



Western Australia

## Minutes for the Ordinary Meeting of the Murchison Shire Council

Held in the Council Chambers, Carnarvon Mullewa Road, Murchison,  
on Thursday **24 October 2019**, commencing at 12 Noon.

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

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*The Chief Executive Officer opened and chaired the meeting until the successful conclusion of item 3.1 of the Agenda (Election of President).*

*Meeting opened 12.02pm.*

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## **2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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### Elected Members

Cr R Foulkes-Taylor

Cr E Foulkes-Taylor

Cr Q Fowler

Cr G Mead

Cr P Squires

### Staff

Bill Boehm – Chief Executive Officer

Tatjana Erak – Acting Deputy Chief Executive Officer

William Herold – Works Supervisor

### Leave of Absence

A Whitmarsh

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## **3 ELECTION OF OFFICE BEARERS**

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### **3.1 Election of President**

File: 4.1  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 18 October 2019  
Attachments: *President Nomination Form sent out to councillors with Agenda*

### Matter for Consideration:

A President is to be elected from within Council for a two-year term of office expiring in October 2021.

### Background

The Local Government Act prescribes that Council is to elect a President as the first matter dealt with at the first meeting of Council after an ordinary election's day.

### Comment

Nominations are to be lodged in writing to the CEO, indicating consent of the nominee, prior to or at the Meeting. (*President Nomination Form sent out to councillors with Agenda*).

Councillors will cast their vote by secret ballot, votes will be counted, and the CEO will declare the results. If there is equality of votes between 2 or more candidates, then the meeting is to be adjourned for not more than seven days. Nominations may be withdrawn, or further nominations may be made before or when the meeting resumes. If the second round of voting results in a tie, then the CEO is to draw lots in accordance with regulations to determine which candidate is elected.

## Statutory Environment:

### *LGA Schedule 2.3 Division 1*

#### *1. Terms used In this Division*

*— office means the office of councillor mayor or president.*

#### *2. When council elects 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 elections day; and*

#### *3. CEO to preside*

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

#### *4. How 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 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 the meeting is to be adjourned for not more than 7 days.*

*(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*

*(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*

*(4) The votes cast under subclause (3) 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.*

### *Schedule 4.1 — How to count votes and ascertain the result of an election [s. 4.74]*

*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.*

## Nominations Received

Sole nomination received was for Cr R Foulkes-Taylor.

## **Result of Election**

Cr R Foulkes-Taylor was appointed Shire President of the Shire of Murchison for a two-year period expiring October 2021.

## Declaration of Office

The successful councillor was required to complete the *Form 7 under the Local Government (Constitution) Regulations* as well as this declaration being verbally undertaken before an Authorised Person pursuant as outlined in *Schedule 2 of the Oaths, Affidavits and Statutory Declarations Act 2005* prior to taking Office.

Cr R Foulkes-Taylor successfully completed this declaration with declaration before the Chief Executive Officer.

## 3.2 Election of Deputy President

File: 4.1  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 18 October 2019  
Attachments: *Deputy President Nomination Form sent out to councillors with Agenda*

### Matter for Consideration:

The Deputy President is to be elected from within Council for a two-year term of office expiring in October 2021.

### Background

The Local Government Act prescribes that Council is to elect a Deputy President as the next matter dealt with after the election of a President at the first meeting of Council after an ordinary elections day.

### Comment

Nominations are to be lodged in writing to the CEO, indicating consent of the nominee, prior to or at the Meeting (*Deputy President Nomination Form sent out to councillors with Agenda*).

Councillors will cast their vote by secret ballot, votes will be counted and the CEO will declare the results. If there is equality of votes between 2 or more candidates, then the meeting is to be adjourned for not more than seven days. Nominations may be withdrawn or further nominations may be made before or when the meeting resumes. If the second round of voting results in a tie, then the CEO is to draw lots in accordance with regulations to determine which candidate is elected.

### Statutory Environment

#### *Division 2 — Deputy mayors and deputy presidents*

#### 6. *Terms used*

*In this Division —*

*office means the office of deputy mayor or deputy president.*

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

(1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president 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 elections day; and*

(b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*

(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.*

#### 8. *How 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.

9. 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 Schedule 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 [s. 4.74]

- 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.

Nominations Received

As a full complement of councillors were not present nominations for Deputy Shire President was adjourned until the November council meeting.

<b>Council Decision</b>			
<b>Moved: Cr</b>	E Foulkes-Taylor	<b>Seconded: Cr</b>	P Squires
That the nomination of the Deputy Shire President be adjourned until the November ordinary council meeting.			
<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b> 0

**Result of Election**

Election adjourned until November’s council meeting.

**Declaration of Office**

The successful councillor will be required to complete the *Form 7 under the Local Government (Constitution) Regulations* as well as this declaration being verbally undertaken before an Authorised Person pursuant as outlined in *Schedule 2 of the Oaths, Affidavits and Statutory Declarations Act 2005* prior to taking Office.

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## 4 CONFIRMATION OF MINUTES

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### 4.1 Ordinary Council Meeting – 26 September 2019

#### Background

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

#### Recommendation

That the minutes of the Ordinary Council meeting held on 26 September 2019 be confirmed as an accurate record of proceedings.

#### Voting Requirements:

Simple majority

#### **Council Decision**

**Moved: Cr** E Foulkes-Taylor

**Seconded: Cr** Q Fowler

That the Minutes of the Ordinary Council meeting of 26 September 2019 be confirmed as an accurate record of proceedings

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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## 5 DISCLOSURE OF INTERESTS

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Nil

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## 6 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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Nil.

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## 7 PUBLIC QUESTION TIME

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### 7.1 Standing Orders

#### **Council Decision**

**Moved: Cr** Q Fowler

**Seconded: Cr** G Mead

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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## 8 NEXT MEETING

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28 November 2019

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## 9 APPLICATIONS FOR LEAVE OF ABSENCE

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Nil

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## 10 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

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23.1 Renewal of Contract Ranger Agreement

23.2 Matter Affecting a Person

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## 11 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

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- (a) Cr R Foulkes-Taylor is grateful for the opportunity to continue as Shire President and is looking forward to representing the community for the next two years.
- (b) Councillors (and CEO) were asked to consider being a delegate for the Zone meeting of Cue Parliament (Friday 22 November 2019).

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## 12 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

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Nil

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## 13 ACTION LIST

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No	Item	Action	Status / Comments
1	Community Project Officer	Working Group held a telephone conference to discuss funding.	Awaiting release of grant funding. Grant applications close Sept 2019.
2	Cemetery and Remembrance Walk	Community Advisory Group inspected niche wall area and marked layout.	Wall design sketched. Awaiting quote.
3	Review of Road Network	Council to conduct a whole of shire road review. Establish roads to be closed/position of roads etc. and work with Landgate and surrounding shires. The status (ie a road defined by description; a dedicated road; a gazetted road; a closed road) of roads no longer maintained needs to be identified before the Shire can progress with this.	Working with Paul Dean of Landgate. Landgate report has been received. Like most rural Council's, we receive a substantial portion of our revenue via the Grants Commission (General Purpose & Roads) for road construction and maintenance. This is based on the length and type of road and as such is an important consideration in any review

*Note Council Comments from the September Meeting "The CEO is to be updated on the requirements of the first two items."*

### Council Comments

The community would like someone with dedicated time and expertise to chase grants and for the Shire to make this happen. The CEO is to provide an update report on this and present to November's meeting.

Paul Lukitsch to be contacted on the status of the wall design for the Cemetery.

### Recommendation

That the Action List be accepted.

### Voting Requirements

Simple majority



## Council Decision

Moved: Cr G Mead

Seconded: Cr P Squires

That the Action List be accepted.

Carried/Lost	For	5	Against	0
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## 14 REPORTS OF OFFICERS

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### 14.1 Works Supervisor Report

File:

Author: William Herold – Works Supervisor

Interest Declared: No interest to disclose

### Monthly Plant Report

*Note this report will be presented as an attachment as a Late Item in Section 22 Urgent Business*

### Works Report

#### Construction Crew

The construction crew have continued on the Beringarra Cue road reverting back to an unsealed road. Some time has been lost with the Landor break and some staff being away on personal leave for various reasons. About 13 kilometres of the project has been completed. On or about the 23<sup>rd</sup> of October they will break camp and make their way to the Wooramel River to begin the re-sheet from the North boundary on the Carnarvon / Mullewa Road down to the Wooramel River crossing. This will keep them busy to and past the Christmas break. Water on this job looks likely to become our biggest challenge.

#### Maintenance Crew

The maintenance crew have graded the Muggon Road, Butchers Track, Meeberrie / Worley and are currently cleaning up the edges of the bitumen along the Carnarvon / Mullewa Road. They will then keep heading to the South boundary to do a post Landor touch up before heading to the south boundary on the Beringarra / Pindar Road.

#### Prime Mover

The new Kenworth prime mover has been delivered and pressed in service. (Delivered on 15/10/2019).

Hire of some additional plant will probably need to be considered, Water Cart and a Grid Roller are the most likely items on the re-sheet project from the North boundary to the Wooramel River crossing.

#### Oasis Roadhouse and Caravan Park

Formal meetings with the Roadhouse lessees, Peter and Nicole Mahoney have been instigated. The first of these meetings occurred on October 15 at the Council Offices. Various items were discussed including the status of the lease, outstanding works, new works and the proposed new fuel retail system whereby when the Roadhouse is open all fuel transactions are controlled and conducted from within the roadhouse with all after hours transactions using the existing Card Reader System. These proposed new fuel dispensing arrangements was positively received.

#### Other

Arrangements are being put into place for the necessary repair works for the Coolcalalaya West Road. Along with Josh Kirk I attended a pickup of the Beringarra - Pindar Road to assess likely upgrade works that would be required for the road should the Adaman Resources Project proceed.

### Recommendation

That the Work's Supervisor's Report be received and accepted.

## Voting Requirements

Simple Majority

### **Council Decision**

**Moved: Cr** G Mead **Seconded: Cr** E Foulkes-Taylor

That the Work's Supervisor's Report be received and accepted.

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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### Additional Works Supervisors Update - Beringarra-Cue Road

The Works Supervisor updated the Council on the kilometre rate for the Beringarra-Cue Rd, which was considered conservative. The seal used was "second-rate". The Shire of Cue put a sand seal on their section and the consensus is that this has turned disastrous.

### Additional Works Supervisors Update - Carnarvon-Mullewa Road

Update on the Carnarvon-Mullewa Road is that the Works Supervisor is working with Main Roads for them to contribute to bring the road back to a reasonable state due to increased truck use and not wait until road repairs are urgent. The general feeling is that Main Roads should be held accountable prior to heavy haulage as would a mining company. Cr P Squires voiced that he maybe should leave the room as he has equipment in use by WBHO (subcontracting on the Main Roads project) and council agreed.

*Cr P Squires left the room at 12.40pm.*

### Council Comment

The councillors wished to express urgently to Main Roads that the road is to be watered and maintained. A local rolled his car on the weekend on the City of Greater Geraldton side which is part of the haul route and this was considered a major safety concern.

*The meeting was adjourned at 12.45pm for lunch.*

*The meeting resumed at 1.54pm.*

*Cr P Squires returned at 1.54pm.*

*Following general discussion, Cr P Squires left the room at 2.08pm.*

A new motion was subsequently raised with regard to the status of the haul routes associated with the CSIRO programmed works.

### **Council Decision**

**Moved: Cr** E Foulkes-Taylor **Seconded: Cr** G Mead

- 1 In response to the Works Supervisor's updated road condition report on the state of several roads, Council directed the CEO to immediately issue a road closure notice stating the Carnarvon-Mullewa Road, south of the Ballinyoo Bridge and all roads on the route between Twin Peaks and the MRO are closed to heavy traffic until remediation maintenance to the satisfaction of the CEO and Works Supervisor has been undertaken. The exceptions to this closure are for:
  - the movement of any stock or water;
  - food and services supply to any accommodation facilities;
  - local traffic.
- 2 The Beringarra-Pindar Road from Pindar to Boolardy is also closed with the same exceptions as above except that this closure is subject to an inspection and can be re-opened if the Works Supervisor is satisfied as to its condition.

<b>Carried/Lost</b>	<b>For</b>	4	<b>Against</b>	0
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*Cr P Squires returned at 2.10pm.*

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## **15 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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### **15.1 Shire President**

No formal meetings

### **15.2 Councillors**

No meetings

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## **16 REPORTS OF COMMITTEES**

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Nil

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## **17 FINANCE**

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### **17.1 Financial Activity Statements 31 August 2019**

File:

Author: Tatjana Erak – Acting Deputy Chief Executive Officer

Interest Declared: No interest to disclose

#### Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements.

*Note this report will be presented as a Late Item in Section 22 Urgent Business*

### **17.2 Financial Activity Statements 30 September 2019**

File:

Author: Tatjana Erak – Acting Deputy Chief Executive Officer

Interest Declared: No interest to disclose

#### Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements.

*Note this report will be presented as a Late Item in Section 22 Urgent Business*

### **17.3 Accounts Paid since the last list was adopted/endorsed by Council**

File: 4.37.1

Author: Tatjana Erak - Acting Chief Executive Officer

Interest Declared: No interest to disclose

#### Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government endorse the accounts paid since the last presentation to Council.

*Note this report will be presented as a Late Item in Section 22 Urgent Business*

## 17.4 Budget Amendment - Road Asset Management

File:

Author: Bill Boehm - Chief Executive Officer

Interest Declared: No interest to disclose

Date: 17 October 2019

Attachments: Nil

### Matter for Consideration

The *Local Government Act 1995* requires that expenditure from the municipal fund not otherwise included in the annual budget be authorised by Council. This is usually undertaken at a formal budget review which under s33A of the *Local Government (Financial Management) Regulations 1996* must be held undertaken between 1 January and 31 March 2019 in each financial year.

From time to time there are circumstances that arise where works that have arisen since the budget was adopted or are considered from a timing perspective to be advanced and are worthy of being committed ahead of a formal budget review being undertaken. Council's RAMM Database and Road Asset Condition Assessment is one such case.

### RAMM Database Revalidation

During the preparation of the Shire's Cost Estimate for the recent AGRN863 flood damage event, Council's Asset Management Consultants were required to provide asset function data extracted from the Shire's RAMM database. As part of this process, it became evident that much of the Shire's RAMM database is outdated. Numerous inconsistencies were identified with the main differences being missing pavement assets and floodway assets from the Shire's RAMM database.

Ensuring the RAMM database is accurate and current is critical as it is a key input into the local government road asset preservation model which determines the value of grant funding each local government receives. By under-reporting the Shire's road assets, there is a risk that the Shire is not receiving the full value of grant funding it may be entitled to. As a result, it is recommended revalidating the Shire's RAMM database by way of a full Shire network pick-up. This comprises:

- Drive through inspection of every road to document the attributes of all road and road-related assets,
- Comparison of the physical inspection data with the existing RAMM data and updating the database accordingly.

In conjunction with this full network inspection it also recommended completing a Road Asset Condition Assessment. The primary reason is to meet the requirements of the reformed National Disaster Relief and Recovery Arrangements (NDRRA) which place a far greater onus on the asset owner to provide evidence of the pre-disaster condition of the damaged asset. This evidence must be provided in the form of geospatial data, visual data or inspections reports.

### Road Asset Condition Assessment

One of the challenges with this new requirement is capturing and documenting the condition of the full length of every road in the Shire's network prior to the damage occurring. Although isolated photos of specific road segments may be sufficient if the damage occurs at that specific location, if a segment of road that was not expected to get damaged (and hence was not photographed) does experience flood damage, the Shire will find it challenging to obtain NDRRA funding to reinstate the asset to its pre-disaster condition.

In order to complete a complete network pick-up with high-definition imagery in a cost and time efficient manner and to manage the significant volume of visual and geospatial data that will be produced as a result of this, Greenfield has recently acquired specialist imagery technology specifically designed for documenting and recording road asset condition.

The technology works by taking high-definition images every 10-15m along the length of the road which are georeferenced against GPS coordinates and road SLK's. It also records surface roughness data which provides a guide as to the condition of the network.

This comprehensive survey dataset can then be used for:

- Road condition assessment,
- Network analysis to develop maintenance and capital works programs,
- Establishing appropriate unsealed and sealed road service levels, and
- Pre-disaster condition evidence required under the new NDRRA flood damage reforms.

Importantly, the survey data collected can be used as evidence to support a NDRRA flood damage claim anytime during the next 4 years commencing from the date of the survey. The collected survey data eliminates any dispute with the funding authorities as to whether the damage has sustained flood damage making the cost estimate approval process significantly more streamlined.

### Comments

The Shire has approx. 1,660km of road network This equates to approx. 4,760km of travel to inspect the full network including travelling back and forth to camp and mobilisation / demobilisation. Estimated cost for this work is \$50,000. This work will substantially improve Council's Asset Management in the roads area. Work will be valid for several years without further pickup being required; a significant improvement on the current situation. It will also allow Council to produce more accurate Asset and Financial Management Plans.

A smaller allocation to pick out and analyse and program councils sealed road works program is also required.

### Statutory Environment

*Local Government Act 1995*

*Section 6.8 Expenditure from municipal fund not included in annual budget specifies that*

(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

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

*\* Absolute majority required.*

(1a) *In subsection (1) —*

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

### Strategic Implications

It is strategically important that Council's Assets are managed appropriately, especially given that roads are by far and away the Councils most important asset class.

### Policy Implications

Nil

### Budget/Financial Implications:

A budget addition of \$60,000 into the COA 14522 Consultancy Fee Budget line primarily towards the Revalidation of Council's RAMM Database and Road Condition Assessment plus a smaller allocation to pick out and analyse and program councils sealed road works program is suggested.

### Sustainability Implications

Environmental There are no known significant environmental considerations

Economic There are no known significant economic considerations

Social There are no known significant Social considerations

### **Recommendation**

That Council approves an addition of \$60,000 into the COA 14522 Consultancy Fee Budget line primarily towards the Revalidation of Council's RAMM Database and Road Condition Assessment plus a smaller amount to pick out and analyse and program councils sealed road works program.

## Voting Requirements

Absolute Majority

## Council Comment

Previously discussions had been based on \$50,000. The extra \$10,000 requested is for the sealed roads.

### **Council Decision**

**Moved: Cr** Q Fowler **Seconded: Cr** R Foulkes-Taylor

That Council approves an addition of \$60,000 into the COA 14522 Consultancy Fee Budget line primarily towards the Revalidation of Council's RAMM Database and Road Condition Assessment plus a smaller amount to pick out and analyse and program councils sealed road works program.

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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## **18 DEVELOPMENT**

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### **18.1 Housing**

WALGA have been engaged to undertake the tender process for the provision of two (2) new houses. Prices are being sought for two, three, and four-bedroom options; to be sited on Mulga Crescent immediately to the south of Lots 12A and 12B.

Tenders closed on 3 October 2019 and have been referred to a Tender Evaluation Panel (minimum 3) as per Councils resolution of the April 2019 Meeting. Due to time constraints and with one Councillor Representative assigned to the Panel declaring the makeup of the panel needed to be varied. Two additional members have been added based on the need to include persons with experience and with need to consider likely future involvement of persons for the project.

The Panel comprises Chief Executive Officer, Works Supervisor, Technical Officer, Environmental Health Officer / Building Surveyor and a WALGA representative. A formal report will be submitted and considered by Council at a subsequent meeting.

### **For Information**

### **18.2 Settlement Power Supply**

Consultants have been engaged to assist in what is effectively a two-stage process

#### Stage 1

Review existing electrical network and performance and recommend actions with a view to ensuring it will be sufficient going forward. Also scope out specifications for the supply and installation of a replacement Generator on the basis that a renewable energy system will later be installed. Stage 1 is the urgent bit which will be actioned as soon as possible.

#### Stage 2

Review previous reports and documentation and how this aligns with the current market and what it would consider a suitable design for the community requirements and best fit for purpose to align with a suitable long-term renewable / diesel power supply system and update analysis of preferred options.

In addition to the above the Commonwealth Government has recently announced through the Department of Industry, Innovation and Science that applications are open for that Regional and Remote Communities Reliability Fund for Microgrids. Consultants (namely HydroSystems) will also assist in potentially preparing an application.

### **For Information**

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## 19 ADMINISTRATION

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### 19.1 Returning Officer's Report on the October 2019 Elections

File:

Author: Bill Boehm - Returning Officer  
Interest Declared: No interest to disclose  
Date: 17 October 2019  
Attachments: 19.1.1 Election Advertisements

#### Matter for Consideration

The Office of the Returning Officer is independent of the Council and at the conclusion of an election it is appropriate for the Returning Officer to provide a report to the Council on the conduct of the election.

As previously advised at the close of the nomination period the number of candidates equalled the number of vacancies and as a result an election was not required. Accordingly, whilst detailed operational matters associated with conducting the election in person post close of nominations were largely not required, nevertheless various aspects are worthy of a formal report.

#### Background

The Murchison Shire is structured as an entire District and came into existence for the 2017 local government elections. This followed a review of the Electoral System after the Local Government Advisory Board had directed the Shire to undertake a review of its wards and representations to address imbalances then two Ward system. (Darlot and Ballinyoo). The October 2019 Elections was the second with an unsubdivided municipality.

The Council has 6 elected members each with 4-year terms. Three retire every two years. The 2019 elections saw the following Councillors terms expire.

Foulkes-Taylor, Rosco  
Fowler, Quentin J  
Whitmarsh, Andrew

#### General

There is a significant amount of pre-election planning required and training and upskilling required for staff involved. For small municipalities such as Murchison Shire there is also significant reliance on the Chief Executive Officer, who, unless Council otherwise decides, is the designated returning officer. In this instance the election was managed initially and virtually all of the work locally by the Acting CEO Eddie Piper (who had extensive WA experience) and, me as incoming CEO (who had some experience interstate but none in WA). This election also saw a new requirement requiring all candidates to complete a course of candidate induction and the ability for electronic lodgement of nominations.

Critically expert experienced advice was available from WALGA's Governance Team, which was invaluable. Administrative compliance is essential and as such the Department of Local Government Sport and Cultural Industries have developed a step by step process through a Returning Officers Manual. Notwithstanding that this was not available until 27 August 2019, overall the administration went.

#### Pre-Election

Like many local governments, Council used WALGA to undertake the required pre and post-election advertising in the West Australian including Enrolling to Vote, Call for Nominations and Local Government Election Results as attached. This is an onerous task and one best suited and cost effective to be done as a sector. In addition, there was a raft of publicity on news outlets and through TV Advertising.

Amongst other things pre-election work was also required to update and keep updated Council's Owner-Occupier roll, including any applications for enrolment which need to be vetted and verified. Eg checking the ASIC registration database

At the close of rolls there were 73 on the Residents Roll as compiled by the West Australian Electoral Commission and 2 on the Councils Owner-Occupier Roll.

### Nominations

A call for nominations was placed in the West Australian on 28 August 2019 with nominations able to be received between 5 September and 12 September 2019. There is a raft of detailed compliance aspects involved that must be followed by those nominating with strict adherence to requirements by the returning Officer. The Returning Officer must also prepare for and be ready for the situation if an election is required prior to the close of the nominations

### Declaration

At the close of the nomination period, the number candidates (3) equalled the number of nominations (3) and as a result the following persons were declared elected unopposed.

Foulkes-Taylor, Rossco

Fowler, Quentin J

Whitmarsh, Andrew

### Comments

Whilst the election process was successfully completed there are a few comments to be noted as follows:

1. The number of enrollments on the owner / occupier's roll (2) is a very small percentage of those that could be eligible if they applied. Whether pre advertising would have made a difference is open to question.
2. Notwithstanding that there was a raft of publicity on news outlets and through TV Advertising, with the change in staff new to the Council during the election period, and lack of a Monologue being produced, apart for an item included in the August the Council Meeting Agenda there was not any additional local information over and above the statutory requirements initiated by the Council. This is something that in hindsight could have been improved.
3. The recent inquiry into the City of Perth Council has already revealed a range of non-compliance aspects associated with electoral rolls and eligibility for enrollments on the owner/ occupier roll and even eligibility for nomination. Findings from this will no doubt shape future legislative changes. What is clear that even with the resources that Perth City have available mistakes can be made in good faith. This applies equally for small Councils and explains why many local governments outsource their electoral responsibilities to minimise the risk, notwithstanding the additional costs involved.
4. The forms required to be filled out by prospective candidates could be improved and simplified with actual examples and dos and don'ts. Once a nomination is submitted there often very little time to correct any errors that may have been made
5. The support from the WALGA Governance Team has found be invaluable with experienced advice readily available. The Department of the Local Government Sport and Cultural Industries website was however cumbersome with no document links which means that the entire web pages need to be either printed or emailed rather than small more concise and usable documents.

### Strategic Implications

Nil

### Policy Implications

Nil

### Budget/Financial Implications:

Nil

### Sustainability Implications

Environmental There are no known significant environmental considerations.

Economic There are no known significant economic considerations.

Social There are no known significant Social considerations.



## Recommendation

That the Returning Officer's Report on the October 2019 Elections be received and accepted.

### Voting Requirements

Simple Majority

### Council Decision

Moved: Cr P Squires

Seconded: Cr Q Fowler

That the Returning Officer's Report on the October 2019 Elections be received and accepted.

Carried/Lost	For	5	Against	0
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## 19.2 Audit Committee Operation

File: 14.24  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 16 October 2019  
Attachments: 19.2.1 Audit Committee Terms of Reference

### Matter for Consideration:

Section 7.1A of the *Local Government Act 1995* requires a Council to establish and operate an Audit Committee to exercise various powers and discharge duties that and conferred upon it. Whilst most of the requirements contained in sections *LGA Subdivision 2 s5.8 to s5.25* associated with the operations of Committees apply various requirements have been modified *within LGA s7.1A to 7.1C*.

At the October 2017 Council Meeting Council considered and adopted a Terms of Reference for the Audit Committee. A copy is attached. At the time it was resolved that all members of the Council would be members of the Audit Committee.

The Local Government Ordinary Elections were held on the 19 October 2019 and so under the Act current membership of the Shire of Murchison's Audit Committee was discontinued on the that day.

It is considered appropriate to now reconsider the operation of the Audit Committee via the terms of reference as well as the Committees membership.

### Statutory Environment

*LGA Subdivision 2 s5.8 to s5.25 & s7.1A to 7.1C*

*LG (Audit) Regulations 1996*

#### LGA Division 1A — Audit committee

##### 7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.  
\* Absolute majority required.
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

##### 7.1B. Delegation of some powers and duties to audit committees

- (1) Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.  
\* Absolute majority required.

(2) A delegation to an audit committee is not subject to section 5.17.

#### 7.1C. Decisions of audit committees

*Despite section 5.20, a decision of an audit committee is to be made by a simple majority.*

### LG (Audit) Regulations 1996

#### 16. Functions of audit committee

*An audit committee has the following functions —*

- (a) to guide and assist the local government in carrying out —*
  - (i) its functions under Part 6 of the Act; and*
  - (ii) its functions relating to other audits and other matters related to financial management;*
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
  - (i) report to the council the results of that review; and*
  - (ii) give a copy of the CEO's report to the council;*
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
  - (i) regulation 17(1); and*
  - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) to oversee the implementation of any action that the local government —*
  - (i) is required to take by section 7.12A(3); and*
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.*

#### Comments

The financial credibility of a Local Government is enhanced through the successful operation of an audit Committee which provides independent recommendations to Council on matters that it is required by legislation to do.

The current makeup of the Committee, which provides for all elected members to be voting members could in effect blur these two distinct roles. Whilst this situation is not unique in WA Local Government most Councils would not have all councillors as Audit Committee members with voting rights.

Should Council concur with this view then it would open to amend the terms of reference to reduce the number of Councillors to the minimum (3) but also perhaps make provision for all Councillors to be able to attend as participants but those not appointed will act as observers and not vote. This would improve the governance aspects whilst still allowing all councillors the opportunity for discussion and more in depth briefing on any item without compromising the two distinct roles ie Audit Committee and Council.

There is also currently no outside expertise although for a small Shire such is ours this becomes problematic and is perhaps something that can be reviewed at some future date.

At this stage the current terms as of reference as written would seem to be appropriate.

A local government is required to meet with its auditor at least once in every year and the meeting may be conducted by telephone or video conference. From past practice telephone meetings have been arranged. It would seem appropriate that this be so stated in the terms of reference.

#### Strategic Implications

The Audit Committee assists the good governance of the Shire.

#### Policy Implications

N/A

Budget/Financial Implications

N/A

Sustainability Implications

Environmental There are no known significant environmental considerations

Economic There are no known significant economic considerations

Social There are no known significant Social considerations

Consultation

N/A

**Recommendation**

1. That the current terms of reference for the Audit Committee be amended to
  - (a) include the provision of meetings being able to be conducted by telephone, videoconferencing or other electronic means
  - (b) specify that membership will consist of three (3) elected members with full voting rights but that all other councillors may attend and participate as observers
2. That the following people shall be appointed to the Audit Committee (minimum three members of council)  
(TBA)

Council Comment

The third membership was left vacant until all six councillors are in attendance.

Cr R Foulkes-Taylor and Cr Q Fowler were appointed, and the third vacancy is to be filled at the next meeting.

Voting Requirements

Absolute majority

**Council Decision**

**Moved: Cr** E Foulkes-Taylor **Seconded: Cr** Q Fowler

1. That the current terms of reference for the Audit Committee be amended to
  - (a) include the provision of meetings being able to be conducted by telephone, videoconferencing or other electronic means
  - (b) specify that membership will consist of three (3) elected members with full voting rights but that all other councillors may attend and participate as observers
2. That the following people shall be appointed to the Audit Committee (minimum three members of council): Cr R Foulkes-Taylor, Cr Q Fowler and the third vacancy to be filled at November's Council Meeting.

<b>Carried/Lost</b>	<b>For</b>	<b>5</b>	<b>Against</b>	<b>0</b>
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### 19.3 Other Committee Working Groups & Outside Organisations Operation

File: 14.24  
Author: Bill Boehm – Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 16 October 2019  
Attachments: 19.3.1 Terms of Reference for each current Committee / Working Group  
19.3.2 Membership of current Committees, Working Groups and Other Organisations

#### Matter for Consideration

Pursuant to the *Local Government Act 1995* Council is to determine the membership of all Committees following the day of Ordinary Elections (19 October 2019).

It has also been past practice that the opportunity is taken for the renewal of membership for those groups that have been established as Working Groups that provide advice to the CEO and to appoint delegates of other organisations that Council is involved in.

At this time, it would also be prudent to also review the current Terms of Reference for each Working Group or Committee.

A copy of the existing Terms of Reference for each current Committee / Working Group as well as Membership of current Committees, Working Groups and Other Organisations is attached.

#### Committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Committees are to report to Council and provide appropriate advice and recommendations on matters relevant to their terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

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 so 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.

If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, 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 election day,

whichever occurs first.

The members of each 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.

At the current time Council has one such committee being the Murchison Community Fund Management Committee. Its main purpose is to manage written applications of request for financial assistance from community members and community groups.

#### Working Groups

Working Groups are essentially established to make recommendations to the CEO for presentation to Council. As such they are not formal committees under the *Local Government Act 1995*.

Members are to be appointed having due regard for their particular skills and expertise in the area of interest for which the Working Group has been formed. Community Positions have historically been advertised. If there are more Community applicants than positions, then Council will decide the successful applicant(s), usually at the December Ordinary Council Meeting, having due regard for their particular skills and expertise.

I have reviewed the allocation of staff members and made minor suggested changes from the previous list as a result of a minor review of each person's role and skill sets. The recommendation includes the addition of Council's Technical Officer onto the Settlement Building Working Group and Community Advisory Group. If accepted the respective terms of Reference will need to be amended.

#### Delegates

Delegate positions are those that Council is required to appoint as representatives on other organisations.

#### Comments

In addition to the above there are a range of informal adhoc groups such as the Marketing Group that from time to time may operate. Also being new to the Shire I have no experience as to the activity of each Working Group so it would be prudent to also review whether some should still be required.

#### Statutory Environment

Committees *LGA Subdivision 2 s5.8 to s5.25*

#### Strategic Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

Nil

#### **Recommendation**

That for each Committee, Working Group and Organisation as listed, that Council endorses the listing of staff and community positions and appointments for member positions and if required makes minor changes to the Respective Terms of Reference to reflect any positional changes.

*Note that Council will need to determine from its ranks the relevant member appointments as part of a final resolution*





## 19.5 Murchison Oasis Roadhouse – Fuel Policy

File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date 19 October 2019

Attachments: 19.5.1 Extract Council Minutes Special Meeting 7 December 2012

### Matter for Consideration

Currently the fees and charges for the pricing of fuel (Diesel and ULP) is detailed in Councils Schedule of Fee and Charges which was set in accordance with a policy adopted at the 7 December 2012 Special Meeting. Following review of the situation likely medium to long term costs and considering the time that has elapsed since this aspect was reviewed, this policy is considered worthy of review.

### Background

As per Attachment 9.5.1 for 2019-20 fuel has been set according to a policy adopted at the 7 December 2012 Special Meeting as follows:

*“That council amend its’ fuel pricing policy to be: – The price of fuel be set at 10% above the highest of the purchase price (including freight) of newly delivered ULP or diesel which provides for provision for payment of five cents/litre to the Murchison Roadhouse lessee for all fuel dispensed through the Roadhouse bowsers.”*

Upon review of the commentary surrounding the previous decision it seems that a decision was then taken to reduce the price of fuel from a 15.5% mark-up to 10%. At the time it was pointed out that in effect the Council would be subsidising the cost of fuel as costs of fuel purchases, maintenance costs for pumps and bowsers, roadhouse commission and depreciation were not being covered.

As foreshadowed at the August Council Meeting the costs of fuel at the roadhouse appeared to be an issue with the Council operating at not an insignificant loss.eg

Budget Income	\$250,000
Budget Expense	\$268,000

Recently Council had a \$10k expense (unbudgeted) to replace the card reader at the bowsers. The need to move to a new fuel retail system whereby when the Roadhouse is open all fuel transactions are controlled and conducted from within the roadhouse with all after hours transactions using the existing Card Reader will also need to be funded in part from the Roadhouse fuel budget and part from the Roadhouse Budget.

### Comments

In reviewing the rationale for the policy, it seems in effect the pricing merely puts into practice a desired approach which in 2012 was implicit in the decision but not explicit in its articulation.

It is therefore considered that the approach should be

- (a) Establish the rationale (policy) and
- (b) Set the price as a fee in accordance with his policy

In relation to point (a) it is considered that given the nature of fuel prices and variability capital expenses a medium to long term view should be taken. In there are really three (3) options / approaches with the Council aiming to either:

- 1 make a commercial return over the medium to long term
- 2 neither operate at a profit nor loss over the medium to long term
- 3 subsidise the cost of fuel by a set % over the medium to long term

In relation to point (b) for practicable purposes setting the price *above the highest of the purchase price (including freight)* is reasonable as it provides the CEO with the guidelines in which to operate.



A small point to also consider is that Council, as a not for profit organisation in a remote area who purchases more fuel for its own needs than it sells, the normal commercial holding costs of keeping the fuel do not apply so that in effect the customer derives some flow on benefit.

From my viewpoint option 2 is the more in keeping with approach and consistent with Council's raison d'être. However this is a matter for Council.

For illustrative purposes in the financial Budget/Financial Implications section below three options are presented; which although not definitive, could reasonably represent of the above approaches.

Obviously from a public perception perspective the price at the bowser also has potentially some impact.

#### Budget/Financial Implications

Using 2018/19 figures the effects on the operating result for various options is shown below

<b>MODELLING</b>	<b>Council Policy 2012</b>	<b>Council Policy Pre 2012</b>	<b>Other Option</b>
Mark Up %	10.0%	15.0%	20.0%
Diesel 145,478 litres pa ULP 37,325 litres pa			
Average Diesel Purchase Price	\$1.34	\$1.34	\$1.34
Average ULP Purchase Price	\$1.29	\$1.29	\$1.29
Average Diesel Retail Price	\$1.62	\$1.69	\$1.76
Average ULP Retail Price	\$1.57	\$1.64	\$1.71
Retail Sales	\$293,454	\$306,793	\$320,132
GST	\$26,678	\$27,890	\$29,103
Commission	\$9,140	\$9,140	\$9,140
Net Sales	\$257,637	\$269,763	\$281,889
Cost of Fuel	\$242,524	\$242,524	\$242,524
<b>Net Profit</b>	<b>\$15,112</b>	<b>\$27,238</b>	<b>\$39,365</b>

#### Strategic Implications

Nil

#### Policy Implications

As outlined

#### Sustainability Implications

Environmental There are no known significant environmental considerations

Economic There are no known significant economic considerations

Social There are no known significant social considerations

#### **Recommendation**

- 1 That in relation to the operating of fuel facilities at the Murchison Oasis Roadhouse that Council's policy is to aim to operate these facilities at neither a profit nor loss over the medium to long term.
- 2 That in relation to Council's policy of operating of fuel facilities at the Murchison Oasis Roadhouse, that the price of fuel be set at 15% above the highest of the purchase price (including freight) of newly delivered ULP or diesel.

### Voting Requirements

Recommendation 1 (Policy)      Simple Majority  
Recommendation 2 (Price)      Absolute Majority

### **Council Decision**

**Moved: Cr**      E Foulkes-Taylor      **Seconded: Cr**      G Mead

1. That in relation to the operating of fuel facilities at the Murchison Oasis Roadhouse that Council's policy is to aim to operate these facilities at neither a profit nor loss over the medium to long term.
2. That in relation to Council's policy of operating of fuel facilities at the Murchison Oasis Roadhouse, that the price of fuel be set at 15% above the highest of the purchase price (including freight) of newly delivered ULP or diesel.

<b>Carried/Lost</b>	<b>For</b>	<b>5</b>	<b>Against</b>	<b>0</b>
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### **19.6 Local Government Reforms – Elected Member Training**

File:

Author:                              Bill Boehm – Chief Executive Officer

Interest Declared:              No interest to disclose

Date                                      19 October 2019

Attachments:                      19.6.1 Priority Reforms Local Government  
   19.6.2 Council Member Training Requirements  
   19.6.3 WALGA Training Options

### Matter for Consideration

Provision of legislated elected member training

### Background

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed by Parliament. This Act addresses key areas of Elected member training, the treatment of gifts, a new code of conduct, changes to the Standards Panel, best practice standards for CEO recruitment, performance review and early termination; and greater transparency as more information will be made more easily accessible online. Summary of advice is shown on Attachment 19.6.1.

The reforms that commence immediately include Introduction of universal training for candidates and council members; and greater access to information held by a local government.

The immediate issue associated with this item is Introduction of universal training for candidates and council members and to this end Attachment 19.6.2 outlines the legislated training requirements which are mandatory and must be undertaken within the first 12 months of being elected.

The training course, Council Member Essentials, has been developed to provide council members with the skills and knowledge to perform their role as leaders in their district. The Council Member Essentials course has five foundational units. Ie Understanding local government, Serving on council, Meeting procedures, Conflicts of interest and Understanding of financial reports and budgets.

All council members will have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set.

The changes have been introduced in recognition of the unique and challenging role that council members have.

### Training Options

Under these changes training must be performed through an accredited provider. This currently includes WALGA and TAFE (North & South Metro). For practicable purposes WALGA is the best choice of these three so I have attached a summary of their training options (attachment 19.6.3). At this stage I am unaware if there are any other providers accredited but given the relatively new introduction of this requirement there may be.

Essentially through WALGA there are face to face and e-learning options. The full face to face package would take 5 days. but whether the value is there is open to question.

#### Comment

Whilst Ee-earning options may suit each elected member as the training can be done from home and is likely to be more cost effective from a budget perspective but face to face learning provides better opportunity to engage and question. The full face to face package would take 5 days but whether the value is there from a time perspective is open to question. If conducted at the Council Office, some staff could also participate which would be advantageous. However, if an elected member is not available for a module or if Council so chooses to only conduct part on a face to face basis, then an e-learning option would still be required for a particular module.

#### Strategic Implications

*Council Strategic Community Plan - Civic Leadership Objective 4*

*To provide Good Governance to the Murchison Shire through:*

- Compliance with Statutory Requirements*

#### Policy Implications

N/A

#### Budget/Financial Implications

Current Budget Allocations may be able to be used are as follows

<b>COA</b>	<b>Description</b>	<b>Budget</b>	<b>L/Yr Budget</b>	<b>L/Yr Actual</b>
04111	Training Expenses of Members	\$10,000	\$5,000	\$14,985
04101	Members Conference Expenses	\$20,300	\$25,550	\$0

#### Sustainability Implications

Environmental There are no known significant environmental considerations

Economic There are no known significant economic considerations

Social There are no known significant social considerations

#### **Recommendation**

Given the variety of options available it is considered that councillors should discuss the matter and indicate a direction for the Chief Executive Officer to pursue.

#### Voting Requirements

Simple Majority

#### Council Comment

The CEO is to investigate if it is beneficial to get a WALGA trainer to the settlement as opposed to 6 councillors having to travel, typically to Perth. It is proposed that the financial unit is conducted face to face and the remaining units are done online.

## Council Decision

**Moved: Cr** R Foulkes-Taylor **Seconded: Cr** G Mead

That the CEO is to investigate if it is beneficial to get a WALGA trainer to the settlement as opposed to 6 councillors having to travel, typically to Perth and that the financial unit be conducted face to face and the remaining units done online.

**Carried/Lost** **For** 5 **Against** 0

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## 20 NOTICE OF MOTION

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Nil

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## 21 CEO ACTIVITY REPORT

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File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Attachments: Nil

### General

During the month the office has been affected with staff absent due to leave commitments, Landor crew break and training. Recruitment for a new Corporate Services Officer has been completed with Racheal King from Geraldton being appointed. Racheal will commence in mid-November. Meanwhile we have recruited Robyn Smith via Logo appointments for a temporary role to fill this position in the meantime, to provide additional finance support and to assist in addressing the backlog of tasks.

### Activities October Meeting

Date	Activity
25-Sep-19	Finalise Roads to Recover Applications. Discussions with Works Supervisor over Township Power & Water. Check power running costs. Discussion with Steve Dart of Hybrid Systems Australia concerning the Settlements Power.
26-Sep-19	Council Information Workshop and Meeting. Telephone discussion with Michael Voss and Bernie Miller (Main Roads WA)
28-Sep-19	Follow up Local Government compliance aspects & Annual Returns. Attend to draft letter concerning Coolcalalaya West Road in conjunction with Shire President. Email to Josh Kirk with Will concerning Adaman Resources
29-Sep-19	Follow up Local Government compliance aspects & Annual Returns. In conjunction with Shire President, finalise and send letter concerning Coolcalalaya West Road
30-Sep-19	Follow up Local Gov Compliance aspects. Finalise letter concerning Coolcalalaya West Road in conjunction with Shire President. Attend to tender register
01-Oct-19	Telephone conference MRW Murchison Sub-Group Funding Meeting. Roads Panel / Tender Administration
10-Oct-19	Resend reminder letter regarding Coolcalalaya West Road. In conjunction with Works Supervisor work on Coolcalalaya West Road Repairs expression of Interest. Telephone briefing with Shire President.
13-Oct-19	Monthly Fuel analysis and Fuel Sheet Template Work
14-Oct-19	Work on Agenda. Arrange for Roads Panel to prepare Quotes for repairs of Coolcalalaya Rd
15-Oct-19	Work on Agenda. Meeting with Works Supervisor, Tech Officer and Peter & Nicole Mahony over Roadhouse operation

Date	Activity
16-Oct-19	Agenda Preparation. Housing Tender Evaluation. Site meeting with Works Supervisor and Geoff Milligan from Catalanos concerning enrichment seal and proposed future treatment on Carnarvon- Mullewa Rd
17 Oct-19	Work on Agenda. Briefing with Greenfields concerning Carnarvon- Mullewa Rd seal pickup. Meeting with Refuel Australia Representatives. Work on Housing Tender Evaluation

### Recommendation

That the CEO's Activity Report be accepted.

### Voting Requirements

Simple Majority

### Council Decision

**Moved: Cr** P Squires **Seconded: Cr** E Foulkes-Taylor

That the CEO's Activity Report be accepted.

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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## 22 URGENT BUSINESS

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### Council Decision

**Moved: Cr** Q Fowler **Seconded: Cr** E Foulkes-Taylor

That Council accept the following items as Urgent Business.

22.1 Item 14.1 Works Supervisors Monthly Plant Report Attachment

22.2 Item 17.1 Financial Activity Statements 31 August 2019

22.3 Item 17.2 Financial Activity Statements 30 September 2019

22.4 Item 17.3 Accounts Paid since the last list was adopted/endorsed by Council

22.5 Item 23.2 Matter Affecting a Person under decisions behind closed doors

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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*Note a new item of Urgent Business 22.6 was later agreed to be introduced later in the Meeting*

### 22.1 Item 14.1 Works Supervisors Monthly Plant Report Attachment

File:

Author: William Herold – Works Supervisor

Interest Declared: No interest to disclose

Attachments: Monthly Plant Report

### Comment

The monthly plant report is tabled separately from the rest of the Works Supervisor's Report and was presented as an attachment but also formed part included in the motion for item 14.1.

## 22.2 Item 17.1 Financial Activity Statements 31 August 2019

File:

Author: Tatjana Erak – Acting Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Attachments: 22.2.1 Statement of Financial Position August 2019  
22.2.2 Operating Statement by Program August 2019  
22.2.3 Operating Statement by Type August 2019  
22.2.4 Account Listing Schedules August 2019  
22.2.5 Trial Balance August 2019

### Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements for the period to August 2019. Due to staffing resources and timing constraints these statements were not able to be presented at the September meeting and are presented at the October Council Meeting.

### Comment

The Current Position at 31 August is a surplus of \$3,353,506.

All variances evident from the accounts activity listing are due to timing and are still currently being investigated as part of the end of year/upcoming audit visit by RSM. Whilst staffing resources have fluctuated since July, October was particularly difficult with current staff on leave at different times during the early part of the month. A temporary finance officer has been sourced from Logo Appointments and commenced 21 October 2019.

The following Term deposits are currently held as at 31 August 2019:

#### **Municipal**

Term Deposit	531423	\$500,000	2.05%	Maturity 28/09/2019
Term Deposit	531431	\$500,000	2.00%	Maturity 08/10/2019

#### **Trust - Crosslands Murchison Community Fund**

Term Deposit	466553	\$379,456.62	2.00%	Maturity 25/11/2019
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#### **Reserve**

Term Deposit	21/10/2019 (Beringarra Cue Road Reserve)	468161	\$3,520,157.83	1.96%	Maturity
Term Deposit	529817	\$500,000	2.10%	Maturity 08/12/2019	
Term Deposit	531458	\$750,000	2.19%	Maturity 28/11/2019	
Term Deposit	531466	\$1,000,000	2.10%	Maturity 29/10/2019	
Term Deposit	011720	\$1,000,000	1.95%	Maturity 25/06/2020	

### 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:*

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

#### Strategic Implications

Nil

#### Policy Implications

Nil

#### Budget/Financial Implications:

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

#### Sustainability Implications

Environmental There are no known significant environmental considerations

Economic There are no known significant economic considerations

Social There are no known significant social considerations

#### Consultation

Moore Stephens

#### **Recommendation**

That Council adopt the financial statements for the period ending 31 August 2019 as attached.

#### Voting Requirements

Simple majority

#### **Council Decision**

**Moved: Cr** P Squires

**Seconded: Cr** R Foulkes-Taylor

That Council adopt the financial statements for the period ending 31 August 2019 as attached.

**Carried/Lost**

**For**

5

**Against**

0

### **22.3 Item 17.2 Financial Activity Statements 30 September 2019**

File:

Author: Tatjana Erak – Acting Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Attachments: Nil

#### Comment

Due to staffing resources and timing constraints these statements were not able to be presented at the October Meeting and will be presented at the November Council Meeting. This should tie in with the anticipated audit visit by RSM.

## 22.4 Item 17.4 Accounts Paid since the last list was adopted/endorsed by Council

File: 4.37.1  
Author: Tatjana Erak - Acting Chief Executive Officer  
Interest Declared: No interest to disclose  
Attachments: Nil

### Comment

Due to staffing resources and timing constraints the payment listing for August & September was not able to be presented at the October Meeting and will be presented at the November Council Meeting. This should tie in with the anticipated audit visit by RSM.

## 22.5 Item 23.2 Matter Affecting a Person under decisions behind closed doors

Note considered under item 23.2

## 22.6 Adaman Resources

A new item was introduced regarding a proposal from Adaman Resources to establish a mine at A Zone and use the Beringarra-Pindar Road for access and cartage of ore in light of changes that meant the matter could be considered by Council as quorum was able to be met

*Cr R Foulkes-Taylor and Cr E Foulkes-Taylor both declared a financial and proximity interest and left the chambers at 3pm. The CEO took the chair of the meeting.*

### **Council Decision**

**Moved: Cr** Q Fowler **Seconded: Cr** P Squires

That Council accept the additional item 22.6 Adaman Resources as Urgent Business.

<b>Carried/Lost</b>	<b>For</b>	3	<b>Against</b>	0
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### Chief Executive Officer's Councillor Briefing Adaman Resources - 24 October 2019

Attachments: 30 September Advice to Josh Kirk of Greenfields  
Adaman Resources Letter and Greenfields Report on Upgrade Works for Beringarra-Pindar Road.

### Briefing

At the last Councillor Workshop prior to and post the September Council Meeting a briefing update of a proposal from Adaman Resources to establish a mine at A Zone and use the Beringarra -Pindar Road for access and cartage of ore was raised. Discussion indicated an in-principle support and a raft of conditions that would be needed for Council to consent to any approvals to use the road as proposed. As indicated in the attached email these conditions were conveyed to Josh Kirk of Greenfields who is working to assist the proponent.

Since this time our Works Supervisor Will Herold has met on site with Josh Kirk and together, they have identified the upgrade works required.

It was intended that Adaman Resources would provide a formal request for consideration at the October Council Meeting, but unfortunately a formal letter which accompanied a detailed report from Greenfields did not arrive until after the 72-hour period for the Agenda being sent out.



Ordinarily this may not have been an issue as the Shire President, or a majority of Councillors, can consent to the matter being listed and considered as Urgent Business. However, in this instance we have advice that two councillors have received Leave of Absence and may not attend and two who are expected to attend are likely to have a conflict of interest. This means that in all likelihood a quorum would not exist.

Notwithstanding these circumstances the formal proposal as attached is entirely consistent with Council's intentions. Indeed, the report is thorough and both me, and Works Supervisor are happy with its contents which would form the basis of a formal agreement which in any event would need to come before Council to formally agree.

In view of the circumstances, to avoid any unnecessary delays and in to maintain good faith it is considered appropriate that Andaman Resources be advised that we would be prepared to enter into a formal agreement as outlined and that I this can be prepared for formal a Council decision at the November Meeting. I believe Adaman Resources would appreciate the circumstances and this would allow them to continue to further develop the proposal. The agreement would attach and encompass the Report from Greenfields.

#### Council Comment

Having no bond is still a concern. A raft of work of is to be done to get the road to RAV10 standard. Once in operation, both Greenfields Technical Services and the Works Supervisor have to be happy with state of road every fortnight. The Shire is to follow up to find out what the permit from Main Roads allows. At the end of the four (4) month trial period the road should be returned at least to the same if not better standard.

<b>Council Decision</b>			
<b>Moved: Cr</b>	P Squires	<b>Seconded: Cr</b>	G Mead
That council agrees in principle to the agreement as presented and authorises the CEO to arrange for a formal agreement for council ratification.			
<b>Carried/Lost</b>	<b>For</b>	3	<b>Against</b> 0

*The CEO left the room at 3.05pm.*

*The CEO, Cr R Foulkes-Taylor & Cr E Foulkes-Taylor returned at 3.08pm. Cr R Foulkes-Taylor resumed the chair.*

*William Herold - Works Supervisor left the Meeting at 3.08pm*

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## **23 ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

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Discuss the following items Pursuant to LGA s5.23(2)(b) and s5.23(2)(c) Council is to discuss the following items behind closed doors

- 23.1 Renewal of Contract Ranger Agreement
- 23.2 Matter Affecting a Person

#### **Recommendation**

That the meeting moves behind closed doors to discuss an item pursuant to LGA s.5.23(2)(c) and (e) relating to the following items:

- 23.1 Renewal of Contract Ranger Agreement
- 23.2 Matter Affecting a Person

#### Voting Requirements

Absolute Majority

**Council Decision****Moved: Cr** P Squires**Seconded: Cr** E Foulkes-Taylor

That the meeting moves behind closed doors to discuss an item pursuant to LGA s.5.23(2)(c) and (e) relating to the following items:

23.1 Renewal of Contract Ranger Agreement

23.2 Matter Affecting a Person

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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*Meeting was closed to the public at 3.08pm.*

**Motion to open the meeting to the public****Recommendation**

That the meeting move out from behind closed doors.

Voting Requirements

Absolute Majority

**Council Decision****Moved: Cr** Q Fowler**Seconded: Cr** G Mead

That the meeting move out from behind closed doors.

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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*Meeting was reopened to the public at 3.25pm.*

**Decisions Disclosed from Closed Section of Meeting****23.1 Renewal of Contract Ranger Agreement**Voting Requirements

Simple Majority

**Council Decision****Moved: Cr** G Mead**Seconded: Cr** E Foulkes-Taylor

That Council accept the offer of Canine Control to extend the current agreement for the provision of Ranger Services to the Shire for a period of 5 years commencing 1 July 2020.

<b>Carried/Lost</b>	<b>For</b>	5	<b>Against</b>	0
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## 23.2 Matter Affecting a Person

### Voting Requirements

Simple Majority

#### **Council Decision**

**Moved: Cr** R Foulkes-Taylor

**Seconded: Cr** Q Fowler

That Council resolved to keep this matter confidential until the time and date has been confirmed by Council.

**Carried/Lost**

**For** 5

**Against** 0

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## 24 MEETING CLOSURE

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*The Shire President closed the meeting at 3.35pm.*