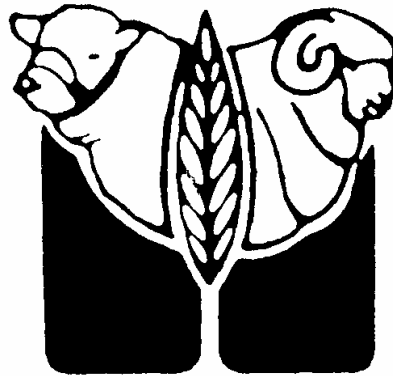


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 15 NOVEMBER 2007

COMMENCING AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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1. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr T Ginnane – President (until election of new President)
Cr R Downing
Cr P Marshall
Cr S Broadhurst
Cr Michael Giles
Cr Kym Lamshed
Cr E Muncey
Cr B O'Hare

Mr T Doust – Chief Executive Officer
Mr K Jones – Manager of Finance
Mr J Eddy – Manager of Works and Services

Joseph Sapienza – Manjimup-Bridgetown Times
Lyn Baldwin JP – (Left at 4.47pm)
Shirley Downing – (Left at 4.47pm)

1.2 Apologies

Cr A Piper

1.3 Leave of Absence

Nil

1.4 Declaration of Office– Newly Elected Councillors

The newly elected persons are required to make a declaration before they can act in the capacity of a Councillor.

The following persons are required to undertake this:-

Roger Frank Downing
Michael John Giles
Kym Lamshed
Peter Edward Marshall
Eric Muncey
Brian Michael O'Hare

Section 2.29 of the Local Government Act 1995, as amended, and part (3) section (13) of the Local Government (Constitution Regulations 1998) as amended, prescribes the format to be used.

A copy of the declaration Form (7) is attached together with the Local Government (Rules of Conduct) Regulations 2007. Arrangements have been made for Mrs. Lyn Baldwin J.P. to attend and witness the declarations. The persons elected will need to read aloud the declaration. It is proposed to undertake this process in the order as shown above. (Completed forms will be provided at the meeting).

Roger Frank Downing, Michael John Giles, Kym Lamshed, Peter Edward Marshall, Eric Muncey and Brian Michael O'Hare made a declaration of office, witnessed and signed by Mrs Lyn Baldwin JP.

1.5 Election of President

(Chief Executive Officer to Chair this part of the meeting)

Council is required by the Local Government Act 1995 to elect a Councillor as President at the first meeting after the Bi Annual Elections. The term of office for the President begins after this election and continues until the next Ordinary Councillor Elections – usually (2) years.

Nominations for the position of President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Chief Executive Officer calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared, one nomination had been received from Roger Downing nominating himself for the position of President.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post/preferential system. The Chief Executive Officer will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as President as per section 1.4 of this agenda.

The CEO took the chair to preside over the election of Shire President. He confirmed that he had received one nomination from Roger Frank Downing in writing and called for any further nominations from the floor. There being no further nominations the CEO declared Councillor Downing elected as Shire President.

Councillor Downing made a declaration of office as Shire President witnessed and signed by Mrs Lyn Baldwin JP.

The Shire President, Cr Roger Downing took the chair.

1.6 Election of Deputy President

Council is required by the Local Government Act 1995 to elect a Councillor as Deputy President at the first meeting after the Bi Annual Elections. The term of office for the Deputy President begins after this election and continues until the next Ordinary Councillor Elections – usually (2) years.

Nominations for the position of Deputy President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Shire President calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared, no nominations had been received for the position of Deputy President.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post/preferential system. The Chief Executive Officer will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as Deputy President as per section 1.4 of this agenda.

The Shire President was informed by the CEO that he had received one nomination from Peter Edward Marshall in writing. The Shire President called for any further nominations from the floor. There being no further nominations the Shire President declared Councillor Marshall elected as Deputy Shire President.

Councillor Marshall made a declaration of office as Deputy Shire President, witnessed and signed by Mrs Lyn Baldwin JP.

1.7 Committees and Representatives

Council will need to determine if it requires committees, their role, responsibilities and delegation if any.

It is proposed to hold an informal discussion at the briefing session prior to the Council meeting about the need for committees, their role and responsibilities/delegation. It is also proposed to consider what representatives are required for community organizations for the next two years. It is important that there is a clear understanding of the purpose and role of either committees or representatives.

There are several committees that Council is required by legislation to appoint, these including:-

- * Audit Committee
- * LEMAC Committee
- * Main Roads Regional Road Group

Council previously established a Bush Fire Advisory Committee for the year 2007/08 (21st June 2007) and it will be necessary to appoint a Councillor to be a member of this committee.

There are several industry organisations that Council will need to appoint delegates for. These include:-

- * South West Zone W A Local Government Association
- * Warren Blackwood Strategic Alliance

Shirley Downing and Lyn Baldwin departed the Chambers at 4.47pm

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Broadhurst

SECONDED: Cr Ginnane

That the following Committee/Representatives be appointed at this time and the Council consider any further Committees/Representatives at its meeting on 20th December 2007:-

- 1. Audit Committee – (3) Councillors.
The function/role of the audit committee be as follows:-**
 - a) is to provide guidance and assistance to the Council-**
 - i. as to the carrying out of its functions in relation to audits;**
 - ii. as to the development of a process to be used to select and appoint a person to be the auditor; and**
 - b) may provide guidance and assistance to the Council as to-**
 - i. matters to be audited;**
 - ii. the scope of the audit;**
 - iii. its functions under Part 6 of the Local Government Act 1995 that relate to financial management; and**
 - iv. the carrying out of its functions relating to other audits and other matters related to financial management.**
- 2. A Council Representative on the LEMAC Committee
(Committee members and role to be appointed at a later date)**
- 3. A Council Representative on the Bush Fire Advisory Committee**
- 4. A Council Representative on the Main Road Regional Road Group**
- 5. A Council Delegate and Deputy Delegate for the South West Zone Western Australian Local Government Association.**
- 6. A Council Delegate and Deputy Delegate for the Warren Blackwood Strategic Alliance.**

CARRIED BY ABSOLUTE MAJORITY 8/0

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Ginnane

SECONDED: Cr Marshall

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Ginnane

SECONDED: Cr Giles

1. Cr Downing - Shire President, Cr Marshall and Cr Muncey be appointed to Audit committee.
2. Cr Ginnane be appointed as the Council Nominee on the Bush Fire Advisory Committee.
3. Cr Downing - Shire President be appointed as the Council Nominee on the LEMAC Committee.
4. Cr Giles be appointed as the Council Delegate on the Main Roads Regional Road Group.
5. Cr Downing - Shire President and Cr Lamshed be the Council delegate and Deputy delegate respectively, on the South West Zone of the Western Australian Local Government Association.
6. Cr Broadhurst and Cr O'Hare be the Council delegate and Deputy Delegate respectively on the Warren Blackwood Strategic Alliance.

All appointments to expire on the date of the next ordinary election of Councillors.

CARRIED BY ABSOLUTE MAJORITY 8/0

Council will also need to appoint (4) Councillors and the Chief Executive Officer in accordance with the Annual Awards process policy, to consider nominations for Citizen of the Year, Young Achiever of the Year and Sports Person of the Year. The policy provides the panel with the authority to make the selection without any further reference to Council.

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Lamshed

That Cr Downing - Shire President, Cr Lamshed, Cr Muncey, Cr O'Hare and the Chief Executive Officer be appointed as the selection panel to consider and determine the most suitable nominee for the 2008 Citizen of the Year, Young achiever of the Year and Sports Person of the Year.

CARRIED BY ABSOLUTE MAJORITY 8/0

2. PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr T Ginnane – gave a detailed report on his trip to Sandakan, expressing that the hospitality was exceptional and he hoped the relationship between the two municipalities continued and strengthened. He then made a presentation to the Shire President of some gifts from the Sandakan Council consisting of the Framed Memorandum of Understanding between the two municipalities of Boyup Brook and Sandakan, the Sandakan Crest and Sandakan Municipal Flag. Cr Ginnane also passed on a By-Laws and ordinance of the Sandakan Municipal Council which he was asked to give to the CEO.

Cr Broadhurst – announced with sadness that the Blackwood River Valley Marketing Association (BRVMA) President, Ian Baxter passed away recently.

Cr Downing – reported that Boyup Brook was strongly represented in the Regional Achievement Awards. Out of 6 categories, Boyup Brook has a finalist in 4 of them. The winners will be announced on 23 November at a function in Perth.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Meeting of the Council held on 18 October 2007.

MOVED: Cr Ginnane

SECONDED: Cr Marshall

That the minutes of the previous Ordinary Meeting of the Council held on Thursday 18 October 2007, be confirmed as an accurate record.

CARRIED 8/0

6. PRESIDENTIAL COMMUNICATIONS

The Shire President welcomed the new Councillors and thanked Cr Ginnane for his significant contribution as the outgoing Shire President. He also thanked Council for the opportunity for him to contribute at a slightly higher level.

7. REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Bridge Repairs and Maintenance

Location: Various locations within the Shire of Boyup Brook
Applicant: Shire of Boyup Brook
File: -
Disclosure of Interest: Nil
Date: 7 November 2007
Author: John Eddy – Manager of Works & Services

SUMMARY

To approve the transfer of funds from the Bridge Reserve to Municipal Fund for the funding of emergency structural repairs and maintenance works on various bridges within the Shire of Boyup Brook.

BACKGROUND

Main Roads WA carry out detailed inspections of local authority bridges on a five year rotational basis. A detailed inspection report is provided to the local authority indicating structural repairs and routine maintenance items requiring attention.

Quite often a bridge is affected by the deterioration of structural components between inspections and an assessment of the structures load carrying capacity is conducted by Main Roads WA structural engineers. Main Roads WA have advised the Shire of Boyup Brook that specific structural repairs and maintenance is required on the following bridges:-

| BRIDGE NUMBER | LOCATION | ESTIMATED COST |
|---------------|-------------------------------|----------------|
| 743 | Boyup Brook/Arthur River Rd | \$5,000 |
| 3306 | Jayes Road | \$5,000 |
| 3310 | Westcliffe Road | \$1,500 |
| 3311A | Dwalganup Road | \$1,500 |
| 268A | Mayanup/Tonebridge Road | \$500 |
| 747 | Boyup Brook/Arthur River Road | \$500 |
| 3304A | Winnejup Road | \$500 |
| 4872 | Collie South West Road | \$500 |

Failure by the Shire of Boyup Brook to complete the requested structural repairs and maintenance works could result in a load limit being applied to the bridges in the future.

COMMENT

The Shire of Boyup Brook is the owner and asset manager of all bridge structures on local roads within the Shire. It is important to maintain the structural integrity of all Shire bridges ensuring that local traffic and transport of goods and produce is maintained without the imposition of load limitations.

The Bridges Reserve has a current balance of \$24,000, it is recommended that \$15,000 be transferred from the Bridges Reserve to the Municipal Fund to enable the proposed bridgeworks to proceed.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.8. Expenditure from municipal fund not included in annual budget.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2007/2008 adopted budget does not include an amount for bridge repairs and maintenance. The estimated cost of \$15,000 is therefore unbudgeted expenditure and requires a transfer of funds from the Bridges Reserve.

STRATEGIC IMPLICATIONS

The structural repairs and preventative maintenance works to bridges are part of the effective management, maintenance and enhancement of the Shires infrastructure assets.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Broadhurst

SECONDED: Cr O'Hare

That the Council approves the transfer of \$15,000 from the Bridges Reserve to the Municipal Fund for the funding of emergency structural repairs and preventative maintenance works to bridges within the Shire of Boyup Brook as listed in this report.

CARRIED BY ABSOLUTE MAJORITY 8/0

7.2 DEVELOPMENT AND COMMUNITY SERVICES

No reports.

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment

| | |
|--------------------------------|-----------------------------------------|
| <i>Location:</i> | <i>Shire of Boyup Brook</i> |
| <i>Applicant:</i> | <i>Shire of Boyup Brook</i> |
| <i>File:</i> | <i>EM/51/003</i> |
| <i>Disclosure of Interest:</i> | <i>Nil</i> |
| <i>Date:</i> | <i>8 November 2007</i> |
| <i>Author:</i> | <i>Keith Jones – Manager of Finance</i> |

SUMMARY

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

BACKGROUND

Invoices have been received during the month of November 2007.

COMMENT

Accounts are presented for consideration (see appendix 1.4) or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3)(a)(b); 13(1); and 13(4).

POLICY IMPLICATIONS

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2007/08 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

1. That the accounts for October 2007 as presented totaling \$303,458.20 as-
 - a) cheque voucher numbers 16438 – 16512 be approved for payment;
 - b) paid by-
 - i. direct electronic payments through the Municipal Account;
 - ii. cheque voucher numbers 2127- 2129 paid through the Chief Executive Officer's Advance Account;

be endorsed.

CARRIED 8/0

7.3.2 **September 2007 Monthly Statement of Financial Activity**

| | |
|--------------------------------|-----------------------------------------|
| <i>Location:</i> | <i>NA</i> |
| <i>Applicant:</i> | <i>NA</i> |
| <i>File:</i> | <i>EM/51/003</i> |
| <i>Disclosure of Interest:</i> | <i>Nil</i> |
| <i>Date:</i> | <i>7 November 2007</i> |
| <i>Author:</i> | <i>Keith Jones – Manager of Finance</i> |

SUMMARY

Report recommends Council receive the Monthly Statement of Financial Activity for the month ended 30 September 2007, and Investment Schedule for the month ended 31st October 2007.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the report.

COMMENT

It is suggested that the recommendation be considered.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996, s34(1)(a)
Local Government (Financial Management) Regulations 1996, s19(1)(2)(a)(b)
Local Government (Financial Management) Regulations 1996, s34(2)(a)(b)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr O'Hare

That the September 2007 Monthly Statement of Financial Activity as presented, be received.

CARRIED 8/0

7.3.3 Report of the Returning Officer – Elections 20 October 2007

| | |
|--------------------------------|--------------------------------------------|
| <i>Location:</i> | <i>Shire of Boyup Brook</i> |
| <i>Applicant:</i> | <i>Tony Doust – Returning Officer</i> |
| <i>File:</i> | <i>GO/19/005</i> |
| <i>Disclosure of Interest:</i> | <i>Nil</i> |
| <i>Date:</i> | <i>24th October 2007</i> |
| <i>Author:</i> | <i>Tony Doust, Chief Executive Officer</i> |

SUMMARY

This report is to brief elected members of the elections held on 20 October 2007 and to provide an overview of statistics that relate to the election held.

BACKGROUND

The Shire is divided in four wards:-

| | | | | |
|--------------|---|--------------|---|---------------|
| Boyup Brook | - | 478 Electors | - | 3 Councillors |
| Benjinup | - | 231 Electors | - | 2 Councillors |
| Dinninup | - | 220 Electors | - | 2 Councillors |
| Scotts Brook | - | 229 Electors | - | 2 Councillors |

This year was the first time ordinary elections have been held in October compared with May in the past years.

Four Councillors terms were due to expire as a part of the normal electoral cycle, one in each ward, and two extraordinary vacancies were created by the resignation of Cr Martin (April 2007) Benjinup Ward and Cr Florey (October 2007) Scotts Brook Ward.

Sitting Councillors, Cr Moir and Cr Oversby did not re-nominate. Nominations close on the 13th September 2007 and as a result the following persons were declared elected unopposed. Where two nominations were received in a ward for two vacancies, the Returning Officer conducted a draw to determine order of retirement.

| | | | | |
|----------------|---|-------------------|---|------------------------------|
| Brian O'Hare | - | Benjinup Ward | - | Four year term expiring 2011 |
| Eric Muncey | - | Benjinup Ward | - | Two year term expiring 2009 |
| Kym Lamshed | - | Dinninup Ward | - | Four year term expiring 2011 |
| Peter Marshall | - | Scotts Brook Ward | - | Four year term expiring 2011 |
| Michael Giles | - | Scotts Brook Ward | - | Two year term expiring 2009 |

As two nominations were received for the Boyup Brook Ward, Roger Downing and Wayne Coughlan, an election was held on 20 October 2007. Only one polling place was required, Shire Administration Centre, Boyup Brook. Early voting was available as from Wednesday 19 September 2007.

COMMENT

Three staff worked on Election Day from 7.30am to 7.00pm including preparation of the office for the election and count at the end of the day. One of the issues that arose during the day was the number of people that came to vote as they believed they were on previous rolls. It would appear that past rolls have not been prepared in accordance with current legislation with regard to owners and occupiers. The Local Government Act 1995 introduced changes to the requirement for registration on owner/occupier rolls and removed the automatic inclusion that previously existed. When preparing the roll for this election a search of the Shire records revealed that only four registrations had been received and were current. Three of these were no longer eligible as the persons had sold their properties. At the time of the election only one person was registered on the owner/occupier roll for the Shire.

The Boyup Brook Ward Election results and statistics are as follows.

| | | |
|--------------------------------|------------|--------------------------------|
| Total number of eligible votes | 478 | (including one owner/occupier) |
| Total votes cast:- | | |
| Early Voting | 60 | |
| On Election Day | 101 | |
| Total | 161 | |
| Result of Count | | |
| Roger Downing | 142 | |
| Wayne Coughlan | 14 | |
| Invalid | 5 | |
| Total | <u>161</u> | |

33% of eligible voters voted.

CONSULTATION

Not Applicable

STATUTORY ENVIRONMENT

For this election the CEO acted as returning officer. The election was conducted on the basis of electors voting in person. Part 4 of the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997* specify the way local government elections are to be conducted.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of conducting the election will be less than the estimated provided in the 2007/08 budget i.e. \$5000.

STRATEGIC IMPLICATIONS

Not Applicable

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Lamshed

That the information provided be received.

CARRIED 8/0

7.3.4 Boyup Brook Medical Services – Review of Fees

Location: Medical Centre Abel Street, Boyup Brook
Applicant: Shire of Boyup Brook
File: CM/42/003
Disclosure of Interest: Nil
Date: 29th October 2007
Author: Tony Doust, Chief Executive Officer

SUMMARY

This report outlines the existing fees for services provided by the Boyup Brook Medical Centre, recent review of the Medicare rebates and proposes an increase in the fees.

BACKGROUND

The Council reviewed the fees charged for services provided at the Boyup Brook Medical Centre in November 2006. Subsequent to this several additional charges were added, resulting in the existing fee structure being included in the 2007/08 budget:-

| Service | GST Included | Amount |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| Consultations – Short | No | \$24.00 |
| Consultations – Standard | No | \$45.00 |
| Consultations – Long | No | \$72.00 |
| Consultations – Extra Long | No | \$97.00 |
| PATS – referral | Yes | \$2.50 |
| Late Payment Administration fee – over 30 days | Yes | \$5.00 |
| Late Payment Administration fee – over 60 days | Yes | \$10.00 |
| Late Payment Administration fee – over 90 days | Yes | \$15.00 |
| Administration fee for missed appointments (after 2 notices to patient) | Yes | \$44.00 |
| Reports for Third Parties | Yes | \$180.00 per hour |
| Hire of Consulting Rooms – Half Day | Yes | \$44.00 |
| Hire of Consulting Rooms – Half Day – with receptionist | Yes | \$55.00 |
| Hire of Consulting Rooms – Full Day | Yes | \$88.00 |
| Hire of Consulting Rooms – Full Day – with receptionist | Yes | \$110.00 |
| Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire | Yes | \$25.00 |

The existing (1st Nov 2006) medicare rebate for services provided are as follows:-

| Consultations | Rebate | GAP |
|---------------|---------|-----------|
| Short | \$14.70 | (\$9.30) |
| Standard | \$32.10 | (\$12.90) |
| Long | \$60.95 | (\$11.05) |
| Extra Long | \$89.75 | (\$7.25) |

Whilst the fees were adopted in the annual budget for 2007/08, these were based on the level set in November 2006, as it was necessary to wait until the Medicare rebate was reviewed in October/November (the date each year) prior to making any adjustment. The new Medicare rebates have now been published and it is recommended the fees be reviewed to reflect increasing costs.

COMMENT

The Chief Executive Officer has discussed this matter with the Doctor and staff at Boyup Brook Medical Practice and it is recommended that the fees be reviewed to reflect the increased costs of operating the medical centre and the revised Medicare rebates. A small increase each year is far more acceptable that a larger increase after a longer period without an adjustment. The revised Medicare rebates as from 01/11/07 will be:-

| | <u>Rebate</u> |
|----------------------|---------------|
| Consultation – Short | \$15.00 |
| Standard | \$32.80 |
| Long | \$62.30 |
| Extra Long | \$91.70 |

The new fee structure proposed is as follows:

| Service | GST Included | Amount |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| Consultations – Short | No | \$25.00 |
| Consultations – Standard | No | \$46.50 |
| Consultations – Long | No | \$75.00 |
| Consultations – Extra Long | No | \$101.00 |
| PATS – referral | Yes | \$3.00 |
| Late Payment Administration fee – over 30 days | Yes | \$5.00 |
| Late Payment Administration fee – over 60 days | Yes | \$10.00 |
| Late Payment Administration fee – over 90 days | Yes | \$15.00 |
| Administration fee for missed appointments (after 2 notices to patient) | Yes | \$46.50 |
| Reports for Third Parties | Yes | \$186.00 per hour |
| Hire of Consulting Rooms – Half Day | Yes | \$44.00 |
| Hire of Consulting Rooms – Half Day – with receptionist | Yes | \$55.00 |
| Hire of Consulting Rooms – Full Day | Yes | \$88.00 |
| Hire of Consulting Rooms – Full Day – with receptionist | Yes | \$110.00 |
| Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire | Yes | \$25.00 |

The GAP after taking into consideration the revised fee schedule and Medicare rebate will be as follows:-

| | GAP |
|----------------------|---------|
| Consultation – Short | \$10.00 |
| Standard | \$13.70 |
| Long | \$12.70 |
| Extra Long | \$ 9.30 |

The following information has also been provided by the staff at the Boyup Brook Medical Practice:-

Patient type 2006 – 2007 financial year:

| | |
|---------------------------|--------------------------------------|
| Veterans affairs patients | 4.5% |
| Bulk Bill patients | 32.6% |
| Private patients | 25% |
| Organizations | 37.9% (workers comp, hospitals, etc) |
| Total | 100% |

All patients with a pensioner card, commonwealth senior's card and health care card are bulk billed.

| | |
|-----------------------------|-----------------------------------------------------------------------------------------------------|
| Pensioner card: | eligible if you are on a pension. |
| Health care card: | eligible if taxable income is less than \$429 a week for single, \$714.00 a week for couple. |
| Commonwealth senior's card: | eligible if taxable income is less than \$80,000 a year for a couple, \$50,000 a year for a single. |

CONSULTATION

Dr Mel and Boyup Brook Medical Centre staff

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.16, 6.17 and 6.19

Section 6.19- Requires a Local Government to advertise its intention to implement a fee structure that was not included in the Annual budget before it introduces the new fee and also to advise as to the date it will apply from.

POLICY IMPLICATIONS

No specific policy that relates to this matter.

FINANCIAL IMPLICATIONS

The revised fee structure will assist in achieving the estimate increase income projected in 2007/08 Budget to be received by the Boyup Brook Medical Centre, however the level depends entirely on the number of patients attending.

STRATEGIC IMPLICATIONS

It is important to continue to provide a viable Medical Service for the community and to provide adequate resources to update the services and facilities provided.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Muncey

SECONDED: Cr Mashall

That the fees and charges contained in the 2007/08 Budget for the Boyup Brook Medical Centre be revised as follows and implemented from 22nd November 2007:-

BOYUP BROOK MEDICAL CENTRE

| Service | GST Included | Amount |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| Consultations – Short | No | \$25.00 |
| Consultations – Standard | No | \$46.50 |
| Consultations – Long | No | \$75.00 |
| Consultations – Extra Long | No | \$10100 |
| PATS – referral | Yes | \$3.00 |
| Late Payment Administration fee – over 30 days | Yes | \$5.00 |
| Late Payment Administration fee – over 60 days | Yes | \$10.00 |
| Late Payment Administration fee – over 90 days | Yes | \$15.00 |
| Administration fee for missed appointments (after 2 notices to patient) | Yes | \$46.50 |
| Reports for Third Parties | Yes | \$186.00 per hour |
| Hire of Consulting Rooms – Half Day | Yes | \$44.00 |
| Hire of Consulting Rooms – Half Day – with receptionist | Yes | \$55.00 |
| Hire of Consulting Rooms – Full Day | Yes | \$88.00 |
| Hire of Consulting Rooms – Full Day – with receptionist | Yes | \$110.00 |
| Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire | Yes | \$25.00 |

CARRIED BY ABSOLUTE MAJORITY 8/0

7.3.5 South West Zone WA Local Government Association – Skills Shortage

Location: South West
Applicant: South West Zone WALGA
File: IM/37/002
Disclosure of Interest: Nil
Date: 1st November 2007
Author: Tony Doust, Chief Executive Officer

SUMMARY

To consider a decision made by the South West Zone Western Australian Local Government Association to request Local Governments to collectively contribute towards the skills shortage project.

BACKGROUND

The meeting of the South West Zone of WALGA at Collie on 28th September 2007 received an address from professor Matthew Tonts (UWA) and Ms Lisa Shreeve (SWACC) on a proposed skills shortage project. (Details of this are attached as appendix no. 1.4)

The Zone resolved accordingly:-

“THAT:

The SW Zone of the WA Local Government Association write to each Member Council seeking their agreement to contribute towards the \$25,000 for the Skills Shortage Project Concept (as outlined during item 7.1) on a pro rate basis according to rate revenue.”

The Executive Officer of the zone has now written to all Local Governments in the South West Zone seeking a decision from each Council on this matter and advises:-

“Based on the 2004/05 rate revenue of the 12 local governments reported in the WA Local Government Director for 2006/07, the following indicative contributions result:

| Local Government | 2004/05 Rate Revenue | % of Total Rate Revenue | Indicative Share of \$25000 |
|------------------------|----------------------|-------------------------|-----------------------------|
| Augusta-Margaret River | \$8,866,7117 | 13% | \$3,373 |
| Boyup Brook | \$1,307,000 | 2% | \$497 |
| Bridgetown-Greenbushes | \$2,171,469 | 3% | \$826 |
| Bunbury | \$15,340,000 | 23% | \$5,836 |
| Busselton | \$15,777,000 | 24% | \$6,002 |
| Capel | \$2,858,000 | 4% | \$1,087 |
| Collie | \$2,830,102 | 4% | \$1,077 |
| Dardanup | \$3,097,985 | 5% | \$1,179 |
| Donnybrook-Balingup | \$1,979,000 | 3% | \$753 |
| Harvey | \$6,771,063 | 10% | \$2,576 |
| Manjimup | \$3,989,297 | 6% | \$1,518 |
| Nannup | \$728,469 | 1% | \$277 |
| Total | \$65,716,102 | | \$25,000 |

It is likely that all member councils would be affected by skills shortages and an outcome of the proposed project could be to develop strategies to assist to overcome those shortages.”

COMMENT

Given the problem that all Local Governments are experiencing it is important that every effort is made to improve the position. The small contribution required by Boyup Brook will demonstrate that this Shire is prepared to work towards improving the position.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

No statutory requirements apply to this matter other than providing the funds that the Shire has been asked to contribute. This is addressed in the financial implications section of this report.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding has not been provided in the 2007/08 for the purpose Council will need to authorize the expense in accordance with section 6.8 of the Local Government Act 1995. “Expenditure from Municipal fund not included in the annual budget.”

STRATEGIC IMPLICATIONS

Any action to assist in reducing the skills shortage in the workplace will be of benefit.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That Council authorises \$497 from unbudgeted expenditure as its contribution/share to the "Skills Shortage Project Concept" being supported by the Local Governments in the South West.

CARRIED BY ABSOLUTE MAJORITY 8/0

7.3.6 **Annual Report 2006/07**

| | |
|--------------------------------|---------------------------------------------|
| <i>Location:</i> | <i>Shire of Boyup Brook</i> |
| <i>Applicant:</i> | <i>Shire of Boyup Brook</i> |
| <i>File:</i> | <i>CM/52/001</i> |
| <i>Disclosure of Interest:</i> | <i>Nil</i> |
| <i>Date:</i> | <i>5 November 2007</i> |
| <i>Author:</i> | <i>Tony Doust – Chief Executive Officer</i> |

SUMMARY

The purpose of this report is to present to Council the Annual Report for the year 2006/07 for their acceptance.

BACKGROUND

The Local Government Act 1995 sets out the requirement for the preparation of Annual Reports and the information to be included:

- A report from the mayor or president;
- A report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
 - i) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
 - ii) the number of employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- such other information as may be prescribed.

Council is required to accept the Annual Report when presented with or without modification:-

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

* *Absolute Majority required.*

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

COMMENT

The report presented has been prepared in accordance with the past format and includes the information required in the background section of this report.

Council will need to agree on a date to hold the Annual General Meeting of Electors which must be prior to 10th January 2008 but not before (14) days local public notice is given.

It is recommended that Council accept the report as presented.

CONSULTATION

Shire President, Manager of Finance, Manager of Works

STATUTORY ENVIRONMENT

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29 Electors Meeting

Local Government (Administration) Regulations 1996 Section 19B

POLICY IMPLICATIONS

No specific policy in relation to the Annual Report and or Annual Electors Meetings

FINANCIAL IMPLICATIONS

The costs associated with producing the Annual Report and holding Annual Electors meeting are provided for in the 2007/08 budget.

STRATEGIC IMPLICATIONS

The Annual Report provides information about the Shire for 2006/07 and the plan for the future

VOTING REQUIREMENTS

Absolute Majority Item 1

Simple Majority Item 2

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Giles

SECONDED: Cr Ginnane

- 1. That Council accepts the Annual Report as presented for the 2006/07 financial year.**
- 2. That the Annual meeting of Electors for the year 2006/07 be held in the Council Chambers on Thursday 6th December 2007 at 7.30pm.**

CARRIED BY ABSOLUTE MAJORITY 8/0

7.3.7 **Tony Doust Resignation - Chief Executive Officer**

| | |
|--------------------------------|---------------------------------------------|
| <i>Location:</i> | <i>Shire of Boyup Brook</i> |
| <i>Applicant:</i> | <i>Tony Doust</i> |
| <i>File:</i> | <i>P/F – Tony Doust</i> |
| <i>Disclosure of Interest:</i> | <i>Tony Doust</i> |
| <i>Date:</i> | <i>6 November 2007</i> |
| <i>Author:</i> | <i>Tony Doust – Chief Executive Officer</i> |

SUMMARY

To formally advise Council of the resignation of Tony Doust as Chief Executive Officer of the Shire, as from 4th July 2008 and to consider requirements for the appointment of a new Chief Executive Officer.

BACKGROUND

Mr. Doust was appointed by Council to the position of Chief Executive Officer in March 2007. The contract between Mr. Doust and Council includes a clause for termination of the contract by the employee provided (3) months notice is given. Mr. Doust recently advised the Shire President accordingly:-

“A number of matters of a private nature and work related have caused me to review and consider my priorities for the future. Whilst I have enjoyed working in Local Government for the past 40 years, including the time I have been at the Shire of Boyup Brook, I have decided that I do not wish to continue employment on a full time basis. I want to have more time to do the things that are important to both Elinor and myself, as well as our family and working in the position of Chief Executive Officer on a full time basis during the past twelve months has really brought home to me the fact that I have limited time to do these.

As you will recall I was not interested in the permanent position of Chief Executive Officer when I commenced as Acting CEO, however after the difficulties that Council experienced in obtaining a person, I reviewed my position and decided to put my hand up for the job. On reflection, having not held a position on a permanent basis for some time, the extent of the work required, including the ever increasing devolution of responsibility from Governments, together with my own personal standards to achieve a high level of administration and compliance, I have come to realize that it will be very difficult for me to achieve the standards that I aspire to and at the same time have time to undertake the private priorities I have.

In view of the above I have decided to advise you that I will be resigning from the position of Chief Executive Officer as from the 4th July 2008. I have given the Council more notice than what is required under my contract to allow adequate time to advertise and appoint a replacement and consider the housing requirements for the Chief Executive Officer.

Terry my decision is one that I have given a lot of consideration too and believe that it is important that one must be happy with what they are doing and derive a high level of satisfaction. I don't feel that I am achieving this under the present conditions.”

COMMENT

In view of the above Council will need to put in place measures to allow the advertising and selection of a new Chief Executive Officer (CEO), including consideration of the residential requirements.

The Chief Executive Officer has completed preliminary work on the provision of a new residence for a CEO, on Lot 17 Knapp Street Boyup Brook. The CEO was hopeful that a proposal would have been ready for consideration by Council at this meeting, however several matters have not been concluded.

It is recommended that Council appoint three Councillors to make arrangements for the recruitment of a new Chief Executive Officer, including determining the package/salary, advertising, selection/interviews and future housing requirements. The Councillors will be required to provide Council with recommendation relating to future housing and in due course the person selected as the preferred applicant for the position including the salary package negotiated.

CONSULTATION

Shire President Cr T Ginnane, Deputy Shire President Cr R Downing

STATUTORY ENVIRONMENT

Local Government Act 1996 – Section 5.36 Appointment of CEO

Local Government Act 1996 – Section 5.39 Contract for CEO

Local Government (Administration) Regulations 1996 - sections 18(a),18(b),18(c) and 18(f).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding for the salary/package of a new CEO will be provided in the 2008/09 Budget. Advertising costs for the position will be in addition to the estimate provided in the 2007/08 Budget.

Funding for a new residence will be available from the proceeds received from the sale of 3 Rogers Avenue and interest accumulated to date.

STRATEGIC IMPLICATIONS

The appointment of the appropriate person to the position of Chief Executive Officer will assist Council in achieving the strategic objectives of the Shire.

VOTING REQUIREMENTS

Simple Majority Item 1

Absolute Majority Item 2

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Marshall

SECONDED: Cr O'Hare

- 1. That the resignation of Mr. Tony Doust from the position of Chief Executive Office, to apply from 4th July 2008, be accepted.**

CARRIED 8/0

MOVED: Cr Ginnane

SECONDED: Cr Marshall

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local law No.1 to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

CARRIED 8/0

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

2. That Cr Downing – Shire President, Cr Marshall – Deputy Shire President and Cr Ginnane be appointed to consider the requirements necessary to employ a new Chief Executive Officer and be authorized to proceed with and implement the following:-

- Develop a salary/package for advertising.
- Advertising the position.
- Review applications received, prepare a short list and conduct interviews.
- Make a recommendation to Council of the person selected as the preferred applicant and the salary/package offered.
- Make a recommendation to Council on the future housing requirements for the Chief Executive Officer.

CARRIED BY ABSOLUTE MAJORITY 8/0

7.3.8 **Authority to Incur Debts and Make Payments Policy**

| | |
|--------------------------------|---------------------------------------------|
| <i>Location:</i> | <i>Shire of Boyup Brook</i> |
| <i>Applicant:</i> | <i>Shire of Boyup Brook</i> |
| <i>File:</i> | <i>CM/43/001</i> |
| <i>Disclosure of Interest:</i> | <i>Nil</i> |
| <i>Date:</i> | <i>06 November 2007</i> |
| <i>Author:</i> | <i>Tony Doust – Chief Executive Officer</i> |

SUMMARY

This item reviews the existing Authority to Incur Debts and Make Payments Policy and recommends Council adopt the changes as highlighted in the Draft Policy provided.

BACKGROUND

The Council has delegated the CEO under Delegation No. 14 the power to make payments from the Municipal and Trust Accounts which is in accordance with the requirements of the Regulations.

The Local Government (Financial Management) Regulations 1996 Section (12) provides:-

Payments from municipal fund or trust fund

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

The current policy Authority to Incur Debts and make Payments is attached as an appendix. This policy sets out the manner in which payments can be made.

COMMENT

The existing delegation conflicts in some ways with the current Policy - Authority to Incur Debts and Make Payments, as the delegation clearly authorises the CEO to make payments from the Municipal and Trust Funds

Whilst the Shire of Boyup Brook Policy Manual is still to be fully reviewed, due to the recent change of Councillors and the need to update bank authorities, it is opportune to review this particular policy.

The Chief Executive Officer has amended the current policy to reflect the standard operating procedures utilized by many other Local Government instrumentalities and compliment the Council Delegation No. 14. It is recommended that Council adopt the revised policy.

CONSULTATION

Manager of Works and Services
Manager of Finance

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.41 – Functions of CEO.
Local Government Act 1995 Section 5.44 – CEO may delegate powers and duties to other employees.
Local Government (Financial Management) Regulations 1996 Section 5.
Local Government (Financial Management) Regulations 1996 Section 11.
Local Government (Financial Management) Regulations 1996 Section 12.

POLICY IMPLICATIONS

Existing policy attached as an appendix no. 1.6 The revised policy will allow the CEO with the signature of one other to make payments..

FINANCIAL IMPLICATIONS

The adoption and implementation of this policy will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The policy will assist with the delivery of “Best Practice” with payment of accounts and allow the administration staff to undertake this throughout the month.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Giles

SECONDED: Cr Lamshed

1. That Council adopts the following “Authority to Make Payments Policy” and the same be implemented as from 16 November 2007.

Authority to Make Payments Policy

Objective

To ensure all payments made by the Shire are in accordance with the Local Government Act 1996 and Local Government (Financial Management) Regulations 1996.

Statement

The Chief Executive Officer is required to ensure that appropriate procedures are in place for the authorisation, approval, and payment, of accounts for debts incurred on behalf of the Shire.

When implementing such procedures:-

1. Each payment made is to be listed on a schedule compiled on a monthly basis and presented to the next ordinary Council meeting following the preparation of the schedule, showing the payees name, amount, date, and information to identify the transaction.
2. Payments made by cheque shall be signed by the CEO (or Acting CEO) or Shire President (or Deputy) and countersigned by the Finance Manager or Manager of Works.
3. Before payment of any account, the Chief Executive Officer is to be satisfied:-
 - a. the relevant debt was incurred only by persons authorised to do so by the Chief Executive Officer.
 - b. the goods or services to which each account relates were provided in a satisfactory standard or condition.
4. All payments are to be made in a manner which allows identification of:-
 - a. The method of payment.
 - b. The authority for payment.
 - c. The identity of the person who made the payment.
5. Payments made by electronic transfer (EFT) or BPay shall be processed using any two passwords by the CEO (or Acting CEO) or Shire President (or Deputy) jointly with the Finance Manager or Manager of Works.

2. That the existing Authority to Incur Debts and Make Payments Policy, be cancelled.

CARRIED BY ABSOLUTE MAJORITY 8/0

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|----------------------------------|
| 8. PETITIONS AND MEMORIAL |
|----------------------------------|

Nil

| |
|-----------------------------------------------------------|
| 9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN |
|-----------------------------------------------------------|

Nil

| |
|------------------------------------------------------------------------------------------------|
| 10. URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT |
|------------------------------------------------------------------------------------------------|

10.1 Correction To Fees Schedule 2007/08 Budget – Swimming Pool Season Tickets

The CEO advised the meeting that there had been a typing error in the Swimming Pool Entry Fees on page 6 of the 2007/08 Budget - Schedule of Fees. The wording "Child under sixteen years of age \$55.00" should have read "Child under six years of age \$55.00.

As there has already been some confusion about this cost between the Pool Manager and the Shire Administration staff resulting in patrons being charged different amounts, this matter needs to be corrected now at the beginning of the pool season.

COUNCIL DECISION

MOVED: Cr Ginnane

SECONDED: Cr Giles

That the wording on page 6 of the 2007/08 Budget – Schedule of Fees be corrected to read: “Child under six years of age \$55.00” and the “Adult Fee” be amended to “Adult and Children (6) six years of age and over”.

CARRIED BY ABSOLUTE MAJORITY 8/0

11. CONFIDENTIAL MATTERS

Nil

12. CLOSURE OF MEETING

The Shire President thanked Councillors and guests for attending, there being no further business the Chairman declared the meeting closed at 5.26pm