



Shire of Ngaanyatjaraku
ON A JOURNEY

**Minutes of Ordinary Council Meeting
Held at Warburton
18th December 2014 at 1:00pm**

**SHIRE OF NGAANYATJARRAKU
ORDINARY COUNCIL MEETING
18 December 2014**

A G E N D A

1. **PRESENT**
2. **APOLOGIES**
3. **LEAVE OF ABSENCE**
4. **DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS**
5. **QUESTION TIME**
6. **PRESENTATIONS / PETITIONS / DEPUTATIONS**
7. **CONFIRMATION OF MINUTES**
Ordinary Council Meeting 24th October 2014
8. **REPORTS BY THE CHIEF EXECUTIVE OFFICER**
Report No. 046-14 Accounts paid & payable
Report No. 047-14 Financial Statements for the periods ended October & November 2014
Report No. 048-14 Council Investments as at 12th December 2014
Report No. 049-14 Proposed Council Meeting dates - 2015
Report No. 050-14 Annual Review of Council Policies & Procedures
Report No. 051-14 Annual Review of Delegations
Report No. 052-14 Review of Risk Management, Internal Controls & Legislative Compliance

Report No. 053-14 Food Act 2008 & Food Regulations 2009 – Council Policy

Report No. 054-14 Mantamaru Community Layout Plan – Endorsement

MATTERS FOR THE INFORMATION OF MEMBERS

CLOSURE OF MEETING BY SHIRE PRESIDENT

**MINUTES OF ORDINARY COUNCIL MEETING
HELD ON 18th DECEMBER 2014 AT 1:00PM (WST)
IN THE SHIRE OF NGAANYATJARRAKU MEETING ROOM**

Shire President, Cr. John Damian McLean welcomed members and staff and declared the meeting open at 1:10pm.

PRESENT Cr. J.D. McLean (President)
Cr. B. Thomas (Deputy President)
Cr. P. Thomas
Cr. C.F. Twine
Cr. A. Bates
Cr. J. Frazer

Mr. Chris Paget – Chief Executive Officer

APOLOGIES

Councillor A. Jones
Councillor L. West

LEAVE OF ABSENCE

Nil

QUESTION TIME

No questions

PRESENTATIONS / PETITIONS / DEPUTATIONS

Nil

DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS

Nil

CONFIRMATION OF MINUTES

Ordinary Council meeting 24th October 2014

MOVED Cr. Bates, seconded Cr. P. Thomas, that the minutes of the Ordinary Council meeting held on 24th October 2014 be confirmed as a true record of the proceedings of that meeting.

CARRIED 6/0



REPORT NO: 046-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: ACCOUNTS PAID AND PAYABLE

AUTHORITY: FINANCIAL MANAGEMENT REGULATIONS 12 & 13

In accordance with Financial Management Regulations 12 & 13, a list of all accounts paid or payable shall be presented to Council (Refer to Accounts for Payment attached).

Council is requested to confirm the payment of accounts listed in the Accounts for Payment. (See attachments)

RECOMMENDATION

That Council payment of accounts amounting to \$1,440,116.54 for period ending 31st October and 30th November 2014 be received and noted.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. Twine, seconded Cr. B. Thomas, that the recommendation contained within report 046-14 be adopted.

#046-14

RESOLUTION:

That Council payment of accounts amounting to \$1,440,116.54 for period ending 31st October and 30th November 2014 be received and noted.

CARRIED 6/0

SHIRE OF NGAANYATJARRAKU WARRANT LISTING - OCTOBER 2014

Creditor Number	Payee	Cheque No	Date	Details	Amount
361.01	PIVOTEL SATELLITE PTY LTD	21014	2/10/2014	SATELLITE TELEPHONE CHARGES SEPT 2014	365.00
559.01	WESTNET PTY LTD	171014	17/10/2014	MONTHLY ADSL ACCOUNT CHARGES - SHIRE OF NG NOV	114.90
4.01	Mr A BATES	300077	24/10/2014	COUNCIL MEETING FEES SEPT & OCT 2014	350.00

Minutes of
Ordinary Council Meeting

18th December 2014

45.01	SHIRE OF NGAANYATJARRAKU	300078	24/10/2014	REIMBURSE P/CASH PURCHASE OF ARTS & CRAFTS	1,880.00
15.01	WESTPAC BANK	1345.15-01	1/10/2014	TRANS AND INET ONLINE BANKING FEES	22.00
15.01	WESTPAC BANK	1346.15-01	6/10/2014	QANTAS FARES - CEO C PAGET & YSM T O'BRI	3,705.46
1081.01	PERTH KALEXPRESS OVERNIGH	1347.1081	28/10/2014	FREIGHT CHARGES - TYRES FORSHIRE DEPOTS	288.70
217.01	KEY FACTORS PTY LTD (DESE	1348.217-01	15/10/2014	CONSTRUCTION WORKS PLANT HIRE SLK553.0-5	106,533.90
368.01	DEPT FOR PLANNING & INFRA	1349.368-01	2/10/2014	DOT AGENCY TRANSACTIONS 133022-133024	3,301.55
1004.01	Mrs J FRAZER	1350.1004-01	24/10/2014	COUNCIL MEETING FEES SEPT & OCT 2014	350.00
355.01	Ms L WEST	1351.355-01	24/10/2014	COUNCIL MEETING FEES SEPT & OCT 2014	350.00
473.01	Mr P THOMAS	1352.473-01	24/10/2014	COUNCIL MEETING FEES SEPT & OCT 2014	350.00
26.01	Mr D MCLEAN	1353.26-01	24/10/2014	COUNCIL MEETING FEES SEPT & OCT 2014	700.00
1064.01	Mr A JONES	1354.1064-01	24/10/2014	COUNCIL MEETING FEE 24TH SEPT 2014	175.00
354.01	Mrs B THOMAS	1355.354-01	24/10/2014	COUNCIL MEETING FEES SEPT & OCT 2014	350.00
1007.01	Mr C F TWINE	1356.1007-01	24/10/2014	COUNCIL MEETING FEE 24TH OCT 2014	175.00
1050.01	CARDINAL CONTRACTORS PTY	1357.105-01	15/10/2014	HIRE OF GRADERS WARB BLACKSTONE ROAD	84,337.00
37.01	NATS	1358.37-01	23/10/2014	PALLET DEPOSITS AND FREIGHT	66,696.88
100.01	WANARN STORE	1363.100-01	21/10/2014	SUPPLIES FOR WANARN PLAYGROUP	655.31
1019.01	Mr T O'BRIEN	1363.1019-01	21/10/2014	REUNBYRSE TYKARA ACCINN REOKACE SPARE TY	358.90
1050.01	CARDINAL CONTRACTORS PTY	1363.105-01	21/10/2014	GRADER HIRE GILES MULGA PARK	28,798.00
1071.01	HARTOP PTY LTD	1363.1071-01	21/10/2014	REPAIRS TO WARAKURNA DEPOT TRITON UTE	170.00

1072.01	BERGMEIER EARTHMOVING	1363.1072-01	21/10/2014	SERVICE REPAIRS AND MECH DQUIP FOR FLEET	5,564.60
1082.01	Mr C O'BRIEN	1363.1082-01	21/10/2014	REIMBURSE DIESEL FUEL PRADO 1CLX670	50.05
1083.01	RIGHTWAY TRAINING & SAFET	1363.1083-01	21/10/2014	TRAFFIC MANAGEMENT & STOP/SLOW TRAINING	2,400.00
147.01	AUSTRALIA POST	1363.147-01	21/10/2014	AUSTRALIA POST MAIL POSTAL CHARGES	13.40
17.01	CITY OF CANNING	1363.17-01	21/10/2014	CLEARANCE OF MINOR A/C BALANCE	109,728.06
205.01	LOCAL GOVERNMENT MANAGERS	1363.205-01	21/10/2014	2014/15 LGMA COR COUNCIL MEMB SUBSCRIPTI	1,315.00
207.01	CARDILE FIREWORKS PTY LTD	1363.207-01	21/10/2014	FIREWORKS DISPLAY WARAKURNA DESERT DUST	11,000.00
217.01	KEY FACTORS PTY LTD (DESE	1363.217-01	21/10/2014	PLANT HIRE & CONSTN GREAT CENTRAL RD SLK	98,054.00
25.01	IRRUNYTJU STORE	1363.25-01	21/10/2014	DIESEL FUEL SHIRE ENV HEALTH TRITON AND	95.00
262.01	Mr C L PAGET	1363.262-01	21/10/2014	REIMBURSE AVIS CAR HIRE AND REPLACEMENT	980.62
268.01	INDERVON PTY LTD	1363.268-01	21/10/2014	DIESEL - YOUTH SERVICES VEHICLE 1EBO496	403.73
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Creditor Number	Payee	Cheque No	Date	Details	Amount
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278.01	LGIS PROPERTY	1363.278-01	21/10/2014	MUNICIPAL PROPERTY SCHEME 2014-2015 2ND	19,965.58
334.01	STAPLES AUSTRALIA (PREV.	1363.334-01	21/10/2014	STATIONERY & SUPPLIES FOR PLAYGROUPS	1,171.73
35.01	LGIS WORKCARE	1363.35-01	21/10/2014	LGIS WORKCARE CONTRIBUTIONS 2ND INSTALME	32,866.12
390.01	COUNTRY ARTS WA	1363.390-01	21/10/2014	PRESENTERS FEES FORSAND TRACKS 2014 TOUR	2,750.00
395.01	FIRE & EMERGENCY SERVICES	1363.395-01	21/10/2014	FESA EMERGENCY SERVICES LEVY	768.00
40.01	NGAANYATJARRA SERVICES (A	1363.40-01	21/10/2014	RENTAL OF STAFF HOUSE LOT 154 WARBURTON	

					3,771.42
419.01	COMFORT INN MIDAS	1363.419-01	21/10/2014	ACCOMMODATION MWS D HUMPHRIES	1,740.00
48.01	SUCCESS PRINT	1363.48-01	21/10/2014	PRINTING OF 12X3 PART SHIRE ORDER BOOKS	447.00
51.01	TJUKAYIRLA ROADHOUSE	1363.51-01	21/10/2014	DIESEL FUEL MWS TOYOTA 1EER541	308.70
53.01	LANDGATE	1363.53-01	21/10/2014	CONSOLIDATED MINING TENEMENTS ROLL & TEN	196.65
538.01	PERFECT COMPUTER SOLUTION	1363.538-01	21/10/2014	RECTIFY EMAIL & SERVER ISSUES & ADJUST.	297.50
57.01	WARAKURNA ROADHOUSE	1363.57-01	21/10/2014	ACCOMM & MEALS EYPC A SHINKFIELD 8/9	2,658.18
571.01	LGIS LIABILITY	1363.571-01	21/10/2014	LGIS LIABILITY SCHEME 2013-2104 2ND INST	9,763.46
58.01	WARBURTON COMMUNITY INC	1363.58-01	21/10/2014	PURCHASE OF ARTWORKS FROM WARBURTON ARTS	600.00
59.01	WARBURTON ROADHOUSE	1363.59-01	21/10/2014	DIESEL EH TRITON KBC937D	10,246.54
60.01	WARBURTON STORE	1363.60-01	21/10/2014	SUPPLIES FOR SHIRE MEETING ROOM KITCHEN	1,405.07
61.01	WARRUNYINNA STORE	1363.61-01	21/10/2014	DIESEL JAMESON WORKS UTE 1DWC269	357.50
72.01	BLACKSTONE ENTERPRISES (S	1363.72-01	21/10/2014	SUPPLIES FOR BLACKSTONE PLAYGROUP	27.30
778.01	CENTRALIAN MOTORS	1363.778-01	21/10/2014	20,000KM SERVICE YSM PRADO 1EBO496	336.70
815.01	WARBURTON MECHANICAL REPA	1363.815-01	21/10/2014	FITOUT OF ISUZU TIP TRUCK 1DGR100 - LIGH	10,281.50
866.01	MODERN TEACHING AIDS	1363.866-01	21/10/2014	EQUIP & SUPPLIES FOR PLAYGROUPS PROGRAM	2,851.19
885.01	BRIDGESTONE TYRE CENTRE K	1363.885-01	21/10/2014	SUPPLY TYRES FOR SHIRE FLEET TRUCKS	1,260.00
902.01	Mr G R HANDY	1363.902-01	21/10/2014	REIMBURSE DIESEL FUELPRADO 1CXG575 ACCOM	1,218.77
941.01	NGAANYATJARRA COUNCIL REG	1363.941-01	21/10/2014	REPLACEMENT TAPS & SINK TOP ASSEMBLY LOT	3,087.60

95.01	WARAKURNA STORE	1363.95-01	21/10/2014	SUPPLIES FOR YOUTH DUST UP	78.50
997.01	METEX NICKEL PTY LTD	1363.997-01	21/10/2014	CAMP ACCOMMODATIN 3YPC A SHINKNFIELD 5 A	495.00
357.01	COMMONWEALTH BANK OF AUST	31014	3/10/2014	PAYMENT FOR CBA MERCHANT & POS FEE	64.50
50.01	TELSTRA CORPORATION LTD	2102014	2/10/2014	PAYMENT FOR INVOICE P722124140-7	1,665.59
50.01	TELSTRA CORPORATION LTD	10022014	2/10/2014	PAYMENT OF INVOICE TD11SEPT2014	175.00
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 7	\$ 43,055.70
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 8	\$ 51,938.66
TOTAL					735,481.52

SHIRE OF NGAANYATJARRAKU WARRANT LISTING - NOVEMBER 2014

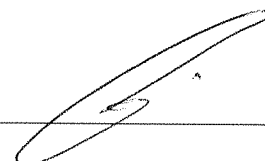
Creditor Number	Payee	Cheque No	Date	Details	Amount
357.01	COMMONWEALTH BANK OF AUST	31114	3/11/2014	CBA POS & MECHANT FEES	\$ 48.46
361.01	PIVOTEL SATELLITE PTY LTD	51114	5/11/2014	SATELLITE TELEPHONE CHARGES - OCT 2014	\$ 365.00
50.01	TELSTRA CORPORATION LTD	101114	10/11/2014	PHONE & DATA CHARGES - OCTOBER 2014	\$ 1,759.12
50.01	TELSTRA CORPORATION LTD	281114	28/11/2014	TELSTRA SATELLITE MOBILE CHARGES	\$ 190.00
54.01	WA SUPER	501729	19/11/2014	SUPER CONTRIBUTIONS - 02081014-1	\$ 10,512.98
300.01	AMP RETIREMENT SAVINGS AC	501730	19/11/2014	SUPER CONTRIBUTIONS - 02221014-19	\$ 627.76

1034.01	AUSTRALIAN SUPER	501731	19/11/2014	SUPER CONTRIBUTIONS - 02081014-34	\$ 679.58
54.01	WA SUPER	501732	26/11/2014	SUPER CONTRIBUTIONS - 02051114-1	\$ 11,234.42
300.01	AMP RETIREMENT SAVINGS AC	501733	26/11/2014	SUPER CONTRIBUTIONS - 02191114-19	\$ 627.76
1034.01	AUSTRALIAN SUPER	501734	26/11/2014	SUPER CONTRIBUTIONS - 02051114-34	\$ 692.36
559.01	WESTNET PTY LTD	2811141	28/11/2014	MONTHLY ADSL A/C CHARGES-SHIRE OF NGKU NOV-DE	\$ 179.90
50.01	TELSTRA CORPORATION LTD	5112014	5/11/2014	TELSTRA SATELLITE MOBILE CHARGES	\$ 175.00
361.01	PIVOTEL SATELLITE PTY LTD	28112014	28/11/2014	SATELLITE TELEPHONE CHARGES - NOV 2014	\$ 365.00
89100073.01	ATO MAIL PAYMENTS	1364.8910073-01	19/11/2014	BAS PAYMENT - SEPT 2014	\$ 12,357.00
15.01	WESTPAC BANK	1365.15-01	3/11/2014	TRANSAC FEE & INTERNET ONLINE BANKING TR	\$ 27.00
15.01	WESTPAC BANK	1366.15-01	4/11/2014	CREDIT CARD TRANS - CEO C PAGET	\$ 2,894.05
368.01	DEPT FOR PLANNING & INFRA	1367.368-01	5/11/2014	DOT AGENCY TRANSACTIONS 133025-133028	\$ 467.75
1050.01	CARDINAL CONTRACTORS PTY	1368.1050-01	6/11/2014	GRADER HIRE - GILES-MULGA PARK ROAD	\$ 83,028.00
100.01	WANARN STORE	1369.100-01	10/11/2014	DIESEL FOR SHIRE WANARN YOUTH VEHICLE	\$ 463.16
1014.01	AUSTRALIA'S GOLDEN OUTBAC	1369.1014-01	10/11/2014	SHIRE OF NGKU EDITORIAL IN 2015	\$ 1,675.00
1077.01	CORE BUSINESS AUSTRALIA	1369-1077-01	10/11/2014	CLAIM 3 - FINALISE SHIRE AMP & LTFP	\$ 6,270.00
1084.01	ARROW TYRE DISTRIBUTORS	1369.1084-01	10/11/2014	SUPPLY BULK TYRES FOR SHIRE FLEET VEHICL	\$ 4,199.80
147.01	AUSTRALIA POST	1369.147-01	10/11/2014	AUST POST MAIL POSTAL CHARGES	\$ 3.10
186.01	GOLDFIELDS TOYOTA	1369.186-01	10/11/2014	SUPPLY PARTS FOR SHIRE VEHICLES	\$ 768.55
241.01	DESERT INN HOTEL	1369.241-01	10/11/2014	ACCOM & MEALS GEOFF HANDY 12TH OCT	\$ 176.00

Creditor Number	Payee	Cheque No	Date	Details	Amount
268.01	INDERVON PTY LTD	1369.268-0	10/11/2014	DIESEL - YOUTH SERVICES VEHICLE 1EBO496	\$ 443.42
37.01	NATS	1369.37-01	10/11/2014	GLASS QUARTER WINDOW NISSAN 1CWQ654	\$ 1,766.42
40.01	NGAANYATJARRA SERVICES (A	1369.40-01	10/11/2014	RENTAL OF STAFF HOUSE LOT 154 WARBURTON	\$ 3,897.14
419.01	COMFORT INN MIDAS	1369.419-01	10/11/2014	ACCOM CHARGES - JOHN HANDY	\$ 1,993.50
51.01	TJUKAYIRLA ROADHOUSE	1369.51-01	10/11/2014	DIESEL FUEL TOYOTA PC 1EJN112	\$ 576.75
53.01	LANDGATE	1369.53-01	10/11/2014	CONSOLIDATED MINING TENEMENTS ROLL	\$ 36.55
57.01	WARAKURNA ROADHOUSE	1369.57-01	10/11/2014	DIESEL FUEL MWS TOYOTA 1EERS41	\$ 205.51
60.01	WARBURTON STORE	1369.60-01	10/11/2014	EQUIP & CLEANING SUPPLIES FOR STAFF HOUS	\$ 296.96
61.01	WARRUNYINNA STORE	1369.61-01	10/11/2014	DIESEL JAMESON ISUZU TIPPER 1DGR098	\$ 517.67
72.01	BLACKSTONE ENTERPRISES (S	1369.72-01	10/11/2014	SUPPLIES-IHHP TOUR-B/STONE,DIESEL FUEL-W	\$ 671.02
726.01	DIPLOMAT MOTEL	1369.726-01	10/11/2014	ACCOM+MEALS YSM T O'BRIEN 24-26 SEPT	\$ 1,307.00
812.01	Mrs A L SHINKFIELD	1369.812-01	10/11/2014	REIMBURSEMENT OF EXPENSES	\$ 1,028.65
885.01	BRIDGESTONE TYRE CENTRE K	1369.885-01	10/11/2014	SUPPLY NEW TYRE FOR TOYOTA PC 1EJN112	\$ 415.80
922.01	GOLDFIELDS TRUCK POWER	1369.922-01	10/11/2014	PARTS - SEALS & THERMOSTAT FOR ISUZU RUB	\$ 465.28
934.01	EAGLE PETROLEUM (WA) PTY	1369.934-01	10/11/2014	DIESEL FUEL - MWS TOYOTA 1EER451	\$ 151.70
941.01	NGAANYATJARRA COUNCIL REG	1369.941-01	10/11/2014	INSTALL CONCRETE APRON & SPEED HUMP	\$ 6,490.00
95.01	WARAKURNA STORE	1369.95-01	10/11/2014	SUPPLIES FOR WARAKURNA PLAYGROUP - OCT	\$ 19.50

978.01	EMPEROR REFRIGERATION PTY	1369.978-01	10/11/2014	SERVICE & REPAIR 3 X AIR COND IN OT L255	\$ 515.46
217.01	KEY FACTORS PTY LTD (DESE	1370.217-01	10/11/2014	CONSTRUCTN WRKS PLANT HIRE-GCR SLK553.0-	\$ 138,029.10
894.01	BUNNINGS GROUP LTD	1371.894-01	17/11/2014	HARDWARE & EQUIP-STAFF HSING UNIT RENOVA	\$ 3,359.52
368.01	DEPT FOR PLANNING & INFRA	1372.368-01	21/11/2014	DOT AGENCY TRANSACTIONS 133029-133037	\$ 1,921.25
1039.01	MACRI PARTNERS	1373.1039-01	28/11/2014	AUDIT RPT FEES	\$ 990.00
1072.01	BERGMEIER EARTHMOVING	1373.1072-01	28/11/2014	CARRY OUT SVC & REPAIRS 1DGR098,OIL & BA	\$ 3,200.65
147.01	AUSTRALIA POST	1373.147-01	28/11/2014	AUST POST MAIL PSOTAL CHARGES	\$ 3.10
17.01	CITY OF CANNING	1373.17-01	28/11/2014	ACCOUNTING, ENV HEALTH & BLDG REGULATORY	\$ 54,863.98
21.01	DR ROBERT M IRVING	1373.21-01	28/11/2014	VETERINARY SVCS-NG COMMUNITIES VISIT NOV	\$ 15,400.00
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Creditor Number	Payee	Cheque No	Date	Details	Amount
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217.01	KEY FACTORS PTY LTD (DESE	1373.217-01	28/11/2014	PLANT HIRE & CONSTRUCTN WORKS-GILES MULGA	\$ 108,599.70
262.01	Mr C L PAGET	1373.262-01	28/11/2014	REIMBURSE EXPENSES	\$ 6,105.50
334.01	STAPLES AUSTRALIA (PREV.	1373.334-01	28/11/2014	STATIONERY & SUPPLIES WARB PLAYGROUP	\$ 281.68
37.01	NATS	1373.37-01	28/11/2014	KLEENHEAT GAS YEARLY FACILITY FEE - CAFE	\$ 818.62
40.01	NGAANYATJARRA SERVICES (A	1373.40-01	28/11/2014	RENTAL OF STAFF HOUSE LOT 154 WARBURTON	\$ 3,771.42
419.01	COMFORT INN MIDAS	1373.419-01	28/11/2014	ACCOMODATION CHARGES-YSM T O'BRIEN	\$ 1,227.00
51.01	TJUKAYIRLA ROADHOUSE	1373.51-01	28/11/2014	DIESEL FUEL TOYOTA PC 1EJN112	\$ 171.45
57.01	WARAKURNA ROADHOUSE	1373.57-01	28/11/2014	DIESEL-WRKN DEPOT & TYRE REPAIR/FITTING-	\$ 1,761.13

583.01	HARVEY NORMAN ELECTRICS K	1373.583-01	28/11/2014	EPSON XP860 PRINTER + INK FOR DROP IN CE	\$ 524.00
59.01	WARBURTON ROADHOUSE	1373.59-01	28/11/2014	DIESEL FUEL RUBBISH TRUCK 1EKT695	\$ 6,978.48
61.01	WARRUNYINNA STORE	1373.61-01	28/11/2014	DIESEL JAMESON TRITON UTE 1DWC269	\$ 824.00
696.01	CHART AIR	1373.696-01	28/11/2014	AIRFARE KAL-WARB RETURN EHO PHIL SWAIN	\$ 700.00
816.01	PLAYGROUP WA (INC)	1373.816-01	28/11/2014	SUPPLY 10 COPIES PLAY STARTERS BOOKS	\$ 100.00
824.01	GALLERIA TOYOTA	1373.824-01	28/11/2014	SERVICE & REPAIRS EY PRADO 1EAN767	\$ 894.73
877.01	Mr J HANDY	1373.877-01	28/11/2014	REIMBURSE EXPENSES	\$ 217.97
885.01	BRIDGESTONE TYRE CENTRE K	1373.885-01	28/11/2014	FIT TYRE TO ISUZU TIPPER 1DGR098	\$ 25.00
934.01	EAGLE PETROLEUM (WA) PTY	1373.934-01	28/11/2014	DIESEL FUEL - SHIRE FLEET VEHICLES OCT 2	\$ 978.51
941.01	NGAANYATJARRA COUNCIL REG	1373.941-01	28/11/2014	RELOCATE GPO POWER OUTLET LOT 104E	\$ 2,481.10
1050.01	CARDINAL CONTRACTORS PTY	1374-1050-01	28/11/2014	GRADER HIRE-GREAT CENTRAL RD F&I WK	\$ 86,394.00
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 9	\$ 50,979.74
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 10	\$ 52,448.31
				TOTAL	\$ 704,635.02



REPORT NO: 047-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: FINANCIAL STATEMENTS FOR THE PERIOD ENDED OCTOBER & NOVEMBER 2014

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the following in relation to the Financial Activity Statement:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8.
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each Statement of Financial Activity to is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a Statement of Financial Activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A Statement of Financial Activity and the accompanying documents referred to in subregulation (2), are to be

- (a) presented to the Council –
- (i) at the next ordinary meeting of the Council following the end of the month to which the Statement relates; or
 - (ii) if the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting;
- and
- (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.
- (6) In this regulation –
- “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
- “**restricted assets**” has the same meaning as in AAS 27.

FINANCIAL ACTIVITY STATEMENTS

For the period ending 31st October and 30th November 2014, no material variances are reported.

STATUTORY ENVIRONMENT

Section 6.4 *Local Government Act* 1995 and Financial Management Regulation 34.

RECOMMENDATION

That the financial activity statements and reports for the periods ending 31st October and 30th November 2014 be received and confirmed.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. B. Thomas, seconded Cr. Frazer, that the recommendation contained within report 047-14 be adopted.

#047-14

RESOLUTION:

That the financial activity statements and reports for the periods ending 31st October and 30th November 2014 be received and confirmed.

CARRIED 6/0

REPORT NO: 048-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: COUNCIL INVESTMENTS AS AT 12th DECEMBER 2014

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits
- Commercial Bills
- Government bonds
- Other Short-term Authorised Investments

Council funds are to be invested with the following financial institutions.

- Major banks
- Bonds Issued by Government and/ or Government Authorities.

COUNCIL INVESTMENTS AS AT 12 DECEMBER 2014

Institution	Amount Invested	Investment type	Assets Repl./Acq./Devp. Reserve Fund	Cultural Centre Reserve Fund	Municipal Account
Westpac Banking Corporation		Term deposit	\$773,329.89	\$65,324.48	
Westpac Banking Corporation		Operating a/c			\$1,484,102.43
TOTAL INVESTMENTS	\$2,322,756.80		\$773,329.89	\$65,324.48	\$1,484,102.43

RECOMMENDATION

That the report on Council investments as at 12th December 2014 be received and noted.

VOTING REQUIREMENTS

Simple majority

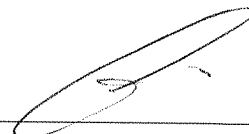
MOVED Cr. Frazer, seconded Cr. P. Thomas, that the recommendation contained within report 048-14 be adopted.

#048-14

RESOLUTION:

That the report on Council investments as at 12th December 2014 be received and noted.

CARRIED 6/0



REPORT NO: 049-14 ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: PROPOSED COUNCIL MEETING DATES – 2015

Under the Local Government Act 1995 (as amended) Council is required to determine the dates for its Ordinary Council Meetings for the forthcoming 2015 calendar year, and then provide local public notice of these.

The Shire of Ngaanyatjarraku generally holds its OCMs on the last Wednesday of each month, so that the timing of Shire meetings does not conflict with other Community or Ngaanyatjarra Council Aboriginal Corporation meetings during the month, or with large events such as funerals and cultural business.

For the 2015 calendar year, it is recommended that local public notice be given that the Ordinary Meetings of Council will be held at the Shire Administration Centre, Warburton Community, commencing at 1:00pm the last Wednesday of each month except December on the following dates:

28 th January	25 th February	25 th March	29 th April	27 th May
24 th June	29 th July	26 th August	30 th September	
28 th October	25 th November			

**December – Council in recess for Xmas and New Year break

Additional to the above, local public notice will be provided that the Shire offices will be closed over the Christmas and New Year period from

RECOMMENDATION

That the proposed meeting dates for 2015 be accepted and endorsed by Council.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. B. Thomas, seconded Cr. Twine, that the recommendation contained within report 049-14 be adopted.

#049-14

RESOLUTION:

That the proposed meeting dates for 2015 be accepted and endorsed by Council.

CARRIED 6/0

REPORT NO: 050-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: ANNUAL REVIEW - COUNCIL POLICIES & PROCEDURES

BACKGROUND:

An administrative review of the Shire's Policy Manual is undertaken each year by the Chief Executive Officer and Senior staff. Any necessary amendments or proposed new policies and procedures are incorporated at this time, and these in turn are then presented to Council for endorsement and adoption.

Unlike delegations, policy is not governed or defined by legislation. Unless required by the Local Government Act in relation to a specific matter, policies can be made, amended or revoked at any time, by simple majority of Council and do not need to be advertised.

Following the review of the manual for the 2014/15 year, no changes or new policies are proposed except those relating to the *Food Act* 2008 and associated Regulations, which are the subject of a separate report to this Council meeting. Should any be necessary later, these will be the subject of a separate report for Council's consideration.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 2.7(2) provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

POLICY IMPLICATIONS:

An annual review is undertaken each year of all policies and procedures, which may lead to amendments or new policies being proposed.

FINANCIAL IMPLICATIONS:

Various policies set out expenditure processes or provide financial benefit to elected members and to employees.

STRATEGIC IMPLICATIONS:

None

RECOMMENDATION:

That Council endorses and re-adopts the policies and procedures for the Shire of Ngaanyatjarraku.

VOTING REQUIREMENTS:

Simple majority

MOVED Cr. Bates, seconded Cr. Twine, that the recommendation contained within report 050-14 be adopted.

#050-14

RESOLUTION:

That Council endorses and re-adopts the policies and procedures for the Shire of Ngaanyatjarraku.

CARRIED 6/0

REPORT NO: 051-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014 SUBJECT: ANNUAL REVIEW OF DELEGATIONS

TABLED

Register of Delegations – Shire of Ngaanyatjarraku

In exercising their responsibilities under the Local Government Act 1995, a local government has many tasks that have legislative actions and compliance requirements. A number of these responsibilities can be delegated to other bodies within the Act.

In accordance with Sections 5.18 and 5.46(1) of the Local Government Act 1995, these delegations must be reviewed once per year by the local government and a register of these delegations maintained.

A Council can delegate certain powers of authority to committees and other bodies but most significantly, to the Chief Executive Officer to enable the CEO to carry out the day to day operations of the local government. Many delegations are often then on-delegated from the CEO to other authorised staff members.

The Register of Delegations for the Shire of Ngaanyatjarraku has been comprehensively reviewed and no amendments are recommended at this time.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Sections 5.18 and 5.46.

POLICY IMPLICATIONS:

Not applicable

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION

That Council endorses and re-adopts the list and Register of Delegations.

VOTING REQUIREMENTS:

Absolute majority required

MOVED Cr. Twine, seconded Cr. P. Thomas, that the recommendation contained within report 051-14 be adopted.

#051-14

RESOLUTION:

That Council endorses and re-adopts the list and Register of Delegations.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

<p>REPORT NO: 052-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014 SUBJECT: REVIEW OF RISK MANAGEMENT, INTERNAL CONTROLS & LEGISLATIVE COMPLIANCE</p>

PURPOSE

For Council to consider the Audit Committee recommendation that it endorse the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls and legislative compliance as specified under Regulation 17 of the Local Government (Audit) Regulations 1996.

BACKGROUND

This is the inaugural review in response to the requirements of the new Regulation 17. The review of risk, internal controls and legislative compliance of the Shire of Ngaanyatjarraku's systems and procedures is a new legislative requirement, and this is to be undertaken by the Chief Executive Officer every two years.

As Council has limited systems and documentation currently in place for these areas, the identified priority of the review will be to develop an appropriate risk management framework, control and compliance policies for the Shire's operational activities as well as a suitable risk assessment methodology which considers the consequence of each event and its likelihood.

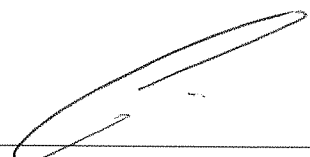
COMMENT

The initial framework, policies and criteria will be developed during 2015. Controls and reporting systems will also be developed, and these will be used to undertake the necessary analysis and ongoing reviews of our risk management, controls and compliance as required under legislation.

With the adoption of these documents, the conclusion is that the Shire will have some more robust systems and procedures in place in relation to risk management, internal control and legislative compliance. The overall Risk Management Policy and framework will be improved, monitored by the Shire administration staff and identified areas of improvement will be the focus of management throughout 2015 and onwards.

CONSULTATION

Shire Administration staff; City of Canning; Core Business Australia.



STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996 Regulation 17:

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

(3) The CEO is to report to the audit committee the results of that review.

FINANCIAL IMPLICATIONS

The are no financial implications directly arising from the review; it may be however that some of the actions required to manage the risks identified will require resourcing and any of these costs will be incorporated into existing budget allocations.

POLICY IMPLICATIONS

Development of an appropriate Risk Management Policy and Framework will commence early in 2015, and Council will be required to adopt these once completed. This process will also include policies/measures for internal controls and legislative compliance.

RECOMMENDATION

That Council receives and endorses the review of Risk Management, Internal Controls & Legislative Compliance in accordance with Regulation 17 of the Local Government (Audit) Regulations 1996.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. Bates, seconded Cr. Twine, that the recommendation contained within report 052-14 be adopted.

#052-14

RESOLUTION:

That Council receives and endorses the review of Risk Management, Internal Controls & Legislative Compliance in accordance with Regulation 17 of the Local Government (Audit) Regulations 1996.

CARRIED 6/0



REPORT NO: 053-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: FOOD ACT 2008 & FOOD REGULATIONS 2009 – COUNCIL POLICY

FILE:	Environmental Health – Food Act / Enforcement
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Philip Swain – Health Building Officer
REPORT DATE:	9 November 2014

Matters for Consideration:

The need to issue food business registrations and manage other issues relating to the Food Act 2008 and Food Regulations 2009, requires Council to delegate authority to the Chief Executive Officer and adopt compliance and enforcement policy.

BACKGROUND

The Food Act 2008 (The Act) was enacted on 8 July 2008. The Act brought Western Australian food legislation and standards in line with the rest of Australia and adopted the Food Regulations 2009.

The Act is outcome based and is less prescriptive than previous legislation; it replaced all sections of the *Health Act 1911* relating to food, including the subsidiary legislation the *Health (Food Hygiene) Regulations 1993*, which were repealed.

Food businesses are required to be registered under the Act. There are provisions to charge food businesses fees and the Shire has previously adopted fees as a component of its budgets. Generally the legislation relates to enforcement changes, such as the issue of infringement notices and greater penalties for food offences. The introduction of the Food Act 2008 requires Council to appoint Environmental Health Officers as Authorised Persons.

STATUTORY ENVIRONMENT:

Food Act 2008 – Enforcement provisions and appointment of enforcement officers.

POLICY IMPLICATIONS:

It is proposed that the attached *Food Safety, Compliance and Enforcement Policy* be adopted for the implementation of enforcement powers under the *Food Act 2008*. This policy outlines the enforcement options that are now available under the Act. It does not suggest that Council anticipates enforcement action currently on any food businesses within the Shire; it does however provide information concerning the forms of enforcement provided under the Act and their practical application should the need arise to implement these.

FINANCIAL IMPLICATIONS:

The Shire has established fees, pursuant to its 2014/15 budget, based on fees utilised by the City of Canning, however due to the small number of businesses involved the revenue raised for the monitoring of food businesses is relatively small (\$2500-\$3500 per annum). In the interest of not deterring small businesses from operating and providing essential services to communities, it is

proposed that fees and charges be reviewed prior to the adoption of the 2015/16 budget, with a view to removing all but fees relating to the transfer or reassessing of businesses (notification/registration).

STRATEGIC IMPLICATIONS

Environmental Health Services are a core service unit provided by the Shire of Ngaanyatjarraku and ensuring food safety is a fundamental goal for the communities.

CONSULTATION

Public consultation is not required under the provisions of the *Food Act 2008*.

COMMENT

Currently all food businesses within the Shire and all businesses need to be registered as per the *Food Act 2008*. Council may appoint "Authorised persons" for the purpose of carrying out the functions of the Act and person/s appointed are required to have the necessary qualifications and experience. An individual, and not a position within the Council, must be designated as an authorised person.

Council may designate certain authorised officers under Section 126 (13) of the *Food Act 2008* to undertake various tasks. These include; issue of infringement notices under section 126 (2), payment of modified penalties under section 126 (3), extending the period for payment under section 126 (6) and withdrawal of infringement notices under 126 (7).

Environmental Health Officers are qualified to be designated as authorised officers under the Act however an authorised officer appointed under section 126 (2) can not be appointed under any other subsections of section 126. Subsequently the Department of Health released Guidelines to allow other employees of the local government to be designated officers under Sections 126 (1), (3), (6) & (7) of the Act only.

Council may delegate the role as an "enforcement agency" to the Chief Executive Officer in accordance with Section 118 (2) of the Act to allow the CEO to appoint authorised officers under the Act.

All authorised officers are required to have certificates of authority in accordance with Section 123 of the Act, which is essentially a written authority with a photograph of the officer.

OFFICER RECOMMENDATION

1. That Council resolves to direct the CEO to review all registration fees for food businesses within the Shire of Ngaanyatjarraku prior to adoption of the 2015/16 budget.
2. That Council resolves, pursuant to Section 118 of the *Food Act 2008*, to delegate to the Chief Executive Officer the functions in relation to the administration of the Act conferred or imposed on an enforcement agency.
3. That Council appoints the Chief Executive Officer and Finance Officer, or persons acting in those positions from time to time, as Authorised Officers under section 122(1) of the Act and that Council further resolves that the officers be Designated Officers for the purposes of Sections 126 (1), (3), (6) & (7) of the Act.
4. That Council adopts Attachment A - Food Safety Compliance and Enforcement Policy.

VOTING REQUIREMENTS:

Absolute majority required

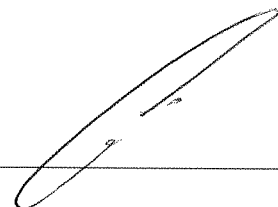
MOVED Cr. P. Thomas, seconded Cr. Twine, that the recommendation contained within report 053-14 be adopted.

#053-14

RESOLUTION:

1. *That Council resolves to direct the CEO to review all registration fees for food businesses within the Shire of Ngaanyatjarraku prior to adoption of the 2015/16 budget.*
2. *That Council resolves, pursuant to Section 118 of the Food Act 2008, to delegate to the Chief Executive Officer the functions in relation to the administration of the Act conferred or imposed on an enforcement agency.*
3. *That Council appoints the Chief Executive Officer and Finance Officer, or persons acting in those positions from time to time, as Authorised Officers under section 122(1) of the Act and that Council further resolves that the officers be Designated Officers for the purposes of Sections 126 (1), (3), (6) & (7) of the Act.*
4. *That Council adopts Attachment A - Food Safety Compliance and Enforcement Policy.*

CARRIED BY AN ABSOLUTE MAJORITY 6/0



Food Safety Compliance and Enforcement Policy

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1. SCOPE AND OBJECTIVES

1.1 Scope

The Department of Health (WA) administers the *Food Act 2008 (The Act)*. The Shire of Ngaanyatjarraku is a designated enforcement agency under the provisions of the Act.

The objectives of the Act as defined in Section 3 of the Act include the following:

- (a) to ensure food for sale is both safe and suitable for human consumption,
- (b) to prevent misleading conduct in connection with the sale of food,
- (c) to provide for the application in the State of the Food Standards Code.

The *Food Standards Code* means the *Australia New Zealand Food Standards Code* as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia. Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly the Department of Health (WA) and the Shire of Ngaanyatjarraku are committed to ensuring there is a high level of compliance with the Food Act and Regulations.

This policy sets out the Shire's policy on compliance and enforcement that will facilitate the effective achievement of the regulatory goals of the Act in a manner that is:

- Authorised by law;
- Procedurally fair;
- Accountable and transparent;
- Consistent; and
- Proportionate.

The policy recognises that most food businesses want to comply with the law and produce food that is safe and correctly labelled. The compliance and enforcement role of the Shire is to protect consumers from a minority who may not act in the interests of food safety. The enforcement options of this policy are not required to be enacted on food businesses acting responsibly and it is the Shire's aim to provide education to food handlers to maintain the safety of food products produced or sold within the Shire of Ngaanyatjarraku. It is however important that these enforcement options are clearly understood so that any action the Shire of Ngaanyatjarraku takes against a food handler or food premises is within the scope of the law and is appropriate for the given circumstances.

The range of offences under the Act and Regulations vary greatly in their seriousness and accordingly a variable range of penalties and enforcement options that are available under the Act and Regulations. This policy describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objectives of the Act. This policy also sets out the principles the Shire will apply in its compliance and enforcement activities. Breaches of the Act are classified as criminal offences and penalties of up to \$500,000 and/or two years imprisonment apply.

1.2 Objectives

The objectives of this policy are:

- To provide transparency to consumers and industry on how the Shire will make decisions on enforcement action;
- To guide decision making and action by Shire Officers in the use of enforcement options;
- To use regulatory implements in such a way as to best achieve the Shire's strategic and operational objectives.

2. COMPLIANCE & ENFORCEMENT PRINCIPLES

As a regulatory authority the Shire of Ngaanyatjarraku will endeavour to:

- Act in the public interest;
- Act consistently, impartially and fairly according to law;
- Promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- Ensure we do not discriminate on the basis of race, religion, sex, national origin or political association;
- Ensure that enforcement action is taken against the right persons for the right offence;
- Ensure that all relevant evidence is placed before the courts or appeals tribunals;
- Make food businesses aware of their legal obligations through the widest possible dissemination of information;
- Explain the benefits of compliance to food businesses and discuss specific compliance failures or problems;
- Provide advice on mechanisms that can be used by food businesses to improve compliance;
- Confirm advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time period and ensure that all legal requirements are clearly explained;
- Advise proprietors of their right of appeal where provided by law;
- Provide alleged offenders with an opportunity to discuss the circumstances of their case; and
- Seek the support of industry leaders to influence compliance levels.

3. DECISION MAKING CRITERIA

Each case will be considered individually and the appropriate enforcement action to be taken determined on the particular circumstances of the case.

The Prosecution Policy of the Commonwealth states:

"The objectives previously stated – especially fairness and consistency – are of particular importance. However, fairness need not mean weakness and consistency does not mean rigidity. The criteria for the exercise of this discretion cannot be reduced to something akin to a mathematical formula; indeed it would be undesirable to do so. The breadth of the factors to be considered in exercising this discretion indicates a candid recognition of the need to tailor general principles to individual cases" (1)

The following issues need to be considered and balanced in making a decision as to the type of enforcement action, if any, that is applied:

- The knowledge of the alleged offender as to the consequences of their actions;
- The degree of care taken by the alleged offender to ensure they did not commit an offence;
- The capability of the alleged offender to understand, cope and comply with the relevant requirements;
- The alleged offender's antecedents and background, including culture and language ability;
- The openness, honesty and cooperation demonstrated by the alleged offender;
- The contrition demonstrated by the alleged offender;
- Any mitigating or aggravating circumstances;
- The culpability of the alleged offender and role played by other parties that may have contributed to the offence;
- The timeliness, the staleness, duration and magnitude of the offence;
- The totality of offences that may have been allegedly committed;
- The proportionality of the selected enforcement option so that the action will not be unduly harsh or oppressive;
- The prevalence of the alleged offence within the industry and any need for a deterrent effect;
- The difficulty and resources expended by The Shire in investigating and proving the elements of the particular offence or the type of offence;
- The efficiency and cost to the Shire of the compliance and enforcement option that is used;
- Whether the enforcement action required to achieve the objectives of the Act are appropriate;
- Whether or not the enforcement action would be perceived as counterproductive – for example, by bringing the law into disrepute;
- Whether or not the offence is of considerable general public concern;
- The necessity to maintain public confidence in the enforcement of the Act;
- The existence of any risk to public health and the nature and extent of that risk;
- The extent to which consumers have been defrauded;
- The need to protect the consumers either in or visiting the Shire of Ngaanyatjaraku.

The overriding consideration in taking enforcement action will always be the public interest.

(1) Commonwealth Director of Public Prosecutions 2004, *Prosecution Policy of the Commonwealth*.

4. PRIVACY

The Shire must observe the privacy principles set out in the *Freedom of Information Act 1992*. Information relating to compliance and enforcement action will generally be made available only where consistent with the *Freedom of Information Act 1992* and Section 121 of the *Food Act 2008*.

5 APPLICATION OF COMPLIANCE AND ENFORCEMENT OPTIONS

A range of compliance and enforcement options are available to Authorised Officers. This section gives guidance on when these options may be applied. The decision-making criteria outlined in Section 3 will be considered in deciding which, if any, enforcement action is appropriate in each case.

5.1 Types of Compliance and Enforcement Action.

The compliance and enforcement options available to Authorised Officers include:

- Verbal advice;
- Warning letters;
- The issuing of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- The issuing of a Prohibition Order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- The seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- The issuing of a Penalty Infringement Notice;
- The institution of proceedings in the Magistrates Court;
- Request for court orders for corrective advertising by a person found guilty of an offence;

- Publication of the names of offenders immediately after conviction.

5.1.1 Verbal Advice and Warnings

Authorised Officers will routinely give advice on compliance to food businesses. This advice will relate to principles of food safety and which explain the benefits of compliance or the purpose of the law. Verbal warnings should normally only be given for extremely trivial offences, where the offence is only of a technical nature or where there is insufficient evidence to justify a warning letter.

5.1.2 Written Warnings

Where there is evidence that minor breaches of the Act have occurred, warning letters may be issued at the discretion of the Authorised Officer. Warning letters may be inappropriate where there are a large number of minor offences on one occasion within one food business. Similarly warning letters will not normally be issued for a series of offences within a relatively short period of time or in those cases where warning letters have previously been issued. The totality of the offences should be considered in deciding the appropriate course of action. Where significant non-compliance is evident, more significant enforcement action may be appropriate. Warning letters will detail the exact nature of the offence, required remedial action, cite relevant clauses of the legislation, and specify the maximum penalty for the offence and the intention of the Shire to enforce the legislation. Warning letters will be followed-up within no less than 3 months to ensure the required actions have been taken. Further written warnings will not be issued for a subsequent similar offence except in exceptional circumstances.

5.1.3 Improvement Notices

Authorised Officers may serve Improvement Notices under Section 63 of the Act. An Improvement Notice is an order that may require, in relation to premises, food transport vehicles or equipment, cleaning, repair, replacement, and relating to the handling of food, revision of a food safety program, implementation of a food safety program or implementation of the Food Safety Standards. The orders may also require food to be handled in a specified way or for a specified purpose.

Improvement Notices should be issued with the same considerations as for a warning letter but should also only be used where there is an intention to proceed to a Prohibition Order following non-compliance with that Improvement Notice. In other circumstances a warning letter or other enforcement options should be considered.

An Improvement Notice must specify the specific legislative provision to which it relates and may specify the particular action to be taken by a person. The Improvement Notice must specify the date by which compliance must be achieved. While extension of the date of compliance is at the discretion of the Authorised Officers, extensions of time for compliance will not be granted for matters related to cleaning or food handling without the prior approval of the Chief Executive Officer. Appeals concerning Improvement Notices will be considered by the Chief Executive Officer.

Improvement Notices must be served on the proprietor of the food business. The person on whom an Improvement Notice has been served must be provided with a copy of the Improvement Notice upon request. Should the proprietor wish to seek an extension of time for compliance, that request must be in writing stating the reasons the extension is being sought. That request is to be submitted to the Shire before the date of compliance as indicated in the Notice.

Improvement Notices are differentiated from warning letters in that they are a statutory notice that may lead to the issuing of a Prohibition Order under Section 65 of the Act. The issuing of an Improvement Notice does not preclude the issuing of a Penalty Infringement Notice or the institution of court proceedings in circumstances where these types of actions may be warranted.

5.1.4 Prohibition Orders

Prohibition Orders may be issued where an Improvement Notice has been issued and there has been a failure to comply with the Improvement Notice by the date of completion or where the issue of a Prohibition Order is necessary to prevent or mitigate a serious danger to public health.

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Section 8 of the Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution.

A Prohibition Order will remain in place until a Certificate of Clearance is issued following a written request for an inspection. An inspection will be undertaken within 48 hours of a written request being made by the proprietor of the food business to the Shire or to the Authorised Officer who made the order. If an inspection is not made within 48 hours of the written request for an inspection, a Certificate of Clearance is deemed to have been granted.

Section 69 of the Act provides for appeal to the State Administrative Tribunal (SAT) if there is a refusal to issue a Certificate of Clearance. Section 70 of the Act provides for compensation to be paid if there were no grounds for the making of the Prohibition Order.

Prohibition Orders may only be issued by the Chief Executive Officer, being a duly authorised delegate under Section 117 of the Act. A brief of evidence sufficient to prove all elements of a prosecution will be the normal standard required prior to the issue of a Prohibition Order.

5.1.5 Seizure Powers

Authorised Officers have power under Section 40 of the Act to seize food, vehicles, equipment, and labelling and advertising materials which the Authorised Officer reasonably believes do not comply with a provision of the Act or Regulations or which there is evidence that an offence has been committed.

Whilst seizures are undertaken to collect evidence or to prevent further offences being committed, they effectively impose a penalty upon the person from whom the food, vehicle, equipment and labelling or advertising materials is seized. The impact of a seizure should be considered in the application of any other enforcement action. Persons from whom items are seized must be provided with a statement that describes the items seized, states the reasons for the seizure and the address at which the items will be held.

Where it becomes evident that there has been no contravention of the Act or Regulations in relation to items, which have been seized they are to be returned as soon as possible to the person from whom the items were seized. The person from whom items have been seized must also be informed of their right under Section 57 to appeal within 10 days of the seizure to the Magistrates Court for an order disallowing the seizure. Compensation may be paid if there has been no application to a Magistrates Court and no contravention of the Act or Regulations had occurred in relation to the seized items.

5.1.6 Penalty Infringement Notices

An Infringement Notice is a notice to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice is issued under Section 126 of the Act. The notice requires payment of a specified monetary penalty, unless the person alleged to have committed the offence elects to have the matter dealt with by a court.

When an Authorised Officer during an inspection of premises, vehicles or equipment, detects or observes conditions or circumstances that give rise to the potential for the issue of an infringement notice, verbal advice will be given, at that time, to the person allegedly responsible for the alleged offence that an infringement notice may be issued for that alleged offence.

Prior to an infringement notice being issued Authorised Officers must prepare briefs of evidence, which prove each element of the alleged offence to the standard required for prosecution. Further than establishing a prima facie case there must also be a reasonable prospect of a conviction being secured if the alleged offender chooses to have the matter heard in a court. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the penalty notice to be issued.

When a decision has been made that an infringement notice is to be issued, that notice will be forwarded by post or hand delivered to the person alleged to have committed the offence. The infringement notice is to be accompanied by a written advice giving the reasons for the issuing of the infringement notice in that instance and also providing advice and information as to the means or requirements for the remedying or rectification of that condition or circumstance that gave rise to the infringement notice.

The decision-making criteria outlined in Section 3 will be considered in the issuing of an infringement notice. Infringement notices provide a cost effective and efficient method of dealing with offences and will generally be sufficient response to breaches of the Act.

Infringement notices should not be used where the penalty is considered totally inadequate for the offence or where the penalty is likely to have no impact on the proprietor of the food business.

Infringement notices are not available for serious offences contained in Part 3, Division 1 of the Act. These relate to the handling of food in a manner that a person knows will render, or is likely to render, the food unsafe or where the food is handled in a manner that the person ought reasonably to know is likely to render the food unsafe.

A payment of a penalty notice is not an admission of liability and the person is not liable to any further proceedings for the alleged offence.

5.1.7 Prosecution

Prior to any prosecution being launched Authorised Officers must prepare briefs of evidence, which prove each element of the alleged offence to the standard required for prosecution. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the prosecution to proceed.

The resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. The decision-making criteria outlined in Section 3 will be considered in making a decision to prosecute. Prosecution will normally be reserved for the more serious breaches.

While the Act provides that proceedings must be commenced within 6 months for matters relating to food samples and 12 months for other matters, all matters should be prepared for hearing as quickly as possible.

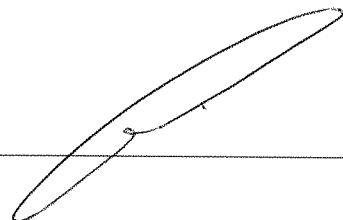
The Act extends liability to a wide range of persons who may be involved in some way with contraventions of the Act or Regulations, including employees, proprietors, and individual directors of companies. Where the Shire has selected prosecution as the appropriate option, the Shire will not necessarily proceed against all those who may be potentially liable under the legislation.

Prosecutions are eligible for publication by the Department of Health (WA).

6. CONTEXT

This policy provides information as to the processes and actions that will be followed in the cases dealt with under the Food Act 2008, however due to the variety of circumstances that may be encountered through the range of inspections and enforcement procedures, the policy cannot be used to limit the discretion of the Shire to take any enforcement action for the purposes of obtaining high standards of food safety. The policy is to be interpreted as general guidance on how the Shire will undertake enforcement action. It should further be recognised that it is not the aim of the Shire of undertake enforcement action except where absolutely necessary and that priority should be given to educating food handlers to prevent food safety standards from being compromised in any instance.

Adopted by the Shire of Ngaanyatjarraku {DATE} {MONTH} {YEAR}

A handwritten signature in black ink, consisting of a large, stylized loop followed by a smaller, more intricate flourish.

REPORT NO: 054-14 TO: ORDINARY COUNCIL MEETING 18th DECEMBER 2014
SUBJECT: MANTAMARU COMMUNITY LAYOUT PLAN – ENDORSEMENT

TABLED

Mantamaru Community Layout Plan 2 – Draft Amendment 2 (prepared 1st August 2014)

BACKGROUND

The Mantamaru Community Layout Plan 2 Amendment 2 has been produced by the WA Department of Planning. An amendment to the previous plan was proposed by the Department of Housing and Ngaanyatjarra Services to ensure that the numbering systems used by these agencies and the SL-lot numbers shown on the Plan were consistent with each other so as not to cause planning and development confusion.

The Plan identifies all of the current Lots in the Community with buildings and structures located on them, as well as the provision of new lots for future development within the townsite. Additionally, it also clearly identifies the designated land use types (eg housing, public open space, commercial and industrial use, buffer zones and flood areas), utilities services and existing roads.

The new version of the Plan was formally endorsed by Mantamaru Aboriginal Corporation (Community) on 6th August 2014; the WA Planning Commission requires consultation with and endorsement from the Shire of Ngaanyatjarraku prior to the Plan being formally endorsed and adopted by WAPC.

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

The Community Layout Plans provide the Shire with a tool to guide appropriate land use planning, building and development with the Ngaanyatjarra Lands Communities.

RECOMMENDATION

That Council endorses the Mantamaru Community Layout Plan 2 (Amendment 2) as presented.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. P. Thomas, seconded Cr. Twine, that the recommendation contained within report 054-14 be adopted.

#054-14

RESOLUTION:

That Council endorses the Mantamaru Community Layout Plan 2 (Amendment 2) as presented.

CARRIED 6/0

MATTERS FOR THE INFORMATION OF MEMBERS

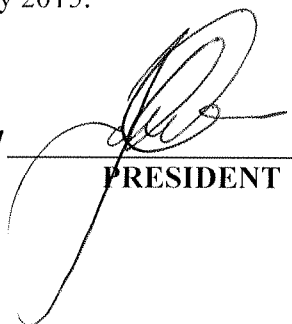
Nil

CLOSURE

There being no further business, Cr. McLean thanked everyone for their attendance and closed the meeting at 2.23pm (WST).

These minutes of the meeting held 18th December 2014 were confirmed at the meeting held on 28th January 2015.

Signed



PRESIDENT

Date

28/1/15