



MINUTES
ORDINARY MEETING OF COUNCIL
13 DECEMBER 2016



MURCHISON REGIONAL VERMIN COUNCIL



MINUTES ORDINARY MEETING OF COUNCIL 13 DECEMBER 2016

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Murchison Regional Vermin Council
Minutes of the Ordinary Meeting of Council – 13 December 2016 at 10.00am
In Council Chambers, 90 Hepburn Street, Mount Magnet

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

Present:

Chairman	Cr Neil Grinham
Deputy Chairman	Cr Jason Homewood
Member	Cr Robert Grinham
Member	Cr Les Price
Member	Cr Ross Pigdon
Member	Cr Carol Hodshon

Apologies: Cr Kerry Key, Cr Joe O'Brien and Cr Beth Walton

Leave of Absence:

Also in Attendance

MRVC A/CEO Mr Dominic Carbone, Cr Eliz Morris, Shire of Cue CEO Rob Madson

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
Nil
4. **PUBLIC QUESTION TIME**
Nil
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
Nil
6. **DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
Nil
7. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

7.1 Minutes of Ordinary Meeting held on 13 September 2016

COUNCIL RESOLUTION

Moved: Ross Pigdon

Seconded: Cr Jason Homewood

That the minutes of the Ordinary Meeting held on 13 September 2016 as circulated be confirmed as a true and correct record of the meeting.

CARRIED: 6/0

8. **ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Meeting held with the Minister for Agriculture Hon Mark Lewis, Senator for Western Australia, Hon Dean Smith, Mid West Development Commission and Ministerial Staff of Department of Regional Development and Agriculture and attendance at the National's State Conference in Geraldton. The A/CEO, Shire of Yalgoo CEO, Consultants Karen Cosgrove and Jon Grant were present at all or some of the meetings held.

9. PETITIONS

Nil

10. DECLARATIONS OF INTEREST

A/CEO Dominic Carbone Report No. 12.10 Appointment of CEO – Part time.

11. BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

12. REPORTS

12.1 Financial Activity Statement for the Period 1 July to 30 November 2016

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	1 December 2016
Attachment 1	- Financial Activity Statement for the Period 1 July 2016 to 30 November 2016
	- Summary of Current Assets and Liabilities as at 30 November 2016
	- Detailed Worksheets

Matter for Consideration

Adoption of the monthly financial statements.

Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

Statutory Environment

Local Government Act 1995

Section 6.4-Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (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 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 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);
 - (e) The net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Financial Implications

Nil

Consultation

Nil

Comment

The Regional Council has a minimum requirement to prepare a monthly Financial Activity Statement and is to be accompanied by an explanation of the composition of the net current assets of the month to which the statement relates. The Regional Council may want to produce other management reports at its discretion but it must meet its statutory obligation.

Accordingly the Acting Chief Executive Officer has produced the above mentioned financial statements in order that the MRVC meets its statutory compliance.

Voting Requirement

Simple Majority

COUNCIL RESOLUTION

Moved: Cr Les Price

Seconded: Cr Jason Homewood

That Council adopts the Financial Activity Statement for the period ending 30 November 2016.

CARRIED: 6/0

12.2 Accounts for Payment 1 September 2016 to 30 November 2016

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 1 December 2016

Attachment Nil

Matter for Consideration

Council approve the Accounts for payment list for the period 1 September 2016 to 30 November 2016 as detailed in the report below.

Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and such to be recorded in the minutes of the meeting.

Statutory Environment

Local Government Act 1995

6.10. Financial management regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government; and
- (b) the keeping of financial records by a local government; and
- (c) the management by a local government of its assets, liabilities and revenue; and
- (d) the general management of, and the authorisation of payments out of —
 - (i) the municipal fund; and
 - (ii) the trust fund,of a local government.

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
 - (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications

Nil

Financial Implications

Nil

Consultation

Nil

Comment:

The list of accounts paid for the period 1 September 2016 to 30 November 2016 are as follows:

**MURCHISON REGIONAL VERMIN COUNCIL
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 SEPTEMBER 2016 TO 30 NOVEMBER 2016**

DATE PAID	PAYEE No.	PARTICULARS	AMOUNT \$
01-09-16	COMMONWEALTH BANK	ACCOUNT FEE	5.00
01-09-16	COMMONWEALTH BANK	TRANSACTION FEE	0.20
01-10-16	COMMONWEALTH BANK	ACCOUNT FEE	5.00
14-10-16	GRANT CONSULTANTS	CONSULTANCY FEE BUSINESS ECONOMIC FEASIBILITY STUDY	7,425.00
14-10-16	NEIL GRINHAM	TRAVEL AND ACCOMMODATION FOR MEETING	560.75
01-11-16	COMMONWEALTH BANK	ACCOUNT FEE	5.00
30-11-16	TRANSFER FUNDS TO SAVING ACCOUNT	FROM OPERATING A/C	120,000.00
30-11-16	SHIRE OF MOUNT MAGNET	SATELLITE PHONE RENTAL	400.00
30-11-16	ANDERSON MUNRO AND WYLLIE	INTERIM AUDIT FOR 2015-16	1,650.00
30-11-16	GRANT CONSULTANTS	TRAVEL AND ACCOMMODATION FOR MEETING	3,795.00
30-11-16	RSM BIRD CAMERON	ACCOUNTING SERVICES RELATING TO 2015-16	2,075.15
	TOTAL		135,921.10

Voting Requirement:

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Robert Grinham

That Council approve the list of accounts paid for the period 1 September 2016 to 30 November 2016 amounting to \$135,921.10 and the list be recorded in the minutes.

CARRIED: 6/0

12.3 Debtors – Outstanding as at 30 November 2016

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 1 December 2016

Attachment: Nil

Matter for Consideration

That Council receive the Debtors Outstanding Report as at 30 November 2016.

Background

Council be informed of debtors outstanding

Statutory Environment

Nil

Consultation

Nil

Comment:

The outstanding debtors as at 30 November 2016 are detailed below:

Private Works (MRWA)	\$ 8,170.95
Fence Rental	\$10,333.47
Member Contributions	<u>\$20,298.30</u>
Total	<u>\$38,802.72</u>

Details of Outstanding debtors are available to members under a separate document.

Council is also requested to give consideration to writing off the following amounts outstanding.

- Westag Holdings Pty Ltd	\$7,580.71	Fence Rental 20-08-09 to 2014-15
- Windsor Station	\$ 473.27	Fence Rental 2014-15
- Narndee Station	<u>\$ 719.39</u>	Fence Rental 2014-15
TOTAL	<u>\$8,773.37</u>	

Voting Requirement

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Les Price

- (1) That Council Receive the Outstanding Debtors Report as at 30 November 2016.
- (2) That outstanding debtors amounting to \$8,773.37 as detailed in the report be written off, subject to the A/CEO Confirming that the amounts owing by Windsor and Narndee Stations relate to previous owners.

CARRIED: 6/0

12.4 Permit to Use Vermin Fence Access Track

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 1 December 2016

Attachment - Ms Norma Phillips letter dated 19 October 2016

Matter for Consideration

Council give consideration to granting access to a portion of the MRVC Vermin Fence track.

Background

A request was received from Ms Norma Phillips a sandlewood contractor to use a stretch of the MRVC Vermin Fence Access Track to travel 75 kilometers North and South of Campsite. The request was for various vehicles and machinery utilized by her workers and that the permit be valid for 5 years ending 2021. Council at its September 2016 Ordinary Council meeting gave consideration to the request and resolved in part:

“That Council not grant a permit to use the portion of the MRVC vermin fence Access track as detailed on the map”.

Statutory Environment

Nil

Consultation

Nil

Comment

A response has been received from Ms Norma Phillips dated 19 October 2016 stating that she has utilized the fence for the past 22 years and will maintain to respect the fence as she has done in the past.

Council may consider to review Ms Phillips request and grant a permit subject to the following conditions.

- (1) That any damage caused by her workers to the fence and track be repaired at her costs.
- (2) That any damage to the fence sighted by her workers be reported to the MRVC promptly.
- (3) The MRVC will take photographs of the fence and track in order to ascertain damages caused. This to be undertaken when the co-ordinator or contractor travels the route next.

Voting Requirement

Simple Majority

Cr Ross Pigdon Moved part 4 of the motion and Seconded by Cr Les Price that Mr Steven Hempel be granted a permit to use the MRVC Vermin Fence track for the purpose of wild dog control including baiting for a period to coincide with his contract with the

Meekatharra Rangelands Biosecurity Association (Inc.). Mr Steven Hempel contract ends on 30 June 2017.

Cr Carol Hodshon asked that the Motion be split into two parts 1 to 3 and 4 which was Seconded by Cr Robert Grinham there being no further discussion the Chairman split the motion.

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Les Price

That Council.

1. *Grant a permit to use the portion of the MRVC vermin fence access track to Ms Norma Phillips a sandlewood contractor subject to the following conditions.*
 - (i) *That any damage caused by her workers to the fence and track be repaired at her costs.*
 - (ii) *That any damage to the fence sighted by her workers be reported to the MRVC promptly.*
2. *Subject to (1) above that the permit be valid for the period 13 December 2016 to 13 December 2021.*
3. *That photographs be taken of the section of the fence and track by the MRVC's Co-ordinator or Contractor when next travelling the route.*

CARRIED: 5/1

4. *Grant a permit to Mr Steven Hempel to use the MRVC Vermin Fence Track for the purpose of wild dog control and baiting for a period to coincide with MRBA contract.*

CARRIED: 6/0

12.5 Investments as at 30 November 2016

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	1 December 2016
Attachment	Nil

Matter for Consideration

That Council receive the Investment Report as at 30 November 2016.

Background

Money held in the Municipal Fund of a Regional Local Government that is not required for the time being may be invested under the Trustee Act 1962 Part III.

Local Government Act 1995

Statutory Environment

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b)deleted]*
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

 - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

Strategic Implications

Nil

Consultation

Nil

Comment

The worksheet below details the investments held by the MRVC as at 30 November 2016.

MRVC INVESTMENTS AS AT 30 NOVEMBER 2016								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT NO.	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
Commonwealth Bank	N/A	Operating A/c	65210311201	Ongoing	N/A	N/A	0.50%	51,639.27
Commonwealth Bank	N/A	Cash Deposit at Call	36558508	Ongoing	30.11.2016	31.01.2017	2.14%	324,571.95
TOTAL								376,211.22

INVESTMENT REGISTER

01 JULY 2016 TO 31 AUGUST 2016

Commonwealth Bank of Australia - Cash Deposit Account Number 36558508

Maturity Date	Interest Rate	Opening Balance	Interest Earned to 31.11.2016		Investment Transfers	Closing Balance 30.11.2016
3 months	2.14%	202,985.53	1,586.42		120,000.00	324,571.95
TOTAL		202,985.53	1,586.42		120,000.00	324,571.95

Voting Requirements

Simple Majority

The A/CEO informed the Council in relation to changes to be made in the above mentioned tables it was then:

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Les Price

That the Investment Report as at 30 November 2016 be received.

CARRIED: 6/0

12.6 Ordinary and Committee Meetings of Council Dates 2017

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 1 December 2016

Attachment Nil

Matter for Consideration

That Council set dates, times and locations for Council and Committee meetings for the calendar year 2017.

Background

Council is required pursuant to the Local Government Act 1995 to give local public notice of dates and times of Council meetings and those of Committee meetings which are open to the public.

Council generally meets on second Tuesday of each quarter.

Statutory Environment

Local Government Act 1995

Section 5.3 – Council meeting not to be more than 3 months apart.

Local Government (Administration) Regulation 1996.

12. Meetings, public notice of (Act S 5.25 (1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

Business Implications

Nil

Consultation

Nil

Comment

Council is requested to give consideration to the scheduled meetings to be conducted in the 2017 calendar year as detailed below.

Schedule of Meetings

MONTH	DATE	DAY	TIME	COUNCIL		LOCATION
March	14	Tuesday	10.00 am		Audit	Mount Magnet
March	14	Tuesday	10.30 am	Ordinary		Mount Magnet
June	13	Tuesday	10.00 am	Ordinary		Mount Magnet
September	19	Tuesday	10.00 am	Ordinary		Mount Magnet
December	12	Tuesday	10.00 am	Ordinary		Mount Magnet

Audit Committee meetings to be arranged as required by the CEO in consultation with the Chairperson. It's envisaged that at least one meeting will be held.

- (1) To give consideration to the Annual Compliance Return.
- (2) To give consideration to the Annual Report and meeting with Auditors whether in person or via teleconferencing.

Voting Requirements

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Bob Grinham

- (1) That the Ordinary Meeting of Council in 2017 be held in the Shire of Mount Magnet Council Chambers commencing at 10.00 am, except for the March 2017 meeting which is to commence at 10.30 on the following dates.

MONTH	DATE	DAY	TIME	COUNCIL		LOCATION
March	14	Tuesday	10.00 am		Audit	Mount Magnet
March	14	Tuesday	10.30 am	Ordinary		Mount Magnet
June	13	Tuesday	10.00 am	Ordinary		Mount Magnet
September	19	Tuesday	10.00 am	Ordinary		Mount Magnet
December	12	Tuesday	10.00 am	Ordinary		Mount Magnet

- (2) Subject to (1) above the MRVC advertise the scheduled meeting in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996
- (3) That Audit Committee meeting/s be arranged as required by the CEO in consultation with the Chairperson with one meeting scheduled for Tuesday 14 March 2017 commencing at 10.00 am.

CARRIED: 6/0

12.7 National Stronger Regions Funding Application

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 2 December 2016

Attachment - Letter to Core Business Australia dated 17 November 2016

Matter for Consideration

That Council give consideration to the report and what action/s it wishes to take in relation to the funding application.

Background

The MRVC engaged the services of Core Business Australia to prepare a Business Case for a funding application to the Department of Infrastructure and Regional Development under the National Stronger Regions Funding for the construction of the vermin cell fence.

Statutory Environment

6.8 Local Government Act 1995

Financial Implications

To obtain part funding for the construction of the vermin cell fence amounting to \$1.8 million.

Consultation

Core Business Australia

Comment

The MRVC received notification from the Department of Infrastructure and Regional Development that it was not successful in securing National Stronger Regions Funding for the Murchison Region Vermin Cell Fence.

The Acting CEO sought specific feedback from the department and the advice received was that the MRVC was not considered for funding on the basis that it was not an eligible applicant. The guidelines for funding state that an eligible applicant must be an organization that is a local government and may make an application in its own right or on behalf of a consortium. An eligible local government is defined as a body established by or under a law of the state, other than a body whose sole and principle function is to provide a particular service such as the supply of electricity or water.

The MRVC sole purpose is for the control, care and management of the vermin fence and therefore not eligible for funding. In order to be considered for funding the application needed to be made by all MRVC participating member local governments or by a participating member local government on behalf of the other members.

A review of the Core Business Australia proposal to prepare the business case reveals the following:

“At Core Business we understand that the key to writing excellent funding applications and successfully achieving grant funding is to:

- *Understand each project, each individual clients requirements and the critical path to success;*
- *Understand all of the requirements of each funding round/funding provider; and*
- *Tailoring each application to each funding source, including ensuring each and every required element is met and all supporting documents are sufficiently detailed to meet compliance criteria and support the achievement of a high score on assessment.”*

It is clear that the MRVC could not be an eligible applicant in its own right and the funding application did not meet the criteria set by the funding provider to be considered. On that basis the Acting CEO in a letter dated 17 November 2016 (copy attached) requested Core Business to provide appropriate comments in relation to the outcome.

The following responses were received by Core Business Australia via email:

17 November 2016

“Hi Dominic I’m not sure what the purpose of your letter is or what comment you are seeking. Can you please clarify.”

17 November 2016

“Hi Bruce I am seeking clarification as to why the application did not comply with the guidelines, some assurance was given in your proposal that it would. I consider your response is important in relation to addressing questions that members may have”.

18 November 2016

“Hi Dominic Happy to provide response. I’ve reviewed your request with mark and we have ascertained it will take a few hours of research to prepare a response. Are you happy we charge for this under the existing purchase order 124 or do you want to issue a separate purchase order”.

18 November 2016

“Hi Bruce Thank you for your response I have no authority to commit expenditure, therefore I will take the matter to Council for consideration in December 2016.

Council is requested to give consideration and what action/s it wishes to take in relation to the feedback provided by the Department of Infrastructure and Regional Development and whether it authorizes Core Business to provide clarification for a fee.

Voting Requirement

Absolute majority

COUNCIL RESOLUTION:

Moved: Cr Carol Hodson

Seconded: Cr Ross Pigdon

That Council:

Advise Core Business Australia that the MRVC is disappointed with the outcome of the grant application and is of the view that Core Business failed to ensure that the guidelines were complied with in relation to eligibility for funding.

CARRIED: 6/0

12.8 Amount Outstanding to Core Business Australia \$5,280

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 2 December 2016

Attachment - Letter from Core Business Australia dated 20 September 2016

Matter for Consideration

That Council give consideration to authorizing the payment of the amount outstanding to Core Business Australia \$5,280.

Background

The amount of \$5,280 represents a variation to the MRVC Vermin Control Fence Business Case for additional research and drafting associated with the release of the WA Wild Dog Action Plan charged by Core Business Australia.

For the above mentioned variation the same purchase order number 104 was quoted which was issued to Core Business Australia for the preparation of the MRVC Vermin Control Business Case. The Acting CEO requested Core Business to supply relevant documentation in relation to the variation. A response was received from Core Business which stated the following:

“To my knowledge there was no additional purchase order. The agreement to undertake the additional work post release of the WA Wild Dog Action Plan was a verbal agreement discussed between Paul and Warren”.

Council at a Special Meeting held 27 July 2016 resolved the following in part:

“(3) That the payment to Core Business Australia for \$5,280 (incl. GST) be withheld and the Acting CEO and/or the Chairman be authorized to obtain further clarification in relation to the amount invoiced.”

Statutory Environment

Local Government Act 1995

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; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

Local Government (Financial Management Regulations) 1996

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

Consultation

Nil

Comment

A letter dated 20 September 2016 was received from Core Business Australia (copy attached) and stating in part:

“It is our understanding that Warren verbally agreed to this and was happy to proceed with this task as a variation to the contract. Hence the additional services fall under the

provisions of Clause 1 of the signed Short Form Contract in relation to such other services as may be agreed from time to time”.

In summary

- (1) The resolution authorizing the variation was not recorded in the minutes of the meeting.
- (2) Councils recollection of what transpired at the meeting is different to that of the former CEO.
- (3) Core Business Australia undertook the alignment to the Wild Dog Action Plan without any formal communication but on verbal arrangements between Mr Paul Rosair Core Business Australia Associate and former CEO.
- (4) If in fact (1) above did not occur Council failed to meet its obligations as required pursuant to Section 6.8 of the Local Government Act 1995 as the alignment of the Business Case to the Wild Dog Action Plan could have been done on a separate contract.
- (5) Council has been invoiced by Core Business Australia for undertaking the alignment and Council was not made aware of the so called arrangements.
- (6) Council needs to consider whether the above constitutes a contract in law.

Voting Requirements

Simple Majority

Cr Homewood moved that the Officers Recommendation be not adopted and that in lieu of that the payment to Core Business Australia for \$5,280 (incl. GST) be withheld until such time as Council receives clarification in relation to Report No. 12.7 – National Stronger Regions Funding Application Seconded by Cr Ross Pigdon.

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Ross Pigdon

That Council:

Advise Core Business Australia that payment of the \$5,280 (incl GST) will be withheld until such time as Council receives clarification in relation to Report No. 12.7 – National Stronger Regions Funding Application.

CARRIED: 6/0

12.9 Annual Report 2015-16

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	2 December 2016
Attachment -	Annual Report 2015-16

Matter for Consideration

The acceptance of the 2015-16 Annual Report.

Background

The Council is required to prepare and adopt an Annual Report.

Statutory Environment

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) *deleted*]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and

- (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

5.54. Acceptance of annual reports

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

** Absolute majority required.*

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

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

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

Business Implications

Nil

Consultation

Nil

Comment

The Annual Report for the 2015-16 financial year has been prepared and Council is now requested to give consideration to adopting the Report. The Annual Report is to contain the information as detailed in Section 5.53 (2) of the Local Government Act 1995 as stated above and copies be made available at the Shire of Mount Magnet Administration Centre and on the MRVC Website.

A Regional Local Government is exempt from complying with Part 5, Division 2 and Subdivision 4 of the Local Government Act and therefore is not required to hold an Electors general meeting as per section 5.27 of the Local Government Act 1995.

Voting Requirement

Absolute Majority

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Jason Homewood

That Council

1. Accepts the 2015-16 Annual Report for the MRVC in accordance with Section 5.54 of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY: 6/0

12.10 Appointment of CEO – Part Time

File:

Author: Dominic Carbone, A/CEO

Interest Declared: Currently the A/CEO

Date: 3 December 2016

Attachment - Local Government Operational Guideline No. 10 – Appointing a CEO
- Draft Contact of Employment
- Draft Job Description

Matter for Consideration

The selection and appointment of a Chief Executive Officer.

Background

In May 2016 the Council appointed an Acting Chief Executive Officer for a term of 12 months.

With regards to the appointment of a part time CEO Section 5.36 of the Local Government Act requires a local government to employ a suitably qualified person to fill the position, Section 5.39 contains provisions for the employment contract and Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

Statutory Environment

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

- (2) A person is not to be employed in the position of CEO unless the council —
- (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

* *Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
- (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.

- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
- (b) in every other case, cannot be for a term exceeding 5 years.

(3) A contract under this section is of no effect unless —

- (a) the expiry date is specified in the contract; and
- (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and

- (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint in Gazette 28 Mar 2013 p. 1317).]

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

Local Government (Administration) Regulations 1996

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —

- (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in subregulation (1) is to contain —
- (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted in Gazette 31 Mar 2005 p. 1039.]

Business Implications

The MRVC is to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the Council are performed.

Consultation

Nil

Comment

Regulation 18A of the Local Government (Administration) Regulations 1996 sets out the advertising requirements for the recruitment of a CEO. Prior to initiating the process of advertising for the position, it must first be approved by the Council.

The following options are available to Council to assist in the appointment of a CEO.

- Management of the recruitment process internally.

The process can be managed by the Chairperson and the Acting CEO.

- Engagement of a recruitment agency.

Quotations to be obtained from at least 3 recruitment agencies and each agency to address the following criteria.

- Resources and methodologies for attracting candidates.
 - Track Record
 - Ability to support and advise in the recruitment process i.e. position descriptions, selection panel, shortlisting, interviewing and reference and qualification checks.
 - Cost and Fees.
- The Role of the CEO for the MRVC to be performed by a CEO of a member Local Government.

For Many years the role of the CEO for the MRVC was performed by the CEO's appointed by the Shire of Magnet. The Council could revert to this practice and in this instance there is no obligation to advertise the position in accordance with Regulation 18A of the Local Government (Administration) Regulations 1996.

It is recommended that the following checklist be followed in relation to the recruitment and appointment of a CEO if Council decides to recruit internally or by the use of a recruitment agency.

CHECKLIST

- Develop a profile of the preferred applicant (i.e. desired and essential skills, abilities, knowledge and qualifications).
- Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the *Salaries and Allowances Act 1975*).
- Review necessary documentation (contract of employment and position description).

NB: The key provisions to be included in the contract are: an expiry date, performance criteria and reference to the limit placed on the remuneration to be paid should the contract be terminated prior to the expiry date.

- Approve a process to be used for the selection and appointment of the CEO (i.e. stages of the process, who is to be involved and to what extent, whether a consultant is appointed and their role in the process).

NB: It is good practice for council to formally adopt a process to ensure transparency, clarity and a shared understanding. Once adopted, the process should be followed unless found to be flawed, in which case a decision should be made to amend the process as soon as possible.

- Advertise the position inviting applications from suitably qualified applicants (advertisement to contain information set out in 18A(2) of the *Local Government (Administration) Regulations 1996*).

- Applicants to be short listed (may be undertaken by consultants, selection panel/ committee or council).

NB: It is noted that in most cases this is done by the consultants or the selection panel/committee in conjunction with the consultants.

- Conduct interviews of the short listed applicants (may be undertaken by consultants, selection panel/ committee or council).

NB: This may be done prior to the final decision to appoint if availability of preferred applicant is limited due to travel arrangements etc. If not interviewed by the entire council it is recommended that all elected members meet with the preferred applicant prior to final appointment.

- Select preferred applicant/s (make recommendation for council to offer the position to the 1st preferred applicant subject to contractual negotiations, within the designated salary package, including the preliminary performance criteria to be contained in the contract).

NB: If 1st preferred applicant is not accepted or declines the offer, a decision may be made on any 2nd or 3rd preferred applicant in line until an offer and acceptance is reached or until no preferred applicants are appointed (applicants identity may remain confidential until such time a final appointment is made).

- Approve the formal and final appointment (must be decision by council that it:
 - (i) believes the person is suitably qualified for the position of CEO; and
 - (ii) is satisfied with the provisions of the proposed CEO employment contract).

NB: Absolute majority decision required for (ii).

A Draft Contract of Employment is attached to the Report for Council review and consideration. The Salary Package incorporated in the Draft Contract of Employment is based on the Salaries and Allowances Tribunal determination as at 12 April 2016. for Band 4 Total Reward Package range of \$126,956 to \$198,210 and is comprised of:

	Per Annum	Based on 220 hrs per annum
	\$	\$
Salary (Cash Component)	177,635	19,778 (hourly Rate \$89.90)
Motor Vehicle (estimated 5,000 km x 66 cents)	3,300	3,300
Telephone Reimbursement	400	400
Superannuation 9.5% per annum	16,875	1,879
 Total Package	<u>198,210</u>	<u>25,357</u>

A draft Job description for the position of CEO is attached to the Report for Council review and consideration.

The recommended process to be used for the selection and appointment of the CEO.

- (1) The Chairperson be authorized to advertise the position subject to Council approving the salary package, contract of employment and job description.
- (2) The Chairperson to receive all applications and prepare a shortlist for Council consideration.
- (3) Council to shortlist applicants for interviews.
- (4) Council to appoint a selection panel comprising of the Chairperson, Deputy Chairperson and Delegate to conduct interviews and make recommendation to Council of the preferred applicant/s.
- (5) Council to give consideration to the Selection Panel recommendation and offer the position to the preferred applicant/s in order.
- (6) Council approve the final appointment.

Voting Requirement

Simple majority

The Acting CEO declared an interest on the matter, Cr Carol Hodshon left the meeting at 12.16 pm and returned at 12.18 pm. Cr Jason Homewood Moved an amendment to part (4) of the Officers Recommendation which was Seconded by Cr Robert Grinham.

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Robert Grinham

That Council

- (1) Approve of salary package, draft contract of employment and job description for the position of Chief Executive Officer incorporated in the report.
- (2) Conduct the recruitment process internally.
- (3) Authorize the Chairperson to advertise the position inviting applications from suitably qualified applicants.
- (4) Appoint Chairperson, Deputy Chairperson and Delegate and/or a CEO of each member local government to the Selection Panel formed for the purpose of conducting interviews of shortlisted applicant/s and making recommendation to Council of the preferred applicant/s.

CARRIED: 6/0

12.11 Business Plan Incorporating a Revitalisation Program and Economic Feasibility Analysis

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	One of the Consultants engaged to prepare Business Plan
Date:	4 December 2016
Attachment -	Nil

Matter for Consideration

That Council give consideration to amending the content of the business plan in order to allow for its completion.

Background

At the MRVC Special Council Meeting held on 28 June 2016 the Business Plan together with the Revitalisation Program was duly presented to Council and accordingly received by the Council. At its September 2016 Ordinary Meeting Council resolved as follows:

“That Council

- (1) Receive the Economic Feasibility Analysis prepared by Grant Consultants in the implementation of the Murchison regional vermin cell.
- (2) Subject to (1) above the report along with the Business Plan and Revitalisation Program be presented to the relevant Minister, Members of Parliament and the Mid West Development Commission.”

Statutory Environment

Nil

Consultation

Nil

Comment

Meetings were held with representatives of the Mid West Development Commission Ministerial Staff of the Department of Regional Development and with the Minister for Agricultural, Senator for Western Australia the Hon. Dean Smith and at the Nationals State Conference in Geraldton.

Notification was also received from the Department of Infrastructure and Regional Development that MRVC funding application was not successful and is subject to a report on this Agenda. The release of the West Australian Dog Action Plan and Economic Feasibility Analysis prepared by Grant Consultants on behalf of the Shire have all subsequently occurred after the presentation of the latest version of the Business Plan.

In view of the above Council is requested to give consideration to updating the Business Plan subsequent to the above mentioned happenings. It is recommended that the Plan be reviewed and incorporate the following changes.

- (1) Incorporating the Economic Feasibility Analysis
- (2) Addressing the cell size concerns in line with the Dog Action Plan.
- (3) Deletion of the dual funding from Federal \$1.8 M and State \$1.1 M Grant.
- (4) Incorporating the Revitalization Program as a deliverable of the MRVC and not by independent pastoralist groups or committees and includes the engagement of a co-ordinator by the MRVC to administer the program.
- (5) Address concerns in participating in a pilot program.

Voting Requirement

Simple majority

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Les Price

That Council request that the Business Plan be updated to incorporate the following:

- (1) The Economic Feasibility Analysis
- (2) Addressing the Cell size concerns in line with the Wild Dog Action Plan.
- (3) Deletion of the dual funding from Federal \$1.8 M and State \$1.1 M Grants.
- (4) The Revitalization Program as a deliverable of the MRVC and not by independent pastoralist groups or committees and includes the engagement of a co-ordinator by the MRVC to administer the program.
- (5) Address concerns in participating in a pilot program.

CARRIED: 6/0

12.12 Review of Delegations

File:
Author: Dominic Carbone, A/CEO
Interest Declared: No interest to disclose
Date: 5 December 2016
Attachment - Nil

Matter for Consideration

That Council review the delegations to the Chief Executive Officer and other persons.

Background

The delegations were last reviewed on 8 June 2015. Council is required to review the delegations at least once every financial year.

Statutory Environment

Local Government Act 1995

Section 5.46 (2)

At least once every financial year, delegations under this Division are to be received by the delegator.

Strategic Implications

Maintaining proper governance and administration of the Local Government.

Consultation

Nil

Comment

As previously mentioned Council last reviewed Delegations on 8 June 2015 however it's required to undertake the task at least once every financial year.

The following Delegations were adopted by Council in June 2015:

1. Hire contractors, plant or machinery necessary to proceed with authorized or designated works or service provision subject to compliance with Council direction and rules under the Local Government Act (Functions and General) Regulation 1996.
2. Dispose of scrap material no longer required by Council.
3. Negotiate the entering into contracts or leases on Council's behalf that will require acceptance or otherwise by Council.
4. Payments of accounts – to be able to authorize electronic funds transfers, in accordance with the bank authority to creditors whose accounts require payment. The Chief Executive Office will delegate the authority to approve the payment of accounts to the Finance Manager and Works Manager. This is to be done on the basis that any two (2) Officers, being the Chief Executive Officer, Finance Manager and Works Manager can jointly sign the transfer of funds electronically. Endorsement of cheques for payment (signature of the Chairman or one Councillor also required).

5. Act as an authorized person and appoint authorized persons under the following legislation:
 - Control of Off Roads Vehicles (Off Road Areas) Act 1978
 - Local Government Act 1995
 - Litter Act 1979
 - Bush Fires Act 1954
6. Power to approve writing off debts that are less than \$100.00 and that are considered uncollectible.
7. Purchase goods and services to the value of \$150,000 (excluding GST) providing that it is a budgeted expense.

Council is requested to amend the following delegations:

4. By the deletion of Works Manager and insertion of Chairperson, and by the deletion of Chairman and insertion of Chairperson (The MRVC does not engage a works manager).
7. By the deletion of \$100,000 and insertion of \$150,000 (Change recommended due to the increase in the threshold for the calling of tenders).

Voting Requirement

Absolute Majority

Cr Jason Homewood Moved an amendment to part 7 of the Officers Recommendation by reducing the amount from \$150,000 to \$10,000 which was Seconded by Cr Carol Hodshon.

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Carol Hodshon

That Council delegates the following powers and duties to the Chief Executive Officer and in relation to Delegation 4. also to the Chairperson and the Finance Manager Shire of Mount Magnet.

1. Hire contractors, plant or machinery necessary to proceed with authorized or designated works or service provision subject to compliance with Council direction and rules under the Local Government Act (Functions and General) Regulation 1996.
2. Dispose of scrap material no longer required by Council.
3. Negotiate the entering into contracts or leases on Council's behalf that will require acceptance or otherwise by Council.

4. Payments of accounts – to be able to authorize electronic funds transfers, in accordance with the bank authority to creditors whose accounts require payment. This is to be done on the basis that any two (2) Officers, being the Chief Executive Officer, Finance Manager can jointly sign the transfer of funds electronically. Endorsement of cheques for payment (signature of the Chairperson or one Councillor also required).
5. Act as an authorized person and appoint authorized persons under the following legislation:
 - Control of Off Roads Vehicles (Off Road Areas) Act 1978
 - Local Government Act 1995
 - Litter Act 1979
 - Bush Fires Act 1954
6. Power to approve writing off debts that are less than \$100.00 and that are considered uncollectible.
7. Purchase goods and services to the value of \$10,000 (excluding GST) providing that it is a budgeted expense.

CARRIED BY ABSOLUTE MAJORITY: 6/0

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

14. NOTICE OF MOTIONS FOR THE NEXT MEETING
Nil

15. CONFIDENTIAL BUSINESS
Nil

16. URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING
Nil

17. ELECTED MEMBER MATTERS

Cr Carol Hodshon requested that flowers be sent to Cr Kerry Key who was in hospital, all members agreed to the request.

18. NEXT MEETING

14 March 2017

19. CLOSURE OF MEETING

There being no further business, the Chairman closed the meeting at 1.00 pm..