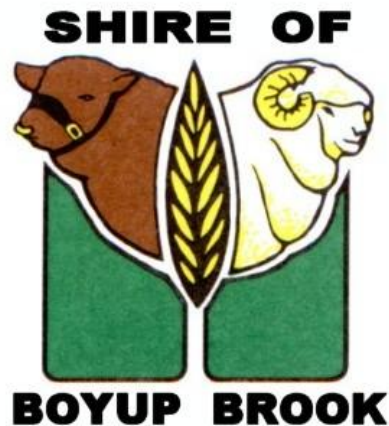


Minutes



ORDINARY MEETING

held

THURSDAY 19 November 2015
Commenced AT 5.00PM

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 M Giles – Shire President
Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr Muncey
Cr T Oversby
Cr L Rear

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Director Corporate Services)
Ms Kerry Fisher (Manager of Finance)
Mr Rob Staniforth-Smith (Director of Works & Services)
Mrs Maria Lane (Executive Assistant)

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr Blackburn

SECONDED: Cr Oversby

That Cr Blackburn be granted leave of absence for the December 2015 ordinary meeting of Council.

CARRIED 9/0

Res 111/15

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

- Cr Aird attended Arnold Bode's funeral which was well attended and a good service.
- Cr Aird attended the Blackwood Agricultural Show.
- Cr Kaltenrieder attended an information session on the National Broadband Network at the Community Resource Centre.
- Cr Kaltenreider attended the Annual General Meeting at the Community Resource Centre.
- Cr Kaltenrieder attended Arnold Bode's funeral.
- Cr Muncey attended Arnold Bode's funeral.
- Cr Blackburn attended the Rylington Park Field Day which was run well by the Committee and is doing well.
- Cr Rear attended Arnold Bode's funeral.

- Cr Rear attended the Centenary Kulikup Hall event.
- Cr Oversby attended Harvey Dickson's Rodeo.
- Cr Oversby attended the Kulikup Hall event.
- Cr Imrie informed Council that Geoff Harris has kindly donated two large display cabinets for the Tourism Association and the Museum.
- Cr Imrie listened to a Guest Speaker – Linda Watson who offers a rehab service for women involved in drugs and prostitution called the "House of Hope" in Perth.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 15 October 2015

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That the minutes of the Ordinary Meeting of Council held on Thursday 15 October 2015 be confirmed as an accurate record.

CARRIED 9/0

Res 112/15

6 PRESIDENTIAL COMMUNICATIONS

- Attended Remembrance Day on 11th November 2015 at the Boyup Brook War Memorial.
- Attended Harvey Dickson's Rodeo.
- Attended Arnold Bode's funeral.
- Attended the Dinninup Show.
- Attended the Local Emergency Management Committee.
- Attended the Kulikup Hall reunion which was a well supported event.

7 COUNCILLORS QUESTIONS ON NOTICE

8 ELECTION OF PRESIDENT AND DEPUTY PRESIDENT, AND APPOINTMENT OF COMMITTEES AND DELEGATES

9 REPORTS OF OFFICERS

8.1 Election of Shire President and Deputy Shire President

Election of President

The Local Government Act provides that the Chief Executive Officer take the position of Presiding Person for the purposes of electing a Shire President.

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 President's term of office 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 no nominations had been received.

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 system, in accordance with the Act. 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.

The newly elected Shire President, once the declaration is made, will then take the chair for the next part of the proceedings and the remainder of the meeting.

The CEO called for nominations for the position of Shire President, Cr Giles was nominated by Cr Aird, Cr Giles accepted the nomination. There being no further nominations Cr Giles was declared elected as Shire President.

Cr Giles made a declaration of office as Shire President, before Cr Aird – Deputy Shire President.

The Shire President, Cr Giles took the chair.

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 1 verbal nomination 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 system, in accordance with the Act. The Shire President 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.

The President called for nominations for the position of Deputy Shire President, Cr Aird nominated himself.

Cr Graham Aird made a declaration of office as Deputy President, before Cr Michael Giles – Shire President.

8.2 Appointment of Committees and Delegates
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Committees and Representatives

The local Government Act provides as follows:

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

In accordance with Section 5.11 the term of office for all committees and delegations ceased 17 October 2015 and so Council is now prompted to appoint Committees for the next two years. Council has also made a practice of dealing with delegates to other bodies at the same time and in a similar fashion to how it deals with committee membership. The recommendation

In dealing with the matter of committees, Council will need to determine if it requires committees, their role, responsibilities and delegation if any. Similarly, Council needs 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.

Council is a decision making body and so any committee appointed by Council should be for the purpose of assisting Council to make a decision. The Local Government Act sets out the following:

2.7. *Role of council*

(1) *The council —*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

(a) *oversee the allocation of the local government's finances and resources; and*

(b) *determine the local government's policies.*

[Section 2.7 amended by No. 17 of 2009 s. 4.]

2.8. *Role of mayor or president*

(1) *The mayor or president —*

(a) *presides at meetings in accordance with this Act; and*

(b) *provides leadership and guidance to the community in the district; and*

(c) *carries out civic and ceremonial duties on behalf of the local government; and*

(d) *speaks on behalf of the local government; and*

(e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*

(f) *liaises with the CEO on the local government's affairs and the performance of its functions.*

(2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

2.9. *Role of deputy mayor or deputy president*

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

2.10. *Role of councillors*

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.*

5.2. *Administration of local governments*

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

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

- * Audit Committee (Local Government Act)
- * LEMC Committee (Emergency Management Act)
- * Bush Fire Advisory Committee (Bush Fires Act)

The following sections of the Local Government Act have relevance to the Audit committee

Division 1A — Audit committee

[Heading inserted by No. 49 of 2004 s. 5.]

7.1A. Audit committee

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

[Section 7.1A inserted by No. 49 of 2004 s. 5.]

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

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

** Absolute majority required.*

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

[Section 7.1B inserted by No. 49 of 2004 s. 5.]

7.1C. Decisions of audit committees

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

The following section of the Emergency Management Act 2005 has relevance

38. Local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) *to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) *to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

13. State Emergency Management Committee

- (1) *The State Emergency Management Committee is established.*
- (2) *The SEMC is to consist of—*
 - (a) *a chairman appointed by the Minister;*
 - (b) *a deputy chairman appointed by the Minister;*
 - (c) *an executive officer of the SEMC appointed by the Minister;*
 - (d) *a person who is representative of local government, appointed by the Minister; and*
 - (e) *such other members as are provided for, and appointed in accordance with, the regulations.*
- (3) *The Minister is to ensure that—*
 - (a) *the chairman has expertise or experience that, in the Minister's opinion, is relevant to the functions of the SEMC and the State Emergency Coordination Group; and*
 - (b) *each other member has expertise or experience that, in the Minister's opinion, is relevant to the functions of the SEMC.*
- (4) *The regulations may make provision as to the constitution and procedures of the SEMC.*
- (5) *Subject to the regulations the SEMC may determine its own procedures.*

14. Functions of the SEMC

The SEMC has the following functions—

- (a) *to advise the Minister on emergency management and the preparedness of the State to combat emergencies;*
- (b) *to provide direction, advice and support to public authorities, industry, commerce and the community in order to plan and prepare for an efficient emergency management capability for the State;*
- (c) *to provide a forum for whole of community coordination to ensure the minimisation of the effects of emergencies;*
- (d) *to provide a forum for the development of community wide information systems to improve communications during emergencies;*
- (e) *to develop and coordinate risk management strategies to assess community vulnerability to emergencies;*
- (f) *to perform other functions given to the SEMC under this Act;*
- (g) *to perform any other function prescribed by the regulations for the purposes of this section.*

15. Powers of the SEMC

- (1) *The SEMC may do all things necessary or convenient to be done for or in connection with the performance of its functions.*
- (2) *Without limiting subsection (1) and any other powers conferred on the SEMC by this Act, the SEMC may—*
 - (a) *produce and publish information on matters related to its functions; and*

- (b) *act in conjunction with another public authority or any other person.*

The following sections of the Bush Fires Act 1954 have relevance.

67. Advisory committees

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
- (a) *make rules for the guidance of the committee;*
 - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
 - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section —*
- (a) *may from time to time meet and adjourn as the committee thinks fit;*
 - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

Committees set up under the Local Government Act other than the Audit Committee are controlled by the following sections of the Local Government Act.

Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

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

** Absolute majority required.*

5.9. *Committees, types of*

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- (a) *council members only; or*
- (b) *council members and employees; or*
- (c) *council members, employees and other persons; or*
- (d) *council members and other persons; or*
- (e) *employees and other persons; or*
- (f) *other persons only.*

5.10. *Committee members, appointment of*

(1) *A committee is to have as its members —*

- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

* Absolute majority required.

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 - (a) *to be a member of the committee; or*

(b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

5.11A. *Deputy committee members*

(1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
- (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. *Committee membership, tenure of*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*

- (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*

5.12. *Presiding members and deputies, election of*

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
 - (a) *to “office” were references to “office of presiding member”; and*
 - (b) *to “council” were references to “committee”; and*
 - (c) *to “councillors” were references to “committee members”.*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
 - (a) *to “office” were references to “office of deputy presiding member”; and*
 - (b) *to “council” were references to “committee”; and*
 - (c) *to “councillors” were references to “committee members”; and*
 - (d) *to “mayor or president” were references to “presiding member”.*

5.13. *Deputy presiding members, functions of*

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
- (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*

then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. *Who acts if no presiding member*

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

5.15. *Reduction of quorum for committees*

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.*

5.16. *Delegation of some powers and duties to certain committees*

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

(a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*

(b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

(4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. *Limits on delegation of powers and duties to certain committees*

(1) *A local government can delegate —*

(a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*

(i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*

(ii) *any other power or duty that is prescribed;*

and

(b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

(c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*

(i) *the local government's property; or*

(ii) *an event in which the local government is involved.*

(2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. *Register of delegations to committees*

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

Subdivision 3 — Matters affecting council and committee meetings

5.19. *Quorum for meetings*

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

5.20. *Decisions of councils and committees*

(1) *A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.*

(2) *A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.*

(3) *This section does not apply to elections —*

(a) *by a council of the local government's mayor or president under section 2.11; or*

(b) *by a council of the local government's deputy mayor or president under section 2.15; or*

(c) *by a committee of the committee's presiding member or deputy presiding member under section 5.12.*

5.21. *Voting*

(1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*

(2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*

(3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*

(4) *If a member of a council or a committee specifically requests that there be recorded —*

(a) *his or her vote; or*

(b) *the vote of all members present,*

on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(5) *A person who fails to comply with subsection (2) or (3) commits an offence.*

[Section 5.21 amended by No. 49 of 2004 s. 43.]

5.22. *Minutes of council and committee meetings*

(1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*

(2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*

(3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

5.23. *Meetings generally open to public*

(1) *Subject to subsection (2), the following are to be open to members of the public —*

(a) *all council meetings; and*

(b) *all meetings of any committee to which a local government power or duty has been delegated.*

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

(a) *a matter affecting an employee or employees; and*

(b) *the personal affairs of any person; and*

(c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

(d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

(e) *a matter that if disclosed, would reveal —*

(i) *a trade secret; or*

(ii) *information that has a commercial value to a person; or*

(iii) *information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government; and

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;**
 - and*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

5.24.

Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and*
 - (b) such other meetings of councils or committees as may be prescribed.**
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.*

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

It will be noted that the officer recommendation includes the name and functions of each committee. Council should consider the need, if any, for committees, what it wants them to do and what, if any, powers it wants to give them. The following recommendation is based on the current position and it is important to note that this is a suggestion only for Council's consideration. There is no restriction on the timing of the appointment of committees or on the winding up of committees other than what Council sets (except that appointments to committee expire every two years unless Council sets an early expiry date). The following recommendation includes a similar provision.

It should be noted that Council may set the quorum for committee meetings as provided for in the local Government Act as follows;

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

However this option has been lost by the following clause in Council's Standing Orders Local Law;

3.1 Quorum at Meetings

In accordance with the Act, the quorum at all meetings of Council and its committees shall be a minimum of 50% of the total number of places whether vacant or not.

With respect to the Local Emergency Management Committee recommended membership that includes Council staff, it is noted that the Local Government Act (5.10) provides as follows;

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

It should be noted that a similar provision exists for the President as is as follows (5.10);

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

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

- * South West Zone W A Local Government Association
- * Main Roads Regional Road Group

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That the following Committee/Representatives be appointed:-

1. Audit and Finance Committee – (3) Councillors.

The function/role of the Audit and Finance Committee be as follows:-

- a) 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.**
- c) is to conduct budget reviews and report to Council.**

That Cr Giles

That Cr Muncey

That Cr Rear

That Cr Aird

be appointed to Council's Audit and Finance Committee.

2. Citizen of the Year, Young Achiever of the Year, Sports Person of the Year Committee and Promoting Boyup Brook – 4 Councillors, the function of the committee to be as set out in Council's Annual Awards process policy.

That Cr Muncey

That Cr Blackburn

That Cr Rear

That Cr Oversby

be appointed to Council's Annual Awards Committee.

3. Local Emergency Management Committee-

Comment

It should be noted that Council endorsed the current Emergency Management Plan in February 2010 as follows:

That Council endorse the amended Shire of Boyup Brook Recovery Plan 2008 as provided and that plan now be known as the Shire of Boyup Brook Recovery Plan 2010.

The Plan provides that "the Chairman appointed by the Shire Council is Shire President". Also at the membership of the committee is as set out

in the Plan (factors such as individual's names and contact details change with staff changes but the agency representation remains static). As this committee is set up under legislation other than the Local Government Act, and so is not bound by its provisions. The Emergency Management Act provides that the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the LEMC.

It is also recommended that, unless the Shire President does not want to be the Council representative and committee chairman, in which case we should amend the Plan, Council nominate the Shire President as its representative.

The roles and responsibilities of this committee are to be as set out in the Emergency Management Act 2005.

That Cr Giles be appointed as the Council Representative on the LEMC Committee. That the Chief Executive Officer, Manager of Works and Community Development Officer be appointed as Council staff representatives.

4. Bush Fire Advisory Committee-

Comment

It is noted that the Bush Fires Act provides that the Local Government shall set a quorum and so it is recommended that this be 50% of the committee membership. The Act also does not appear to preclude the use of positions for appointment of committee membership (i.e. in the way the Local Government Act does) and the following recommendation is drafted accordingly.

That Cr Giles be appointed as the Council Representative on the Bush Fire Advisory Committee.

That the Bush Fire Advisory Committee consist of:

- **The Council representative**
- **Chief Bush Fire Control Officer**
- **Deputy Chief Bush Fire Control Officer**
- **Communications Officer**
- **Fire Weather Officer**
- **Deputy Fire Weather Officer**
- **Training Officer**
- **Two delegates from each Brigade**

- 5 That Cr Giles be appointed as the Council Representative on the Main Road Regional Road Group.**
- 6 That Cr Giles be appointed as the Council Delegate and That Cr Aird be appointed as the Deputy Delegate for the South West Zone Western Australian Local Government Association.**
- 7 That Cr Aird be appointed as the Council Delegate/Representatives on the Rylington Park Management Committee (inc).**
- 8 That Cr Oversby be appointed as the Council Delegate/Representative on the Blackwood River Valley Marketing Association.**
- 9 That Cr Muncey be appointed as the Council Delegate/Representative on the Boyup Brook Tourism Association**
- 10 That Cr Kaltenrieder be appointed as the Council Delegate/Representative on the Boyup Brook Community Resource Centre Management Committee.**
- 11 That Cr Imrie be appointed as the Council Delegate/Representative on the Boyup Brook Museum Committee**

Cr Muncey left the Chambers at 5.39pm

- 12 That Cr Kaltenrieder be appointed at the Council Delegate/Representative on the Blackwood Basin Group.**

CARRIED 8/0

Res 113/15

9.1 MANAGER WORKS & SERVICES

9.1.1 Liquid Waste Disposal

Location:	<i>N/A</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12th of November, 2015</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Nil</i>

SUMMARY

This report recommends that Council approve the disposing of 9.4m³ of liquid waste/month from outside of the Shire of Boyup Brook in the Shire of Boyup Brook Stanton Road liquid waste disposal site. Liquid Waste Disposal from outside of the Shire of Boyup Brook will be shared equally between Warren Blackwood Waste and Great Southern Waste and will be reviewed if additional operators wish to dispose of liquid waste at Stanton Road.

BACKGROUND

Council resolved at its May 2015 meeting (item 8.1.2)

“That “As of the 01/07/2015, the Shire of Boyup Brook does not knowingly accept waste from sources outside of the Shire of Boyup brook without it being approved at a full Council meeting”

The reason that report 8.1.2 was put to the May, 2015 meeting, was so that Council Officers had time to make informed decisions with regards to waste disposal at the Shire of Boyup Brooks waste disposal sites.

Since the May meeting, both Warren Blackwood Waste and Great Southern Waste have requested access to dispose of liquid waste at the Shires Stanton Road liquid waste site.

The Stanton Road Liquid Waste Site has a capacity of 150m³/annum. Assuming most of the waste is evaporated and digested, this equates to 12.5m³ per month. Allowing for outside disposal to be 75% (typical annual disposal from local sources has been less than 5m³ per year) of monthly capacity this allows external sources to dispose of 9.4m³ per month.

As there are 2 companies requesting to dispose of waste, they would be allocated 50% each or 4.7m³ per month at a disposal rate as per the current budget fees and charges (currently set at \$50/m³ plus GST for 2015-2016)

COMMENT

The allowance of 9.4 m³ of liquid waste from outside of the Shire is a conservative figure that will ensure that over a 12 month period, the Shire does not exceed its liquid waste pond capacity. The revenue raised will help to cover the costs to manage the site.

If at any time the volume of liquid waste from within the Shire increases or volumes at the disposal site near full capacity, such that the disposal of local waste is compromised, external waste deliveries would be stopped without notice.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Income will help manage the liquid waste site.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- Environmental
There are no known significant environmental issues.
- Economic
There are no known significant economic issues.
- Social
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

Cr Muncey returned at 5.40pm

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr Moir

SECONDED: Cr Aird

That Council approves of Warren Blackwood Waste and Great Southern Waste disposing of up to 4.7m³ of liquid waste each per month, from outside of the Shire of Boyup Brook and that at any time without notice, this arrangement may be rescinded by the Shire of Boyup Brook.

CARRIED 9/0

Res 114/15

9.1.2 Extension of Doust

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>10th of November, 2015</i>
Author:	<i>R Staniforth-Smith, Manager of Works and Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Map showing proposed extension to Doust Street</i>

SUMMARY

The purpose of this report is to recommend that the portion of the road reserve that runs in an easterly direction off the north/western end of Doust Street be called “Doust Street”.

BACKGROUND

Doust Street runs in a north/westerly direction off the Boyup Brook – Arthur Road immediately north of Boyup Brook. At the north/western end of Doust Street the road reserve turns sharply to the east and is an extension to Doust Street that services a number of properties. Recent rural numbering of Doust Street has highlighted that the portion of road reserve that runs in the easterly direction is not actually Doust Street, even though it is referred to as Doust Street.

This report seeks to get Council to endorse the naming of this portion of road reserve “Doust Street”.

COMMENT

Since the subdivision of land in the area, the access road running off Doust Street to the east (back towards Jayes Road) has been referred to as Doust Street, as it is an extension of Doust Street. With the advent of Rural Numbering, Council has assigned properties on this northern leg “Doust” Street addresses, however Landgate has advised that this road reserve has never been formally named Doust Street.

Properties on this easterly running road reserve use “Doust” street as their address.

This report will seek to formalise this usage.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

NI

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

MOVED: Cr Imrie

SECONDED: Cr Kaltenrieder

That Council recommend that the road reserve running in an easterly direction off the north western end of Doust Street be called 'Doust' Street.

CARRIED 9/0

Res 115/15

9.1.3 Revision to Policy P08 – “Naming New Roads” – addition of “Bode”

Location:	<i>Boyup Brook Shire</i>
Applicant:	<i>Carole Forrest (nee Bode)</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10th of November, 2015</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Policy P08-Naming New Roads Letter from Carole Forrest (nee Bode)</i>

SUMMARY

The applicant, Carole Bode, has requested that the surname ‘Bode’ be considered by the Council as a future road/street name within the Shire of Boyup Brook and be added to the schedule of suggested names in policy P08.

BACKGROUND

The applicant has forwarded a brief summary of the Bode family history and involvement in the Boyup Brook community: - see attachment 9.1.3.

COMMENT

The Bode name satisfies all of the criteria in the Shire of Boyup Brook’s Naming New Roads Policy and is considered suitable to be added to the schedule of suggested road names included in the policy.

(see agenda attachment 9.1.3- Policy P.08 Naming New Roads)

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Compliance with Shire of Boyup Brook Policy P.08

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.3

MOVED: Cr Blackburn

SECONDED: Cr Rear

That the Council approve the inclusion of the Surname ‘Bode’ to the schedule of suggested names in the Shire of Boyup Brook’s Naming New Roads Policy – P08.

CARRIED 9/0

Res 116/15

COUNCIL DECISION

MOVED: Cr Oversby

SECONDED: Cr Muncey

That the Council adopts enbloc 9.2.1, 9.2.2 and 9.2.3

CARRIED 9/0

Res 117/15

9.2 FINANCE

9.2.1 List of Accounts Paid in October 2015

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>08 October 2015</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in August</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in October 2015 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 30 September 2015.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 October 2015.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. 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.*

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 sub regulation (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.*

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments accorded with the 2015-16 Annual Budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1

That at its November 2015 ordinary meeting Council receive as presented the list of accounts paid in October 2015, and totalling \$346,648.73 and as represented by: cheque voucher numbers 19877-19881 totalling \$43,101.70; and accounts paid by direct electronic payments through the Municipal Account totalling \$303,547.03 and trust cheque voucher number 2055 totalling \$200 paid through the Trust Account.

9.2.2 30 September 2015 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	12 November 2015
Author:	Kerry Fisher – Manager of Finance
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 September 2015.

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 *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.2

That having regard for any material variances, Council receive the 30 September 2015 Statement of Financial Activity and Statement of Net Current Assets, as presented.

9.2.3 31 October 2015 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	12 November 2015
Author:	Kerry Fisher – Manager of Finance
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 October 2015.

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 *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.3

That having regard for any material variances, Council receive the 31 October 2015 Statement of Financial Activity and Statement of Net Current Assets, as presented.

10 COMMITTEE REPORTS

10.1.1 Minutes of the Blackwood River Valley Marketing Association

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>19 August 2015</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 12th October 2015

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.1

MOVED: Cr Blackburn

SECONDED: Cr Oversby

That the minutes of the Blackwood River Valley Marketing Association meeting be received.

CARRIED 9/0

Res 118/15

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Blackburn

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Blackburn

Seconded: Cr Kaltenrieder

That the Chief Executive Officer write to the Public Transport Authority to request that it make some assessment as to the structural integrity of bridges in its rail corridors within the Shire of Boyup Brook. The letter to note that the condition of wooden bridges appears to be poor and there is concern that they may fail and injure person or property. Also that they may collapse in flood conditions and block the natural water flow, so adding to flood problems.

Carried 9/0

Res 119/15

12 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT
Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS
Nil

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 5.58pm.