
INDEX

0507.01	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS	2
0507.02	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	2
0507.03	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
0507.04	PUBLIC QUESTION TIME.....	3
0507.05	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
0507.06	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
0507.07	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	4
0507.08	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	4
0507.09	REPORTS OF COMMITTEES / MEMBERS.....	4
0507.10	HEALTH, BUILDING AND TOWN PLANNING	4
	1. Amalgamation – Application For.....	4
0507.11	WORKS, PLANT, PARKS & GARDEN	5
	1. Collective WCRC Plant & Vehicle Management System.....	5
	2. Bush Fire Control Officers – Appointment Of	6
0507.12	FINANCE & GENERAL PURPOSE.....	8
	1. Standardising Information & Communication Technology.....	8
	2. Donation – Request For	9
	3. Waiver Of Hall Fees – Request For.....	10
	4. Accounts For Payment	11
	5. Finance Report 30 th April 2007	12
	6. Statement Of Financial Activity.....	14
	7. 13 Steele Street – Disposal Of	14
	8. Waiving Fees – Recreation Centre.....	17
	9. Visiting Volunteers Program	18
	10. Differential Rating.....	19
	11. Geraldton Crematorium – Upgrading Of Facilities.....	21
	12. Waiving Fees – Mullewa Town Hall.....	22
0507.13	CHIEF EXECUTIVE OFFICER’S REPORT	24
	1. Mullewa Cemetery – Hours Of Operation.....	24
0507.14	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
0507.15	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	28
0507.16	DELEGATED AUTHORITY	29
0507.17	CLOSURE OF MEETING	29

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 16 MAY 2007.**0507.01 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

1:12pm The President declared the meeting open.

0507.02 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**PRESENT:**

Councillor A J Messina – President	(West Ward)
Councillor B I N Thomas – Deputy President	(East Ward)
Councillor J L Freeman	(Central Ward)
Councillor M D Tierney	(Central Ward)
Councillor M Kerkmans	(East Ward)
Councillor L J Wainwright	(Central Ward)

OFFICERS:

Mr T Hartman - Chief Executive Officer
Ms N J Holmes – Deputy Chief Executive Officer

APOLOGIES:

Councillor G M Steele (South Ward)

APPROVED LEAVE OF ABSENCE:

Councillor N D Johnstone (South Ward)

VISITORS

Our Lady of Mt Carmel Primary School

Teacher: Sara Jones
Students: Daniel Steele
Alisha Krippner

0507.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

0507.04 PUBLIC QUESTION TIME**1. COMMUNITY ART PROJECT - ALISHA**

We have been involved in designing and making clay tiles to be laid around the community mosaic. What are the council and community planning to do to protect the mosaic and clay tiles from being vandalised? The President advised that this is a community project and giving the community ownership of the project usually deters vandalism.

2. OTHER COMMUNITY PROJECTS - DANIEL

Are there any other community projects planned for Mullewa that school children could participate in? The CEO advised that there are projects planned and the Schools will be encouraged to participate.

3. PUSH BIKES – ALISHA

Students at O.L.M.C. have noticed some children riding round town on their push bikes without wearing a helmet. We do the right thing by wearing our helmets. Are those children not wearing helmets being punished in anyway? Are their bikes supposed to be confiscated? The students were advised that any concerns regarding bike helmets should be directed to the Police Station.

4. OLD ZOO – DANIEL

What is happening to the old zoo? What is the land going to be used for? The President advised that this would be the site of the new Shire of Mullewa Works Depot.

5. STRAY DOGS AND CATS – ALISHA

There are still lots of stray dogs and cats around town. How often is the ranger in Mullewa patrolling? The Deputy CEO advised that the Ranger was recently in Mullewa and he visits on a regular basis which is not advertised.

6. CRICKET NETS AT RECREATION CENTRE – DANIEL

The cricket nets on the small oval at the Rec. centre have rocks and sticks poking out of them. Is it possible to get the nets cleaned to make it safer to play around? The students were advised that this would be looked at by Councils Town crew.

There are patches of sand on the little oval at the Rec centre. Is it possible to have those patches filled in? The CEO advised that other locations were being explored for junior football.

The concrete cricket pitch at the nets is in poor condition. It is uneven and worn down. Could the concrete be replaced? The President advised that staff would assess the condition of the pitch.

7. GINGS

We are concerned about gings injuring us. What are the police doing to stop this problem? The President advised that this was a Police matter and not the responsibility of the Shire.

0507.05 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

0507.06 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved: *J L Freeman* **Seconded:** *M D Tierney*

COUNCIL DECISION: **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 APRIL 2007, AS PRINTED BE CONFIRMED.**

CARRIED 6/0

0507.07 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

0507.08 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

0507.09 REPORTS OF COMMITTEES / MEMBERS

Nil

0507.10 HEALTH, BUILDING AND TOWN PLANNING**1. AMALGAMATION – APPLICATION FOR**

DATE OF MEETING: 16th May 2007
LOCATION/ADDRESS: Tenindewa
NAME OF APPLICANT: WA Planning Commission
FILE REFERENCE: 513.02
PREVIOUS MINUTE/S &
REFERENCE:
DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF Author has no disclosure of interest.

INTEREST:
SUMMARY Report seeks comment on amalgamation of properties

BACKGROUND: Correspondence has been received from the WA Planning Commission in which it advises that it has received an application from CT Keeffe to amalgamate Lots 3541, 4857, 4630, 3313, 4841, 5937, 4842, 4723 & 3739, Tenindewa.

COMMENT: The proposal is to amalgamate the abovementioned properties into two rural lots of 506.08ha and 454.90ha. A map of the proposed amalgamation is attached at **APPENDIX A**. The application states there are no existing dwellings or buildings for residential purposes involved in the amalgamation.

CONSULTATION:

STATUTORY ENVIRONMENT: The WA Planning Commission

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT THE WA PLANNING COMMISSION BE ADVISED THAT THERE IS NO OBJECTION TO THE APPLICATION FROM CT KEEFFE TO THE AMALGAMATION OF LOTS 3541, 4857, 4630, 3313, 4841, 5937, 4842, 4723 & 3739, TENINDEWA INTO TWO SEPARATE LOTS OF 506.08HA AND 454.90HA.

Moved: *M Kerkmans* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT THE WA PLANNING COMMISSION BE ADVISED THAT THERE IS NO OBJECTION TO THE APPLICATION FROM CT KEEFFE TO THE AMALGAMATION OF LOTS 3541, 4857, 4630, 3313, 4841, 5937, 4842, 4723 & 3739, TENINDEWA INTO TWO SEPARATE LOTS OF 506.08HA AND 454.90HA.**

CARRIED 6/0

0507.11 WORKS, PLANT, PARKS & GARDEN

1. COLLECTIVE WCRC PLANT & VEHICLE MANAGEMENT SYSTEM

DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: 9 May 2007, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY	Report submits a recommendation of the WCRC that all member Shires participate in stage 1 of a collective Plant & Vehicle audit and recommends Council consider the matter in the 2007/08 budget.
BACKGROUND:	The attached report to the WCRC provides the background information concerning the proposal Plant & Vehicle Management System. APPENDIX A
COMMENT:	It is recommended that Council consider participating in Stage 1 of the proposal.
CONSULTATION:	Matter raised for discussion at the April information session
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	The involvement will require budget consideration of \$2,857.
STRATEGIC IMPLICATIONS:	Should improve Council's Asset Management procedures.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT COUNCIL CONSIDER ALLOCATING \$2,857 IN THE 2007/08 BUDGET TOWARDS PARTICIPATING IN THE WCRC COLLECTIVE PLANT AND VEHICLE AUDIT.

Moved: *J L Freeman* **Seconded:** *L J Wainwright*

COUNCIL DECISION: **THAT COUNCIL CONSIDER ALLOCATING \$2,857 IN THE 2007/08 BUDGET TOWARDS PARTICIPATING IN THE WCRC COLLECTIVE PLANT AND VEHICLE AUDIT.**

CARRIED 6/0

2. BUSH FIRE CONTROL OFFICERS – APPOINTMENT OF

DATE OF MEETING:	16 th May 2007
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	Nino Messina – Chief Fire Control Officer
FILE REFERENCE:	401
PREVIOUS MINUTE/S & REFERENCE:	
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report requests confirmation of appointment of Fire Control Officer
BACKGROUND:	A request has been received from the Mullewa Chief Bush Fire Control Officer who wishes to formally nominate Tom Hartman as Deputy Chief Bush Fire Control Officer and Michael Tierney as Fire Control Officer of the Central Bush Fire Brigade. Neil Johnstone still remains Fire Control Officer for the Central Bush Fire Brigade.
COMMENT:	The requirement to make these appointments is due to the fact that the

previous Officers have relocated from the Shire of Mullewa.

The appointment of two fire control officers to a Brigade is not without precedent as it has happened within the Mullewa Shire on previous occasions. The appointment would be subject to the completion of the appropriate training in accordance with Councils policy.

CONSULTATION:

STATUTORY
ENVIRONMENT:
POLICY
IMPLICATIONS:

Bush Fires Act

FIRE CONTROL OFFICERS - APPOINTMENT OF

- A fire control officer will not be appointed until such time as the nominated person has completed and passed the necessary training to take up the role of a Fire Control Officer.

FINANCIAL
IMPLICATIONS:
STRATEGIC
IMPLICATIONS:

There are no known financial implications at this time.

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER
RECOMMENDATION

THAT TOM HARTMAN BE APPOINTED DEPUTY CHIEF BUSH FIRE CONTROL OFFICER AND MICHAEL TIERNEY BE APPOINTED A FIRE CONTROL OFFICER OF CENTRAL BUSH FIRE BRIGADE, SUBJECT TO THE REQUIRED TRAINING BEING UNDERTAKEN IN ACCORDANCE WITH COUNCILS POLICY; AND

THAT THE APPOINTMENT OF TIMOTHY FREEMAN, GRAHAM WILKS AND KENNETH THOMPSON BE CANCELLED.

Moved:

A J Messina

Seconded:

M Kerkmans

COUNCIL DECISION:

THAT TOM HARTMAN BE APPOINTED DEPUTY CHIEF BUSH FIRE CONTROL OFFICER AND MICHAEL TIERNEY BE APPOINTED A FIRE CONTROL OFFICER OF CENTRAL BUSH FIRE BRIGADE, SUBJECT TO THE REQUIRED TRAINING BEING UNDERTAKEN IN ACCORDANCE WITH COUNCILS POLICY; AND

THAT THE APPOINTMENT OF TIMOTHY FREEMAN, GRAHAM WILKS AND KENNETH THOMPSON BE CANCELLED.

CARRIED 6/0

0507.12 FINANCE & GENERAL PURPOSE**1. STANDARDISING INFORMATION & COMMUNICATION TECHNOLOGY**DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 105.07

PREVIOUS MINUTE/S & REFERENCE: April 2007 meeting

DATE AND AUTHOR: 9 May 2007, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report submits recommendation from the Wildflower Country Regional Council to budget \$2,500 for the initial audit investigation and study brief development on Standardisation of Information and Communication Technology for all participating shires.

BACKGROUND: A copy of the report submitted to the May meeting of the WCRC is attached at **APPENDIX A**

COMMENT: Council resolved to endorse the WCRC undertake initial work on this project at the April 2007 meeting. As can be noted in the current report from the WCRC, availability of grants, to date, for the initial stage has been unsuccessful.

CONSULTATION: WCRC meeting , Council meeting

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: Council will need to consider the allocation of \$2,500 on the 2007/08 budget.

STRATEGIC IMPLICATIONS: This is a high priority for the WCRC across the region.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL FAVOURABLY CONSIDER THE ALLOCATION OF \$2,500, AS THEIR CONTRIBUTION, TOWARDS THE INITIAL AUDIT INVESTIGATION AND STUDY BRIEF DEVELOPMENT ON THE STANDARDISATION OF INFORMATION AND COMMUNICATION TECHNOLOGY ACROSS THE WCRC REGION.

Moved: J L Freeman**Seconded:** B I N Thomas

COUNCIL DECISION: THAT COUNCIL FAVOURABLY CONSIDER THE ALLOCATION OF \$2,500, AS THEIR CONTRIBUTION, TOWARDS THE INITIAL AUDIT INVESTIGATION AND STUDY BRIEF DEVELOPMENT ON THE STANDARDISATION OF INFORMATION AND COMMUNICATION TECHNOLOGY ACROSS THE WCRC REGION.

CARRIED 6/0

2.	DONATION – REQUEST FOR
----	------------------------

DATE OF MEETING:	16 th May 2007.
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	Mid West Group of Affiliated Agricultural Societies
FILE REFERENCE:	210
PREVIOUS MINUTE/S & REFERENCE:	
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report requests donation
BACKGROUND:	Correspondence has been received from Mrs Dianne Hulme, Secretary of the Mid West Group of Affiliated Agricultural Societies requesting a donation towards the cost of presenting the Mid West District Display at the Perth Royal Show.
COMMENT:	In the past Council has supported this Group by giving a donation of \$200 towards the cost of presenting the Mid West District Display at the Royal Show. The Mid West Group of Affiliated Agricultural Societies include: Mullewa, Northampton, Chapman Valley, North Midlands, Central Midlands, Perenjori, Dalwallinu and Eneabba. The contribution received from Councils in the Mid West Group assist in continuing to promote the Mid West area and provides an excellent opportunity to present tourism and produce of the highest quality for this area, at the biggest single event and congregation of people available in Western Australia. The group was awarded 4 th prize and received 5 awards last year for their display. A photo of last years display will be available at the Council meeting.
CONSULTATION:	
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	There is provision in the 06/07 Budget for donations.
STRATEGIC IMPLICATIONS:	Mullewa is represented at the Perth Royal Show
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT THE COUNCIL DONATE THE SUM OF \$200 TO THE MID WEST GROUP OF AFFILIATED AGRICULTURAL SOCIETIES FOR THE PURPOSE OF PRESENTING A DISPLAY AT THE 2007 PERTH ROYAL SHOW.

Moved: *B I N Thomas* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **THAT THE COUNCIL DONATE THE SUM OF \$200 TO THE MID WEST GROUP OF AFFILIATED AGRICULTURAL SOCIETIES FOR THE PURPOSE OF PRESENTING A DISPLAY AT THE 2007 PERTH ROYAL SHOW.**

CARRIED 6/0

1:35pm - Cr Freeman declared a financial interest in the following Item. Cr Freeman left the meeting.

3.	WAIVER OF HALL FEES – REQUEST FOR
-----------	--

DATE OF MEETING: 16th May 2007.
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: Mrs Anita Krippner
 FILE REFERENCE: 603
 PREVIOUS MINUTE/S & REFERENCE:
 DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.
 SUMMARY: Report requests waiver of hall hire fees

BACKGROUND: A letter has been received from Anita Krippner who is organising modelling classes for local children.

COMMENT: Mrs Krippner has organised New Image Modelling from Geraldton to conduct modelling classes in Mullewa. This course is offered to local children and would be carried out in the hall over 5 sessions and attracts a fee of \$250. A copy of the letter is attached at **APPENDIX B**

A total of 20 children are needed to enrol in the course and each child will be charged \$100 which will cover fees and travelling costs for the agency. Mrs Krippner advised by phone that she did have this many children registered at this stage.

With a minimum of 20 children participating, the fee for the hall hire would be an additional \$12.50 per child, this would be reduced by any additional enrolments over the 20.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.
 POLICY IMPLICATIONS: There are no known policy implications at this time.
 FINANCIAL IMPLICATIONS: \$250 hall hire charge
 STRATEGIC IMPLICATIONS: Could be a future Miss Universe in the community

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL CONSIDERS MRS KRIPPNERS APPLICATION FOR A WAIVER OF HALL HIRE CHARGES TO CONDUCT MODELLING CLASSES.

Moved: *B I N Thomas*

Seconded: *L J Wainwright*

COUNCIL DECISION: THAT COUNCIL APPROVES MRS KRIPPNERS APPLICATION FOR A WAIVER OF HALL HIRE CHARGES TO CONDUCT MODELLING CLASSES.

CARRIED 5/0

1:45pm Cr Freeman returned to the meeting.

4. ACCOUNTS FOR PAYMENT

DATE OF MEETING: 16th May 2007
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: -
 PREVIOUS MINUTE/S & REFERENCE: -
 DATE AND AUTHOR: Natalie Hope, Senior Admin and Finance Manager

DISCLOSURE OF INTEREST: Author has no disclosure of interest.
 SUMMARY: The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank account during the month, to be passed for payment by Council.

BACKGROUND: Clause 11 of the Local Government (Financial Management) Regulations provides that a Local Government shall develop procedures for the authorisation of payments. Clause 12 of the Regulations requires a schedule of cheques drawn to be presented at the next Ordinary Meeting following preparations of the list.

COMMENT: Attached to this report is a list detailing all cheques drawn and direct debits since the last Council meeting.

The summary of the schedule of accounts to be passed for payment totalling \$ 482,270.74 covers the following:

<u>Municipal Account</u>		
Cheque No.	9489 – 9519	\$ 113,456.59
Electronic Fund Trans	3282 – 3344	\$ 307,352.13
Payroll & Fees	Various	\$ 61,332.02
<u>Trust Account</u>		
Cheque No.	302 – 303	\$ 130.00
	Total:	\$ 482,270.74

CONSULTATION: Nil

STATUTORY ENVIRONMENT: Local Government Act and Regulations

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.

Municipal Account

Cheque No.	9489 – 9519	\$ 113,456.59
Electronic Fund Trans	3282 – 3344	\$ 307,352.13
Payroll & Fees	Various	\$ 61,332.02

Trust Account

Cheque No.	302 – 303	\$ 130.00
	Total:	\$ 482,270.74

Moved: *J L Freeman* **Seconded:** *L J Wainwright*

COUNCIL DECISION: **THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.**

Municipal Account

Cheque No.	9489 – 9519	\$ 113,456.59
Electronic Fund Trans	3282 – 3344	\$ 307,352.13
Payroll & Fees	Various	\$ 61,332.02

Trust Account

Cheque No.	302 – 303	\$ 130.00
	Total:	\$ 482,270.74

CARRIED 6/0

5. FINANCE REPORT 30TH APRIL 2007

DATE OF MEETING: 16th May 2007
LOCATION/ADDRESS: -
NAME OF APPLICANT: -
FILE REFERENCE: -
PREVIOUS MINUTE/S & REFERENCE: -
DATE AND AUTHOR: 8th May 2007 Natalie Hope – Admin & Finance Manager

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY

BACKGROUND:

COMMENT:

BANK RECONCILIATION

The Bank Reconciliation for the month of April 2007 is listed below. The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest. This account attracts an interest rate of 5.75%.

ACCOUNT	MUNICIPAL	CDA	TRUST	COMMUNITY TRUST	RESERVE	ROAD RESEAL
BANK STATEMENT BALANCE	75,689.03	1,281,978.00	50,534.24	114,031.25	357,000.00	291,668.42
ADJUSTMENTS	-150.00	0.00	150.00	0.00	0.00	0.00
ADD O/S DEPOSITS	142.20	0.00	0.00	0.00	0.00	0.00
LESS O/S CHEQUES	10,082.63	0.00	441.73	0.00	0.00	0.00

CASH BALANCE 01.07.06	932,103.44	911,978.00	104,340.44	112,296.26	357,000.00	283,333.00
<u>ADD</u>						
RECEIPTS YTD	3,541,326.97	2,005,000.00	17,058.72	3,334.99	0.00	8,335.42
RECEIPTS THIS MONTH	98,875.98	30,000.00	4,500.38	0.00	0.00	0.00
<u>LESS</u>						
PAYMENTS TO DATE	2,968,797.36	1,445,000.00	75,497.04	1600.00	0.00	0.00
PAYMENTS THIS MONTH	255,932.40	220,000.00	160.00	0.00	0.00	0.00
CASH BALANCE	1,347,576.63	1,281,978.00	50,242.50	114,031.25	357,000.00	291,668.42

Note: The CDA funds are included in the Municipal Cash Balance

STATEMENT OF CASH POSITION
30th April 2007

CASH ON HAND	200.00
MUNICIPAL FUND	65,598.60
INVESTED MUNICIPAL FUNDS	1,281,978.00
MULLEWA COMMUNITY TRUST	114,031.25
RESERVE FUNDS	357,000.00
ROAD RESEAL FUNDS	291,668.42
TOTAL CASH FUNDS	2,110,476.27
THIS IS REPRESENTED BY:	
LEAVE RESERVE	83,000.00
SERVICE GRATUITY RESERVE	12,000.00
BUILDING RESERVE	137,000.00
AERODROME RESERVE	26,000.00
MEDICAL CENTRE RESERVE	67,000.00
EFFLUENT SCHEME RESERVE	32,000.00
MULLEWA COMMUNITY TRUST	114,031.25
ROAD RESEAL FUNDS	291,668.42
WILDFLOWER COUNTRY REGIONAL COUNCIL FUNDS	45,491.45
AVAILABLE FUNDS	1,302,285.15
TOTAL FUNDS	2,110,476.27

STATUTORY ENVIRONMENT: POLICY IMPLICATIONS:	There are no statutory implications on this matter. There are no policy implications on this matter.
FINANCIAL IMPLICATIONS:	There are no financial implications on this matter.
STRATEGIC IMPLICATIONS:	There are no strategic implications on this matter.
VOTING REQUIREMENTS:	Simple Majority
OFFICER RECOMMENDATION :	THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30 TH APRIL 2007 BE RECEIVED.

Moved: *J L Freeman* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT THE FINANCE REPORT FOR THE PERIOD ENDED 30TH APRIL 2007 BE RECEIVED.**

CARRIED 6/0

6. STATEMENT OF FINANCIAL ACTIVITY

DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 10th May 2007, Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY

BACKGROUND: Financial Management Regulation 34 requires a local government to prepare a 'Statement of Financial Activity' reporting on the sources and applications of funds on a monthly basis.

COMMENT: Attached **APPENDIX C** is the Statement of Financial Activity for April 2007.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF APRIL 2007 BE RECEIVED.

Moved: *M D Tierney* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF APRIL 2007 BE RECEIVED.**

CARRIED 6/0

7. 13 STEELE STREET – DISPOSAL OF
--

DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: 13 Steele Street, Mullewa

NAME OF APPLICANT: -

FILE REFERENCE: 303.03 H13

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

- SUMMARY Report requests direction on council property
- BACKGROUND: Council owned housing located at Lot 174 House 13 Steele Street has been the subject to two offers of purchase over recent times. Both transactions have not eventuated due to the proposed purchasers reneging on their offers after the regulated time frames for advertising of Councils intentions to dispose.
- COMMENT: The property is a 2 bedroom, plus sleepout, timber framed and fibro residence purchased by Council in January 1995 for a price of \$15,000.
- The house is of a poor standard and requires a substantial amount of maintenance and renewal to bring it up to a quality suitable for staff housing. The property had previously been tenanted by a community member, who vacated in October 2006.
- A decision on the future of this property is required as it has recently been victim of a small amount of vandalism, which is likely to increase over time. Staff have constantly locked this property but are unable to keep it secured to restrict access to the interior.
- Council may choose to repair and renovate the property and put it out onto the rental market, this may only attract a limited audience. The other option would be to dispose of the property in its entirety.
- In accordance with the Local Government Act if a Council proposes to dispose of the property, there are two options that can be taken a) Disposal by public auction. b) Disposal by public tender. Option A can work out to be an expensive exercise if the auction failed to attract bidders. Option B would incur the cost of advertising and administration. Council have been operating under Section 3.58(3) & (4) on previous occasions.
- A valuation was obtained in November 2006 which lists the market value of 174 Steele Street at \$25,000.
- If the property was disposed of in its entirety income from the sale could be incorporated into Council's Building Reserve which is set aside for the purpose of *construction and further development of council buildings*.
- CONSULTATION:
- STATUTORY ENVIRONMENT: Local Government Act
3.58. Disposing of property
*(1) In this section
"dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not;
"property" includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) Except as stated in this section, a local government can only dispose of property to
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if,*

before agreeing to dispose of the property

(a) it gives local public notice of the proposed disposition

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to

(a) a disposition of land under section 29 or 29B of the Public Works Act 1902; (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:

There are no known policy implications at this time.

An amount of \$25,000 was included as capital income in the 07/08 Budget.

STRATEGIC
IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER
RECOMMENDATION

THAT COUNCIL EITHER;

1) REPAIR AND RENOVATE LOT 174 STEELE STREET; OR

2) DISPOSE OF LOT 174 STEELE STREET BY PUBLIC TENDER AND INCLUDE THE PROCEEDS OF THE SALE INTO COUNCIL'S BUILDING RESERVE.

Moved:

J L Freeman

Seconded:

M Kerkmans

COUNCIL DECISION:

THAT COUNCIL DISPOSE OF LOT 174 STEELE STREET BY PUBLIC TENDER AND INCLUDE THE PROCEEDS OF THE SALE INTO COUNCIL'S BUILDING RESERVE.

CARRIED 6/0

8.	WAIVING FEES – RECREATION CENTRE
-----------	---

DATE OF MEETING:	16 th May 2007
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	603
PREVIOUS MINUTE/S & REFERENCE:	
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report request waiving of Recreation Centre Fees
BACKGROUND:	Correspondence has been received from Mrs Jill Hollands, Assistant Principal & Netball coach of Our Lady of Mt Carmel School, requesting to waive the fee for use of the recreation Centre.
COMMENT:	Mrs Hollands requests free use of the recreation centre for netball training commencing on 3 rd May and concluding at the end of August 07. Training session will be conducted on Thursdays from 3.30-4.30pm and are coached and supervised by volunteer adult helpers. Mrs Hollands takes the opportunity to thank Council for assistance in the past.
CONSULTATION:	
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	The cheapest hire rate that would be applicable to an event of this nature is \$40.00 per hire.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	<p>THAT OUR LADY OF MT CARMEL SCHOOL BE PROVIDED FREE USAGE OF THE MULLEWA RECREATION CENTRE ON THURSDAY FROM 3 MAY 2007 TO END OF AUGUST 2007 FROM 3.30-4.30PM SUBJECT TO THE FOLLOWING:</p> <ul style="list-style-type: none"> ▪ THAT THE VENUE IS LEFT CLEAN AND TIDY, SPECIFICALLY REMOVING FOOT PRINTS FROM THE FLOOR, AT THE CONCLUSION OF EACH HIRE, ▪ THAT THE COUNCIL IS INDEMNIFIED FOR ANY ACCIDENT OR INJURY ARISING FROM THIS UNDERTAKING, AND <p>THE CONTRIBUTION OF THE COUNCIL TO THIS UNDERTAKING IS PROMOTED</p>

Moved: *M Kerkmans*

Seconded: *L J Wainwright*

COUNCIL DECISION: THAT OUR LADY OF MT CARMEL SCHOOL BE PROVIDED FREE USAGE OF THE MULLEWA RECREATION CENTRE ON THURSDAY FROM 3 MAY 2007 TO END OF AUGUST 2007 FROM 3.30-4.30PM SUBJECT TO THE FOLLOWING:

- **THAT THE VENUE IS LEFT CLEAN AND TIDY, SPECIFICALLY REMOVING FOOT PRINTS FROM THE FLOOR, AT THE CONCLUSION OF EACH HIRE,**
- **THAT THE COUNCIL IS INDEMNIFIED FOR ANY ACCIDENT OR INJURY ARISING FROM THIS UNDERTAKING, AND**

THE CONTRIBUTION OF THE COUNCIL TO THIS UNDERTAKING IS PROMOTED

CARRIED 6/0

9.	VISITING VOLUNTEERS PROGRAM
-----------	------------------------------------

DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: 10 May 2007, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report submits information from Volunteering WA on the "Visiting Volunteers Program" and recommends Council become a member.

BACKGROUND: The attached information at **APPENDIX D**, details the program

COMMENT: This matter was discussed at the April "Information Session" with a general consensus that Council would consider being part of the program. This program could assist with activities in Mullewa such as assisting the Telecentre during the Wildflower season.

CONSULTATION: April Information Session

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: Council will need to pay an annual subscription fee of \$110.00

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL PARTICIPATE IN THE VISITING VOLUNTEERS PROGRAM AND PAY THE \$110.00 ANNUAL MEMBERSHIP FEE TO VOLUNTEERING WA .

Moved: *B I N Thomas* **Seconded:** *J L Freeman*

COUNCIL DECISION: **THAT COUNCIL PARTICIPATE IN THE VISITING VOLUNTEERS PROGRAM AND PAY THE \$110.00 ANNUAL MEMBERSHIP FEE TO VOLUNTEERING WA .**

CARRIED 6/0

10.	DIFFERENTIAL RATING
------------	----------------------------

DATE OF MEETING: 16TH May 2007
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: -
 PREVIOUS MINUTE/S & REFERENCE: April 2006 Item 10.4.12, March 2004 Item 10.4.1, July 2004 Item 0704.31, February 2007 Item 10.4.13

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

BACKGROUND: Differential rating schemes adopted in Western Australian range from simple schemes used in pastoral/mining areas where a single differential rate is used, to those in more populated areas where many differentials may be used. The Shire of Mullewa resolved to impose a differential rate on mining properties from 2006/2007.

Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

The notice is to contain such information as details of each rate or minimum payment the local government intends to impose; an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and any further information in relation to the matters specified which may be prescribed; and is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

After the specified time the local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

COMMENT: A differential rating model is attached as **APPENDIX E** for Council to determine. Once Council determines the proposed differential rate the proposal is required to be advertised, for 21 days for public comment,

indicating the objects of and reasons for the differential rate. If the highest differential rate is more than twice the lowest differential rate, the Ministers approval needs to be obtained.

A revaluation of the Mullewa Townsite will be applied from 1st July 2007. These figures were not available at the time of writing this report.

CONSULTATION: CEO, Shire of Yalgoo, Shire of Morawa, Shire of Perenjori, Shire of Mt Magnet.

STATUTORY ENVIRONMENT: Sections 6.33 to 6.36 of LGA

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: The process is integral to the final formulation of the 07/08 budget.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Absolute majority.

OFFICER RECOMMENDATION

1. THAT THE MINIMUM RATE AND DIFFERENTIAL RATE MODEL AS SHOWN IN THE ATTACHED OPTION 1/2/3 (DELETE AS APPROPRIATE), BE ADOPTED FOR THE PURPOSE OF FORMULATING THE 2007/08 BUDGET.
2. THAT THE PROPOSED DIFFERENTIAL RATING SCHEME BE ADVERTISED FOR PUBLIC COMMENT.
3. THAT THE CEO REQUEST APPROVAL OF THE MINISTER FOR THE ADOPTION OF THE PROPOSED UV DIFFERENTIAL RATES, IF AT THE EXPIRY OF THE PUBLIC NOTICE PERIOD, NO SUBMISSIONS HAVE BEEN RECEIVED.

Moved: *L J Wainwright*

Seconded: *B I N Thomas*

COUNCIL DECISION:

1. **THAT THE MINIMUM RATE AND DIFFERENTIAL RATE MODEL AS SHOWN IN THE ATTACHED OPTION 3 BE ADOPTED FOR THE PURPOSE OF FORMULATING THE 2007/08 BUDGET.**
2. **THAT THE PROPOSED DIFFERENTIAL RATING SCHEME BE ADVERTISED FOR PUBLIC COMMENT.**
3. **THAT THE CEO REQUEST APPROVAL OF THE MINISTER FOR THE ADOPTION OF THE PROPOSED UV DIFFERENTIAL RATES, IF AT THE EXPIRY OF THE PUBLIC NOTICE PERIOD, NO SUBMISSIONS HAVE BEEN RECEIVED.**

CARRIED BY ABSOLUTE MAJORITY 6/0

11. GERALDTON CREMATORIUM – UPGRADING OF FACILITIES

DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: Geraldton Cemetery Board

FILE REFERENCE: 801

PREVIOUS MINUTE/S & REFERENCE: February 2005.

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Request funding for upgrade of the proposed Geraldton Crematorium

BACKGROUND: Correspondence has been received from the Geraldton Cemetery Board in which it is seeking financial support for an upgrade of the proposed Crematorium Upgrade at the Geraldton Cemetery.

COMMENT: The Geraldton Cemetery Board has completed the tender process for the proposed crematorium upgrade at the Geraldton Cemetery. The total cost of the project is \$709,377 which provides an overall funding shortfall of \$102,012. The Board is urgently seeking the additional funds to proceed.

The Geraldton Crematorium services the whole Mid West region and meets its operating costs from income from burials and cremations. The City of Geraldton and the Shire of Greenough currently provide funding towards minor capital works, but this is inadequate to fund major capital works and the board has applied to Federal, State and Local government for funds. The board is requesting Council consider making a donation to ensure the completion of this project.

Below is a report presented to the February 2005 Council meeting and the consequent resolution. Council needs to now determine what their in-principal contribution will be.

10.4.3 <u>UPGRADING OF GERALDTON CREMATORIUM FACILITY – CONTRIBUTION TOWARDS.</u>

Background: Correspondence has been received from the Geraldton Cemetery Board in which it is seeking support from the Council for a proposed upgrade of the current Crematorium facility. It advises that pressure from the public has led the Board to look for an avenue to improve the current Crematorium, increase seating, shade and protection from the elements. Concept plans are currently being prepared for presentation to a public forum.

As a mounting number of cremation services have been received from surrounding Midwest Shires it requests the Council gives consideration to supporting an application under the Regional Partnerships Program by making a financial contribution. At this stage no budget determination has been made but it seeks a preliminary allocation which can be confirmed when more information is received.

Comment: There is no doubt that the Geraldton Crematorium provides a valuable service for Midwest residence which extends beyond the boundaries of Geraldton and Greenough. It can be equally argued that the current facilities at the crematorium are inadequate and in need of a substantial upgrade. The extent to which the local governments should make a contribution to this upgrade is to be determined.

Whilst it would be expected that the normal costs associated with burials and cremations would be met from the fees charged it is recognised that in some cases substantial capital infrastructure needs to be put in place. Mullewa clearly has its own issues with respect to maintenance of its sole burial facility and it is open to question the extent to which a crematorium is of direct benefit to residents of this municipality. Nevertheless there may be an argument for making a small

contribution to what can be considered a regional facility being the only one of its type in the Midwest as a show of support from a neighbouring local government.

In the absence of a direct request from the Cemetery Board identifying a specific contribution amount it may be appropriate to determine in-principle support whilst further information is awaited.

Officer Recommendation: The Council determine whether it is prepared to make an in-principle allocation of funds towards the upgrading of the Geraldton Crematorium facility which can be confirmed at such time as detailed information is received from the Geraldton Cemetery Board

0205.33	UPGRADING OF GERALDTON CREMATORIUM FACILITY – CONTRIBUTION TOWARDS
----------------	---

Moved: *BIN Thomas*

Seconded: *PT Freeman*

The Council determine that it is prepared to make an in-principle allocation of funds towards the upgrading of the Geraldton Crematorium facility which can be confirmed at such time as detailed information is received from the Geraldton Cemetery Board.

CONSULTATION:

STATUTORY ENVIRONMENT:

There are no known statutory implications at this time.

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT THE COUNCIL DETERMINE AN IN-PRINCIPAL CONTRIBUTION TOWARDS THE UPGRADING OF THE GERALDTON CREMATORIUM

Moved:

M Kerkmans

Seconded:

L J Wainwright

COUNCIL DECISION:

THAT THE COUNCIL DECLINE TO MAKE A CONTRIBUTION TOWARDS THE UPGRADING OF THE GERALDTON CREMATORIUM

CARRIED 5/1

12.	WAIVING FEES – MULLEWA TOWN HALL
------------	---

DATE OF MEETING: 16th May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: Alyson Papertalk

FILE REFERENCE: 603

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report request waiving of Town Hall Fees

BACKGROUND: Correspondence has been received from Alyson Papertalk requesting to waive the fee for use of the town hall.

COMMENT: Alyson Papertalk requests free use of the Mullewa Town Hall for a fund raising event to raise money for Charlie Comeagain Jnr whose vehicle was burnt in an act of arson by outsiders.

The letter from Ms Papertalk is attached at **APPENDIX F**

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY

IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL

IMPLICATIONS:

The hire rate that would be applicable to an event of this nature is \$100 plus \$500 bond.

STRATEGIC

IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL DETERMINE WHETHER AN EVENT OF THIS NATURE IS EXEMPT FROM HALL HIRE CHARGES.

Moved: *M Kerkmans* **Seconded:** *B I N Thomas* **LOST 1/5**

Moved: *B I N Thomas*

THAT THE FEE BE WAIVED AND A BOND BE CHARGED.

MOTION LAPSED FOR WANT OF A SECONDER.

Moved: *J L Freeman* **Seconded:** *L J Wainwright*

COUNCIL DECISION:

THAT THE HALL HIRE FEE AND BOND APPLICABLE BE CHARGED AND COUNCIL DONATE \$100 TOWARDS THE EVENT.

CARRIED 5/1

2:25pm Bob Roden, Works Supervisor, entered the meeting.

Mr Roden advised that:

- Sand is currently being screened for works on the Mullewa – Carnarvon Road, although this work will be postponed until July 2007.
- Delineators are in the process of being installed.
- White lines will be reinstated by MRWA on the first 18km in about 2 – 3 weeks.

Cr Freeman enquired if guide posts on the Mingenew Road were to be replaced. Mr Roden advised the shoulder work would be carried out on this road first and then the delineators would be replaced where necessary.

2:38pm Bob Roden, Works Supervisor, left the meeting.

0507.13 CHIEF EXECUTIVE OFFICER'S REPORT**1. MULLEWA CEMETERY – HOURS OF OPERATION**

DATE OF MEETING: 16 May 2007

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 801

PREVIOUS MINUTE/S & REFERENCE: February 2007

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report submits further information regarding Council's recent decision to amend the hours of operation of the Mullewa Cemetery and recommends revoking the previous decision and endorsing the action to re-instate the operation on Fridays.

BACKGROUND: The following is a copy of the report considered at the February 2007 meeting of Council that gives the background for this report -

*There have been a number of verbal requests from Councillors to exclude Friday from burials at the Mullewa Cemetery. This matter has been considered by Council at a Health, Building and Town Planning Committee Meeting held on the 10th May, 2000 and the Council meeting held on the 17th May, 2000. Copies of those minutes are attached at **APPENDIX C**.*

When this matter was first raised for my attention I immediately advised that it was my opinion that to change the hours of operation of the cemetery would require an amendment to Councils Local Laws. My opinion still stands. Council commenced, but has not completed the review of local laws which was required to be finalised by July 2003. The local laws (By-Law) covering the Mullewa Cemetery were approved in 1938 and the last amendment carried out in 1992. The hours of operation are still within the original law, being weekdays from 8:00am to 6:00pm and Sundays 2:00pm to 6:00pm.

The operation of cemeteries comes under the Cemeteries Act 1986, whereby Section 5 vests the care, control and management to a Local Government (the Board). Section 55 allows the Local Government to make Local Laws. A copy of Section 55 follows-

55. Local laws and by-laws

(1) A Board may make local laws or by-laws, as the case may be, that are necessary or convenient for the purposes of this Act and in particular for any of the following purposes —

(a) prescribing types of memorials permitted in different areas of a cemetery;

(b) prescribing the location, dimensions and preparation of graves;

(c) prescribing specifications and materials for memorials;

(d) prescribing specifications and materials for coffins for burials and cremations;

(e) prescribing methods for the disposal of ashes of cremated bodies in a

cemetery;

(f) prescribing requirements for the burial and covering of coffins;

(g) for the protection of memorials and the land and property of a Board;

(h) regulating the grant of rights of burial;

(i) regulating the maintenance of areas for burials and empowering a Board to enter into an agreement with the holder of a right of burial for the maintenance of an area at the expense of such holder;

(j) regulating, subject to the provisions of the Cremation Act 1929, the operation of any crematorium used by a Board;

(k) convening and regulating meetings of a Board;

(l) for the conduct of funerals, including the conduct of funerals by a Board;

(m) prescribing the procedures of a Board with respect to applications for and issue of licences, permits and permissions;

(n) regulating the entry to and use of vehicles in a cemetery;

(o) regulating the manner of payment and the receipt of fees and charges;

(p) providing that contravention of a local law or by-law constitutes an offence and providing for penalties not exceeding a fine of \$500 and if the offence is a continuing one to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued;

(q) prescribing offences for the purposes of sections 63 and 64 by setting out the offences or by reference to the provisions contravention of which constitutes the offences and in respect of each such offence prescribing the modified penalty, or different modified penalties according to the circumstances by which the offence is attended, applicable if the offence is dealt with under those sections, but so that no such modified penalty exceeds \$50; and

(r) generally for the doing of all such acts and things as are or may be necessary or convenient for the effective administration of a cemetery.

Generally, Section 55 (r) would cover matters such as operating hours etc. There does not appear to be any provision under the existing Cemeteries Act that prevents Council from making a local law that may exclude a burial on Fridays. However, making a local law requires advertising and consulting with the local community. It also allows community members to make submissions on the proposed local law and Councils are required to consider any submissions prior to requesting the relevant Ministers approval.

Obviously this process is available to ensure that those persons affected by local laws have the opportunity to voice their concerns and that those concerns are considered by the Council. The process also allows the supporters of the local law to make comment.

OFFICER RECOMMENDATION

THAT COUNCIL RE-COMMENCE ITS REVIEW OF ALL ITS LOCAL LAWS AND CONSIDER ANY MATTERS RELATING TO THE MULLEWA CEMETERY DURING THE REVIEW.

COUNCIL DECISION

THAT COUNCIL RE-COMMENCE ITS REVIEW OF ALL ITS LOCAL LAWS AND CONSIDER ANY MATTERS RELATING TO THE MULLEWA CEMETERY DURING THE

REVIEW AND;

THAT THE HOURS OF OPERATION OF THE MULLEWA CEMETERY BE AMENDED TO INCLUDE ONLY MONDAY TO THURSDAY AND;

THAT COUNCIL EXTEND AN INVITATION TO ATTEND THE MARCH MEETING OF COUNCIL TO SUPERINTENDENT GERE AND THE NEW SERGEANT IN CHARGE OF MULLEWA POLICE STATION TO DISCUSS THE CLOSURE OF LICENSED PREMISES.

CARRIED 7/1

COMMENT:

As can be noted from the February report the Officer recommendation was:

That council re-commence its review of all its local laws and consider any matters relating to the Mullewa cemetery during the review ;

however, at the meeting the Council further resolved to add the following to the motion -

That the hours of operation of the Mullewa cemetery be amended to include only Monday to Thursday and;

That council extend an invitation to attend the march meeting of council to superintendent Gere and the new sergeant in charge of Mullewa police station to discuss the closure of licensed premises.

My comments in the first and last two paragraphs of the February report need to be re-visited.

When this matter was first raised for my attention I immediately advised that it was my opinion that to change the hours of operation of the cemetery would require an amendment to Councils Local Laws. My opinion still stands. Council commenced, but has not completed the review of local laws which was required to be finalised by July 2003. The local laws (By-Law) covering the Mullewa Cemetery were approved in 1938 and the last amendment carried out in 1992. The hours of operation are still within the original law, being weekdays from 8:00am to 6:00pm and Sundays 2:00pm to 6:00pm.

Generally, Section 55 (r) would cover matters such as operating hours etc. There does not appear to be any provision under the existing Cemeteries Act that prevents Council from making a local law that may exclude a burial on Fridays. However, making a local law requires advertising and consulting with the local community. It also allows community members to make submissions on the proposed local law and Councils are required to consider any submissions prior to requesting the relevant Ministers approval.

Obviously this process is available to ensure that those persons affected by local laws have the opportunity to voice their concerns and that those concerns are considered by the Council. The process also allows the supporters of the local law to make comment.

Concern was expressed to me in the last week of April, 2007, by local indigenous people about Council's decision to change the hours of operation of the cemetery without consultation. A petition, signed by 70 persons was received requesting a meeting to discuss the matter. A meeting was arranged with the President and deputy President and held on Tuesday, 1 May 2007. A copy of the Notes of that meeting is attached at **APPENDIX A**.

Council should re-consider this matter in light of the recent concerns

regarding consultation and the process that should be put in place to amend the operating hours of the Mullewa Cemetery.

CONSULTATION:

President
Deputy President
Indigenous Community

STATUTORY ENVIRONMENT:

Cemeteries Act 1986
Local Government (Administration) Regulations - Regulation 10

The regulations require a two-stage process to revoke or change decisions made at council or committee meetings. A motion to revoke or change a previous decision must first be supported by at least one-third of the number of members of council. The second stage (after the required support for the motion has been obtained and recorded) is the formal consideration of the motion whether or not to revoke or change the earlier resolution.

POLICY IMPLICATIONS:
FINANCIAL IMPLICATIONS:
STRATEGIC IMPLICATIONS:

There are no known policy implications at this time.

There are no known financial implications at this time.

Council will need to ensure that any future decision regarding the Cemetery has the support of its community

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION

THAT COUNCIL, BY AT LEAST ONE-THIRD OF MEMBERS OF COUNCIL, SUPPORTS THE MOTION TO REVOKE THAT PORTION OF THE RESOLUTION OF THE FEBRUARY MEETING UNDER THE CHIEF EXECUTIVE OFFICERS REPORT, ITEM 3, REGARDING THE HOURS OF OPERATION OF THE MULLEWA CEMETERY THAT STATES "*That the hours of operation of the Mullewa cemetery be amended to include only Monday to Thursday*".

1. THAT COUNCIL REVOKE THAT PORTION OF THE RESOLUTION OF THE FEBRUARY MEETING UNDER THE CHIEF EXECUTIVE OFFICERS REPORT, ITEM 3, REGARDING THE HOURS OF OPERATION OF THE MULLEWA CEMETERY THAT STATES "*That the hours of operation of the Mullewa cemetery be amended to include only Monday to Thursday*".

2. THAT COUNCIL ENDORSE THE ACTION OF THE PRESIDENT IN RE-INSTATING THE HOURS OF OPERATION AT THE MULLEWA CEMETERY TO INCLUDE FRIDAYS.

3. THAT A CONSULTATION PROCESS CONTINUES WITH THE INDIGENOUS COMMUNITY CONCERNING THE HOURS OF OPERATION OF THE MULLEWA CEMETERY.

Moved:

B I N Thomas

Seconded:

J L Freeman

COUNCIL DECISION:

THAT COUNCIL, BY AT LEAST ONE-THIRD OF MEMBERS OF COUNCIL, SUPPORTS THE MOTION TO REVOKE THAT PORTION OF THE RESOLUTION OF THE FEBRUARY MEETING UNDER THE

CHIEF EXECUTIVE OFFICERS REPORT, ITEM 3, REGARDING THE HOURS OF OPERATION OF THE MULLEWA CEMETERY THAT STATES “*That the hours of operation of the Mullewa cemetery be amended to include only Monday to Thursday*”.

CARRIED BY ABSOLUTE MAJORITY 6/0

Moved: *J L Freeman* **Seconded:** *M D Tierney*

COUNCIL DECISION: 1. THAT COUNCIL REVOKE THAT PORTION OF THE RESOLUTION OF THE FEBRUARY MEETING UNDER THE CHIEF EXECUTIVE OFFICERS REPORT, ITEM 3, REGARDING THE HOURS OF OPERATION OF THE MULLEWA CEMETERY THAT STATES “*That the hours of operation of the Mullewa cemetery be amended to include only Monday to Thursday*”.

CARRIED BY ABSOLUTE MAJORITY 6/0

Moved: *L J Wainwright* **Seconded:** *M Kerkmans*

COUNCIL DECISION: 2. THAT COUNCIL ENDORSE THE ACTION OF THE PRESIDENT IN RE-INSTATING THE HOURS OF OPERATION AT THE MULLEWA CEMETERY TO INCLUDE FRIDAYS.

3. THAT A CONSULTATION PROCESS CONTINUES WITH THE INDIGENOUS COMMUNITY CONCERNING THE HOURS OF OPERATION OF THE MULLEWA CEMETERY.

CARRIED 6/0

0507.14	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
----------------	--

Nil

0507.15	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
----------------	---

Moved: *JL Freeman* **Seconded:** *BIN Thomas*

THAT COUNCIL ACCEPT THE DECISION REGARDING THE NEW DEPOT AS A MATTER OF BUSINESS OF AN URGENT NATURE

CARRIED 6/0

2:57pm - Cr Kerkmans declared a financial interest in the following item. Cr Kerkmans left the meeting

Moved: *BIN Thomas* **Seconded:** *JL Freeman*

COUNCIL DECISION: **THAT COUNCIL ACCEPT THE QUOTE RECEIVED FROM AUSSIE SHEDS FOR THE CONSTRUCTION OF A DEPOT SHED WHICH INCLUDES SHED, FLOOR AND PIT FOR \$152,473, AND THAT COUNCIL GIVES FAVOURABLE CONSIDERATION IN THE 2007/08 BUDGET FOR THE COMPLETION OF THE NEW DEPOT SHED BY CONSTRUCTING THE MEZZANINE FLOOR, PLUMBING AND ELECTRICAL FOR AN ESTIMATE OF \$40,000.**

CARRIED 5/0

3:05pm Cr Kerkmans returned to the meeting.

0507.16 DELEGATED AUTHORITY

Nil

0507.17 CLOSURE OF MEETING

The President closed the meeting at 3:05pm.

These minutes were confirmed at a meeting on 20 June 2007:
--

Signed:

A J Messina, President

Date:
