

AGENDA NUMBER: 10.6
SUBJECT: Proposed Standing Orders Local Law
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 8
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 5 November 2009

Attachments: 1. Draft WALGA Model Standing Orders Local Law.
 2. Delegation # 5, Local Laws.
 3. Explanatory Memoranda Directions – Checklist
 Example (Parking Local Law).

BACKGROUND:

Council in March 2008 adopted the following resolution:

“The Nannup Shire Council moves to adopt a uniform set of standing orders for Council Meetings and the CEO be instructed to circulate a copy prior to the April Meeting for discussion.”

A draft set of standing orders was circulated at this time per the above resolution. Consideration of introducing Standing Orders has been delayed however as the WA Local Government Association (WALGA) have been working on a new model Standing Orders Local Law which was to include significant amendments brought about by the Local Government (Rules of Conduct) Regulations 2007. Unfortunately despite the elapse of some 18 months this work has not yet been finalised.

COMMENT:

WALGA have been able to provide the latest version of the draft model local law and this is as per Attachment 1. The accompanying email also explains the latest situation in respect of timing. The question for Council is whether it wishes to proceed with the introduction of a Standing Orders local law or does it continue to wait for the model to be finalised before proceeding. It may well be another twelve months before the model is complete.

To proceed with the introduction of a local law that could possibly be out of date immediately or worse be disallowed by the State Committee on Delegated Legislation does not make sense. If Council chooses to commence the process of introducing a local law for Standing Orders it should be legally correct from the outset as well as serving the purpose for which it is intended.

The options would appear to be as follows (assuming Council wishes to introduce a Standing Orders local law).

1. Continue to wait for WALGA to complete the model local law, at which time it would be adapted to meet the specific requirements of this Council. It would be unlikely to require significant changes and could be undertaken in house with checking by Council's solicitor.
2. Proceed with the commencement of the process of introducing a Standing Orders local law and either have it pend until such time as the WALGA model is complete, or alternatively have Council's solicitor make the required changes to the existing draft model to ensure compliance with the Local Government (Rules of Conduct) Regulations 2007. For example the Town of Claremont Standing Orders local law was gazetted in 2007 and with that Council's consent could be accessed and incorporated into the current draft provided it contains the updated information.
3. Proceed with the commencement of the process of introducing a Standing Orders local law and have Council's solicitor draft a new document which complies with the Local Government (Rules of Conduct) Regulations 2007. This option is expensive however will ensure that the document is legally correct and minimises the chance of disallowance.

Option 2 is preferred as there is normally approximately 6 months between the commencement of the making of a local law and adoption by Council. Attachment 3 refers where it can be seen that the process started for the introduction of the Parking local law on 23 November 2006 was completed on 26 April 2007. This local law also was relatively uncomplicated, was based on a model and had only one public submission associated with it.

Legislative Requirements

The introduction of Standing Orders must be by local law. Council is governed by the Local Government Act 1995 and that legislation is the minimum standard by which Council operates, including meeting procedure.

Council presently operates under the Act and a variety of guidelines and conventions which would be familiar to all members. The problem with guidelines and conventions is that they are not enforceable and this has the potential to cause problems as well as put unreasonable expectations on the person presiding at Council or Committee meetings.

A Standing Orders local law if introduced becomes subsidiary legislation under the Local Government Act 1995. It would be enforceable and would have monetary or other penalties for non compliance. Council members will need to

consider this carefully and understand the possible ramifications should the decision be made to introduce Standing orders.

Local Law Making Process

The process for the making of a local law is relatively complex and is as per Attachment 3 previously referred to. Public submissions are to be called twice throughout the process. There are a number of legal issues that need to be satisfied throughout the process and there are many traps for those inexperienced in creating subsidiary legislation. For example if Council was to commence the process of making a Standing Orders local law now it would need to be called "Shire of Nannup Standing Orders Local Law 2010", despite it still being 2009. The local law if using the year 2009 would be rejected at the State legislative level and the process would have to be commenced over again. The local law would not be in position to be adopted by Council until at least 2010 taking into account advertising and submissions.

Council does not formally "make" the local law until advertising is undertaken and any submissions received are considered. When making the local law Council needs to ensure that the local law is not significantly different to that proposed and advertised. The local law can be disallowed on the basis of any significant changes, typographical errors, legal errors relating to other legislation and even if not adopted by Council using an absolute majority vote.

What is intended by virtue of this item is to commence the process of making a Standing Orders local law. Point 2 above is the preferred method of implementing the process and would be followed if Council decides to proceed.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 3.12 (1) states:

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Local Government Act 1995 Section 3.12 (2) states:

At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Local Government (Functions and General) Regulations 1996 Section 3 states:

For the purpose of Section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

(a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and

(b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Minor advertising costs only at this stage though it is expected that as the process continues more costs will be incurred. The degree that solicitor's advice is required will be the main determinate of costs. Should there be any likelihood of significant costs being incurred prior approval of Council would be sought through the budget review process.

At the time of writing a cost estimate was pending and should be available for today's meeting.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advertises the intention to make a Standing Orders local law, the purpose of which is to conduct orderly meetings of the council or committees, with the effect being effective and fair local government decisions by the council.

VOTING REQUIREMENTS:



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

Shane Collie

From: Tony Brown [tbrown@walga.asn.au]
Sent: Friday, 6 November 2009 1:25 PM
To: Shane Collie
Subject: RE: STANDING ORDERS
Attachments: D01 Local Government (Council Meetings) Model Local Law 2009.pdf; Drafting Instructions Draft Meeting Procedure Local Law (3).doc

Hello Shane

The draft Model Local Law is still with the Department of Local Government and the State Solicitors Office. It is taking forever!!!

I have attached a copy of the draft local law and the original version of the drafting instructions currently with Parliamentary Counsel – I don't think the drafting instructions would have changed much so should be enough to get a flavour for the model.

Process from here: the Model Local Law will be amended to reflect the drafting instructions before coming back to the working group, then on to Local Governments for comment.

I understand there has been a second version of the drafting instructions however I could not get a copy of this. I think there is enough information attached to get an idea of how the model will look.

You could use this as a base to start your own Model Local Law.

I am sorry this is taking so long, however there is not much we can do about it.

Any queries please call.

Cheers

Tony

From: Shane Collie [mailto:shane@nannup.wa.gov.au]
Sent: Thursday, 5 November 2009 9:16 AM
To: Tony Brown
Subject: STANDING ORDERS

Hi Tony,

One of my Councillors has submitted a notice of motion for our next meeting to introduce standing orders. Hence if there is anything that is available that will incorporate the new Rules of Conduct legislation in a set of standing orders could you put me on the right track where to find it please. Alternatively if you are aware of any other Council that has adopted a set of standing orders with those changes could you let me know and I can chase them up.

Many thanks,

Shane Collie
Chief Executive Officer
Shire of Nannup

Local Government (Council Meetings) Model Local Law 2009

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Local Government (Council Meetings) Model Local Law 2009

The Governor in Executive Council, acting under section 3.9 of the Act, has caused this model local law to be prepared and published.

Under section 3.9 of the Act, this model local law has no effect except to the extent that it is adopted by a local law made under the Act by a local government.

Part 1 — General matters

1. Citation

¹ This model local law is the *Local Government (Council Meetings) Model Local Law 2009*.

2. Terms used

- (1) In this model local law, unless the contrary intention appears —
- Act* means the *Local Government Act 1995*;
 - committee* means a committee of the council;
 - meeting* means a meeting of the council or of a committee, as the case requires;
 - member* means a member of the council or a committee, as the case requires;

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presiding member at a meeting, means the member who, under the Act, is presiding at the meeting;

section means section of the Act;

² *substantive motion* includes a motion to amend a substantive motion;

working day means a day other than a Saturday, a Sunday or a public holiday in the district of the local government.

(2) If a term is given a meaning in the Act, it has the same meaning in this model local law unless the contrary intention appears in this model local law.

3. Regulations not affected

This model local law does not affect the operation of any regulation made under the Act.

4. Presiding member to decide procedural questions

If written laws do not provide the answer to a procedural question at a meeting, the presiding member must decide the question.

5. Presiding member's decisions, effect of

³ At a meeting a decision made by the presiding member under this model local law is final unless, under Part 8, a motion disagreeing with the decision is carried.

6. Petitions to the council [MLL 3.4]

? (1) Any petition to the council must be given to the CEO.

⁴ (2) The CEO may refuse to accept a petition to the council unless it —

(a) is addressed to the mayor or president, as the case requires, of the council; and

(b) states the request on each of its pages; and

- (c) contains a summary of the reasons for the request; and
 - (d) for each person who has signed it, shows —
 - (i) the person's name and address; and
 - (ii) the date on which the person signed it;and
 - (e) states the name and an address of one person to whom notice to the petitioners can be sent.
- ⁵ (3) The CEO may refuse to accept a petition to the council if its request is a matter that can be the subject of a proposal made under section 2.12 or to the Advisory Board.

Part 2 — Calling meetings

7. Ordinary council meeting [MLL 3.2]

⁶ The agenda for an ordinary meeting of the council given under section 5.5(1) —

- (a) must include any matter that, under the Act, must occur or be considered or decided at the meeting; and
- ⁷ (b) must include any business that was not decided at the previous ordinary meeting; and
- (c) may include any matter the CEO considers should be decided at the meeting.

8. Special council meeting [MLL 2.2]

^{8 9} (1) A notice of a special meeting of the council given under section 5.5(2) must be given at least 72 hours before the time of the meeting stated in the notice.

(2) If the mayor or president is of the opinion that a special meeting of the council is needed urgently, he or she may approve a shorter period of notice than the 72 hours.

(3) The purpose of a special meeting of the council stated in the notice of the meeting —

- (a) must include any matter that, under the Act, must occur or be considered or decided at the meeting; and
- (b) may include any matter the CEO considers should be decided at the meeting.

9. Committee meeting [MLL 2.1]

¹⁰ (1) A meeting of a committee is to be held —

- (a) if the presiding member of the committee orally notifies the CEO of the date and purpose of the proposed meeting; or

- (b) if called for by either —
 - (i) the presiding member of the committee; or
 - (ii) at least $\frac{1}{3}$ of the members of the committee,
in a written notice given to the CEO setting out the date
and purpose of the proposed meeting; or
 - (c) if the committee so decides.
- ¹¹ (2) The CEO is to convene a meeting of a committee by giving each member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (3) If the presiding member of the committee is of the opinion that a meeting of the committee is needed urgently, he or she may approve a shorter period of notice than the 72 hours.
- ¹² (4) The purpose of a meeting of a committee stated in the notice of the meeting —
- (a) must include any matter that, under the Act, must occur or be considered or decided at the meeting; and
 - ¹³ (b) must include any business that was not decided at the previous meeting; and
 - (c) may include any matter the CEO considers should be decided at the meeting.

Part 3 — Quorums

10. Quorum to be present [MLL 6.1]

¹⁴ No matter on the notice of a meeting can be discussed or decided at the meeting unless a quorum is present.

11. Loss of quorum during a meeting [MLL 6.2]

- (1) If during a meeting a quorum ceases to be present because one or more members who have disclosed an interest in a matter to be discussed at the meeting cannot participate in the discussion or in deciding the matter, discussion of and any decision on the matter is adjourned until a quorum is present, whether because of a decision made by the Minister under section 5.69 or otherwise.
- (2) If during a meeting a quorum ceases to be present for a reason other than that described in subclause (1) —
 - (a) the presiding member must adjourn the meeting for at least 5 minutes and not more than 30 minutes, as decided and stated by the presiding member; and
 - (b) if at the end of the period stated there is no quorum, the meeting is taken to be adjourned; and
 - (c) clause 23 applies.

Part 4 — Business at meetings

12. Business at council meetings [MLL 3.1]

- ¹⁵ (1) At an ordinary meeting of the council, only the matters specified in the agenda given under section 5.5(1) can be considered unless the council decides otherwise.
- (2) At a special meeting of the council, only the matters specified in the purpose of the meeting in the notice given under section 5.5(2) can be considered.
- ¹⁶ (3) At an adjourned meeting of the council, only matters that were not resolved at the meeting can be considered.
- (4) If any matter is not resolved at an ordinary meeting of the council, it has precedence at the next ordinary meeting.

13. Order of business at council meetings [MLL 3.2]

- ¹⁷ (1) At an ordinary meeting of the council the order of business is as follows, unless the council, or the presiding member under clause 18, decides otherwise —
- (a) official opening;
 - (b) public question time in accordance with section 5.24 and the *Local Government (Administration) Regulations 1996*;
 - (c) apologies and leave of absence;
 - (d) any deputation invited under clause 17;
 - (e) any motion on notice moved under clause 64 and confirmation of minutes;

¹⁸ (f) announcements by the presiding member made under clause 18;

 - (g) reports;

¹⁹ (h) motions on notice given under clause 19;

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- ²⁰
- (i) any matter not on the agenda that, under clause 12(1), is to be considered at the meeting;
 - (j) any matter the council decides under section 5.23 will be dealt with in the absence of members of the public;
 - (k) closure.
- (2) At a special meeting of the council the order of business is that stated in the notice of the purpose of the meeting, unless the council decides otherwise.

14. Business at committee meetings [MLL 3.1]

- (1) At a committee meeting only matters specified in the purpose of the meeting in the notice given under clause 9(2) can be considered.
- (2) At an adjourned meeting of a committee, only matters that were not resolved at the meeting can be considered.
- (3) If any matter is not resolved at a meeting of a committee, it has precedence at the next meeting.

15. Order of business at committee meetings [MLL 3.2]

At a meeting of a committee the order of business is that stated in the notice of the purpose of the meeting, unless the committee decides otherwise.

16. Public question time [MLL 3.3]

- ²¹
- (1) A member of the public who raises a question at a meeting must state his or her name and address.
 - (2) The council or a committee may defer responding to a question raised by a member of the public at a meeting.
 - (3) If under subclause (2) responding to a question is deferred, the CEO must —
 - (a) give the person who raised the question a written response; and

- (b) include a copy of the response on the agenda of the next meeting of the council or the committee, as the case may be.

17. Deputations [MLL 3.12]

- (1) A deputation that wants to be received at a meeting must apply in writing to the CEO before the meeting.
- (2) The CEO must send the application to the mayor or president, or the presiding member of the committee, as the case requires.
- (3) The mayor or president, or the presiding member of the committee, as the case may be, may —
 - (a) approve the application; or
 - (b) require the CEO to refer the application to the council or committee to decide.
- (4) If the application is approved, the CEO must invite the deputation to attend a meeting specified in the invitation.
- (5) If the application is refused, the CEO must notify the applicant.
- (6) If a deputation is invited to attend a meeting —
 - (a) it must not be more than 5 people; and
 - (b) not more than 2 of them may address the meeting but any of them may respond to a question from a member; and
 - (c) it must not address the meeting for more than 10 minutes without the agreement of the council or the committee.
- (7) The council or a committee must not decide a matter on which a deputation is addressing a meeting of it until the deputation has finished addressing the meeting on the matter.

cl. 18

18. Announcements by the person presiding [MLL 3.6]

Subject to clause 13(1), the presiding member at a meeting —

- (a) may announce or raise any matter of interest or relevance to the meeting; and
- (b) may announce his or her decision to change the meeting's order of business.

19. Motions on notice [MLL 3.9]

- ²² (1) At a meeting a member may move any motion that the member has given notice of, and that is included in the notice of the meeting, under this clause.
- (2) To give notice of a motion, a member, at least 7 working days before the date of the meeting at which the member intends to move it, must give the CEO a written notice of its wording.
- (3) On receipt of a notice of a motion, the CEO —
 - ²³ (a) with the approval of the mayor or president, as the case may be, may reject the motion if it —
 - (i) does not relate to the good government of persons in the district; or
 - (ii) would be ruled out of order at a meeting;and
 - ²⁴ (b) if the motion is not rejected —
 - (i) may amend the form but not the substance of the motion to ensure it is in a proper form; and
 - (ii) must include the motion in the notice of the meeting at which the member intends to move it; and
 - ²⁵ (iii) may, in the CEO's name, provide the meeting with laws, facts, policies and budgetary and other information that the CEO considers are or may be relevant to the motion.

- (4) A motion, notice of which is in the notice of a meeting, lapses if—
- (a) the member who gave the notice, or another member authorised to do by that member in writing, does not move the motion when called on at the meeting; or
 - ²⁶ (b) ???
- ²⁷ (5) If a motion lapses under subclause (4)(a), a motion in the same terms or of the same effect cannot be moved until at least 3 months after the date of the meeting at which it lapsed.

Part 5 — Conduct at meetings generally

20. Order at meetings [MLL 15.1, 15.8, 15.9, 18.2]

- (1) The presiding member at a meeting must keep order at the meeting.
- (2) For the purposes of keeping order at a meeting, the presiding member may do any of the following —
 - (a) call any member or other person present at the meeting to order if, in the presiding member's opinion, there is good reason to do so;
 - (b) stand and ask all people present to sit and be silent;
 - (c) without explanation or a procedural motion, adjourn the meeting for up to 15 minutes;
 - (d) having once adjourned the meeting for up to 15 minutes, without explanation or a procedural motion, adjourn the meeting to later in the same day or to another day.
- (3) If under subclause (2) the presiding member at a meeting stands and asks all people present to sit and be silent —
 - (a) any other person speaking must stop and sit; and
 - (b) any other person standing must sit; and
 - (c) all persons present at the meeting must be silent so that the presiding member can be heard without interruption.

Penalty: a fine of \$5 000.

- (4) If under subclause (2) the presiding member adjourns the meeting, clause 23 applies.

21. Recording of proceedings [MLL 8.5]

²⁸ A person must not make an audio or an audio-visual recording of any part of a meeting without the prior permission of the presiding member.

Penalty: a fine of \$5 000.

22. Disorderly conduct by non-members [MLL 8.6]

- ²⁹ (1) In this clause —
behave in a disorderly way at a meeting, includes —
- (a) to use insulting, offensive or threatening language; and
 - (b) to behave in an insulting, offensive or threatening manner; and
 - (c) to disrupt, disturb or interrupt the meeting.
- (2) This clause does not apply to a person at a meeting of the council or a committee if the person is a member of the council or the committee.
- (3) A person at a meeting must not behave in a disorderly way at the meeting.
- (4) A person who addresses a meeting must be courteous and respectful toward the members and other people at the meeting.
- (5) The presiding member at a meeting —
- (a) may order a person who is contravening subclause (3) or (4) to stop doing so; and
 - (b) if the person does not obey the order, order the person to leave the meeting.
- (6) A person who disobeys an order given under subclause (5)(b) commits an offence.
Penalty: a fine of \$5 000.

23. Adjournments and resumptions of meetings [MLL 12.2]

- ³⁰ (1) If, when a council meeting is adjourned, the adjournment interrupts debate on a substantive motion, the presiding member must ensure the minutes record the names of those members who have spoken in the debate.

cl. 23

- (2) When an adjourned meeting resumes —
- (a) unless the presiding member or the council or committee decides otherwise, it resumes from the point at which it was adjourned; and
 - (b) if debate on a substantive motion was interrupted by the adjournment —
 - (i) the debate resumes at the point at which it was interrupted; and
 - (ii) in the case of a council meeting, the adjournment does not affect the operation of clause 31(3).

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Part 6 — Conduct of members at meetings

24. Seating at meetings [MLL 8.2]

³²

At a meeting —

- (a) the arrangement of the seating at the meeting is that decided by the presiding member; and
- (b) members must sit in the places decided by the presiding member.

25. Members to indicate they want to speak [MLL 9.1]

- (1) At a meeting of the council, a member who wants to speak must put up his or her hand or indicate in some other way agreed by the council.
- (2) Subclause (1), with necessary changes, applies to a meeting of a committee if the committee decides it does.

26. Priority of speakers [MLL 9.2]

- (1) If at a meeting 2 or more members indicate simultaneously that they want to speak, the presiding member must decide the order in which they will be invited to speak.
- ³³ (2) The presiding member's decision cannot be debated or, despite clause 5, disagreed with.

27. Members invited to speak [MLL 9.1]

- (1) At a meeting of the council, a member who is invited to speak —
 - (a) must stand while speaking unless unable to do so due to illness or disability; and
 - (b) must address the presiding member.
- (2) Subclause (1), with necessary changes, applies to a meeting of a committee if the committee decides it does.

cl. 28

28. Presiding member may speak in debates [MLL 9.3]

³⁴ The presiding member at a meeting may speak in any debate in the meeting.

29. Official titles to be used [MLL 8.1]

At a meeting members must refer to each other by his or her official title (such as mayor, president or councillor).

30. Adverse statements about decisions and members [MLL 8.4]

³⁵ (1) At a meeting a member must not make adverse statements about a decision of the council or committee except in, or in debate on, a motion to revoke or change the decision.

(2) At a meeting a member must not make an offensive statement about the council or any committee of the council or any person. Penalty: a fine of \$5 000.

³⁶ (3) If at a meeting a member contravenes subclause (2), the council or the committee, as the case may be, or the presiding member may order the member to withdraw and apologise for the statement.

(4) If a member by making a statement —
(a) contravenes subclause (1); or
(b) contravenes subclause (2) and either is not given an order under subclause (3) or is and does not obey the order,

another member may move immediately, without notice, that the member's statement be recorded in the minutes of the meeting.

(5) If a motion moved under subclause (4) is carried, the presiding member must ensure the minutes record the actual words of the statement concerned as verified by the meeting.

31. Speaking rules [MLL 9.4, 9.5, 9.7, 9.8, 9.9]

- (1) At a meeting the following apply —
- (a) a member's speech must be relevant to the substantive motion being debated or be a personal explanation made under clause 33;
 - 37 (b) a member must not interrupt another member who is speaking except —
 - (i) to raise a point of order under clause 32; or
 - (ii) to indicate, under clause 33, that he or she wants to make a personal explanation; or
 - 38 (iii) to move that the member be no longer heard;
 - 39 (c) a member must not speak on a substantive motion for more than 5 minutes unless the council or the committee decides otherwise;
 - (d) a member cannot speak on a substantive motion if the mover has replied;
 - (e) a member cannot speak on a substantive motion if it has been put;
 - 40 (f) a member must not discuss any decision made by the council or the committee except for the purpose of moving or debating a motion to revoke or change the decision.
- (2) A motion to extend the speaking time of a member cannot be debated.
- (3) At a meeting of the council, a member cannot speak more than once on a motion except —
- (a) to answer a point of order; or
 - (b) to make a personal explanation under clause 33; or
 - (c) to exercise any right of reply he or she has under clause 47.

cl. 32

32. Points of order [MLL 15.3-15.7]

- (1) In this clause —
 - ⁴¹ *point of order* includes —
 - (a) that the matter being discussed is not before the council or the committee, as the case may be;
 - (b) that a written law, or a policy of the local government, is being contravened.
- (2) To raise a point of order at a meeting, a member must stand and address the point to the presiding member.
- (3) If a point of order is raised at a meeting —
 - (a) any person speaking must sit and be silent while the presiding member listens to the point; and
 - (b) the point takes precedence over all other business at the meeting until it is decided.
- (4) If a member's point of order is that a written law, or a policy of the local government, is being contravened, the member must specify the written law or policy concerned.
- (5) The presiding member must decide a point of order by either upholding or rejecting it.

33. Personal explanations [MLL10.16-10.18]

- (1) A member at a meeting may make a personal explanation.
- ⁴² (2) A member's personal explanation —
 - (a) must be a succinct explanation of a specific part of a speech made previously by the member that the member considers may have been misunderstood; and
 - (b) must not include extraneous material; and
 - (c) must not exceed the time allowed for the explanation set by the presiding member.

- (3) A member at a meeting who wants to make a personal explanation must indicate the fact to the presiding member.
- (4) The presiding member may allow the member to make the personal explanation immediately or later at a time decided by the presiding member.
- (5) If the presiding member allows the member to make the personal explanation immediately, the presiding member may interrupt a member who is speaking.

34. Presiding member's powers to control speakers

⁴³ If at a meeting —

- (a) a member's speech is persistently irrelevant or repetitious; or
- (b) a member speaking contravenes any clause in this Part or Part 7 or 8,

the presiding member may order the member to stop speaking.

35. Members leaving meetings [MLL 8.3]

A member must not leave a meeting without having first notified the presiding member.

Part 7 — Substantive motions

36. Term used: motion

In this Part —

motion means a substantive motion.

37. Application of this Part

This Part applies to all meetings.

38. Wording of motions [MLL 10.1, 10.5, 10.9]

- ⁴⁴ (1) A member moving a motion —
- (a) must state aloud the words of the motion; and
 - (b) if required to do so by the presiding member, put the words into writing.
- (2) If a motion has been moved, the mover cannot change the wording of the motion unless —
- (a) if it is a motion referred to in the *Local Government (Administration) Regulations 1996* regulation 10, all the members who, under that regulation, signed the notice of the motion consent;
 - (b) in any other case, the seconder consents.
- (3) If a motion is complex, the presiding member may order, or the council or the committee (as the case may be) may decide, that the motion be divided into a several motions to be put in sequence.
- ⁴⁵ (4) A motion that a motion be divided cannot be debated.

39. Motions to be seconded [MLL 10.2]

A motion cannot be debated or voted on —

- (a) if it is a motion referred to in the *Local Government (Administration) Regulations 1996* regulation 10, unless it has the support required by that regulation;
- (b) in any other case, unless it is seconded.

40. Withdrawing motions [MLL 10.14]

- (1) If the mover of a motion so requests, and the seconder of the motion consents, the council or a committee may give leave to the mover to withdraw the motion.
- (2) A request for leave to withdraw cannot be debated.

41. Unopposed motions [MLL 10.3]

- (1) This clause does not apply to a motion to revoke or change a decision of the council or a committee.
- (2) As soon as a motion is moved and seconded, the presiding member may ask if any member opposes it.
- (3) If any member indicates opposition, the motion must be dealt with under this Part.
- (4) If no member indicates opposition —
 - (a) the presiding member may, without debate or a vote, declare the motion carried; and
 - (b) the minutes of the meeting must record that the motion was carried unanimously.

42. Only one motion to be dealt with at once [MLL 10.4]

While a motion is being debated and decided, no other motion, other than one to amend the one being debated, can be moved.

cl. 43

43. Motions to revoke or change decisions [MLL 14.1(3)]

⁴⁶ If, when a motion to revoke or change a decision of the council or a committee, other than a procedural decision, is moved —

- (a) in the case of a decision that relates to the issue of an approval, authorisation, certificate, licence or permit to a person, the local government has acted on the decision by notifying the person; or
- (b) in any other case, any action has been taken on the decision,

the council or a committee cannot vote on the motion unless it has received and considered a report prepared by or at the direction of the CEO about the legal and financial consequences of passing the motion.

44. Order of proceedings on motions [MLL 10.6, 10.7]

- (1) When a motion is to be considered, the presiding member must invite members in this order —
 - (a) a member to move the motion;
 - (b) a member to second the motion, unless the motion is one referred to in the *Local Government (Administration) Regulations 1996* regulation 10 and has the support required by that regulation;
 - (c) the mover of the motion to speak for the motion;
 - (d) the seconder or, if there is more than one, one of them, to speak for the motion;
 - (e) a member to speak against the motion;
 - (f) a member to speak for the motion;
 - (g) other members to speak alternately against or for the motion;
 - (h) if under clause 47 the mover of the motion has a right to reply, the mover to reply.

-
- ⁴⁷ (2) Despite subclause (1), if at any time the presiding member believes there has been sufficient debate on a motion, he or she may invite the mover of the motion to reply, as long as at least one member has spoken against the motion.
- (3) The presiding member must put a motion to the vote —
- (a) if the mover of the motion replies, immediately the reply ends; or
 - (b) otherwise, when there is no member to speak on the motion.
- 45. Member may require motion to be restated [MLL 10.8]**
- (1) In the debate on a motion a member may at any time, other than when a member is speaking, ask for the words of the motion to be stated aloud again.
 - (2) If such a request is made, the presiding member, or the mover of the motion, must state aloud the words of the motion.
- 46. Amendments to motions [MLL 10.10-10.13, 10.15]**
- ⁴⁸ (1) Any number of amendments to a motion (*motion A*) may be moved.
- (2) A motion to amend motion A that, if carried, would negate or defeat the intent of the motion A cannot be moved.
- ⁴⁹ (3) If an amendment to motion A is moved —
- ⁵⁰
- (a) any member, including a member who has spoken on motion A, may speak on the motion to amend; and
 - (b) the member who moved the motion to amend has no right of reply on the motion to amend, despite clause 47; and
 - (c) no other motion to amend motion A can be moved until the motion to amend is decided; and

cl. 47

⁵¹ (d) motion A cannot be withdrawn until the motion to amend is decided, unless the council or the committee agrees otherwise.

⁵² (4) If a motion is amended, the amended motion replaces the motion.

47. Right of reply [MLL 10.19, 10.20]

⁵³ (1) If a member opposes a motion, the mover of the motion has a right to reply.

⁵⁴ (2) A member may exercise his or her right to reply only when the presiding member invites him or her to do so.

(3) The reply must be confined to rebutting arguments in speeches on the motion.

Part 8 — Procedural motions

48. Term used: procedural motion

In this Part —

procedural motion means a motion in a meeting —

- 55
- (a) that the council or committee, as the case may be, adjourn; or
 - (b) that the council or committee, as the case may be, under section 5.23 of the Act, close to members of the public the meeting or part of the meeting; or
 - (c) that the council or committee, as the case may be, go to the next matter of business; or

56

 - (d) that the operation of one or more clauses of this model local law be suspended; or
 - (e) that a decision of the presiding member be disagreed with; or
 - (f) that the substantive motion being debated be adjourned; or
 - (g) that the substantive motion being debated be put; or
 - (h) that the member speaking be no longer heard.

49. Application of this Part

This Part applies to all meetings.

50. Moving procedural motions [MLL 11.1, 11.3]

- 57
- (1) Notice of a procedural motion is not needed.
 - (2) Any member may move a procedural motion unless subclause (3) or (4) applies to the member.
 - (3) A member who has moved, seconded or spoken for or against a substantive motion cannot move a procedural motion that, if carried, would close debate on the substantive motion.

cl. 51

- ⁵⁸ (4) In any one meeting, a member other than the presiding member cannot move or second more than one motion that the council or committee, as the case may be, adjourn.
- ⁵⁹ (5) A motion that the operation of one or more clauses of this model local law be suspended must state which clause or clauses are proposed to be suspended and the purpose of suspending them.
- ⁶⁰ (6) A motion that the substantive motion being debated be adjourned must state when debate on the substantive motion is to be resumed.
- (7) A procedural motion that is not seconded cannot be voted on.

51. Dealing with procedural motions [MLL 11.2]

- ⁶¹ (1) After a procedural motion referred to in paragraph (a), (b), (c), (d), (e) or (f) of the definition of procedural motion in clause 48 is moved and seconded —
- (a) the mover may speak for the motion for no more than 5 minutes; and
 - (b) the seconder cannot speak on the motion; and
 - (c) the motion cannot otherwise be debated; and
 - (d) unless subclause (4) applies, the presiding member must put the motion to the vote as soon as the mover has finished speaking for the motion.
- (2) After a procedural motion referred to in paragraph (g) or (h) of the definition of procedural motion in clause 48 is moved and seconded —
- (a) the mover cannot speak on the motion; and
 - (b) the seconder cannot speak on the motion; and
 - (c) the motion cannot be debated; and
 - (d) the presiding member must put the motion to the vote as soon as it is seconded.

⁶² (3) If a motion that the council or committee, as the case may be, adjourn (the *adjournment motion*) is moved and seconded, the presiding member, before putting the motion to the vote, may ask for leave to deal with unopposed matters on the notice of the meeting.

⁶³ (4) If on a request made under subclause (3) leave is given, the presiding member must put the adjournment motion to the vote as soon as the unopposed matters have been dealt with.

52. Withdrawing procedural motions [MLL 16.4]

⁶⁴ If the seconder of a procedural motion consents and no other member objects to the withdrawal, the move may withdraw the motion.

53. Close of debate does not affect right of reply [MLL 11.4]

A procedural motion that is carried and closes the debate on a substantive motion, or a motion to amend a substantive motion, does not affect any right of reply a member has under Part 7.

54. Motion to adjourn meeting, effect of [MLL 12.3]

If a motion that the council or committee, as the case may be, adjourn is carried —

(a) the meeting of the council or committee is immediately adjourned to —

(i) the time scheduled for the next ordinary meeting of the council or committee; or

(ii) an earlier time (including a time on the day of the adjournment) decided by the council or committee when adjourning;

and

(b) clause 23 applies.

55. Motion to close meeting to public, effect of [MLL 12.7]

⁶⁵ If a motion that the council or committee, as the case may be, under section 5.23 of the Act, close to members of the public the meeting or part of the meeting is carried —

- ⁶⁶
- (a) the meeting, or that part of it, must not proceed until all members of the public have left the meeting; and
 - (b) in the case of a council meeting, unless the council decides otherwise, clause 31(3) does not apply while members of the public are excluded.

56. Motion to go to next business, effect of [MLL 12.1]

If a motion that the council or committee, as the case may be, go to the next matter of business is carried —

- (a) consideration and any debate of the current matter of business must cease immediately; and
- (b) the council or committee must go immediately to the next matter of business on the notice of the meeting; and
- (c) the council or committee is not required to, but may, return later to the current matter of business.

57. Motion to disagree with presiding member, effect of [MLL 12.6]

If a motion that a decision of the presiding member be disagreed with is carried, the presiding member's decision has no effect.

58. Motion that motion be adjourned, effect of [MLL 12.4]

- (1) If a motion that the substantive motion being debated be adjourned is carried —
 - (a) consideration and any debate of the substantive motion must cease immediately; and
 - (b) in the case of a council meeting, the presiding member must ensure the minutes record the names of those members who have spoken in the debate; and

- (c) debate of the substantive motion must resume at the time stated in the motion.
 - (2) When debate on an adjourned substantive motion resumes —
 - (a) the debate resumes at the point at which it was adjourned; and
 - (b) in the case of a council meeting, the adjournment does not affect the operation of clause 31(3).
- 59. Motion that motion be put, effect of [MLL 12.4]**
- (1) If a motion that the substantive motion being debated be put is carried and the substantive motion is not a motion to amend, the presiding member must —
 - (a) if the mover of the substantive motion has a right of reply, invite the mover to reply; and
 - (b) immediately after the mover declines to reply or ends his or her reply, put the substantive motion to the vote.
 - (2) If a motion that the substantive motion being debated be put is carried and the substantive motion is a motion to amend, the presiding member must immediately put the substantive motion to the vote.
 - (3) If a motion that the substantive motion being debated be put is lost, debate on the substantive motion is to continue.
- 60. Motion that member no longer be heard, effect of [MLL 12.5]**
- If a motion that the member speaking be no longer heard is carried —
- (a) the member speaking cannot speak further on the substantive motion being debated or on any motion to amend that substantive motion; but
 - (b) if the member speaking has a right of reply, he or she may exercise the right when invited to do so.

Part 9 — Voting on motions

61. Putting motions to the vote

If under this model local law the presiding member at a meeting is required to put a motion to the vote, the member must —

- (a) if requested to do so by a member, state aloud the words of the motion; and
- (b) require the council or committee, as the case may be, to vote on the motion in a manner stated by the presiding member.

62. Ascertaining the vote

- ⁶⁷ (1) If the number of votes cast for and against a motion at a meeting is not clear, the presiding member must again require the members at the meeting to vote on the motion, either by a show of hands or in some other manner decided by the presiding member.
- (2) When the number of votes cast at a meeting for and against a motion is clear in the presiding member's opinion, the presiding member must announce to the meeting the result of the voting.

Part 10 — Minutes of meetings

63. Distribution of minutes

⁶⁸ The draft minutes of a meeting must be given to members at least 10 working days before the next meeting of the council or committee, as the case requires.

64. Correcting minutes [MLL 3.5]

⁶⁹ ⁷⁰(1) A member who considers the draft minutes of a meeting are inaccurate and should be corrected must, under clause 19, give notice of a motion to amend the minutes at the next meeting of the council or committee, as the case requires.

(2) The motion must —

- (a) identify the words in the draft to be deleted from the draft minutes; and
- (b) propose any words that are to be inserted in the draft minutes.

⁷¹ (3) At a meeting the minutes of a previous meeting cannot be discussed except in relation to their accuracy.

Part 11 — Effect of decisions of council or committee

65. When decision may be acted on

- ⁷² (1) A decision made by the council or a committee at a meeting cannot be acted on by any person —
- (a) until after midday on the first working day after the day on which the decision was made, unless the council or committee direct the CEO under subclause (2); or
 - (b) if no action on the decision has been taken and notice of a motion to revoke the decision is given under clause 19 and the *Local Government (Administration) Regulations 1996* regulation 10; or
 - (c) if no action on the decision has been taken and notice of a motion to change the decision is given under clause 19 and the *Local Government (Administration) Regulations 1996* regulation 10 and the motion, if carried, would materially change the decision.
- (2) The council or a committee may, on the day on which it makes a decision at a meeting, direct the CEO to act on the decision immediately the CEO is notified of it and the direction.

Part 12 — Miscellaneous matters

- 66. Authorised uses of the common seal [MLL 19.1]**
73 74 Each time the common seal of the local government is used, the CEO must record in a register —
- (a) the date it was used; and
 - (b) a description of the document on which it was used; and
 - (c) if the document is an agreement, the names of the parties to the agreement.
- 67. Unauthorised use of common seal [MLL 19.1]**
A person must not, without the approval of the local government, use its common seal.
Penalty: a fine of \$5 000.

By Command of the Governor,

Clerk of the Executive Council.

cl. 67

DRAFT

Endnotes

[For ease of reference detach these notes and read them alongside the draft.]

- ¹ Abbreviations used in these endnotes:
DIA Drafting instructions sent on 7 January 2009.
LASO *Standing Orders of the Legislative Assembly of the Parliament of Western Australia*, Standing Order.
LGA *Local Government Act 1995*.
MLL *Model Local Law (Standing Orders) 1998* published in the *Government Gazette* 3 April 1998 p1948-64, clause
- ² MLL does not define 'substantive motion'. Is its meaning clear enough?
- ³ Cp MLL 10.18 & 15.2.
- ⁴ Cp MLL 3.4. This is placed here because it does not have much to do with the business at meetings.
MLL 3.4 says 'in order to be effective' a petition is to But what effect does any petition have? This suggests a different approach. It is not clear what happens with petitions. Are they given to the CEO (who, this proposes, may reject them). Or are they given to the council at a council meeting. If so what process for accepting or rejecting them goes on at the meeting?
- ⁵ DIA ¶8(c) is not clear on what is wanted. This is a guess.
- ⁶ Cp MLL 3.2(4). This seems more logical here.
Should there be more about what has to be in an agenda? See endnote 17.
- ⁷ This is a suggestion.
- ⁸ DIA ¶2(b)'s proposals are not included because I see no point in them. It should be presumed that CEOs and councillors know of and act according to the LGA Part 5 Division 2. I see no point in this model local law reminding them of that.
- ⁹ DIA ¶4.

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¹⁰ DIA ¶3. Cp LGA s 5.4 & 5.5.

¹¹ Would 'agenda' instead of 'purpose of meeting' be better?

This in effect leaves it to the CEO to decide the time (as opposed to the date) of meetings. Is that OK? Should people notifying the CEO that a meeting is wanted have to state the time as well as the date?

¹² Cp MLL 3.2(4). This seems more logical here.

¹³ This is a suggestion.

¹⁴ DIA ¶19. I see no point in referring to the Act as it must be assumed that those running meetings of councils and committees know what constitutes a quorum under the LGA.

¹⁵ Cp MLL 3.1 which I have split into 2 clauses.

MLL 3.1 relates to 3.2(1)(k) and 3.11. See endnote 20.

This tries to reflect DIA ¶15 re MLL 3.11. As MLL 3.1(1) seems to allow the council to decide on the motion of any member (not just the one presiding) to consider a matter not on the agenda this does not refer to the presiding member.

¹⁶ Cp MLL 3.1(4). It is not clear from 3.1(4) if cl 3.1(1) applies to the adjourned meeting so that the council or the person presiding can approve new business (i.e. not on the agenda) at the adjournment.

¹⁷ Cp MLL 3.2. It is not clear how this fits with the agenda for an ordinary meeting. Should there be a requirement for agendas to include all this business? How will this operate if an agenda does not specify all this business, given what cl 12(1) says?

Should this list undecided business from the previous ordinary meeting?

As DIA ¶6(a) seems to say, reference to petitions has been omitted. Are petitions to be no longer dealt with at meetings? What will happen to petitions?

¹⁸ Given MLL 3.6 it seems there is likely to be discussion of these announcements so I have omitted 'without discussion'.

¹⁹ Are these on the agenda? If not when and how do members get to know of notices of motions that have been given?

- ²⁰ DIA ¶6(c) proposes a definition of 'urgent' but it is not clear why that is necessary when it is up to the council to decide what it considers at a meeting. Cl 12(1) allows a council to consider matters not on the agenda, whether urgent or not, so there seems no point in trying to restrict this item of business to only urgent matters. The concept of urgency is elastic and I see little point in trying to define it or limiting what business not on its agenda a meeting can deal with.
- ²¹ Cp MLL 3.3. Does this apply for each question a person asks? DIA ¶7(b). I see no point in saying the law as to public question time applies as that is already the case. Note cl 13(1)(b) has a reference to relevant laws.
- ²² MLL 3.9 is not clear on whether it applies to committee meetings. Your views please.
This clause, which seems to apply to only substantive motions, might be better in Part 7. Your views please.
- ²³ If this clause is to apply at committee meetings, perhaps this should refer also the presiding member of the committee. Your views please.
- ²⁴ CIA ¶13(e). I have omitted bits of MLL 3.9(4)(b) and not included ¶13(e)'s suggestion because I do not think it is necessary to include them. In exercising this power the CEO can act alone or after consulting whoever s/he thinks fit. I do not think that needs to be said.
- ²⁵ MLL 3.9(4)(c) is not clear about to whom the CEO provides information. This guesses at what is intended. Is it correct?
- ²⁶ I do not understand MLL 3.9(6)(b) so for now it is not included. If a motion is moved, it seems any of these things can happen —
- it is decided (i.e. carried or defeated);
 - consideration of it is adjourned;
 - it is withdrawn by the mover.
- ²⁷ This seems harsh for a motion that merely lapsed (possibly because the member could not attend the meeting for some good reason) and was not therefore defeated.

²⁸ DIA ¶28(b). MLL 8.5(2) is not included because there seems no need for it in view of this revised version of MLL 8.5(1).

With the advent of cameras in mobile telephones, should this extend to taking photographs? Should there be any controls on the use of mobile phones at meetings?

²⁹ DIA ¶29. This suggests a slightly different approach.

DIA ¶29(c) is not included because it does not seem necessary unless you mean that the presiding member must record offensive etc. words if asked by another member to do so.

³⁰ Note this applies only to council meetings. Perhaps it should apply to any meeting. Your views please.

³¹ Note this applies only to council meetings. Perhaps it should apply to any meeting. Your views please.

³² This is not quite as DIA ¶25(a) suggests because to give the person presiding complete power to decide these matters seems an odd approach.

DIA ¶25(b) is not included for now as it is not clear what effect declaring a person to be out of order would have. See next endnote as to contraventions.

³³ This seems to be the effect of MLL 9.2. Is it what is wanted?

³⁴ DIA ¶33 is not included because it may conflict with the LGA s 5.6 & Part 5 Div 2 Subdiv 2 which do not seem to contemplate anyone in effect vacating the chair.

³⁵ Cp cl 31(1)(f). Is this needed as well as that? I suggest this be omitted.

³⁶ Cp 8.4 & 15.2.

DIA ¶27(b)(ii) seems to propose what should happen if a member refuses to apologise etc. when ordered to do so. The proposal is hard to understand and may not be very workable. A better approach might be that in LASO 42ff.

That approach applies to a range of transgressions and could be used here to apply to any contravention of this model local law by a member.

Your views please.

DIA ¶27(b)(iii) refers to 'regulation 10(3)' but it is not clear which regulation 10(3). Anyway, it is not included because I see no point in repeating the law.

37 No reference to absence of a quorum is here because it is a point of order; namely that the LGA s 5.19 and cl 10 are being contravened.

38 Is this the only procedural motion that the mover can interrupt a person speaking to move?

39 DIA ¶36. How long are extensions of speaking times? Cp LASO 102.

40 DIA ¶39 is hard to follow. Does this prohibition apply to all decisions ever made or just those made at the meeting?

See endnote 35.

41 Cp MLL 15.4. Offensive or insulting language is not included because it is part of this local law already.

42 MLL 10.16 is not clear on whether the previous speech must be one on a motion or matter that is still being debated or whether personal explanations can relate to other speeches.

43 DIA ¶34. LASO 97 allows the member ordered to discontinue speaking to seek the approval of the House to be further heard. Should that be included here as a means of tempering the presiding member's power?

What, if anything, is to happen if a member disobeys the presiding member's order?

44 It is not clear when notice of a substantive motion is needed.

Cl 13(1)(h) refers specifically to motions on notice which seems to guarantee they will be considered. But it is not altogether clear if a person can move a substantive motion without notice and if so, when or if there any restrictions (e.g. requiring the agreement of the meeting). Perhaps cl 13(1)(i) read with cl 12(1) means that substantive motions without notice can only be dealt with if the meeting decides. Note however: those clauses deal with council meetings. The position at committee meetings is less clear still.

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- 45 DIA ¶44.
- 46 Cp MLL 14.1(3). It is here because this seems a more logical place for it.
- DIA ¶73(b)(i) is not clear. This clause proposes it will not apply to procedural decisions. But does ¶73(b)(i) intend that procedural decisions can never be revoked or changed?
- 47 MLL 10.7 is not clear when this power can be exercised. E.g., can it be exercised before anyone has spoken against the motion? This suggests a limit.
- 48 Can motions to amend a motion to amend be moved?
- 49 MLL 10.10 is puzzling because it only contemplates the motion for the original amendment being withdrawn or lost. What if it passed?
- 50 DIA ¶51. Is this what you want?
- 51 MLL 10.15 is puzzling because it only contemplates the motion for the original amendment being withdrawn or lost. What if it is carried?
- 52 MLL 10.13 is not clear on whether members who spoke on the motion before it was amended can speak on the amended motion or are barred from speaking by cl 31(3). Please advise.
- 53 This assumes there is no right of reply if no one has opposed the motion. Is that correct? If not then cl 47(3) may need revising.
- 54 MLL 10.20(a) & DIA ¶57(a) are not included because they do not seem necessary given cl 44.
- 55 Do these motions have to state when the meeting is to be resumed?
- 56 Cp MLL 18.1.
- 57 This is a suggestion. Your views please.
- 58 This is taken from MLL 16.2 (& see DIA ¶83(b)) because it seems better here.
- MLL 16.2 refers to sittings but, in the case of a meeting that is adjourned, is not clear if it operates in relation to the whole meeting or just one or other of the meeting's sessions. E.g. if a meeting adjourns for a break (e.g. lunch) is a member who before the break

moved or seconded a motion to adjourn barred after the break from moving or seconding another motion to adjourn?

⁵⁹ Cp MLL 18.1(2).

⁶⁰ This seems necessary given MLL 12.2.

⁶¹ Note this applies to motions to (in effect) suspend standing orders. Is that apt?

⁶² Cp MLL 16.3.

⁶³ MLL 16.3 is not clear on what happens if leave is given. This is a suggestion.

⁶⁴ Cp MLL 16.4 & DIA ¶83(d). This is retained because cl 40 is specific to substantive motions.

It extends to all procedural motions, not just motions to adjourn a meeting. Is that OK?

⁶⁵ MLL 12.7(3) is not included here because I do not think it is consistent with the *Local Government (Rules of Conduct) Regulations 2007* r 6 which limits the disclosure of information acquired at closed meetings. I read r 6 as extending to the motions passed and the votes cast at a closed meeting. If such matters are to be capable of being disclosed to members of the public generally by the presiding member or any other member, I think r 6 should be amended.

MLL 12.6(4) (& see DIA ¶69(b)) is not included because the *Local Government (Rules of Conduct) Regulations 2007* r 6 seems to already cover the matter.

⁶⁶ DIA ¶69(a)(ii) is not included because I am not sure a local law to allow the presiding member to except some members of the public from having to leave when a meeting is closed to members of the public would be consistent with the LGA s 5.23.

The LGA does not define “members of the public” but it seems to mean anyone who is not a member of the council or a committee. I.e. it includes staff of local governments who can attend meetings as members of the public.

cl. 67

LGA s 5.23 contemplates that a meeting (or a part of it) will either be open or be closed. It does not contemplate any half measures.

If there is a need to be able to close meetings to some (not all) members of the public for some reason, I suggest you consider getting regulations made under the LGA s 5.25 or, if that section would not allow such regulations, amending the Act.

⁶⁷ DIA ¶70 is not included because I see no point in repeating the law. Nothing is said here about the openness of voting because it is covered by the *Local Government (Administration) Regulations 1996* r 9.

⁶⁸ This is suggested so that cl 64 will work.

⁶⁹ DIA ¶21 & 22. I have not included the provisions suggested as I see no point in repeating the law.

⁷⁰ This in effect combines MLL 3.5 (see DIA ¶9) and DIA ¶23(b). This proposes the motion should be on notice like any other motion on notice.

Does the member have to have been present at the meeting the minutes of which are said to be inaccurate?

⁷¹ Cp MLL 3.5(2). I do not understand the point or intent of this. It seems quite odd that a council cannot look at the minutes of and if necessary discuss what happened at a previous meeting.

⁷² DIA ¶73(b)(ii) refers to the 'first business day after the commencement of the meeting' which seems likely to be problematic if the meeting is adjourned to another day and the decision is made on the other day. So this suggests a different approach.

⁷³ The contents of this Part have little or nothing to do with meetings or the procedure at them.

I suggest you consider amending the *Local Government (Administration) Regulations 1996* to include these provisions about common seals.

⁷⁴ Should these details include —

- The details of any substantive motion that authorised the use of the common seal?
- The names of the persons who were present when the seal was used?

These details may be important if any question arises as to whether the seal was validly used. Your views please.

DRAFT



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THIS DRAFT IS PROVIDED IN CONFIDENCE

Citation:	<i>Local Government (Council Meetings) Model Local Law 2009</i>		Reg ID:	41304	
Draft No:	1	Date:	19 January 2009	Pages:	49
Counsel:	Patrick Tremlett	Tel:	(08) 9264 1444	Our ref:	09/00131-01
INSTRUCTING DETAILS					
Minister:	Minister for Local Government				
Department:	Department of Local Government and Regional Development		Reference:	20-09; 415-08	
Officer:	Oliver Crosthwaite	Tel:	9217 1575	Fax:	9217 1555
Latest instructions received:	7 January 2009				
Tabling required:	No				
Executive Council minute paper:	Will be provided when draft finalised				
Parliamentary Counsel's Certificate:	Not required				

COMMENTS

- ♠ = a provision that is new or that has been revised since the previous draft and for which there is not an endnote.
- ◆ = a cross reference that may need to be updated in any subsequent draft.
- Shaded text is text about which there is some question.

Executive Council
Western Australia

Department File No. 20-09: 415-08.....

Minute No.

The Council respectfully advises the Governor

under the *Local Government Act 1995* to consent to the preparation and publication in the *Government Gazette* of the *Local Government (Council Meetings) Model Local Law 2009* as set out in the attached draft.

DRAFT

.....
Minister for Local Government

.....
Premier

Date of Meeting.....

Approved.....
Governor

Parliamentary Counsel's Office

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Tel: [08] 9264 1444 Fax: [08] 9321 2410

COUNSEL'S CERTIFICATE

Local Government (Council Meetings) Model Local Law 2009

In my opinion subsidiary legislation in the form of the attached draft dated 19 January 2009 would be within the powers conferred by the *Local Government Act 1995*.

The following action is required by law for the attached draft to take effect as subsidiary legislation:

1. Making by the Governor in Executive Council.
2. Publication in the *Government Gazette* on or before [insert date].

Patrick Tremlett
Senior Parliamentary Counsel
19 January 2009

**THIS CERTIFICATE WILL BE REQUIRED
BY THE GOVERNMENT PRINTER**

Drafting Instructions
Local Government (Council Meetings) Model Local Law 2009 – Draft #1

The following Drafting Instructions are to be considered in conjunction with the first draft of the Local Government (Council Meetings) Model Local Law 2009, drafted 19 January 2009 by Patrick Tremlett of Parliamentary Counsel.

1. Title

Current heading does not take into account committee meetings. Should be changed to *Local Government (Meeting Procedures) Model Local Law 2009*.

2. Clause 2 Terms Used

Endnote 2 – Yes leave definition as is.

3. Clause 4 Presiding member to decide procedural questions

This clause needs to be moved to Part 8 near clause 51.

4. Clause 5 Presiding member's decisions, effect of

Please delete the term 'model'.

It was agreed that this term should not be used in the local law.

5. Clause 6 Petitions to the council

- (a) Endnote 4 - This clause should be moved back to PART 4 after clause 16 before the Deputations clause as it is part of the order of business at meetings

- (b) Endnote 4 - In subclause (1) please insert the words “prior to the meeting” after the word “CEO”.
- (c) Endnote 4 - It was proposed that the remainder of this clause be reworded similar to Clause 6.10(3) of South Perth’s Standing Orders Local Law 2007. Extract below.
 - “6.10 (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.”
- (d) Endnote 5 - The definition of ‘Petition’ in subclause (3) needs to be broadened to cover all statutory petitions.
- (e) Please include the words ‘of the Act’ after the reference to section 2.12. Please insert these words in all instances where references to sections of the Act are included within the local law.

6. Clause 7 Ordinary council meeting

Please delete this clause as it appears unnecessary.

Endnotes 6 and 7 – N/A as clause deleted.

7. Clause 8 Special council meeting

Please delete subclause (3).

Endnote 8 – Agreed

8. Clause 9 Committee meeting

- (a) It was agreed that subclause (1)(a) be deleted as this is covered in subclause (1)(b).

- (b) Please delete subclause (4) as it is similar to clause 7.
- (b) The words 'and purpose' are to be deleted in subclause (1)(b) and subclause (2).
- (c) The remainder of the clause is to be rewritten beginning with "A meeting of a committee is to be determined at the establishment of a committee..."
- (d) Endnote 11 – N/A as "and purpose" deleted and clause to be reworded.
Endnotes 12 and 13– N/A as subclause (4) deleted.
- 9. Clause 10 Quorum to be present**
Endnote 14 – Agreed.
- 10. Clause 12 Business at council meetings**
Please delete subclause (4) as it is not always the case that unresolved matters should take precedence.
- 11. Clause 13 Order of business at council meetings**
 - (a) Endnote 17 - After subclause (1)(c) please insert 'Petitions' in this list in accordance with moving clause 6 to after clause 16.
 - (b) Endnote 21 - Reference to Act & Regulations in subclause (1)(b) can stay here.
 - (c) Endnote 18 - It was agreed the words "without discussion" do not need to be included in subclause (1)(f).
 - (d) Endnote 20 – Agreed
- 12. Clause 14 Business at committee meetings**

Similar to clause 12(4) if was agreed that subclause (3) be deleted.

13. Clause 16 Public question time

Please delete the words “and address” in subclause (1). It was discussed that this should be made optional in a policy or achieved administratively instead.

14. Clause 17 Deputations

It is proposed that the term ‘deputation’ needs to be defined in this clause. It is proposed that it be worded along the lines of “A deputation can only speak to an agenda item at the meeting”.

15. Clause 19 Motions on notice

- (a) Please change the words “notice of the meeting” to “agenda” to prevent any confusion between giving a “notice of motion” and the “notice of the meeting”. Please change these words throughout the entire clause for clarity.
- (b) In subclause (2) please change “7 working days” to “7 clear days”.
- (c) In subclause (3)(a) the words “or presiding member” needs to be inserted after the word “president.
- (d) In subclause (3)(a)(ii) the words “ruled out of order” are not appropriate and should be changed to “would be a breach of any written law”.
- (e) In subclause (3)(b)(iii) it appears unnecessary to include the words “in the CEO’s name”. Please delete these words as this is already covered in the first sentence of subclause (3).
- (f) Endnote 22 – Yes this clause does apply to committee meetings and; no it should not be moved to Part 7.
Endnote 23 – Agreed see paragraph (c) above.

Endnote 24 – Agreed

Endnote 25 – Correct

Endnote 26 – Subclause (4)(b) can be deleted as it is covered under subclause (4)(a).

Endnote 27 – Subclause (5) is not harsh. In practise there are other means by which a member who is unable to attend a meeting can forward their intentions to another member to move the notice on their behalf.

16. Clause 20 Order at meetings

- (a) All references to the word “must” need to be changed to “is to” or “are to” depending on appropriate circumstance,
- (b) In subclause (2)(b) the words “stand and” is to be deleted.
- (c) In subclause (3) the word “stands and” is to be deleted. It is proposed that all references to a member including “standing” be deleted as this is not always common practise in regional areas.
- (d) Penalties – Does having penalties within the local law conflict with the Local Government (Rules of Conduct) Regulations?

17. Clause 21 Recording of proceedings

Endnote 28 – This clause does not need to include a provision in respect to mobile phone usage in meetings as this can be left to the discretion of the presiding member.

18. Clause 22 Disorderly conduct by non-members

- (a) Drafting instruction 29(e) has not been done. Is there a reason this has been left out?
- (b) Endnote 29 – Agreed.

19. Clause 23 Adjournments and resumptions of meetings

- (a) Endnote 30 – Yes it does apply to all meetings. Please delete the word “council” in subclause (1) to reflect this.
- (b) Endnote 31 – Yes it does apply to all meetings. Please delete the word “council in subclause (2)(b)(ii) to reflect this.

20. Clause 24 Seating at meetings

This should be an administrative task rather than decided by elected members. This clause should be rewritten to revert back to the wording of clause 8.2 of the current model.

21. Clause 26 Priority of speakers

Endnote 33 – Leave clause as is.

22. Clause 27 Members invited to speak

- (a) The word “must” in subclause (1)(a) and (b) needs to be deleted and replaced with “is to”.
- (b) Since all councils do not always require members to stand whilst speaking, this should be left to the discretion of the council. Please insert the words “or unless the council resolves otherwise” after the word “disability” in subclause (1)(a) to reflect this.

23. Clause 28 Presiding member may speak in debates

Retain for the moment as it is.

24. Clause 29 Official titles to be used

The word “must” is to be deleted and substituted with “are to”.

25. Clause 30 Adverse statements about decisions and members

- (a) Endnote 35 – Subclause (1) is to be left as is.
 - (b) Again there is the penalty issue regarding the penalty in subclause (2). Does this duplicate the Rule of Conduct Regulations?
 - (c) It was suggested that subclauses (1) and (2) refer to different issues than subclauses (3) – (5). It is proposed that subclause (3) – (5) be put under a new clause heading along the lines of “Withdrawal of Adverse/Offensive Language”.
- 26. Clause 31 Speaking rules**
- (a) It was agreed that stating “absence of quorum” is unnecessary (endnote 37).
 - (b) Endnote 39 - Members normally only get an extension of 5 minutes speaking time. A member should be able to get his point across in 10 minutes.
 - (c) Subclause (f) needs to be reworded slightly for clarity. The word “discuss” needs to be deleted and replaced with “reopen discussion of”. The words “at that meeting” also need to be inserted after the word “committee” (endnote 40).
- 27. Clause 32 Points of order**
- (a) Endnote 41 – Okay.
 - (b) It was decided that all references to policies should be deleted in the local law as the Joint Standing Committee has issues with reference to local government policies in local laws. The words “or a policy of the local government “in subclause (1)(b) and subclause (4) therefore need to be deleted and the words “or policy” also at the end of subclause (4) should be removed.
 - (c) In subclause (2) it was resolved that the words “must stand and” be deleted and the words “is to declare point of order, may stand and is to” to be substituted instead.

28. Clause 33 Personal explanations

- (a) Endnote 42 - for clarity the words “at that meeting in relation to a matter still under discussion” should be inserted after the first instance the word “member” appears in subclause (2)(a).
- (b) In subclause (4) a person’s personal explanation should be heard relatively close to when they indicated they wanted to make a personal explanation and not left till the end of the meeting. The words “later at a time decided by the presiding member” should be deleted and replaced with “at the conclusion of another member’s speech” to reflect this.

29. Clause 34 Presiding member’s powers to control speakers

- (a) Retain as is.
- (b) Endnote 43 - If a member disobeys the presiding member’s order you refer back to maintaining order in clause 20(2)(a).

30. Clause 35 Members leaving meetings

This clause was slightly ambiguous on what is meant by the word “notified”. It is recommended the word “notified” be deleted and replaced with the words “indicated an intention to leave to”.

31. Clause 37 Application of this Part

Should this be at the beginning of the local law?

32. Clause 38 Wording of motions

- (a) It was agreed that subclause 1 should be reworded to revert back to clause 10.1 and 10.2 of the current model. However paragraph (b) relating to a member putting the words into writing if required to do so by the presiding member is to stay and be included as part of the reworded subclause (1).

(b) It is unclear in subclause (2)(a) if the reference to the Local Government (Administration) Regulations, regulation 10 is relevant. Regulation 10 deals with decisions. Subclause (2)(b) is fine.

(c) Subclause (3) and (4) may be redundant.

33. Clause 39 Motions to be seconded

It is unclear if the reference to the Local Government (Administration) Regulations, regulation 10 is relevant. Regulation 10 deals with decisions.

34. Clause 43 Motions to be revoke or change decisions

Endnote 46 – Retain as is.

35. Clause 44 Order of proceedings on motions

(a) Same issue under item 33 applies to paragraph (b).

(b) Please delete all the words after the word “motion” in paragraph (b).

(c) In paragraph (d) please delete the words “or, if there is more than one, one of them,” Did you interpret Regulation 10 to mean there are multiple seconders?

(d) Endnote 47 – Time limit suggested is supported, subclause (2) to be retained.

36. Clause 45 Member may require motion to be restated

Should the words “stated aloud again” be changed to “restated aloud”?

37. Clause 46 Amendments to motions

Is there a reason why “the council or the committee” is distinguished in paragraph (d)? This isn’t always the case throughout the local law? Is there any particular reason why council and committee are referred to separately in some clauses and not in others.

38. Clause 47 Right of reply

Rebutting may mean different things to different people. Please insert the words “and no new matter is to be introduced” to the end of subclause (3).

39. Clause 48 Term used: procedural motion

- (a) Is there a reason why “the council or the committee” is distinguished in paragraphs (a), (b) and (c)? See comment in item 37.
- (b) In paragraph (b) is reference to the Act necessary? Why make references to the Act and Regulations in the model?
- (c) Does paragraph (a) allow procedural motions to be deferred or referred back to a committee? There is also no provision to close a meeting, is this also covered under paragraph (a) as an adjournment?
- (d) It was suggested that we compare the City of South Perth’s Standing Orders clause 17 in relation to suspending motions and Standing Orders.

40. Clause 49 Application of this Part

Should this be at the beginning of the local law?

41. Clause 50 Moving procedural motions

Endnote 57 – Please delete subclause (1) as it is not applicable.

42. Clause 51 Dealing with procedural motions

Endnote 63 – Supported.

43. Clause 52 Withdrawing procedural motions

Please correct the spelling mistake. It appears the word “move” should be “mover”.

44. Clause 55 Motion to close meeting to public, effect of

Endnote 65 & 66 - We are going to be having other Regulations created which may deal with these issues.

45. Clause 57 Motion to disagree with presiding member, effect of

Is there anything in the model that allows the presiding member to make a decision that cannot be overruled or disagreed with by the council? We looked at clause 4 and 5. Should clause 22 be exempted from clause 57? It could cause mayhem if a Council can overrule a Presiding member on conduct issues. However what happens if a Presiding member is wrong. A Council may need to be able to adjudicate if the presiding member has it wrong. Is Part 5 to the exclusion of what is said in Part 8?

46. Clause 59 Motion that motion be put, effect of

Clause needs to be amended to be more explicit that you cannot move this motion until the right of reply has occurred.

47. Clause 60 Motion that member no longer be heard, effect of

This clause needs to be retained however it was discussed that this clause could be abused and used to cut people off that are not being offensive and are being relevant and whom have only spoken for less than 5 minutes. Need to check other options for wording this in guide to meetings text books.

48. Clause 61 Putting motions to the vote

The method used for voting needs to be more specific. (See clause 13.4 of City of South Perth's Standing Orders Local Law for examples) A provision needs to be included after subclause (b) that states something along the lines of, "That manner shall be a method that applies to all members and that clearly indicates their intention for or against the motion."

49. Clause 63 Distribution of minutes

Endnote 68 - Please delete as unnecessary as a notice of motion does not need to be given to correct minutes.

50. Clause 64 Correcting minutes

A notice of motion is not needed to correct minutes, so 'notice of motion' should be deleted. However the working group actually prefers the wording and content of clause 3.5 of the current Model Local Law.

Endnote 71 – The reason behind this subclause is you don't want to revisit a debate that is finished. It uses up council time arguing on minutes content.

51. Clause 65 When decision may be acted on

Subclause (b) needs to be amended to include the words "or change" after the word "revoke" as this is inline with Regulation 10 of the Local Government (Administration) Regulations and deleted subclause (c) entirely as you need to revoke a decision in order to change it.

Endnote 72 – Supported.

52. Clause 66 Authorised uses of the common seal

It needs to be noted that this Part will no longer be needed shortly as these provisions are included in the Local Government Amendment Bill going through Parliament at the moment. If any of these provisions are not included in the Amendment Bill then they will need to be included in Regulations.

53. Clause 67 Unauthorised use of common seal

We are not clear if this penalty is included in the Local Government Amendment Bill. If it is not going to be included in the Local Government Act then we will need to retain the penalty clause in here.

54. Miscellaneous

Do we need a repeal clause at the beginning of the local law? Can we repeal the old Standing Orders model?

DELEGATION NUMBER	-	5
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Local Laws
DELEGATE	-	Chief Executive Officer

The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:

1. Give Statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the Statewide public notice as required under Section 3.12(3).
2. After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5).
3. After the local law has been published in the Gazette give Statewide public notice in accordance with Section 3.12(6).
4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15.
5. Give Statewide public notice stating intention to review a local law as required under Section 3.16(2).
6. After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3).
7. After the Council has made a determination in respect of the local law review, give Statewide public notice as required under Section 3.16(5).

Adopted at a Council Meeting on 22 July 1999.

Reviewed at a Council Meeting on 26 October 2000.

Reviewed at a Council Meeting on 22 November 2001.

Reviewed at a Council Meeting on 22 September 2005.

Reviewed at a Council Meeting on 26 July 2007.

Reviewed at a Council Meeting on 27 November 2008.

The recording of the exercising of this power of delegation shall be kept on file ADM 5.

EXPLANATORY MEMORANDA DIRECTIONS – CHECKLIST

This document forms part of the Explanatory Memoranda Directions 2005

(Please tick the box in the relevant item to indicate that the procedure has been completed)

1. PROCEDURAL MATTERS THAT ARE PRE-REQUISITES TO THE VALID MAKING OF A LOCAL LAW

(Note: Regional local government to change terminology as applicable.)

1.1 Local laws made under the *Local Government Act 1995*

s. 3.12 Procedure for making local laws

Presiding person to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner (s. 3.12(2)).

Date of Council Meeting 23 November 2006.

Statewide public notice (s. 3.12(3)(a)).

1. Publication in newspaper, paper circulating generally throughout the State;

Name of newspaper West Australian.

Date of publication 10 February 2007.

2. Exhibited to public on notice boards at the local government's offices and library. (13 February 2007).

Copy of proposed local law and Statewide public notice sent to Minister for Local Government and Regional Development and to another Minister if the other Minister administers the Act under which the local law is made eg Minister for Health in respect of Health local laws (s. 3.12(5)), (s 3.12(3)(b)). Sent 13/2/07.

Local public notice (s. 3.12(3a)).

1. Publication in newspaper, paper circulating generally throughout the District;

Name of newspaper¹ West Australian.

Date of publication 10 February 2007.

2. Exhibited to public on notice boards at the local government's offices and library.

Consideration of submissions, if any received (s. 3.12(4)).

Making of local law as proposed after the last day for submissions. (s. 3.12(4))².

¹ In some cases the West Australian or other Statewide newspaper is also the only local paper and as such publication in the West Australian or other Statewide newspaper will suffice as both local and Statewide publication.

² The local government must not make the local law before the minimum six-week consultation period has elapsed. The six-week period is calculated from the day after the date of publication of Statewide public notice. For method of calculation of minimum consultation period see DLGRD Circular 10-2003.



Absolute majority required to make local law that is not significantly different to that proposed (s. 3.12(4)).

Date of Council Meeting 26 April 2007.



Copy of local law after adoption by local government to be published in the *Government Gazette* (s. 3.12(5)).

Number and date of *Gazette* # 123, dated 12 June 2007.

Copy of gazetted local law given to Minister for Local Government and Regional Development and to another Minister if the other Minister administers the Act under which the local law is made eg Minister for Health in respect of Health local laws (s. 3.12(5)). Sent 19/6/07.



Local public notice after the local law has been published (s. 3.12(6)).

1. Publication in newspaper; paper circulating generally throughout the District

Name of newspaper Nannup Telecentre Telegraph

Date of publication 29 June 2007

2. Exhibited to the public on notice boards at the local government's offices and library.

s. 3.6 Places outside the District – Governor's approval



Governor's approval obtained prior to the making of the local law under s. 3.12(4) if any aspect of the local law is to apply beyond the boundaries of the local government's District.

Date approval published in the *Gazette* _____

1.2 Local Laws made under the *Health Act 1911*

s. 3.42 – Health local laws generally



Approval of Executive Director Public Health (or delegate) in respect to Health local laws obtained.

S 161 – Eating Houses



Declaration by Governor that the provisions of Division 3 of Part V shall apply to the District.

Date declaration published in the *Gazette* _____

Signature of Shire President

Cr Barbara Dunnet

Printed Name of Shire President

Signature of Chief Executive Officer

Mr Shane Collie

Printed Name of Chief Executive Officer

<p>AGENDA NUMBER: 10.7 SUBJECT: December Council Meeting Arrangements LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: ADM 18 AUTHOR: Shane Collie – Chief Executive Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 5 November 2009</p>
--

BACKGROUND:

Council has traditionally brought forward by a week its December meeting to avoid a clash with Christmas. The December meeting also normally coincides with a Council member/staff function and the meeting is held an hour earlier than normal to facilitate this in consideration of Council's outside workforce who finish earlier in the day.

The office and depot are also normally closed for three days between Christmas and New Year with staff taking rostered days off, annual leave or time in lieu.

COMMENT:

The purpose of this item is to confirm arrangements for the Christmas/New Year period 2009.

Looking at the fall of dates the fourth Thursday in December is Christmas Eve. Assuming that Council representatives do not want to attend a Council meeting on Christmas Eve it is recommended to change the date of the Council meeting by bringing it forward one week.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

1. That Council bring forward by a week to Thursday 17 December 2009 the December 2009 Council meeting.

2. That Council hold the December Council meeting one hour earlier commencing at 3.15pm holding a Christmas function at the Shire office following the conclusion of the meeting, generally around 6pm.
3. That Council per prior practice close the Shire office and depot between the Christmas and New Year public holidays for the three days 29, 30 and 31 December 2009 with staff taking rostered days off, annual leave or time in lieu. Normal emergency after hours callout services remain in place.

VOTING REQUIREMENTS:



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

AGENDA NUMBER: 10.8
SUBJECT: Regional and Local Community Infrastructure Program
LOCATION/ADDRESS:
NAME OF APPLICANT: Federal Minister for Infrastructure
FILE REFERENCE: BLD 18
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 6 November 2009

Attachment: Letter from Hon. Anthony Albanese.

BACKGROUND:

The Federal Government through the Hon. Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government announced round 2 of the Regional and Local Community Infrastructure Program (RLCIP) by letter 9 October 2009.

COMMENT:

This funding program is split into two parts and is probably going to be the last in the Rudd Government's economic stimulus package. Note that roads and bridges are not eligible for any of this funding.

The first part of the program is an "as of right" \$100 million package allocation to local governments throughout the country. This Council has been allocated an amount of \$30,000 and endorsement of the distribution of these funds is the subject of this report.

The second part of the RLCIP funding program is a \$120 million competitive round of funding for larger infrastructure projects. These projects must be a minimum of \$1 million for "ready to go" infrastructure projects and per item 10.5 it is recommended to submit an application for the balance of funds attributed to the TimeWood Centre. The deadline for submitting a funding application in this area is 15 January 2010.

The deadline for submitting a funding application for the \$30,000 allocation is 20 November 2009 and as such an application has been prepared and forwarded. The application was submitted to offset part of the cost to connect the Riversbend Ablution Block to sewerage. Council members would recall the cost estimate for this was \$60,000 and was approved by Council with the amount to be accounted for in Council's normal budget review process.

It makes sense to attribute these grant funds to this area as the works are eligible and Council has already approved the expenditure. The effect of this allocation is that half of the estimated cost is offset by this grant.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: \$30,000 unbudgeted income.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council endorse the allocation of \$30,000 in grant funding under round 2 of the Regional and Local Community Infrastructure Program (RLCIP) to offset part of the cost to connect the Riversbend Ablution Block to sewerage.

VOTING REQUIREMENTS:



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**



The Hon Anthony Albanese MP

Minister for Infrastructure,
Transport, Regional Development
and Local Government
Leader of the House

Reference: 09/12509

9 OCT 2009

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SHIRE OF NANNUP	GROUP		
RECEIVED	997		
Ref: FN0 TL			
15 OCT 2009			
CEO	AG	MR	PRO
DVS	EO	PUB	VO
WM	CEO		RO
MDS	CRG		

Cr Barbara Dunnet
Shire President
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear President,

I am pleased to formally advise that Shire of Nannup is eligible to receive \$30,000 under Round Two of the Regional and Local Community Infrastructure Program (RLCIP).

On 25 June 2009 at the second meeting of the Australian Council of Local Government, the Prime Minister, the Hon Kevin Rudd MP, announced an additional \$220 million for Round Two of the RLCIP in 2009-10. This additional funding demonstrates an ongoing commitment to a partnership between the Australian Government and local government.

This funding will be distributed to all local governments, to support jobs whilst building and modernising infrastructure in communities across Australia. The investment builds on the \$800 million already provided to local councils and shires through Round One of the RLCIP in 2008-09.

The \$100 million component of this funding will be provided to local governments by way of a non-competitive allocation. This allocation will be provided subject to a number of conditions. These conditions include a requirement to enter into a funding agreement with the Commonwealth and to complete projects no later than 31 December 2010.

To claim your allocation, you are required to provide details of your proposed projects for Round Two of the RLCIP via an online application form. The Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (my Department) will organise for further details on the application process to be emailed to your council in the near future.

Please note that funding will only be released for projects that meet the requirements of the RLCIP Round Two Guidelines.

Local governments are encouraged to include projects in their application that address the needs of the local Indigenous population. Local governments are also encouraged to consider

environmental sustainability when preparing project proposals, with particular focus on how activities will promote green building technologies, design practices and operations.

The Australian Government's additional funding for Round Two of the RLCIP will continue to address the substantial backlog in local infrastructure and improve the quality of life of residents in local communities.

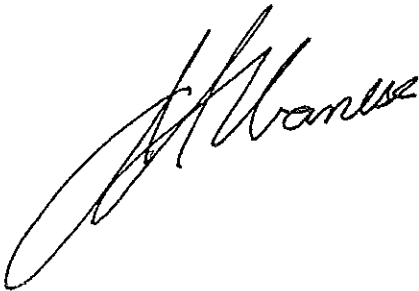
Some examples of community infrastructure eligible for funding under Round Two of the RLCIP include:

- social and cultural infrastructure, such as town halls, community centres, libraries, parks, and public squares;
- sport and recreation facilities, such as sporting grounds, stadiums, pools, walking tracks and playgrounds;
- tourism infrastructure, such as walkways and tourist information centres;
- access facilities, such as bus shelters, jetties and boat ramps; and
- environmental initiatives, such as water conservation infrastructure and recycling plants.

A copy of the new Guidelines for Round Two of the RLCIP, along with a list of frequently asked questions and answers can be downloaded from my Department's website at <http://www.infrastructure.gov.au/local/index.aspx>.

Please contact the RLCIP Information Line on 1800 005 494 if you require any further information.

Yours sincerely



ANTHONY ALBANESE

AGENDA NUMBER: 10.9
SUBJECT: Recreation Trails Project Funding Contribution
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 18
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 5 November 2009

Attachment: Trails Contribution Invoice # 41 WBSA.

BACKGROUND:

The following is an extract (in part) from Council's July 2009 Information Report:

"There are two matters that have been raised over recent weeks which will be recommended for inclusion in Council's first budget review. The two items are the proposed Recreational Trails project (\$4,000) and a contribution toward the South West Zone of the WA Local Government Association (\$500). With the budget process completed, aside from adoption of the statutory format, it is very time consuming and therefore expensive to revisit the budget compilation process based on two relatively minor matters.

The Recreation Trails project was considered not to have been occurring based on the Shire of Boyup Brook not participating and with external grant funding not anticipated to be received. New information has arisen in the last few weeks indicating that grant funding through the South West Development Commission has been approved. Lotteries funding is also anticipated to be successful. Therefore it would make sense to proceed with the project rather than forego these funds. Full details will be provided at such time as Council is requested to make a contribution. Cr Pinkerton has more information on this project being actively involved. It is understood the Shire of Boyup Brook are reconsidering their position and will likely be a party to the project.

COMMENT:

The Trails project has commenced with the employment part time through the Warren Blackwood Strategic Alliance (WBSA) of a project officer. Both grants referred to above have come through and an invoice has been received from the WBSA for Council's contribution.

As the contribution amount was not included in Council's budget it is termed unbudgeted expenditure and a separate decision (or budget review/amendment) is needed to authorise payment of the invoice.

Given that Council had previously indicated strong support for this project the payment request is considered more of a procedural matter rather than a justification issue. Council may choose to debate the merits of participating in the project or seeking comment from Cr Pinkerton who is this Council's representative on the trails group.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Financial Management Regulations 1996.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Unbudgeted expenditure \$4,000.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council authorise the payment of Warren Blackwood Strategic Alliance Invoice # 41, an amount of \$4,000 as unbudgeted expenditure, being Council's contribution toward the Warren Blackwood Regional Trails project.

VOTING REQUIREMENTS:

Absolute Majority Vote (5) Required.



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

Warren Blackwood Strategic Alliance
 PO Box 389
 Pemberton
 Wa 6260

Tax Invoice

A.B.N. 84 209 500 433
 A.C.N.

Invoice #: 00000041
 Date: 1/10/2009
 Ship Via:
 Page: 1

Bill To:

Ship To:

Shire of Nannup
 15 Adam Street
 Nannup WA 6275

Shire of Nannup
 15 Adam Street
 Nannup WA 6275

Description	Amount	Code
Contribution to Rec Trails Project Officer	\$4,000.00	GST

Your Order #:	Customer ABN:	Freight:	\$0.00 GST
Shipping Date:	Terms: Net 30th after	GST:	\$400.00
COMMENT	CODE	RATE	GST SALE AMOUNT
	GST	10%	\$400.00 \$4,000.00
			Total Inc GST: \$4,400.00
			Amount Applied: \$0.00
			Balance Due: \$4,400.00

AGENDA NUMBER: 10.10
SUBJECT: Request for Fee Waiver
LOCATION/ADDRESS:
NAME OF APPLICANT: Nannup Play Pups
FILE REFERENCE: ADM 30
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 17 November 2009

Attachments: 1. Council Policy HAB 2.
2. Letter from Nannup Play Pups.

BACKGROUND:

The Nannup Play Pups have written to Council seeking a fee waiver for community based performances held on 6 and 7 November 2009 at the Town Hall as well as a number of other hire occasions where rehearsals were undertaken.

COMMENT:

Council Policy HAB 2 (clause 10) is applicable and reads as follows:

“Council will consider the refund or waiver of any hire fees and/or bond payable on a case by case basis with the Chief Executive Officer having delegated authority to refund or waive hire fees and/or bond payable if the amount is less than or equal to one days facility hire.”

As the requested fee waiver is for greater than a single hire occasion it is submitted to Council for consideration.

Given the community and non profit nature of the hire a fee waiver is supported. Council members may recall that this group like Gentle Gym put any profits made back into the community including contributing to improvements to Council facilities such as the Town Hall.

The fee waiver is supported and if approved would be recorded as a community group donation in Council’s books of account.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Council Policy HAB 2 is applicable.

FINANCIAL IMPLICATIONS:

If a fee waiver was invoked Council would not realise income as follows:

20 by 1.5 hours hire @ \$18.30:	\$549
3 days hire @ \$89:	\$267
TOTAL:	\$816

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council waive hire fees for the Nannup Play Pups for community based performances held on 6 and 7 November 2009 and various rehearsals at the Town Hall totalling an amount of \$816.

VOTING REQUIREMENTS:



SHANE COLLIE
CHIEF EXECUTIVE OFFICER

Use/Hire of Community Facilities

HAB 2

1. Council encourages the self-management of community buildings and will endeavour to provide adequate support to community groups who are eager to maintain and develop community buildings and facilities.
2. The tenure of local controlling committees with their buildings and/or land shall be by way of lease agreement based on the Shire of Nannup Tenancy Agreement Standard Terms and Conditions, with each lease/agreement being endorsed by Council prior to the occupation of any premises. Council is to have regard to the individual circumstances of community groups when finalising any lease/agreement.
3. All facilities must be managed on a financially independent basis and fees, subscriptions, rentals, levies etc; must be sufficient to cover all operational outgoings which should include maintenance required as a result of normal wear and tear, as well as electricity, water and any other utilities.
4. Council reserves the right to provide annual operational grants to managing committees if such expenses are considered to be outside the resources of the organisation, is seen to be in the general interests of the community or is granted to assist an organisation in its establishment.
5. Council, upon receipt of Annual Financial Statements and Building Reports will consider budget allocations for expenses of a non-operational nature such as major repairs, additions or renovations in line with normal annual budget deliberations.
6. Council will undertake an inspection of all community buildings as part of its budget deliberations.
7. Council will not, at the expense of a community based not for profit group, enter into a lease/agreement with any organisation that is considered commercial in nature. If Council does enter into a lease/agreement with an organisation that is considered commercial in nature, commercial arrangements and conditions are to be put in place.

HAB 2
(Page 1/2)

8. In relation to the short term hire of Community facilities, Council's adopted Schedule of Fees and Charges will apply.
9. Community based organisations may apply to Council for a refund of the cost of the hire and/or bond payable of Council facilities after the event or for a waiver of the applicable fees through the hire process.
10. Council will consider the refund or waiver of any hire fees and/or bond payable on a case by case basis with the Chief Executive Officer having delegated authority to refund or waive hire fees and/or bond payable if the amount is less than or equal to one days facility hire.
11. Council and the Chief Executive Officer in applying point 10 above will have regard to the perceived benefits to the community, and what is in the best interests of the community, when determining if any fee or charge should be refunded or waived.

Policy Adopted at a Council Meeting on 17 December 1992.

Policy Reviewed at a Council Meeting on 9 June 1994.

Policy Reviewed at a Council Meeting on 28 February 2002.

Policy Reviewed at a Council Meeting on 23 August 2007.

Policy Reviewed at a Council Meeting on 26 February 2009.

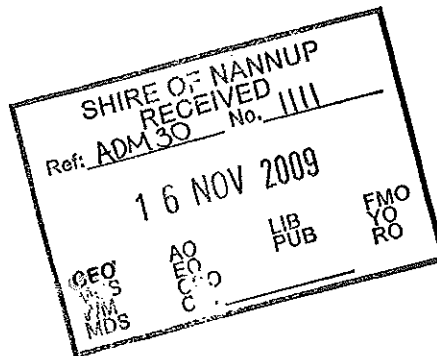
HAB 2
(Page 2/2)

BLACKWOOD PLAY PUPS

c/o P O Box 40, NANNUP 6275

12th November 2009

Mr Shane Collie
Chief Executive Officer
Nannup Shire
Adam Street
NANNUP 6275



Dear Shane,

The Play Pups recently performed their pantomime in the Town Hall on Friday 6th and Saturday 7th November. We also used the Town Hall for rehearsals and did not seek official waiver for the fees involved in hiring the Town Hall. This was because way back in 2006 I had received verbal agreement that the main Blackwood Playups could use these facilities in return for certain improvements made to the performing area in the Town Hall.

Recently two new bench-tops (costing \$2000) made from jarrah were installed in both dressing rooms and some time ago the stage was painted black with several new black curtains provided for the betterment of performance presentation. Blackwood Playups have paid for these additions to the stage and performing area.

The Play Pups performances were aimed at providing an entertaining night out for families and we did not charge at all for children and only \$5 for adults who attended. We had to pay \$395 for the script from a professional agency and therefore did not make any profit at all from the performances after we took all the children to see Wind in the Willows at Manjimup theatre.

I therefore ask for waiver of any hire fees attached to the production of this pantomime as it was an excellent pastime for the children involved and did provide a very affordable night out for the community.

Yours sincerely,

Carol Pinkerton

AGENDA NUMBER: 10.11
SUBJECT: Proposed Recreation Centre Upgrade
LOCATION/ADDRESS:
NAME OF APPLICANT: Nannup Sport and Recreation Association
FILE REFERENCE: REC 2
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 19 November 2009

Attachment: Initial Concept Plans – Nannup Sport and Recreation Association will be on display in the Council Chambers.

BACKGROUND:

Council resolved in May 2009:

“That Council invites the Sportsman’s Association to present the concept plans of the proposed Sportsman’s Centre (as tabled at the Sport, Leisure and Recreation Advisory Committee meeting) and give in principle support to the tabled concept plans subject to:

*the acknowledgement that the current Recreation Centre will also require structural modification to accommodate appropriate area for spectators around the basketball court and –
the committee’s recommendations out of the Jill Powell report being incorporated into the facility as follows:*

That an appropriate child care and crèche facility be included into the re-design of the Recreation Centre.

Additional storage (including janitor), cool room and upgraded kitchen and associated facilities to allow for catering of large functions to be incorporated into the Recreation Facility.

Additional toilets (including disabled facilities), change rooms and showers are incorporated into the re-design of the Recreation Facility.

An undercover licensed area is incorporated into the re-design of the Recreation facility.

Additional external storage facilities is incorporated into the Recreation facility re-design.

That improved external lighting be incorporated into the re-design of the facility and car parking areas.

That provision for lighting stacks, portable lighting, additional 3 phase power and green room are included in an upgrade to the main stage in the Recreation Centre.

That the centre column on the main stage be removed.

That an administration office be included in the plans of the Recreation facility re-design.

Moving the Bowling Club/Green is not seen as a high priority by the Sport, Leisure and Recreation Advisory Committee however would like provision for services and activities to be allocated within the Recreation area.

That car parking lighting and external lighting be considered further in the planning process.

A landscape plan is developed to ensure maximized visibility of the oval.

A parking plan is developed to ensure smooth flow through of traffic for residents and visitors, ensuring safety of children at all times.

The open drainage issue is resolved.

That the proposed building design is aesthetically pleasing.

That the project consolidates existing assets for reasons of cost savings and efficiencies of servicing.

That there is a difference between licensed kitchen and bar areas."

COMMENT:

The concept plans have not as yet been presented to Council. They were viewed 19 November 2009 and copies have been obtained and will be on display in the Council Chambers.

Through the Royalties for Regions – South West Regional Grants Scheme \$50,000 was offered to Council and accepted at Council's meeting of 27 August 2009 to undertake architectural design work for the proposed Nannup Recreation Centre precinct upgrade.

In consultation with the Nannup Sport and Recreation Association and individual user groups a Needs Analysis and Business Plan are in the process of being finalised though they are not yet considered to be at the point where they are ready to submit to Council for endorsement. Likewise a draft Architect's Brief has been developed however again without some fundamental aspects of the project

presentation to prospective architects. These documents were originally intended to be submitted at today's meeting.

The fundamental aspects of this project that Council needs to confirm before approaching architects are considered to be as follows:

1. Is the vision for the upgrade to encompass the whole of the Recreation reserve area, or just specifically the buildings. This is critical in the initial development of concept plans which would include the location of buildings and other recreation facilities.
2. Is the priority to concentrate on the upgrade of the existing building such as the present basketball court, or the proposed new building sought by the Nannup Sport and Recreation Association, or both. What is Council's view on the proposed new building?
3. Given that Council's prior resolution in the background to this report is weighted toward upgrading the existing premises, what is the capacity of patrons that Council is considering?
4. Is the management of the facility going to be undertaken by an external body such as the Nannup Sport and Recreation Association, unmanned or by Council staff?
5. Though Council has previously indicated by virtue of its May 2009 decision that moving the Bowling Club/Green is not seen as a high priority is it a matter that needs to be allowed for in the concept drawings.

It is requested that Council consider these issues and that some direction is provided which will enable an initial concept drawing to be undertaken by an Architect. The example of the Foreshore Park development is cited where this occurred very successfully where Council adopted a set of concept drawings in 2001 and gradually worked through stages as funding became available.

Other documents required to be completed such as the Architect's Brief, Needs Analysis/Business Plan will continue to be developed until finalised and ready for submission to Council.

Input from Council representatives involved with the Nannup Sport and Recreation Association will be of benefit in Council determining its direction on this matter. It is also acknowledged that there may be a number of drawings undertaken until a concept plan is finalised.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil

POLICY IMPLICATIONS: Nil**FINANCIAL IMPLICATIONS:**

As a guide the Architect's Brief for the TimeWood Centre was just over \$50,000 to develop plans for construction (excluding engineering and other specialist services). This initial component of the project being concept drawings would not be expected to be any more than \$10,000 and the cost is covered by the Royalties for Regions – South West Regional Grants Scheme \$50,000 accepted by Council in August 2009.

STRATEGIC IMPLICATIONS:

The upgrade of the Nannup Recreation Centre precinct is a priority project of Council as identified in the Forward Plan 2008/09-2012/13.

Forward Plan 2008/09 -2012/13: Program 11 Recreation & Culture B:

"Develop plans/design and seek funding for upgrade to the Recreation Centre."

RECOMMENDATION:

That in respect of the proposed Recreation Centre upgrade Council proceed to concept drawings for the overall site only at this stage, pending resolution of the fundamental components of the upgrade inclusive of but not limited to:

1. Identifying the entire Recreation Reserve area and plotting all buildings and facilities existing and proposed.
2. Confirming whether the new building proposed by the Nannup Sport and Recreation Association is to be included in the upgrade proposed.
3. Consideration be given to the estimated capacity of patrons in the premises proposed (existing and/or new).
4. Confirming at the earliest possible stage the preferred management model for the upgraded facilities.
5. Confirming if a Bowling Club/Green is to be part of the upgraded concept plan and if so where it could be located.

VOTING REQUIREMENTS:

SHANE COLLIE
CHIEF EXECUTIVE OFFICER

AGENDA NUMBER: 10.12
SUBJECT: Monthly Financial Statements for 31 October 2009
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 9
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 6 November 2009

Attachment: Monthly Financial Statements for the period ending 31 October 2009.

COMMENT:

The monthly Financial Statements for the period ending 31 October 2009 are attached.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 34 (1)(a).

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the Monthly Financial Statements for the period ending 31 October 2009 be received.

VOTING REQUIREMENTS:



**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2009 TO 31 OCTOBER 2009

<u>Operating</u>	Y-T-D Actual \$	Y-T-D Budget \$	2009/10 Budget \$	Variations Y-T-D Budget to Actual %
Revenues/Sources				
Governance	0	0	0	0%
General Purpose Funding	1,124,323	1,096,676	807,500	3%
Law, Order, Public Safety	20,447	22,600	89,690	(10%)
Health	622	664	2,000	(6%)
Education and Welfare	5,486	0	0	0%
Housing	10,156	10,308	30,940	(1%)
Community Amenities	70,972	74,060	82,400	(4%)
Recreation and Culture	10,869	1,464	1,691,742	642%
Transport	384,474	1,592,052	5,367,683	(76%)
Economic Services	9,954	5,664	17,000	76%
Other Property and Services	13,807	8,332	25,000	66%
	<u>1,651,110</u>	<u>2,811,820</u>	<u>8,113,955</u>	<u>(41%)</u>
(Expenses)/(Applications)				
Governance	(69,338)	(85,057)	(240,234)	(18%)
General Purpose Funding	(44,643)	(47,864)	(146,284)	(7%)
Law, Order, Public Safety	(59,027)	(48,132)	(212,889)	23%
Health	(10,547)	(10,844)	(32,970)	(3%)
Education and Welfare	(36,523)	(40,189)	(110,196)	(9%)
Housing	(5,575)	(12,286)	(46,556)	(55%)
Community Amenities	(91,379)	(177,312)	(510,493)	(48%)
Recreation & Culture	(163,347)	(195,447)	(626,026)	(16%)
Transport	(308,688)	(228,506)	(2,107,877)	35%
Economic Services	(41,269)	(75,071)	(230,376)	(45%)
Other Property and Services	31,580	10,028	(21,017)	215%
	<u>(798,756)</u>	<u>(910,680)</u>	<u>(4,284,918)</u>	<u>(12%)</u>
Adjustments for Non-Cash				
(Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	0	0	2,861	0%
Depreciation on Assets	469,890	431,594	1,782,936	9%
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	(112,867)	(3,328)	(2,286,404)	3291%
Purchase Infrastructure Assets - Roads	(155,668)	(485,052)	(4,906,000)	(68%)
Purchase Plant and Equipment	(29,418)	(146,664)	(495,400)	(80%)
Purchase Furniture and Equipment	(1,216)	0	(12,500)	0%
Proceeds from Disposal of Assets	34,842	58,332	211,000	(40%)
Repayment of Debentures	(1,172)	(6,452)	(19,375)	(82%)
Proceeds from New Debentures	0	0	449,209	0%
Leave Provisions	136,165	136,165	136,165	0%
Depreciation - Plant Reversal	0	0	(56,542)	0%
Accruals	23,728	23,728	23,728	0%
Transfers to Reserves (Restricted Assets)	0	0	(265,000)	0%
Transfers from Reserves (Restricted Assets)	0	0	620,500	0%
ADD Net Current Assets July 1 B/Fwd	87,271	87,271	87,271	
LESS Net Current Assets Year to Date	2,274,008	0	0	
Amount Raised from Rates	<u>(970,099)</u>	<u>1,996,734</u>	<u>(898,514)</u>	

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2009 TO 31 OCTOBER 2009

	2009/10 Actual \$	Brought Forward 01-July-2009 \$
NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	2,272,155	327,890
Cash - Restricted	118,754	1,662,903
Cash - Reserves	907,622	900,232
Receivables	381,187	325,478
Inventories	0	0
	<u>3,679,718</u>	<u>3,216,503</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(379,334)</u>	<u>(566,097)</u>
	3,300,384	2,650,406
Less: Cash - Reserves - Restricted	(1,026,376)	(2,563,135)
NET CURRENT ASSET POSITION	<u><u>2,274,008</u></u>	<u><u>87,271</u></u>

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2009 TO 31 OCTOBER 2009

REPORT ON MATERIAL VARIANCES BETWEEN YEAR TO DATE BUDGET ESTIMATE AND YEAR TO DATE ACTUAL.

All except nine of the variances shown in the above named statement of financial activity are outside of the adopted variance of 10%.

The main reason for the variances is that expenditure and income is not occurring as predicted by Officers during the budget development stage. This is due to a number of reasons, the main one being not accurately projecting cashflows throughout the year, i.e. predicting when the budgeted income or expenditure will occur as opposed to when it actually occurs. Other reasons are not receiving a grant for grant dependant expenditure, projects controlled by Advisory Committees, suppliers/contractors not having the capacity to undertake the works within Council's timeframes, altered Council priorities, etc.

The following provides the major reasons for the programs that have variances outside of the adopted variance:

REVENUE:

Recreation and Culture: An accrual for a grant for the refurbishment of the Town Hall chairs (\$10,000) has not been received when anticipated. Two grants for outdoor gym equipment (\$10,400) and bicycle racks (\$7,710) were not budgeted for.

Transport: Income from various Main Roads WA grants not received as predicted in budgeting process (\$1,208,000). Income from Sale of Assets not received as budgeted.

Economic Services: Received more fees for building licenses and sale of material than predicted in budgeting process (\$4,300).

Other Property and Services: Received more Private Works income than budgeted for (\$5,500).

EXPENDITURE

Governance: Councillor allowances (\$13,000) and conference expenses (\$3,000) expended not as predicted in budgeting process.

Law, Order and Public Safety: Insurance for various Bush Fire Brigade related categories more than predicted in budgeting process(10,000).

Housing: Maintenance expenditure not undertaken as predicted through the budget process (\$6,000).

Community Amenities: Expenditure not occurring as predicted in budgeting process in the areas of Contractors Collection Fees (\$4,000), Parking Strategy (\$8,000), Town Planning Scheme (-\$5,000), Town Planning services (\$40,000), Administration expenses (\$10,000), rubbish site maintenance (\$11,000), community infrastructure plan (\$5,000) and cemetery operations (\$7,000).

Recreation and Culture: Maintenance expenditure undertaken in Town Hall and Recreation Centre (\$39,000) not undertaken as scheduled through the budget process.

Transport: Expenditure not occurring as predicted in budgeting process in the area local road maintenance (\$80,000).

Economic Services: Expenditure not occurring as predicted in budgeting process in the areas of functions and events (\$6,000), salaries (\$10,000) and caravan parks and camping grounds (\$22,000).

Other Property and services: Recovery of expenses via Public Works Overheads and Plant Operating Costs not occurring as budgeted.

OTHER ITEMS

Purchase Land and Buildings: Expenditure not occurring as predicted in budgeting process in the areas of co location building (\$22,000), foreshore Park and Balingup Rd Caravan Park ablution blocks (\$83,000) and depot construction (\$3,000).

Purchase Infrastructure Roads: Expenditure not occurring as predicted in budgeting process in the areas of Council Road Program (\$51,000), Mowen Road (\$34,000), MRWA bridge program (\$68,000), Balingup Rd blackspot (\$80,000) and TIRES projects (\$95,000).

Proceeds From Disposal of Assets: Sale of plant not occurring as budgeted (\$24,000).

Repayment of Debentures: Expenditure not occurring as predicted in budgeting process (\$5,000).

AGENDA NUMBER: 10.13 SUBJECT: Acceptance of Shire of Nannup Annual Report 2008/09 LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: ADM 17 AUTHOR: Craig Waddell - Manager Corporate Services DISCLOSURE OF INTEREST: DATE OF REPORT: 6 November 2009

Attachment: Annual Report 2008/09 is included as a separate document with this agenda.

BACKGROUND:

Section 5.53 (1) of the Local Government Act 1995 stipulates that a Local Government is to prepare an Annual Report for each financial year. Council has delegated (Delegation 10) that task to the Chief Executive Officer and the Annual Report has been provided to Council members under separate cover and formed the basis of the Audit Committee meeting held earlier today.

COMMENT:

The Annual Report for the Shire of Nannup for the financial year 2008/09 will be circulated to members prior to the Audit Committee meeting scheduled to be prior to today's Council meeting. The Annual Report contains all statutory information required including the Annual Financial Statements for the year under review and will also form the main document for scrutiny at Council's Annual Electors Meeting.

STATUTORY ENVIRONMENT:

Section 5.54 (1) of the Local Government Act 1995 deals with the acceptance by Council of the Annual Report.

Section 5.27(2) states that a general meeting of electors is to be held on a day selected by the local government, but not more than 56 days after the local government accepts the annual report for the previous financial year. At least 14 days local public notice must be given for the holding of the meeting.

It is proposed to be hold the Annual Electors Meeting at 6.00pm Monday 14 December 2009. This assumes the Annual Report is accepted at today's meeting.

An advertisement informing electors of the proposed timing of the Electors meeting has been prepared for The West Australian which will meet the statutory

requirement of the advertising period. It will also be placed in Nannup Telecentre Telegraph and the Busselton Margaret River Times and appropriate notices will be posted throughout the Townsite.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

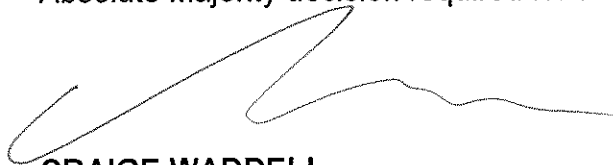
STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. That Council accept the Annual Report for the Shire of Nannup for the financial year 2008/09 per section 5.54 (1) of the Local Government Act 1995.
2. That Council hold its Annual Electors Meeting on Monday 14 December 2009 in the Shire Function Room commencing at 6.00 pm.

VOTING REQUIREMENTS:

Absolute Majority decision required for the acceptance of an Annual Report.



**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.14
SUBJECT: Councillor Fees & Reimbursements
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 18
AUTHOR: Craige Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST: Section 5.63 (1) (c) of the Local Government Act 1995 Specifically Exempts Council Members from Declaring an Interest Relating to Fees & Reimbursements
DATE OF REPORT: 6 November 2009

Attachment: Current Policy ADM 10.

BACKGROUND:

Current Policy ADM 10 Councillor Fees and Reimbursements was scheduled for review in October this year as per the policy itself which states that it will be reviewed by Council at the ordinary Council meeting held in October of each election year.

COMMENT:

Meeting attendance fees for attending Council meetings per Local Government Administration Regulation 30(1) stipulates that a minimum of \$60 and a maximum of \$140 must be observed when setting fees. The current level for Council members is set at \$80.

Meeting attendance fees for attending Council Committee meetings per Local Government Administration Regulation 30(2) stipulates that a minimum of \$30 and a maximum of \$70 must be observed when setting fees. The current level for Council members is set at \$40.

The Shire President is also entitled to a meeting attendance fee per Local Government Administration Regulation 30(4), a minimum of \$120 up to a maximum of \$280 per meeting. The current level is \$150 per meeting.

The stipulated minimum for the annual Shire President's allowance is \$600 with a maximum of \$12,000 or 0.002 of the local government's operating revenue, whichever is the greater amount, but in any case no more than \$60 000 per Local Government Administration Regulation 33(1). The current level is \$8,000 per annum. The Deputy Shire President's allowance is 25% of the Shire President's entitlement.

Council would recall discussing the introduction of an annualised payment in lieu of meeting fees of Shire Councillors at the June 2009 meeting. After much

discussion, Council maintained the status quo, i.e. did not introduce annualised payments. Council budgets accordingly to cover the cost of fees and charges associated with the various allowances, meeting attendance fees and reimbursements. Mileage claims are also covered by the policy.

If Council wishes to amend any of the meeting fees or allowances a motion should be put from the floor for consideration by members. There can be no objective staff recommendation on this matter as it remains at Council discretion as to what fee levels it wishes to set.

Council members are also reminded that fees and allowances are considered assessable income under the Income Tax Assessment Act.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Administration Regulations.

POLICY IMPLICATIONS:

Dependant on Council decision as to whether the Policy is updated.

FINANCIAL IMPLICATIONS:

Council includes an amount in each year's budget to cover these costs.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Councillors be entitled to \$_____ for attendance at each Council meeting.

That Councillors be entitled to \$_____ for attendance at each Committee meeting.

That the Shire President be entitled to \$_____ for attendance at each Council meeting.

The Presidential Annual Allowance shall be \$_____ per annum.

VOTING REQUIREMENTS:



**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**

COUNCILLOR FEES AND REIMBURSEMENTS

ADM 10

Meeting Attendance Fees

That Councillors be entitled to \$80 for attendance at each Council meeting as per Local Government Act 1995 S5.98 (1).

That Councillors be entitled to \$40 for attendance at each Committee meeting as per Local Government Act 1995 S5.98 (1).

That the Shire President be entitled to \$150 for attendance at each Council meeting as per Local Government Act 1995 S5.98 (1).

Prescribed Expenses for Reimbursement

That prescribed expenses as per Local Government Act Section 5.98 (2)(a) be:

3. Rental charges incurred by a member in relation to one telephone line.
4. Childcare expenses necessarily incurred by a member to attendance at Council meetings and whilst on business authorised by Council.
5. Expenses associated with conference attendance as per current Council Policy ADM 6.

That prescribed expenses as per Local Government Act Section 5.98 (2)(b) be:

1. The reimbursement of all Council related phone calls for the Shire President from the Presidential Allowance.
2. An annual allocation of \$1,300 for the Shire President and \$1,100 to Councillors to offset the expenses associated with private ownership of a computer and associated peripherals and software.

Presidential Annual Allowance

The Presidential Annual Allowance shall be \$8,000 per annum

ADM 10
(Page 1/2)

Deputy Presidential Annual Allowance

The Annual Allowance payable to the Deputy Shire President shall be 25% of the allowance payable to the Shire President in accordance with the requirements of the Local Government (Administration) Regulations.

Councillors' Mileage

A Council vehicle will be made available to transport members to meetings at which Council is a delegate provided that the car is driven by a Councillor or a staff member, and that the use does not clash with other Council business.

A Council vehicle may be driven by a Councillor's partner while travelling to and from Nannup and while the Councillor is attending Council business provided that such use only shall be made if the vehicle is not required for the business of Council. Mileage reimbursement is applicable when Councillors use their private vehicles whilst on Council business. Councillors shall check the availability of a Shire vehicle for use whilst on Council business prior to using their private vehicle. The rate to be reimbursed will be that as stated in the Local Government Officers (WA) Award 1988 (Federal) as updated from time to time.

Generally

The Councillor Fee and Reimbursement Claim Form shall be used when claiming fees and reimbursements. Claims should be submitted by Councillors on a quarterly basis.

All claims for reimbursement of expenses such as telephone rental, childminding fees etc must be supported by a copy of the paid account. This policy will be reviewed by Council at the Ordinary Council meeting held in October of each election year.

Policy Adopted at a Council Meeting on 22 May 1997.

Policy Reviewed at a Council Meeting on 24 September 1998.

Policy Reviewed at a Council Meeting on 27 May 1999.

Policy Reviewed at a Council Meeting on 26 August 1999.

Policy Reviewed at a Council Meeting on 22 June 2000.

Policy Reviewed at a Council Meeting on 22 March 2001.

Policy Reviewed at a Council Meeting on 20 December 2001.

Policy Reviewed at a Council Meeting on 22 May 2003.

Policy Reviewed at a Council Meeting on 26 May 2005.

Policy Reviewed at a Council Meeting on 22 November 2007.

Policy Reviewed at a Council Meeting on 24 January 2008.

ADM 10
(Page 2/2)

AGENDA NUMBER: 10.15
SUBJECT: Jobs Fund – National Bike Path Project Grant
LOCATION/ADDRESS: Warren Road & Brockman Highway
NAME OF APPLICANT:
FILE REFERENCE: FNC 60
AUTHOR: Louise Stokes – Community Development Officer
DISCLOSURE OF INTEREST: Mr Shane Collie (Impartiality)
DATE OF REPORT: 3 November 2009

Attachment: Letter of Funding Offer.

BACKGROUND:

Funding acknowledgement has been received from the Federal Department of Infrastructure, Transport, Regional Development and Local Government through their Jobs Fund program in the category of bike paths.

A submission was forwarded for the construction of a cycleway to the Cockatoo Valley and The Valley subdivision areas comprising some 50 lots just south of the Nannup townsite. The total value of the project was estimated at \$190,000 and application sought assistance of \$90,000. The submission was an outcome of the Community Planning Day held 14 March 2009.

Nannup was one of only four projects in rural Western Australia that received funding through this competitive program.

COMMENT:

This application was submitted in April 2009 in partnership with the Munda Biddi Foundation who received \$3 million funding in the recent Royalties to Regions allocations to construct a cycle and walk path from Nannup to Albany. Works will commence shortly on this project. Due to budget constraints they are proposing to use existing road networks within the Shire of Nannup and their cycle path will commence at Gold Gully Road.

In consultation with the Munda Biddi Foundation it was viewed that the construction of a cycle path from the cemetery along Warren Road and Brockman Highway would assist to ensure safety of cyclists and walkers. The path also passes the Light Industrial Area and Nannup Timber Processing ensuring safe access to town and offers an opportunity to create a network of trails throughout the region as more funding becomes available. The works would mostly be compacted gravel standard.

Currently there is no pedestrian access across the Nannup and Carlotta Brooks, similar to the Main Traffic Bridge entering Nannup from Busselton, though the Old Railway Bridge now serves a pedestrian purpose to the north side of town.

Within this funding approved there is an allocation to purchase purpose made small bridges to provide pedestrian access over Carlotta and Nannup Brooks off the main road.

There is a requirement of the grant that Council (or another source) contributes 50% funding of the project cost. The Water Corporation has indicated that they will contribute \$24,000 towards this project, in lieu of the proposed picnic area on Vasse Highway. This was a contribution that had been negotiated as a result of the Bridgetown Regional Water Supply Scheme. Other non cash contributions for the project are estimated at \$14,545.

Therefore an amount of \$61,454 is the balance of funds required for the project to proceed. This represents 32% of the total project cost.

In looking at how the above amount could be funded reference was made to Council's resolution in relation to Royalties for Regions of 17 March 2009 which was as follows:

"That Council accept the funding of \$605,370 offered under the State Royalties for Regions Program (Country Local Government Fund) for 2008/09 advising the Department of Local Government and Regional Development of the intention to allocate the funding to "Buildings" specifically the proposed ablution blocks located at the Foreshore Park and the Balingup Road Caravan Park \$65,370 with any remaining funds to be allocated to "Infrastructure – Footpaths and Cycleways" specifically Council's footpath program."

Initially it was thought that the \$65,370 mentioned would have been a perfect fit to provide the balance of funds for this project. However upon closer reading of the resolution it is clear that the priority was first and foremost to fund any outstanding balance of funds for the two ablution blocks, and that footpaths/cycleways was a "back up" if there were any funds remaining.

Unfortunately it is looking like there will be minimal funds remaining after the full allocation to the ablution blocks is complete. Note this includes connecting pathway links, headworks costs, service connections, landscape works and variations. Therefore there is no current budget allocation that could be used to raise the \$61,454 required to initiate this project.

The options for Council would appear to be as follows:

1. Accept the Federal funding of \$90,000 and allocate the required matching funds of \$61,454 at Council's forthcoming budget review, and the project proceeds.
2. Accept the Federal funding of \$90,000 and designate a portion of Council's Royalties for Regions funding 2010/11 (\$61,454) to the project, allowing the project to proceed.
3. Not accept the \$90,000 in Federal funding and not undertake the project.

Given that this is an opportunity to significantly improve pedestrian access along one of the major transport corridors into Nannup, and that Council is required to allocate only 32% of the total cost, it is recommended that the project be undertaken. The funding source required from Council is recommended to be a part allocation from the infrastructure specific Royalties for Regions fund 2010/11.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Royalties for Regions funding 2010/11 (\$61,454). The total allocation "direct" to Council for 2010/11 is \$302,685 and no allocation or commitments has been considered for these funds at this stage. These funds should not be confused with the Regional body allocation which Council has previously determined made a determination on allocation.

STRATEGIC IMPLICATIONS:

Forward Plan 2008/09 – 2010/13 Project Priorities:

To Develop Appropriate Infrastructure that is a priority for Nannup.

RECOMMENDATIONS:

1. The Jobs Fund – National Bike Path Project grant from the Department of Infrastructure, Transport, Regional Development and Local Government of \$90,000 be accepted.
2. That Council allocate part Royalties for Regions funds 2010/11, an amount of \$61,454 to the construction of a cycle path to Cockatoo Valley/The Valley along Warren Road/Brockman Highway inclusive of crossings of Carlotta and Nannup Brooks.

VOTING REQUIREMENTS:



for **LOUISE STOKES**
COMMUNITY DEVELOPMENT OFFICER



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Local Government**

File Reference: 09/8033

Mr Shane Collie
Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

SHIRE OF NANNUP			
RECEIVED			
Ref: <u>LNC 67</u>		No. <u>1061</u>	
30 OCT 2009			
CEO MCS WM MDS	AO EO CO CRI	LIB PUB	FMO YO RO

Dear Mr Collie

**RE: JOBS FUND - NATIONAL BIKE PATH PROJECTS - NBP121
COCKATOO VALLEY CYCLE PATH**

On behalf of the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP, I am pleased to advise you that your project has been approved funding up to \$90,000 (GST exclusive) under the Jobs Fund - National Bike Path Projects to be negotiated with the Shire of Nannup for the Cockatoo Valley Cycle Path project.

Provision of funding is dependent on the preparation and execution by both parties of a Funding Agreement [contract] that sets out the terms and conditions under which the funding is provided, and the settling of other details, including:

- the provision of final plans; and
- the confirmation of the final project Budget.

You must enter a Funding Agreement within eight weeks of the project being approved otherwise the offer of funding will be reviewed and may be withdrawn.

You will shortly be contacted by an officer from the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (the Department) to discuss the Funding Agreement.

No financial commitments should be entered into based on this offer of funding from the Australian Government until the Funding Agreement is fully executed. You should also be aware that work commenced on your project without a properly executed Funding Agreement will be at your own risk.

The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under

Australian law and falls within the terms of Australian Tax Office (ATO) ruling GSTR 2006/11. You may wish to seek guidance from the ATO or your tax advisor on the impact of National Bike Path Projects funding on your organisation's taxation liabilities.

Should you wish to conduct a project launch at the conclusion of the project, or at another suitable time, please liaise with Sharon Burrell, on 02 6274 7946, to arrange a suitable date. Closer to the planning phase of any launch you may wish to hold, you should provide three possible launch dates and at least four weeks notice to the Department to make the appropriate arrangements for representatives attending the launch.

Congratulations on your successful application. I wish you every success with the project.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Wood', written over a diagonal line that extends from the bottom left towards the top right.

Richard Wood
General Manager
Regional Development Programs Branch

23 OCT 2009

West Australia – Jobs Fund: National Bike Path Projects

Grant Recipient	Project Name	Federal Contribution	Total Project Cost	Project Description
City of Belmont	Belmont Avenue Shared Path	\$29,941		This project, located in Cloverdale, will construct a 500m shared path along the eastern side of Belmont Avenue from Campbell Street to Alexandra Road.
City of Canning	Perth to Armadale Bike Path	\$775,000		This project located in Welshpool, Queens Park and East Cannington will provide a 4 km bike path to connect several local schools, a future library and recreation centre and the Cannington Regional centre. The route is adjacent to the existing Perth to Armadale rail line and traverses three railway stations and a bus transfer station.
City of Geraldton - Greenough	City of Geraldton - Greenough Implementation of Local Bike Rack Program	\$30,000		This project will manufacture and install bike racks in nine local areas across the City of Geraldton-Greenough in Western Australia.
City of Geraldton - Greenough	City of Geraldton - Greenough Implementation of Local Bike Plan Pathway Program	\$202,200		This project will fast track construction of 10 off-road concrete pathways spanning 4.075 km in Western Australia's City of Geraldton-Greenough. Locations include Blencowe Road (1,200 m), Eastern Road (530 m), Maitland Street (240 m), Spalding Park (250 m), Chapman Road (880m), Kuldown Drive (140 m and 230 m), Tallarook Way (170m), Tamba (60 m), and Wahn Avenue (375 m).
City of Geraldton - Greenough	Implementation of Local Bike Plan Bike Path Program Bike Lane Program	\$40,000		This project in Geraldton will establish three bike lanes on Chapman Road from Pheps Street to Mabel Street, and on Durlacher Street from Highbury Street to Keane Drive and from Maitland Street to Hutchinson Street.
City of Joondalup	Coastal Shared Path Re-enhancement: Burns Beach 1.6km South	\$120,634		This project located in Joondalup is Stage 2 of a two-stage project to upgrade specific sections of the 12km coastal shared path which starts at Hillarys Boat Harbour through to Burns Beach. Stage 2 will upgrade 1.6km of shared path south of Burns Beach.
City of Joondalup	Hillarys Boat Harbour to 1km North - Coastal Shared path re-enhancement	\$124,940		This project located in Joondalup is Stage 1 of a two-stage project to upgrade specific sections of the 12km coastal shared path which starts at Hillarys Boat Harbour through to Burns Beach. Stage 1 will upgrade 1km of shared pathway north of Hillarys Boat Harbour.

West Australia – Jobs Fund: National Bike Path Projects

Grant Recipient	Project Name	Federal Contribution	Total Project Cost	Project Description
City of Mandurah	Old Coast Road Cycle Path Construction	\$124,091		This project, located in Mandurah, will construct cycle path linkages along the National Highway (H002) within the City of Mandurah to help connect public transport, business and facilities helping to create a practical and usable path network.
City of Nedlands	Stephenson Avenue/Underwood Avenue Cycle Link	\$101,012		This project will complete the cycling infrastructure between Challenge Stadium and Underwood Avenue/Brockway intersection. The City of Nedlands proposes to complete this section by providing a 3m wide, fully lit, off-road cycling facility.
City of South Perth	Sir James Mitchell Park New Cycle Only Path	\$297,913		This project in South Perth involves the construction of 824m of new dedicated off-road cycle path, thereby enabling the existing path to be a pedestrian only path. The project will also include landscape rehabilitation works, line marking and signage.
City of South Perth	Sir James Mitchell Park Cycle Path Refurbishment	\$48,750		This project in South Perth will refurbish one side of an existing cycle path to 1.6m wide, for a distance of 584m.
Shire of Augusta-Margaret River	Flinders Bay Shared Pathway	\$21,500		This project, located in Augusta, will extend the existing pathway along a roadway, around the perimeter of a foreshore caravan park and into a popular foreshore reserve. The project will also include realignment of a complex intersection to provide a safe crossing point for pedestrians and cyclists.
Shire of Merredin	Roy Little Park Bike Path	\$88,000		This project located in Merredin, will complete Stage Two of the development of Roy Little Park by establishing a 900m dual-use path around Roy Little Park and lake area - connecting to other town attractions.
Shire of Nannup	Cockatoo Valley Cycle Path	\$90,000		This project, located in Nannup, will construct a 2.5 km cycle path from the Cockatoo Valley residential subdivision to the town centre.

West Australia – Jobs Fund: National Bike Path Projects

Grant Recipient	Project Name	Federal Contribution	Total Project Cost	Project Description
Shire of Northam	Northam Dual Use Bike Path	\$133,324		This project, located in Northam, involves the construction of a 2.3km dual use asphalt bike path between the Northam caravan Park and the Northam Recreation Grounds. The new path will join with an existing bike path, thereby safely connecting the outskirts of the community with the central business district.
Town of Kwinana	Town of Kwinana Bike Paths	\$611,659		This project located in Kwinana, will construct 8,210 metres of new bike paths that are between 2 and 2.5 metres in width and replace 1,928 metres of old concrete slab footpaths with 2 metre wide bike paths.
WA - TOTAL		\$2,838,964	\$5,700,000*	

= Total Project Costs to yet be announced (as of 28 October 2009)

* Not final figure for Total Project Costs in West Australia.

AGENDA NUMBER: 10.16
SUBJECT: Nannup Bike Rack Project
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ASS 2
AUTHOR: Louise Stokes – Community Development Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 11 November 2009

Attachment: Design of Bike Rack by Mr Rod Laws.

BACKGROUND:

A grant application was submitted to Country Arts WA through their Residencies and Projects round to design and construct a creative bike rack. The bike rack was to be installed within the streetscape of Nannup through community participation workshops under the tutelage of Mr Rod Laws. \$7,710 was granted, being the full amount requested and was accepted by Council at the July 2009 meeting (Resolution 8232).

The idea of creative bike racks installed within the townsite was initiated by Mr Charley Cannon and assists to promote Nannup as a cycle friendly town. The installation of bike racks throughout the townsite assists to encourage visitors and residents to become more active and cycle instead of driving cars. A positive partnership is being developed with the Munda Biddi Foundation and the installation of functional creative bike racks is a promotional tool for Nannup.

This project is also complementary to the Council resolution (Agenda Item 10.8 May 2009),

“that Council accept the designs for public artwork bike racks:

- *Spider (Attachment A) by artist Irene Osborne*
- *Leaves (Attachment B) by artist Irene Osborne*
- *Park bench (Attachment D) by artist Russell Fuller-Hill*

for construction once full funding has been sought and approved by Council.”

This design has been developed in community workshops and chosen through a public comment period. It has been tabled at prior Streetscape Advisory Committee meetings and is now presented to Council for consideration and endorsement.

COMMENT:

A risk management analysis of the design will be undertaken prior to its construction to minimise the risk of any design flaws that may be inherent in it. Subject to Council accepting this design, a workshop will be scheduled for January 2010 to construct the bike rack, which will then be installed in the streetscape.

The location of the bike rack will be determined once constructed; however prior discussion at the Streetscape Advisory Committee indicated that the preferred locations were either at the Anglican Church or near Nannup Handy Foods on Warren Road.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Fully funded through Country Arts WA.

STRATEGIC IMPLICATIONS:

Forward Plan 2008/09 2012/13 Program 11 Recreation & Culture 11.A states:

"Develop concept plans for artistic bike racks as tourist features and pursue funding for implementation."

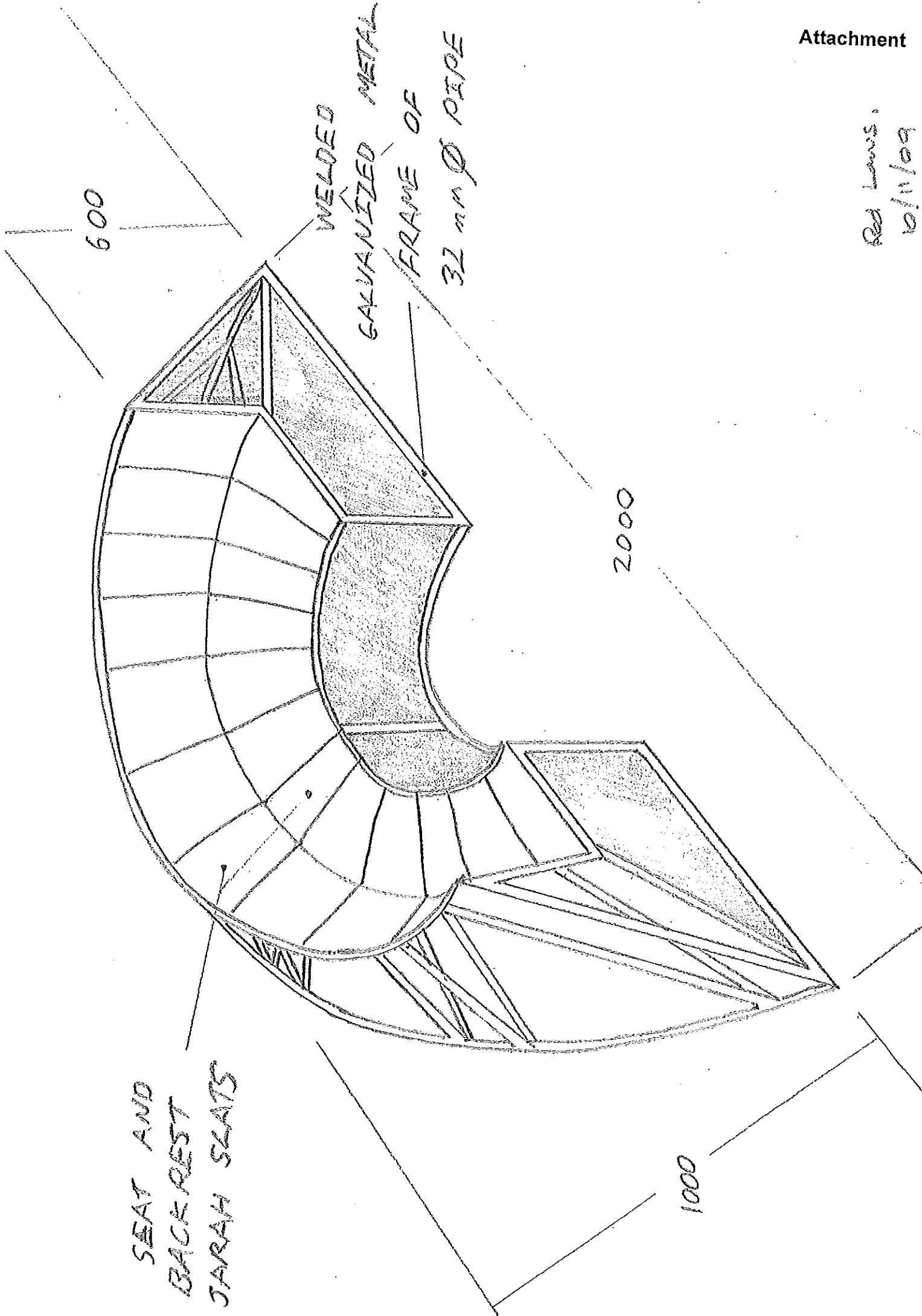
RECOMMENDATION:

That the design submitted as an attachment to this item by Mr Rod Laws for the Nannup Bike Rack Project be accepted by Council.

VOTING REQUIREMENTS:


For
LOUISE STOKES
COMMUNITY DEVELOPMENT OFFICER

Red Lines,
10/11/09



600

WELDED
GALVANIZED METAL
FRAME OF
32 mm Ø PIPE

2000

SEAT AND
BACK REST
JARAH SEATS

1000

<p>AGENDA NUMBER: 10.17 SUBJECT: Accounts for Payment LOCATION/ADDRESS: Nannup Shire FILE REFERENCE: FNC 8 AUTHOR: Tracie Bishop – Administration Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 13 November 2009</p>
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Attachment: Schedule of Accounts for Payment.

COMMENT:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are detailed hereunder and noted on the attached schedule are submitted to Council.

Municipal Account

Accounts Paid By EFT EFT 951- 1018	\$199,283.95
Accounts Paid By Cheque Vouchers 17817 – 17893	\$119,865.91
Direct Debits Vouchers 99144 – 99147	\$ 14,371.36

Trust Account

Accounts Paid By Cheque Vouchers 22712 - 22718	\$ 480.00
Eft payments EFT 972	\$ 80.00

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$334,080.82 in the attached schedule be accepted.

VOTING REQUIREMENTS:

A handwritten signature in black ink, appearing to read 'Tracie Bishop', written in a cursive style.

**TRACIE BISHOP
ADMINISTRATION OFFICER**

**SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S NOVEMBER 2009 MEETING**

Chq/EFT	Name	Description	Amount
Municipal	Payments		
EFT951	AUSTRALIAN TAXATION OFFICE	SEPT BAS	\$5,398.00
EFT952	WADIFARM CONSULTANCY SERVICES	CONSULTANCY FEES	\$1,512.50
EFT953	COUNTRY COMFORT - INTER CITY PERTH	ACCOMODATION	\$557.00
EFT954	ROB PAULL AND ASSOCIATES	PROFESSIONAL SERVICES	\$870.00
EFT955	WILLIAM JAMES LANDSCAPE ARCHITECT	VERVE ENERGY REVIEW OF VISUAL ASSESSMENT	\$1,936.00
EFT956	TRADEMARK PUBLISHER	PUBLICATION OF TRADEMARK	\$2,900.00
EFT957	COURIER AUSTRALIA	FREIGHT CHARGES	\$223.45
EFT958	GEOGRAPHE SAWS & MOWERS	SUNDRY SPARE PARTS	\$525.80
EFT960	GL HAPP PTY LTD	FUEL	\$232.14
EFT961	MIDALIA STEEL	STEEL	\$287.47
EFT962	TRADE HIRE	HIRE OF A DRILL	\$85.20
EFT963	RED 11	BACKUP TAPES	\$952.69
EFT964	CHIFLEY BUSINESS SCHOOL	LEGISLATION AND GOVERNANCE SHORT COURSES 2009	\$600.00
EFT965	CORPORATE EXPRESS	STATIONERY SUPPLIES	\$37.17
EFT966	FIRE AND EMERGENCY SERVICES AUTHORITY	ESL FOR COMMUNITY CENTRE	\$898.87
EFT967	NANNUP TELECENTRE	SHIRE NOTES	\$990.00
EFT968	SW PRECISION PRINT	STATIONERY SUPPLIES	\$336.00
EFT969	RICOH BUSINESS CENTRE	PHOTOCOPIER MAINTENANCE	\$682.51
EFT970	SOUTH WEST RUBBER STAMPS	SELF INKING STAMPS	\$113.30
EFT971	WARREN BLACKWOOD WASTE	MONTHLY BIN CONTRACT	\$5,603.78
EFT973	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$10,453.12
EFT974	WITCHCLIFFE FARM SERVICE	SUNDRY SUPPLIES	\$1,073.78
EFT975	COURIER AUSTRALIA	FREIGHT CHARGES	\$24.35
EFT976	LANDGATE	GRV SCHEDULES G2009/9	\$613.82
EFT977	K & C HARPER	BUILDING MAINTENANCE	\$313.50
EFT978	LGIS WORKCARE	WORKCARE	\$23,501.50
EFT979	LGIS LIABILITY	LGIS LIABILITY	\$8,882.50
EFT980	NANNUP HARDWARE & AGENCIES	GENERAL HARDWARE SUPPLIES	\$860.80
EFT981	SW PRECISION PRINT	STATIONERY SUPPLIES	\$240.00
EFT982	SUGAR MOUNTAIN ELECTRICAL SERVICES	MAINTENANCE WORKS	\$8,398.98
EFT983	GREENWAY ENTERPRISES	TOOLS AND FERTILISER	\$441.26
EFT984	NANNUP SURVEYS	SURVEY MOWEN ROAD - STAGE ONE	\$3,850.00
EFT985	WILTON'S BISTRO	COUNCIL DINNER	\$348.00
EFT986	JP REPAIRS	SUPPLY AND FIT 4 X NEW TYRES	\$1,196.00
EFT987	MCG ARCHITECTS PTY LTD	DESIGN DEVELOPMENT	\$15,345.00
EFT988	SPLIT TEAM	AIR CONDITIONER ALTERATIONS TO DARRADUP V8FB	\$594.00
EFT989	COURIER AUSTRALIA	FREIGHT CHARGES	\$7.32
EFT990	GEOGRAPHE SAWS & MOWERS	SUNDRY SPARE PARTS	\$238.00
EFT991	CUTTS ENGINEERING	REPAIRS TO 432D BACKHOE BUCKET	\$5,980.96
EFT992	NANNUP HARDWARE & AGENCIES	SUNDRY SUPPLIES	\$87.95
EFT993	NANNUP TOURIST ASSOCIATION	DIRECTORY LISTING - NANNUP EXPERIENCE BOOKLET	\$33.00
EFT994	PICTON TYRE CENTRE PTY LTD	2 X TYRES	\$1,192.00
EFT995	LGIS RISK MANAGEMENT	REGIONAL CO ORDINATOR FEE JULY - DEC 09	\$2,402.40
EFT996	AMD CHARTERED ACCOUNTANTS	AUDIT 2009	\$4,400.00
EFT997	GL HAPP PTY LTD	FUEL EXPENSES	\$222.81
EFT998	INSIGHT CCS PTY LTD	MONTHLY SERVICE FEE	\$72.27
EFT999	MUIRS MANJIMUP	FORD FG XT SEDAN	\$12,758.79
EFT1000	PRESTIGE PRODUCTS	CLEANING PRODUCTS	\$420.20
EFT1001	RICOH BUSINESS CENTRE	PHOTOCOPIER METER PLAN	\$563.92
EFT1002	SOUTH WEST FIRE	VEHICLE REPAIRS TO NP3260	\$3,867.60
EFT1003	LOUISE STOKES	REIMBURSEMENT OF EXPENSES	\$827.40
EFT1004	WARREN BLACKWOOD WASTE	BIN PICKUPS OCTOBER 09	\$4,950.60
EFT1005	WADIFARM CONSULTANCY SERVICES	ADMINISTRATION ASSISTANCE	\$165.00
EFT1006	MIB INDUSTRIES	CONCRETE PIPE WORKS	\$9,830.30
EFT1007	PHOENIX BUILDING COMPANY	MARINKO TOMAS UPGRADE	\$9,608.33
EFT1008	MCG ARCHITECTS PTY LTD	CONTRACT DOCUMENTATION - THIMWOOD CENTRE	\$10,230.00
EFT1009	HIP POCKET WORKWEAR	SAFETY WEAR - SCOTT RIVER JASPER FIRE BRIGADE	\$899.70
EFT1010	COURIER AUSTRALIA	FREIGHT CHARGES	\$32.53
EFT1011	D & J COMMUNICATIONS	INSTALLATION OF MOBILE PHONE ANTENNA	\$119.90
EFT1012	HOLCIM AUSTRALIA PTY LTD	SEALING AGG	\$9,610.18
EFT1013	GEOGRAPHE SAWS & MOWERS	SUNDRY SUPPLIES	\$50.00
EFT1014	LANDGATE	HEADWORKS COSTING - RIVERBEND CARAVAN PARK	\$110.00
EFT1015	METAL ARTWORK CREATIONS	NAME PLATES AND BADGES - COUNCILLORS	\$73.70
EFT1016	GREG MADER EARTHWORKS	BIRD ROAD GRAVEL PIT	\$13,475.98
EFT1017	NANNUP HARDWARE & AGENCIES	GENERAL HARDWARE SUPPLIES	\$3,148.15
EFT1018	NANNUP NEWSAGENCY	PRINTING AND STATIONERY	\$3,026.47
TOTAL EFT PAYMENTS:			<u>\$199,283.95</u>

SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S NOVEMBER 2009 MEETING

Chq/EFT	Name	Description	Amount
17817	BAILEYS FERTILISERS	SOIL ANALYSIS	\$115.50
17818	CJD EQUIPMENT PTY. LTD.	PARTS	\$594.98
17819	JEM TRUCK SALES	FUEL FILTERS	\$75.39
17820	NANNUP HANDY FOODS	FUELS AND REFRESHMENTS	\$220.00
17821	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$72.65
17822	GT BRAKE & CLUTCH REPAIRS	BRAKE BOOSTER	\$115.50
17823	SUNNY BRUSHWARE SUPPLIES	TRACTOR BROOMS	\$3,000.80
17824	WORK CLOBBER	WORK BOOTS	\$409.00
17825	THE GRYGLICKI FAMILY TRUST	BUS HIRE FOR BUNBURY YAC TRIP	\$909.25
17826	BLACKWOOD VALLEY BUS SERVICE	MANJIMUP MEANDER	\$420.00
17827	TATHRA WINERY RESTAURANT	AFTERNOON TEA - SENIORS PROGRAM	\$90.00
17828	AUSTRALIA POST	STRUCTURAL REFORM SURVEYS - REPLY PAID	\$81.00
17829	COUNTRY WOMEN'S ASSOCIATION	COUNCIL DINNER	\$240.00
17830	NANNUP EZIWAY SELF SERVICE STORE	REFRESHMENTS AND CLEANING	\$231.74
17831	PIONEER CREDIT MANAGEMENT SERVICES	LEGAL FEES	\$56.87
17832	SHIRE OF NANNUP	REIMBURSEMENT OF PETTY CASH	\$143.95
17833	SHIRE OF BUSSELTON	RANGER REQUESTS	\$222.50
17834	SHIRE OF MANJIMUP	INSTALLATION OF OFFICE SCAN	\$192.50
17835	WALGA	TOWN PLANNING AND DEVELOPMENT	\$1,108.42
17836	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	REGISTRATION OF VEHICLE	\$283.75
17837	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	\$660.17
17838	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$277.46
17839	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	\$318.89
17840	NORWICH UNION SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$277.46
17841	COMMONWEALTH SUPER SELECT	SUPERANNUATION CONTRIBUTIONS	\$301.59
17842	IIML ACF IPS APPLICATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$302.40
17843	HOSTPLUS EXECUTIVE	SUPERANNUATION CONTRIBUTIONS	\$105.82
17844	SHIRE OF NANNUP	PAYROLL DEDUCTIONS	\$100.00
17845	L & A SANZONE	GARDEN ENTRY AND GUIDED WALK TOUR	\$540.00
17846	SUNNYHURST ESTATE	GARDEN ENTRY AND GUIDED WALK TOUR	\$136.00
17848	CHIP'N'GALES	CHIPS - MOVIE NIGHT	\$45.00
17849	EVANS GLAZING	REGLAZE WINDOW AT COMMUNITY CENTRE	\$216.15
17850	CJD EQUIPMENT PTY. LTD.	SUNDRY SUPPLIES	\$135.69
17851	FOREST PRODUCTS COMMISSION	EUCALYPTUS AND CORYMBIA CALAPHYLLA SEEDLINGS	\$334.80
17852	FENNESSY'S	NEW VEHICLE PURCHASE - HOLDEN COMMODORE	\$14,110.11
17853	NANNUP LIQUOR STORE	REFRESHMENTS	\$203.89
17854	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$24.05
17855	TOTAL EDEN WATERING SYSTEMS	IRRIGATION SUPPLIES	\$297.51
17856	AI & MC DAVIS	GARDEN ENTRY FEE - SENIORS WEEK ACTIVITY	\$228.00
17857	ANTHONY DEAN	RECOUP OF EXPENSES	\$1,420.00
17858	CJD EQUIPMENT PTY. LTD.	HOUSING FOR FRONT END LOADER	\$13.28
17859	AUSTRALIA POST	REPLY PAID LETTER - STRUCTURAL REFORM SURVEYS	\$28.35
17860	BLACKWOOD CAFE - ARIHIA PTY LTD	YAC SCHOOL HOLIDAY PROGRAM	\$100.00
17861	DF & DJ BOULTER	RECOUP OF EXPENSES NO 10	\$1,100.00
17862	BDA TREELOPPING SERVICE	TREE LOPPING NANNUP CARAVAN PARK	\$31,680.00
17863	BIDELLIA BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$1,000.00
17864	BALINGUP ROAD BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$1,800.00
17865	CUNDINUP BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$2,300.00
17866	CARLOTTA BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$2,500.00
17867	CJD EQUIPMENT PTY. LTD.	FUEL PUMP	\$892.19
17868	DARRADUP VOLUNTEER BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$13,700.00
17869	EAST NANNUP BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$3,000.00
17870	THE GOOD FOOD SHOP	REFRESHMENTS	\$150.00
17871	NANNUP BROOK BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$3,400.00
17872	NORTH NANNUP BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$5,400.00
17873	NANNUP LIQUOR STORE	REFRESHMENTS	\$29.98
17874	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$368.15
17875	SYNERGY	ELECTRICITY EXPENSES - DEPOT	\$353.50
17876	SOUTH WEST REGIONAL COLLEGE OF TAFE	COURSE FEES SEMESTER 2 2009 - TYRON SWAIN	\$130.00
17877	SCOTT RIVER JASPER BUSH FIRE BRIGADE	FUNDING ALLOCATION 09/10	\$3,200.00
17878	LGIS INSURANCE BROKING	INSURANCE - PWO	\$3,498.35
17879	NATURALISTE HYGIENE SERVICES	SANITARY SERVICE	\$1,089.00
17880	THE GRYGLICKI FAMILY TRUST	BUS HIRE TO BRIDGETOWN	\$441.65
17881	TRUE TRACK TRUCK AUGNING	WHEEL ALIGNMENT AND BALANCE	\$264.00
17882	BLACKWOOD CAFE - ARIHIA PTY LTD	REFRESHMENTS	\$27.00
17883	GEOGRAPHE TIMBER AND HARDWARE SUPPLIES	PINE TIMBER SUPPLIES	\$143.10
17884	JEM TRUCK SALES	SUNDRY SUPPLIES	\$726.23
17885	NANNUP HANDY FOODS	FUELS AND REFRESHMENTS	\$32.00
17886	NANNUP EZIWAY SELF SERVICE STORE	REFRESHMENTS AND CLEANING	\$360.65
17887	NANNUP STATE EMERGENCY SERVICE	OPERATING GRANT 09/10	\$9,230.00
17888	NANNUP LIQUOR STORE	REFRESHMENTS	\$256.88
17889	DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	VEHICLE REGISTRATION	\$1,338.40
17890	STEWART & HEATON CLOTHING CO. PTY LTD	SAFETY WEAR - TROUSERS	\$77.31
17891	T. LEVICK GODWIN	REIMBURSEMENT OF EXPENSES	\$32.50
17892	WATER CORPORATION	HEADWORKS CHARGES RIVERBEND CARAVAN PARK	\$2,361.20
17893	WORK CLOBBER	SAFETY WEAR	\$223.00
TOTAL CHEQUE PAYMENTS:			\$119,865.51

SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S NOVEMBER 2009 MEETING

Chq/EFT	Name	Description	Amount
99144	BP AUSTRALIA	FUEL EXPENSES - SEPTEMBER 09	\$344.30
99145	CALTEX AUSTRALIA	FUEL EXPENSES - SEPT 09	\$12,818.74
99146	TELSTRA	TELEPHONE EXPENSES	\$1,038.48
99147	WESTNET	INTERNET EXPENSES	\$169.84
TOTAL DIRECT CREDITS:			<u>\$14,371.36</u>
TRUST PAYMENTS:			
22712	CHERYLE BROWN	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
22713	ROBERT LONGMORE	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
22714	DF & DJ BOULTER	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
22715	CHARLES GILBERT	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
22716	ROBIN MELLEMA	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
22718	R TAYLOR	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
TOTAL CHEQUE PAYMENTS:			<u>\$480.00</u>
EFT972	BARBARA DUNNET	BOND REFUND - LOCAL GOVT ELECTIONS 2009	\$80.00
TOTAL EFT PAYMENTS:			<u>\$80.00</u>
TOTAL MUNICIPAL PAYMENTS:			<u>\$333,520.82</u>
TOTAL TRUST PAYMENTS:			<u>\$560.00</u>
TOTAL PAYMENTS FOR THE MONTH OF NOVEMBER:			<u>\$334,080.82</u>