



# MINUTES

22<sup>nd</sup> of SEPTEMBER 2021

## ORDINARY COUNCIL MEETING

Held at the Shires Administration Building situated at Gascoyne Junction  
commencing at 8.30am

### DISCLAIMER

#### Disclaimer

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Please note this agenda contains recommendations which have not yet been adopted by Council.

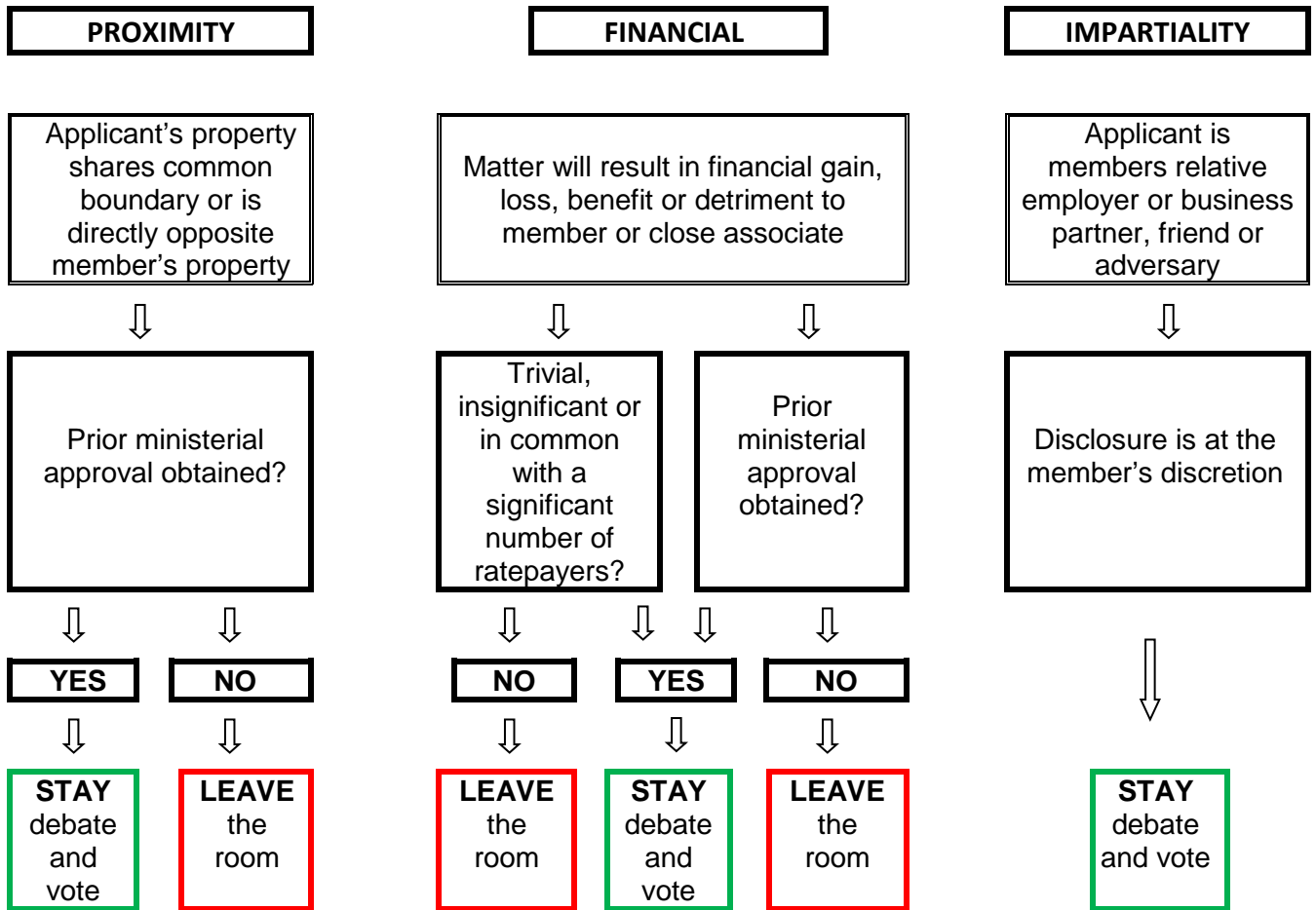
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John McCleary, JP  
CHIEF EXECUTIVE OFFICER

## \* Declaring an Interest



### Local Government Act 1995 - Extract

#### 5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(Penalties apply).

(2) It is a defense to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

#### 5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

#### 5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply).

### 'Local Government (Administration) Regulations 1996 - Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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**SHIRE OF UPPER GASCOYNE  
AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD AT THE SHIRES  
ADMINISTRATION BUILDING SITUATED AT GASCOYNE JUNCTION ON THE 18<sup>th</sup> OF AUGUST 2021  
COMMENCING AT 8.30AM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS**

The President welcomed those present and declared the meeting open at 8.30am

**2. APOLOGIES AND APPROVED LEAVE OF ABSENCE**

**2.1 Councillors**

Cr D. Hammarquist OAM JP	Shire President
Cr J. Caunt	Shire Vice President
Cr A. McKeough	Councillor
Cr H. McTaggart	Councillor
Cr R. Hoseason-Smith	Councillor
Cr B. Walker	Councillor
Cr G. Watters	Councillor

**Staff**

John McCleary JP	Chief Executive Officer
Jarrold Walker	Manager of Works and Services
Sa Toomalatai	Manager of Finance and Corporate Services

**Visitors**

Josh Kirk                      Greenfield Technical Services

**2.2 Absentees**

**2.3 Leave of Absence previously approved**

Nil

**3. APPLICATION FOR LEAVE OF ABSENCE**

**MOVED: CR B. WALKER**

**SECONDED: CR H. MCTAGGART**

That Councillor Ray Hoseason-Smith be grant a leave of absence to attend the Ordinary Meeting of Council scheduled for the 20<sup>th</sup> of October 2021.

**F/A:     7/0**

**4. PUBLIC QUESTION TIME**

**4.1 Questions on Notice**

Nil

4.2 Questions without Notice

Nil

5. **DISCLOSURE OF INTEREST**

Nil

6. **PETITIONS/DEPUTATIONS/PRESENTATIONS**

- 6.1 Greenfield Technical Services – Joshua Kirk. Josh provided the Council with an overview of the works carried out and proposed to be carried out for the AGRN 908 event

7. **ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

The Shire President thanked those elected members who were up for election for their contribution to the community and wished them well in their endeavours for re-election.

8. **MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS**

Item 11.1 Gascoyne Junction Caravan Park, Tavern, Petrol Station Lease

Item 11.2 Bitumen Spray Sealing Works on Various Segments of the Carnarvon Mullewa Road

9. **CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

- 9.1 Ordinary Meeting of Council held on 18<sup>th</sup> of August 2021.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

Council Resolution No: 01092021			
<b>MOVED:</b>	<b>CR: B. WALKER</b>	<b>SECONDED:</b>	<b>CR: A. MCKEOUGH</b>
<p>That the Unconfirmed Minutes from the Ordinary Meeting of Council held on the 18<sup>th</sup> of August 2021 be confirmed as a true and correct record of proceedings subject to amending resolution 05082021, Part B, "...<i>Council adopts an interest rate of 8% to be imposed on all outstanding rates and services charges and costs of proceedings to recover such charges that remain unpaid after 4<sup>th</sup> October 2021 or in the case of instalment options, on all outstanding rate amounts after the due date for payment of the instalment.</i>" to read:</p> <p>"... <i>Council adopts an interest rate of <u>7%</u> to be imposed on all outstanding rates and services charges and costs of proceedings to recover such charges that remain unpaid after 4<sup>th</sup> October 2021 or in the case of instalment options, on all outstanding rate amounts after the due date for payment of the instalment.</i>"</p> <p><b>F/A: 7/0</b></p>			

The meeting adjourned at 9.30am for morning tea

The meeting reconvened at 9.55am.

## 10. REPORTS OF OFFICERS

Council Resolution No: 02092021			
<b>MOVED:</b>	<b>CR: H. MCTAGGART</b>	<b>SECONDED:</b>	<b>CR: B.WALKER</b>
That Council receive the Manager of Finance and Corporate Services Report, Manager of Works and the Chief Executive Officer reports as read.			
<b>F/A: 7/0</b>			

### 10.1 Manager of Finance and Corporate Services Report

#### Corporate Services Update

Since the adoption of the 2021/22 Budget staff have been preparing for upcoming works planned as part of this year's budget such as improvements to our Council Chambers (looking at the best options for IT integration and modernisation of our facility), sourcing quotes for our Integrated Planning review and commencing the roll out of some of our community workshops and initiatives.

The 2021/22 Rates were levied and issued on the 31<sup>st</sup> August and are due on the 5<sup>th</sup> October. The Corporate team has also been assisting the WAEC in this year's LG elections - now that we have a final list of nominees we are looking forward to the election date come 16<sup>th</sup> October.

As I write this report we are undertaking our End of Year Audit for 2020/21. The Auditors from William Buck have been onsite for a week and have been keeping staff busy with enquiries and review of our accounts. We are hoping to have our EOY audit and annual financial statements finalised by October – if this is achievable, we will be one of the leading Council's in having this process done and dusted before the end of the calendar year.



#### Community Resource Centre Update

Visitors continued to call into the Community Resource Centre throughout August. We receive so many positive comments about what a lovely town we have, and that it is so unexpected. Our gardens are a highlight, and we have received lots of questions about the wildflowers.

Two Be Connected Webinars were held during August covering Connecting with Others and Can You Spot A Scam. Whilst a small number are attending they are enjoying the information as it is being presented.

On Thursday August 26, the first of three vaccination clinics was held and was well attended. Thank you to everyone who rolled Up Their Arm to get their COVID vaccine. The Nursing staff saw over 30 people throughout the three hours they were here. By supporting these initiatives when they are offered to the Shire it makes it easier to get these services on a regular basis.

On that note, progress is being made on having a regular health service back at the Community Resource Centre. Equipment orders have been placed and finding staff is underway. There is not a start date yet, but it is getting closer.

The Library has two new computers for public use, ready and waiting. One of the computers will also have a library management system enabling you to search for titles and books that are currently on the shelves. This system will allow us to broaden our range of services, and be more time efficient.

\*\*Note – The Income report provided to Council at the August 2021 OMC for sales received in July 2021 was incorrect. The report provided at the time was actually for August Sales 2021. Please see below both income reports for July and August 2021.

### **Community Resource Centre - Monthly Income Report – July 2021**

Printed at: 17/09/21		SHIRE OF UPPER GASCOYNE			
Page No : 1		<b>General Ledger Detail Trial Balance</b> (frmGLTrialBalance )			
Options : Year 21/22, From Month 01, To Month 01, By Responsible Officer (CRC INCOME CRC INCOME ACCOUNTS - MONTHLY REPORTING)					
RespOf	Account	Description	Opening Bal	Movement	Balance
Division	GEN				
	CRC INC( 10841340	Postal Agency Commission: CRC	0.00	-714.45	-714.45
	CRC INC( 10841380	Postal Agency Sales	0.00	-259.46	-259.46
	CRC INC( 10841390	Sales: Books/Maps/Souvenirs/Sundries	0.00	-424.10	-424.10
	CRC INC( 10842600	CRC Income Misc.	0.00	-10.29	-10.29
	CRC INC( 10842610	CRC Merchandise Sales	0.00	-633.60	-633.60
Total	CRC INCOME		0.00	-2,041.90	-2,041.90
Total for division	GEN		0.00	-2,041.90	-2,041.90
Grand Total			0.00	-2,041.90	-2,041.90

### **Community Resource Centre - Monthly Income Report – August 2021**

Printed at: 17/09/21		SHIRE OF UPPER GASCOYNE			
Page No : 1		<b>General Ledger Detail Trial Balance</b> (frmGLTrialBalance )			
Options : Year 21/22, From Month 02, To Month 02, By Responsible Officer (CRC INCOME CRC INCOME ACCOUNTS - MONTHLY REPORTING)					
RespOf	Account	Description	Opening Bal	Movement	Balance
Division	GEN				
	CRC INC( 10841310	Commission Centrelink : CRC	0.00	-720.00	-720.00
	CRC INC( 10841330	Transport Commission: CRC	0.00	-53.94	-53.94
	CRC INC( 10841340	Postal Agency Commission: CRC	-714.45	-664.32	-1,378.77
	CRC INC( 10841380	Postal Agency Sales	-259.46	-204.46	-463.92
	CRC INC( 10841390	Sales: Books/Maps/Souvenirs/Sundries	-424.10	-595.14	-1,019.24
	CRC INC( 10842600	CRC Income Misc.	-10.29	336.37	326.08
	CRC INC( 10842610	CRC Merchandise Sales	-633.60	-1,095.75	-1,729.35
Total	CRC INCOME		-2,041.90	-2,997.24	-5,039.14
Total for division	GEN		-2,041.90	-2,997.24	-5,039.14
Grand Total			-2,041.90	-2,997.24	-5,039.14



## Community Resource Centre - Monthly Customer Service Stats – August 2021

CUSTOMER SERVICES & ENQUIRIES	2021.2022 TOTAL	2020.2021 TOTAL	YTD DIFF	Aug-21	Aug-20	AUG DIFF
Aus Government Info/Roads	397	1318	-921	182	318	-136
Government Access Point	3	6	-3	3	3	0
Department of Human Services	0	17	-17	0	1	-1
Department of Transport	6	54	-48	5	5	0
Computer/Internet Access	14	19	-5	7	4	3
Faxes	0	0	0	0	0	0
General Tourism Information	291	521	-230	164	119	45
Phonebook Purchases	0	0	0	0	0	0
Community Seminars	0	1	-1	0	0	0
Gassy Gossip yearly subscription	0	0	0	0	0	0
Training/Courses	0	0	0	0	0	0
Hot Office Bookings	1	2	-1	1	0	1
Library	14	55	-41	6	1	5
Video Conference/Telehealth	0	11	-11	0	1	-1
Book Sales	19	40	-21	14	10	4
Photocopying/Printing/Scanning/Emailing	8	26	-18	2	2	0
Laminating/Binding	1	8	-7	0	0	0
CRC Merchandise Sales	133	358	-225	82	151	-69
Community Events	3	8	-5	3	0	3
Gassy Gossip Advertisement	2	4	-2	1	1	0
Postage	42	81	-39	20	4	16
<b>Total Customer Service Enquiries</b>	<b>934</b>	<b>2529</b>	<b>-1595</b>	<b>490</b>	<b>620</b>	<b>-99</b>

### **10.2 Manager of Works and Services**

#### **Town:**

The town crew have done a great job once again on preparing for the Tidy Towns judges visit on Thursday 9<sup>th</sup> September. Plenty of tourists and visitors have commented on how neat and tidy the town presents and that it is a pleasant surprise when they arrive here. Fingers crossed we defend last year's title as WA's best presented town. The town crew's fierce leader has been convalescing this month after having knee surgery. Sean has been working from home while he recovers and keeping all of the town projects and maintenance ticking along.

The new 4x2 staff house has arrived on site and trades will begin connecting services, install fencing and lawns and gardens in the next few weeks. This will be a much needed asset to our shortfall in staff housing.

The visitors stop is still slowly progressing with the current skilled labour shortage and long lead times on materials. The stone wall is being erected this week and foot paths, ablution structures and services will continue to be installed this month. We are still trying to resolve the bitumen seal issue with the contractor.

Almost all of the repairs and maintenance to the pub and tourist park are complete. The trades and new lease holders have done a great job in bringing the facility back up to a high standard and



somewhere near where it should be. I wish the Kempton family all the best in their new endeavours and am sure they will do the town a good service.

We have continued to work with our hydrologist to secure a reliable town water supply. We are still looking at the feasibility of drilling into the artesian supply either beneath town or 20kms west of town. We are also still hoping to locate another suitable location in the river to supply the town reticulation water. I had a meeting with the Regional Manager of DWER, Fleur Coaker regarding the issues we face and how it is directly affecting our ability to increase the town's capacity and sustain our facilities.

**Maintenance Grading:**

The wild flowers are out in bloom and have attracted tourists from everywhere. The road network has experience a big increase in traffic and it has taken its toll on the running surfaces. We have been going as hard as we can to ensure the roads are in good nick for the Landor Races. We have engaged two contractor graders to speed things up as we try to make up for the lost time earlier in the year repairing damage caused by people driving on closed roads.

**Construction Crew:**

We are well underway in reconstructing the remaining section of road to be sealed between the Bidgemia bitumen and Pells section. So far we have reconstructed the sub grade and are almost halfway through carting in the base course material. Compaction testing of the newly constructed subgrade is well within acceptable limits so we should not have any issues with the base course. I have also conducted compaction testing of the section previously completed that did not meet standard and am happy to report that compaction levels are getting closer the more the material dries out. We have released a request for quote via the WALGA eQuote portal for the supply of sealing services for these two sections and hope to begin sealing in October.



Figure 1 reconstructing the existing sub grade

I very pleased to advise that work has started on improving the Human Resources and Occupational Health and Welfare aspects of our business. We have signed on with Employsure and have completed the initial assessment which will provide a GAP Analysis detailing where we are at and where we need to be and provide the tools to get to our destination.

The Gascoyne Junction Race meeting was a huge success with our own Dustin, Bridie and Jarrod all performing exceptionally well. From all accounts a great deal of fun and enjoyment was had by all with little to no trouble over the weekend.

Round 1 of the COVID 19 jabs have been administered with good turn out from the Staff and the broader community, big thanks need to go to Ainsley for making this happen. Feel a bit under the weather the next day but the alternative is far worse so I encourage you all to roll your sleeves up and get the jab.

We have had a number of meetings with Hastings in the attempt to get the road use agreement started, again we have been presented with a problem but they have not come to the table with the solution as such the Shire and our neighbours will need to once again take the lead which is time consuming.

I can report that I have had my PET Scan in Perth and my results indicate that I am still clear with no evidence of disease, my next PET Scan is scheduled for the 11<sup>th</sup> of January 2022.

The bricklayer has bricked up the entrance doors into Jarrod's office and the Council Chamber to prevent the ingress of water into the building.

The Junction Pub and Tourist Park has transitioned from 1082 Albany Highway to Diane and Ken Kempton. The Kempton's have been very busy with the premises already looking a lot smarter and cleaner. Various trades have been attending to the items that require repairs or replacement.

The Visitor Stop is progressing albeit slowly due to labour shortages. At the time of writing GBSC have got an extra three grano workers on site as such we should start to see an acceleration in the works on the ground.

I have been making various representations to our State Ministers in an attempt to improve things but not batting that well with no wins and a few loses. It is extremely difficult to move the goal posts, even marginally, I am not sure if this is just a symptom of arrogance, ineptitude or laziness.

Thanks to Sa for looking after the place whilst I was away in Perth, although I do keep an eye on things, this does provide the opportunity for my staff to experience some of things that CEO's deal with on a day to day basis.

We currently have the Auditors in the office, from all accounts, without any official declaration it appears that we are tracking okay, our biggest issue is with our WANDRRA in's and out's.

Sean has advised that the new banner posts should be in Gascoyne Junction next week, it will be great to see these erected and with banners fluttering in the breeze.

The VET program is back up and running this year with surgeries in Gascoyne Junction on the 25<sup>th</sup> of October and surgeries in Burringurrah on the 26<sup>th</sup> of October.

Sean and Warren were successful in getting a grant for the Shire to install 200,000 litre water tank(s), I would have preferred a new truck but better than nothing.

The nominations for the 3 vacant Councillor position have closed with 5 people nominating; inclusive of the 3 sitting members. Dependent on the results of the election this may well be the last meeting for some of our current Councillors. On behalf of my team I would like to thank them all for their support, guidance and patience over the past four years.

### STATUS OF GRANTS FOR 2021

Submitted	Close Date	Project	Grant	Provider	Grant Amount	Project Cost	Result
18/2/2021	5/3/2021	Seal from Meekatharra Boundary towards the Landor Dalgety Turn-off	Building Better Regions Fund	Federal Government	\$7,971,000	\$10,000,000	Pending

2/3/2021	26/3/2021	New Broad Acre Fire Fighting Appliance & Rural Tanker	LGGS Grant	DFES	Unknown	Unknown	<b>Unsuccessful</b>
2/3/21	26/3/2021	Water tanks / stand pipe – 200,000 litre	WA Recovery Plan	DFES	\$126,285	\$126,285	<b>Successful</b>

<b>10.4 ACCOUNTS &amp; STATEMENTS OF ACCOUNTS</b>	
<b>Applicant:</b>	Shire of Upper Gascoyne
<b>Disclosure of Interest:</b>	None
<b>Author:</b>	Sa Toomalatai – Manager of Finance & Corporate Services
<b>Date:</b>	16 September 2021
<b>Matters for Consideration:</b>	<p>To receive the List of Accounts Due &amp; Submitted to Ordinary Council Meeting on Wednesday the 22<sup>nd</sup> of September as attached – see <a href="#">Appendix 1</a>.</p> <p>In addition to the List of Accounts and as part of this agenda report, Council are also requested to receive the Legal Expenses report. This report details all legal costs incurred to the end of this reporting period for both general legal and rates debt recovery expenses – refer to <a href="#">Appendix 1</a>.</p>
<b>Background:</b>	The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.
<b>Comments:</b>	The list of accounts are for the month of August 2021.
<b>Statutory Environment:</b>	<p>Local Government (Financial Management Regulations) 1996</p> <p><b>13. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.</b></p> <p>(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —</p> <ul style="list-style-type: none"> <li>(a) the payee’s name; and</li> <li>(b) the amount of the payment; and</li> <li>(c) the date of the payment; and</li> <li>(d) Sufficient information to identify the transaction.</li> </ul> <p>(2) A list of accounts for approval to be paid is to be prepared each month showing —</p>

	<p>(a) for each account which requires council authorisation in that month —</p> <p>(i) the payee's name; and</p> <p>(ii) the amount of the payment; and</p> <p>(iii) sufficient information to identify the transaction; and</p> <p>(b) the date of the meeting of the council to which the list is to be presented.</p> <p>(3) A list prepared under sub regulation (1) or (2) is to be —</p> <p>(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and</p> <p>(b) recorded in the minutes of that meeting.</p>				
<b>Policy Implications:</b>	Nil				
<b>Financial Implications:</b>	2021/2022 Budget				
<b>Strategic Implications:</b>	Civic Leadership – To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.				
<b>Risk:</b>					
<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

<b>Consultation:</b>	Nil								
<b>Voting requirement:</b>	Simple Majority								
<b>Officer's Recommendation:</b>	<p><i>That Council endorse the payments for the period 1<sup>st</sup> of August to the 31<sup>st</sup> of August 2021 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42 and receive the Legal Expenses Report detailing all legal costs incurred to the 31<sup>st</sup> of August 2021.</i></p> <table border="1"> <tr> <td><i>Municipal Fund Bank EFTs (13471 - 13562)</i></td> <td><i>\$2,746,392.11</i></td> </tr> <tr> <td><i>Payroll</i></td> <td><i>\$108,546.67</i></td> </tr> <tr> <td><i>BPAY/Direct Debit</i></td> <td><i>\$42,426.59</i></td> </tr> <tr> <td><b><i>TOTAL</i></b></td> <td><b><i>\$2,897,365.37</i></b></td> </tr> </table>	<i>Municipal Fund Bank EFTs (13471 - 13562)</i>	<i>\$2,746,392.11</i>	<i>Payroll</i>	<i>\$108,546.67</i>	<i>BPAY/Direct Debit</i>	<i>\$42,426.59</i>	<b><i>TOTAL</i></b>	<b><i>\$2,897,365.37</i></b>
<i>Municipal Fund Bank EFTs (13471 - 13562)</i>	<i>\$2,746,392.11</i>								
<i>Payroll</i>	<i>\$108,546.67</i>								
<i>BPAY/Direct Debit</i>	<i>\$42,426.59</i>								
<b><i>TOTAL</i></b>	<b><i>\$2,897,365.37</i></b>								

**Council Resolution No: 03092021**

<b>MOVED:</b>	<b>CR: B. WALKER</b>	<b>SECONED:</b>	<b>CR: R. HOSEASON-SMITH</b>
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That Council endorse the payments for the period 1<sup>st</sup> of August to the 31<sup>st</sup> of August 2021 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42 and receive the Legal Expenses Report detailing all legal costs incurred to the 31<sup>st</sup> of August 2021.

Municipal Fund Bank EFTs (13471 - 13562)	\$2,746,392.11
Payroll	\$108,546.67
BPAY/Direct Debit	\$42,426.59
<b>TOTAL</b>	<b>\$2,897,365.37</b>

**F/A: 7 /0**

<b>10.5 MONTHLY FINANCIAL STATEMENT</b>	
<b>Applicant:</b>	Shire of Upper Gascoyne
<b>Disclosure of Interest:</b>	None
<b>Author:</b>	Sa Toomalatai – Manager of Finance & Corporate Services
<b>Date:</b>	16 September 2021
<b>Matters for Consideration:</b>	<p>The Statement of Financial Activity for the period of August 2021, include the following reports:</p> <ul style="list-style-type: none"> <li>• Statement of Financial Activity</li> <li>• Significant Accounting Policies</li> <li>• Graphical Representation – Source Statement of Financial Activity</li> <li>• Net Current Funding Position</li> <li>• Cash and Investments</li> <li>• Major Variances</li> <li>• Budget Amendments</li> <li>• Receivables</li> <li>• Grants and Contributions</li> <li>• Cash Backed Reserve</li> <li>• Capital Disposals and Acquisitions</li> <li>• Trust Fund</li> </ul> <p style="text-align: center;"><b>see <a href="#">Appendix 2</a></b></p>
<b>Background:</b>	Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.
<b>Comments:</b>	The Statement of Financial Activity is for the month of August 2021.
<b>Statutory Environment:</b>	<p>Local Government Act 1995 – Section 6.4</p> <p>Local Government (Financial Management Regulations) 1996 – Sub-regulation 34.</p>
<b>Policy Implications:</b>	Nil
<b>Financial Implications:</b>	Nil
<b>Strategic Implications:</b>	Civic Leadership – To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.
<b>Risk:</b>	

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
<b>Consultation:</b>		Nil			
<b>Voting requirement:</b>		Simple Majority			
<b>Officer's Recommendation:</b>		<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period of August 2021.</i>			
<b>Council Resolution No: 04092021</b>					
<b>MOVED:</b>	<b>CR: H. MCTAGGART</b>	<b>SECONDED:</b>	<b>CR: A. MCKEOUGH</b>		
<p>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period of August 2021.</p> <p><b>F/A: 7/0</b></p>					

## 10.6 APPOINTMENT OF FIRE CONTROL OFFICERS

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Warren Hatt – Community Emergency Services Manager
DATE:	23 August 2021
<b>Matters for Consideration:</b>	
<p>The Bush Fires Act 1954 has a number of statutory requirements relevant to local government. In reviewing the operational matters relating to the Bush Fires Act 1954 (the Act), it has been noted that the current appointments for Fire Control Officers under the Act are out of date due to staff changes/resignations.</p> <p>This item therefore requests that Council appoints suitable persons to the offices of Bush Fire Control Officer (FCO), Chief Bushfire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer (DCBFCO) to ensure the requirements of the act are properly fulfilled.</p>	



**Background:**

To appoint new persons to the office of Bush Fire Control Officer in a way that is consistent with the Act, and to ensure that the requirements of the Act are responsibly achieved. The persons proposed for the position of Bush Fire Control Officers are outlined below, including their relationship with the Shire of Upper Gascoyne/Volunteer Bush Fire Brigade:

- John McLeary – Chief Executive Officer, Shire of Upper Gascoyne
- Warren Hatt – Shire Community Emergency Services Manager
- Jarrod Walker – Manager of Works and Services
- Sean Walker – Town Maintenance Supervisor
- Kenneth Kempton – Captain, Upper Gascoyne Bush Fire Brigade
- David Hammarquist – Volunteer Firefighter, Upper Gascoyne Bush Fire Brigade

Since the Shire last appointed FCO's there has been new persons recruited to the role of Town Maintenance Supervisor and Community Emergency Services Manager.

All persons listed above that have not undertaken the Fire Control Officer Course offered by the Department of Fire and Emergency Services will need to complete the training on the next available course.

**Comments:**

Section 38 of the Bush Fires Act 1954 gives local governments the powers to appoint Bush Fire Control Officers, and the Act provides such persons with the necessary authority to perform their duties under the Act.

The persons outlined in this report and recommended below are considered suitable for and are willing to accept the responsibilities that come with the role of Bush Fire Control Officer for the Shire of Upper Gascoyne.

**Statutory Environment:**

The statutory powers for the delegations reside under the Bush Fires Act 1954 as follows:

**s. 38 Local government may appoint bush fire control officer**

- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*
- (2C) *The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month*

*after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.*

- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.*
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.*
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.*
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*
  - (a) carrying out normal brigade activities;*
  - [(b), (c) deleted]*
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
  - (e) procuring the due observance by all persons of the provisions of Part III.*
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*
- (5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.*
- (5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).*

*s. 38A FES Commissioner may designate person employed in Department as Chief Bush Fire Control Officer*

- (1) At the request of a local government the FES Commissioner may designate a person employed in the Department as the Chief Bush Fire Control Officer for the district of that local government.*
- (2) Where a Chief Bush Fire Control Officer has been designated under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).*
- (3) The provisions of this Act, other than section 38(3) to (5C) apply to and in relation to the Chief Bush Fire Control Officer designated under this section as*

*if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.*

- (4) *Section 38(3) to (5C) apply to and in relation to the Chief Bush Fire Control Officer designated under this section as if —*
- (a) *he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and*
- (b) *the references in those subsections to the local government were references to the FES Commissioner.*

*[Section 38A inserted by No. 38 of 2002 s. 30; amended by No. 19 of 2010 s. 52(4); No. 22 of 2012 s. 61 and 69.]*

*s. 50 Records to be maintained by local governments*

- (1) *A local government shall maintain records containing the following information*
- (a) *the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;*
- (b) *where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;*

**Policy Implications:**

Appointment as per recommendations will be in line with Shire *Policy 5.2 BUSH FIRE CONTROL OFFICERS*

The Shire is also required by the Bush Fires Act 1954 to maintain a register of persons appointed under this act.

**Financial Implications:**

The only financial implications to the Shire would be minor expenses incurred as a result of sending nominated persons (that have not already completed the course) on relevant training with the Department of Fire and Emergency Services) . Much of these expenses could be funded through the Local Government Grant Scheme (LGGS).

**Strategic Implications:**

Failure to appoint FCOs could place Shire staff and volunteers involved in bush fire prevention and response in a position where they are not formally protected under the provisions of the *Bush Fires Act 1954*.

**Consultation:**

Consultation on the need for the updating of these appointments has occurred within the relevant departments within the Shire, and the Community Emergency Services Manager has also met with the persons proposed as FCOs to assess their suitability for the role, and to gain their interest and support for the appointments.

It should be noted that after the appointments, should Council decide to agree with the recommendation of the officer, a notice of appointment must be published in a newspaper circulating within District (section 38 of the Act). The notice of appointment will be undertaken should Council decide to undertake the appointments.

**Officer's Recommendation:**

**Voting requirement: Simple Majority**

*That Council:*

1. Pursuant to Section 38 of the Bush Fires Act, 1954:
  - a) Appoints the following person to the position of Chief Bush Fire Control Officer:
    - John Leslie McCleary
  - b) Appoints the following person to the position of Deputy Chief Bush Fire Control Officer:
    - Kenneth Brian Kempton
  - c) Appoints the following persons to the position of Bush Fire Control Officer:
    - Warren David Hatt
    - Jarrod Lachlan Walker
    - Sean Wallace Walker
    - David Phillip Hammarquist

*All previous appointments are hereby revoked.*
2. Directs the Chief Executive Officer to publish this appointment in the local newspaper and advise the Department of Fire and Emergency Services (Geraldton) of the appointments.

**Council Resolution No: 05092021**

**MOVED: CR J. CAUNT**

**SECONDED: CR A. MCKEOUGH**

*That Council:*

1. Pursuant to Section 38 of the Bush Fires Act, 1954:
  - a) Appoints the following person to the position of Chief Bush Fire Control Officer:
    - John Leslie McCleary
  - b) Appoints the following person to the position of Deputy Chief Bush Fire Control Officer:
    - Kenneth Brian Kempton
  - c) Appoints the following persons to the position of Bush Fire Control Officer:
    - Warren David Hatt
    - Jarrod Lachlan Walker
    - Sean Wallace Walker
    - David Phillip Hammarquist

*All previous appointments are hereby revoked.*

2. Directs the Chief Executive Officer to publish this appointment in the local newspaper and advise the Department of Fire and Emergency Services (Geraldton) of the appointments.

**F/A: 7/0**

10.7 TENDER DECISION CRITERIA – SUPPLY AND DELIVERY OF AGGREGATE AND SEAL ON CARNARVON MULLEWA ROAD	
<b>Applicant:</b>	Shire of Upper Gascoyne
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Jarrod Walker- Manager Works and Services
<b>Date:</b>	27 August 2021
<b>Matters for Consideration:</b>	To retrospectively determine the decision making criteria for assessing tenders to supply and deliver aggregate and bitumen seal on the Carnarvon Mullewa Road.
<b>Background:</b>	The shire is in the process of reconstructing and preparing two sections of road on the Carnarvon Mullewa road for bitumen seal. Due to a limited window of opportunity to procure a suitable supplier and avoid weather delays the shire needed to go to tender before the next available Council meeting and as such sort written endorsement of the selection criteria via email from each Council member. The shire would then seek Council's retrospective endorsement at the next available meeting.
<b>Comments:</b>	The Shire has engaged Greenfields Technical Services to carry out a request for tender for procurement of a suitable supplier.
<b>Statutory Environment:</b>	Local Government (Functions & General) Regulations 1996  Reg 14 (2a) If a local government —  (a) is required to invite a tender; or  (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, <u>determine in writing the criteria for deciding which tender should be accepted.</u>
<b>Policy Implications:</b>	Purchasing Policy
<b>Financial Implications:</b>	Nil

<b>Strategic Implications:</b>		<p><b>Civic Leadership</b></p> <p><b>Objective 4:</b> To provide Good Governance to the Upper Gascoyne Shire area through:</p> <ul style="list-style-type: none"> <li>• Detailed and professional administration;</li> <li>• High levels of accountability;</li> <li>• Compliance with statutory requirements;</li> <li>• High-quality forward planning, particularly for assets and finances;</li> <li>• Openness and transparency and enhanced consultations and public participation;</li> <li>• Provision of quality customer services, good financial management and pursuit of excellence in professional administration and communication.</li> </ul> <p><b>Economic</b></p> <p><b>Objective 1:</b> To develop and maintain an efficient road transport system.</p>			
<b>Risk:</b>					
<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation



<b>Consultation:</b>	Nil		
<b>Voting requirement:</b>	Simple Majority		
<b>Officer's Recommendation:</b>	<p><i>That Council retrospectively endorse the following decision making criteria when assessing tenders for the Supply and Delivery of Aggregate and Bitumen Seal on Carnarvon Mullewa Road</i></p> <ul style="list-style-type: none"> <li>• 60% Tender Price;</li> <li>• 10% Skills and experience of key personnel;</li> <li>• 10% Technical support experience including seal design;</li> <li>• 10% Demonstrated capability and capacity including quality systems</li> <li>• 10% Workplace OSH practices and procedures.</li> </ul>		
<b>Council Resolution No: 06092021</b>			
<b>MOVED:</b>	<b>CR G. WATTERS</b>	<b>SECONDED:</b>	<b>CR B. WALKER</b>
<p>That Council retrospectively endorse the following decision making criteria when assessing tenders for the Supply and Delivery of Aggregate and Bitumen Seal on Carnarvon Mullewa Road</p> <ul style="list-style-type: none"> <li>• 60% Tender Price;</li> <li>• 10% Skills and experience of key personnel;</li> <li>• 10% Technical support experience including seal design;</li> <li>• 10% Demonstrated capability and capacity including quality systems</li> </ul> <p>10% Workplace OSH practices and procedures.</p> <p><b>F/A: 7/0</b></p>			

## 11. MATTERS BEHIND CLOSED DOORS

<b>Item No:</b>	<b>07092021</b>
<b>MOVED: CR: R. HOSEASON-SMITH</b>	<b>SECONDED: CR: G. WATTERS</b>
That Council go behind closed doors to discuss confidential matters.	
<b>F/A: 7/0</b>	

### 11.1 GASCOYNE JUNCTION CARAVAN PARK, TAVERN, PETROL STATION LEASE

<b>Item No:</b>	<b>08092021</b>
<b>MOVED: CR B. WALKER</b>	<b>SECONDED: CR J. CAUNT</b>
That Council endorse the Gascoyne Junction Caravan Park, Tavern, Petrol Station Lease and authorise the Shire President and CEO to sign on behalf of the Shire of Upper Gascoyne.	
<b>F/A 7/0</b>	

**11.2 BITUMEN SPRAY SEALING WORKS ON VARIOUS SEGMENTS OF THE CARNARVON MULLEWA RD**

**Item No: 09092021**

**MOVED: CR H. MCTAGGART**

**SECONDED: CR. G. WATTERS**

That Council:

1. award a contract for RFQ 01-21-22 Annual Supply, Spray, Spread & Cover Bitumen Sealing including seal design and aggregate supply to Fulton Hogan based on their schedule of rates up to an estimated 7 kilometres and their indicative time frame of mid October 2021;
2. authorise the CEO to negotiate with other suppliers to ensure the sealing works are carried out prior to the Christmas break for the balance of the works.

**F/A 7/0**

**MOVED: CR: R. HOSEASON-SMITH**

**SECONDED: CR: G. WATTERS**

That Council come out from behind closed doors.

**F/A: 7/0**

**12. PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**14. ELECTED MEMBERS REPORTS**

14.1 Cr Hammarquist OAM JP

Nil

14.2 Cr Caunt

Attended Ernie Reynolds farewell function

14.3 Cr McKeough

Attend the WALGA Annual Conference

14.4 Cr Hoseason-Smith

Nil

14.5 Cr McTaggart

Nil

14.6 Cr Walker

Nil

14.7 Cr Watters

Nil

## 15. STATUS OF COUNCIL MEETING RESOLUTIONS

Resolution N°	Subject	Status	Open / Close	Responsible Officer
05082021	Budget	Submitted to the DLGCS	Close	FM
07082021	Activities in Thoroughfares Local	Currently in the advertising process.	Open	CEO
Confidential Item	Tourist Park Lease	Bond paid waiting on the transfer of liquor licence and business name as well as stock transfer which is happening on the 24 <sup>th</sup> of August 2021.	Open	CEO

## 16. STATUS OF SHIRE PROJECTS

As per [Appendix 3 and Appendix 4](#)

## 17. MEETING CLOSURE

The Shire President closed the meeting at 12.25pm.

To be confirmed at the Ordinary Meeting on the 20<sup>th</sup> October 2021.

Signed *DR Hammarquist* . OAM JP.

Presiding member at the meeting at which time the minutes were confirmed.