

Shire of Wiluna

MINUTES



Ordinary Meeting of Council

Tuesday 8 November 2011

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MINUTES

1. Declaration of Opening and Announcement of Visitors

The Meeting was opened at 10.10 am.

Being the first meeting following the declaration of the results of the ordinary election the Chief Executive Officer shall, in accordance with Schedule 2.3 (2) of the Local Government Act, 1995 preside over the meeting until such time as the office of President is filled.

2. Record of Attendance / Apologies and Leave of Absence Previously Approved

John Kyanga	(Councillor)
Graham Harris	(Councillor)
Jim Quadrio	(Councillor)
Stacey Petterson	(Councillor)
Tracey Wongawol	(Councillor)
Chris Webb	(Councillor)
Bernie Weller	(Councillor)
Samantha Tarling	(Chief Executive Officer)
Linda Butterly	(Deputy Chief Executive Officer)
Glenn Deocampo	(Finance & Admin Manager)

3 members of the public

2.1. Swearing in of New Councillors

The following Councillors were sworn in before the meeting:

John Charles Kyanga
Bernard John Weller
Stacey Eva Petterson
Tracey Louise Wongawol
Graham Allen Harris

2.2. Election of President (2 year term)

Note: Nomination for President must be made to the CEO in writing at any time prior to the meeting and during the meeting up until the election. The Councillor nominated must accept the nomination either orally or in writing.

The election of President will be carried out in accordance with Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.

The Chief Executive Officer opened the nomination for President. Cr Harris nominated himself; and Cr Wongawol nominated Cr Kyanga. The nomination was accepted by Cr Kyanga.

A secret ballot took place and the CEO declared Cr Graham Harris as President with a vote of 4 to 3.

Cr Harris made his declaration in the prescribed manner before the Chief Executive Officer and commenced his duties as the President of the Council and presided over the meeting.

2.3. Election of Deputy President (2 year term)

Note: Nomination for Deputy President must be made to the CEO in writing at any time prior to the meeting and during the meeting up until the election. The Councillor nominated must accept the nomination either orally or in writing.

The election of Deputy President will be carried out in accordance with Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.

The President opened the nomination for Deputy President and Cr Quadrio nominated himself and Cr Webb nominated Cr Kyanga. The nomination was accepted by Cr Kyanga.

A secret ballot took place and the President declared Cr Jim Quadrio as Deputy President with a vote of 4 to 3.

Cr Quadrio made his declaration before the President and Council as Deputy President.

2.4. Appointment of Committees, Delegates and Representatives

2.4.1. Audit Committee

The Audit Committee operates to assist Council to fulfill its corporate governance, stewardship, leadership and control responsibilities in relation to the local government's financial report and audit responsibilities.

Local Government Guidelines Number 9 "Audit Committees in Local Government – Their appointment, function and responsibilities" outlines the role and function of an Audit Committee.

Section 7.1A of the Local Government Act 1995 requires that a Local Government appoint an Audit Committee comprising of at least 3 persons to be members of the Audit Committee, which may include members of the public, however this is not compulsory. The majority of the members appointment must be Councillors of the Shire of Wiluna. The CEO or an employee is not to be a member of the committee.

The Council is required to outline the role of the Audit Committee and it is recommended that this be as follows:

- To provide guidance and assistance to the Council in carrying out of its functions in relation to audits and to the development of a process to be used to select and appoint a person to be the auditor.
- The Audit Committee to provide guidance and assistance to the Council as to the matters to be audited, the scope of the audit, its functions under Part 6 of the Act that relate to financial management and the carrying out of its functions relating to other audits and other matters related to financial management, e.g. six monthly budget/financial review.

OCM 141/11 Officer Recommendation & Council Decision

MOVED CR WELLER

SECONDED CR WEBB

That Council:

- 1. Appoint Cr Harris, Cr Webb and resident Mr David Betteridge to the Audit Committee.**
- 2. The role and function of the audit committee be:**
 - a) to provide guidance and assistance to the Council in carrying out of its functions in relation to audits and to the development of a process to be used to select and appoint a person to be the auditor.**
 - b) The Audit Committee to provide guidance and assistance to the Council as to the matters to be audited, the scope of the audit, its functions under Part 6 of the Act that relate to financial management and the carrying out of its functions relating to other audits and other matters related to financial management, e.g. six monthly budget reviews**

2.4.2. Delegations and Representatives

Council Policy 1.11 sets out the Representatives that Council will have on boards and committees.

Organisation	Delegate	Proxy	Staff
Goldfields Voluntary Regional Operational Council (GVROC) (Two Delegates)	President Councillor	Councillor	CEO

That Council:

Appoint President, Cr Harris and Cr Kyanga as delegates; Cr Petterson as proxy

Goldfields Esperance Regional Collaborative Group (GERCG) (Two Delegates)	President Councillor	Councillor	NA
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That Council:

Appoint President, Cr Harris and Cr Kyanga as proxy (Only one delegate required for this Group)

Goldfields Esperance Country Zone (GECZ) of WALGA	President	Councillor	CEO
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That Council:

Appoint President, Cr Harris and Cr Kyanga as delegate; Cr Petterson as proxy

Development Assessment Panels (DAPs) (2 year term – Minister to be advised)	Councillor Councillor	Councillor Councillor	
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That Council:

Appoint Cr Petterson and Cr Webb as delegates; Cr Harris and Cr Kyanga as deputies.

Goldfields Esperance Regional Road Group	President	Councillor	CEO
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That Council:

Appoint Cr Quadrio as delegate; Cr Kyanga as proxy

Regional Partnership Agreement Management Committee	Councillor Councillor	Councillor	CEO
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That Council:

Appoint Cr Kyanga and Cr Weller as delegates; Cr Harris as proxy

Local Emergency
Management Committee
(LEMC)

President

Councillor

CEO
DCEO
W.Manager
Lead Hand

That Council:

Appoint President, Cr Harris as delegate; Cr Webb as proxy

That delegates representing Council at Association Conferences (WALGA) shall vote and move motions as they see fit and as they believe reflects the views of Council. This authority be granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.

CARRIED 7/0

3. Response to Previous Public Question Taken on Notice

Nil

4. Public Question Time

David Betteridge asked "why have we put the Gunbarrel Highway sign in town when the Gunbarrel Highway actually starts at Carnegie Station?"

The CEO advised that some years ago a previous CEO saw a marketing opportunity to attract outback tourists into the town of Wiluna if they marketed that the Gunbarrel Highway started in Wiluna.

Cr Kyanga commented that signage has been there for years and the new signage is for the beautification of the town and should not be changed because nobody has been concerned for years when it was the old sign.

David Betteridge said he was concerned about the insurance implications for the council if someone got stuck out on the road and rang for help and quoted the signs they had seen and this would not be the correct location.

The President advised of the recent Coroner's findings of the recent death involving a truck driver and the finding that nobody was at fault.

Cr Harris advised that the staff will look into this issue further.

5. Applications for Leave of Absence

Nil

6. Notations of Interest

6.1. Interest Affecting Impartiality Shire of Wiluna Code of Conduct

Nil

6.2. Financial Interest Local Government Act Section 5.60A

Glenn Deocampo, Finance & Admin Manager declared her interest in item 10.1.5 – Medical Expenses – Injury to Abraham Deocampo

6.3. Proximity Interest Local Government Act Section 5.60B

Nil

7. Petitions and Deputations

Nil

8. Confirmation of Minutes of Previous Meeting

8.1. The Minutes of the Meeting held on 28 September 2011 be accepted as a true record of that meeting.

OCM 142/11 Council Decision

MOVED CR KYANGA

SECONDED CR QUADRIO

CARRIED 7/0

9. Announcement Presiding Member without Discussion

The President reported he attended the Artist's meeting with Tim Aker recently and heard their message of wanting to move the Art Gallery workshop to the Marruwayura Building.

10. Reports of Officers and Committees

10.1. Chief Executive Officer Reports

10.1.1. Subject/Applicant:	Status Report
File:	Various
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to receive the Acting CEO's status report on the items outstanding from previous meetings and endorse the Acting CEO's actions and recommendations.

Background

Section 3.6 of the Shire of Wiluna Local Law (Standing Orders) 1999 requires the Chief Executive Officer to submit a status report to each ordinary meeting of Council on any items that are incomplete.

Comment

This report relates to the items that the Acting Chief Executive Officer is aware of and are not covered by other reports in this agenda.

Ordinary Council Meeting 27 July 2011

No change to the position that was reported to Council on 28th September 2011:-

1. Appointment of Works Manager

Council resolved that the position of Works Manager be advertised and filled as at matter of urgency. Whilst the position has not been advertised as per Councils decision a competent Acting Works Manager has been appointed on the basis of continuing employment until a decision on a permanent appointment has been made. The Acting CEO believes that the appointment of a permanent person to this position should be made by the Chief Executive Officer after returning to work from leave.

The Acting Works Manager Mr Brett Edwards is undertaking the duties in a very competent manner.

Ordinary Council Meeting 24 August 2011

At the last meeting Council was informed as below:-

1. Public Bus Service Wiluna

In response to a letter from the Minister for Transport about the provision of a public bus service to Wiluna Council resolved that the Acting Chief Executive Officer enter into discussions with the Public Transport Authority (PTA) about the arrangements required to provide a weekly service and report back to Council.

The Acting Chief Executive Officer has discussed this matter with Mr Peter Jones PTA and the following information has been received:-

- The proposed service would connect to the existing Kalgoorlie Laverton Goldrush Tours Bus Service at Leonora*
- The weekly timetable would be return from Kalgoorlie on a Thursday at 9.00am, arrive in Leonora at 11.45am and arrive in Wiluna at 4.00pm. Depart Wiluna on Friday at 7.30am, arrive Leonora at 11.30am and arrive Kalgoorlie at 2.15pm*
- The proposed fee for the Wiluna Leonora leg (one way) would be \$52.00 per adult and \$35.00 concession. In addition to the above fees the Goldrush charges of \$52.00 per adult and \$35.00 concession for the bus trip from Leonora to Kalgoorlie (one way) would also be payable. The Shire and Goldrush Tours would need to coordinate bookings and collect the fees*
- The Shire to provide a Bus that is licensed to provide this public service, including an appropriately licensed driver and meet these costs.*

The PTA has requested the Shire provide an estimate of the costs associated with providing the service to connect with the existing Goldrush Kalgoorlie Laverton Bus service. On receipt of this information the PTA will consider the possibility of funding to assist with the cost. The PTA also suggest that if the service is provided it be for a trial period of six months with a minimum benchmark of (4) persons per trip for the retention of the service.

The Acting Chief Executive Officer has some concerns about finding a suitably qualified person to drive the bus on a permanent basis. Based on the timetable it will be at least two (8) hour days per week. Prior to proceeding any further Council feedback on the proposal as outlined is sought.

The Department of Transport have now been advised of the estimated cost to provide a weekly service to connect with the Kalgoorlie Laverton Service at Leonora. The estimated cost is \$1,316.00 per week and if there are (6) passengers, 50% full fare 50% concession, both ways, then the income is estimated at \$522.00 per week, resulting in an estimated weekly deficit of \$794.00. The PTA has been asked to consider this and advise of any subsidy that

might be available. At the time the report was prepared a reply had not been received.

2. Tri Drive Prime Mover – Mitchell West Application

No further development on this matter at the time the report was prepared. If the applicant wishes to obtain approval then it is entirely up to Mitchell West to provide the information requested and make further contact with the shire.

As a result of an application from Mitchell West to use Tri Drive Prime Mover vehicles on shire roads to deliver fuel to Jundee Mine and Horizon Power facility, the Council requested the Acting Chief Executive Officer meet with representatives from Newmont and Mitchell West to discuss the issues, including the responsibility of ongoing maintenance and damage to the roads by this type of vehicle. The Acting Chief Executive Officer has met with representatives of both organisations and informed them that the Council will require a formal agreement to cover the use of the roads by this type of RAV vehicle, clearly indentifying the responsibilities of the user and shire. The representatives have agreed to discuss the concept with their management and make further contact with the Chief Executive Officer in due course.

3. Wiluna Drive Trail and Interpretation Concept Plan

No change to the position reported at the September Council meeting:-

Council considered this plan at its last meeting and resolved that it be advertised inviting public comment for a period of two months. This has been done and numerous copies forwarded to pastoralists and community organisations for their consideration. The outcome of the advertising will be reported to the Council at its November 2011 meeting.

4. Budget Adoption 2011/2012

No change to the position reported at the September Council meeting:-

Three of the Council decisions arising from the adoption of the budget have not been implemented. These have been held over for consideration by the Chief Executive Officer following the conclusion of her leave.

The decisions referred are as follows:

Whilst the Council has agreed to adopt the 2011/12 Budget as presented, the Chief Executive Officer is instructed not to proceed with the following items included in the budget, until the requirements

shown below have been undertaken and further approval of the Council is obtained to proceed with these projects :-

- *Any changes proposed to the funded organisational structure and number of employees included in the adopted Budget*
- *The calling of tenders and engagement of Consultants to undertake the proposed records management until the Council has been provided with a written report, including any legislative requirements that need to be met, on why it is necessary to spend over \$300,000 during the past year and proposed this year, on this project.*
- *Council wishes to review the works proposed in the road construction programme prior to any commitments being made for the works to be undertaken.*

5. Fitness for Work Policy

No change to the position reported at the September Council meeting:-

Council resolved that this matter be held in abeyance until the Chief Executive Officer returns from long service leave in October 2011.

Ordinary Council Meeting 28th September 2011

1. Regular Public Transport Air Service to Wiluna

Letters have been sent to both BHP Mt Keith and Newmont Jundee inviting them to meet with representatives of the Shire to discuss issues relating to the use of aircraft from their private airstrips by non employees and contractors of their companies. The representative from Newmont Jundee has contacted the Acting Chief Executive Officer advising that he spoken to Samantha Tarling about this matter in early August and was somewhat surprised when he received the letter. Unfortunately Ms Tarling had not advised the Acting CEO of this contact prior to going on leave. BHB Mt Keith had not responded at the time this report was prepared.

2. Digital TV Switchover

The Midwest Development Commission have been advised of the Council's decision to proceed with planning for the Vast service on the basis that the gap between the actual cost per resident and the government subsidy that is available will be determined at the time of the switchover including how this will be met. The Commission has advised that contact should now be made with Digital Switchover Taskforce. At the time this report was prepared this action had not been taken.

3. Lot 1506 Woodley & Wells Streets Wiluna.

The Acting Chief Executive Officer has not been able to take any action on the Council's decision to transfer this lot back to the Minister of Lands or make short term formal rental arrangements for the current use by Meedac.

4. Wiluna Playspace & Park Consultation & Concept Design Report 2010

Council's decision:-

"That the Chief Executive Officer be requested to provide Council with the following information prior to any decision being made about the project:-

- 1. The total estimated capital cost for the entire proposal even though it may be undertaken on a progressive basis.*
- 2. The estimated annual costs (operational) for the maintenance and operation for the completed project. (Cost be prepared on the basis of asset management).*
- 3. The avenues available to obtain funding to assist with both the capital and operational costs",*

This has not been actioned at the time this report was prepared.

5. Golden West Resources Working Party

A letter has been sent to Golden West Resources regarding the formation of a joint working party to consider the action for lobbying to provided rail infrastructure and progress the establishment of Mine Workers accommodation in the Wiluna Townsite. At the time this report was prepared a response has not been received.

6. Report on Shire Residential Properties

Council decision:-

"Council requests the Chief Executive Officer to prepare a report outlining the tenancy arrangements for each Shire residence occupied by Shire employees, including the provision of water, gas, power, telephone, gardening etc., and on receipt of this information Council review its existing policy for the provision of housing to employees"

This has not been actioned at the time this report was prepared.

OCM 143/11 Officer Recommendation & Council Decision

MOVED CR WEBB

SECONDED CR PETERSON

That Council receive this report and endorses the Acting CEO's recommendations and actions.

CARRIED 7/0

10.1.2. Subject/Applicant:	Request to Close the Shire Offices during the Festive Season
File:	00330
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	10 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's approval for the closure of the Administration Office during the festive season from Wednesday 21 December 2011 to Tuesday, 3 January 2012 inclusive.

Background

The offices are traditionally closed over the festive season. In recent years the officers reported there was very little activity around the town and no complaints were received about the closure of the office during the festive season.

Comment

The main benefit in closing during this period is to allow staff ample time to travel safely to be with their families for Christmas Day.

If the officer recommendation is accepted, notice of closure will be included in the Shire Newsletter and notices placed around town.

Given that many community members leave town over this festive period and government offices are closed, the likelihood of an adverse impact on our reputation is considered low.

It is essential that we meet the community's expectation in the delivery of services and this will be achieved with the swimming pool being open and the depot will operate on a skeleton staff.

Whilst the Administration Office will be closed, the normal line of delegation will apply. Officers required for decision making, including myself, will be available to be contacted and therefore an emergency situation or a decision required will be covered.

Council Options

A variety of options are available to Council. Two are presented as follows:

1. Approve the closure dates recommended between Wednesday 21 December 2011 to Tuesday 3 January 2012 inclusive; or
2. Not approve the closure of the Administration Office.

Consultation

Depot Staff
Admin Staff

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OCM 144/11 Officer Recommendation & Council Decision

MOVED CR WELLER

SECONDED CR WONGAWOL

That Council:

Approve the closure of the Administration Office between Wednesday, 21 December 2011 to Tuesday, 3 January 2012 inclusive.

CARRIED 7/0

10.1.3. Subject/Applicant:	L. Butterly - Resignation
File:	Personal File
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

To formally inform Council of the resignation of the Deputy Chief Executive Officer, Linda Butterly.

Background

Ms Butterly has been Deputy Chief Executive Officer with the Shire since February 2011. Ms Butterly has recently accepted a position with Rio Tinto Argyle Diamond Ltd in Kununurra and will be leaving the Shire on Friday 11 November 2011.

Comment

The Deputy Chief Executive Officer's main responsibilities have been to manage the Community Service operations of the Shire, including the art gallery, swimming pool, recreation centre as well as community development initiatives and general administrative support and assistance to the Chief Executive Officer.

The Acting Chief Executive Officer when acknowledging and accepting Ms Butterly's resignation has expressed the Council and staff appreciation for the contribution she has made to the Wiluna Community.

Consultation

Nil

Statutory Environment'

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OCM 145/11 Officer Recommendation & Council Decision

MOVED CR WEBB

SECONDED QUADRIO

That Council records its appreciation to Ms Butterly for her contribution to the Shire of Wiluna in the position of Deputy Chief Executive Officer.

CARRIED 7/0

10.1.4. Subject/Applicant:	Australian Bureau of Meteorology – Weather Instruments Wiluna Townsite
File:	Lot 1
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

To advise Council of the result of discussions with the Australian Bureau of Meteorology about an alternative site for the weather instruments in the Wiluna townsite and endorsement of the arrangements made.

Background

The weather instruments have been located on Lot 1, cnr Wall & Wotton Streets, Wiluna (commercial freehold land owned by the Shire) which has been leased to the Bureau for the past (20) years. The lease expired in August 2011. Council at its meeting on the 24 August 2011 resolved not to renew the lease and asked the Acting Chief Executive Officer to meet with representatives of the bureau to consider alternative sites.

Comment

The Acting Chief Executive Officer met with the Bureau representatives and considered several alternatives. One of the requirements was the need to be close to the Police Station as the officers read the information provided by the weather instruments. The most suitable area was a portion of the existing fire station site (Lot 1452, Reserve 21137). Unfortunately a lease was not possible due to the restrictions on the vesting/management order. The following arrangement was suggested by the Bureau and has been agreed to by the Acting Chief Executive Officer in consultation with the Deputy Shire President Cr G. Harris.

“This email is to confirm the arrangement between the Bureau of Meteorology and the Shire of Wiluna with respect to the siting of Meteorological equipment for the purpose of performing manual weather observation from the town of Wiluna.”

Location: The equipment will be located within the fenced area on the corner of Wall and Lennon Streets Wiluna, in an area to the East of the existing Fire station) (Appendix C – photo)

The Shire agree to grant the Bureau and their representatives free access to this site for the purpose of performing weather observation, site and equipment maintenance and routine equipment verification.

There will be no cost to the Bureau for use of this land.

The Shire agrees that there will be no development of the site without prior notification to the Bureau, at which time relocation of the equipment may need to be considered.

This agreement will remain in place until either party wishes to cease the arrangement.

Either party will give the other 3 months written notification prior to the cessation of the arrangement or any changes to the conditions outlined above.

If these terms are suitable to the Shire, notification by return email will sufficiently formalise this arrangement and relocation to this site can proceed”

The Acting Chief Executive Officer has confirmed the above and the instruments have now been relocated.

Consultation

Mr Peter Cappelletti, Bureau of Meteorology
Cr Graham Harris, Deputy Shire President (in view of the Presidents absence from the Shire)

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Maintain the existing weather reporting information within the townsite of Wiluna and make a commercial lot available for development.

Voting Requirements

Simple Majority

OCM 146/11 Officer Recommendation & Council Decision

MOVED CR PETERSON

SECONDED CR WEBB

That the decision by the Acting Chief Executive Officer to allow the Australian Bureau of Meteorology weather instruments to be located on Lot 1452 Reserve 21137, on a three months notice basis, be endorsed.

CARRIED 7/0

(Glenn Deocampo left the meeting at 11.10 am and declared an interest in the item below.)

10.1.5. Subject/Applicant:	Medical Expenses – Injury to Abraham Deocampo
File:	Personnel
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

To review the allocation provided in the 2011/12 budget for the cost of medical expenses associated with the injury to Abraham Deocampo in April 2009.

Background

The Shire in 2008 agreed to sponsor Mrs Glenn Deocampo under arrangement with Australian Immigration Department, to work for the Shire as the Manager of Finance. As Mrs Deocampo and family were not Australian Citizens and would not be covered by Medicare, the Immigration Department required the Shire to agree to meeting medical costs etc. of the Deocampo family. It is the Acting Chief Executive Officers understanding that it was the Shires intention to obtain insurance to cover any costs that may arise up until the time the family obtained permanency in Australia and would then be covered by Medicare. Unfortunately the insurance cover was not implemented. The family were involved in a motor vehicle accident in April 2009, resulting in significant injuries to Abraham Deocampo. As there was no medicare cover or insurance cover the Shire of Wiluna has been responsible for all the medical costs relating to this injury to Mr Deocampo to this date and in the future. The total costs to date are in excess of \$200,000.

Comment

During the past months Mr Deocampo has had further treatment and at this time it is not known how long this will continue.

As the Deocampo family now have a medicare card, issued in late 2010, on receipt of a number of accounts for treatment from Royal Perth Hospital an approach was made to the hospital for these costs to be paid by Medicare.

Royal Perth Hospital have now advised that as the injury/treatment relates to a motor vehicle accident on 28/4/2009, and fall under the "Compensate Financial Election" the accounts cannot be submitted to Medicare for payment. The accounts therefore are the responsibility of the Shire of Wiluna.

The 2011/12 budget includes an allocation of \$5,000 for these costs. To date no expenditure has been allocated. The accounts to be paid amount to \$14,310. As we are not sure what other costs are to be met in the future it is recommended that Council increase the allocation to \$50,000 from unbudgeted expenditure. This can again be reviewed if the revised amount is inadequate.

Consultation

Royal Perth Hospital, WALGA Work Place Relations, Glenn and Abraham Deocampo

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Local Government Act 1995, Section 6.8 Unbudgeted Expenditure as per the comment section of the report.

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OCM 147/11 Officer Recommendation & Council Decision

MOVED CR QUADRIO

SECONDED CR WELLER

That Council approves of an increase in the funding provided in the 2011/12 budget from \$5000 to \$50,000 (unbudgeted expenditure), to meet additional medical costs for the treatment of injuries that occurred to Abraham Deocampo in 2009.

CARRIED 7/0

10.1.6. Subject/Applicant:	Local Government Managers Australia Goldfields Branch
File:	00338
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Tony Doust Impartiality (Fellow Member Local Government Managers Australia)

Purpose

To provide Council with detail of a request received from the Local Government Managers Australia Goldfields Branch for the Shire of Wiluna to make a voluntary subscription to the organisation. The report recommends approval.

Background

The President of the Local Government Managers Association Goldfields Branch has written to all Councils in the region as follows:-

“Council subscriptions are a vital component of the Goldfields Branch annual budget and enable the Branch to support a comprehensive range of professional development activities, services and programs for its members.

Members of the Goldfields Branch of Local Government Managers Australia (WA Division) at its Annual General Meeting held on the 19 August 2011 resolved the following:

That all Goldfields Branch Councils be invited to make a voluntary subscription of \$350.00 a Council as a contribution towards the operation of the Goldfields Branch of Local Government Managers Australia (WA Division) for the 2011/2012 financial year.

Council contributions of \$350.00 for the 2011/12 financial year are invited from the following local governments:

- *Shire of Leonora*
- *Shire of Laverton*
- *Shire of Menzies*
- *Shire of Esperance*

- *City of Kalgoorlie-Boulder*
- *Shire of Dundas*
- *Shire of Ngaanyatjaraku*
- *Shire of Wiluna*

Comment

Council has supported the LGMA in the past as it is important to encourage officers to participate in activities that will assist in professional development.

It is recommended that Council approve the voluntary subscription of \$350.00

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Council Policy 1.10 Donations allows contributions up to \$100 by the CEO, The policy requires Council approval for other donations and will consider these on their merits.

Financial Implications

Provision has been made in the 2011/12 budget which includes allowance both in Members Expenditure (Governance) E040323 and Administration Overheads E142445 for Other/Minor Subscriptions.

Strategic Implications

Nil

Voting Requirements

Simple Majority

<i>OCM 148/11 Officer Recommendation & Council Decision</i>
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MOVED CR KYANGA

SECONDED CR WEBB

That Council approves the Voluntary Subscription of \$350.00 to the Goldfields Branch of the Local Government Managers Australia for the 2011/12 Financial Year

CARRIED 7/0

(Glenn Deocampo returned to the meeting at 11.20 am)

10.1.7. Subject/Applicant:	Equal Opportunity Commission – Complaint by Ms Della Booker (Vincenti)
File:	00598
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

To inform Council of the present position with the complaint lodged by Ms Della Booker (Vincenti) with the Equal Opportunity Commission, that the Shire has unlawfully discriminated against her on the grounds of race in the area of the provision of a goods and service and access to a place.

Background

As previously advised (informally) the Shire President and Chief Executive Officer have received advice of a complaint lodged by Ms Della Booker with the Equal Opportunity Commission:-

“I wish to advise you that I have received a complaint under the Equal Opportunity Act 1984 from Ms Della Booker (Vincenti) of Wiluna. Ms Booker has alleged unlawful discrimination on the ground of race in the area of the provision of a goods and service and access to a place.

When I receive a complaint that appears to come within the jurisdiction of the Act I am obliged to investigate the matter. This does not mean I have formed any views on the merits or otherwise of the complaint at this stage.

The full details of Ms Booker’s complaint have been provided in Attachment I, and I have enclosed an Information Brief about the Commission’s processes. I have also enclosed copies of Sections 45, 46 and 51 of the Act which appear to be relevant to this complaint.

Your Response

*To enable an impartial investigation of the matter it is important that I obtain your written view of the complaint by **Monday 03 October 2011**. Please provide all the information you think relevant when responding to the allegations made. Following receipt of your response, the complaint may be dismissed or otherwise resolved.*

Please note that you are required to attend the conciliation conference listed below if the complaint has not been resolved or dismissed by the date of the conference.”

Comment

On receipt of the complaint the Acting Chief Executive Officer (ACEO) discussed the matter with the Shire President. The ACEO read the information received, researched the background with officers and considered the funding agreement with the Department (Department of Prime Minister and Cabinet, Office of the Arts). The ACEO felt that the position taken that the funding used for the art gallery workshop in question was from the funding provided by the Department was not clear. Several questions were raised with the Department with the objective of trying to determine what action should be taken. However the response received did not help.

The ACEO advised Councillors of the complaint at the conclusion of the September Council meeting and indicated that legal advice was considered necessary.

Civic Legal were engaged to provide the advice which has now been received. In summary the advice received includes the following:-

"1.1 We consider Ms Booker has a prima facie case for a claim of discrimination on the basis of race under sections 45 and 46 of the Equal Opportunity Act 1984 ("EO Act").

1.2 The Shire, in our view, does not have any grounds to argue that it was entitled to exclude non-indigenous persons on the grounds that funding was for indigenous persons only.

1.3 The Workshop was advertised publicly, and was organised by (and took place in) the Tjukurba Art Gallery. The Tjukurba Art Gallery is a public gallery managed by the Shire, and the Workshop was funded by a general allocation of \$21,000.00 from the Budget.

1.4 The Crown is bound the provisions of the EO Act. This means that all Government Departments (including the Department of Prime Minister and Cabinet) and the Shire are bound by the EO Act Provisions.

1.5 Section 135 of the EO Act provides that an applicant may make an application in the State Administrative Tribunal ("SAT") for an exemption from the provision of the EO Act. On the information we have before us, the NACIS funding was not the subject of a section 135 exemption.

1.6 The Shire previously sought to impose the conditions it considered, in good faith, applied to funding from the NACIS grant. It is open to the Shire (if the Shire so elects) at the conciliation conference to acknowledge that the funding did not preclude Ms Booker from attending the Workshop, and give an undertaking to allow Ms Booker to attend future workshops, or alternatively, implement appropriate training to relevant staff.

1.7 If the matter is reviewed by the SAT, we consider that the Shire would be held to have acted in a discriminatory manner toward Ms Booker and in contravention of the EO Act."

On receipt of the advice received the Acting Chief Executive Officer discussed the matter with the Deputy Shire President and it was agreed that the following response be sent to the Equal Opportunity Commission:-

“Your letter’s dated 6th September 2011, addressed to John Kyanga Shire President and Samantha Tarling Chief Executive Officer, advising of a complaint received under the Equal Opportunity Act 1984 from Ms Della Booker (Vincenti), have been considered.

As Ms Tarling is on leave, as acting Chief Executive Officer I have investigated the issues relating to the complaint, which has included obtaining advice from the Department of Prime Minister and Cabinet (Office for the Arts) and the Shire’s legal advisors and I now wish to reply on behalf of the Shire of Wiluna.

The decision made by the Shire staff to ask Ms Booker to leave the Art Workshop being conducted at the Tjukurba Art Gallery operated by the Shire of Wiluna, during the period 13th June 2011 to 24th June 2011, and to close the Gallery and deny access to Ms Booker on the grounds that the workshop was being funded by the Department of Environment, Water, Heritage and Arts (DEWHA) Indigenous Arts Strategy and Action Plan, was incorrect. When making this decision the staff considered the purpose for which Tjukurba Art Gallery was originally established i.e. the objective of developing Indigenous Artists in the area and the ongoing funding that was subsequently obtained from Government under Indigenous programmes. It has been past practice to restrict the activities to Indigenous people. Recent legal advice received by the Shire has made it very clear that this practice is not correct under the existing arrangements and that access and participation in any Tjukurba Art Gallery activity should be open to all people.

In view of the above, on behalf of the Shire (Councillors and staff) I would like to offer an apology to Ms Booker for any embarrassment, inconvenience and hurt we may have caused her as a result of the decision. I would also like to advise that I will be recommending to the President that the staff involved in this decision making process, including Ms Tarling, undertake training to help eliminate any discrimination in the future.”

The Acting Chief Executive Officer was advised on the 12 October 2011 by the Equal Opportunity Commission that Ms Booker (Vincenti) has verbally accepted the apology received on behalf of the Shire. The EOC will obtain written confirmation from Ms Booker and provide confirmation of the above in writing.

Financial Implications

Legal costs associated with the advice are provided in the 2011/12 budget “Legal Expenses” a/c E142478.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OCM 149/11 Officer Recommendation & Council Decision

MOVED CR QUADRIO

SECONDED CR KYANGA

1. That Council supports and endorses the action taken by the President, Deputy Shire President (during the Presidents absence from the Shire) and Acting Chief Executive Officer, including the apology to Ms Della Booker (Vincenti).
2. The Council and Chief Executive take into consideration the legal advice now received when determining the future use and participation of persons in the "Tjukurba Art Gallery".

CARRIED 7/0

10.1.8. Subject/Applicant:	Australian Local Government Association Constitutional Recognition of Local Government
File:	00564
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

To provide Council with the details of the work the Australian Local Government Association has undertaken on the proposal of have Constitutional Recognition of Local Government in the Australian Constitution.

Background

The ALGA have written to all Local Government accordingly:-

"We have come a long way towards constitutional recognition of local government since the 2008 Constitutional Summit in Melbourne and councils will not be considering their submissions in response to the Discussion Paper issued last week by the Expert Panel on Constitutional Recognition of Local Government.

The Panel has called for comments on its Discussion Paper by 4 November and I encourage each and every council to make a submission. It is important that the Panel gains an understanding of the level of local government support for constitutional recognition. In this regard I am pleased to note that more than 430 councils, or 77% of councils across Australia, have passed resolutions supporting a simple change to allow direct funding from the

Commonwealth to local government to continue. In South Australia 100% of councils have pledged their support.

ALGA will be making its own submission on the Panel's Discussion Paper as the next step in our campaign to assist the Panel to develop their advice to the Government on a referendum to recognise local government in the Constitution. Enclosed with this letter is a kit of information to assist councils in supporting the campaign:

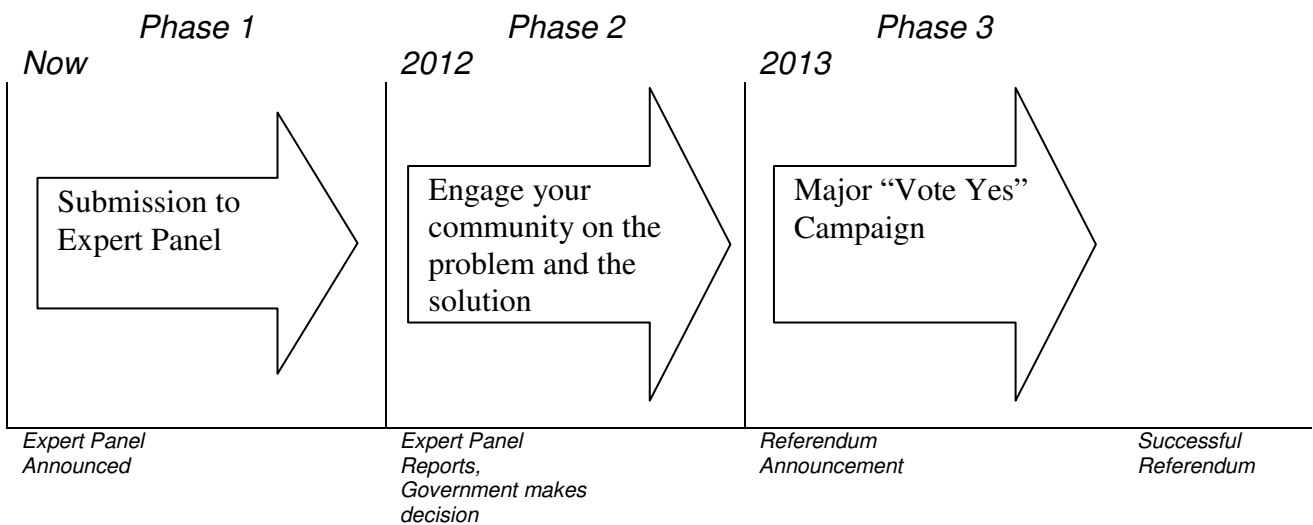
- *A DVD which captures the discussion at the National General Assembly – the Prime Minister's announcement, Minister Crean's announcement of the Expert Panel, some mock advertisements and a panel session of expert commentators giving their view on how to best to pitch local government to the community;*
- *FAQs (Frequently Asked Questions) which councils are likely to encounter in the lead up to the referendum; and*
- *Additional copies of a Brochure and relevant Fact Sheets prepared by ALGA.*

The DVD is a useful resources for councillors and council staff who were unable to attend this year's National General Assembly and who want to know where we are up to with constitutional recognition and what local government should be focussing on to improve its profile.

The most important thing your council can do right now is to make a submission to the Panel on your views about recognition and your preferred option. It is also important for councils to continue to strengthen their image in the community by providing high quality services and showcasing the important role of local government.

How we take our campaign for constitutional recognition forward will depend on the conclusion and recommendations of the Expert Panel early in 2012, and the Government's response to those recommendations.

Our campaign is poised to step into a higher gear and we will be asking councils to assist at each stage. The process will be broken into the three phases as illustrated below.



Over the coming months, there are a number of key activities your council should be involved in as part of the constitutional recognition campaign. These are:

- **Phase 1 Make a submission to the Expert Panel.** I encourage you to make a submission in response to this by 4 November. It doesn't have to be a long submission, it just needs to send the message to the Expert Panel that local government is committed to achieving financial constitutional recognition, that as a sector our preferred model is one to secure continued direct Commonwealth funding for local communities, and that your council is committed to supporting your community to achieve a Yes vote in the referendum.
- **Phase 2 Engage your community on the problem and the solution.** Winning the support of your community is essential if the campaign for constitutional recognition is to be successful. Our research shows that the general public are not aware of why recognition of local government is required and that our reform is to ensure that programs like Roads to Recovery can continue to be funded by the Commonwealth Government through local government. This is now in doubt because of a recent High Court Case known as the Pape case. The problem needs to be fixed. Financial recognition under the Australian Constitution is the solution.
- **Phase 3 Major Vote yes campaign.** Once the Government announces the referendum date ALGA will be working with your state and territory local government associations on a major "vote yes" campaign. Details of this will be available at the appropriate time./

In addition to making a submission to the Expert Panel it is important that you continue to promote your good work in the community. This includes promoting the services you provide, ensuring council gets credit for the many things you do every day to make your community a better place and strengthening the productive working relationships you have with your local media.

Your association has a version for your State or Territory and how local government can best be promoted in your area. They can help you with a range of resources you can draw on."

Comment

The ALGA is keen to see every Local Government make a concerted effort to promote this with their communities and politically.

Attached as Appendix D (grey pages) are several information sheets that will assist in promoting this objective.

- * Frequently Asked Questions
- * Fact Sheets 1-5

Council needs to determine what action it wishes to take including the recommendation of the ALGA that a submission be made.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

<i>OCM 150/11 Officer Recommendation & Council Decision</i>
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MOVED CR WEBB

SECONDED CR PETERSON

For Council consideration and decision.

Council deferred the decision to the next Council Meeting and asked the CEO to bring back options for the council to consider. CEO requested to

contact the Expert Panel on Constitutional Recognition of Local Government and request an extension to the Shire's submission.

CARRIED 7/0

10.1.9. Subject/Applicant:	Shire Owned/Controlled Land
File:	Various
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 October 2011
Disclosure of Interest:	Nil

Purpose

To provide Council with a report on all land owned or controlled by the Shire of Wiluna.

For Councils consideration and action.

Background

Council at its meeting on the 28 September 2011, considered and adopted a Notice of Motion put forward by Cr Quadrio i.e.

Council Decision 134/11

“(a) That the Chief Executive Officer prepare a report detailing all the freehold and reserve land that is owned/vested/managed by the Shire of Wiluna, including the purpose for which the reserve is held and if there is a power to lease.

(b) On Receipt of the report the Council consider the future purpose of all land and implement a strategy to achieve the use as determined.”

Comment

The report has now been prepared. A copy is attached as Appendix E (white pages) together with copies of maps showing the actual location of the land in the Shire.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OCM 151/11 Officer Recommendation & Council Decision

MOVED CR KYANGA

SECONDED CR WEBB

For Council consideration and development of a strategy at the February OCM.

CARRIED 7/0

(Cr Quadrio left the meeting at 11.30 am and returned at 11.35 am)

10.2. Principal Environmental Health Officer and Building Surveyor Report

10.2.1. Subject/Applicant:	Status Report
File:	00526
Reporting Officer:	Garry Agnew - Principal Environmental Health Officer and Building Surveyor Report
Date of Report:	3 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide information to Council in relation to Environmental Health and Building and for Council to receive the report and endorse the Officer's actions.

Information Bulletin The week 26TH September to 30 September 2011

Club Hotel:

I called at the Club Hotel to assess any additional work that had been completed in respect to Schedule 2 of the Health Act Notice served in May 2011. Ben was advised that I would be reporting to Council and that he should treat the matter with extreme urgency as the penalty for non-compliance is significant.

Council Meeting:

Attended Council on Wednesday 28 regarding 3 reports i.e. Club Hotel, Central Desert Development Application and the proposed relocation of a second-hand donga to the Marruwayura Complex in Wotton Street.

Shire Sewerage ATU's

I discussed with Mark Smith (Plumber) the failing/substandard operation of the Shire's 3 Aerobic Treatment Units (ATU) and the need for their regular maintenance. I offered instructions on the work needed and issued a Purchase Order for it to be completed.

Old Post Office Building

I instructed transient secondhand furniture operator to remove the display of his secondhand furniture from the road verge in front of the building.

Supermarket

I called at the Wiluna Supermarket to meet the new operators, carry out an inspection and to issue an amended Certificate of Registration of a Food Business under the Food Act 2008.

Jundee Mine Camp

As requested, I visited the Jundee Mine Village to conduct an inspection of the Camp Kitchen and Wet Mass facilities in respect to their compliance with the requirements of the Food Standards Code. Apart from minor issues concerning the height of bottom food storage shelving in the fridge and freezers the facilities were found to be acceptable and at the desired environmental health standard. A Certificate of Registration of a Food Business under the Food Act 2008 is to be issued for each food handling activity.

Wiluna Refuse Site

An inspection of the Wiluna Refuse site found an increased volume of blown strewn light rubbish around the fence line. The Manager Works and Services was asked to assess the cause.

Planning Determination

Formally responded to the proponent following Council's Determination of Application for Planning Approval from Central Desert Native Title Services Ltd.

General

Statutory compliance obligation in terms of statistical data to Bureau of Statistics, Valuer Generals Office, Builders Registration Board, Worksafe WA and Water Corporation.

OCM 152/11 Officer Recommendation & Council Decision

MOVED CR WELLER

SECONDED CR KYANGA

That Council receives this report and endorses the Environmental Health Officer and Building Surveyor's recommendations and actions.

CARRIED 7/0

10.3. Deputy CEO Reports

10.3.1. Subject/Applicant:	History & Heritage – Display Cabinet
File:	00293
Reporting Officer:	Linda Butterly – Deputy Chief Executive Officer
Date of Report:	14 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this item is to obtain Council approval for the allocation of additional funding for the purchase of two glass display cabinets for the Art Gallery.

Background

With the ongoing archiving of Shire Records, staff have come across a range of data (photo's, maps, letters etc) which is of historical significance and securing some of this information into glass display cases within the Art Gallery would extend the awareness of such valuable items of Wiluna's history.

Comment

Wiluna's rich pastoral, mining and Aboriginal history is slipping through our "collective fingers" and with one small step at a time we can gradually recapture the past and share this with other members of the community and stimulate diverse social, economic and tourism benefits.

Supporting this small step forward is our submission to participate in the 'Untold Stories Project' which is a cultural skills and access pilot project designed for the Mid-West's regional and remote communities – supported by Dept of Culture and the Arts *Looking Forward Fund*.

The cost of the cabinets is approximately \$5,500 (including freight)

Consultation

Cr. Chris Webb
Dept of Culture and the Arts (WA)
WA Museum

Statutory Environment

As the budget does not include funding for this project, approval is required under Section 6.8 Local Government Act 1995 for un-budgeted expenditure of \$5,500.

Policy Implications

Not applicable

Financial Implications

The 2011/12 Budget does provide for a projected surplus, however prior approval from Council is required to expend any of these funds.

Strategic Implications

“Proud Wiluna” (p 31 Wiluna Shire Strategic Plan 2009-2014)
Establish a Cultural heritage centre promoting Wiluna’s mining, pastoral and Indigenous history.

Voting Requirements

Absolute Majority

OCM 153/11 Officer Recommendation & Council Decision

MOVED CR QUADRIO

SECONDED CR PETERSON

For Council to approve the un-budgeted expenditure of \$5,500 to provide two glass display cabinets.

CARRIED 7/0

10.3.2. Subject/Applicant:	Shire of Wiluna Common Seal
File:	00339
Reporting Officer:	Linda Butterly – Deputy Chief Executive Officer
Date of Report:	18 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's endorsement on the use of the Shire of Wiluna Common Seal on the Art Gallery Funding Agreement and the R4R CLGF 2010/11 Funding Agreement.

Date Impressed: 29 August 2011

National Arts & Crafts Industry Support Funding.

Date Impressed: 20 September 2011

R4R CLGF Funding Agreement.

Consultation

CEO

Statutory Environment

The Shire of Wiluna Local Law (Standing Orders) 1999

Financial Implications

Nil

Voting Requirements

Simple Majority

OCM 154/11 Officer Recommendation & Council Decision

MOVED CR KYANGA

SECONDED CR WELLER

For Council to endorse the impress of the Shire of Wiluna Common Seal on the National Arts & Crafts Industry Support funding with Dept of the Prime Minister and Cabinet and the R4R CLGF 2010/11 Funding Agreement with Regional Development and Lands.

CARRIED 7/0

10.4. Manager Finance & Administration Reports

10.4.1. Subject/Applicant:	Accounts Paid by Authority
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Admin & Finance
Date of Report:	10 October 2011
Disclosure of Interest:	Nil

Purpose

In accordance with the Financial Management Regulations a list of accounts paid by the Chief Executive Officer is presented to Council to be adopted.

Background

The list of accounts for the period ending 30 September 2011 are listed as Appendix A – Blue pages

Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 – Regulations 13. (*Reprint 2: The regulations as at 17 February 2006*)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

OCM 155/11 Officer Recommendation & Council Decision

MOVED CR KYANGA

SECONDED CR WELLER

That the accounts paid by authority for the period ended 30 September 2011 totalling \$859,268.99 be received, endorsed and incorporated in the Minutes of the meeting.

CARRIED 7/0

10.4.2. Subject/Applicant:	Financial Report
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Finance & Admin
Date of Report:	10 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's adoption of the Financial Reports for the period ending 30 September 2011.

Background

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

The reports for the period ending 30 September 2011 are listed as Appendix B (green pages).

Comment

Nil

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35.

Voting Requirement

Simple majority

OCM 156/11 Officer Recommendation & Council Decision

MOVED CR WELLER

SECONDED CR KYANGA

That Council adopt the Financial Reports for the period ending 30 September 2011 as presented.

CARRIED 7/0

10.5. Manager of Works Report

10.5.1. Subject/Applicant:	Status Report
File:	00580
Reporting Officer:	Brett Edwards - Acting Manager of Works
Date of Report:	18 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for council to receive the Acting Works Manager's report and endorse the Works Manager's actions.

Staff

Jason Harris has been employed as a general hand and shows a willingness to work, a good understanding of safety, machinery maintenance and usage.

Roads

Roads maintenance graded in the past month include Lake Way, Yeelirrie and Wongawol, remainder of Yeelirrie-Meekatharra, Sandstone-Wiluna and Yandil Roads, North Pool and Kutkabubba access.

Albion Downs Road had been graded by others to within 3 km's of the Goldfields Highway, this section is also now been repaired and will be maintained in the future. Staff have had 2 contract graders operating in the shire over the past 2 months, this has returned to 1 contract grader who is now working in the Granite Peak/Sydney Heads area and will be working towards Carnegie.

North Road signage in place, awaiting correct signage for reverse curves, depth indicators for deep floodway's and guide posts to complete this road. Orders in place for 500 guide posts and correct signage.

60km/hr sign removed from North Road as no speed zoning is allowed on a gravel road. Main Roads WA requested to check zoning and lack of speed reduction signage for North and Wongawol roads as they enter the townsite.

Application completed for 2012/13 Aboriginal Access Roads funding.

Joe Guilliano has now completed hands on standby grader operator training with an experienced grader operator and shows a good understanding and ability for this work.

There are a number of maintenance issues requiring attention in remote parts of the shire but staff are unable at this stage to complete these works due to the inability to transport machinery. See P29 in the plant report.

Aerodrome

Replacement lighting to conform with CASA regulations installed, weeds sprayed and removed from runway lighting and apron. CASA audit and inspection completed on the 10th and 11th October 2011, minor issues found with apron lighting, frangibility of barriers, damaged or missing cones and gables etc. Final report and a list of required works due next month.

There was an incident over the weekend of the 15/16 October where a vehicle gained access to the gravel runway and has done some minor damage to the perimeter of this runway. This access ability was noted by the CASA auditor pre this incident and it is suggested that the completion of a fence around the strip will be a requirement of the CASA audit.

Parks and gardens

Lawns at the Shire Offices and houses have been weeded and fertilised. Fertiliser spreader has been repaired ready to apply fertiliser to oval. Mixed flower seedlings purchased, beds prepared and planted around Shire Offices.

Plant

A contract plant mechanic has been employed to investigate and repair council's plant due that need immediate attention. Details have not been provided in this report but a verbal overview will be available by the Acting Works Manager at the OCM.

Mosquito Fogging

Fogging has been delayed due to the breakdown of the machine, parts have been ordered.

Council was originally using Reslin suspended in diesel as the fogging agent, Reslin is no longer available and diesel should not be used. These have now been replaced with Aqua - K – Othrine (a synthetic pyrethroid) and Carmel Carrier 11, these are water based and the industry standard products. Fogging will recommence once the parts arrive and are fitted.

Sullage Tanker

Council has been operating a septic tank pumping service without correct Controlled Waste permits and licenses. To comply, the tanker is to be

inspected, tested and modified to meet industry standard, all operators also require licensing. A costing for this compliance will be completed prior to works commencing. This will mean that council will be without this unit until modifications and licensing have been completed. A notice has been placed out in the community advising them of the discontinuation of the septic pump-out service and contact details of alternative service providers.

Private Works

Minor private works jobs completed during the last month.

OCM 157/11 Officer Recommendation & Council Decision

MOVED CR WEBB

SECONDED CR WELLER

That Council receives this report and endorses the Acting Manager of Works recommendations and actions.

CARRIED 7/0

(Linda Butterly left the meeting at 12.20pm)

10.6. Committee Report

Nil

10.7. Council Information Bulletin

10.7.1. Subject/Applicant:	Status Report
File:	00587
Reporting Officer:	Vanessa Bertagnole, Art Gallery Manager
Date of Report:	18 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for council to receive information regarding the activities at the Art Gallery.

Consultants Visit: Tim Acker and Caroline Hunter

Art Centre consultants Tim Acker and Caroline Hunter have visited the art gallery this month to help the art gallery manager assess the current climate and conduct a business action plan to help move the gallery forward amid a managerial turnover and slump in artist participation and sales. The results of Tim Aker's visit will be presented in a report to council before the end of the year.

As part of Tim Acker's visit a successful artist meeting took place to help gauge artists attitudes about the current state of affairs and address their concerns about the Art Centre's future. During the meeting an informal

election took place to decide who would lead the Birriliburu Artists in future planning and decision making. This group will also be responsible for attending monthly artists meeting. The chosen directors are as followed: Glen Cooke, Ben Brown, Tracey Latu Luli Kefu, Stacey Petterson, Regina Ashwin, and Nyapurla Morgan. In the event one or more of these individuals cannot attend meetings two proxies, Vera Anderson and Annette Williams were chosen to fill in.

Caroline Hunter has greatly assisted the Art gallery Manager in getting a handle on quality control issues affecting the gallery as well as developing strategic systems and business plans to help the Gallery's day to day operations run more efficiently.

'Cutting Off' ceremony: Australian Tapestry Workshop Visit

As part of the successful Yiwarra Kuju: Canning Stock Route travelling exhibition, the world renowned weavers of the Australian Tapestry Workshop in Melbourne were commissioned to re-produce a collaborative work entitled 'Kunawaritij to Wajaparni' for the Australian embassy in the Vatican.

Birriliburu Artist Clifford Brooks was one of eight artists involved in creating and painting the design. The tapestry is the eighth to be woven for the Embassy Collection, a Tapestry Foundation of Australia initiative which places tapestries designed by Indigenous artists in selected Australian Embassies and High Commissions throughout the world.

An official 'cutting' ceremony for the completed work was held Wednesday, 28 September in Melbourne. The Tjukurba Art Gallery Manager, was there to represent the Birriliburu Artists at the event as well as promote artist's current work to industry representatives in Melbourne. These visits resulted in an exclusive show for two artists in the Gabrielle Pizzi Gallery, one of the top contemporary art galleries in Australia, for late next year. This is a key event to help raise both the profile of the Birriliburu Artists involved and the Tjukurba Art Gallery.

Revealed Exhibition and Marketplace

Flights and accommodation have been secured for artists and councillors Stacey Petterson and Tracey Latu Kuli Kefu to travel to Perth for the events of Revealed. The Art Gallery Manager will also be attending the events.

Revealed is a new exhibition created to showcase emerging Indigenous artistic talent in WA. Fifty artists' work will be featured and in attendance. The format of the Revealed events are; an exhibition of which artist and councillor Stacey Petterson work was hand chosen to feature, an exhibition opening, professional development courses, and a two day marketplace where Tjukurba Art Gallery will selling selected merchandise and promote the Birriliburu Arts to a Perth audience.

Yiwarra Kuju

Flights and accommodation have been secured for the Art Gallery Manager to accompany a group of artists to the Canning Stock Route exhibition featured in Perth in conjunction with the events of CHOGM. There will be an opening exhibition held on Thursday, 3 November 2011 following various activities for the artists through the week including; storytelling, tours through the show, teaching young children, singing and dancing.

Consignments: Present and Upcoming

The Merenda Gallery in Perth is a well established and reputable commercial art gallery among the Indigenous art industry who continues to show interest in the Birriliburu artists' work in both paintings and prints. They are currently showcasing the work of Nyapurla Morgan to coincide with the CHOGM festival in Perth this month.

Jundee Newmont Christmas Party and exhibition

Carrie Bendeich, the new Community Relations Officer for Jundee Newmont, has asked the Birriliburu Artists if they wish to showcase their work at their annual Christmas party held Tuesday, 6 December 2011. Two artists and the Art Gallery Manager will attend the event to provide a demonstration and to exhibit and sell recent works. This is a wonderful opportunity to strengthen and build relationships with our industrial partners as well as move back stock and a chance to educate mine workers about the importance of purchasing artwork through art centres as a way to support and strengthen our community.

Sales Report

Attached as Appendix F (pink pages) are the total sales for the period 15 September 2011 to 15 October 2011, artworks sold by value and artwork sales comparison charts.

10.7.2. Subject/Applicant:	Status Report
File:	00423
Reporting Officer:	Swimming Pool Manager
Date of Report:	18 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for council to receive information regarding the activities at the Swimming Pool.

Season 2011 – to date

The official opening was delayed until on Wednesday, 5 October due to inclement weather. There were 89 patrons in attendance that enjoyed free entry and a sausage sizzle from 2 - 7pm.

On Thursday, 13 October, an issue with an abusive patron was raised in relation to the Pool Manager not allowing their 7 yr old into the pool unsupervised.

It was explained that any child under the age of 10 has to be accompanied by a person over the age of 16. It was also outlined that this was not a new rule but has been enforced since 2007 and relevant to all pools throughout Western Australia. The abuse continued, and the police were called but the patron had left when they arrived but they were going to visit him. Since this incident all patrons have abided by the pool rules.

Due to the existing pool cleaner being too badly damaged a new dolphin robotic pool cleaner has been ordered – as per budget.

10.7.3. Subject/Applicant:	Status Report
File:	00178
Reporting Officer:	Anton Knezevich, Sport and Recreation Manager
Date of Report:	18 October 2011
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to inform council of the activities in the Sports and Recreation Department.

Healthy Safe Fun Wiluna

Oct 10, 11,12,13,14 Red lake camp 10 & up
Oct 15 Double feature movie night
Oct 18 Wiluna vs. Jundee Basketball game on site
Oct 19 Art start for the kids 3-4pm
Oct 20 Cooking class & Health talk from Dietician
Oct 21 Golf program
Oct 22 Quiz Night 7pm
Oct 29 Halloween fancy dress disco & Face painting 7pm

Facilitate participation in State level games for Wiluna sports teams and players

November 29, 2011 AFL game Wiluna vs. Jundee last for the year.

OCM 158/11 Officer Recommendation & Council Decision

MOVED CR KYANGA

SECONDED CR WEBB

That Council receive the “Council Information Bulletin Report.”

CARRIED 7/0

11. Elected Members Motion of Which Previous Notice Has Been Given

11.1. Councillor Harris has given notice as per section 3.9 of the Shire of Wiluna Local Law (Standing Orders) 1999, to include the following notice of Motions on the Agenda for the Council Meeting to be held on the 10 November 2011.

“The Chief Executive Officer be requested to provide council with details of the basis for making advance payments to staff, including the arrangements for the repayment of the advance and the authority that authorizes the CEO to undertake this practice, without prior approval of the council.”

Cr Harris comments

I have noted that “advance pay” payments have been made to staff and included in the list of accounts paid presented to Ordinary Council meeting during the past three months. The payments range from \$500 to \$3500. There does not appear to be any Council policy about this practice.

CEO Comments

In order to support and retain valued staff members that do not present a risk of not being able to repay a requested advance on their wages, the CEO has entered into a number of agreements with those staff members and all advances have been repaid by being deducted with the staff member’s permission, through the payroll system. A written agreement is entered into before the request is approved and repayment options not exceeding 3 months are determined. Staff also authorize the CEO to have any unpaid amounts outstanding deducted from entitlements not yet paid and held by the Shire i.e. annual leave to repay the debt.

The CEO may use the resources given to her to advance the administration of council’s direction and decisions. Advancing small amounts of wages to staff is a practice that achieves that and does not contravene the Local Government Act nor require authority or a policy of council. This was verified by the Department of Local Government last week in response to this Notice of Motion.

OCM 159/11 Officer Recommendation & Council Decision

MOVED CR HARRIS

SECONDED CR WEBB

The Chief Executive Officer be requested to provide council with details of the basis for making advance payments to staff, including the arrangements for the repayment of the advance and the authority that authorizes the CEO to undertake this practice, without prior approval of the council.

CARRIED 7/0

OCM 160/11 Council Decision

MOVED CR WELLER

SECONDED CR WEBB

That the meeting adjourn behind closed door to deal with a confidential item in Urgent Business Approved by the President presiding.

CARRIED 7/0

12. **Urgent Business Approved by the Person Presiding or by Decision of Council**

OCM 161/11 Council Decision

MOVED CR QUADRIO

SECONDED CR PETTERSON

This Notice of Motion has been adjourned by Cr Quadrio to the first council meeting in February 2012 for further discussion of this matter.

CARRIED 7/0

OCM 162/11 Council Decision

MOVED CR WELLER

SECONDED CR WEBB

That the meeting adjourn from behind closed door and invite the public back to the meeting.

CARRIED 7/0

13. **Public Question Time**

Nil

14. **Matters Behind Closed Doors – Confidential Item**

Nil

15. Closure

The meeting was closed at 1.55 pm.