



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**18<sup>TH</sup> OF OCTOBER 2016**

# **NOTICE OF MEETING**

Please be advised that meeting of the

## **Ordinary Meeting of Council**

commencing at **6:30pm**

to be held on

**Tuesday, 18<sup>TH</sup> of OCTOBER 2016**

in Council Chambers at Austin Street, Cue WA

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Rob Madson  
Chief Executive Officer  
14<sup>th</sup> of October 2016

### **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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

SHIRE OF CUE

DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

**To: Chief Executive Officer**

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on \_\_\_\_\_ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

\* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NB**

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

**Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.**

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting \_\_\_\_\_
2. Particulars recorded in the minutes: \_\_\_\_\_
3. Signed by Chief Executive Officer \_\_\_\_\_

**Local Government Act 1995 - SECT 5.23**

**Meetings generally open to the public**

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

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

- (a) A matter affecting an employee or employees;
- (b) The personal affairs of any person;
- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) A matter that if disclosed, would reveal;
  - (i) A trade secret;
  - (ii) Information that has a commercial value to a person; or
  - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) A matter that if disclosed, could be reasonably expected to;
  - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) Endanger the security of the local government's property; or
  - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) Such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**SHIRE OF CUE**

**REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS**

Local Government (Administration) Regulations 1996 (**Regulation No.10**)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

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To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on \_\_\_\_\_ of a motion for revocation of Council resolution number \_\_\_\_\_ as passed by the Council at its meeting held on \_\_\_\_\_

**Councillor’s Names**

**Councillor’s Signature**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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**SHIRE OF CUE**  
**Ordinary Council Meeting**  
**MINUTES**

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Held in the Council Chambers, Austin Street Cue on Tuesday 18<sup>th</sup> of October 2016 commencing at 6:31pm.

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**1. OFFICIAL OPENING**

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The Shire President welcomed those present and read the following disclaimer:

*No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.*

*It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.*

*Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.*

**PRESENT:**

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Pixie Pigdon

Councillor Fred Spindler

**STAFF:**

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Manager Finance

Mrs Janelle Duncan, Customer Service Officer

**GALLERY:**

Nil

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**2. PUBLIC QUESTION TIME**

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Nil

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**3. APOLOGIES AND LEAVE OF ABSENCE**

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Councillor Leonie Fitzpatrick - Apology

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**4. PETITIONS/PRESENTATIONS/SUBMISSIONS**

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Nil

**5. CONFIRMATION OF MINUTES**

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**Council Decision:** 01102016

**MOVED: CR PRICE**

**SECONDED: CR HOGBEN**

That the Minutes of the Ordinary Meeting of 20<sup>th</sup> of September 2016 are confirmed as a true and correct record of the meeting.

**CARRIED: 6/0**

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

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Nil

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

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Nil



<b>8.1 ACCOUNTS &amp; STATEMENTS OF ACCOUNTS</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	14 October 2016
<b>Matters for Consideration:</b>	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 18 <sup>th</sup> of October 2016 as attached – see <a href="#">Appendix 1</a>	
<b>Comments:</b>	
The list of accounts is for the month of September 2016.	
<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>Statutory Environment:</b>	
Local Government (Financial Management Regulations) 1996 – Clause 13.	
<b>Policy Implications:</b>	
Nil	
<b>Financial Implications:</b>	
Nil	
<b>Strategic Implications:</b>	
Nil	
<b>Consultation:</b>	
Nil	

<b>Officer's Recommendation:</b>	<b>Voting requirement:</b> Simple Majority	
<p><i>That Council endorse the payments for the period 1<sup>st</sup> of September 2016 to 30<sup>th</sup> of September 2016 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p>		
Municipal Fund Bank EFTs	4195-4284	\$ 1,027,748.28
Direct Debit Fund Transfer		\$ 32,252.87
Payroll		\$ 79,498.64
BPAY		\$ 6,617.68
Cheques		\$ 0.00
<b>Total</b>		<b>\$ 1,146,117.47</b>
<b>Council Decision: 02102016</b>	<b>Voting requirement:</b> Simple Majority	
<p><b>MOVED: CR P. PIGDON</b> <span style="float: right;"><b>SECONDED: CR SPINDLER</b></span></p>		
<p>That Council endorse the payments for the period 1<sup>st</sup> of September 2016 to 30<sup>th</sup> of September 2016 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</p>		
Municipal Fund Bank EFTs	4195-4284	\$ 1,027,748.28
Direct Debit Fund Transfer		\$ 32,252.87
Payroll		\$ 79,498.64
BPAY		\$ 6,617.68
Cheques		\$ 0.00
<b>Total</b>		<b>\$ 1,146,117.47</b>
<p><b>CARRIED: 6/0</b></p>		

<b>8.2 FINANCIAL STATEMENT</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	14 October 2016
<b><i>Matters for consideration:</i></b>	
<p>The Statement of Financial Activity for the periods ended 30<sup>th</sup> of September 2016 including 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>see <a href="#">Appendix 2</a></p>	
<b><i>Comments:</i></b>	
The Statement of Financial Activity is for the month of September 2016.	
<b><i>Background:</i></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><i>Statutory Environment:</i></b>	
Local Government (Financial Management Regulations) 1996 – Clause 14.	
<b><i>Policy Implications:</i></b>	
Nil	
<b><i>Financial Implications:</i></b>	
Nil	



<b>8.3 COUNCIL MEETING DATES – 2017</b>																									
APPLICANT:	Shire of Cue																								
DISCLOSURE OF INTEREST:	None																								
File:																									
AUTHOR:	Noelene Meredith – Manager Corporate & Community Services																								
DATE:	14 October 2016																								
<b>Matters for Consideration:</b>																									
Council is required to adopt and advertise their Council meeting dates and the proposed dates for 2017 are submitted for Council's consideration																									
<b>Background:</b>																									
Nil																									
<b>Comments:</b>																									
<p>Council is required under the Local Government (Administration) Regulations 1996 to adopt annual meeting dates, times and advertise them to the community.</p> <p>Council traditionally meets on the 3<sup>rd</sup> Tuesday of the month at 6.30pm and therefore the dates proposed for 2017 are:</p> <table> <tbody> <tr> <td>January</td> <td>No meeting</td> </tr> <tr> <td>February</td> <td>Tuesday 21<sup>st</sup></td> </tr> <tr> <td>March</td> <td>Tuesday 21<sup>st</sup></td> </tr> <tr> <td>April</td> <td>Tuesday 18<sup>th</sup></td> </tr> <tr> <td>May</td> <td>Tuesday 16<sup>th</sup></td> </tr> <tr> <td>June</td> <td>Tuesday 20<sup>th</sup></td> </tr> <tr> <td>July</td> <td>Tuesday 18<sup>th</sup></td> </tr> <tr> <td>August</td> <td>Tuesday 15<sup>th</sup></td> </tr> <tr> <td>September</td> <td>Tuesday 19<sup>th</sup></td> </tr> <tr> <td>October</td> <td>Tuesday 17<sup>th</sup></td> </tr> <tr> <td>November</td> <td>Tuesday 21<sup>st</sup></td> </tr> <tr> <td>December</td> <td>Tuesday 19<sup>th</sup></td> </tr> </tbody> </table>		January	No meeting	February	Tuesday 21 <sup>st</sup>	March	Tuesday 21 <sup>st</sup>	April	Tuesday 18 <sup>th</sup>	May	Tuesday 16 <sup>th</sup>	June	Tuesday 20 <sup>th</sup>	July	Tuesday 18 <sup>th</sup>	August	Tuesday 15 <sup>th</sup>	September	Tuesday 19 <sup>th</sup>	October	Tuesday 17 <sup>th</sup>	November	Tuesday 21 <sup>st</sup>	December	Tuesday 19 <sup>th</sup>
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December	Tuesday 19 <sup>th</sup>																								
<b>Statutory Environment:</b>																									
Local Government Act 1995 Local Government (Administration) Regulations 1996																									
<b>Policy Implications:</b>																									
Nil																									
<b>Financial Implications:</b>																									
Nil																									

ORDINARY MEETING – 18 OCTOBER 2016

<b><i>Strategic Implications:</i></b>	
Nil	
<b><i>Consultation:</i></b>	
Nil	

**Officer's Recommendation:**

**Voting requirement:** Simple Majority

**That Council**

1. Adopt the following meeting dates for 2017 and advertise them in accordance with the Local Government (Administration) Regulations 1996:

January	No meeting
February	Tuesday 21 <sup>st</sup>
March	Tuesday 21 <sup>st</sup>
April	Tuesday 18 <sup>th</sup>
May	Tuesday 16 <sup>th</sup>
June	Tuesday 20 <sup>th</sup>
July	Tuesday 18 <sup>th</sup>
August	Tuesday 15 <sup>th</sup>
September	Tuesday 19 <sup>th</sup>
October	Tuesday 17 <sup>th</sup>
November	Tuesday 21 <sup>st</sup>
December	Tuesday 19 <sup>th</sup>

2. That the meetings will commence at 6.30pm

**Council Decision: 04102016**

**MOVED: CR SPINDLER**  
**That Council**

**SECONDED: CR HOGBEN**

1. Adopt the following meeting dates for 2017 and advertise them in accordance with the Local Government (Administration) Regulations 1996:

January	No meeting
February	Tuesday 21 <sup>st</sup>
March	Tuesday 21 <sup>st</sup>
April	Tuesday 18 <sup>th</sup>
May	Tuesday 16 <sup>th</sup>
June	Tuesday 20 <sup>th</sup>
July	Tuesday 18 <sup>th</sup>
August	Tuesday 15 <sup>th</sup>
September	Tuesday 19 <sup>th</sup>
October	Tuesday 17 <sup>th</sup>
November	Tuesday 21 <sup>st</sup>
December	Tuesday 19 <sup>th</sup>

2. That the meetings will commence at 6.30pm

**CARRIED: 6/0**

<b>8.4 REPRESENTATION ON CUE LOCAL EMERGENCY MANAGEMENT COMMITTEE</b>	
APPLICANT:	Shire of Cue
FILE:	00058
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Noelene Meredith – Manager Corporate & Community Services
DATE:	3 October 2016
SIGNATURE:	
<b>Matters for Consideration:</b>	
That Council nominate a representative for membership of the Cue Land Conservation District Committee.	
<b>Applicant's Submission:</b>	
Due to personal commitments Cr Leonie Fitzpatrick is unable to represent Council on the Cue Local Emergency Management Committee and consequently, Council must now nominate another councillor for this Committee.	
<b>Background:</b>	
Nil.	
<b>Comment:</b>	
Nil	
<b>Statutory Environment:</b>	
<p><b>LOCAL GOVERNMENT ACT 1995</b></p> <p><b>5.9. Committees, types of</b></p> <p>(1) In this section —  <b>other person</b> means a person who is not a council member or an employee.</p> <p>(2) A committee is to comprise —</p> <p>(a) council members only; or</p> <p>(b) council members and employees; or</p> <p>(c) council members, employees and other persons; or</p> <p>(d) council members and other persons; or</p> <p>(e) employees and other persons; or</p> <p>(f) other persons only.</p> <p><b>5.10. Committee members, appointment of</b></p> <p>(1) A committee is to have as its members —</p>	



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

\* *Absolute majority required.*

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

***Policy Implications:***

**Shire of Cue Policy Manual; Section F.1 Council Representatives.**

- F.1 All Council representatives wherever possible are to be serving members of the Council.
- F.1.2 Upon ceasing to be a member of the Council, the representative is to cease as a member of a Committee unless approved by a resolution of Council.
- F.1.3 Upon ceasing to be a member of the Council, the representative is to cease membership of any Regional Council unless approved by a resolution of Council and subject to the Regional Council Constitution.
- F.1.4 Council representatives on a committee that is not a Council Committee represent the shire’s positions not the individual Councillor’s position.
- F.1.5 The Council’s current committees are as follows;
  1. Main Roads Western Australia - Regional Road Group
  2. Murchison Regional Vermin Council
  3. Murchison Zone of the WALGA – Ward
  4. Audit Committee
  5. Local Emergency Management Committee

- F.1.6 Representatives of Committees and Regional Councils are to be reviewed by Council resolution following each Council ordinary election unless a Representative resigns prior to that Election at which time a special appointment may be made by Council resolution.

**Financial Implications:**

Committee members are entitled to the payment of sitting fees to attend committee meetings. The budget has been formulated on the basis that all Council positions are filled so this appointment does not have an effect on the adopted budget.

**Strategic Implications:**

Nil

**Consultation:**

Nil

**Officer's Recommendation:**

**Voting requirement:** Absolute Majority

*That Council appoint a councillor as representative on the Cue Local Emergency Management Committee.*

**Council Decision: 05102016**

**Moved: CR SPINDLER**

**Seconded: CR DENNIS**

That Council appoint Councillor Pixie Pigdon as representative on the Cue Local Emergency Management Committee.

**Carried: 6/0**

<b>8.5 MURCHISON REGIONAL VERMIN COUNCIL ESTABLISHMENT AGREEMENT</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	13 October 2016
<b><i>Matters for Consideration:</i></b>	
Acceptance of the Murchison Regional Vermin Council establishment agreement and authorisation of the execution of the document.	
<b><i>Background:</i></b>	
<p>The MRVC was established by an Order of the Governor under the former <i>Local Government Act 1960</i> and published in the Government Gazette on 13 December 1963. The MRVC constitution states that its function is for the rehabilitation of and maintenance of the N<sup>o</sup> 1 Vermin Fence from the Junction of the N<sup>o</sup> 1 and Emu Fences at the 80 mile at Lake Nabberu and the N<sup>o</sup> 2 Vermin Fence, named “Gum Creek” Junction at the 322 mile and extending for a distance of 30 miles West and as far West as deemed necessary in order to maintain the fences in a “Dog Proof” (declared animal) condition.</p> <p>Pursuant to the transitional provisions under Section 9.71 and Clause 10 of Schedule 9.3 of the <i>Local Government Act 1995</i>, the MRVC continues as a regional Local Government under the Act.</p> <p>The MRVC now wishes to amend its Constitution Agreement to broaden its purposes and objectives as detailed below:</p> <p>Regional Purposes:</p> <p>(a) The regional purposes for which the MRVC is established are:</p> <p>(i) The:</p> <p>(A) Rehabilitation and maintenance of the N<sup>o</sup> 1 Vermin Fence;</p> <p>(B) The construction, rehabilitation and for maintenance of any other fence within the Region that the MRVC Council determines should be constructed, rehabilitated and maintained to form, or to form part of, the Murchison Region Vermin Cell; and For the purpose of assisting in the restriction of movement, and the control and eradication of vermin within the Murchison Region Vermin Cell.</p> <p>(ii) The control, prevention and eradication of vermin within the Region (whether within or outside of the Murchison Region Vermin Cell);</p> <p>(iii) To provide advice, information and education to the participants and the communities of the participants in relation to the functions of the MRVC; and</p> <p>(iv) To carry out and do all other acts and things which are reasonably necessary to bring into effect, and the promotion of the purposes referred to in paragraph (i) and (ii) of this clause.</p> <p>(b) The MRVC Council may determine that any Project to be undertaken for a Regional Purpose is to be undertaken as:</p> <p>(i) An existing undertaking, in the terms set out in Clause 9, provided that all of the participants determine to participate in that undertaking; or</p> <p>(ii) As a new undertaking on terms to be determined under Clause 10, whether or not all of the participants determine to participate in that undertaking.</p> <p>Objectives:</p> <p>(a) The objectives of the MRVC are:</p> <p>(i) To construct or facilitate the construction of, and maintain a system of fences to create the Murchison Region Vermin Cell;</p> <p>(ii) To re-establish and enhance the viability and productivity of pastoral activities within the Murchison Region Vermin Cell through the control, prevention and eradication of vermin; and</p> <p>(iii) To obtain the appropriate level of resources, financial and physical for:</p> <p>(A) The construction and ongoing maintenance of the fences referred to in paragraph (a) (i); and</p>	

(B) The operation of the MRVC's activities and the achievement of the MRVC's objectives.  
 (b) No failure or alleged failure of the MRVC to meet any of the objectives set out in paragraph (a) will preclude any of the participants from meeting its obligations under the Establishment Agreement or otherwise give rise to any claim or entitlement on its part.

The new Establishment Agreement will allow the MRVC to borrow funds if required to fund projects.

**Comments::**

A copy of the proposed establishment agreement, prepared by Civic Legal, is attached at [Appendix 3](#).

In response to a query to the Acting Chief Executive Officer of the Murchison Regional Vermin Council regarding how the contributions to operating (page 19) and capital (page 20) expenditure contained in the agreement were arrived at, it was advised that these are based on current contributions.

**Statutory Environment:**

**LOCAL GOVERNMENT ACT 1995 - SECT 3.65**

**3.65 . Establishment agreement, amendment of**

(1) The participants may amend the establishment agreement for a regional local government by agreement made with the Minister's approval, and a reference in this Division to the establishment agreement includes a reference to the establishment agreement as so amended.

(2) The establishment agreement can be amended under subsection (1) to include another local government as a further participant if that local government is a party to the amending agreement.

(3) Section 3.61(2) and (3) apply, with any necessary modifications, to an agreement amending the establishment agreement.

**LOCAL GOVERNMENT ACT 1995 - SECT 9.49A**

**9.49A . Execution of documents**

(1) A document is duly executed by a local government if —

(a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

(b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

(3) The common seal of the local government is to be affixed to a document in the presence of —

(a) the mayor or president; and

(b) the chief executive officer or a senior employee authorised by the chief executive officer,

each of whom is to sign the document to attest that the common seal was so affixed.

<b><i>Policy Implications:</i></b>	
Nil	
<b><i>Financial Implications:</i></b>	
The establishment agreement commits the Shire to a proportion of capital and operating costs resulting from the operations of the MRVC.	
<b><i>Strategic Implications:</i></b>	
Nil	
<b><i>Consultation:</i></b>	
Dominic Carbone – Acting Chief Executive Officer, Murchison Regional Vermin Council	
<b><i>Officer's Recommendation:</i></b>	
<i>That Council accept the Murchison Regional Vermin Council establishment agreement and authorise the Shire President and Chief Executive Officer to sign the document and apply the common seal.</i>	
<b>Council Decision: 06102016</b>	<b>Voting requirement:</b> Simple Majority
<p><b>MOVED: CR DENNIS</b> <span style="float: right;"><b>SECONDED: CR P PIGDON</b></span></p> <p>That Council accept the Murchison Regional Vermin Council establishment agreement and authorise the Shire President and Chief Executive Officer to sign the document and apply the common seal.</p> <p><b>CARRIED: 6/0</b></p>	

<b>8.6 APPLICATION FOR PROSPECTING LICENCES SITUATED ON MAINLAND TOWNSITE</b>	
APPLICANT:	Department of Mines and Petroleum
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson - Chief Executive Officer
DATE:	13 October 2016
<b><i>Matters for Consideration:</i></b>	
<p>Agreement to impose an endorsement and condition proposed by the Department of Mines and Petroleum on prospecting licences encroaching on Mainland townsite.</p>	
<b><i>Background:</i></b>	
<p>The Minister for Mines and Petroleum is obligated to consult with Council before granting permission to mine in a townsite. The Department of Mines and Petroleum has written to Council regarding an application for two prospecting licences which incorporate the Mainland townsite, proposing that if Council is in agreement with allowing mining activity in the area that the following endorsement and condition be imposed upon the tenement:</p> <p>Endorsement: <i>The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.</i></p> <p>Condition: <i>Access to the surface of land within Mainland Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.</i></p>	
<b><i>Comments:</i></b>	
<p>A copy of the Tengraph map showing the location of the licences applied for is attached at <a href="#">Appendix 4</a>.</p> <p>Although the town of Mainland effectively no longer exists, the gazetted townsite of Mainland remains, therefore an application for a mining tenement including this area must be referred to Council. It would be prudent to retain some control over mining activity that may threaten any remaining remnants of historical significance. The licence condition proposed by the DMP appears to provide this protection. The endorsement in relation to private land is not presently relevant as no freehold land is currently held within Mainland Townsite.</p> <p>Council Policy C.1 (Noted below) will be brought to the attention of the DMP in the response to this application.</p>	
<b><i>Statutory Environment:</i></b>	
<p>Sections 23 to 26 of the <i>Mining Act 1978</i>. (As notified in DMP correspondence)</p>	
<b><i>Policy Implications:</i></b>	
<p>Policy C.1 – Mining Within The Town Boundary</p> <p>2 Other Townsites</p>	

2.1 Other townsites which are now vacant, and to which the Shire has an interest, are identified as the townsites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.

2.2 The Council is prepared to allow mining under these townsites but only on the proviso that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Nil

**Officer's Recommendation:**

That Council advise the Department of Mining and Petroleum that they agree to the endorsement

*The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land*

and the condition

*Access to the surface of land within Mainland Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.*

being imposed on tenements P 21/739 and P 21/741.

**Council Decision: 07102016**

**Voting requirement: Simple majority**

**MOVED: CR P. PIGDON**

**SECONDED: CR SPINDLER**

That Council advise the Department of Mining and Petroleum that they agree to the endorsement

*The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land*

and the condition

*Access to the surface of land within Mainland Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.*

being imposed on tenements P 21/739 and P 21/741.

**CARRIED: 6/0**

**9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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Nil

**10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

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Nil

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

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Nil

**12. MATTERS BEHIND CLOSED DOORS**

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Nil

**13. CLOSURE**

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The President thanked those present for attending the meeting and declared the meeting closed at 6.59pm

**To be confirmed at Ordinary Meeting on the 15<sup>th</sup> of November 2016**

**Signed:.....**

**Presiding member at the Meeting at which time the Minutes were confirmed.**