

# SHIRE OF JERRAMUNGUP



## MINUTES

### COUNCIL ORDINARY MEETING

20<sup>th</sup> NOVEMBER 2013

**ORDINARY MINUTES – 20<sup>th</sup> NOVEMBER 2013****INDEX**

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## SHIRE OF JERRAMUNGUP

### ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 20<sup>th</sup> NOVEMBER 2013, COMMENCING AT 8:31AM.

#### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chief Executive Officer declared the meeting open at 8.31am.

#### 2. RECORD OF ATTENDANCE / APOLOGIES

Cr R Lester	President
Cr J Iffla	Deputy President
Cr R Parsons	Member
Cr W Bailey	Member
Cr C Daniel	Member
Cr B Atkin	Member
Ms J Leenhouders	Member
Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr C Pursey	Planning Officer
Mrs C Solomon	Coordinator of Governance & Land Administration
Mr C Miller	Engineering Officer
Sergeant Ian Morris	Jerramungup Police
Mrs Gail Hiilinen	Member of Public

#### 3. SWEARING IN OF COUNCILLOR

The following Councillors elected were sworn in by Sergeant Ian Morris;  
Councillor Iffla was sworn in as a Councillor for a four year term expiring October 2017.

Councillor Bailey was sworn in as a Councillor for a four year term expiring October 2017.

Councillor Leenhouders was sworn in as a Councillor for a four year term expiring October 2017.

#### 4. ELECTION OF PRESIDENT (2 YEAR TERM)

The Chief Executive Officer called for nominations for the position of Shire President. The Chief Executive Officer received a written nomination from Councillor Iffla who nominated Councillor Lester for the position of Shire President. Councillor Lester accepted this nomination. There being no further nominations Councillor Lester was elected to the position of Shire President for a period of two years expiring October 2015. Councillor Lester was sworn in by Sergeant Ian Morris.

**5. DEPUTY PRESIDENT (2 YEAR TERM)**

The Shire President requested that the Chief Executive Officer conduct the election for the position of Deputy Shire President. The Chief Executive Officer called for nominations for the position of Deputy Shire President. Councillor Iffla was nominated verbally by Councillor Lester for the position of Deputy Shire President. Councillor Iffla accepted this nomination. There being no further nominations Councillor Iffla was elected to the position of Deputy Shire President for a period of two years expiring October 2015. Councillor Iffla was sworn in by Sergeant Ian Morris.

8:45am Sergeant Ian Morris left the meeting.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS**

Mrs Gail Hiilinen informed Council on the proposal which is being presented later in the meeting, to lease the old FBG building for the purposes of establishing a Jerramungup Arts Council, (JABBA). It is proposed that the Arts Council will coordinate workshops, host art exhibitions, promote and arrange artists in residence, discover local artists and promote the sale of local products. Mrs Hiilinen also noted that the Arts Council would like to establish a community garden at the back of the building.

Cr Lester thanked Mrs Gail Hiilinen for informing Council.

8.55am Mrs Gail Hiilinen left the meeting

**8. DECLARATIONS OF FINANCIAL INTEREST**

Nil

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting held 16<sup>th</sup> October 2013

**OC131101 Moved Cr Daniel / Seconded Cr Parsons**

**That the Minutes of the Ordinary Meeting of Council held 16<sup>th</sup> October 2013 be confirmed.**

**Carried 7-0**

**W O R K S**

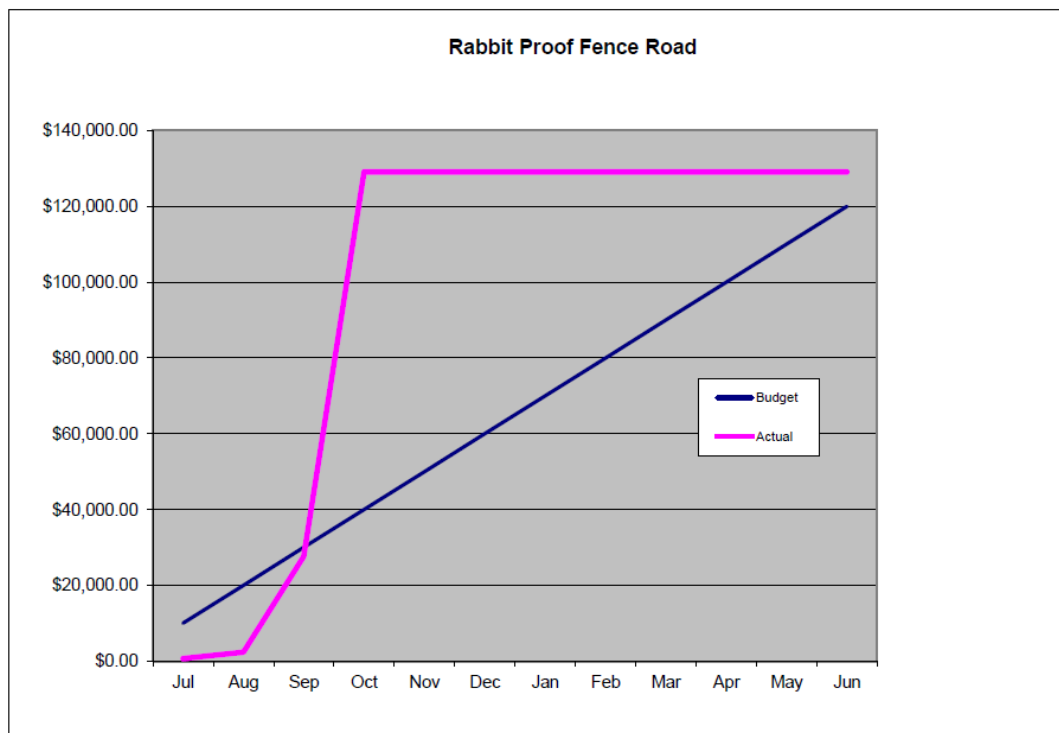
<b>SUBMISSION TO:</b>	<b>Works</b>
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Chris Miller
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> November 2013

**ATTACHMENT**

- Attachment 10.1.1(a) – Jerramungup maintenance report
- Attachment 10.1.1(b) – Bremer Bay maintenance report
- Attachment 10.1.1(c) – Rural road maintenance report
- Attachment 10.1.1(d) – 2013/14 Road Construction Program Summary
- Attachment 10.1.1(e) – 2013/14 Road Construction Program Schedule
- Attachment 10.1.1(f) – Rabbit Proof fence – Actual Program

**ROAD CONSTRUCTION**

Works on Rabbit proof fence road have been completed and the construction crew have mobilised to Devils Creek Road to carry out the 5km road upgrade and seal. Rabbit Proof Fence Road was completed within the 6 week program even taking into account the delays due to inclement weather. Refer below for the budget vs actual graph and the actual construction program for Rabbit Proof Fence.





Gravel supply for Marnigarup West and Monjebup Roads has also been completed in October with the gravel being pushed close to the re-sheet section creating a short haul for the trucks.

## **ROAD MAINTENANCE**

The Road Maintenance team has been working in the Jacup area finishing a winter grade on Mallee, Middamidjup, Jacup North and Exchange Roads.

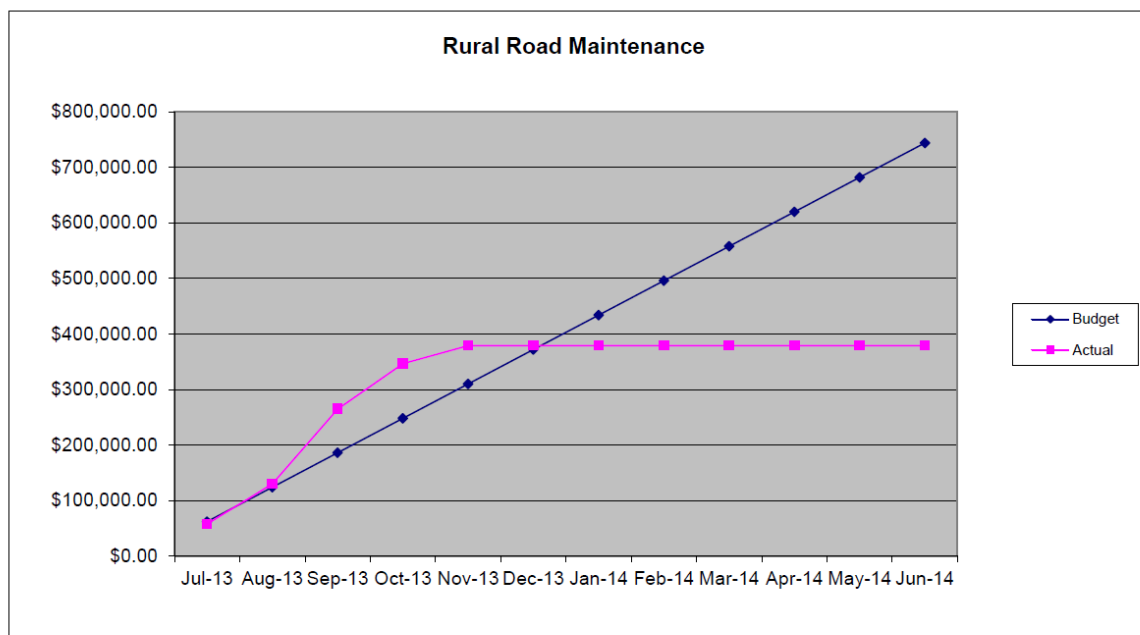
After completion of winter grading in the Jacup area all of the rural roads situated North of South Coast Highway and Jerramungup Gnowangerup Road have received a winter grade in preparation for harvest.

More focus has been put on ensuring grader operators winter grade with sufficient cross fall on gravel roads allowing the road formation to shed water more efficiently to the water table.

After completion of the Jacup area the maintenance team will continue on their cycle around the Shire endeavouring to maintain any roads with significant blowouts from harvest traffic. If necessary, contractors will be called in to assist with the maintenance during harvest.

Traffic classifiers have also been set up on a number of rural roads to gather traffic counts and information over the harvest period which will help determine our maintenance & re-sheet priorities.

As per the graph below expenditure on maintenance is tracking above budget throughout October as significant efforts were put into preparing the rural roads for harvest. Also weed spraying was carried out on all of our sealed rural roads.



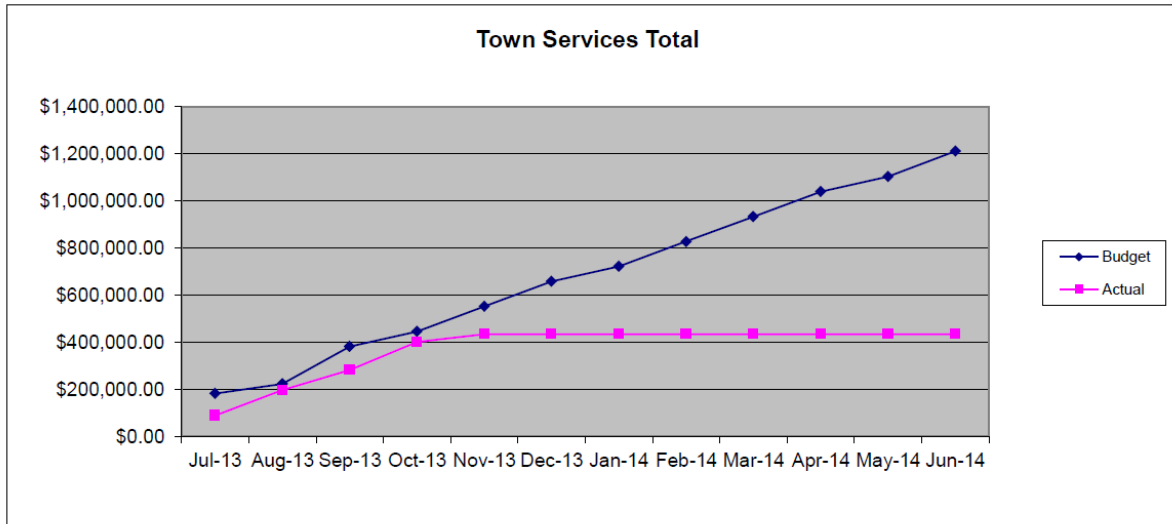


## **TOWN SERVICES**

The town services team has been busy preparing strategic fire-breaks around the town sites as well as general maintenance on our airstrips.

Works on the Gnombup terrace drainage upgrade have also started with the clearing of the existing easement drain being carried out.

Attached are reports indicating maintenance undertaken at Bremer Bay and Jerramungup throughout October. Refer to the graph below for overall expenditure for vs actual budget.



## **RECOMMENDATION**

That the Works Report be received.

**OC131102      Moved Cr Bailey / Seconded Cr Iffla**

**That the Works Report be received.**

**Carried 7-0**

# **FINANCE**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.1
<b>SUBJECT:</b>	Accounts Payable
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	
<b>AUTHOR:</b>	Mel Aitchison
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 <sup>st</sup> November 2013

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### **ATTACHMENT**

Attachment 10.2.1 - List of Accounts Paid to 31<sup>st</sup> October 2013

### **BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27571	
	EFT 7817 - 7931	\$576,064.02
	EFT 7934 - 7976	\$246,202.46
	Cheque 27572 - 27586	\$13,458.94
	Direct Debits	\$377.15
<b>Municipal Account Total</b>		<b>\$836,102.57</b>
<b>Trust Account</b>		
	EFT 7816	\$80.00
	EFT 7932 - 7933	\$59,327.26
	Cheque 233 - 235	\$430.00
<b>Trust Account Total</b>		<b>\$59,837.26</b>
<b><u>Grand Total</u></b>		<b><u>\$895,939.83</u></b>

### **CERTIFICATE**

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That the schedule of direct debits and accounts payable, totalling submitted \$895,939.83 to the Full Council on 20<sup>th</sup> November 2013 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
Author

\_\_\_\_\_  
Chief Executive Officer

**OC131103      Moved Cr Daniel / Seconded Cr Bailey**

**That the schedule of direct debits and accounts payable, totalling submitted \$895,939.83 to the Full Council on 20<sup>th</sup> November 2013 be endorsed.**

**SIGNATURES**

\_\_\_\_\_  
Author

\_\_\_\_\_  
Chief Executive Officer

**Carried 7-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Monthly Financial Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	7 <sup>th</sup> November 2013

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## **SUMMARY**

This report presents the monthly financial report to Council which is provided as an attachment to the agenda. The recommendation is to receive the monthly financial report.

## **ATTACHMENT**

Attachment 10.2.2 - Monthly Financial Report – Period Ending 31<sup>st</sup> October 2013

## **BACKGROUND**

As per the Financial Management Regulation 34 each 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 with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

## **CONSULTATION**

Council financial records.

## **COMMENT**

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

## **STATUTORY REQUIREMENTS**

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

## **STRATEGIC IMPLICATIONS**

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 11: A community where revenue is maximised and rating methodology is fair, equitable and transparent.

## **FINANCIAL IMPLICATIONS**

As detailed within the Monthly Financial Report

## **POLICY IMPLICATIONS**

Accounting policies as detailed within the Monthly Financial Report

## **WORKFORCE IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

- 1) That Council receive the Monthly Financial Report for the period ending 31<sup>st</sup> October 2013 in accordance with Section 6.4 of the Local Government Act 1995.

**OC131104      Moved Cr Trevaskis / Seconded Cr Bailey**

- 1) That Council receive the Monthly Financial Report for the period ending 31<sup>st</sup> October 2013 in accordance with Section 6.4 of the Local Government Act 1995.

**Carried 7-0**

**A D M I N**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.1
<b>SUBJECT:</b>	Administration Status Report
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 <sup>th</sup> November 2013

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## **SUMMARY**

This status report provides Council with an update on current projects of interest being addressed by administration.

## **ATTACHMENT**

Nil

## **PROJECT UPDATE**

### **1) Farmland Water Response Planning**

The Shire has received \$64,868 to complete the project. The project will involve constructing a new 9,000 – 10,000m<sup>3</sup> dam, installing pumps, water tank, standpipe and gravel turn around area.

The dam is now complete with the contractor hitting rock in the early stages of construction. A blast consultant was commissioned to remove the rock. The cost associated with this process will impact on the overall project budget.

### **2) Bremer Bay Medical Centre**

The Health Services Plan for the Shire of Jerramungup has been delivered. In terms of the Bremer Bay Medical Centre, a building condition audit has been completed.

The Shire is waiting for the final results to be delivered.

### **3) Bremer Bay Town Centre**

The contractor has made significant progress with all underground services installed and roads constructed. It is anticipated that construction will conclude on Tuesday 26 November 2013.



#### **4) Strategic Waste Management**

The final business case has been received by the Shire. Funding has been approved by the Department of Regional Development and Lands.

The Katanning site has progressed significantly with the finalisation of detailed design. A works approval is imminent.

Detailed design and engineering of the Ravensthorpe site is currently underway.

#### **5) Doctor Recruitment**

The Shire has executed a Heads of Agreement for the provision of General Practice Business Support Services.

AHPRA has issued the Doctor with a Member number and we are now in the process of applying for a Medicare Provider Number, Dispensing Number and Poisons License etc.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	WATC Master Lending Agreement
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 2013

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## **SUMMARY**

The purpose of the report is for Council to approve the Common Seal being affixed to the proposed Western Australian Treasury Corporation's Master Lending Agreement which will streamline the loan process for future loans and consolidate the Shire's existing lending under one agreement.

## **ATTACHMENT**

Separate attachment 10.4.2 - Master Lending Agreement

## **BACKGROUND**

The Western Australian Treasury Corporation (WATC) is implementing a Master Lending Agreement for Local Governments to accommodate recent changes to the Personal Property Security Act 2009 (PPSA) and to improve efficiency in the lending process to local governments.

As a Local Government is only permitted to provide security in the way of a charge over its general funds under the Local Government Act 1995 the WATC is required to register lending under the PPSA which is now referenced to the Shire's Master Lending Agreement.

## **CONSULTATION**

The Master Lending Agreement has been reviewed by the State Solicitors Office and Department of Local Government.

## **COMMENT**

The execution of the Master Lending Agreement does not impact any of the Shire's existing borrowing arrangements and the particulars of existing facilities are included within the Schedules of the Agreement.

Future borrowings will also be established under this agreement which will streamline the borrowing process and will no longer require the affixation of the Common Seal to every loan agreement. Borrowing funds will still be subject to the existing requirements under the Local Government Act 1995 including the need to be declared in the annual budget or be subject to public notification.

## **STATUTORY REQUIREMENTS**

Local Government Act 1995 Section 6.21

### **6.21. Restrictions on borrowing**

- (1) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —
  - (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or
  - (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
  - (c) by a participant giving security over its general funds to the extent agreed by the participant.
- (1a) Despite subsection (1)(a) and (c), security cannot be given over —
  - (a) the financial contributions of a particular participant to the regional local government's funds; or
  - (b) the general funds of a particular participant,if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 —

**general funds** means the revenue or income from —

  - (a) general rates; and
  - (b) Government grants which were not given to the local government for a specific purpose; and
  - (c) such other sources as are prescribed.

*[Section 6.21 amended by No. 49 of 2004 s. 59.]*

## **STRATEGIC IMPLICATIONS**

The utilisation of loan funding is generally applied to Council's Strategic Projects.

## **FINANCIAL IMPLICATIONS**

Loans are an important funding source for many strategic projects and spread the cost over multiple financial years and generations of ratepayers.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council:

- 1) Enter into a Master Lending Agreement with the Western Australian Treasury Corporation as per the document attached to this item.
- 2) Approve the affixation of Common Seal of the Shire of Jerramungup to the Master Lending Agreement in the presence of the President and Chief Executive Officer.
- 3) Authorise the Chief Executive Officer to sign schedule documents under the Master Lending Agreement and / or give instructions thereunder on behalf of the Shire of Jerramungup.

**OC131105      Moved Cr Parsons / Seconded Cr Leenhouders**

**That Council:**

- 1) Enter into a Master Lending Agreement with the Western Australian Treasury Corporation as per the document attached to this item.**
- 2) Approve the affixation of Common Seal of the Shire of Jerramungup to the Master Lending Agreement in the presence of the President and Chief Executive Officer.**
- 3) Authorise the Chief Executive Officer to sign schedule documents under the Master Lending Agreement and / or give instructions thereunder on behalf of the Shire of Jerramungup.**

**Carried by Absolute Majority 7-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Aboriginal Ancestral Remains
<b>LOCATION/ADDRESS:</b>	Reserve 21496
<b>NAME OF APPLICANT:</b>	Department of Indigenous Affairs
<b>FILE REFERENCE:</b>	PH.CM.2
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	4 October 2013

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## **SUMMARY**

In March 2013, the Shire of Jerramungup received correspondence ICR137956 from the Department of Indigenous Affairs with regard to the re-burial of Noongar skeletal remains.

Council considered this application in October 2013 and resolved to defer a decision on this matter.

The Department of Indigenous Affairs is seeking Council approval to rebury the remains on reserve 21496.

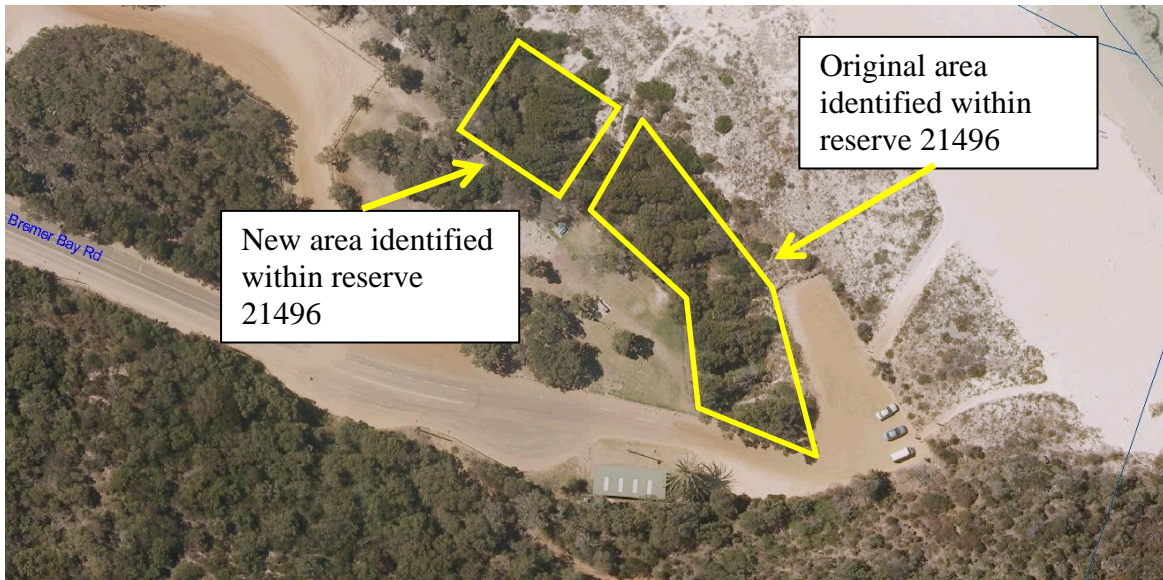
## **ATTACHMENT**

Attachment 10.4.3 - Meeting Notes

## **BACKGROUND**

In March 2013, the Shire received correspondence from the Department of Indigenous Affairs seeking the Shire's assistance and approval to progress a re-burial of two partial sets of Noongar skeletal remains that are currently being held in the Western Australian Museum. The remains have origins in the Bremer Bay area.

The request from the Department relates to identifying an appropriate site within reserve 21496. The Shire met with Harley Coyne and Robert Reynolds from the Department on 20 August 2013 in Bremer Bay to identify an appropriate site within the subject reserve.



*Figure 01: Area identified for the re-burial of two partial sets of Noongar skeletal remains in Bremer Bay*

An item was prepared for Council consideration in October 2013. In considering this matter, Council felt that they needed more information and resolved to defer a decision pending a further meeting with Noongar representatives.

A meeting was convened on Monday 21 October 2013. At this meeting, various matters were discussed including;

1. Location: What is the significance of the location?
2. Erosion: The Shire was concerned that the proposed site was exposed from an erosion perspective and could get washed away during a storm event.
3. Future development: The Shire was concerned that the burial site may impact on the proposed redevelopment of the amenities area at the Paperbark Park.

During the meeting, an alternative location was discussed. All parties agreed that this was a preferred location.

The site identified is discrete and located within relatively dense dune vegetation approximately 10m from the Paperpark Park boundary.

The Shire understands that the remains will be buried in a small excavation approximately 1.0m deep x 0.5m wide. A small plaque would mark the site.

The site would become highly significant to the Noongar Community and would become a site defined by section 4 of the Aboriginal Heritage Act 1972.

## **CONSULTATION**

In addition to routine correspondence, the Shire met with the Department of Indigenous Affairs on 20 August 2013 and 21 October 2013 in Bremer Bay.

## **COMMENT**

In gathering information on this proposal, a request was lodged with the Department of Lands to determine the impact of the reburial process in terms of;

1. The approval process
2. If a lease or formal tenure should be established
3. If the placement of the remains would impact on the development potential of the site

In response to the Shire's enquiry, the Department of Lands highlighted that;

1. The purpose of Reserve 21496 is "Caravan Park, Camping and Recreation". Given the management of the reserve can include passive recreation the proposed use (purpose of reburial) would not require a change in tenure;
2. As manager of the land, the Shire will need to ensure it has arrangements in place which will protect the burial site given that it would become a site under the Aboriginal Heritage Act. This could possibly be achieved through a reserve management plan or some other Council endorsed document which would limit the development of the reserve in the area to that which would not impact on the burial site;
3. There is no benefit in excising the site and creating a separate reserve as this would highlight/identify the significance of the site and may lead to unwanted attention.

Of significance is the reference to a 'Council endorsed' management plan which would limit the development of the reserve in the area to that which would impact on the burial site.

In developing the Shire's Strategic Community Plan, the community expressed a desire to redevelop reserve 21496 and construct new toilets and a playground. The Shire has also received requests for a café or kiosk within 70m of the reburial site.

It is recommended that the Council provide in principle support to the request if the Department of Indigenous Affairs can provide Council with some form of assurance that the classification process (part 4 of the Aboriginal Heritage Act 1972) will not impact on the community's aspiration to redevelop Paperbarks Park.

## **STATUTORY REQUIREMENTS**

Part IV Aboriginal Heritage Act 1972 related to this item. This part refers to the protection of Aboriginal sites.

## **STRATEGIC IMPLICATIONS**

This item relates to the following components from the Shire of Jerramungup's Strategic Community Plan;

Aspiration 6: A culturally aware community that recognises its heritage and the contribution that war settlement and indigenous people have made.

## **FINANCIAL IMPLICATIONS**

The only potential financial impact on the Shire would be the preparation of a management plan if required. It is recommended that Department of Indigenous Affairs is responsible for preparing such documentation.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council approves the application submitted by the Department of Indigenous Affairs for the re-burial of two partial sets of Noongar skeletal remains on Reserve 21496 subject to the following conditions;

1. That the location of the remains is contained within the foredune area to the North of Paperbarks Park.
2. That any costs associated with the preparation of a management plan or similar document to protect the site is borne by the applicant.
3. That assurance is received from the Department of Indigenous Affairs that the sites recognition under the Aboriginal Heritage Act 1972 will not impact on the Shire's plans to redevelop Paperbarks Park and construct new toilets and install new playground equipment.

**OC131106      Moved Cr Trevaskis / Seconded Cr Iffla**

**That Council approves the application submitted by the Department of Indigenous Affairs for the re-burial of two partial sets of Noongar skeletal remains on Reserve 21496 subject to the following conditions;**

- 1. That the location of the remains is contained within the foredune area to the North of Paperbarks Park.**
- 2. That any costs associated with the preparation of a management plan or similar document to protect the site is borne by the applicant.**
- 3. That assurance is received from the Department of Indigenous Affairs that the sites recognition under the Aboriginal Heritage Act 1972 will not impact on the Shire's plans to redevelop Paperbarks Park and construct new toilets and install new playground equipment.**

**Carried 7-0**



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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.4
<b>SUBJECT:</b>	Proposed Lease
<b>LOCATION/ADDRESS:</b>	Lot 24 Memorial Road Jerramungup
<b>NAME OF APPLICANT:</b>	Jerramungup Shire Arts Council
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 October 2013

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## **SUMMARY**

On 21 October 2013, the Chief Executive Officer met with a representative from the Jerramungup Shire Arts Council (JABBA) in relation to establishing a lease over lot 24 Memorial Road Jerramungup.

This item seeks Council approval to lease the subject site.

## **ATTACHMENT**

Attachment 10.4.4 - Proposal - JABBA

## **BACKGROUND**

The Jerramungup Shire Arts Council is a recently formed group that seeks to coordinate and promote art related activities within the Shire of Jerramungup.

The committee consists Gail Hiilinen (Chairperson), Anne Sparrow (Vice Chair/Treasurer) and Katie Tapscott (Secretary). The group proposes to host exhibitions, run workshops, sell and promote local products.

The group is seeking an appropriate venue and has applied to the Shire to lease Lot 24 Memorial Road Jerramungup. This building is the former Fitzgerald Biosphere Group (FBG) Building. The Shire has received some interest from other groups in regard to leasing this facility; however this proposal is the only formal application that has been received.

## **CONSULTATION**

Nil

## **COMMENT**

As identified when the Shire completed the revitalisation project, the FBG building is in an ideal location from a tourism perspective. With the various streetscape and park upgrades now complete, a facility that promotes local products would complete the tourism product that the Shire was looking to implement.

## **STATUTORY REQUIREMENTS**

### **3.58. Disposing of property**

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

## **Local Government (Functions and General) Regulations 1996**

### **30. Dispositions of property to which section 3.58 of the Act does not apply**

- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called ***the transferee***) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

### **STRATEGIC IMPLICATIONS**

This item relates to the following components from the Shire of Jerramungup's Strategic Community Plan;

Aspiration 5: An active community supported by fit for purpose sport and recreation facilities.

Activity: Develop Recreation Strategy (New)

Key components: Establish Community Arts Committee, community art program.

### **FINANCIAL IMPLICATIONS**

The Shire has capacity within the 2013/14 budget to prepare a lease over the subject facility.

### **WORKFORCE IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Authorises the Chief Executive Officer to prepare a lease between the Shire of Jerramungup and Jerramungup Shire Arts Council for Lot 24 Memorial Road Jerramungup
2. Endorse the terms of the proposed lease being \$nil rent for a period of 5 years with no option.
3. Once the lease has been prepared, authorises the Chief Executive Officer and Shire President to execute the lease agreement.

**OC131107      Moved Cr Bailey / Seconded Cr Parsons**

**That Council;**

- 1. Authorises the Chief Executive Officer to prepare a lease between the Shire of Jerramungup and Jerramungup Shire Arts Council for Lot 24 Memorial Road Jerramungup**
- 2. Endorse the terms of the proposed lease being \$nil rent for a period of 5 years with no option.**
- 3. Once the lease has been prepared, authorises the Chief Executive Officer and Shire President to execute the lease agreement.**

**Carried 7-0**

9.58am Mr Bailey left the meeting

10.00am Mr Bailey returned the meeting

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**SUBMISSION TO:** Administration  
**AGENDA REFERENCE:** 10.4.5  
**SUBJECT:** Council Committees  
**LOCATION/ADDRESS:**  
**NAME OF APPLICANT:** Shire of Jerramungup  
**FILE REFERENCE:**  
**AUTHOR:** Charmaine Solomon  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 31<sup>st</sup> October 2013

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## **SUMMARY**

This report addresses Council's review of Committee appointments. Included in this report is a current listing of Council Committees.

## **ATTACHMENT**

Nil

## **BACKGROUND**

The current listing of Council committees and Councillor Delegates is listed below.

### **Council Committees Appointed November 2012**

That Council resolve to make the following appointments to Council and community committees.

<b><u>Committee</u></b>	<b><u>Membersh ip</u></b>	<b><u>Term</u></b>	<b><u>Purpose</u></b>	<b><u>Nominated Councillors</u></b>	<b><u>Powers</u></b>
CEO Appointment and Review Committee	All Councillors	2 years with terms of office being aligned with Local Government Councillor elections.	To conduct the recruitment process and periodic reviews.	All Councillors	Nil, the committee will make recommendations to Council. The Shire President may, at his/her option, engage a consultant to assist in any relevant processes to the extent provided for in the annual budget.

Audit Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor elections.	To receive audit reports and meet annually with Council's auditors.	All Councillors	Nil, Makes recommendations to Council on the appointment of auditors and matters raised during audits.
Bremer Bay Community Development Committee	Two Councillors and one Proxy. Two member representatives from each community organisation	Two years with terms of office being aligned with Local Government Councillor elections. All non Councillor members of the committee membership is ongoing once Council has accepted their nomination until the organisation they represent advises otherwise or until Council disbands this committee which ever is the sooner.	To advise Council on issues of development within Bremer Bay	Delegate 1) <b>Cr Iffla</b> Delegate 2) <b>Cr Lester</b> Proxy) Any other Councillor	Nil, the committee will make recommendations to Council.

<b><u>Organisation/Committee</u></b>	<b><u>Delegate Positions</u></b>	<b><u>Nominated Councillors</u></b>
Regional Road Group	Two Councillors and one Proxy	<b>Delegate 1: Cr Trevaskis</b>  <b>Delegate 2: Cr Lester</b>  Proxy: <b>Any other Councillor</b>
Great Southern Zone of WALGA	Two Councillors and one Proxy	<b>Delegate 1: Cr Lester</b>  <b>Delegate 2: Cr Iffla</b>  <b>Proxy: Cr Daniel or any other Councillor</b>
Bush Fire Advisory	One Councillor and one	<b>Delegate: Cr Bailey</b>

Committee	Proxy	<b>Proxy: Cr Parsons or any other Councillor</b>
Jerramungup Community Resource Centre Committee	One Councillor and one Proxy	<b>Delegate: Cr Atkin</b> <b>Proxy: Any other Councillor</b>
Fitzgerald Biosphere Group	One Councillor and one Proxy	<b>Delegate: Cr Parsons</b> <b>Proxy: Cr Bailey or any other Councillor</b>
Regional Recreation Advisory Committee	One Councillor and one Proxy	<b>Delegate: Cr Iffla</b> <b>Proxy: Cr Daniel or any other Councillor</b>
South Coast Management Group	Two Councillors and one Proxy	<b>Delegate 1: Cr Daniel</b> <b>Delegate 2: Cr Atkin</b> <b>Proxy: or any other Councillor</b>
Jerramungup FESA Unit Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Bailey</b> <b>Proxy: Cr Parsons or any other Councillor</b>
Bremer Bay FESA Unit Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Iffla</b> <b>Proxy: Cr Lester or any other Councillor</b>
Health Advisory Committee	One Councillor and one Proxy	<b>Delegate: Cr Trevaskis</b> <b>Proxy: Cr Daniel or any other Councillor</b>
Development Assessment Panel	Two Councillor and one Proxy	<b>Delegate 1: Cr Lester</b> <b>Delegate 2: Cr Iffla</b> <b>Proxy: Cr Trevaskis</b> <b>Proxy: Cr Atkin</b>

## **CONSULTATION**

Current Committee Delegates Listing

## **COMMENT**

Appointments on Council Committees have been left open in the recommendation for the Council to resolve.

Nomination of Development Assessment Panel representatives required as Cr Atkin has retired.

## **STATUTORY REQUIREMENTS**

The following sections of the Local Government Act have application:

### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

### **5.9. Types of committees**

(1) In this section —

**other person** means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only;
- (b) council members and employees;
- (c) council members, employees and other persons;
- (d) council members and other persons;
- (e) employees and other persons; or
- (f) other persons only.

### **5.10. Appointment of committee members**

(1) A committee is to have as its members —

- (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.

#### **5.11. Tenure of committee membership**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, whichever happens first.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

## POLICY IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

That Council resolve to make the following appointments to Council and community committees.

<u>Committee</u>	<u>Membershi p</u>	<u>Term</u>	<u>Purpose</u>	<u>Nominated Councillors</u>	<u>Powers</u>
CEO Appointment and Review Committee	All Councillors	2 years with terms of office being aligned with Local Government Councillor elections.	To conduct the recruitment process and periodic reviews.	All Councillors	Nil, the committee will make recommendations to Council. The Shire President may, at his/her option, engage a consultant to assist in any relevant processes to the extent provided for in the annual budget.
Audit Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor elections.	To receive audit reports and meet annually with Council's auditors.	All Councillors	Nil, Makes recommendations to Council on the appointment of auditors and matters raised during audits.

Bremer Bay Community Development Committee	Two Councillors and one Proxy. Two member representatives from each community organisation	Two years with terms of office being aligned with Local Government Councillor elections. All non Councillor members of the committee membership is ongoing once Council has accepted their nomination until the organisation they represent advises otherwise or until Council disbands this committee which ever is the sooner.	To advise Council on issues of development within Bremer Bay	Delegate 1)  Delegate 2)  Proxy) Any other Councillor	Nil, the committee will make recommendations to Council.
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<u>Organisation/Committee</u>	<u>Delegate Positions</u>	<u>Nominated Councillors</u>
Regional Road Group	Two Councillors and one Proxy	Delegate 1:  Delegate 2:  Proxy: or any other Councillor
Great Southern Zone of WALGA	Two Councillors and one Proxy	Delegate 1:  Delegate 2:  Proxy: or any other Councillor
Bush Fire Advisory Committee	One Councillor and one Proxy	Delegate:  Proxy: or any other Councillor
Jerramungup Community Resource Centre Committee	One Councillor and one Proxy	Delegate:  Proxy: or any other Councillor

Fitzgerald Biosphere Group	One Councillor and one Proxy	Delegate: Proxy: or any other Councillor
Regional Recreation Advisory Committee	One Councillor and one Proxy	Delegate: Proxy: or any other Councillor
South Coast Management Group	Two Councillors and one Proxy	Delegate 1: Delegate 2: Proxy: or any other Councillor
Jerramungup FESA Unit Management Committee	One Councillor and one Proxy	Delegate: Proxy: or any other Councillor
Bremer Bay FESA Unit Management Committee	One Councillor and one Proxy	Delegate: Proxy: or any other Councillor
Health Advisory Committee	One Councillor and one Proxy	Delegate: Proxy: or any other Councillor
Development Assessment Panel	Two Councillor and one Proxy	Delegate 1: Delegate 2: Proxy: Proxy:

10.05am Cr Bailey left the meeting

10.07am Cr Bailey returned to the meeting

That Council resolve to make the following appointments to Council and community committees.

<u>Committee</u>	<u>Membersh ip</u>	<u>Term</u>	<u>Purpose</u>	<u>Nominated Councillors</u>	<u>Powers</u>
CEO Appointmen t and Review Committee	All Councillors	2 years with terms of office being aligned with Local Government Councillor elections.	To conduct the recruitme nt process and periodic reviews.	All Councillors	Nil, the committee will make recommendatio ns to Council. The Shire President may, at his/her option, engage a consultant to assist in any relevant processes to the extent provided for in the annual budget.
Audit Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor elections.	To receive audit reports and meet annually with Council's auditors.	All Councillors	Nil, Makes recommendatio ns to Council on the appointment of auditors and matters raised during audits.
Bremer Bay Community Developme nt Committee	Two Councillors and one Proxy. Two member representa tives from each community organisatio n	Two years with terms of office being aligned with Local Government Councillor elections. All non Councillor members of the committee membership is ongoing once Council has accepted their nomination until the organisation they represent	To advise Council on issues of developm ent within Bremer Bay	Delegate 1)  <b>Cr Lester</b>  Delegate 2)  <b>Cr Iffla</b>  Proxy) Any other Councillor	Nil, the committee will make recommendatio ns to Council.

		advises otherwise or until Council disbands this committee which ever is the sooner.			
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<b>Organisation/Committee</b>	<b>Delegate Positions</b>	<b>Nominated Councillors</b>
Regional Road Group	Two Councillors and one Proxy	<b>Delegate 1: Cr Lester</b> <b>Delegate 2: Cr Parsons</b> <b>Proxy: or any other Councillor</b>
Great Southern Zone of WALGA	Two Councillors and one Proxy	<b>Delegate 1: Cr Lester</b> <b>Delegate 2: Cr Daniel</b> <b>Proxy: any other Councillor</b>
Bush Fire Advisory Committee	One Councillor and one Proxy	<b>Delegate: Cr Bailey</b> <b>Proxy: Cr Parsons or any other Councillor</b>
Fitzgerald Biosphere Group	One Councillor and one Proxy	<b>Delegate: Cr Parsons</b> <b>Proxy: Cr Bailey or any other Councillor</b>
Regional Recreation Advisory Committee	One Councillor and one Proxy	<b>Delegate: Cr Iffla</b> <b>Proxy: Cr Leenhouders or any other Councillor</b>

South Coast Management Group	Two Councillors and one Proxy	<b>Delegate 1: Cr Daniel</b> <b>Delegate 2: Cr Leenhouders</b> <b>Proxy: or any other Councillor</b>
Jerramungup FESA Unit Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Bailey</b> <b>Proxy: Cr Parsons or any other Councillor</b>
Bremer Bay FESA Unit Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Leenhouders</b> <b>Proxy: Cr Iffla or any other Councillor</b>
Development Assessment Panel	Two Councillor and one Proxy	<b>Delegate 1: Cr Lester</b> <b>Delegate 2: Cr Iffla</b> <b>Proxy: Cr Trevaskis</b> <b>Proxy: Cr Leenhouders</b>

Reason for variation: Councillors and executive staff are still available to attend on request however the formal appointment of a Councillor to these committees was not deemed necessary.

**Carried by Absolute Majority 7-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.6
<b>SUBJECT:</b>	South Coast Management Group-Community Representative
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 <sup>th</sup> November 2013

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## **SUMMARY**

The purpose of this report is to put before Council nominations for the position of Community Representatives for the Shire of Jerramungup on the South Coast Management Group.

## **ATTACHMENT**

Attachment 10.4.6 - Application form Anne Gadsby

## **BACKGROUND**

In the mid 1990's community representatives, Local and State Government representatives formed the South Coast Management Group (SCMG) - a regional representative body of coastal planners and managers on the South Coast. SCMG provides a forum for the discussion of issues relating to coastal and marine planning and management and also actively promotes best practice coastal management in the South Coast Region (Denmark to Esperance).

The Shire of Jerramungup appoints two community representatives to represent the Shire on this group.

The contribution of individual members of SCMG is critical to its successful operation. Individuals must have the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises where necessary. This process must avoid members pursuing individual agendas or attacking opposing views, to act in the best interests of the objects of SCMG, putting forward views in an objective and impartial manner.

SCMG comprises the Chief Executive Officer (or their proxy), two elected members (Councillors) and two community members appointed by each Local Government.

Elected and community members are appointed for a two year term to coincide with the Ordinary Local Government election process.

Advertisements were placed in local publications calling for nominations with the closing date being Thursday 31<sup>st</sup> October 2013.



## **CONSULTATION**

N/A

## **COMMENT**

At the close of nominations, the Shire had received one nomination from Anne Gadsby. Anne Gadsby completed her nomination form once she returned to Bremer Bay.

## **STATUTORY REQUIREMENTS**

Nil

## **STRATEGIC IMPLICATIONS**

This item relates to the following components from the Shire of Jerramungup's Strategic Community Plan;

Aspiration 14: An involved community where volunteering is fostered, encouraged and supported.

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council appoint Anne Gadsby as the Shire of Jerramungup Community Representative to the South Coast Management Group.

**OC131109      Moved Cr Trevaskis / Seconded Cr Iffla**

**That Council appoint Anne Gadsby as the Shire of Jerramungup Community Representative to the South Coast Management Group.**

**Carried 7-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.7
<b>SUBJECT:</b>	Disability Access and Inclusion Plan 2013-2018
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	12 <sup>th</sup> November 2013

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## **SUMMARY**

The purpose of this item is for Council to consider the final draft Disability Access and Inclusion Plan 2013 - 2018 with the recommendation that it be adopted.

## **ATTACHMENT**

Attachment 10.4.7(a) - Shire of Jerramungup Disability Access and Inclusion Plan 2013-2018

Attachment 10.4.7(b) – Correspondence Disability Services Commission

## **BACKGROUND**

A draft Disability Access and Inclusion Plan was prepared for Council consideration in September 2013. The draft plan was endorsed by Council and advertised for a period of four weeks.

One submission on the draft plan was received. The comments contained within the submission were incorporated into the revised document.

## **CONSULTATION**

The Shire invited all residents and various stakeholders to provide feedback on the Plan. Public comment closed Monday 21<sup>st</sup> October 2013.

## **COMMENT**

Comments received from the Disability Services Commission have been included in the Disability Access and Inclusion Plan 2013-2018.

The Shire of Jerramungup Disability Access and Inclusion Plan provides goals and objectives to provide direction in improving access and inclusion for disabled persons. The Disability Access and Inclusion Plan 2013 – 2018 will be made available to the public.

## **STATUTORY REQUIREMENTS**

Disability Services Act 1993 (amended 2004).

## **STRATEGIC IMPLICATIONS**

This item relates to the following components of the Shire of Jerramungup Strategic Community Plan 2012 - 2025.

Aspiration 15:

A community that provides programs and facilities to people with varying needs

Activity:

Review Disability Access and Inclusion Plan

Key components:

Planning for better access, inclusion and community support

## **FINANCIAL IMPLICATIONS**

Council will need to consider budget allocations in 2014-2015.

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council adopt the final Disability Access and Inclusion Plan 2013-2018 as presented within the agenda attachments.

**OC131110      Moved Cr Daniel/ Seconded Cr Bailey**

**That Council adopt the final Disability Access and Inclusion Plan 2013-2018 as presented within the agenda attachments.**

**Carried 7-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.8
<b>SUBJECT:</b>	General Practice Business Support Services
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	PL.RE.1
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	14 November 2013

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## **SUMMARY**

In October 2013, Council endorsed an agreement between the Shire of Jerramungup and First Health Services Pty Ltd for General Practice Business Support Services.

Since this time, both organisations have been working collaboratively to prepare a Medical Services Agreement with the prospective Doctor.

This item seeks Council acceptance and authorisation to execute the Medical Services Agreement with the prospective Doctor.

## **ATTACHMENT**

Attachment 10.4.8 - Medical Services Agreement

## **BACKGROUND**

For 24 years, Dr Nicolas Dorai-Raj was the Jerramungup Community Doctor. The Doctor was self-employed and ran the business in its entirety.

In March 2013, Dr. Nicholas Dorai-Raj formally resigned as the community Doctor.

In June 2013, the Shire President convened a Special Council Meeting to discuss recruiting a new Doctor and to declare that tenders do not have to be publicly invited according to the requirements contained within the Local Government (Functions and General) Regulations 1996.

Subsequently, the Shire received a proposal from First Health Services Pty Ltd. to provide General Practice Business Support Services. Under this model, First Health Services Pty Ltd assists the Shire in recruiting a suitably qualified General Practitioner and provides the successful candidate with business support services. The Doctor would remain self-employed.

The proposed model recognises that the administrative and compliance burden placed on all medical practices is restrictive, highly specialised and presents a barrier for smaller operators and marginal businesses. The model allows a new Doctor to focus on the clinical aspects of the practice and essentially outsources the administration, compliance and accreditation requirements to a larger and more appropriately resourced organisation.



*Figure 01: Relationship of incentives to run a profitable and sustainable clinical business*

The services offered under the agreement include administration, practice efficiency, advice (fees and charges), income maximisation, staff recruitment, dispute resolution, IT support, banking, financial reporting, payroll, superannuation and clinical compliance support and advice.

On 16 August 2013, Council endorsed a Heads of Agreement that established a framework within which the Shire and First Health Services Pty Ltd agreed to negotiate a subsequent formal agreement.

The subsequent formal agreement was endorsed by Council at the October Ordinary Council Meeting.

During negotiation, First Health Services Pty Ltd identified a prospective General Practitioner and commenced an accreditation and registration process so that this General Practitioner could work in the Shire of Jerramungup. On 4 November 2013, Dr Milan Roemer was provided with limited registration by the Australian Health Practitioner Regulation Agency (AHPRA).

AHPRA has issued Dr Roemer with a Member Number. The process to gain a Medicare Provider Number, Dispensing Number and Poisons License etc. has commenced with a conclusion imminent.

This item seeks Council's acceptance of the Medical Services Agreement between the Shire of Jerramungup and Dr Milan Roemer.

## **CONSULTATION**

Regular consultation has occurred with Councillors and the community via various mail outs and articles in community publications.

## **COMMENT**

The execution of this agreement finalises the way in which the Shire will deliver medical services into the future. Historically, the Shire has provided a house, car, facilities and equipment to the Doctor. The Doctor operated independently and the Shire was not required to contribute financially to the business.

Under the new framework, the Shire recognised the barriers that General Practitioners faced working in Regional Western Australia and responded by appointing First Health Services Pty Ltd to provide administration, practice efficiency, advice (fees and charges), income maximisation, staff recruitment, dispute resolution, IT support, banking, financial reporting, payroll, superannuation and clinical compliance support and advice. Essentially, this allows the General Practitioner to focus on the clinical aspects of the business.

This current agreement is between the Shire and Dr Milan Roemer. This service level agreement facilitates the provision of housing, vehicle and facilities etc and the required level of service that the Shire expects in return.

The Agreement contains some key elements that have been highlighted below;

1. The agreement is for a period of 5 years.
2. The previous reference to a trading guarantee has been removed.
3. The Shire will meet with the Doctor at 3, 6 and 12 month intervals in the first year. From this point, 12 monthly reviews will occur until the cessation date.
4. Rather than provide IT equipment, the Shire will provide the General Practitioner with start-up equipment and a nominal amount annually.

## **STATUTORY REQUIREMENTS**

Council has already fulfilled the statutory requirements in amending the 2013/14 budget to facilitate the execution of this agreement.

## **STRATEGIC IMPLICATIONS**

This item relates to the following components from the Shire of Jerramungup Strategic Community Plan.

**Aspiration 7:** A healthy community where residents feel safe, secure and self-assured.

**Activity:** Implement Medical Services and Infrastructure Strategy

**Key components:** Retain local health professionals

## **FINANCIAL IMPLICATIONS**

Council has already fulfilled the financial requirements in amending the 2013/14 budget to facilitate the execution of this agreement.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Endorse the Medical Services Agreement between the Shire of Jerramungup and Dr Milan Roemer as presented within the agenda attachments.
2. Authorise the Shire President and Chief Executive Officer to execute the Medical Services Agreement.

**OC131111      Moved Cr Leenhouders / Seconded Cr Bailey**

**That Council;**

- 1. Endorse the Medical Services Agreement between the Shire of Jerramungup and Dr Milan Roemer as presented within the agenda attachments.**
- 2. Authorise the Shire President and Chief Executive Officer to execute the Medical Services Agreement.**
- 3. Authorise an amount not exceeding \$4000 to be included within Item 5 of the schedule for a contribution to a computer system.**
- 4. Appoint Cr Lester and Cr Iffla to meet with the Doctor to satisfy the review clauses outlined under Section 2.3 of the contract.**

**Carried 7-0**

Reason for variation: Council authorised an amount not exceeding \$4000 for a computer system and appointed Councillors Lester and Iffla to meet with the Doctor as outlined in Section 2.3 of the contract.

# **COUNCILLOR REPORTS**



## **11. COUNCILLOR REPORTS**

### **Cr Daniel**

Attended a JABBA meeting  
Attended a South Coast Management Group

### **Cr Iffla**

Attended a meeting with the Police department  
Attended meeting with the Health department

### **Cr Trevaskis**

Attended a Regional Road Group meeting

### **Cr Lester**

Attended a Regional Road Group  
Attended the Opening the art exhibition "Boots to the Beach"  
Attended a meeting with the Police department  
Attended a meeting with the Health department  
Attended the Remembrance Day Service

## **12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY LEAVE OF THE PRESIDING MEMBER**

### **12.1 From Officers**

Nil

### **12.2 From Elected Members**

Nil

## **13. NEXT MEETING/S**

13.1 Ordinary Meeting – to be held Wednesday 18<sup>th</sup> December 2013 commencing 8.30am at the Council Chambers, Jerramungup.

## **14. CLOSURE**

The President declared the meeting closed at 10:50am.