED	

#92 (COUNCIL)	ACQUISITION & DISPOSAL OF PROPERTY
<p>The Chief Executive Officer is delegated authority to negotiate the purchase and disposal of any Council land valued at an amount not exceeding \$100,000 provided that the appropriate provision is made in Council's Budget.</p> <p>The extent of the delegation is limited to negotiating a purchase/selling price to be within an independent valuation following which the purchase/sale is to be reported to Council.</p> <p>If following the report to Council there are no objections following the Statutory advertising period the CHIEF EXECUTIVE OFFICER may purchase/sell the land without further reference to the Council and provide information as to the outcome via the Information Bulletin.</p>	

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42/5.43(d))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
ADOPTED	

#93 (COUNCIL)	APPOINTMENT OF BUSH FIRE CONTROL OFFICERS
<p>The Chief Executive Officer and Shire President is delegated authority to appoint persons to the position of fire control officer, including dual fire control officers with adjoining local governments as provided for under Section 38 of the Bush Fires Act, 1954. The Chief Executive Officer shall have regard to the provisions of the Bush Fires Act, 1954 and in particular Section 40.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Shire President, Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
REVIEWED	

#95 (COUNCIL)	PRIVATE WORKS
<p>The Chief Executive Officer is delegated authority to undertake private works in accordance with the Council policies.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(b))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services
COUNCIL POLICY	
REVIEWED	

#96 (COUNCIL)	COMMITMENT TO EXPENDITURE/PAYMENT OF ACCOUNTS
<p>Chief Executive Officer is delegated authority to approve expenditure and to meet payment for goods or services on behalf of the Shire of Wyndham</p>	

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East Kimberley for which funds have been provided on the budget, provided that he/she has before hand:

- (1) Developed procedures for the authorisation of accounts to ensure that there is effective security and properly authorised use of:
 - (a) Cheques, credit cards, computer encryption and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) Developed procedures for the approval of accounts to ensure that before payment of an account a determination is made that:
 - (c) The relevant debt was incurred by a person who is properly authorised to do so; and
 - (d) The goods or services to which each account relates were provided in a satisfactory condition.
- (3) Developed any other procedures he/she feels appropriate.

Provided also that funds may only be released with the approval of at least two employees of the Shire, unless via the use of a Credit card facility.

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	

#97 (COUNCIL)	AUTHORITY TO ORDER		
The following limitations are placed on the authority to order goods and services:			
Position			Amount
Chief Executive Officer			\$100,000
Executive & Development Services	Manager	Engineering	\$50,000
Executive Corporate Services		Manager	\$50,000
Executive Town Planning		Manager	\$50,000
Executive Community Services		Manager	\$50,000
Manager Financial Services			\$10,000
Senior Finance Officer			\$2,000
Manager Technical Services			\$20,000

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Environmental Health Officer (aboriginal Communities)	\$2,000
Environmental Health Officer	\$2,000
Building Surveyor	\$2,000
Manager Recreation & Leisure	\$2,000
Recreation Development Officer	\$2,000
Pool Manager/Duty Supervisor	\$1,000
Wyndham Pool Manager	\$500
Wyndham Operations Manager	\$5,000
Airport Manager	\$10,000
Executive Support Officer	\$1,000
EDS Support Officer	\$1,000
Environmental Project Officer	\$5,000
Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	

#98 (COUNCIL)	WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 TOWN PLANNING AND DEVELOPMENT ACT 1928 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
CEO has delegated authority to make decisions on the following matters	
<p>1. LAND USES Authority to deal with the following: Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7; Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7; Approve the following development applications where the proposed use is an 'AA' use in Town Planning Scheme No. 6 or No. 7; Group Dwellings in Residential and Town Centre Zones Offices and Warehouses in Mixed Business Zones Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living Zones. Building extensions to existing buildings Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.</p>	
2. ADVERTISING OF 'SA' USES – TOWN PLANNING SCHEME No. 6 or No. 7	

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Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;

3 SUBDIVISIONS

Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Town Planning and Development Act 1928. (Note: S24 relates to objections and recommendations received regarding subdivisions)

4. MISCELLANEOUS

All matters which arise out of the imposition of conditions on development approvals
 Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the President (or in the absence of the President the Deputy President)
 Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
 Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.

Notes:

For the purpose of S 24 of the *Town Planning and Development Act 1928*, Council's functions with regard to subdivisions were specified as functions to be performed by the Chief Executive Officer under s5.41(i) of the *Local Government Act 1995*

The endorsement and variation of building envelopes in accordance with the requirements of Town Planning Scheme No 6 or No 7, were specified as a function that can be performed by the Chief Executive Officer under S5.41 (i) of the *Local Government Act 1995*.

Conditions and Exceptions

A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
 Every applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive Officer and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
 All applications where the CEO recommendation is for refusal must be presented to Council for consideration;
 Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes (single and grouped dwellings) must be presented to Council for consideration;
 Any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council policy, is referred to Council for a decision;
 Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can not be undertaken without prior consideration of the Council.

LEGISLATIVE POWER	WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 TOWN PLANNING AND DEVELOPMENT ACT 1928 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services
COUNCIL POLICY	

REVIEWED	
#99 (COUNCIL)	STRATA TITLES ACT 1985
<p>The Chief Executive Officer is delegated authority under S23 of the Strata Titles Act 1985. (Note: S23 relates to Certification of Strata Titles/Schemes)</p> <p>Conditions and Exceptions:</p> <p>A list of all Strata Title applications determined under delegated authority shall be incorporated in the Council's agenda and minutes</p>	
LEGISLATIVE POWER	S23 of the Strata Titles Act 1985
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services; EXCEPT the power to issue a certificate under S23 (3). (Note: S23 (3) relates to issuing a certificate in circumstances where the Local Government Authority does not have all relevant information.)
COUNCIL POLICY	
REVIEWED	

#100 (COUNCIL)	ENVIRONMENTAL HEALTH
<p>Delegation to: To act under S26 of the <i>Health Act 1911</i> associated regulations and local laws; To administer the Litter Act 1979 and regulations; To act as an authorized person in accordance with S17 of the <i>Caravan Parks and Camping Grounds Act 1995</i>; To administer the provisions of the Fly Eradication Regulations.</p> <p>Authorised to administer the following local laws of the Shire of Wyndham-East Kimberley: 2003 Shire of Wyndham East Kimberley Local Laws 2004 Shire of Wyndham East Kimberley Health Local Law</p> <p>Conditions and Exceptions:</p> <p>Health Act 1911 Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;</p> <p>Litter Act 1979 Except the power to withdraw infringement notices issued under Acts, regulations or local laws.</p> <p><u>Caravan Parks and Camping Grounds Act 1995:</u> The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;</p> <p>Fly Eradication regulations The power to prosecute may only be exercised with the approval of the Chief Executive</p> <p>Ordinary Meeting, MINUTES 17 July 2007</p>	

Officer.	
LEGISLATIVE POWER	Health Act 1911
DELEGATE	Chief Executive Officer
SUB DELEGATION	Environmental Health Officers
COUNCIL POLICY	
REVIEWED	

#101 (COUNCIL)	NON STATUTORY DELEGATIONS
<p>Delegated authority is provided to respond to referrals received by the Shire on the following matters:</p> <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government Departments. • Land clearing applications from the State and or Commonwealth Agencies • Mining tenement referrals from the Department of Industry and Resources. • Liquor license applications • Fireworks applications • Approval of names by Geographic Names Committee 	
LEGISLATIVE POWER	NIL
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Development Services, Executive Manager Town Planning
COUNCIL POLICY	
REVIEWED	

13.4.5 Wyndham Airport

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Wyndham
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider calling for tenders for use of infrastructure at the Wyndham airport.

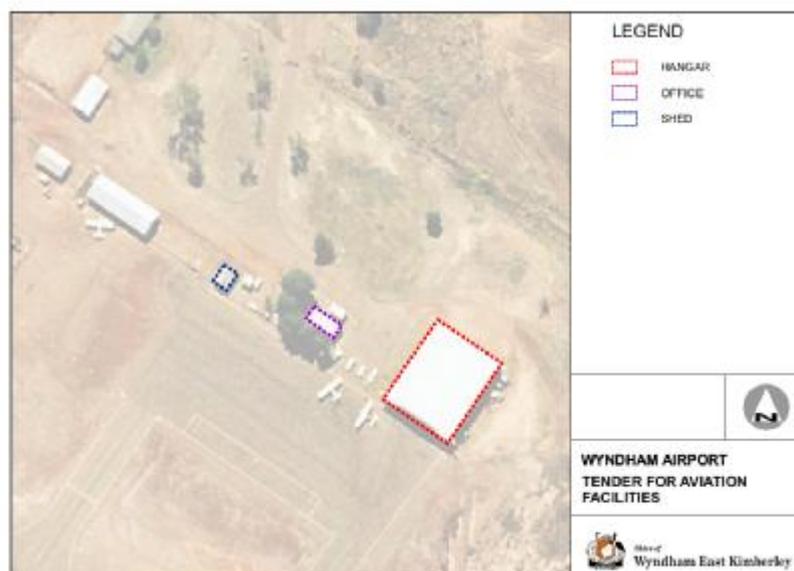
BACKGROUND

Council has received advice from Ord Air Pty Ltd that as from 30 June 2007 it would no longer be using the Wyndham airport.

As previously reported to Council in April 2007 the Ord Air Pty Ltd have been a tenant at will for some years at the Wyndham Airport.

The departure of Ord Air Pty Ltd from the Wyndham airport creates the opportunity for Council to consider what it does with the airport, given the historical nature of aviation services provided from the airport, community expectations, business interest already expressed in the site, and the costs to Council of providing the airport infrastructure.

An aerial photograph of the Wyndham Airport showing the facilities recommended to be offered for tender is provided below:



STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995, , Disposing of property contains the following provision governing disposal of land:

(1) In this section —

“**dispose**” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“**property**” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives Statewide public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3) (a) (ii) include —

- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition;
- and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

- (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

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(d) any other disposition that is excluded by regulations from the application of this section.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The recommendation presents an opportunity for Council to potentially gain increased revenue form a lease which could reduce the annual operating deficit and the Wyndham Airport, and the draw on Councils Airport Reserve. .

STRATEGIC IMPLICATIONS

Nil

COMMENT

Nil

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council publicly invite tenders from aviation companies for a fixed term five year lease of infrastructure comprising aircraft hangar, office and shed at Council's Wyndham Airport, with the following tender assessment criteria:

- 90% price
- 10% community benefit

COUNCIL DECISION

Minute No. 7799

Moved: Cr K. Wright

Seconded: Cr R. Devenish-Meares

That Council publicly invite tenders from aviation companies for a fixed term five year lease of infrastructure comprising aircraft hangar, office and shed at Council's Wyndham Airport, with the following tender assessment criteria:

- ***90% price***
- ***10% community benefit***

Carried Unanimously 7/0

13.5 ELECTED MEMBER REPORTS

Cr D. Ausburn reported that she attended the following:

- 19 June Inpex Browse update at Kununurra Chambers
- 21 June Business Continuity Management Course
- 26 June CRC Cotton Norpak Launch at Lovell Diversion Gallery
Opening of Kimberley Writer's Festival at Library
- 27 June Flu Pandemic presentation for FESA Kununurra
- 29 June Dan Hulands' and Jo Barkla's Farewell at Country Club
- 1 July Farewell and Thankyou dinner for Bree Muir at All Seasons
- 5 July DEHAC Meeting – turned up but meeting had been cancelled with no communication
- 5 July Landcorp Sunset Cruise on Lake Argyle
- 6 July KGT Trainee of the Year Awards – Shire Winner Nickita Gerrard
- 11 July Meeting with Hazel Kural – Ord Stage 2
- 12 July CEO Review Training with John Phillips – full day course – Kununurra Chambers
- 13 July Phone Survey re the meeting with Landcorp (15 minutes)
Meet and Greet FESA Fire Untis of the East Kimberley – Country Club

Cr K. Wright reported that he attended the following:

- 26 June CRC Cotton Norpak Launch at Lovell Diversion Gallery
Opening of Kimberley Writer's Festival at Library
- 5 July Landcorp Sunset Cruise on Lake Argyle
- 12 July CEO Review Training with John Phillips – full day course – Kununurra Chambers

Cr J. Buchanan reported that he attended the following:

- 15 June Attended office to counter-sign cheques
- 19 June Audit Committee Meeting
- 26 June CRC Cotton Norpak Launch at Lovell Diversion Gallery
- 28 June Kununurra Visitor Centre Committee Meeting
- 5 July Landcorp Sunset Cruise on Lake Argyle
- 12 July CEO Review Training with John Phillips – full day course – Kununurra Chambers
- 14 July Helped on Shire stall at Kununurra Agricultural Show most of day

Cr M. Middap reported that she attended the following:

- 26 June CRC Cotton Norpak Launch at Lovell Diversion Gallery
- 4 July Met with Senator Andrew Murray
- 5 July Landcorp Sunset Cruise on Lake Argyle
- 6 July KGT Trainee of the Year Awards – Shire Winner Nickita Gerrard
- 12 July CEO Review Training with John Phillips – full day course – Kununurra Chambers

Cr J. Parker reported that she attended the following:

- 26 June CRC Cotton Norpak Launch at Lovell Diversion Gallery
- 4 July Met with Senator Andrew Murray
- 6 July KGT Trainee of the Year Awards – Shire Winner Nickita Gerrard

- 12 July CEO Review Training with John Phillips – full day course – Kununurra Chambers

Cr R. Devenish-Meares reported that he attended the following:

- 26/27 June Attended various Kimberley Writers Festival events
- 3 July Met with Senator Andrew Murray

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

COUNCIL DECISION

<p>Minute No. 7800</p> <p>Moved: Cr R. Devenish-Meares Second: Cr J. Buchanan</p> <p><i>That Council consider the late items 16.1 Proposed Road Closures – Weaber Plain Road Light Industrial Area, 16.2 Carol Martin - Ord Stage 2 and 16.3 Adoption of Structure Plan – Lot 21 Weero Road, Kununurra.</i></p> <p style="text-align: right;">Carried Unanimously 7/0</p>

16.1. Proposed Road Closures – Weaber Plain Road Light Industrial Area

DATE:	17 July 2007
PROPONENT:	LandCorp
LOCATION:	Crown Land & Various Surveyed Lots
AUTHOR:	Keith Williams, Town Planner
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.03
ASSESSMENT NO:	NA

PURPOSE

For Council to consider closure of roads to facilitate the release of additional light industrial lots within the Weaber Plain Road Light Industrial Area.

BACKGROUND

The subject site was surveyed for potential release, however, the lots created by the survey were never released, and remain as UCL. During preparation of the Ord Final Agreement, an anthropological and heritage assessment was undertaken, and a buffer to the ranges to the east was established. The buffer became an arbitrary 100 metres.

Negotiations with the Native Title holders established a straight line buffer, rather than the previous buffer, to allow the release of the remainder of the land.

LandCorp made a presentation to Council at the March 2006 briefing session relating to the proposed Weaber Plain Light Industrial Area subdivision, and further discussions with adjoining landowners also occurred.

To facilitate the release of the land, the previously surveyed roads must be closed, and a resolution of Council is required to achieve this.

Site Location

The subject site is located approximately two kilometres to the north east of the town centre of Kununurra. The site is vacant and consists of bushland. The land slopes from east to west.

Proposed land Use / Development

The subdivision will provide for the development of the site for light industrial purposes. The subdivision plan has been lodged by LandCorp, and is currently being assessed by the Western Australian Planning Commission.

FINANCIAL IMPLICATIONS

Rates income will follow the release of the proposed subdivision.

PLANNING ASSESSMENT

Local Planning Strategy

The proposed land uses are consistent with the endorsed LPS, which allocates the land for light industrial purposes.

Town Planning Scheme No 7

The land is located within the existing Light Industrial Area. Portion of the land is zoned Light Industrial, while various portions are uncoded road reserves. These zones match the previous lot layout, and do not relate to the proposed subdivision, which has been modified to accommodate increased buffers.

An amendment to the Scheme to rezone the land will follow the road closures. Alternately, the land may be rezoned as part of the Scheme review should Council approve funds for the Scheme review in the budget process.

CONSULTATION

Advertising of the road closures is required. The Land Administration Act requires the road closures to be advertised for 35 days. No submissions were received during advertising, which occurred between May 24th and June 29th.

CONCLUSION / COMMENT

The road closures will allow for the revised subdivision to progress. The closures are supported and it is recommended that Council approve the road closures.

ATTACHMENTS

A plan is attached as attachment 1.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

- 1 That Council resolves to close a portion of Cocus Way, Kentia Way and Salacca Loop, in accordance with the plan noted as Attachment 2 and requests the Department of Planning and Infrastructure to expediently affect the closure.
- 2 That Council close portion of Reserve 41909 in accordance with the plan noted as Attachment 2 and requests the Department of Planning and Infrastructure to expediently affect the closure.

COUNCIL DECISION

Minute No. 7801

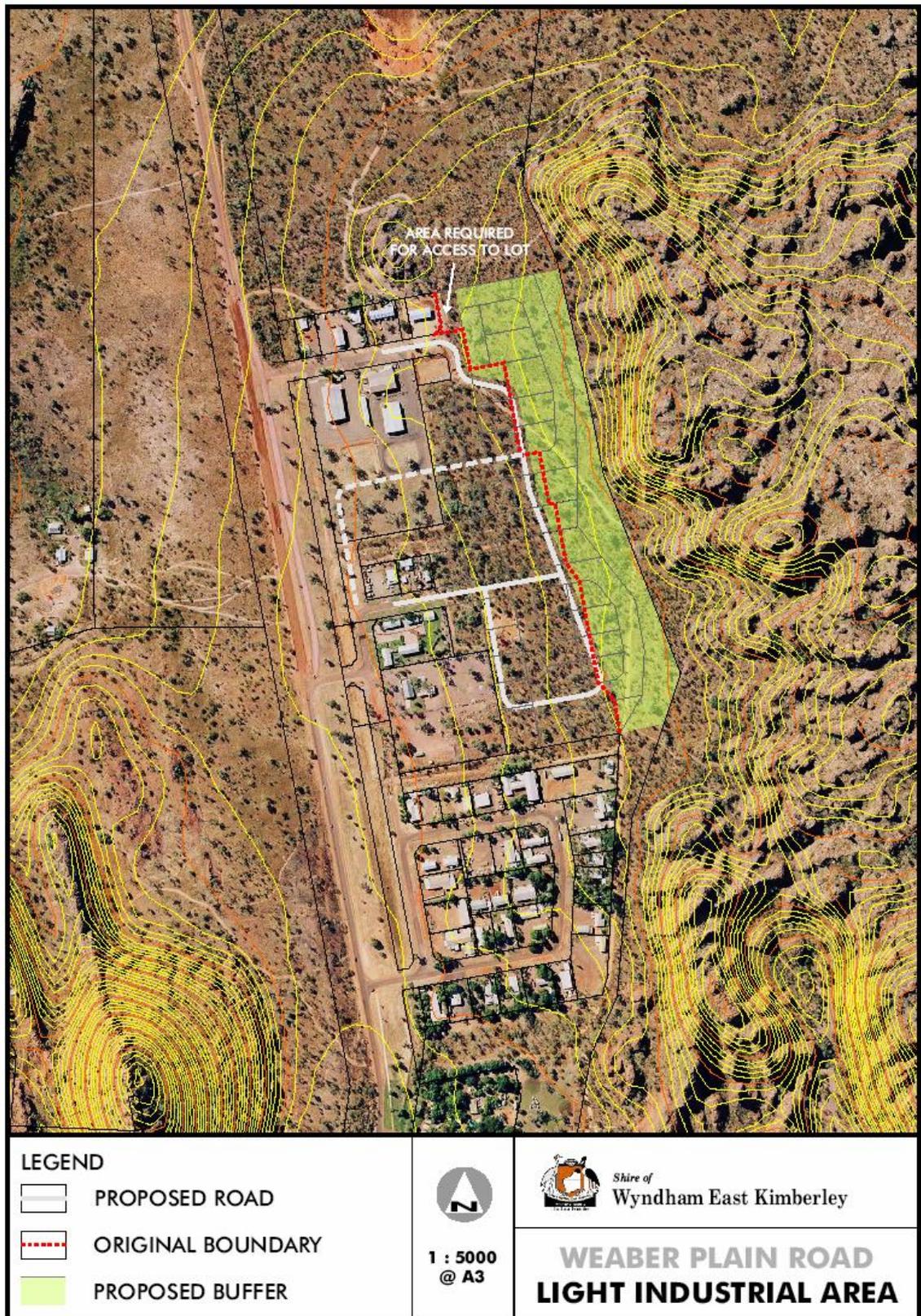
Move: Cr R. Devenish-Meares

Second: Cr D. Ausburn

- 1 *That Council resolves to close a portion of Cocus Way, Kentia Way and Salacca Loop, in accordance with the plan noted as Attachment 2 and requests the Department of Planning and Infrastructure to expediently affect the closure.***
- 2 *That Council close portion of Reserve 41909 in accordance with the plan noted as Attachment 2 and requests the Department of Planning and Infrastructure to expediently affect the closure.***

Carried Unanimously 7/0

ATTACHMENT 1: BUFFER AREA AND ROAD LAYOUT PLAN



ATTACHMENT 2: ROAD CLOSURE PLAN

urban design
plan development



figure 1 plan of subdivision

Proposed subdivision of Lots; 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2343, 2345, 2346, 2347, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, drainage reserves 2368, 2344, and part 41909, and adjoining allocated crown land. Weaber Plain

scale 1:2500

16.2. Ord Stage 2 – Response to the Member for Kimberley

DATE:	17 July 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	42.09.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a draft response to a letter from Carol Martin, Member for Kimberley in relation to the need for the expansion of the Ord River Irrigation Scheme.

BACKGROUND

The Shire President sent a letter to Carol Martin, Member for Kimberley, following what was considered to be a number of misleading and inaccurate statements in Mrs Martin's press release on issues related to the expansion of the Ord River Irrigation Scheme. The Shire President's letter and the press release are attachments to this report.

Mrs Martin's reply of 5 July 2007, to the Shire President's letter of concern, is also attached to this report. A draft recommended reply to Mrs Martin's letter of the 5 July 2007 has been prepared and is presented for Councils consideration.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Expansion of the Ord River Irrigation Scheme is the most strategic issue for the East Kimberley regions future. It is considered important that Council provide as much leadership as is required to ensure this expansion occurs, so that the flow on benefits of increased services to the community from this expansion occur.

COMMUNITY CONSULTATION

Nil

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COMMENT

Given:

- The strategic importance of this project to the East Kimberley region;
- The long history and failure of successive governments to achieve expansion of the Ord River Irrigation Scheme;
- The indications from both State and Commonwealth Governments that a period of years may elapse before an expansion of the Scheme occurs; and
- Pending election cycles;

It is recommended that Council not allow either the State and or Commonwealth Government's claims regarding this project go unchallenged or be allowed to drift.

Specifically it is recommended in this report that Council respond firmly to the Member for Kimberley's letter of 5 July 2007, correcting the excuses used for circumstances cited as delaying the expansion of the Ord River Irrigation Scheme.

ATTACHMENTS

1. Press Release - Carol Martin, Member for Kimberley
2. Shire President letter of response to Press Release
3. Letter of response from Carol Martin to Shire President's letter
4. Draft letter of response from Council to Carol Martin

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the draft letter of reply to be sent to Carol Martin, Member for Kimberley, to reiterate the need for rapid development of the Ord River Irrigation Scheme.

COUNCIL DECISION

Minute No. 7802

Move: Cr J. Parker

Seconded: Cr D. Ausburn

That Council adopt the draft letter of reply be sent to Carol Martin, Member for Kimberley, to reiterate the need for the rapid development of the Ord River Irrigation Scheme.

Carried Unanimously 7/0



MEDIA STATEMENT

Carol Martin MLA
Member for Kimberley

Ord Vision Expands

"I am really pleased that the State government is making a comment in terms of Ord Stage II. The Expressions of Interest are essential to the long term planning for the region.

I urge the State Government to undertake a comprehensive study as to the viability of all crops and that we should be engaging Muresk, who have a Centre for Tropical Agriculture to undertake that study.

I do warn however, that tree farming will lock up land for the next fifteen years and stifle the diversity of sustainable economies in the East Kimberley.

In terms of GM Cotton, regardless of the moratorium, the general consensus throughout the Kimberley is 'no way' and the government needs to listen to them.

I reiterate, *keep your cotton picking hands off the Kimberley.*"

Media Contact: Carol Martin 9192 3111 or 0417 943 331

Attachment 2: Shire President letter of response to Press Release

Ref: 42.09.01

Hon Carol Martin MLA
Member for Kimberley
PO Box 1433
BROOME WA 6725

Dear Carol,

It is with regret that I express my disappointment on behalf of Council on the recent comments you have made with regard to Genetically Modified (GM) cotton, tree farming and specifically relating to the extension of the Expression Of Interest (EOI) process for Ord Stage Two.

I thought that you as our Local Member would be advocating for the people of the East Kimberley in a positive and constructive manner. We are relying on you to directly relay our frustration, disappointment and anger over the States recent announcements on the EOI process.

Council expects that if the State Government was to take the approach by varying the EOI process then it would have at least been prepared and articulated the new process, including timeframes for that, and funding commitments to multi user infrastructure. Given it hasn't done these things, the perception in this region, is that State Government is not committed to the project. Council does not accept the rationale that the Commonwealth is now willing to consider working cooperatively with the State on this issue. Both the State and Commonwealth should have been doing that well before the development of the last EOI process. It is poor indictment on both the State and Commonwealth that this did not occur, and the announcement by Minister Ripper recently smacks of political opportunism, not genuine commitment to the future of the people of this region.

I am disappointed that as our Local Member you have not been able to support Council on the matter of GM Cotton at a political level. I appreciate that the Labour Party has a moratorium on GM crops and understand that we all have personal views on the matter. However, the Shire of Wyndham East Kimberley has publicly demonstrated its support for GM cotton and recently formally put this position on record at the Council meeting in April 2007. Council's position has been formally relayed to Minister Ripper and yourself. To reiterate, Council is of the view that:

1. It is important that growers have crop choice, as their eastern states counterparts do;
2. Cotton is predominately a fibre crop;
3. It is important that sustainable broad acre crops are available to drive the expansion of the Ord Irrigation Scheme. This region has two major annual broad crop options, and they are cotton and sugar;

4. GM Cotton uses less water per hectare than most other crop options. It is therefore more water efficient, and sustainable in that regard;
5. GM cotton has gross margins better than most crop options, and therefore offers better returns on investment, making investment in expanding the Ord Scheme more attractive;
6. GM cotton uses no more pesticides than other crops;
7. GM cotton offers the advantage of a long shelf life product, and is light, making storage and transport, in and from a remote region attractive, compared to some other crops which are heavy, have high water content, short shelf lives, and require refrigeration;
8. Just as Minister Ripper believes market forces should determine the fate of the sugar industry, so should it determine the fate of GM cotton;
9. You, politicians generally, we all, and most people generally do not shop for clothing and not purchase cotton products because they might be of GM origin. That hardly enters people's minds.

Your continued opposition to cotton makes expanding the Ord Scheme more problematic.

The development and growth of tree crops is also an important aspect of the economy of the region. Council has been saying that we support strong diversity in the agricultural industry for a very long time. We see the benefit of tree farming as long as other crops are encouraged and supported in development. This is why we have been strong on GM Cotton understanding that cotton and sugar are rotational crops and importantly can provide an excellent economical return to farmers. There is in fact room for sustainable viable, tree crops, sugar, cotton and other horticulture crops in a fully expanded Ord Scheme. Your comments on tree farming are misplaced and lack respect for an emerging industry already employing a considerable number of people in our region, and contributing to the local economy. It is considered important that deep rooted perennial crops are part of diverse mix of crop options.

I would like to meet with you when next in Kununurra to discuss in more detail our concerns and hope that in future we can work together to ensure the East Kimberley reaches it full potential with your support.

Yours faithfully

Michele Pucci
Shire President

22nd June 2007

Attachment 3: Letter of response from Carol Martin to Shire President's letter



CAROL MARTIN
Member of the Legislative Assembly

19 Barker Street
PO Box 1433
Broome WA 6725
Phone: 08 9192 3111
Fax: 08 9192 3155
Freecall: 1800 882 157

July 5th 2007

Mrs Michele Pucci
President
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Doc No	059078
Date of	JUL 2007
Office	SP, CEO
Response	
File	42.09.01

Dear Michelle

Re: Letter dated the 22nd of June 2007

The issues that your council have raised in your letter to me dated the 22nd of June 2007 are valid but unfortunately, I am unable to agree with the comments on this occasion. I appreciate that there needs to be a responsible and rational approach to the issues related to the sustainable future of the Ord Irrigation Scheme.

To that end, I believe that there will only be one opportunity to get it right, and it is my opinion that the only way we can arrive at a realistic outcome, which will be productive for the long term, is to ensure that the enduring aims of the Kununurra community are met. This achieved, through a balanced and realistic approach to State and Federal Funding, the nations needs in terms of the food bowl concept, the opportunity to link the North of Western Australia to the Eastern and Southern States via rail and the needs for agricultural and social infrastructure in the East Kimberley Region.

Again, I believe we will only get one chance to do this right, and we must recognise all sides of the debate taking into consideration that the future must be viewed in the long term, not just the terms of government. The change of governments has not been an easy or productive process for the Ord Irrigation Scheme, nor Kununurra and Wyndham's Population. However, there has never been a government more committed to the Ord Irrigation Scheme since its construction over 40 years ago, than the current State Government. The most important part of that, being the 40 years of survival of the scheme and the struggle of all involved to maintain their livelihood in one of the youngest and most remote towns in the State. Another concern is the manner in which growers have been forced to cope without the relevant infrastructure to make their industry viable, profitable and most importantly sustainable.

It is my view that that the agricultural industry is not viable unless there is a change in the way we plan for the long-term future of the region and its industry base it is a proven fact that monocultures do not work, diversity in crop is essential to the success of any agricultural industry in the Kimberley region, this must be kept in mind when we plan for the long term future of the East Kimberley.



Working for the Kimberley

As a responsible representative, I must take into consideration the most important issues arising from the debate, and that is the long term vision for the future of the Ord Irrigation Scheme, the needs and aspirations of the State and Federal Governments, and their commitment to the funding and supply of infrastructure for this region as of paramount consideration. To that end, I am pleased that the State Government has re-released and opened up the EOI process again, so the extra land available will be an added incentive to developers who want to take up the challenges in the development of Ord Stage II. I personally view the financial commitment of the Federal Government as appropriate, and an essential element in the long-term sustainable future of the Ord Irrigation Scheme.

However, if the Federal Government continues to promote the concepts of a "Food Bowl for the Nation" be located in the East Kimberley, then I am supportive of the partnership between the State and Federal Governments if it includes infrastructure such as;

- Improved road networks;
- Upgrades to the current water carriage system;
- Updating of irrigation practices to save water and better use technology;
- Upgrades to the Port of Wyndham;
- Housing and essential services in both Kununurra and Wyndham;
- Rail service that links up with the Southern Cities;
- An airstrip capable of exporting produce internationally.
- Research into food crops, and capacity for more than one crop per year is essential for the long term future of the region; and finally
- More Social infrastructure and services for Kununurra and Wyndham.

These are some of the concerns I find of the utmost importance as the Local Member, and unfortunately I am unable to support any other view until these issues are resolved. If in fact the EOI process comes up with some of the answers then we can continue our discussion with regards to GM Cotton.

As to the comments I made in the local media, I made them as short sharp statements, the detail is here and the concerns raised along with a number of other matters for consideration. I must say I am uncomfortable leaving other issues completely unexplored, so again on this matter and in view of the changes in specifications for the Expression of Interest process, I believe it is in the best interests of the East Kimberley community to ensure that the opportunity is not lost in getting this region on target and appropriately funded for the long term.

I have provided some further information as to my concerns and some questions that need to be raised I hope this stimulates further discussion. If you need any further information please do not hesitate to contact me on the numbers provided.

Yours Sincerely



Carol Martin MLA BASW JP
Member for Kimberley

cc Premier, Hon Alan Carpenter MIA
Deputy Premier, Hon Eric Ripper MLC
Minister for Agriculture, Hon Kim Chance MLC
Minister for the Kimberley, Hon Jon Ford MLC

FOOD FOR THOUGHT

On Tree Farming

Tree Farming is a great industry and one which is present for the long term in this region. There are lots of positives such as the ability of the Tree farmers to draw investors, create carbon credit opportunities and research and development expertise. These are just a couple of important factors, which we can add to the assets that are so essential to the long-term viability of the Ord Irrigation Scheme.

Now we need to explore some of the issues that may impede other crops, and agricultural opportunities in the Ord Irrigation Scheme.

My question to you is:

Should Tree farming take place on the prime land that could be better accessed and used for crops with a greater sale value, such as food crops?

Or, should Tree Farming be strategically located on land that is appropriate for tree farming and less desirable for food crops, the issue being that once you start tree farming on a property it can hold that more desirable land up for a least of 15 years?

On Genetically Modified Cotton

The infrastructure required for GM cotton or any fibre crop must be weighted up with the possible loss of infrastructure benefits for the region, and the loss of those opportunities for long term future of the East Kimberley region, such as rail, ports, housing, new technology and all the other benefits associated with a food crop based industry.

I have another question with regards to Genetically Modified Cotton, and I think the most important part of this debate is not so much the cotton, its more to do with the fact that we will need to get the Ord Stage II right the first time:

Should GM cotton be the primary industry when there is now a need for more food crops Australia wide?

Should the moratorium on GM Cotton be lifted?

Given that this was a campaign pledge and I personally believe that once you give your word you must keep it, so until the moratorium is lifted, there should be no GM Cotton grown anywhere in the Kimberley region, and the only large agricultural area in the region is the Ord Irrigation Scheme.

Should we establish an industry and expend huge financial resources in a crop that cannot be easily removed or the industry infrastructure dismantled if needed, when the crisis emerges with the lack of food crops to feed the nation?

How many applications have been received for growing of GM Cotton Crops?

I understand that the only application made have been for research purposes, and there have been no other applications for this crop in Western Australia to grow GM Cotton on a commercial bases. This process is the sole responsibility of the National Gene Technology Regulator, which is a Federal Government instrument, and is not a part of state government responsibilities.

On Sugar

One of the issues raised with regard to the downfall of the sugar industry, one of the single most talked about reasons was the lack of land availability for sugar growing, however, the land that is available is not designated for cane growing and there is no onus on the growers to actually grow sugar cane, unless under contract to do so. So the land argument does not stack up when growers have land but choose to grow more profitable crops it is their right to do so, as they must make a living. I have had the argument with a number of other Politicians about the rights of growers to decide their own cropping and will maintain that their rights to crop selection should prevail.

The EOI process was meant to assist the Sugar Industry, and comments made to me I feel are completely unacceptable. Such as ' the Sugar industry should have been able to get preferential treatment to ensure the future of the Sugar industry. I am floored that anyone would suggest or insist that the National Competition Policy should be ignored to provide anyone with an unfair advantage. The EOI process is meant to identify the areas, companies and other variables, which will impact on the sustainable industry we hope to develop in the Ord Irrigation Scheme and enable the government to make a responsible decision in terms of those proposals.

The Sugar industry in the Ord Valley has never been viable according to your own growers from their comments recently in the local, state and national media. None the less this government came forward with an assistance package being the Sugar Cane crop for this year will be harvested what about next year. another assistance package?

Attachment 4: Draft letter of response to Carol Martin, Member for Kimberley

Our Ref: 42.09.01

Carol Martin
Member for Kimberley
PO Box 1433
BROOME WA 6725

Thank you for your letter dated 5 July 2007, in reply to our Council's concerns about your recent press release. In response I advise:

1. I am glad that you acknowledge the prime importance *"that the enduring aims of the Kununurra community are met"* in regards to the expansion of the Ord Irrigation Scheme. These aims are best met by the State and Commonwealth Governments getting their acts together and getting on with the job of expanding the Scheme. Lake Argyle and the Diversion Dam were built for this purpose.
2. You continue to raise the issue of a rail link to Eastern Australia from the Kimberley region. We agree that a project of this magnitude has national benefit. But we will not sit back and allow decades to pass while politicians pontificate over the merit of long term projects like this. The Ord Scheme needs to be built, and it needs to be built now. Any politician who is not on board with that is out of touch with this community. Please forward copies of documents you have related to this rail concept so that Council can be fully informed about it.
3. Our Council is viewing this region in the long term; the State and Commonwealth governments are not. Our Council understands the long term value of the Ord Irrigation Scheme reaching its full maturity, so that the services and quality of life of the residents of this region are advanced. Frankly, it is your government that is taking a shorter term political view of things and delaying expansion of the Ord Scheme, using the Commonwealth's new found interest in this project as an excuse for lengthy delays.
4. Neither the State nor Commonwealth Government allocated funding to advance this project in their 2007/08 budgets. There is no clearer demonstration of the lack of political will to advance this project and this region than this lack of funding allocation.
5. In fact the State Government recently announced that an additional budget surplus for the 2006/07 year of \$187M. This additional surplus (additional to the already known large surplus of over \$1B previously advised by the State) is to be used to assist fund the Dr Fiona Stanley Hospital and retire State debt. Both worthy uses of this additional surplus. Another worthy use would have been for the State to allocate it to the Ord expansion and

publicly request the Commonwealth match this allocation. In the lead up to a Commonwealth election, and in the wake of the Commonwealth's stated desire to develop Northern Australia, it would have been difficult for the Commonwealth not to have done so. While your government chooses not to do these things, our Council will perceive our region is being used as a political football by your government on this Ord project.

6. You mention the *"change of governments not being an easy or productive process for the Ord Irrigation Scheme, nor Kununurra's or Wyndham's population"*. What do mean by that? Surely you are not referring to your State Government which has been in government for seven years now, or the Commonwealth government which has governed for longer. If these governments cannot expand the Ord Scheme towards its full potential in that time, then our region is entitled to think they do not have the will to do it at all.
7. You mentioned growers being forced to cope with certain infrastructure to make their industries viable. What you fail to acknowledge is the key to this viability is economy of scale. This is something that will only come with substantial additional land release, which your government has not facilitated to date. We are judged by what we achieve, not what we say we are going to achieve.
8. On the matter of land availability, your government chose not to include the Matinea land or the Ord West Bank in the last Expression of Interest (EOI) process, despite both these parcels of land having significant potential benefit to this region if developed, and despite them both having lower infrastructure development costs, and being attractive to potentially different and diverse agricultural production. Why is it that your government continues to be ambivalent to release these lands for development, when there is clearly demand for this land? I enclose correspondence on this issue for you.
9. Our Council is well aware that monocultures are not desirable. Your government knows full well our Council views on this from many previous meetings with Ministers, detailed correspondence, and press releases. You are stating the obvious as if our Council is naive or ignorant of this fact. It is also true however that the market will determine what is economic to grow, and that sustainable broad acre crops are likely to be needed to drive the expansion of the Ord Scheme to its full potential. Your government's refusal to allow and to encourage one of those crops, GM cotton, is making it potentially more difficult to get this development to occur. Land use changes over time, and should it be more economic to grow other food crops, as you indicate, then growers will do that. However at present there are not sufficient markets to justify this and our region is not prepared to wait decades for these markets to be developed, and not have an expanded economic base in the meantime.
10. Our Council too is pleased that your government and the Commonwealth is now talking about making 30,000Ha available for development rather than just 16,000Ha. We remain very sceptical however because talk is cheap. Seeing is believing, and the sort of time frames of up to two years for another EOI process are not acceptable. Those time frames conveniently puts this process very close to, and if not after, your government's next State election. Again this smacks of this project, and this region, being

used as a political football. The message from our Council is clear, if State and Commonwealth governments are serious then allocate the capital funds for things like multi user infrastructure now and get moving with development of lands with environmental, heritage, and title clearances done already. We do not want the project delayed by the lack of these clearances on the Northern Territory lands conspiring to delay things.

11. Our Council too views a substantial financial commitment from the Commonwealth Government to this project as appropriate. Your Government has had seven years to negotiate this, and from what we can see it did very little about that before the last EOI process commenced in September 2006, despite our recommendations to your State your officials for this to be pursued. The new found interest in this project by the Commonwealth and your State government's interest in their funding is again convenient political opportunism, at our region's expense. Commit to capital funding and we will see it differently.
12. Your comments about the need for additional infrastructure, to compliment expansion of the Ord Irrigation Scheme are noted. First things first Carol. If we are to wait for some utopian planned out holistic model for all things needed then we are kidding ourselves and must realise that history says life and community development is not like that. Release the land, allow development to occur and, and the well known infrastructure need will be progressively addressed.
13. It is not entirely accurate to say that other issues such as the infrastructure issues you raise are completely unexplored. Our Council, for example, has plans to expand the airport, and Minister MacTiernan is aware of those. Considerable planning has occurred with your State Land Development Agency- Landcorp on residential, commercial, and industrial land release to support an expanded economic base. There are many examples where planning is well under way. There are other needs, sadly which are not well progressed. For example planning for modernisation of the Wyndham Port, our States most northerly Port. It is your government's responsibility to do that planning. Please get on with that.
14. You raise the issue of research into food crops and the need for more than one crop per year. Your government has around 70 staff at the Frank Wise Agricultural Research Station in Kununurra. A research station which has been operating for over 30 years. If you are not happy with progress on this issue, then your government should be intensifying its work on it and allocating the extra resource for that. Of course it is not doing that, and so your claims on this matter are quite shallow. Further, you will recall from previous correspondence our Council has provided to you on 1 June this year, that we have been encouraging your government to develop a world class Centre of Excellence in Tropical Agriculture, at the Frank Wise Research Institute to advance research into tropical food production. Sadly your Government and Department of Agriculture and Food has shown little, if any, enthusiasm for this opportunity.

You will have gathered from this letter, that our Council is not content with the rhetoric we see and hear coming from the Commonwealth and your own Government, about our region. Until your government gets serious about this Ordinary Meeting, MINUTES
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regions future, we have no alternative but to call it as we see it, and articulate this most vigorously at every opportunity.

We will now take up your offer to comment on the other matters you have raised as "Food for Thought". Thank you for raising those. Our Council's comments are:

Tree Farming

The real issue with Tree Farming is that there is grossly insufficient land for the agricultural pressures and opportunities, forcing intense competition for the limited land available (just 14,000Ha). Are you suggesting that Tree Farming not be allowed? That is perhaps suggesting that interference in the market should occur. There are many who think that having deep rooted perennial crops, with long rotations in an agricultural system are a good thing, from a sustainability point of view. That is why the Wheatbelt region is trying so hard, after more than 80 years of annual crops, to get oil mallees into their system. There is room for economies of scale of broad acre crops including, sugar, cotton, tree farming, chickpeas, chia etc and well as an expanded horticultural sector in the Ord Scheme, BUT only if it is developed to its full potential.

By the way Tree Farming currently employs 120 people directly in Kununurra. Even without this emerging industry, and if all the land it uses was taken with sugar, the sugar industry would still barely be at a sustainable, world competitive scale. The bottom line there is insufficient land development and availability until the Ord Scheme is expanded substantially.

GM Cotton

Our Council is not suggesting that GM Cotton be the primary crop. We are however suggesting that along with other broad acre crops like sugar (from which power and ethanol should also be produced), that it can add to the diversity of agriculture, at scale needed, to assist in gaining a return on development investment. Your government is not giving the market or this region that opportunity. A sustainable, scaled up cotton industry has its own value and flow economic benefits to a region, just as other industries do.

GM Moratorium

There is not a lack of food crops in Australia to feed our nation as your comments imply. Australia is a net exporter of food. We are in fact capable of feeding a large part of the world's population if our Nation was to get serious about that.

We note that your government supports the sugar industry here, a product which has traditionally been exported to Indonesia for processing into food additives and from there to Korea for addition to the food chain.

To suggest that we should not produce GM Cotton because it is not a food crop, while your government has been paying for and doing research on this crop for 10 years in Kununurra is strange, implying that the Cotton industry in Eastern Australia is somewhat ill founded.

Application for GM Cotton

Comments by your self and those of Minister Chance, in a letter to the Kimberley Echo 28 June, 2007 are a bit cute, when they suggest no applications for commercial growth of GM cotton have been received. Do you think that might something to do with:

- Your government's moratorium on commercial GM crops, and the market signal that sends.
- The failure of your government to actively encourage these applications.
- The lack of land for industry scale development.

Sugar

Our Council agrees that growers should have the right to grow crops they choose. Your government of course does not apply that principle to GM cotton!

We have already explained that even if all land used for trees was available now for sugar, the sugar industry would still be sub economic in the global scale it must compete in. More land is needed for it to be successful. Both the State Government and the market know through the past EOI process that there is a high level of confidence in the sugar industry going forward, but only if it is at the appropriate scale.

Our Council has not suggested that the National Competition policy should be ignored on the sugar industry.

Regards

Michel Pucci
Shire President

Cc Minister Turnbull
 Barry Haase Member for Kalgoorlie

16.3. Adoption Of Structure Plan – Lot 21 Weero Road Kununurra

DATE:	17 July 2007
PROPONENT:	J & P Kirby
LOCATION:	Lot 21 Weero Road
ATLAS REFERENCE:	Map 37 D5
AUTHOR:	Keith Williams - Town Planner
REPORTING OFFICER:	Peter Stubbs - Chief Executive Officer
FILE NO:	01.2462.02
ASSESSMENT NO:	2462

PURPOSE

For Council to consider submissions received during advertising of the Structure Plan for Lot 21 Weero Road and adoption of the Structure Plan.

BACKGROUND

Council has considered the structure plan previously, and determined to advertise the structure plan given divergence from Local Planning Strategy and Scheme provisions.

Site Location

The subject site is located on Weero Road, and constitutes the Weero Road Rural Living Area. It is approximately 15 kilometres by road from the centre of Kununurra, and is located to the north west of the town.

Proposed land Use / Development

The structure plan will provide for the subdivision and development of the site for Rural Residential purposes.

FINANCIAL IMPLICATIONS

NA.

PLANNING ASSESSMENT

Local Planning Strategy

The subdivision is generally consistent with the endorsed LPS, which allocates the land for rural residential purposes. The lot yield is greater than that permitted under the Local Planning Strategy, and if Council supports the structure plan then the LPS will be required to be modified to reflect the higher lot yield.

Town Planning Scheme No 7

The land is located within the Weero Road Rural Living Area, which was included in the Scheme via Amendment 3 to the Scheme. The structure plan promotes land uses and development that are consistent with this zoning.

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CONSULTATION

The Structure Plan was advertised for 28 days in accordance with the Western Australian Planning Commission's Guidelines for the Preparation of Local Structure Plans.

CONCLUSION / COMMENT

The Lot 21 Weero Road Structure Plan and documentation was required to be advertised. Submissions with comment objecting to parts of the Structure Plan were received. The submissions have been addressed in the Schedule of submissions attached as Attachment 1.

It is recommended that the Structure Plan be approved.

ATTACHMENTS

Plans will be tabled at the meeting. Plans and reports are available on request.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council

1. Note the submissions and recommendations as contained in the Schedule of Submissions attached.
2. That Council adopt the Structure Plan as submitted by J & P Kirby for Lot 21 Weero Road.
3. That Council agrees to modify the Local Planning Strategy to provide for a greater lot yield on Lot 21 Weero Road, in accordance with the submitted structure plan, for the following reasons:
 1. The structure plan generates a greater supply of land, which is currently in short supply, and will reduce impact on Priority Agricultural Land;
 2. The structure plan will create a variety of lot sizes that will be easier to manage;
 3. The Kununurra Heavy Haulage Route has been confirmed by Main Roads WA, and the higher lot yield will provide lifestyle housing in close proximity to the Ord Irrigation Area.
4. That Council forward the proposed modification to the Local Planning Strategy to the Western Australian Planning Commission for approval.

COUNCIL DECISION

Minute No. 7803

Moved: Cr J. Buchanan

Seconded: Cr R. Devenish-Meares

That Council

- 1. *Note the submissions and recommendations as contained in the Schedule of Submissions attached.***
- 2. *That Council adopt the Structure Plan as submitted by J & P Kirby for Lot 21 Weero Road.***
- 3. *That Council agrees to modify the Local Planning Strategy to provide for a greater lot yield on Lot 21 Weero Road, in accordance with the submitted structure plan, for the following reasons:***
 - 1. *The structure plan generates a greater supply of land, which is currently in short supply, and will reduce impact on Priority Agricultural Land;***
 - 2. *The structure plan will create a variety of lot sizes that will be easier to manage;***
 - 3. *The Kununurra Heavy Haulage Route has been confirmed by Main Roads WA, and the higher lot yield will provide lifestyle housing in close proximity to the Ord Irrigation Area.***
- 4. *That Council forward the proposed modification to the Local Planning Strategy to the Western Australian Planning Commission for approval.***

Carried 6/1

Cr K. Wright requested that votes be recorded.

For: Cr M. Pucci, Cr J. Buchanan, Cr R. Devenish-Meares, Cr K. Wright, Cr D. Ausburn, and Cr J. Parker

Against: Cr M. Middap

ATTACHMENT 1: SCHEDULE OF SUBMISSIONS

Submission By:	Submission Summary:	Comment:	Recommendation
SL RL LS & CR Dobson	Comment on structure plan		
	Recognises concerns by implementing adequate buffer zones and notifications on titles recognising existing agricultural uses within the immediate area and the potential impact on our right to farm. The land is viable farming land. Farming land of this quality is a limited resource within the Shire of Wyndham East Kimberley and it will be a shame to see this resource lost to agriculture for ever. Recognise the pressure for additional housing opportunities. Weero Road should be sealed by proponent prior to subdivision approval inline with current vehicle movement policy. Increase in traffic even during construction will necessitate this upgrade. Apparent lack of recreational open space within the proposed subdivision.	Local Planning Scheme [LPS] and Town Planning Scheme [Scheme] provisions confirm buffers. Structure plan conforms to LPS and Scheme provisions. LPS assigns the subject land for Rural Residential purposes due to lack of supply. Structure Plan conforms to proposed use of the land for Rural Residential purposes. LPS assigns the subject land for Rural Residential purposes due to lack of supply. Heavy Haulage Route will make Weero Road redundant as access route for proposed rural residential area. This comment relates to subdivision process.	Note comment. Note comment. Note Comment. Note comment - address via subdivision comment.
	Road between the proposed subdivision and the foreshore would enable the entire community of Kununurra to benefit from the proposal with improved access to the lower Ord River. No flora and fauna survey has been conducted and our concern here is for the Typhonium Species	Recreational space is not required under Act. Recreational space is located adjacent to the subdivision within the riverine environment [although not recognised by land tenure] and car parking bays are provided in structure plan for access] Structure Plan achieves balance between private and public frontage. Assessment was done for Rezoning Amendment. DPI will refer subdivision to EPA for comment. Any non-	Note comment. Note comment.

	<p>which is also found on Lot 781.</p> <p>The proponent is yet to finalize conditions placed on the subdivision of Lot 20 with respect to access to remaining freehold land.</p>	<p>compliance will be picked up through subdivision assessment process.</p> <p>DPI has granted license to access dwelling through foreshore reserve - not related to structure plan.</p>	<p>Note comment.</p>
C Dobson	<p>Comment on structure plan</p> <p>The proponent has failed to meet the conditions of a previous subdivision whereby the proponent was granted subdivision of lot 20 on condition that an all weather access road was built to service his remaining property.</p> <p>The proposed road within the subdivision should run along the entire interface between the subdivision and the foreshore creating access to the newly formed public open space.</p> <p>As a resident of Weero Road I would expect that with the traffic increasing to above 50 movements per day that the proponent would be responsible for the bituminising of Weero Rd.</p>	<p>DPI has granted license to access dwelling through foreshore reserve - not related to structure plan.</p> <p>Structure Plan achieves balance between private and public frontage.</p> <p>Heavy Haulage Route will make Weero Road redundant as access route for proposed rural residential area. This comment relates to subdivision process.</p>	<p>Note comment.</p> <p>Note comment.</p> <p>Note comment - address via subdivision comment.</p>
B Williams Kimberley First National Real Estate	<p>Supports structure Plan</p> <p>Supports 108 lots</p> <p>Region needs lifestyle blocks due to lack of supply Region will benefit</p>	<p>LPS confirms lack of supply and need for diversity of lot sizes</p> <p>LPS confirms lack of supply and need for diversity of lot sizes</p> <p>LPS confirms lack of supply and need for diversity of lot sizes</p>	<p>Note support</p> <p>Note support</p> <p>Note support</p>

17. MATTERS BEHIND CLOSED DOORS

17.1. Senior Officer Contract

COUNCIL DECISION

Minute No. 7804

Moved: Cr R. Devenish-Meares

Seconded: Cr K. Wright

That Council consider the Senior Officer Contract review behind closed doors in accordance with Section 5.23 (2) of the Local Government Act as it is a matter affecting an employee of the Shire and their personal affairs.

Carried Unanimously 7/0

COUNCIL DECISION

Minute No. 7805

Moved: Cr R. Devenish Meares

Seconded: Cr J. Parker

That Council extend the employment contract for the Executive Manager of Town Planning, Mr Keith Williams with the following change:

- *Term of Contract until 31st December 2010.*
- *A new salary package be adopted with a base salary increase of \$7,500 and the removal of any bonus payment.*

Carried Unanimously 7/0

The report considered by Council in relation to the Senior Officer Contract is not available to the public and is not included with the Council minutes in accordance with Section 5.95 (5) as it contains information of a private nature.

COUNCIL DECISION

Minute No. 7806

Moved: Cr J. Parker

Seconded: Cr M. Middap

That Council re-open the Council meeting to the public.

Carried Unanimously 7/0

18. CLOSURE

With all items of business complete the Shire President declared the meeting closed at 7:50pm.