



18/08/2017

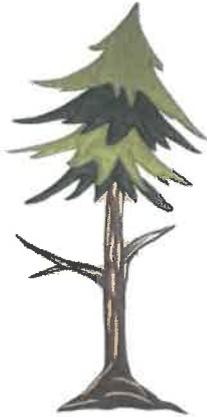
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Julie Pantaleo

From: Email Journal
Sent: Thursday, 17 August 2017 11:17 AM
To: Hannah Italiano
Subject: FW: Australind Scout Group Lease 17/25441

This has been saved to RecFind – See 17/25441



Bec

From: Glen Wilkinson [<mailto:gwjc@westnet.com.au>]
Sent: Thursday, 17 August 2017 11:00 AM
To: Hannah Italiano
Subject: Australind Scout Group Lease

Hi Hannah

As per our discussion, we would like to renew our lease for the shed for the Australind Scout Group at Settlers Hall in Leschenault.

If you need to discuss further, please give me a call on 0467 980 818.

Kind regards

Glen Wilkinson
TALL PINE

Group Leader.
Australind Scout Group
Contact details
Mobile 0467 980 818
Email gwjc@westnet.com.au

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This email was Malware checked by UTM 9. <http://www.sophos.com>

AUSTRALIND SCOUT GROUP

STORAGE SHED

MANAGEMENT AGREEMENT

SHIRE OF HARVEY

AND

THE SCOUT ASSOCIATION OF AUSTRALIA WA

BRANCH

THIS LEASE is made the 13th day November 2017

BETWEEN:

THE SHIRE OF HARVEY

Of Uduc Road, Harvey WA 6220 ("the Shire")

AND

THE SCOUT ASSOCIATION OF AUSTRALIA WA BRANCH

Po Box A340

Australind WA 6233 ("SAA")

WHEREAS:

- A.** The Shire is having the care and control of Reserve No. 44403 being the registered proprietor of that part of Lot 5764 Marine Drive, Leschenault, ("the Shire's land").
- B.** The SAA has built on the Shire's land a complex known as the "Scouts Storage Shed", to provide a facility for the storage of Scout equipment and consumables, and training equipment.
- C.** SAA is a community Scouting association formed by residents of the locality of Harvey within the Shire of Harvey for the purpose of providing Scouting and associated activities within the locality of Harvey.
- D.** The Shire has agreed to let the management of the storage facility to the SAA on the terms and conditions set out in this agreement and generally for the purpose for which the facility was constructed in the first instance

NOW THIS AGREEMENT WITNESSES:

1. The Shire hereby lets and the SAA takes on management of that part only of the Shire's land being the storage facility more particularly delineated and coloured red on the attached sketch hereto for a term of **FIVE (5) YEARS** commencing on **13th NOVEMBER 2017** and terminating on the **12th NOVEMBER 2022**, subject to the terms and conditions of this agreement.
2. The **SAA HEREBY COVENANTS** with the Shire as follows:
 - (a) To use and only permit the complex to be used as a storage facility.
 - (b) Not to make any structural alterations to the complex or to do anything whereby the character of the complex is interfered with without the written consent of the Shire first had and obtained.
 - (c) To duly and punctually pay all costs of an incidental to the consumption of electricity, water, rubbish rates and other services or outgoings imposed or charged upon the complex excluding the obligation to pay for those services stated herein to remain the responsibility of the Shire.
 - (d) To reimburse Council the cost of insurance in accordance with clause 3.
 - (e) Not to assign, underlet or part with possession of the complex or any part thereof without the written consent of the Shire first had and obtained.
 - (f) To maintain and keep in good condition the complex and all parts of the buildings, electrical installations and other erections and improvements constructed thereon or to be constructed thereon.
 - (g) To pay for the property cleaning both internally and externally of the complex on a regular basis so as to ensure the highest standards of cleanliness, neatness and safety at all times.
 - (h) Not to do or suffer to be done in or upon the complex or any part thereof of any act or thing which shall or may become illegal or improper or a nuisance or annoyance or inconvenience to the occupiers of any of the adjoining or surrounding premises.
 - (i) To permit the Shire or any person or persons authorised by it to enter the facility or any part thereof at all reasonable times of the day to examine the state or repair and condition of the facility and if notice in writing is given of any defects

or want of repair or amendment to as soon as practical after receipt of such notice to repair and amend the complex in accordance with the terms of this notice.

- (j) To comply with and observe all regulations, requisitions and order which may be made in respect of the facility or any part thereof by the Shire acting in its capacity as the Shire Council of the Shire of Harvey Health Department and Engineering Department, or to comply with the requirements of any other public authority having power to issue demands, orders or requisitions.
 - (k) To take out and maintain an insurance policy with a reputable insurer a public liability policy for the term of this lease for **\$20,000,000 (TWENTY MILLION DOLLARS)**, the effect of which is to indemnify and keep indemnified the Shire against liability in respect of injury or damage caused to any person or property relating to the complex, whether arising by accident or by reason of negligence or other acts of the SAA or its servants and members and to indemnify the Shire against all damage and expense which the Shire may sustain, expend or be put to be reason of or on account of any neglect or default on the part of the SAA to observe or perform any of the covenants or agreements on its part herein contained or implied.
3. The Shire acknowledges that it shall be responsible for the insuring of the complex against loss or damage by fire or other associated or usual risks including coverage of the fixtures and fittings contained therein and if at any time the complex or any part thereof shall be burnt down, or damaged by fire forthwith to reinstate the same with the monies received from the policy of insurance covering the risk.
 4. It is mutually agreed any notice required to be given by either party in the terms of this agreement shall have been deemed to have been duly served if such notice shall have been delivered to the Shire offices in Uduc Road Harvey, or mailed by pre-paid mail to the address of the SAA, Po Box A340 Australind or posted upon some conspicuous part of the complex.
 5. The Shire covenants with the SAA that the SAA may hold and quietly enjoy the complex during the term hereof, and any agreed extension, without interruption from the Shire of any person rightly claiming under or in trust for it.
 6. It is intended to review the operation of this agreement between the Shire and the SAA not later than **THREE (3) MONTHS** prior to the expiration of the term to the intent that at that time there being no existing breach by the SAA of any

term of this agreement and not unresolved difficulties arising out of the agreements relationship between the SAA and the Shire that the Shire will renew this Management Agreement for a further term of **FIVE (5) YEARS** subject to any alteration of the terms and conditions hereof determined at the time of review.

7. If at any time during the term or any extended term thereof:
- (i) Any covenant on the part of the SAA contained in this agreement or reasonably implied shall not be punctually performed or observed and/or;
 - (ii) If the SAA shall cease to exist or shall become insolvent or commit any act of insolvency or go into liquidation or have any distress or execution levied against it then in such case it shall be lawful for the Shire, by its agents or servants to enter upon the premises or any part thereof in the name of the whole and thereupon this agreement shall determine without prejudice to any right of action by the Shire in respect of any antecedent breach of the covenants herein contained or implied by the SAA.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first mentioned above.

THE COMMON SEAL of the SHIRE OF HARVEY)

Was hereunto affixed in the presence of:)

SHIRE PRESIDENT
TANIA G JACKSON

CHIEF EXECUTIVE OFFICER
MICHAEL PARKER

THE SEAL of)

THE SCOUT ASSOCIATION OF AUSTRALIA WA BRANCH)

Was hereunto affixed in the presence of:)

PRESIDENT

GROUP LEADER



PO Box 48
MOUNT BARKER WA 6324
Phone: (08) 9892 1111
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Website: www.plantagenet.wa.gov.au

Our Ref: O48881
Your Ref:

31 July 2017

Cr Tania Jackson
President
Shire of Harvey
PO Box 500
HARVEY WA 6220

Dear Cr Jackson

| |
|-------------------------------|
| Registration Number: 17124104 |
| SHIRE OF HARVEY |
| 4 AUG 2017 |
| Retention/Disposal: PARKER |
| Dept/Officer: FMX 001 (37) |
| File Number: FMX 001 (37) |

I am seeking your assistance to send a message to the Prime Minister regarding Western Australia's appalling share of GST revenue.

Attached is a letter I recently sent to Mr Turnbull regarding this matter. At its meeting held on 18 July 2017 the Council requested that such a letter be prepared as well seek the support of all Local Governments in WA.

My request to you is simple. Would you also send a letter to Mr Turnbull within a week of receiving this letter so your the letter may reach Canberra at around the same time as mine. The enclosed USB has some sample letters that may give you inspiration or feel free to use any letter you like. It goes without saying, of course, if you want to prepare you own unique letter, please do so.

May I also ask that you let me know when you send your letter so that I can gauge responses.

You can get in touch with me at shire_pres@plantagenet.wa.gov.au

Thank you. I appreciate your help.


Ken Clements
SHIRE PRESIDENT



What is fiscal equalisation?

What is the CGC's role?

The Commonwealth Grants Commission recommends how the revenues raised from the Goods and Services Tax (GST) should be distributed to the States and Territories to achieve horizontal fiscal equalisation (HFE).

What is horizontal fiscal equalisation (HFE)?

The CGC defines Horizontal Fiscal Equalisation (HFE) as follows:

"State governments should receive funding from the pool of GST revenue such that, after allowing for material factors affecting revenues and expenditures, each would have the fiscal capacity to provide services and the associated infrastructure at the same standard, if each made the same effort to raise revenue from its own sources and operated at the same level of efficiency."

How does the Commission aim to achieve HFE?

In simple terms, the Commission assesses the fiscal capacity of each State so that it can recommend a distribution of GST revenue to strengthen the capacity of those States with weaker fiscal capacity.

It does this by assessing each State's capacity to raise revenue, and each State's costs in providing services and associated investment. It also works out, on a per capita basis, an Australia-wide average of State capacity to raise revenue and provide services. States with high fiscal capacity – that is, which can raise more of the revenue they need, or whose service delivery costs are lower, than the average of all States – need less GST revenue to provide the average standard of services than States with lower fiscal capacity.

Accordingly, the Commission recommends a distribution of GST revenue which increases the financial resources available to States with weaker than average fiscal capacity so that they can provide the average standard of services to their communities. In doing these assessments, the Commission takes account of divergences from the all State average that are beyond an individual State's control (eg, because of demographic factors, population size and dispersion, scale, natural endowments) rather than a State's policy choices.

Federal Financial Relations

Who determines how the GST is shared?

The Commonwealth's distribution of the GST revenue among the States is based on the principle of Horizontal Fiscal Equalisation (HFE), as agreed by Commonwealth and State first Ministers and reflected in the Commonwealth Treasurer's terms of reference to the Grants Commission for its work. This doesn't mean that all States agree with every decision the CGC makes about the relativities each year, but it does mean that all States agree that some States need more support than others from the Commonwealth.

The Commission's role is to make recommendations to the Commonwealth Treasurer on how to share out GST revenue among the States. The Treasurer is responsible for determining each State's annual share.

The Time Lag

Why doesn't the CGC give the States GST revenue in the year they need it?

The Commission does not use forecasts (which can often be subject to substantial subsequent revisions). Rather, it seeks to base its work on the most authoritative data available. For this reason it uses finalised budget outcome data for each jurisdiction. The use of this kind of authoritative data, in conjunction with the use of a three year moving average of data (to manage the risk of undue volatility if we were instead to rely on a single year's data) has been the subject of extensive consultation with the States when the Commission conducts its regular (generally, every five years) review of its methodology. It reflects a trade-off between contemporaneousness and reliable data in the Commission's work. It is always possible for the Commission to shift that balance, after full consultation with the States (usually as part of a methodology review), but any change will bring a different set of pros and cons that different stakeholders may attach different value to.

Gambling

Why doesn't the CGC assess gambling revenue?

The Commission assesses the revenue each State can raise from its own sources. Where a State chooses not to access a revenue base (for example, land tax in the Northern Territory), the Commission seeks to impute the missing capacity. That is, it aims to work out how much revenue a State could raise if it taxed the relevant revenue base at the Australian average rate of taxation for that revenue base. (This approach is designed to remove any incentive for a State not to raise its own revenue as a way of increasing its share of GST revenue).

In the case of gambling revenue, different states have different policies which affect their gambling activity, for example, Western Australia prohibits gaming machines outside its casino. The Commission has been unable to reliably estimate the revenue that each State would raise if it applied average Australian policies in this area. Instead, it assesses that each State can raise the same amount of gambling revenue per person.

Investment for Mining

Mining is assessed, and the mining States get less GST as they can raise more revenue from that source than non-mining States. Why isn't any account taken of the costs of developing the mining industry?

The vast bulk of investment in the mining industry comes from the private sector, not from State governments. Spending by State governments to support the mining industry is very small (even at its peak in 2012-13, States only spent \$200 million on both capital and recurrent expenses supporting their mining industries), and most of what State governments provide, such as geological mapping services, is user funded and so paid for by the mining companies. All States provide services to support their economic development. Agriculture and tourism receive significantly more support per dollar of economic activity than mining. In fact, mining receives less support than average.

What States do though, is provide schools and police in mining towns, just as they do in other towns, and the Commission takes account of that, including the fact that the cost of providing those services in isolated communities is expensive.

HFE and Efficiency

Does HFE discourage tax reform and reduce economic growth?

The CGC is the body that implements HFE. Whether HFE is desirable for Australia is a political decision for all Australian governments. In assessing that, in 2011, the Australian Government appointed the Hon. John Brumby, Mr Bruce Carter and the Hon. Nick Greiner AC to review Australia's system of distributing the GST amongst the States and Territories. This independent review of HFE

“thoroughly examined concerns about the relationship between HFE, efficiency and tax reform. [It] formed the view that the current system can and does create perverse incentives in theory, but that there is little evidence of those incentives having any effect in the real world. In particular, there is no evidence that HFE acts as a material disincentive to State tax reform.”

The GST Distribution Review contains a detailed independent examination of this issue.

Complexity

Why are the Commission's calculations so complex?

To calculate how much GST revenue States require, the Commission needs a model that reflects how States raise revenue and provide services to their residents. How States perform these tasks is complex and diverse. There is therefore a significant amount of detail necessary to accurately calculate the drivers of State expenditure and revenue raising. While no individual assessment detail is of itself particularly complex, complexity arises from the amount of detail.

The Commission aims to ensure that its methods are transparent and well documented, but we acknowledge that fully understanding the detail underlying our methods involves covering a significant volume of material. For instance, the Commission's latest methodology review report went to 3 volumes totalling 800 pages.