



Western Australia

Agenda for the Ordinary Meeting of the Murchison Shire Council,  
To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,  
On Tuesday 25 October **2011**, commencing at 9.30 am.

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## **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

## **2. SWEARING IN OF COUNCILLORS**

## **3. ELECTION OF PRESIDENT**

File:  
Author: Mike Sully, Chief Executive Officer  
Interest Declared: Nil  
Date: 21 October 2011  
Attachments:

### **Matter for Consideration:**

The Shire President needs to be elected from within Council for a two year term of office expiring in October 2013.

### **Statutory Environment:**

Schedule 2.3 of the Local Government Act provides as follows:

#### **2. When the council elects the mayor or president**

- (1) The office is to be filled as the first matter dealt with –
  - (a) at the first meeting of the Council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary election day; and
  - (b) at the first meeting of the Council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

#### **3. CEO to preside**

The CEO is to preside at the meeting until the office is filled.

### **Schedule 2.3**

#### **Division 1 – Mayors and Presidents**

#### **4. How the mayor or president is elected**

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

**5. Votes may be cast a second time**

- (1) If, when the votes cast under clause 4(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the Council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the Council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under 4.1 as if those votes were votes cast at an election.

**Schedule 4.1 – How to count votes and ascertain the result of an election**

- 1. The number of votes given for each candidate is to be ascertained.
- 2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
- 3. If the election is to fill one office of Councillor, the candidate who receives the greater or greatest number of votes is elected.
- 4. If the election is to fill 2 or more offices of Councillor, the candidates elected are –
  - (a) the candidate who receives the greatest number of votes; and
  - (b) the candidate who receives the next highest number of votes; and
  - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
- 5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

**Voting Requirements:**

Simple majority

#### **4. ELECTION OF DEPUTY PRESIDENT**

File:  
 Author: Mike Sully, Chief Executive Officer  
 Interest Declared: Nil  
 Date: 21 October 2011  
 Attachments:

#### **Matter for Consideration:**

The Deputy Shire President needs to be elected from within Council for a two year term of office expiring in October 2013.

#### **Statutory Environment:**

Schedule 2.3 of the Local Government Act provides as follows:

#### **7. When the council elects the deputy mayor or deputy president**

- (2) If the local government has a councillor Mayor or president the office of deputy mayor or deputy president is to be filled –
- (a) As the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the Council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

Council therefore needs to elect a Councillor to fill the office.

#### **Schedule 2.3**

#### **Division 2 – Deputy Mayors and Deputy Presidents**

#### **8. How the deputy mayor or deputy president is elected**

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

#### **5. Votes may be cast a second time**

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the Council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the Council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under 4.1 as if those votes were votes cast an an election.

#### **Schedule 4.1 – How to count votes and ascertain the result of an election**

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of Councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of Councillor, the candidates elected are –
  - (a) the candidate who receives the greatest number of votes; and
  - (b) the candidate who receives the next highest number of votes; and
  - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2,3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

#### **Voting Requirements:**

Simple majority

**5. ELECTION OF OCCASIONAL COMMITTEE MEMBERS**

File:  
 Author: Mike Sully, Chief Executive Officer  
 Interest Declared: Nil  
 Date: 21 October 2011  
 Attachments:

**Background:**

Occasional committees of Council meet throughout the year (with the exception of an observed January recess) to deal with specific issues on behalf of Council and to make recommendations to Council thereon. The composition of the committees as at 14 October 2011 is shown below.

OCCASIONAL COMMITTEE	MEMBER	MEMBER	MEMBER
Plant Committee	Cr Foulkes-Taylor	Cr Halleen	Cr Squires
Settlement Building Committee	Cr Seaman	Cr McTaggart	
Regional Collaborative Group	Cr Foulkes-Taylor	Cr Seaman	

**Statutory Environment:**

At any given time, each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, Council is to include that Councillor, in the persons appointed, to at least one of those committees as the Council decides.

If at a meeting of the Council, a local government is to make an appointment to a committee that has or could have a Councillor as a Member and the President informs the local government of his wish to be a member of the committee, the local government is to appoint the President to be a member of the committee. An absolute majority of Council is required to appoint each member to a committee.

Where a Councillor is appointed as a member of a committee, the Councillor’s membership of the committee continues until:

- a. the Councillor no longer holds the office of Councillor;
- b. the Councillor resigns from membership of the committee.
- c. the committee is disbanded; or
- d. the next ordinary elections day,

whichever occurs first.

The members of each occasional committee are to elect a presiding member from among themselves in accordance with the Act. The members of a committee may elect a deputy presiding member among themselves, but any such election is to be in accordance with the Act.

**Voting Requirements:**

Absolute majority.

**6. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

**7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**8. PUBLIC QUESTION TIME**

**8.1 Stand Down Local Law Standing Orders for the duration of the meeting.**

- 8.2 Limitation on the number of speeches
- 8.3 Duration of speeches

**9. NEXT MEETING**

The scheduled date for the next ordinary meeting is 18 November 2011.

**10. APPLICATIONS FOR LEAVE OF ABSENCE**

**11. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

**12. CONFIRMATION OF MINUTES**

**12.1 ORDINARY COUNCIL MEETING – 16 SEPTEMBER 2011**

**Background:**

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

**Voting Requirements:**

Simple majority

**OFFICER'S RECOMMENDATION:**

That the Minutes of the Ordinary Council meeting of 16 September 2011 be confirmed as an accurate record of proceedings.



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

**14. ACTION LIST**

Item No	Originator	Action	Officer/Councillor	Schedule	Status
1	MSC June 2011 Council meeting	Establish Settlement Development Committee	CEO	ASAP	Advertised for members closing 28/10/11
2	MSC	Contact Shire of Shark Bay to make Butchers track a joint road of Regional significance	CEO	July 2011	Meeting held with CEO Shire bay Council Monday 12 September 2011. Follow up letter sent.
3	MSC Nov 2010 Council meeting	Prepare report on implications of changing road hierarchy from Mt Wittenoom/Meka Rd to Boolardy - Kalli Rd	CEO	Feb 2011	In Progress. Will be followed up as part of Butchers Track development
4	MSC June 2011	Review Emergency M/ment plan	CEO	ASAP	In Progress Met with FESA. 13/10/11
5	MSC Sept 2011	Advertise for roadhouse lessees.	CEO	ASAP	Adverts placed, 3 applications
6	MSC May 2011	Bush Fire Brigade – all units to be serviced and operational	CEO/MEMBERS	ASAP	FESA contacted and will arrange training day
7	MSC May 2011	Relocate stables and stock ramp from near community centre	CEO/ELECTED MEMBERS	ASAP	In Progress
8	MSC August 2011	Prepare Tender for Contract for Grader Operator	CEO	ASAP	In Progress
9.	MSC September 2011	Review Policies and Procedures and update Policy Manual	CEO/ELECTED MEMBERS	ASAP	
10.	MSC September 2011	Research parameters for conducting alcohol/drug testing for employees.	CEO	ASAP	Draft Policy prepared
11.	MSC	Engage a locksmith to rekey all Shire premises.	CEO	ASAP	Locksmith inspection 28/10/11

**15. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**16. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

**16.1 President**

**16.2 Councillors**

**17. DISCLOSURE OF INTERESTS**

**18. REPORTS OF COMMITTEES**

**19. REPORTS OF OFFICERS**

**19.1 WORKS**

**19.1.1 Monthly Plant & Works Report**

File:  
 Author: Brian Wundenberg, Works Supervisor  
 Interest Declared: No interest to disclose  
 Date: 19 October 2011  
 Attachments:

**Matter for Consideration:**

To view the plant operation for the month of August and an update on works carried out.

**Background:**

HEAVY PLANT			Start	End		MTD	Total
Plant Item	Year	REGO	Hours	Hours	Total	Service	Ownership
Cat Grader 12H	2005	MU 141	7244	7363.2	119.20		
Cat Grader 12M	2008	MU 51	3357	3475	118		
Volvo L110 Loader	2006	MU 65	3631	3660	29		
Komatsu Dozer	1997		7299	7362	63		
Cat Vibrating Roller	2005	MU 177	181.5	205.9	24.4		
John Deere Grader	2011	MU 121	431	524	93		
<b>TRUCKS</b>							
Iveco Prime Mover	2003	MU000	227068	229175	2107		
Nissan UD	2009	000 MU	91814	93067	1253		
Iveco Tipper	2004	MU 00	144054	144369	315		
<b>GENERATORS</b>							
Generator 2-100KVA	2005				xxxxxxxxxx		
Generator 1-83KVA	2005						
Generator 13KVA (Const)	2005						
Maintenance Genset			15700	15892	192		
Construction Genset			4274	4274	0		
Mitsubishi Canter	2011	01 MU	18664	22706	4042		
Mitsubishi Canter	2004	MU 140	103717	105947	2230		
Toyota Prado	2010	MU0	26029		2034		

Holden Rodeo	2008	MU 167	140713	142210	1497		
Isuzu DMAX	2009	MU 300	103553	106380	2827		
Toyota Hilux	2011	MU 1018		7112			
Toyota PTV	1986	MU 1017					

**TRAILERS & TIPPERS**

Side Tipper	2001	MU 2010	188298	188659	361		
Side Tipper – Evertran	2009	MU 662		35486			
Tri-Axle Low Loader	2008	MU 663		27122			
30lt Water Tank	2005	MU 2024	4668	5257	589		
Dog Fuel Trailer	1993	MU 658					
Dog Fuel Trailer	1972	MU 2005					
Dolly 1-Red	2001	MU 2003		2634			
Dolly 2-Black	2000	MU 2009					

New Holland	2006	MU 380					
Forklift			1156.3	1157.6	.3		
Caravans							
Various small plant							
Cobra Multi Tyre Roller			Not used				
Ford Tractor			1279	1304.5	25.5		
Ride on Mower				Metre	broken		
Patient Transfer Vehicle				Not used	20939		

**Construction Crew**

4 km road construction and road furniture 3km north of settlement has been completed.

Due to holidays, weddings and Colleen and William travelling over to South Africa, only minimal work has been completed this month by the construction crew.

Jeremey has been doing maintenance grading whilst crew away.

All the shire caravans are still being utilised by Northcoast at Byro for flood damage. Due to this we are unable proceed with our scheduled road works requiring camping ie wreath flowers and section requiring gravel sheeting at Murgoo.

Should be back to full crew on 24<sup>th</sup> October. They will then commence lime stone sheeting approx 24km north of settlement.

**Maintenance Crew**

Due to Paul’s recent operation and post op care he initially found it difficult to camp out so he has been doing ground work around the settlement. He has since returned from a visit with his specialist and is now able to resume normal maintenance grading duties.

With staff leaving and the need to employ new staff it has come to our attention that some of the houses are in need of maintenance/repair.

John Daniels (Grader Operator) has professional experience in the building industry and is willing to also take on the role of house/building maintenance.

He has all his own tools and the Shire will save a considerable amount of money by having him do the work instead of having to employ and accommodate contractors from town. John has spent the last week working on and inspecting houses and making a list of requirements. He will be working on the houses until 24<sup>th</sup> October when he will return to maintenance.

As mentioned previously Jeremey has been maintenance grading.

Roads graded this month:

- Twin Peaks Wooleen Road
- Carnarvon Mullewa Road north to the boundary and south to bitumen at Tallering Peak.
- New Forrest Yallalong Road.
- Part of Butchers Track (still some flood damage to be completed)
- Now on Muggon Road

Second bypass road at Curbur Woolshed has been widened due to increase of cattle trucks and road trains using this detour.

### **Grid Maintenance**

Grid maintenance for this year has been completed.

Grids that were cleaned out as per report last month - Beringarra to Cockney Bill.

Cockney Bill to Pindar has now been completed on Pindar Beringarra Road.

A new grid mould is being made by Chris Graham. I will see how much money is remaining in grid/improvements maintenance budget before completing any further works. Originally \$75,000.

New grids required to be made:

- One approx 20km north of Yuin
- One in front of Beringarra homestead
- One 24ft grid is required at Pinegrove at intersection of Pinegrove and Carnarvon Mullewa road. (A considerable amount of road works is required before grid can be installed. ie culvert and road built up at approaches)
- This job will be a priority so we can incorporate the sealing of the approaches when the bitumen work is being done on flood repairs due to commence in November.

### **Flood Damage Crew**

Flood damage crew have completed works in Beringarra area which includes Beringarra - Mt Gould Road and Erong Road. Now on Beringarra - Byro road which should be completed by 21/22 November. They will then move onto Carnarvon Mullewa Road. As mentioned earlier in this report they are using Shire caravans due to lack of accommodation.

As reported in last month's report (verbally) Greenfield's were coming out to inspect Curbur's first bypass. They will now be coming on the 26 October and will be putting together a tender to put out for expressions of interest to contractors to complete 10km of construction work for sealing. They will also be completing an assessment for the next 10km of reseal.

### **Plant**

**Second hand loader** – My preference would be the CAT loader. I am awaiting quotes from Westrac (Ross McDonald) for auto grease (approx \$12k) and extended warranty of 1000 hrs.

**New Roller** – My preference would be the Bomag over the Ammann roller from Conplant. Reason being previous experience with 2 Ammann rollers whilst at Chapman Valley. Checking of oil and water which is required daily is very difficult to access and therefore operators tend not to be vigilant.

New Kevrek crane has been purchased to go on the back of 4wd Canter for lifting. ie grader tyres, oil drums, generators, culverts etc. This will hopefully eliminate any further accidents such as Neil's broken leg. This crane can also be used to assist with our post hole digger when erecting road furniture.

New John Deere ride on lawn mower has also been purchased for the gardener.

**Staff**

As mentioned previously John Daniels is now employed in a combined role of Maintenance Grader operator/Building Maintenance officer.

Stuart’s position of plant operator will be advertised in the local paper (Geraldton Guardian) from this Friday.

Jeremey’s daughter Stacey is employed on a casual basis to do cleaning at Sports Club Building, Admin Office and Depot.

Leanne Hipper (Trevor’s wife) has been kind enough with the occasional assistance of Jo Squires to fill in as Acting Manager of the Roadhouse until the position is filled by new operators. Big thank you to Leanne and also to Trevor who has been assisting whenever required.

William and Colleen should be ready to recommence work on 24<sup>th</sup>.

Ross returned to work on the 18<sup>th</sup> and is now a married man. We look forward to welcoming his new wife Karen to the settlement in November. Karen is fulfilling commitments in Carnarvon until then.

**OFFICER’S RECOMMENDATION:**

That the Work’s Supervisor Report be accepted.

**20. FINANCE**

**20.1 Financial Activity Statements September 2011**

File:  
 Author: Mike Sully, Chief Executive Officer  
 Interest Declared: No interest to disclose  
 Date:  
 Attachments: Financial Activity Statements for September 2011  
 Balance Sheet  
 Income Statement Detail  
 Income Statement by Nature & Type  
 Income Statement Summary

**Matter for Consideration**

Council to consider adopting the monthly financial statements for September 2011.

**Background**

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

**Statutory Environment**

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as is 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 under regulation 22(1)(d) for that month in the following detail:

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) Budget estimates to the end of 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**

None

**Policy Implications**

Nil.

**Financial Implications**

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

**Consultation**

UHY Haines Norton

**Comment**

None

**Voting Requirements**

Simple majority

<b>OFFICER'S RECOMMENDATION:</b>
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That Council adopt the financial statements for the period ending 30 September 2011, as attached.

**20.2 Accounts Paid during the period**

File:  
Author: Mike Sully, Chief Executive Officer  
Interest Declared: No interest to disclose  
Date:  
Attachments: Payment of Accounts Schedule for September 2011

**Matter for Consideration:**

Authorisation of accounts paid during the month of September 2011.

**Background:**

Accounts paid are required to be submitted each month.

**Statutory Environment:**

Local Government (Financial Management) Regulations 1996  
Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

**Strategic Implications:**

None

**Policy Implications:**

None

**Financial Implications:**

Payment from Council's Municipal Account

**Consultation:**

None

**Comment:**

Payments made during the month of September 2011 as per attached schedule.

**Voting Requirements:**

Simple majority

**OFFICER'S RECOMMENDATION:**

That the attached schedule of accounts for payment be passed by Council.

**21. DEVELOPMENT**

**22. ADMINISTRATION**

**22.1.311011 Fuel Purchase Contract**

File:  
 Author: Mike Sully, Chief Executive Officer  
 Interest Declared: Nil  
 Date: 27 September 2011  
 Attachments: Nil

*Note:  
 Additional information in this report which differs from the original flying minute appears in italics in this report and information that has been deleted appears with strikethrough.*

**Matter for Consideration:**

This report recommends that Council agree to enter into a contract to purchase fuel and oils from OilTech for a twelve month period commencing from ~~October~~ November 2011

**Background:**

It has been a number of years since Council reviewed fuel prices charged by the current fuel contractor against alternative suppliers. However, it is good practice to undertake a price comparison on a regular basis, eg each twelve months. This would ensure that Council gets the best value for its money.

**Comment:**

A comparison of fuel prices was undertaken using the web based Fuelwatch bulk sales data for 26 September 2011 providing the following data for fuel ex Geraldton.

Supplier	<b>BP (Inc GST)</b>	<b>Caltex (Inc GST)</b>	<b>OilTech (Inc GST)</b>
Base cost of bulk diesel	141.5c/Litre	141.7c/Litre	<del>128.2c/Ltr</del> 141.02c/Litre

All supplies of fuel to Murchison will attract additional cartage costs. *(The cartage costs are considered confidential information and will be provided to Elected Members at the Council Meeting).*

However it was necessary to use the cost of fuel at Geraldton to obtain a fuel cost for the same day (Monday 26 September 2011) for the different suppliers.

~~No suppliers were approached directly as it is reasonable to assume that any discount offered would not reduce the fuel cost to equal to, or below, their base cost of fuel.~~

*All three suppliers have been contacted to provide the location from which their fuel price is determined and the cartage cost to the Murchison Settlement. OilTech and BP have responded but no information has been received from the Caltex distributor to date.*

**Consultation:**

Department of Commerce – Fuelwatch Web Site.

**Statutory Environment:**

The following Tender exemption regulations apply to the provision of Goods and Services to Local Government:

Local Government (Functions and General) Regulations 1996

Part 4 — Provision of goods and services

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



11. *Tenders to be invited for certain contracts*

11. (2) Tenders do not have to be publicly invited according to the requirements of this Division if —

- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines.

**Strategic Implications:**

Council is required by legislation to have an endorsed Purchasing policy if it intends to enter into a purchase contract without tendering for a supplier.

**Policy Implications:**

Nil.

**Financial Implications:**

There would be considerable savings to be made by reducing the cost paid for fuel.

**Voting Requirements:**

Simple Majority.

**OFFICER'S RECOMMENDATION:**

That Council offer a twelve month contract to Oil Tech for the supply and delivery of fuel and oils, as required, to the Shire of Murchison.

*Note:*

*Indications of approval in response to Flying Minute:*

*Indication of approval 5*

*Indication of non-approval 1*

**Note: Flying Minute sent 28 September 2011**

**22.1.321011 Purchasing Policy**

File:  
 Author: Mike Sully, Chief Executive Officer  
 Interest Declared: Nil  
 Date: 27 September 2011  
 Attachments:

**Matter for Consideration:**

This report recommends that Council endorse the draft Purchasing Policy to comply with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).

**Background:**

A review of Council’s policies has revealed that Council does not have a policy to cover purchasing and tendering. Council does have a policy for Local Preference when purchasing goods and services, being:

**1.7 Local Preference Policy**

*All purchases of goods and sale of material and services will be made locally “i.e. within the Shire of Murchison” if possible when making minor purchases i.e. “up to \$2,000 in value” and if the price differential above the best price obtainable outside the district does not exceed 15%*

*On major contracts i.e. above \$2,000 in value “Council is to clearly indicate its preference to use local contractors and sub-contractors will accept a price of not more than 5% above the best price obtainable outside the district and subject to issues of availability, expertise and equipment availability and other relevant issues being considered.*

**Comment:**

While there are regulatory requirements for having a Purchasing policy, it is also a requirement to have the policy prior to entering into a purchasing agreement for fuel and oils without the necessity for tendering if the agreement would be worth \$100,000 or more in a twelve month period.

The draft Purchasing and Tendering Policy outlined in this report has been provided by the West Australian Local Government Association (WALGA) and is considered suitable for this Shire.

**Consultation:**

Mr Tony Brown, Executive Manager–Governance and Strategy, West Australian Local Government Association

**Statutory Environment:**

The Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007) requires that Local governments must have a purchasing policy:

**Part 4 — Provision of goods and services**

**Division 1 — Purchasing policies**

**11A. Purchasing policies**

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.

- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
  - (a) the form of quotations acceptable; and
  - (b) the recording and retention of written information, or documents, in respect of —
    - (i) all quotations received; and
    - (ii) all purchases made.
- (4) Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following —
  - (a) goods and services;
  - (b) suppliers;
  - (c) contracts;
  - (d) any other thing that the local government considers appropriate.

**Strategic Implications:**

Nil.

**Policy Implications:**

A Purchasing policy will ensure that the Shire follows the legislative requirements when undertaking transactions to purchase goods and services.

**Financial Implications:**

Following the policy requirements will ensure that the Shire obtains the best quality goods and services at a fair price

**Voting Requirements:**

Simple Majority.

<b>OFFICER'S RECOMMENDATION:</b>
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That Council endorse the following Purchasing Policy

**Draft 1**  
**Shire of Murchison**  
**Purchasing Policy**

**OBJECTIVES**

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Murchison.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Murchison operational areas.

## 1.1 WHY DO WE NEED A PURCHASING POLICY?

The Shire of Murchison is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Murchison with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Murchison receives value for money in its purchasing.
- Ensures that the Shire of Murchison considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Murchison is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Murchison's purchasing practices that withstands probity.

## 1.2 ETHICS & INTEGRITY

All officers and employees of the Shire of Murchison shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Murchison.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Murchison Policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Murchison by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

## 1.3 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Murchison. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.

- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

#### **1.4 SUSTAINABLE PROCUREMENT**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Murchison is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Murchison's sustainability objectives.

Practically, sustainable procurement means the Shire of Murchison shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency and/or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;
- For new buildings and refurbishments – where available use renewable energy and technologies.

#### **1.5 PURCHASING THRESHOLDS**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

<b>Amount of Purchase</b>	<b>Model Policy</b>
1. Up to \$1,000	Direct purchase from suppliers requiring only two verbal quotations.
2. \$1,001 - \$19,999	Obtain at least three verbal or written quotations.
3. \$20,000 - \$39,999	Obtain at least three written quotations
4. \$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
5. \$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

**1.6.1 Up to \$1,000**

Where the value of procurement of goods or services does not exceed \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Shire of Murchison Purchasing and Tender Guide contains a sample form for recording verbal quotations.

**1.6.2 \$1,001 to \$19,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the Shire of Murchison employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

**1.6.3 \$20,000 to \$39,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

**NOTES:** The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
  - Written Specification
  - Selection Criteria to be applied
  - Price Schedule
  - Conditions of responding
  - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

**1.6.4 \$40,000 to \$99,999**

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

The Shire of Murchison Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

**1.7 REGULATORY COMPLIANCE****1.7.1 Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

### 1.7.1 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**Note:** The application of provision “sole source of supply” should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

### 1.7.2 Anti-Avoidance

The Shire of Murchison shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

### 1.7.3 Tender Criteria

The Shire of Murchison shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
- \$100,000 and above, the panel must contain a minimum of 3 members.

### 1.7.4 Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. “The West Australian” newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **full** days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;
- detailed information shall include;
  - such information as the Shire of Murchison decides should be disclosed to those interested in submitting a tender;
  - detailed specifications of the goods or services required;
  - the criteria for deciding which tender should be accepted;
  - whether or not the Shire of Murchison has decided to submit a tender; and
  - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.



### **1.7.5 Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Murchison not to compromise its Duty to be Fair.

### **1.7.6 Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

### **1.7.7 Opening of Tenders**

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Shire of Murchison. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Murchison Officers present at the opening of tenders.

### **1.7.8 No Tenders Received**

Where the Shire of Murchison has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

### **1.7.9 Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Shire of Murchison by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

**1.7.10 Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Murchison may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

**1.7.11 Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Murchison and tenderer have entered into a Contract, a minor variation may be made by the Shire of Murchison.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

**1.7.12 Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

**1.7.13 Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Murchison’s internal records management policy.

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*Note:  
Indications of support for flying minute 6  
Indications of non support for flying minute 0*

**22.1.331011 Restricted Burning Period 2011-2012**

File:  
Author: Mike Sully, Chief Executive Officer  
Interest Declared: Nil.  
Date: 2011  
Attachments:

**Matter for Consideration:**

This report recommends that Council endorse a Restricted Burning Period from 1 November 2011 to 31 March 2012

**Background:**

The extremely high vegetation growth within the Shire over the 2011 winter period has created a serious bush fire risk. FESA Geraldton has endorsed a request that the Shire impose a Restricted Burning Period from 1 November 2011 to 31 March 2012

**Comment:**

If the Restricted Burning Period is proclaimed by Council, all Shire residents will be advised on a regular basis through email and the Murchison Monologue during the period of restriction, notices will be placed at popular camping spots within the Shire advising tourists of the restriction, and signs will be erected in the Settlement Roadhouse.

**Consultation:**

Cr. Paul Squires Shire of Murchison  
Mr Russell Hayes FESA Geraldton

**Statutory Environment:**

The Bush Fires Act (1954) Section (18) (5) (a) (i) and (ii) provides Council with authority to proclaim a Restricted Burning Period if Council considers that there is a serious danger of bush fires within the Shire due to adverse conditions.

**Strategic Implications:**

Community safety is a strategic priority.

**Policy Implications:**

Nil.

**Financial Implications:**

Suitable signs will be made with provision to alter dates to reflect potential future burning restrictions.

**Voting Requirements:**

Simple Majority.

**OFFICER'S RECOMMENDATION:**

That Council impose a Restricted Burning Period within the Shire of Murchison from 1 November 2011 to 31 March 2012 and provide suitable warning signs throughout the Shire..

**23. NOTICE OF MOTION**

**24. CEO ACTIVITY REPORT**

- 21/22.09.11 Meetings with CCC - Geraldton
- 28.09.11 Teleconference with Fairwork Australia
- 03.10.11 Meeting with prospective Roadhouse Lessees - Murchison
- 04.10.11 Meeting with prospective Roadhouse Lessees - Murchison
- 05.10.11 Regional Roads Group – Teleconference
- 07.10.11 Meeting with Tania Henkel – Heritage Adviser - Murchison
- 07.10.11 Meeting with prospective Roadhouse Lessees - Murchison
- 10.10.11 Banking and shopping for Roadhouse - Geraldton
- 13.10.11 Meeting with Russell Hayes (FESA) - Murchison
- 18.10.11 Meeting with WALGA business team - Murchison
- 19.10.11 Meeting with Tex McPherson (FESA) - Murchison
- 20.10.11 Meeting with Mike Gray, Fuel Fix – Ballinyoo Bridge
- 21.10.11 Meeting with Ross and Ken from CSIRO Infrastructure Funding, Canberra

**COUNCIL DECISION:**

That the CEO's Activity Report be accepted.

**25. URGENT BUSINESS**

**Purchase of Equipment**

**26. ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

**Murchison Oasis Roadhouse - Lease**

**Murchison Oasis Roadhouse - Spidentani**

**CEO Performance Review**

**27. MEETING CLOSURE**