



**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
14 MARCH 2017**



MURCHISON REGIONAL VERMIN COUNCIL



MINUTES OF THE ORDINARY MEETING OF COUNCIL 14 MARCH 2017

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson Cr Neil Grinham opened the meeting at 11.00 am and informed that the Hon Dean Smith and his advisor were unable to attend today's meeting, however the Senator would be available via tele-conferencing if the members wished to speak to the Senator.

The Chairperson welcomed the visitors in attendance being Cr Eliz Morris, Cr Karen Williams from the Shire of Mount Magnet and Mr Rob Madson CEO Shire of Cue.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr Neil Grinham (Chairperson)
Cr Jason Homewood (Deputy Chairperson)
Cr Les Price
Cr Carol Hodshon
Cr Kerry Key
Cr Ross Pigdon
Cr Robert Grinham

Apologies:

Cr Harvey Nichols
Cr Joe O'Brien

Leave of Absence:

Nil

Also in Attendance:

Mr Dominic Carbone A/CEO, Mr Rob Madson, Cr Karen Williams and Cr Eliz Morris.

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

The Chairperson at 11.10 am asked whether the meeting be adjourned to allow the Hon Senator Dean Smith to join the meeting via tele-conferencing.

It was moved Cr Robert Grinham seconded Cr Jason Homewood that the meeting be adjourned. The Chairperson put the motion and was carried 7/0.

The Chairperson welcomed Senator Dean Smith to the meeting. Discussion took place in relation to the vermin cell fence, possible funding and lobbying in Canberra for the project. The Chairperson thanked the Hon Senator for making himself available.

At 11.35 am Cr Jason Homewood moved that the adjourned meeting be reconvened and was accordingly seconded by Cr Carol Hodshon. The Chairperson put the motion which was carried 7/0.

The Chairperson proceeded with Item 7 on the Agenda.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of Ordinary Meeting held on 13 December 2016

COUNCIL RESOLUTION

Moved: Cr Jason Homewood

Seconded: Cr Les Price

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

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Chairperson detailed the following:

- Announcement Federal Funding for Wild Dog Action Plan, the Chairperson and Cr Robert Grinham in attendance.
- Alignment of Business Plan to the Wild Dog Action Plan.
- The Hon Mick Murray MLA agreed to meet with MRVC representatives.

9. PETITIONS

Nil

10. DECLARATIONS OF INTEREST

The Acting CEO Mr Dominic Carbone declared an interest on Report No. 15.1 Appointment of CEO – Part time.

11. BUSINESS DEFERRED FROM PREVIOUS MEETING

Nil

12. REPORTS

12.1 Reports of the Audit Committee

12.1.1 Local Government 2016 Compliance Audit Return

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	4 March 2017
Attachment	

Matter for Consideration

Consideration of the Compliance Audit Return for the 2016 financial year and recommendation to Council.

Background

A local government inclusive of a Regional Council is to carry out a compliance audit for the period 1 January to 31 December in each year in a form approved by the Minister. The Compliance Return is to be submitted to the Executive Director by the 31 March the following year.

Statutory Environment

Local Government Act 1995

Section 7.13 Regulations as to audits sub-clause (1)(i) states:

“requiring local governments to carry out; in the prescribed manner and in a form approved by the Minister, an audit compliance with such statutory requirements as are prescribed whether those requirements are:

- (i) of a financial nature or not, or
- (ii) under this Act or another written law.

13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

Table

<i>Local Government Act 1995</i>		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.70	s. 5.73	s. 5.75
s. 5.76	s. 5.77	s. 5.88
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A
<i>Local Government (Administration) Regulations 1996</i>		
r. 18A	r. 18C	r. 18E
r. 18.F	r. 18G	r. 19
r. 22	r. 23	r. 28
r. 34B	r. 34C	
<i>Local Government (Audit) Regulations 1996</i>		
r. 7	r.10	
<i>Local Government (Elections) Regulations 1997</i>		
r. 30G		
<i>Local Government (Functions and General) Regulations 1996</i>		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12
r. 14(1), (3) and (5)	r. 15	r. 16
r. 17	r. 18(1) and (4)	r. 19
r. 21	r. 22	r. 23
r. 24	r. 24AD(2), (4) and (6)	r. 24AE

r. 24AF	r. 24AG	r. 24AH(1) and (3)
r. 24AI	r. 24E	r. 24F
<i>Local Government (Rules of Conduct) Regulations 2007</i>		
r. 11		

Regulation 14 States as follows:

14. Compliance audits by local governments

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

Regulation 15 states as follows:

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

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

Financial Implications

Nil

Consultation

Nil

Comment

The 2016 Audit Compliance Return as determined by the Minister has been duly completed and the Audit Committee is requested to review the return and report to Council the results of the review. A copy of the draft 2016 Audit Compliance Return is attached to this report.

Voting Requirement

Simple Majority

Moved Cr Jason Homewood that the Audit Committee recommendation for Report No.'s 12.1.1, 12.1.2 and 12.1.3 be adopted en bloc seconded Cr Les Price. The Chairperson put the motion and was carried 7/0.

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Les Price

That Council adopt the Audit Committee recommendation that the Draft 2016 Compliance Audit Return be adopted and certified by the Chairperson and Acting Chief Executive Officer and forwarded to the Department of Local Government along with the relevant section of the Minutes in accordance with Regulation 14(3) and Regulation 15 of the Local Government (Audit) Regulations 1996.

CARRIED 7/0

12.1.2 Audit Management Letter for the Year ended 30 June 2016

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 4 March 2017

Attachment

Matter for Consideration

That Council give consideration to the Audit Management letter for the year ended 30 June 2016 together with responses provided by the Acting Chief Executive Officer.

Background

Council is required to examine the report of the Auditor and take appropriate action in relation to the matters raised.

The Auditor has been requested to be available for the Audit Committee Meeting via tele-conferencing.

Statutory Environment

7.12A. Duties of local government with respect to audits

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Business Implications

Nil

Consultation

Nil

Comment

The findings identified during the Audit of the Regional Councils' Financial Statements for the year ended 30 June 2016 are as follows, together with the response provided by the Acting Chief Executive Officer under the heading of "Management Comment".

NON-COMPLIANCE WITH LEGISLATION

During our audit we noted non-compliance with the following sections of the Local Government Act & Regulations:

- Section 5.46(2) – we noted that Council last reviewed the delegations made under division 4, as kept in the Register of Delegations, during the meeting of Council held on 29 June 2015. However, no review appears to have been completed during the subsequent financial year, or since that date, as required.

We recommend you implement the necessary measures to ensure that the Murchison Regional Vermin Council meets all its legislative requirements in the future.

Management Comment

At the MRVC Ordinary Council Meeting held on 13 December 2016 Council gave consideration to Report No. 12.12 Review of Delegations.

The Council is required to review its delegations at least once every financial, this is noted and the review was conducted in December 2016.

BANK RECONCILIATION

It was noted during our audit that the bank reconciliation for the muni cheque account (#103111201) for 30 June 2016 was incorrect as the bank statement balance differed to the bank reconciliation amount. This was due to a general journal payment of \$2,421.00, on account of wages to D Carbone, posted as at 30 June 2016 was incorrectly treated as a reconciled payment. The direct credit payment was not actioned until 16 August 2016. This error had no impact on the reported cash balances of the regional shire.

Whilst we understand these data errors can occur the bank reconciliation process should uncover these errors and they should be correct at this time.

We recommend that in future you ensure that the bank reconciliations are completed fully and agree to the bank statements.

Management Comment

The journal entry was necessary in order to record salary owing to the Acting CEO in the correct accounting period being the 2015-16 financial year. The journal entry should have stated Accounts Payable (Creditors) rather than Cash at Bank as the amount was paid after the end of the financial year. Subsequent payments of salaries and journal entries are processed via Accounts Payable (Creditors) so that the cash at bank account is not impacted until the amount owing is actually paid.

Voting Requirement

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Les Price

That Council

- 1. Receive the Report on the Audit Management Letter for the financial year ended 30 June 2016.*
- 2. Subject to (1) above forward a copy of the report to the Minister for Local Government and Communities and the MRVC Auditor Anderson Munro and Wyllie.*

CARRIED 7/0

12.1.3 Report on 2016-17 Annual Budget Review

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	6 March 2017
Attachments:	

Matter for Consideration

That Council adopts the 2016-17 Annual Budget Review

Background

Regulation 33A of the Local Government Act (Financial Management) Regulations 1996 requires that a Regional Local Government between 1st February and 31st March in each year carry out a review of its Annual Budget for that year. A copy of the review and the determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Council adopted a 10% or \$2,000.00 variance or whatever is the greater for the reporting of material variances identified in the annual budget review.

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Business Implications

Nil

Consultation

Nil

Comment

A review of the Regional Local Government 2016-17 Annual Budget has been undertaken in accordance with the Financial Management Regulations and the following worksheets have been prepared;

Statement of Financial Activities
Statement of Rate Setting
Statement of Current Assets and Liabilities
Budget Analysis Worksheets

The review of the 2016-17 Annual Budget revealed:

(1) A reduction in operating revenue amounting to \$3,000 comprising

- Decrease in interest on investments \$3,000
(Less funds available for investment
and reduction in interest rates)

(2) Surplus Brought Forward

- Decrease in Surplus represents a reduction
of Cash at Bank resulting from additional
creditors invoices being processed and paid \$23,658

Voting Requirements

Absolute Majority

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Les Price

That Council

1. *Adopts the 2016-17 Annual Budget Review together with the variations detailed in the Budget Analysis Worksheet attached to this Report. A copy of the 2016-17 Annual Budget Review and the determination be provided to the Department of Local Government and Communities.*

CARRIED 7/0

12.2 Reports of the Acting Chief Executive Officer

12.2.1 Financial Activity Statement for the Period 1 July 2016 to 28 February 2017

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	6 March 2017
Attachment 1	- Financial Activity Statement for the Period 1 July 2016 to 28 February 2017 - Summary of Current Assets and Liabilities as at 28 February 2017 - 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 Shire utilizes the services of accountants RSM to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

It is noted that the monthly financial statements prepared by RSM are not consistent with the requirements of Reg. 34 Local Government (Financial Management) Regulations 1996. 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 Robert Grinham

Seconded: Cr Carol Hodshon

That Council adopts the Financial Activity Statement for the period ending 28 February 2017.

CARRIED 7/0

12.2.2 Accounts for Payment 1 December 2016 to 28 February 2017

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	6 March 2017
Attachment	Nil

Matter for Consideration

Council approve the Accounts for payment list for the period 1 December 2016 to 28 February 2017 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 December 2016 to 28 February 2017 are as follows:

**MURCHISON REGIONAL VERMIN COUNCIL
LIST OF ACCOUNTS PAID AND PAYABLE
FOR THE PERIOD 1 DECEMBER 2016 TO 28 FEBRUARY 2017**

DATE PAID	PAYEE No.	PARTICULARS	AMOUNT \$
01-12-16	COMMONWEALTH BANK	ACCOUNT FEE	5.00
01-12-16	COMMONWEALTH BANK	ACCOUNT FEE	14.25
01-01-17	COMMONWEALTH BANK	ACCOUNT FEE	0.30
01-01-17	COMMONWEALTH BANK	ACCOUNT FEE	5.00
01-02-17	COMMONWEALTH BANK	ACCOUNT FEE	5.00
01-02-17	COMMONWEALTH BANK	ACCOUNT FEE	0.15
02-02-17	DOMINIC CARBONE	SALARIES NET 13/07/2016 to 30/08/2016	1,811.00
02-02-17	DOMINIC CARBONE	SALARIES NET 13/10/2016 to 27/10/2016	315.00
02-02-17	DOMINIC CARBONE	SALARIES NET 05/11/2016 to 13/12/2016	2,053.68
02-02-17	NEIL GRINHAM	MEETING FEE AND CHAIRPERSON ALLOWANCE	1,500.00
02-02-17	JASON HOMEWOOD	MEETING FEE AND DEPUTY CHAIRPERSON ALLOWANCE	512.50
02-02-17	ROSS PIGDON	MEETING FEE	600.00
02-02-17	LES PRICE	MEETING FEE	600.00
02-02-17	KERRY KEY	MEETING FEE	300.00
02-02-17	ROBERT GRINHAM	MEETING FEE	450.00
02-02-17	SHIRE OF MOUNT MAGNET	SATELLITE PHONE RENTAL	100.00
02-02-17	DOMINIC CARBONE AND ASSOCIATES	REIMBURSEMENT FOR FLOWERS	70.00
02-02-17	DOMINIC CARBONE	REIMBURSEMENT FOR PRINTING OF BUSINESS PLAN	454.38
02-02-17	DOMINIC CARBONE	SALARIES NET 06/09/2016 to 29/09/2016	1,207.00
02-02-17	CAROL HODSHON	MEETING FEE	600.00
17-02-17	YOWERAGABBIE CONTRACTING	INSPECTION OF FENCE	2,900.70
17-02-17	SOCIAL INNOVATION	50% OF CONSULTANCY -BUSINESS AND REVITALISATION PLAN	8,250.00
	TOTAL		21,753.96

Voting Requirement:

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Kerry Key

That Council approve the list of accounts paid for the period 1 December 2016 to 28 February 2017 amounting to \$21,753.36 and the list be recorded in the minutes.

CARRIED 7/0

12.2.3 Debtors – Outstanding as at 28 February 2017

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 6 March 2017

Attachment Nil

Matter for Consideration

That Council receive the Debtors Outstanding Report as at 28 February 2017.

Background

Council be informed of debtors outstanding

Statutory Environment

Nil

Consultation

Nil

Comment:

The outstanding debtors as at 28 February 2017 are detailed below:

Fence Rental	\$ 1,327.62	
Fence Rental Old	<u>\$ 8,773.37</u>	(Council approved write-off entries yet to be done)

Total **\$10,100.99**

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

Voting Requirement

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Ross Pigdon

(1) That Council Receive the Outstanding Debtors Report as at 28 February 2017.

CARRIED 7/0

12.2.4 Permit to Use Vermin Fence Access Track – Sarah Hyde

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	6 March 2017
Attachment	- Emails from Ben Blomfield – Track Care WA Inc. - Map

Matter for Consideration

Council give consideration to granting access to a portion of the No. 1 and No. 2 MRVC Vermin Fence track.

Background

In an endeavour to control the use of its Vermin Fence access tracks the MRVC issues permits for their use. The fence reserve extends 40 m wide on the outside and 20 m wide on the inside of the fence and its use is subject to a number of conditions as detailed in the Permit issued.

Statutory Environment

Nil

Consultation

Nil

Comment

A request was received from Ben Bloomfield, Track Care WA Inc. on behalf of Sarah Hyde and up to 6 walkers and support vehicles and crew who propose to walk the Rabbit Proof Fence from Mogumber to Jigalong in July 2017.

The walkers propose to join the fence on the Great Northern Highway at Jibberding 40 kms west of Wubin and proceed north to the junction about 50 kms north of Yalgoo and travel east to about 50 kms south east of Meekatharra and then travel north to Jigalong.

Vehicles need to utilize the tracks in order to replenish supplies. The walk is expected to take approximately 8 – 9 weeks.

Council is requested to give consideration to the request and grant a permit subject to the conditions as detailed in the Council’s “Permit to Use Vermin Fence Access Track”.

Voting Requirement

Simple Majority

COUNCIL RESOLUTION:	
Moved: Cr Carol Hodshon	Seconded: Cr Jason Homewood
<i>That Council grant a permit to use portions of the MRVC Vermin Fence Tracks to Sarah Hyde and other walkers in the group together with support vehicles and crew and the permit be valid for the period 1 July 2017 to 30 September 2017.</i>	
CARRIED 7/0	

12.2.5 Permit to Use Vermin Fence Access Track – Mount Magnet District High School Social Club

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No interest to disclose
Date:	6 March 2017
Attachment	- Email Rodney Clarke – Mount Magnet District High School - Map

Matter for Consideration

That Council give consideration to granting access to MRVC vermin fence track to the Mount Magnet District High School Social Club.

Background

In an endeavour to control the use of its Vermin Fence access tracks the MRVC issues permits for their use. The fence reserve extends 40m wide on the outside and 20m wide on the inside of the fence and its use is subject to a number of conditions as detailed in the Permit issued.

Statutory Environment

Nil

Consultation

Nil

Comment

A request was received from Rodney Clarke, Mount Magnet District High School on behalf of the social club to travel a section of the rabbit proof fence in April 2017 for the purpose of visiting the sites listed in the movie “3 acts of murder”.

The trip is proposed to be held on 1 – 2 April 2017 utilizing approximately 5 vehicles. The section of the track to be used is approximately 60 kms in length between Paynes Find/Youanmi Roads and Youanmi/Mount Magnet Roads.

Council is requested to give consideration to the request and grant a permit subject to the conditions as detailed in the Council’s “Permit to Use Vermin Fence Access Track”.

Voting Requirement

Simple majority

COUNCIL RESOLUTION:

Moved: Cr Carol Hodshon

Seconded: Cr Kerry Key

That Council grant a permit to use the portion of the MRVC Vermin Fence Track for approximately 60kms between Paynes Find/Youanmi Roads and Youanmi/Mt Magnet Roads to the Mount Magnet District High School Social Club for the period 1 – 30 April 2017.

CARRIED 7/0

12.2.6 Investments as at 28 February 2017

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 6 March 2017

Attachment Nil

Matter for Consideration

That Council receive the Investment Report as at 28 February 2017.

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 28 February 2017.

MRVC INVESTMENTS AS AT 28 FEBRUARY 2017								
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%	58,593.91
Commonwealth Bank	N/A	Cash Deposit at Call	36558508	Ongoing	N/A	N/A	1.70%	325,751.79
TOTAL								384,345.70

INVESTMENT REGISTER

01 JULY 2016 TO 28 FEBRUARY 2017

Commonwealth Bank of Australia - Cash Deposit Account Number 36558508

Maturity Date	Interest Rate	Opening Balance	Interest Earned to 28.02.2017		Investment Transfers	Closing Balance 28.02.2017
At Call	1.70%	202,985.53	2,766.26		120,000.00	325,751.79
TOTAL		202,985.53	2,766.26		120,000.00	325,751.79

Voting Requirements

Simple Majority

COUNCIL RESOLUTION:

Moved: Cr Ross Pigdon

Seconded: Cr Carol Hodshon

That the Investment Report as at 28 February 2017 be received.

CARRIED 7/0

12.2.7 Vermin Fence Report as at 24 January 2017

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 6 March 2017

Attachment: Nil

Matter for Consideration

That Council give consideration to the Co-ordinator's Inspection Report on the condition of Vermin Fence.

Background

The MRVC engaged the services of a co-ordinator to undertake an inspection of the Vermin Fence in order to determine what maintenance needs to be undertaken by the Maintenance Contractors.

Statutory Environment

Nil

Consultant

Jorgen Jensen

Comment

The Acting CEO obtained two quotations from suitable contractors to undertake the inspection of the Vermin Fence in order to determine the maintenance works required on the Vermin fence. Jorgen Jensen was engaged by the A/CEO to undertake the inspection. On 24 January 2017 Jorgen Jensen undertook the inspection and his report is detailed below.

MRVC FENCE INSPECTION, No 1 FENCE, 24/1/2017, JORGEN JENSEN

80 MILE PEG (OKM PEG) – PAYNES FIND SANDSTONE RD 152KM PEG

- 14 FENCE SAGGING, PICKET OR DROPPER
- 15-18 VARIOUS PICKETS, FENCE SAGGING, TRY DROPPERS?
- 18.2 BROKEN BARB
- 24-26 SAGGING AND PICKETS REQUIRED
- 33-34 SAGGING, PICKETS REQUIRED
- 36-37.5 SAGGING, PICKETS REQUIRED
- 41-42 SAGGING, PICKETS
- 45-46 SAGGING, PICKETS
- 50-52 FOOT NETTING REQUIRED IN PLACES
- 56 SAGGING
- 63 EXAMPLE OF LOW HEIGHT, POSSIBLE SAGGING FIX
- 70-76 CHECK PSTS AND SAGGING, EITHER SIDE SANDALWOOD CAMP
- 100 LEANING POSTS, PICKETS
- 102.8 TREE IN FENCE, CUT OUT, WILL NEED SAW.
- 104 POSTS LEANING, WILL NEED PICKETS
- 142.5 POSTS LEANING, WILL NEED PICKETS
- 146.8 POSTS LEANING, WILL NEED PICKETS

PAYNES FIND - SANDSTONE RD --- YOUANMI RD

152 KM PEG TO 205 KM PEG

- 152 BENT PICKET JUST NORH OF GRID
- 158-161 ODD WOOD POST LEANING, REPLACE WITH PICKET
- 163 POSTS LEANING, PICKETS
- 164-NEW POSTS LEANING AND SOME SAGGING
- 172.8 BENT PICKET, STRAIGHTEN AND OR RENEW IF NEEDED
- 205 STH, NUMEROUS BENT PICKETS REQUIRE ATTENTION

YOUANMI RD --- MAGNET-SANDSTONE RD

205 KM PEG TO 259 KM PEG

211 LOW FENCE, MAY NEED FOOT NETTING ATTACHED AT TOP TO INCREASE HEIGHT

213-214 SAGGING AND BROKEN POSTS

230 BROKEN POSTS, PICKETS REQ

231-NEW BROKEN POSTS AND SAGGING

243-NEW CHECK FOOTHOLES, PICKETS REQUIRED

247-248 CHECK POSTS AND INSTALL PICKETS WERE NEEDED

251 CHECK POSTS, INSTALL PICKETS

252-253 CHECK POSTS, INSTALL PICKETS

NEW-256.5 SOME SAGGING, CHECK POSTS AND FOOTHOLES, INSTALL PICKETS AS REQ

259-HWY BROKEN POSTS, INSTALL PICKETS AS REQUIRED

MAGNET-SANDSTONE RD ---- MEEKATHARRA- SANDSTONE RD

259 KM PEG TO 330 KM PEG

HWY-261 ODD BROKEN POST, INSTALL PICKETS AS REQ

264 SAGGING HOLE REPAIR

NEW SECTION, REMOVE KM MARKERS FROM OLD SECTION OF FENCE AND INSTALL ON NEW DEVIATED SECTION

NEW-281 SOME SAGGING AND NEW PICKET REQ

285-287 INSTALL POSTS, FOOT NETTING SAG

290-310 SOME SAGGING AND SOME ADDITIONAL PICKETS REQ

322 4 BROKEN POSTS, PICKETS REQUIRED

WHITE WELLS, SOME ROCK AROUND FLIP UP HINGES

MEEKATHARRA- SANDSTONE RD ---- YOUNG DOWNS RD

330 KM PEG TO 370 KM PEG

332 CORNER PAST OLD MINE, FENCE HAS BEEN CUT AT STRAINER, NEEDS NEW PATCH CRIMPED IN AND RESTRAINED TO STRAINER.

337-342 SOME SAGGING AND FOOT NETTING NEEDS ATTENTION

348-354 SOME SAGGING AND EXTRA PICKETS REQ

364-370 SOME SAGGING, FOOT NETTING AND SOME PICKETS REQUIRED

MRVC FENCE INSPECTION, No 2 FENCE, 24/1/2017, JORGEN JENSEN

GUM CREEK --- MEEKATHARRA- SANDSTONE RD

38.4 SOME ROCKS NEEDED IN FLOODGATE

52.5 PATCH OVER FABRICATED WIRE, OR STRAIGHTEN UPRIGHTS.

BENT PICKETS WILL NEED STRAIGHTENING AND/OR REPLACING

MEEKATHARRA- SANDSTONE RD ----- GREAT NORTHERN HWY

72 KM PEG TO 95 KM MARK.

FENCE IS GENERALLY IN GOOD SHAPE, THE ODD BENT PICKET WILL NEED STRAIGHTENING AND SOME ROCKS ARE NEEDED AT THE BASE OF SOME FLOODGATES. THE MOST NOTEABLE BEING THE LARGE FLOODGATE SECTION WEST OF THE GRID ON THE OLD POLELLE ACCESS RD.

GREAT NORTHERN HWY --- END POINT

95KM MARK ---- END APPROX 162 KM MARK

GENERALLY IN GOOD SHAPE. SOME ROCKS ARE NEEDED AT THE BASE OF FLOODGATES UP UNTILL KARBAR CREEK. Rock is attainable in various areas along easement

TOW FLOODGATES WEST OF KARBAR REQUIRE LARGER AMOUNTS OF ROCK TO CORRECT UNDERMINING OF FLOODGATE BASE, AND ALL OTHER FLOODGATES NEED SOME ROCK. Rock is attainable in patches near these areas although more substantial quantities will need to be collected from hill east of Karbar creek, quartz and iron stone boulders.

SOME FLIP UP HINGES WILL NEED SOFT WIRING TO STRAINERS, AS WILL SOME FLOOD GATES

FENCE AT MARCH BORE REQUIRES REPLACEMENT OF 6 PICKETS AND TIGHTENING/STRAIGHTENING OF FABRICATED WIRE. MAY NEED A PATCH AND EXTRA BARB ON TOP IF FEASIBLE.

TREE GROWING IN FLOODGATES JUST EAST OF RECEPTION HILL, WILL NEED SAWING OUT.

NO MAINTENANCE REQUIRED WEST OF BREAKAWAY, ALTHOUGH MAY BE WORTH CONTRACTOR CHECKING ANYWAY

The maintenance contractor has also been engaged and will undertake the repairs as the area becomes accessible after recent rain.

Voting Requirement

Simple Majority

COUNCIL RESOLUTION:**Moved: Cr Carol Hodshon****Seconded: Cr Les Price**

That Council receive the report of the Co-ordinator in relation to the inspection undertaken in January 2017 of the Vermin Fence.

CARRIED 7/0**12.2.8 Elected Member Remuneration**

File:

Author: Dominic Carbone, A/CEO

Interest Declared: No interest to disclose

Date: 2 December 2016

Matter for Consideration

To adopt the allowable elected members' fees as a result of the Western Australian Salaries and Allowances Act 1975 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members on 12 April 2016 with the reviewed fees and allowances for elected members to apply from 1 July 2016.

Background

Elected members of a Regional Council are entitled to payment for attending Council, Committee and other designated meetings. The Chairperson and the Deputy President are also entitled to an annual payment for the additional services provided to the Regional Council.

The setting of the fees is prescribed in the Local Government Act and Administration Regulations and are reviewed each year by the Salaries Allowances Tribunal (SAT). Fee fees and allowances referred to in this report are those approved in the SAT Determination in April 2016 to apply from 1 July 2016.

Statutory Environment

WA Salaries and Allowances Act 1975 Section 7B(2)

SAT Determination 12 April 2016

Local Government Act S5.98

Local Government (Administration) Reg. 30, 31 and 32.

Consultation

Nil

Comment

Listed below is the determination of meeting fees and allowances from SAT in April 2016 for Level 4 Local Governments.

Meeting	Minimum	Maximum	MRVC Current Fees
Council Meeting/Council	\$90	\$236	\$150
Council Meetings/Chairperson	\$90	\$485	\$300
Committee Meetings and prescribed meetings – all elected members	\$45	\$118	
Chairperson Allowance	\$508	\$19,864	\$500
Deputy Chairperson Allowance 25% of the Chairperson Allowance			

Voting Requirement

Simple majority

COUNCIL RESOLUTION:	
Moved: Cr Kerry Key	Seconded: Cr Carol Hodshon
That Council set the following fees and allowances for the 2016-17 financial year.	
- Council Meetings/Council	\$150
- Council Meetings/Chairperson	\$300
- Committee Meetings/All Elected Members	\$118
- Chairperson Allowance	\$508
- Deputy Chairperson Allowance	\$127
CARRIED 7/0	

At 12.28 pm Moved Cr Ross Pigdon that the meeting be adjourned for lunch Seconded Cr Jason Homewood. The Chairperson put the motion Carried 7/0.

At 1.01 pm Moved Cr Robert Grinham that the adjourned meeting be reconvened Seconded Cr Carol Hodshon. The Chairperson put the motion Carried 7/0.

12.2.9 Shire of Meekatharra Possible Withdrawal from the Murchison Regional Vermin Council (MRVC)

File:	
Author:	Dominic Carbone, A/CEO
Interest Declared:	No Interest to declare
Date:	6 March 2017
Attachment	- Letter from the Shire of Meekatharra - Draft Establishment Agreement - MRVC Constitution

Matter for Consideration

That Council give consideration to the possible withdrawal of the Shire of Meekatharra from the MRVC.

Background

The districts of the Shire's of Cue, Meekatharra, Mount Magnet, Sandstone and Yalgoo were constituted as a regional district by virtue of an Order of the Governor made under the former Local Government Act 1960 and published in the Government Gazette on 13 December 1963.

The current constitution of the MRVC is attached and makes no mention of the possible withdrawal of a member Council/s.

Section 329 (2a) of the Local Government Act 1960 states that:

The Governor, on the application of a country council or regional council and the council of a municipality that desires to be added to or removed from, the country district or regional district as the case requires may

- (a) By order vary the constitution of the country district or regional district by the addition thereto, of the removal there-from of the municipal district or part thereof in respect of which the application was made and
- (b) By the same or later order adjust the accounts of the country council or regional council in such a manner as is necessary for the purpose.

The Local Government Act 1995 states:

Pursuant to the transitional provisions under Section 9.71 and clause 10 of Schedule 9.3 of the Local Government Act 1995, the regional council continues as a regional local government under the Act.

Statutory Environment

Local Government Act 1995

Section 3.65 Dissolution or partial dissolution of regional government

- (2) A participant may, in accordance with the establishment agreement, withdraw from the regional local government and cease to be a participant.

9.64. Governor may rectify omissions and irregularities

- (1) This section applies if through an impediment or accidental omission anything required to be done by or under this Act is not done, or is not done in the prescribed time, manner or form.
- (2) If this section applies, the Governor for the purpose of giving effect to the intention and purposes of this Act, may by order take such measures as are necessary for rectifying the omission or removing the impediment.

- (3) The order may validate anything which has been done otherwise than in the prescribed time, manner, or form.

Financial Implications

Will impact on the precepts levied on the Shire of Meekatharra.

Consultation

Nil

Comment

The Murchison Regional Vermin Council Constitution dated 14 October 1985 does not address the withdrawal of constituent local governments (Municipalities).

Section 329 (2a) of the Local Government Act 1960 allows the Governor on application by a regional Council or the Council of a constituent municipality to remove a constituent municipality.

The Local Government Act 1960 is no longer in force and the provisions of the Local Government Act 1995 are to apply. Section 3.63 (2) states that a participant may in accordance with the establishment agreement, withdraw from the regional local government and cease to be a participant.

As the constitution of the MRVC does not address the withdrawal of a participant. The matter may be referred to the Governor or the Minister to make an order.

Clause 12 of the Draft Establishment Agreement details the withdrawal process and the participant by agreement in writing may withdraw from the MRVC or any existing undertaking. Therefore the participants can agree to proceed to amend the Constitution Agreement by revoking it and substituting it with the Establishment Agreement and then apply the withdrawal provisions of the agreement.

It is up to the Shire of Meekatharra to determine whether it wishes to withdraw from the MRVC in the first instance and then the parties can investigate further the process to be entered into.

The MRVC wishes to acknowledge that the continued membership of the Shire of Meekatharra is paramount to achieving the objectives of the MRVC and in ensuring that the land within the regional local government boundaries remains economically sustainable through the control of vermin.

Voting Requirements

Simple majority

Cr Carol Hodshon moved the Officers Recommendation which read as follows:

- (1) That the Shire of Meekatharra be informed as follows:

- (i) That the MRVC acknowledges the contribution made by the Shire and the importance of its continued membership.
 - (ii) That the MRVC will co-operate with the Shire in achieving its desire to withdraw as a participant should its' Council decide.
- (2) A copy of the report be provided to the Shire of Meekatharra.

Seconded Cr Les Price.

Cr Jason Homewood foreshadowed the following motion.

That the Shire of Meekatharra be informed as follows:

- (1) That the Shire has long association with the vermin fences and a founding member of the MRVC.
- (2) The MRVC acknowledges that only a small portion of the Shire boundary lies within the vermin fences however a large portion of the fences are within its boundary.
- (3) The Shire will continue to have ongoing financial obligations in relation to the fences whether or not it remains a participant in the MRVC.
- (4) The Shire has an obligation to represent its community on a regional basis and its continued role in the membership of the MRVC allows that to be fulfilled.
- (5) The MRVC requests a meeting with the Council of the Shire of Meekatharra to better understand issues and concerns of the Shire.

At 1.32 pm Cr Ross Pigdon moved that the item be deferred to after the consideration of Item 15.1 Appointment of CEO-Part time to allow for an interview of an applicant via tele-conferencing, Seconded Cr Les Price carried 7/0.

The Acting CEO declared an interest and left the meeting.

The Chairperson brought forward item 15.1 Appointment of CEO – Part time and as business before the Council was confidential, at 1.40 pm it was moved Cr Jason Homewood that the meeting proceed behind closed doors and that the Selection Panel consist of all the members present, Seconded Cr Ross Pigdon, Carried 7/0.

The Selection Panel conducted the interviews and at the conclusion Cr Jason Homewood moved that:

- (1) Dominic Carbone be offered the position of Chief Executive Officer for a term of 3 years.
- (2) The Chairperson negotiate and sign the contract of employment in accordance with the advertised salary package.

Seconded Cr Kerry Key carried 7/0.

At 3.40 pm Cr Jason Homewood moved that the Council meeting proceed with open doors, seconded Cr Ross Pigdon, carried 7/0.

The Chairperson returned to item 12.2.9 Shire of Meekatharra Possible Withdrawal from the Murchison Regional Vermin Council (MRVC).

There being no further discussion the Chairperson put the original motion moved by Cr Carol Hodshon and Seconded Cr Les Price which read as follows:

- (1) That the Shire of Meekatharra be informed as follows:
 - (i) That the MRVC acknowledges the contribution made by the Shire and the importance of its continued membership.
 - (ii) That the MRVC will co-operate with the Shire in achieving its desire to withdraw as a participant should its' Council decide.
- (2) A copy of the report be provided to the Shire of Meekatharra.

The motion was lost 7/0.

The Chairperson asked Cr Jason Homewood to state his foreshadowed motion which read as follows:

That the Shire of Meekatharra be informed as follows:

- (1) That the Shire has long association with the vermin fences and a founding member of the MRVC.
- (2) The MRVC acknowledges that only a small portion of the Shire boundary lies with the vermin fences however a large portion of the fences be within its boundary.
- (3) The Shire will continue to have ongoing financial obligations in relation to the fences whether or not it remains a participant in the MRVC.
- (4) The Shire has an obligation to represent its community on a regional basis and its continued role in the membership of the MRVC allows that to be fulfilled and notes that the other MRVC participants have always been supportive of the Shire's regional initiatives.
- (5) The MRVC requests a meeting with the Council of the Shire of Meekatharra to better understand issues and concerns of the Shire.

The motion was Seconded by Cr Ross Pigdon.

12.2.9 COUNCIL RESOLUTION:

Moved: Cr Jason Homewood

Seconded: Cr Ross Pigdon

That the Shire of Meekatharra be informed as follows:

- (1) That the Shire has long association with the vermin fences and a founding member of the MRVC.
- (2) The MRVC acknowledges that only a small portion of the Shire boundary lies with the vermin fences however a large portion of the fences are within its boundary.
- (3) The Shire will continue to have ongoing financial obligations in relation to the fences whether or not it remains a participant in the MRVC.
- (4) The Shire has an obligation to represent its community on a regional basis and its continued role in the membership of the MRVC allows that to be fulfilled.
- (5) The MRVC requests a meeting with the Council of the Shire of Meekatharra to better understand issues and concerns of the Shire.

CARRIED 7/0

12.2.10 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: 10 March 2016

Attachment - Nil

Matter for Consideration

That Council give consideration to amendments of the content of the business plan and adopted it accordingly.

Background

At the MRVC Ordinary Council Meeting held on 13 December 2016 the Council adopted the following resolution.

“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 Dog Action Plan.
- (3) Deletion of the dual funding from Federal \$18M and State \$1.1M Grants.

- (4) The Revitalisation Program as a deliverable of the MRVC and not by independent pastoralist group and 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.

Statutory Environment

Nil

Consultation

Nil

Comment

The Business Plan has been accordingly revised to incorporate the items listed in the Background above and Council is now requested to review and adopt the plan.

Voting Requirement

Simple majority

<p>COUNCIL RESOLUTION:</p> <p>Moved: Cr Robert Grinham Seconded: Cr Les Price</p> <p>That Council adopt the Business Plan as presented.</p> <p style="text-align: right;">CARRIED 7/0</p>

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NOTICE OF MOTIONS FOR THE NEXT MEETING

Nil

15. CONFIDENTIAL BUSINESS

<p>15.1 Appointment of CEO – Part Time</p>

Item of business was brought forward refer to page 29.

<p>File:</p> <p>Author: Dominic Carbone, A/CEO</p> <p>Interest Declared: Currently the A/CEO and Applicant</p> <p>Date: 6 March 2017</p> <p>Attachment -</p>

Matter for consideration

The selection and appointment of 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

Council at its Ordinary Council Meeting held on 13 December 2016 in part resolved as follows:

- “(3) Authorise the Chairperson to advertise the position inviting applications from suitably qualified applicants.
- (4) Appoint Chairperson, Deputy Chairperson and Delegate and/or a CEO from 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 applicants.

In relation to (3) above an advertisement was placed in the West Australian on 7 January 2017.

The Chairperson to inform the elected members of the applications received.

It is recommended that the balance of the checklist be followed in relation to the recruitment and appointment of a CEO.

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 (applicant's 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).

Council adopted the following 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 and or a CEO from each member local government 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

Absolute majority

As per page 29 the following resolution was adopted by the Council.

Moved: Cr Jason Homewood

Seconded: Cr Kerry Key

- (1) Dominic Carbone be offered the position of Chief Executive Officer for a term of 3 years.
- (2) The Chairperson negotiate and sign the contract of employment in accordance with the advertised salary package.

CARRIED 7/0

16. URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

17. ELECTED MEMBER MATTERS

Cr Jason Homewood advised as follows:

- (1) That the maintenance of the number 1 fence will be maintained by Connor Jones and his assistant Reece and not by Liam Fitzpatrick.
- (2) Arrangements in relation to ordering of materials and collection or transportation to the fencing contractors.

Cr Carol Hodshon

- (1) Request for a sample of the fence to be erected at Sandstone for display purposes.

18. NEXT MEETING - 13 June 2017

19. CLOSURE OF MEETING

There being no further business, the Chairman closed the meeting at 4.12 pm..