



Minutes

Ordinary Council Meeting (Unconfirmed)

17 October 2012

**Held at the
Leeman
Recreation
Centre**



DISCLAIMER

No responsibility whatsoever is implied or accepted by Shire of Coorow for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. Shire of Coorow disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Shire of Coorow during the course of any meeting is not intended to be and is not taken as notice of approval from Shire of Coorow. The Shire of Coorow warns that anyone who has an application lodged with Shire of Coorow must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Coorow in respect of the application.

Signed on behalf of Council

A handwritten signature in blue ink, appearing to read "Darren Friend". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Darren Friend
Chief Executive Officer

SHIRE OF COOROW QUESTIONS FROM THE PUBLIC

The Shire of Coorow welcomes community participation during public question time. The following is a summary of procedure and a guide to completion of the required form.

- a. The person asking the question is to give their name and address prior to asking the question.
- b. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
- c. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
- d. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
- e. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.
- f. Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).
- g. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
- h. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
- i. Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
- j. Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
- k. To enable all members of the public a fair and equitable opportunity to participate in Public Question Time, each person shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
- l. Questions to be asked at the meeting will be registered, and the priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
- m. Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask a further two questions (with a two minute time limit) until the initial period for Public Question Time has expired.
- n. Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.

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

The President Cr Damien Rackemann, welcomed those present and opened the Meeting at 3.05 pm

2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Councillor D A Rackemann
Councillor A K Williams
Councillor M R Bothe
Councillor G George
Councillor B A Jack
Councillor B J McDonald
Councillor D B McTaggart
Councillor J K Waite

President
Deputy President

Mr D A Friend
Mr V T Fordham Lamont
Mr D R Hadden
Mr K L Bean
Mrs B A Johnson

Chief Executive Officer
Deputy Chief Executive Officer
Manager Regulatory Services
Manager of Works and Services
Personal Assistant (Minutes)

Apologies

LOA Previously Approved

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

Nil

4. **PUBLIC QUESTION TIME:**

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

The following Councillors requested Leave of Absence from Council meetings and duties:

COUNCILLOR	FROM	TO
Cr Waite	23/10/2012	26/10/2012
Cr Waite	11/11/2012	15/11/2012

RESOLUTION: 2012/136A

Moved: Cr Williams

Seconded: Cr Rackemann

***That Council grants Leave of Absence to
Cr Waite from 23 October 2012 to 26 October 2012 and
from the 11 November 2012 to 15 November 2012***

***CARRIED 8/0
Simple Majority***

6. DECLARATION OF INTEREST:

Nil

7. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES:

8.1 ORDINARY MEETING HELD WEDNESDAY 19 SEPTEMBER 2012 AT THE WARRADARGE MEETING ROOM

AUTHOR Darren Friend
DISCLOSURE OF INTEREST Nil
DATE OF REPORT 6 September 2012

COMMENT:

Nil

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting held on Wednesday 19 September 2012 be confirmed as a true and correct record.

RESOLUTION: 2012/136

Moved: Cr Waite

Seconded: Cr Williams

That the Minutes of the Ordinary Meeting held on Wednesday 19 September 2012 be confirmed as a true and correct record with following amendment:

***Page 108 – Cr Rackemann requested all votes be recorded
For – Councillors Bothe, George, Jack, McTaggart, Rackemann, Waite, Williams
Against -Councillor McDonald***

***CARRIED 8/0
Simple Majority***

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION:

At any meeting of Council the person presiding may announce or raise any matter of interest or relevance to the business of Council or propose a change to the order of business.

Members may move that a change in order of business proposed by the person presiding not be accepted and if carried the change does not take place.

Nil

10. MATTERS FOR WHICH MEETING MAY BE CLOSED:

For the convenience of members of the public Council may identify, by decision, early in the meeting any matter on the agenda to be discussed behind closed doors and that matter is to be deferred for consideration as the last item of the meeting.

Items for which the meeting will be closed include:

Nil

11. REPORTS:

11.1 CHIEF EXECUTIVE OFFICER:

11.1.1 CORPORATE BRANDING AND DEVELOPMENT OF COUNCIL'S WEB-SITE – NON BUDGET EXPENDITURE

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2012
ATTACHMENT	
FILE	Adm0043*1

SUMMARY:

Council is requested to consider making provision within its 2012/2013 budget to include non-budgeted expenditure for the development of Shire of Coorow corporate branding and web-site.

COMMENT:

Council's web-site is currently hosted by the WA Local Government Association (WALGA) as part of the Linking Councils and Communities (LCC) project. This was a useful tool a decade or so ago for a number of small Councils who did not have the resources to have a web presence to promote themselves in "cyber space". Unfortunately, the current web-site is extremely dated, expensive to maintain each year and very difficult to administer in-house. To say that it is not "user friendly" is an understatement.

The Shire of Coorow brand, being its logo/crest is also dated and can be lost among the other sixty or so Councils who have wheat and/or sheep as part of their logo/crest/letterhead.

It is recommended that Council consider expending non-budgeted funds in the development of a corporate brand/logo and a new web-page which will be easy for staff to manage in-house with a small annual maintenance cost once established. The cost of such a project would be in the vicinity of \$20,000.

Council needs to be mindful of the current political climate and the State Government's structural reform agenda which has been "shelved" until after the next election in March 2013. Any expenditure of this nature could be seen as wasteful if there are forced amalgamations enacted in the next twelve months.

STATUTORY ENVIRONMENT: Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;

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

* Absolute majority required.

(1a) In subsection (1) —

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

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

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

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The expenditure of non-budgeted funds will impact on Council's financial position and will need to be reviewed as part of the budget review process.

STRATEGIC IMPLICATIONS:

The development of Council's Corporate brand and Web-site will assist in the Integrated Planning and Reporting process together with the promotion of the area to a wider audience.

VOTING REQUIREMENT:

Absolute Majority

OFFICERS RECOMMENDATION:

That Council:

- Delegates authority to the Chief Executive Officer to expend non-budgeted funds not exceeding \$20,000 in the 2012/2013 financial year in the development of the Shire of Coorow's Corporate Brand and Web-Site.
- Requests that the Chief Executive Officer obtain quotes from suitable suppliers prior to undertaking the development work.
- Requests that the Chief Executive Officer provide regular reports on the progress of the development of the Shire of Coorow Corporate Brand and Web-Site.

RESOLUTION:

2012/

Moved: Cr Williams

Seconded: Cr Bothe

That Council:

- **Delegates authority to the Chief Executive Officer to expend non-budgeted funds not exceeding \$20,000 in the 2012/2013 financial year in the development of the Shire of Coorow's Corporate Brand and Web-Site.**
- **Requests that the Chief Executive Officer obtain quotes from suitable suppliers prior to undertaking the development work.**
- **Requests that the Chief Executive Officer provide regular reports on the progress of the development of the Shire of Coorow Corporate Brand and Web-Site.**

Lost 0/8

Note: Council's resolution differed from the Officer's recommendation due to the timing of the item following adoption of the 2012/2013 Budget in August 2012 and the costs associated with the project.

Motion

RESOLUTION:

2012/137

Moved: Cr Williams

Seconded: Cr Bothe

That the Chief Executive Officer:-

1. **Follow up the WA Local Government Association's Linking Councils and Communities (LCC) facility concerning improving the Shire of Coorow's existing Website; and**
2. **That this matter be reconsidered by Council at its March 2013 Council meeting in preparation for the 2013/2014 budget process.**

**Carried 8/0
Simple Majority**

11.1.2 SCHOOL – BASED TRAINEE NON-BUDGETED EXPENDITURE

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	3 October 2012
ATTACHMENT	
FILE	ADM0480

SUMMARY:

Council is requested to endorse the CEO's actions in engaging a school-based trainee at the Leeman Administration Office.

COMMENT:

Trevena Taylor has been engaged as a school-based trainee at the Leeman Administration Office for the remainder of the current calendar year through to the end of the 2013 school year.

Trevena commences her duties on Thursday 18 October 2012 and will work a minimum of one day per week while studying at Jurien Bay High School.

In engaging a school-based trainee, the following benefits could potentially be realised:-

- Additional relief/cover for the two permanent staff based in the Leeman office. This could prove timely given that the current casual relief staff member is dealing with family health issues. The trainee can work two days per week if required with more time available during school holiday periods.
- Goodwill within the community with the employment of another local resident.
- "Up-skilling" of the next generation. Whether Council benefits directly as a result of the trainee or other businesses, local or regional as a result of the training of a young person in a number of administrative skills.
- Workforce Planning needs to be undertaken as part of the Integrated Planning process in the coming months. Part of this process will be to show how the organisation plans for the succession of staff over the coming years.

The costs associated with the trainee are approximately \$110 for each day worked. This will result in a minimum of \$4,000 for the remainder of the 2012/2013 financial year.

There is provision within the current budget for relief staff however, there is no provision for the employment of a trainee. The budget provision for relief can be used to offset the trainee's costs.

STATUTORY ENVIRONMENT:

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;

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

* Absolute majority required.

(1a) In subsection (1) —

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

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

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

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The 2012/2013 budget has approx. \$20,000 in provision for relief staff which can be used to accommodate the engagement of the school-based trainee.

The base cost for engaging a school-based trainee for the remainder of the current financial year is \$4,000 based on one day per week for 36 weeks @ \$110 per day.

STRATEGIC IMPLICATIONS:

Nil (unknown at this stage)

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council endorses the actions of the Chief Executive Officer in engaging a school-based trainee at the Leeman Administration Office.

RESOLUTION:

2012/

Moved: Cr McTaggart

Seconded: Cr Williams

That Council endorses the actions of the Chief Executive Officer in engaging a school-based trainee at the Leeman Administration Office.

AMENDMENT:

Moved: Cr Waite

Seconded: Cr Williams

That Council

- 1. Endorses the actions of the Chief Executive Officer in engaging a school-based trainee at the Leeman Administration Office; and**
- 2. Requests the Chief Executive Officer investigate the placement of a trainee in the Coorow Administration Office.**

CARRIED 8/0

The Amendment became the Substantive Motion

RESOLUTION:

2012/138

That Council

- 1. Endorses the actions of the Chief Executive Officer in engaging a school-based trainee at the Leeman Administration Office; and**
- 2. Requests the Chief Executive Officer investigate the placement of a trainee in the Coorow Administration Office.**

**CARRIED 8/0
Absolute Majority**

11.1.3 STAFF PERSONAL USE OF COUNCIL PLANT

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 October 2012
ATTACHMENT	11.1.3.1
FILE	Policy Manual

SUMMARY:

Council has requested the review of the policy relating to the personal use of Council plant by staff.

COMMENT:

At present, there is no policy relating to the personal use of Council plant by staff at a reduced rate of hire or otherwise. This practice may have emanated from a directive of the Works Manager and/or the Chief Executive Officer at some point a number of years ago.

There appears to be some control over what may or may not be hired at a reduced rate which is reviewed at least annually as part of the Budget process via the Schedule of Fees and Charges (refer to Attachment).

Items of plant available to staff at the reduced rate are restricted to minor plant (\$10 daily hire charge) with the exception of three larger plant items being the Cat 926 Loader, the Backhoe and the small Tip Trucks. There is an understanding that the use of all Council plant for use by staff is restricted to use on one's own personal property however, this can be formalised as part of the policy, subject to Council adoption.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Part 3 — Functions of local governments

What this Part is about

This Part describes the functions of a local government and deals with some important issues that the performance of those functions may involve.

In particular —

- (a) Division 1 describes the general function of a local government and contains some other general provisions;*
- (b) Divisions 2 and 3 deal with legislative and executive functions respectively;*
- (c) Division 4 allows functions to be performed by regional local governments.*

Division 1 — General

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

There is no current policy at present.

FINANCIAL IMPLICATIONS:

Nil (already built into Annual Budget via Schedule of Fees and Charges)

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council adopt the following policy in relation to Council Staff Personal Use of Council Plant:-

POLICY - COUNCIL STAFF

Sub Section: Staff General

Policy Number: 2.1.26

Policy Subject: Shire of Coorow Staff Personal Use of Council Plant

Policy Statement: That Council provides the use of some items of plant to its staff at a nominal hire charge subject to the staff member acknowledging that the private use of the plant is exclusively for personal use on their own property.

Objectives: To recognise that Council employees, as operators and guardians of the items of plant, will treat the plant with the necessary care in line with the trust placed upon them by Council in affording the opportunity to use Council plant at a nominal hire charge.

Guidelines: Council staff must obtain the consent of the Manager Works and Services or the Chief Executive Officer prior to using any item of plant for personal use in his/her own time.

Council reserves the right to determine which items of plant are to be made available to staff at a nominal hire charge as part of the annual budget process.

The use of Council plant by staff is for personal use on their own personal properties and not to be used for any other purpose.

Resolution No: 2012-
Resolution Date: 17 October 2012
Source: Council
Date of Review: May annually
Review Responsibility: Council

RESOLUTION: 2012/139

Moved: Cr Williams ***Seconded: Cr McTaggart***

That Council adopt the following policy in relation to Council Staff Personal Use of Council Plant:-

POLICY - COUNCIL STAFF

Sub Section: Staff General

Policy Number: 2.1.26

Policy Subject: Shire of Coorow Staff Personal Use of Council Plant

Policy Statement: That Council provides the use of some items of plant to its staff at a nominal hire charge subject to the staff member acknowledging that the private use of the plant is exclusively for personal use on their own property.

Objectives: To recognise that Council employees, as operators and guardians of the items of plant, will treat the plant with the necessary care in line with the trust placed upon them by Council in affording the opportunity to use Council plant at a nominal hire charge.

Guidelines: Council staff must obtain the consent of the Manager Works and Services or the Chief Executive Officer prior to using any item of plant for personal use in his/her own time.

Council reserves the right to determine which items of plant are to be made available to staff at a nominal hire charge as part of the annual budget process.

The use of Council plant by staff is for personal use on their own personal properties and not to be used for any other purpose.

Resolution No: 2012-
Resolution Date: 17 October 2012
Source: Council
Date of Review: May annually
Review Responsibility: Council

CARRIED 8/0
Absolute Majority

SHIRE OF COOROW
2012/13
SCHEDULE OF FEES AND CHARGES

^ indicates gst free

PRIVATE WORKS CHARGES - HOURLY PLANT RATE

	2012/13	2012/13	2012/13
	Private Works Rate Per Hour (Wet Hire only)	Non-Profit, Comm. Group Per Hour	Staff Private Use as per Council Policy Per Hour
Private Works and Non-Profit Community Groups charges have not been increased in 2011/12			
D6H Dozer	\$235.00	\$125.00	-
John Deere Grader	\$235.00	\$125.00	-
Cat Grader	\$200.00	\$105.00	-
Case 821C Loader	\$180.00	\$105.00	-
Cat 926 Loader	\$160.00	\$105.00	\$10.00
Tree Saw with Loader	\$250.00	\$155.00	-
Backhoe	\$130.00	\$80.00	\$10.00
8x4 Tip Trucks with trailer	\$200.00	\$120.00	-
8x4 Tip Trucks	\$160.00	\$95.00	-
4x2 Tip Trucks	\$115.00	\$65.00	\$10.00
Tractor/Slasher/Broom	\$115.00	\$80.00	-
Multi Wheel Roller	\$135.00	\$80.00	-
Vibrating Roller	\$130.00	\$80.00	-
Works Supervisor/ Manager Works and Services	\$120.00	\$80.00	-
Cat Skid Steer	\$70.00	\$50.00	\$10.00
Road Broom Skid Steer	\$200.00 @	\$150.00 @	
Bitumen Sprayer	\$250.00 @	\$150.00 @	
Box Trailer	-	-	\$10 @
Dual Trailer	-	-	\$10 @
Chain Saw	-	-	\$10 @
Compactor /Pedestrian Roller	-	-	\$10 @
Cement Mixer	\$35.00 @	-	\$10 @
Port-A-Loo	\$35.00 @	-	
Non powered tools including gardening tools and ladders etc	-	-	\$10 @
Materials			
Sand/Gravel	16#	\$12 #	2#
Blue Metal	Cost Price plus Handling		
Cartage extra as per above plant hire rates			
# per m3, at Shire Convenience or per m3 plus delivery cost			
@ per day.			
- No use permitted			

11.1.4 CLOSURE OF COUNCIL ADMINISTRATION FACILITIES OVER THE CHRISTMAS/NEW YEAR PERIOD

AUTHOR	Darren Friend
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 October 2012
ATTACHMENT	
FILE	Policy Manual

SUMMARY:

Council is requested to consider the adoption of a policy in relation to the closure of the two Administration Offices over the Christmas/New Year period.

COMMENT:

Most small rural Councils close their operations, or the majority of their operations during the festive season. This is usually undertaken in consultation with Council, either through a decision of the Council or Council policy, in some cases both.

It appears in recent times that the Shire of Coorow has done neither but has closed its Administration Offices “for the holidays”. Whilst this practice could be seen as operational in nature, it requires the backing and support of Council as the communities’ representatives.

Subject to the decision of Council, ranger services will continue to function during this period as well as staff being available to be called out as the need arises.

Christmas Day 2012 falls on a Tuesday and it is recommended that Council close its Administration Offices and Works Depots from 4 pm on Friday 21 December 2012 and reopen on Wednesday 2 January 2013 at 8 am.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Part 3 — Functions of local governments

What this Part is about

This Part describes the functions of a local government and deals with some important issues that the performance of those functions may involve.

In particular —

- (a) Division 1 describes the general function of a local government and contains some other general provisions;*
- (b) Divisions 2 and 3 deal with legislative and executive functions respectively;*
- (c) Division 4 allows functions to be performed by regional local governments.*

Division 1 — General

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

There is no current policy

FINANCIAL IMPLICATIONS:

Nil (already built into Annual Budget via Salaries and Wages Schedule – Annual Leave provisions).

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. adopts the following policy in relation to the Closure of Administration Facilities during the Christmas/New Year period:-

POLICY - COUNCIL STAFF

Sub Section:	Staff General
Policy Number:	2.1.27
Policy Subject:	Shire of Coorow Closure of Administration Offices during the Christmas/New Year Period
Policy Statement:	That Council provides guidelines to the Chief Executive Officer in the closure of Administration, Library and Works Depot facilities across the Christmas and New Year holiday period.
Objectives:	To assist with the efficient and effective management of Council's Administration Offices (including Libraries) and Works Depots during the Festive Season holiday period ensuring that patrons receive sufficient notification of the closures.

Guidelines: The Administration Offices (including Libraries) and Works Depots will be closed for business from 4 pm on the last working day before Christmas and re-open on the second working day following New Year's Day.

The Chief Executive Officer will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day, but not exceeding a total of eight consecutive working days inclusive of public holidays, excluding weekends.

Provided:

- Staff use Annual Leave, Time in Lieu or Rostered Days Off to account for those days not designated as public holidays.
- Staff emergency contact details are made available to the public.
- The closures are advertised locally via newspaper and notice board notification.

Council must receive a report from the Chief Executive Officer no later than the Ordinary meeting in October each year advising of the details of the forthcoming Christmas and New Year closure period.

Resolution No: 2012-
Resolution Date: 17 October 2012
Source: Council
Date of Review: May annually
Review Responsibility: Council

2. Closes its Administration Offices (including Libraries) and Works Depots from 4 pm Friday 21 December 2012 to 8 am Wednesday 2 January 2013 inclusive.

RESOLUTION:

2012/140

Moved: Cr Williams

Seconded: Cr Bothe

That Council:

- 1. adopts the following policy in relation to the Closure of Administration Facilities during the Christmas/New Year period:-**

POLICY - COUNCIL STAFF

Sub Section:

Staff General

Policy Number:

2.1.27

Policy Subject:

Shire of Coorow Closure of Administration Offices during the Christmas/New Year Period

Policy Statement:

That Council provides guidelines to the Chief Executive Officer in the closure of Administration, Library and Works Depot facilities across the Christmas and New Year holiday period.

Objectives:

To assist with the efficient and effective management of Council's Administration Offices (including Libraries) and Works Depots during the Festive Season holiday period ensuring that patrons receive sufficient notification of the closures.

Guidelines:

The Administration Offices (including Libraries) and Works Depots will be closed for business from 4 pm on the last working day before Christmas and re-open on the second working day following New Year's Day.

The Chief Executive Officer will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day, but not exceeding a total of eight consecutive working days inclusive of public holidays, excluding weekends.

Provided:

- Staff use Annual Leave, Time in Lieu or Rostered Days Off to account for those days not designated as public holidays.**
- Staff emergency contact details are made available to the public.**

- *The closures are advertised locally via newspaper and notice board notification.*

Council must receive a report from the Chief Executive Officer no later than the Ordinary meeting in October each year advising of the details of the forthcoming Christmas and New Year closure period.

Resolution No: 2012-

Resolution Date: 17 October 2012

Source: Council

Date of Review: May annually

Review Responsibility: Council

2. *Closes its Administration Offices (including Libraries) and Works Depots from 4 pm Friday 21 December 2012 to 8 am Wednesday 2 January 2013 inclusive.*

**CARRIED 8/0
Absolute Majority**

11.2 MANAGER REGULATORY SERVICES:

11.2.1 NIL

AUTHOR	Dave Hadden
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	
ATTACHMENT	
FILE	

SUMMARY:

COMMENT:

STATUTORY ENVIRONMENT:

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION

RESOLUTION:

2012/

Moved: Cr

Seconded: Cr

***CARRIED /
Simple Majority***

11.3 MANAGER OF WORKS AND SERVICES:

11.3.1 NIL

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	
FILE	
ATTACHMENT	

SUMMARY:

BACKGROUND:

COMMENT:

STATUTORY ENVIRONMENT:

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Absolute Majority Required

OFFICER RECOMMENDATION:

RESOLUTION: 2012/

Moved: Cr

Seconded: Cr

***CARRIED /
Absolute Majority***

11.4 DEPUTY CHIEF EXECUTIVE OFFICER:

11.4.1 ACCOUNTS FOR PAYMENT

AUTHOR	Erika Clement
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	9 October 2012
ATTACHMENT	11.4.1 Accounts Due and Submitted To Council Meeting 17 October 2012
FILE	

SUMMARY:

Council approval is required for payment of accounts made within the months of September 2012 and October 2012 and to approve payments of accounts due in September 2012.

COMMENT:

Approval is sought for the following list of payments of accounts made since Council's last meeting on 19 September 2012 and of accounts that are now due.

A list of all payments submitted for approval is contained at Attachment 11.4.1 Accounts Due and Submitted to Council Meeting on 17 October 2012.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

13. Lists of accounts

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

- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

[Regulation 13 inserted in Gazette 20 Jun 1997 p. 2838-9; amended in Gazette 31 Mar 2005 p. 1048.]

STRATEGIC, POLICY & FINANCIAL IMPLICATIONS:

There is no financial, policy or strategic implications regarding this matter.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That payments listed at Attachment 11.4.1 Accounts Due and Submitted to Council Meeting on 17 October 2012 including:

MUNICIPAL FUND

Cheques	19203-19227,
Collection Summaries	PR71021012 to PR72280912,
Payroll DD	12/09/2012-26/09/2012,
EFT	5118-5214
Totalling	\$619,396.02

TRUST FUND

Cheques	189-194
Totalling	\$7,113.23

be authorised and passed for payment.

RESOLUTION: **2012/141**

Moved: Cr George

Seconded: Cr Williams

That payments listed at Attachment 10.4.1 Accounts Due and Submitted to Council Meeting on 17 October 2012 including:

MUNICIPAL FUND

Cheques	19203-19227,
Collection Summaries	PR71021012 to PR72280912,
Payroll DD	12/09/2012-26/09/2012,
EFT	5118-5214
Totalling	\$619,396.02

TRUST FUND

Cheques	189-194
Totalling	\$7,113.23

be authorised and passed for payment.

***CARRIED 8/0
Simple Majority***

List of Accounts Due & Submitted to Council 17/10/2012

Chq/EFT	Date	Name	Description	Trust	Muni
189	03/10/2012	SHIRE OF COOROW	BCITF LEVY COMMISSIONS	\$ 151.80	
190	03/10/2012	SHIRE OF COOROW	BRB COMMISSIONS	\$ 352.00	
191	03/10/2012	CONSTRUCTION TRAINING FUND	BCITF LEVY	\$ 5,909.43	
192	03/10/2012	CEDAR HOMES	REFUND OF KERBING BOND	\$ 500.00	
193	03/10/2012	P & H SMITH	REFUND FOR KEY BOND	\$ 100.00	
194	03/10/2012	CHRIS TOWNSEND	REFUND OF KEY BOND	\$ 100.00	
EFT5118	19/09/2012	LEADING EDGE COMPUTERS	KEYBOARD & MOUSE, MONITOR		\$ 348.95
EFT5119	19/09/2012	AUSTRALIA POST-LPO	POSTAGE		\$ 671.36
EFT5120	19/09/2012	BOC GASES	GAS		\$ 665.00
EFT5121	19/09/2012	BEAN KL	WATER ACCOUNT MWS		\$ 625.25
EFT5122	19/09/2012	ROBIN MCBRIDE BROUN	REIMBURSEMENT PARKING & MEDICAL EXPENSES		\$ 32.35
EFT5123	19/09/2012	BEST NON-SLIP SOLUTIONS	FREIGHT FOR SAFETY MATTING		\$ 379.50
EFT5124	19/09/2012	COOROW COMMUNITY RESOURCE CENTRE	GRANTS OFFICER AUGUST 2012		\$ 2,502.50
EFT5125	19/09/2012	CHEM DRY POWER	CLEANING & DEODORISING OF CARPETS		\$ 1,648.00
EFT5126	19/09/2012	CENTRAL MIDLANDS STEEL MOORA	METAL		\$ 177.00
EFT5127	19/09/2012	GREEN HEAD PLUMBING & GAS	REPAIR TO BACK BEACH TOILETS		\$ 459.07
EFT5128	19/09/2012	GH COUNTRY COURIERS	FREIGHT - GERALDTON MOWER		\$ 22.17
EFT5129	19/09/2012	GERALDTON MOWER & REPAIRS	MOUNTS FOR TORO MOWER		\$ 135.60
<i>EFT5130</i>	<i>19/09/2012</i>	<i>UHY HAINES NORTON</i>	<i>AUDIT CERTIFICATION - WILDFLOWER COUNTRY DEVELOPMENT PROJECT</i>		<i>\$ 715.00</i>
EFT5131	19/09/2012	KENWORTH DAF W.A.	SERVICE TO CW005		\$ 2,297.35
EFT5132	19/09/2012	KAZNSON'S ROADHOUSE	REFRESHMENTS - HERITAGE MEETING		\$ 65.00
EFT5133	19/09/2012	LANDMARK	ROUND UP CHEMICAL		\$ 638.00
EFT5134	19/09/2012	LEISURE INSTITUTE OF WA AQUATICS (INC)	CONFERENCE - POOL MANAGER		\$ 475.00

EFT5135	19/09/2012	LANDGATE	VALUATION CHARGES - MINING TENEMENT ROLL	\$ 356.65
EFT5136	19/09/2012	LGIS INSURANCE BROKING	COUNCILLORS & OFFICERS LIABILITY INSURANCE	\$ 6,922.90
EFT5137	19/09/2012	MIDWEST CHEMICAL & PAPER	CLEANING SUPPLIES	\$ 293.93
<i>EFT5138</i>	<i>19/09/2012</i>	<i>MIDALIA STEEL -METAL LAND</i>	<i>ROLLER DOOR - GREEN HEAD MENS SHED</i>	<i>\$ 1,925.00</i>
EFT5139	19/09/2012	MERCURE INN	CONFERENCE ACCOMMODATION - CEO	\$ 836.00
<i>EFT5140</i>	<i>19/09/2012</i>	<i>MORRISON LOW CONSULTANTS</i>	<i>LEEMAN BOAT RAMP - BUSINESS CASE STUDY PERIOD ENDING 28/07/2012</i>	<i>\$ 6,600.00</i>
EFT5141	19/09/2012	OFFICEWORKS BUSINESS DIRECT	BENQ PROJECTOR	\$ 1,355.10
EFT5142	19/09/2012	PERRELLA AUTO ELECTRICS	ALTERNATOR	\$ 396.00
EFT5143	19/09/2012	PERTH BRAKE PARTS	SLEEVE CYLINDER & ASSEMBLY	\$ 505.20
EFT5144	19/09/2012	ROB POYNTON DOOR FRAMES	DOOR FRAMES - GREEN HEAD MENS SHED	\$ 396.00
EFT5145	19/09/2012	RURAL HEALTH WEST	MEMBERSHIP RENEWAL	\$ 100.00
EFT5146	19/09/2012	SEASIDE SUPPLIES	MILK, PAPERS, ACEO FAREWELL REFRESHMENTS	\$ 61.78
EFT5147	19/09/2012	RELIANCE PETROLEUM	DIESEL (2)	\$ 41,075.70
EFT5148	19/09/2012	JILL SMYLIE	CONTRACT CLEANING ABLUTION BLOCKS	\$ 500.00
EFT5149	19/09/2012	SG FLEET	LEASE - ISA TRUCK	\$ 4,168.32
EFT5150	19/09/2012	SEBEL FURNITURE	TABLES, & TROLLEY - GRANT	\$ 14,265.33
EFT5151	19/09/2012	TUSS CONCRETE	CONCRETE PIPES	\$ 12,532.17
EFT5152	19/09/2012	TASKERS SHADES PTY LTD	SHADE SAILS & INSTALLATION	\$ 8,745.00
<i>EFT5153</i>	<i>19/09/2012</i>	<i>URBIS</i>	<i>COMMUNITY WORKSHOPS - COOROW TOWNSITE EXPANSION STRATEGY</i>	<i>\$ 11,752.61</i>
EFT5154	19/09/2012	WA RANGERS ASSOCIATION	PROFESSIONAL DEVELOPMENT TRAINING CONFERENCE - RANGER	\$ 570.00
EFT5155	25/09/2012	AUSTRALIAN TAXATION OFFICE	BAS AUGUST 2012	\$ 20,684.00
EFT5156	03/10/2012	BUILDING COMMISSION	BRB LEVY	\$ 2,374.50
EFT5157	03/10/2012	PAYROLL DEDUCTION - CSA	PAYROLL DEDUCTIONS	\$ 280.88
EFT5158	03/10/2012	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTION FOR DARREN AUSTEN FRIEND	\$ 68.70

EFT5159	03/10/2012	DEBORAH O'BRIEN	REIMBURSEMENT FOR FRAMING OF CERTIFICATE - GREEN HEAD COAST CARE LAND CARE AWARD		\$ 200.00
EFT5160	09/10/2012	ALLIANCE FINANCE	LEASE PAYMENT PHOTOCOPIERS		\$ 1,465.20
EFT5161	09/10/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	PIPE FITTINGS		\$ 120.60
EFT5162	09/10/2012	BINDOON TRACTORS	SERVICE TO KUBOTA TRACTOR		\$ 1,188.96
EFT5163	09/10/2012	BOB WADDELL CONSULTANT	ASSISTANCE WITH BUDGET DISCREPANCY		\$ 121.00
EFT5164	09/10/2012	VICKI JEAN BURLEY	REIMBURSEMENT FOR PLANTS - COOROW PARKS & GARDENS		\$ 99.10
EFT5165	09/10/2012	TUTT BRYANT EQUIPMENT	R/H WINDOW		\$ 574.74
EFT5166	09/10/2012	COOROW COMMUNITY RESOURCE CENTRE	GRANTS OFFICER SEPTEMBER 2012		\$ 2,502.50
EFT5167	09/10/2012	COVS	GREASE GUN, FILTER TOOL, MUDGUARDS, BRACKETS, SNATCH STRAP		\$ 2,583.02
EFT5168	09/10/2012	CUNNINGHAMS AG SERVICES	BATTERY, HYDRAULIC HOSE FITTINGS		\$ 1,745.67
EFT5169	09/10/2012	COOROW HOTEL	ACCOMMODATION STEVE LAWRENCE		\$ 2,123.00
EFT5170	09/10/2012	DOWNER EDI WORKS PTY LTD	7MM COLDMIX		\$ 1,765.00
EFT5171	09/10/2012	FAMILY SHOPPING CENTRE	MILK, GAS, CLEANING MATERIALS		\$ 240.42
EFT5172	09/10/2012	FARMWORKS-RURALCO	SEEDLINGS & FERTILISER		\$ 205.50
EFT5173	09/10/2012	CHOICES	CARPET REPLACEMENT NORTH ST		\$ 3,069.00
EFT5174	09/10/2012	GREEN HEAD PLUMBING & GAS	REPAIRS TO TAPS MALEY PARK		\$ 1,951.19
EFT5175	09/10/2012	GRAYTEL PTY LTD	PHONE COVERS		\$ 60.00
EFT5176	09/10/2012	UHY HAINES NORTON	AUDIT CERTIFICATIONS		\$ 6,798.00
EFT5177	09/10/2012	HERSEY JR & A PTY LTD	HAND CLEANER, GLOVES, DUST MASKS, FLAGGING TAPE, EARMUFFS, FIRST AID KITS, WATER BOTTLES		\$ 3,127.78
EFT5178	09/10/2012	HITACHI CONST MACHINERY (AUST) P/L	V BELT		\$ 228.45
EFT5179	09/10/2012	HALF WAY MILL ROADHOUSE	REFRESHMENTS, FUEL		\$ 514.30
EFT5180	09/10/2012	IT VISION	EXCEL INTEGRATION COURSE - DCEO		\$ 341.00
EFT5181	09/10/2012	JASON SIGNMAKERS	SIGNS		\$ 422.40

EFT5182	09/10/2012	JURIEN HOME TIMBER & HARDWARE	PIPE FITTINGS		\$ 529.50
EFT5183	09/10/2012	BRIAN ALLAN JACK	LEASE OCTOBER 2012		\$ 866.66
EFT5184	09/10/2012	JURIEN BAYVIEW REALTY	RENT 16/10/2012- 15/11/2012		\$ 1,473.33
EFT5185	09/10/2012	LEEMAN HARDWARE	REMOVE AND REPLACEMENT WALLS & ROOF PT LOUISE TOILET BLOCK		\$ 19,699.00
EFT5186	09/10/2012	LEEMAN HOLIDAY UNITS	ACCOMMODATION ADRIAN ROSE		\$ 660.00
EFT5187	09/10/2012	LGIS RISK MANAGEMENT	REGIONAL RISK CO-ORDINATOR JUL-DEC 2012		\$ 4,277.90
EFT5188	09/10/2012	ML COMMUNICATIONS	AERIALS & BASES TWO WAYS		\$ 316.01
EFT5189	09/10/2012	MCINTOSH & SON	FREIGHT		\$ 27.50
EFT5190	09/10/2012	MOMAR AUSTRALIA PTY LTD	BLUE THUNDER - CLEANING SUPPLIES		\$ 365.20
EFT5191	09/10/2012	MOORA TYRES	TYRES & FITTING CW007		\$ 1,681.40
EFT5192	09/10/2012	PETER MCDONALD	PAINTING OF CEILING LEEMAN REC CENTRE		\$ 3,120.00
EFT5193	09/10/2012	NORTH LEA HOMES	CUSTOM FLASHING - GREEN HEAD MENS SHED		\$ 36.11
EFT5194	09/10/2012	PAPER PLUS OFFICE NATIONAL	OFFICE FURNITURE		\$ 3,346.36
EFT5195	09/10/2012	LEONIE JOY QUANTOCK	UNIFORMS		\$ 274.50
EFT5196	09/10/2012	RUDD	MAGNETIC DISHES		\$ 392.62
EFT5197	09/10/2012	RUMBOLD FORD	FILTERS		\$ 226.35
EFT5198	09/10/2012	ADRIAN ROSE	FINANCE CONSULTING		\$ 6,659.93
EFT5199	09/10/2012	SNAG ISLAND ROADHOUSE- POST OFFICE	POSTAGE		\$ 254.45
EFT5200	09/10/2012	SEASIDE SUPPLIES	MILK, SUGAR, BISCUITS, DAP MEETING REFRESHMENTS		\$ 88.33
EFT5201	09/10/2012	STAR TRACK EXPRESS	FREIGHT - WESTRAC , HERSEY		\$ 320.72
EFT5202	09/10/2012	RELIANCE PETROLEUM	DIESEL (1)		\$ 11,962.43
EFT5203	09/10/2012	JILL SMYLIE	CLEANING CONTRACT		\$ 437.50
EFT5204	09/10/2012	SOUTHSIDE MECHANICAL SERVICES	FIT BRAKE CONTROLLER CW0032		\$ 630.00
EFT5205	09/10/2012	TRUCKLINE	BRAKE DRUMS & SEALS		\$ 6,216.92
EFT5206	09/10/2012	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	WASTE COLLECTION		\$ 7,936.51

EFT5207	09/10/2012	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	ADVERT - PLANT OPERATOR		\$ 1,754.05
EFT5208	09/10/2012	WESTRAC EQUIPMENT	SERVICE TO CW0010		\$ 2,099.66
EFT5209	09/10/2012	W A TREASURY CORPORATION	PAYMENT LOAN#81A		\$ 7,959.93
EFT5210	09/10/2012	WATERMAN IRRIGATION	STANDPIPE REMOTE ACCESS CHARGE - OCT12-SEP13		\$ 752.40
EFT5211	09/10/2012	DAVE WATSON CONTRACTING	TRIMMING & REMOVAL OF TREES LEEMAN		\$ 10,945.00
EFT5212	09/10/2012	FIRE & EMERGENCY SERVICES AUTHORITY OF WA	ESL RETURN AUGUST 2012		\$ 7,335.78
EFT5213	09/10/2012	RUMBOLD FORD	PURCHASE OF FORD RANGER CREW CAB CW008		\$ 19,210.00
EFT5214	09/10/2012	RUMBOLD FORD	PURCHASE FORD RANGER CREW CAB CW0050		\$ 19,376.05
19203	19/09/2012	ESPLANADE HOTEL FREMANTLE	ACCOMMODATION - POOL MANAGER		\$ 854.00
19204	19/09/2012	JURIEN BAY DISTRICT HIGH SCHOOL	DONATION - COUNTRY WEEK 2012		\$ 400.00
19205	19/09/2012	NOVUS GERALDTON	WINDSCREEN REPLACEMENTS		\$ 1,332.10
19206	19/09/2012	SHIRE OF COOROW	RUBBISH & TV RATES 2012.2013		\$ 15,450.00
19207	19/09/2012	SHORELINE OUTDOOR WORLD	GABLE PATIO - SPAIN ST COOROW		\$ 8,107.00
19208	19/09/2012	TELSTRA	TELEPHONE ACCOUNT		\$ 2,409.73
19209	19/09/2012	WATER CORPORATION	WATER ACCOUNTS		\$ 16,897.90
19211	19/09/2012	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 220.00
19212	19/09/2012	SHIRE OF COOROW	PETTY CASH LEEMAN		\$ 163.80
19213	25/09/2012	PAUL MITCHELL	RATES REFUND FOR ASSESSMENT A1350 556 WADDY FORREST RD WADDY FORREST 6515		\$ 7,887.94
19214	03/10/2012	WILLIAM KENNEDY	REIMBURSEMENT FOR TV ANTENNAE AND CHARGES FOR CLEANING		\$ 605.00
19216	03/10/2012	AXA	SUPERANNUATION CONTRIBUTIONS		\$ 271.59
19217	03/10/2012	SHIRE OF COOROW - LOTTO	PAYROLL DEDUCTIONS		\$ 210.00
19218	03/10/2012	TWUSUPER	SUPERANNUATION CONTRIBUTIONS		\$ 554.76
19219	03/10/2012	PAYROLL DEDUCTION - SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS		\$ 20,977.16
19220	09/10/2012	BOHLER UDDEHOLM	METAL CW0059		\$ 465.30

19221	09/10/2012	ESPLANADE RIVER SUITES	ACCOMMODATION - RANGER CONFERENCE		\$ 398.00
19222	09/10/2012	MCGRATH HOMES	PROGRESS PAYMENT 2 - COMPLETION OF WALLS & ROOF FRAMING		\$ 82,000.00
19223	09/10/2012	NOVUS GERALDTON	WINDSCREEN REPLACEMENTS - CW0014, CW0017, CW0035		\$ 1,601.60
19224	09/10/2012	SHIRE OF COOROW	PETTY CASH COOROW		\$ 179.35
19225	09/10/2012	SYNERGY	STREET LIGHTS		\$ 3,893.10
19226	09/10/2012	TELSTRA	WARRADARGE FIRE SHED PHONE ACCOUNT		\$ 153.84
19227	09/10/2012	WATER CORPORATION	WATER ACCOUNT		\$ 2,500.00
71021012	02/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 325.30
71031012	03/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 1,165.85
71041012	04/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 648.50
71051012	05/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 1,428.20
71081012	08/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 510.60
71110912	11/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 4,242.85
71120912	12/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 252.90
71130912	13/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 509.20
71140912	14/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 1,405.15
71140912	14/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 827.30
71170912	17/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 228.40
71190912	19/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 1,179.60
71200912	20/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 833.05
71210912	21/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 482.50
71240912	24/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 268.15
71260912	26/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 600.00
71270912	27/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 276.95
72021012	02/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 4,636.70
72031012	03/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 751.85
72041012	04/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 258.40

72051012	05/10/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 1,005.10
72110912	11/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 82.60
72120912	12/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 335.60
72130912	13/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 2,444.95
72170912	17/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 526.30
72190912	19/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 672.75
72200912	20/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 482.45
72210912	21/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 26.00
72240912	24/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 1,489.10
72250912	25/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 268.80
72260912	26/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 292.80
72270912	27/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 125.20
72280912	28/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 267.30
72280912	28/09/2012	TRANSPORT DEPT. OF	TRANS LICENSING		\$ 706.65
DDEBIT	12/09/2012	PAYROLL	PAYROLL		\$ 49,790.00
DDEBIT	26/09/2012	PAYROLL	PAYROLL		\$ 51,215.00
				\$ 7,113.23	\$619,396.02

11.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – AUGUST 2012

AUTHOR	Vin Fordham Lamont
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2012
ATTACHMENT	11.4.2 Statement of Financial Activity for August 2012 Under separate cover
FILE	ADM 0426 – Finance – 2012/13

SUMMARY:

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that 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.

BACKGROUND:

The form of the Monthly Financial Statements presented to Council is a Statement of Financial Activity, which also includes supplementary information including an Operating Statement Function and Activity, Balance Sheet, Cash Flow Graph and Plant Cost Recovery Report. A copy of the Statement of Financial Activity for the month ended 31 August 2012 is included at Attachment 11.4.2 for Councillor's information.

COMMENT:

Council is required to prepare the Statement of Financial Activity as per Local Government (FM) Reg. 36, but can resolve to have supplementary information included as required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

34. Financial reports to be prepared s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
 - (b) Budget estimates to the end of the month to which the statement relates;
 - (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) The net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
 - (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

- (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
 - (c) Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) According to nature and type classification;
 - (b) By program; or
 - (c) By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -
- (a) Presented to the council -
 - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

Not required

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 11.4.2 for the period ended 31 August 2012 as prepared and presented by the Deputy Chief Executive Officer.

RESOLUTION:

2012/142

Moved: Cr Bothe

Seconded: Cr Rackemann

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 11.4.2 for the period ended 31 August 2012 as prepared and presented by the Deputy Chief Executive Officer.

***CARRIED 8/0
Simple Majority***

11.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2012

AUTHOR	Vin Fordham Lamont
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	8 October 2012
ATTACHMENT	11.4.3 Statement of Financial Activity for September 2012 Under separate cover
FILE	ADM0426 – Finance – 2012/13

SUMMARY:

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that 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.

BACKGROUND:

The form of the Monthly Financial Statements presented to Council is a Statement of Financial Activity, which also includes supplementary information including an Operating Statement Function and Activity, Balance Sheet, Cash Flow Graph and Plant Cost Recovery Report. A copy of the Statement of Financial Activity for the month ended 30 September 2012 is included at Attachment 11.4.3 for Councillor's information.

COMMENT:

Council is required to prepare the Statement of Financial Activity as per Local Government (FM) Reg. 36, but can resolve to have supplementary information included as required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

34. Financial reports to be prepared s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
 - (b) Budget estimates to the end of the month to which the statement relates;
 - (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) The net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -

- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
 - (c) Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) According to nature and type classification;
 - (b) By program; or
 - (c) By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -
- (a) Presented to the council -
 - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

Not required

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 11.4.3 for the period ended 30 September 2012 as prepared and presented by the Deputy Chief Executive Officer.

RESOLUTION: **2012/143**

Moved: Cr Williams

Seconded: Cr Waite

That Council accepts the Monthly Statement of Financial Activity as included at Attachment 11.4.3 for the period ended 30 September 2012 as prepared and presented by the Deputy Chief Executive Officer.

***CARRIED 8/0
Simple Majority***

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

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION:

13.1 LATE AGENDA ITEM - REPLACEMENT OF CASE 821 LOADER – CW0013

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2012
ATTACHMENT	Nil
FILE	ADM0353

SUMMARY:

Council is requested to accept the late agenda item for the replacement of the Shire's Case 821 Loader.

COMMENT:

Staff are attempting to have the Agenda prepared at least a week before each Council Meeting. In completing this schedule, business of an urgent nature will arise from time to time in particular where commercial activities within the district would be delayed by Council not considering the item.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Shire of Coorow

Standing Orders Local Law 2011

5.5 New business of an urgent nature

- (1) *In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.*
- (2) *In subclause (1), "cases of extreme urgency or other special circumstances" means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Shire and must be considered and dealt with by the Council before the next meeting.*

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

To accept the late Agenda item for the replacement of the Case 821 Loader CW0013.

RESOLUTION: **2012/144**

Moved: Cr Jack

Seconded: Cr McTaggart

To accept the late Agenda item for the replacement of the Case 821 Loader CW0013.

CARRIED 8/0
Absolute Majority

13.2 REPLACEMENT OF CASE 821 LOADER – CW0013

AUTHOR	Kelvin Bean
DISCLOSURE OF INTEREST	Nil
DATE OF REPORT	2012
ATTACHMENT	13.2.1 under separate cover
FILE	ADM0353

SUMMARY:

Council has provision within its 2012/2013 Budget for the changeover of the Front-End Loader with a gross purchase price of \$380,000 less trade/sale of \$80,000 giving a net changeover cost of \$300,000.

COMMENT:

Council's Mechanic John Cortese, Leading hand Robin Broun and I went to Perth to inspect the options available for loaders after the close of the e-quotes via WALGA. We looked at a Caterpillar 950H, Komatsu WA 380_6, Hitachi ZW220, John Deere 644K Z-Bar and SDLG LG959 wheeled loader.

It is my opinion that the Hitachi ZW220 and Caterpillar 950H were the best two machines that we received quotes on. It came down to warranty and parts availability with Caterpillar offering 60 months or 6,000 hours full machine warranty which is better than Hitachi's 36 months or 6,000 hours. The Caterpillar 950H comes with a GPS engine management system which means that you can check how the engine is going on-site from the Coorow office by computer and how hard it is working and where it is at all times. We looked at all the parts departments and found that all companies were looking at expanding their stock areas. Caterpillar will be moving into their new home which covers 6 hectares and is two storeys high. Their Geraldton stores location has 90% of all items and can freight ex-Melbourne within 24 hours. The Hitachi sales man said 2 to 4 days ex-Melbourne or they will "cannibalise" a machine in their yard. All filters are the same as our 120H Grader which helps to keep our stock on hand smaller.

In summary, the Caterpillar 950H loader is more expensive in its initial cost in comparison to the Hitachi machine however, over the working life of the loader, the extended full machine warranty of 60 months or 6,000 hours makes it a better buy.

As WALGA are still undertaking the Expressions of Interest (EOI) process for the outright sale of the existing machine, it is recommended that Council delegates authority to the Chief Executive Officer to accept the best offer, whether trade or sale.

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Functions and General) Regulations 1996
Division 2 — Tenders for providing goods or services (s. 3.57)

[Heading inserted in Gazette 2 Feb 2007 p. 245.]

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA; or
 - (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —
 - (i) the supplier is either —
 - (I) an individual whose last employer was the local government; or
 - (II) a group, partnership or company comprising at least 75% of persons whose last employer was that local government;

and

- (ii) the contract —
 - (I) is the first contract of that nature with that individual or group; and
 - (II) is not to operate for more than 3 years;
 and
- (iii) the goods or services are —
 - (I) goods or services of a type; or
 - (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type,
 - that were provided by the individual (or persons) whilst employed by the local government;
 or
- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
 or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
 or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (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.

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6.]

12. Anti-avoidance provision for r. 11(1)

If a local government enters into 2 or more contracts in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract, tenders are to be publicly invited according to the requirements of this Division before entering into any of the contracts regardless of the consideration.

[Regulation 12 amended in Gazette 2 Feb 2007 p. 245-6.]

13. Requirements when local government invites tenders though not required to do so

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]

14. Publicly inviting tenders, requirements for

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required; and
 - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —

- (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
 - (b) detailed specifications of the goods or services required; and
 - (c) the criteria for deciding which tender should be accepted; and
 - (d) whether or not the local government has decided to submit a tender; and
 - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]

15. Minimum time to be allowed for submitting tenders

- (1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

16. Receiving and opening tenders, procedure for

- (1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
 - (a) at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present; and
 - (b) members of the public are entitled to be present; and
 - (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055.]

17. Tenders register

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
 - (a) a brief description of the goods or services required; and
 - (b) particulars of the making of —
 - (i) the decision to invite tenders; and
 - (ii) if applicable, the decision to seek expressions of interest under regulation 21(1);and
 - (c) particulars of —
 - (i) any notice by which expressions of interests from prospective tenderers was sought; and
 - (ii) any person who submitted an expression of interest; and
 - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);and
 - (d) a copy of the notice of the invitation to tender; and
 - (e) the name of each tenderer whose tender has been opened; and
 - (f) the name of any successful tenderer.
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131.]

18. Rejecting and accepting tenders

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.

- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2.]

19. Tenderers to be notified of outcome

The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.

[Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]

20. Variation of requirements before entry into contract

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
- (2) If —
 - (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
 - (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

- (3) In subregulation (1) —

minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

21. Limiting who can tender, procedure for

- (1) If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.
- (2) There is good reason to make a preliminary selection if, because of —
 - (a) the nature of the goods or services required; or
 - (b) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.
- (3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.
- (4) The notice is required to include —
 - (a) a brief description of the goods or services required; and
 - (b) particulars identifying a person from whom more detailed information may be obtained; and
 - (c) information as to where and how expressions of interest may be submitted; and
 - (d) the date and time after which expressions of interest cannot be submitted.

22. Minimum time to be allowed for submitting expressions of interest

The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.

23. Rejecting and accepting expressions of interest to be acceptable tenderer

- (1) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
- (2) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.
- (3) Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if

any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.

- (4) The CEO is to list each of those persons as an acceptable tenderer.

[Regulation 23 amended in Gazette 29 Jun 2001 p. 3132.]

24. People who submitted expression of interest to be notified of outcome

The CEO is to give each person who submitted an expression of interest notice in writing —

- (a) containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers; or
- (b) advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or
- (c) informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.

[Regulation 24 amended in Gazette 29 Jun 2001 p. 3133.]

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;

- or
- (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846.]

STRATEGIC IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Provision has been made within the 2012/2013 Budget as mentioned.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:-

1. Purchases a Caterpillar 950H wheeled Loader from Westrac Equipment at a cost of \$223,950; and
2. Delegates authority to the Chief Executive Officer to accept the best offer, be that trade or outright sale of the existing Case 821 loader following the WALGA Expressions of Interest process.

RESOLUTION:

2012/145

Moved: Cr Jack

Seconded: Cr George

That Council:-

1. ***Purchases a Caterpillar 950H wheeled Loader from Westrac Equipment at a cost of \$281,950; and***
2. ***Delegates authority to the Chief Executive Officer to accept the best offer, be that trade or outright sale of the existing Case 821 loader following the WALGA Expressions of Interest process***

***CARRIED 8/0
Absolute Majority***

NOTE: Council's resolution differed from Officer's recommendation as the gross purchase price was incorrect.

14. **MATTERS BEHIND CLOSED DOORS:**

15. **DATE OF NEXT MEETING:**

15.1 ORDINARY MEETING OF COUNCIL

Ordinary Meeting Wednesday 21 November 2012 at the Coorow District Hall from 3.00pm

16. **CLOSURE:**

There being no further business the President, Cr Damien Rackemann closed the meeting at 4.33pm