

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 21<sup>st</sup> August 2018, commencing at 2.00 pm.

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.15 pm – Cr. Rodney Forsyth, Shire President declared the meeting open.

### 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE:

#### Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. McNeil	Member
Cr. Steber	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Sean Sibly	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Finance Officer/Community Development Officer (Exited 2.20pm)

#### Apologies:

#### Leave of Absence:

Cr. White

### 3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE: Nil

### 4. PUBLIC QUESTION TIME: Nil

### 5. APPLICATIONS FOR LEAVE OF ABSENCE:

### 6. DECLARATION OF INTEREST: Nil

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **21<sup>st</sup> August 2018**.

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **21<sup>st</sup> August 2018**.

Date	Name	Item No.	Reason
21/08/2017	Cr Steber	11.1.9	Related Party – Family

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **21<sup>st</sup> August 2018**.

Date	Name	Item No.	Reason

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 31<sup>st</sup> July 2018**

**COUNCIL RECOMMENDATION**

**MIN 128/18 MOTION:** Moved Cr. McNeil                      2<sup>nd</sup> Cr. Leake

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 31<sup>st</sup> July 2018, be confirmed as a true and accurate record*

CARRIED 6/0

**8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:** Nil

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:** Nil

**10. REPORTS OF COMMITTEES/COUNCILLORS**

**10.1 Reports of Committees/Councillors**

**MIN 129/18 MOTION:** Moved Cr. McNeil      2<sup>nd</sup> Cr. O'Neil

*That the Presidents Reports for July 2018 be received.*

CARRIED 6/0

## 11.1 CORPORATE SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Community Requests and Discussion Items
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	15 <sup>th</sup> August, 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

### BACKGROUND

Council during the Performance Appraisal process for the Chief Executive Officer requested time during the meeting to bring forward ideas, thoughts and points raised by the community.

July 2018 Council Meeting

**MIN 111/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

***That Council notes no requests or ideas to be actioned for the month of July 2018.***

CARRIED 6/0

June 2018 Council Meeting

**MIN 083/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

***That Council;***

- 1. Review the access arrangements from the Doctor's Surgery waiting room to the Doctors room; and***
- 2. Provides in principal support for the Shire to manage the operations of the Kellerberrin Community Resource Centre as per written request from the Kellerberrin Community Resource Centre Management Committee.***

CARRIED 6/0

May 2018 Council Meeting

**MIN 063/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. White

***That Council endorses the Ex-Caravan Park Toilet block (Adjacent to Courts) as a unisex facility at all times excluding fixtured netball games (Wednesday Night & KATS Games) where the facility will be a female only change room.***

CARRIED 7/0

July 2018 - MIN 111/18

That Council note no requests or ideas to be actioned.

1. Council are currently reviewing the access arrangements from the Doctor's Surgery waiting room to the Doctors room
2. Council agreed to provides in principal support for the Shire to manage the operations of the Kellerberrin Community Resource Centre as per written request from the Kellerberrin Community Resource Centre Management Committee.

Signs have been purchased, awaiting delivery

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

Financial Implications will be applicable depending on requests and decision of Council.

**POLICY IMPLICATIONS**

Policy Implications will depend on items brought forward by Council. During discussions the Policy Manual will be referred to prior to decision being finalised.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

**Section 2.7. The role of the council**

- (1) The council —
  - (a) Directs and controls the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

**Section 2.8. The role of the mayor or president**

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

**Section 2.9. The role of the deputy mayor or deputy president**

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

**Section 2.10. The role of councillors**

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;

- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

**5.60. When person has an interest**

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

**5.60A. Financial interest**

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

**5.60B. Proximity interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

**5.61. Indirect financial interests**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

## 5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (ea) the relevant person is a council member and the person —
    - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
    - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
    - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

**value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

*[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

## 5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;

- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,
- then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64.** Deleted by No. 28 of 2003 s. 112.]

**5.65. Members' interests in matters to be discussed at meetings to be disclosed**

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.66. Meeting to be informed of disclosures**

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

**5.67. Disclosing members not to participate in meetings**

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

**5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.



- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

**5.69. Minister may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
  - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

**5.69A. Minister may exempt committee members from disclosure requirements**

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

**5.70. Employees to disclose interests relating to advice or reports**

- (1) In this section —  
**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.  
Penalty: \$10 000 or imprisonment for 2 years.

### 5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

#### **STRATEGIC PLAN IMPLICATIONS:**

The Strategic Plan will be the driver and provide Guidance for Council in their decision making process for the community requests.

#### **CORPORATE BUSINESS PLAN IMPLICATIONS (Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

#### **COMMUNITY CONSULTATION:**

Council

Community Members

#### **STAFF RECOMMENDATION**

*That Council note any requests or ideas to be actioned.*

### **COUNCIL RECOMMENDATION**

**MIN 130/18 MOTION** - Moved Cr. Reid      2<sup>nd</sup> Cr. O'Neill

*That Council*

- 1. Action repairs on Cole Rd;**
- 2. Action repairs on South Doodlakine Rd approximately 1km south of Stone Giles intersection;**
- 3. Action repairs to Saunders Rd;**
- 4. Instruct Cr Steber to inform Doodlakine Community Committee that any works associated with the 2018/2019 Community Grant allocation must be undertaken as per letter issued by Council; and**
- 5. Supports / endorses the Grant Application for construction of two indoor court facilities on Council owned land.**

CARRIED      6/0

2.20pm - Mr Brett Taylor, Senior Finance Officer exited the Chamber.

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Status Report of Action Sheet
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	15 <sup>th</sup> August, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council at its February 2017 Ordinary Meeting of Council discussed the use of Council's status report and its reporting mechanisms.

Council therefore after discussing this matter agreed to have a monthly item presented to Council regarding the Status Report which provides Council with monthly updates on officers' actions regarding decisions made at Council.

It can also be utilised as a tool to track progress on Capital projects.

## COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

## POLICY IMPLICATIONS

Policy Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

### Section 2.7. The role of the council

- (1) The council —
  - (a) Directs and controls the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and

- (b) determine the local government's policies.

**Section 2.8. The role of the mayor or president**

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

**Section 2.9. The role of the deputy mayor or deputy president**

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

**Section 2.10. The role of councillors**

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

**5.60. When person has an interest**

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

**5.60A. Financial interest**

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

**5.60B. Proximity interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
- (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

**5.61. Indirect financial interests**

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- (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
  - or
  - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (ea) the relevant person is a council member and the person —
    - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
  - or
  - (eb) the relevant person is a council member and since the relevant person was last elected the person —
    - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or

(ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

(f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

(2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

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### **5.63. Some interests need not be disclosed**

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers;
- (b) an interest in the imposition of any rate, charge or fee by the local government;
- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
- (d) an interest relating to the pay, terms or conditions of an employee unless —
  - (i) the relevant person is the employee; or
  - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

*[(e) deleted]*

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
- (h) a prescribed interest.

(2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for any area in the district;
- (b) any proposed change to the zoning or use of land in the district; or
- (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

(3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
- (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or

- (c) the proposed development of that land or any land adjacent to that land,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
    - (a) any proposed change to a planning scheme for any area in the district;
    - (b) any proposed change to the zoning or use of land in the district; or
    - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64.** Deleted by No. 28 of 2003 s. 112.]

**5.65. Members’ interests in matters to be discussed at meetings to be disclosed**

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.66. Meeting to be informed of disclosures**

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

**5.67. Disclosing members not to participate in meetings**

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or

- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

**5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

**5.69. Minister may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
  - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

**5.69A. Minister may exempt committee members from disclosure requirements**

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.



- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

**5.70. Employees to disclose interests relating to advice or reports**

- (1) In this section —  
**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.  
Penalty: \$10 000 or imprisonment for 2 years.

**5.71. Employees to disclose interests relating to delegated functions**

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

**STRATEGIC PLAN IMPLICATIONS:**

The Strategic Plan will be the driver and provide Guidance for Council in their decision making process for the community requests.

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager Works and Services  
Manager Development Services  
Council Staff  
Council  
Community Members.

**STAFF RECOMMENDATION**

*That Council receives the Status Report.*

**COUNCIL RECOMMENDATION**

**MIN 131/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. O'Neill

*That Council receives the Status Report.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	CEACA Executive Council Special Meeting Minutes and Resolutions
<b>Location:</b>	Via Teleconference
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	15 <sup>th</sup> August, 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 5<sup>th</sup> July, 2018 via Teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Thursday 5<sup>th</sup> July, 2018 via Teleconference.

The intent is to list minutes of each Executive Council Meeting formally as compared to listing these minutes in the Information Bulletin section of Council's monthly Agenda, ensures that Council is;

- a) aware of decision making and proposals submitted
- b) opportunity to prepare agenda items
- c) forward planning to commitments made by the full Council Group and;
- d) return the formality by Member Councils involved in the organization and provision of Executive Support Services of CEACA.

Resolutions arising out of the Thursday 5<sup>th</sup> July, 2018 Special CEACA Executive Council Meeting summarised hereunder,

**RESOLUTION:**            **Moved: Rachel Kirby**            **Seconded: Raymond Griffiths**

**That the Shire of Koorda be advised that CEACA is willing to share on an equal basis the costs associated with the upgrading of stormwater drainage to the CEACA housing site in Koorda, explaining that its decision is based on the fact the laneway to the west of the Koorda site doesn't provide sufficient drainage infrastructure thereby necessitating the works requested.**

**CARRIED**

**RESOLUTION:**            **Moved: Rachel Kirby**            **Seconded:**

- 1. That Access Housing be given delegated authority to spend funds from the project's contingency fund of up to the value of \$5,000, with both the CEO Shire of Merredin and the CEACA Executive Officer being advised by email of the expenditure to be incurred.**
- 2. That the CEACA Executive Officer advise the Executive Committee of this expenditure as it occurs.**

**CARRIED**

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

## POLICY IMPLICATIONS

**STATUTORY IMPLICATIONS:**

Nil (not directly in regards to formalization of the Group other following good administration practices in terms of researching and conducting the business requirements of the Group benchmarked against Minutes, Agenda and Meeting procedure standards- voluntary membership).

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

Participation in CEACA provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of CEACA.

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM FINANCIAL PLAN IMPLCATIONS**

**COMMUNITY CONSULTATION**

Council and Councillors of the Shire of Kellerberrin  
CEACA Executive Member Councils  
Staff Information re Minutes and Agendas of CEACA

**ABSOLUTE MAJOURITY REQUIRED - NO**

**STAFF RECOMMENDATION**

*That Council receives the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 5<sup>th</sup> July, 2018.*

**COUNCIL RECOMMENDATION**

**MIN 132/18 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake**

***That Council receives the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 5<sup>th</sup> July, 2018.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	WE-ROC Executive Council Meeting Minutes and Resolutions
<b>Location:</b>	Council Chambers, Shire of Merredin
<b>Applicant:</b>	Executive Officer - WE-ROC Council
<b>File Ref:</b>	ORG-10
<b>Rec Ref:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	15 <sup>th</sup> August, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25<sup>th</sup> July, 2018 held in the Council Chambers, Shire of Merredin, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last WE-ROC Executive Council Meeting Minutes held on Wednesday 25<sup>th</sup> July, 2018 held in Council Chambers, Shire of Merredin.

The intent is to list minutes of each Council Meeting formally as compared to listing these minutes in the Information Bulletin section of Council's monthly Agenda, ensures that Council is;

- a) aware of decision making and proposals submitted
- b) opportunity to prepare agenda items
- c) forward planning to commitments made by the full Council Group and;
- d) return the formality by Member Councils involved in the organization and provision of Executive Support Services of WE-ROC.

Resolutions arising out of the 25<sup>th</sup> July 2018 WE-ROC Executive Meeting summarised hereunder;

**RESOLUTION:**                      **Moved: Jamie Criddle**                      **Seconded: Raymond Griffiths**  
 That the Minutes of the Executive Meeting held Wednesday 28 March 2018 be confirmed as a true and correct record

**CARRIED**

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Jamie Criddle**  
 That the updated WE-ROC Executive portfolios listing be adopted as presented.

**CARRIED**

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Jamie Criddle**  
 That the WE-ROC Executive recommend to the WE-ROC Council that the WE-ROC Memorandum of Understanding for the 2018/2019 year, as presented, be adopted.

**CARRIED**

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Darren Mollenoyux**  
 That:

1. The Executive Officer's report be noted; and
2. WE-ROC Member Councils note that the 2019 WMSIP visit will be held 12-15 March 2019.

**RESOLUTION:**                    **Moved: Greg Powell**                    **Seconded: Jamie Criddle**

**That:**

1. WE-ROC continue to work with Go2Guides to ensure that the functionalities of both the WE-ROC App and website are maximized as far as possible under its current contract with Go2Guides;
2. The Wheatbelt Business Network (WBN) be requested to provide a detailed report for the August Meeting of the WE-ROC Council outlining how far it has progressed with the agreed scope of works, particularly in encouraging businesses to register for inclusion on the App, especially given that registration currently comes free of charge;
3. The WE-ROC Executive recommends to the WE-ROC Council that WE-ROC commence discussions with the WBN to determine whether or not the existing contract should be extended to accommodate the implantation of Stage 3 of the Scope of Works and if so what would the terms and conditions of extending the contract be; and
4. The WE-ROC Executive give consideration as to how WE-ROC will market the WE-ROC App once the WBN has developed a marketing strategy for the App, with a report on the potential marketing of the WE-ROC App being prepared in time for consideration at the October Meeting the WE-ROC Council.

**CARRIED**

**RESOLUTION:**                    **Moved: Greg Powell**                    **Seconded: Jamie Criddle**

**That:**

1. WE-ROC advise Accingo of its agreement to enter into a Contract for the purposes of undertaking an Asset Audit only for each of WE-ROC's Members Councils as outlined in Accingo's Phase 1 Quotation at a total cost of \$17,500 excl GST; and
2. With respect to accommodation and travelling costs for the conduct of the Asset Audit, Member Councils provide these expenses at their own cost.

**CARRIED**

**RESOLUTION:**                    **Moved: Greg Powell**                    **Seconded: Raymond Griffiths**

**That the draft submission on the Regional Communications Review 2018 be adopted as presented, with the Executive Officer to submit WE-ROC's submission to the Regional Telecommunications Independent Review Committee on or before the public submission period closes on Sunday 5 August 2018.**

**CARRIED**

**RESOLUTION:**                    **Moved: Darren Mollenoyux**                    **Seconded: Greg Powell**

**That:**

1. WE-ROC writes to the Department of Local Government and WALGA requesting that they jointly conduct a survey to determine the areas of concern for the sector with respect to local government compliance and auditing requirements, including the proposed changes to the Australian Accounting Standards and the impact of the role of the Auditor General in undertaking local government audits and performance management requirements; and
2. Following the conduct of the survey, WE-ROC requests the Department, WALGA and Local Government Professionals develop the appropriate Policy templates to assist local governments in addressing any new requirements imposed by the Auditor General.

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

**POLICY IMPLICATIONS**

**STATUTORY IMPLICATIONS:**

Nil (not directly in regards to formalization of the Group other following good administration practices in terms of researching and conducting the business requirements of the Group benchmarked against Minutes, Agenda and Meeting procedure standards- voluntary membership).

**STRATEGIC PLAN IMPLICATIONS**

Participation in WE-ROC provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of WE-ROC.

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS**

**COMMUNITY CONSULTATION**

Council and Councillors of the Shire of Kellerberrin  
WE-ROC Member Councils  
Staff Information re Minutes and Agendas of WE-ROC

**ABSOLUTE MAJORITY REQUIRED**

**STAFF RECOMMENDATION**

*That Council receive the Minutes of the Special Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25<sup>th</sup> July 2018.*

**COUNCIL RECOMMENDATION**

**MIN133/18 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. McNeil

***That Council receive the Minutes of the Special Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25<sup>th</sup> July 2018.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Chief Executive Officer Annual Performance Review
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	Policy Manual
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> August 2018
<b>Author:</b>	Cr. Rodney Forsyth, Shire President

## BACKGROUND

The Shire of Kellerberrin over the past four reviews for the current Chief Executive Officer have elected to undertake the Performance Appraisal process internally, however Council have elected to undertake the 2017/2018 review by utilizing an external consultant.

## COMMENT

The process of undertaking a Performance Appraisal of the Chief Executive Officer is an annual obligation of Council, currently there is no guide/policy in place that indicates who, how, and when the appraisal takes place.

The attached Policy provides the ability to Council to elect to undertake the process internally or by a consultant and in addition it provides timelines for the process to be commenced and completed by.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Chief Executive Officer Annual Review is subject to a Remuneration review as well, therefore Financial Implications are possible should Council elect to provide the Chief Executive Officer a Salary increase.

## POLICY IMPLICATIONS

### 4.12 Staff Salaries and Wages – Annual Review

<b>Policy Name:</b> Staff Salaries and Wages – Annual Review	<b>To be read in conjunction with Policy Numbers:</b>
<b>Date Adopted:</b> January 2003	<b>Review Date:</b> October 2016

## Purpose

To ensure that staff reviews are consistently carried out and ensure that staff have the opportunity to discuss their position with their senior manager and the Chief Executive Officer if desired.

## Policy

1. That in accordance with Section 5.38 of the Local Government Act 1995 the Chief Executive Officer ensures the following;
  - a) Performance Reviews be undertaken for all staff by the designated Managers.
  - b) The Chief Executive Officer completes Performance Reviews of appointed Managers
  - c) That Council conducts the performance review of the Chief Executive Officer.
  - d) All Performance Reviews be completed prior to May of every year.
2. The Chief Executive Officer is to present to Council's May meeting the following items for consideration;



- a) Full details of the salaries and benefits received for all staff on completion on review
- b) Signed Performance Appraisal Schedule (Appendix 1)

**STATUTORY IMPLICATIONS**

**Local Government Act 1995 (as amended)**

**Section 2.7. The role of the council**

- (1) The council —
  - (a) directs and controls the local government’s affairs; and
  - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government’s finances and resources; and
  - (b) determine the local government’s policies.

**Section 2.8. The role of the mayor or president**

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government’s affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

**Section 2.9. The role of the deputy mayor or deputy president**

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

**Section 2.10. The role of councillors**

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government’s decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

**5.60. When person has an interest**

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or

- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

#### **5.60A. Financial interest**

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

#### **5.60B. Proximity interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

#### **5.61. Indirect financial interests**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

#### **5.62. Closely associated persons**

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
    - (a) the person is in partnership with the relevant person; or
    - (b) the person is an employer of the relevant person; or
    - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
    - (ca) the person belongs to a class of persons that is prescribed; or
    - (d) the person is a body corporate —
      - (i) of which the relevant person is a director, secretary or executive officer; or
      - (ii) in which the relevant person holds shares having a total value exceeding —
        - (I) the prescribed amount; or
        - (II) the prescribed percentage of the total value of the issued share capital of the company,
- whichever is less;

- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
  - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
  - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

(2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

**value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

*[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

### 5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
  - (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for any area in the district;
- (b) any proposed change to the zoning or use of land in the district; or
- (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64.** Deleted by No. 28 of 2003 s. 112.]

**5.65. Members' interests in matters to be discussed at meetings to be disclosed**

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
 Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.66. Meeting to be informed of disclosures**

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

**5.67. Disclosing members not to participate in meetings**

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

**5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

**5.69. Minister may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
  - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

**5.69A. Minister may exempt committee members from disclosure requirements**

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
- (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

**5.70. Employees to disclose interests relating to advice or reports**

- (1) In this section —  
**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.  
Penalty: \$10 000 or imprisonment for 2 years.

**5.71. Employees to disclose interests relating to delegated functions**

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

**STRATEGIC PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**CORPORATE BUSINESS PLAN IMPLICATIONS**  
**(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION:**

Council has a legislative requirement to consider and determine its Policies.

**STAFF RECOMMENDATION**

*That Council:*

- 1. *Adopts the Chief Executive Officer Annual Performance Review Policy as presented.*
- 2. *Insert the new policy into Councils Policy Manual to be implemented on 1<sup>st</sup> September 2018*
- 3. *Advertise the Policy in the Pipeline*

**COUNCIL RECOMMENDATION**

**MIN 134/18 MOTION** - Moved Cr. Steber            2<sup>nd</sup> Cr. Leake

*That Council:*

- 1. *Adopts the Chief Executive Officer Annual Performance Review Policy as presented.*
- 2. *Insert the new policy into Councils Policy Manual to be implemented on 1<sup>st</sup> September 2018*
- 3. *Advertise the Policy in the Pipeline*

CARRIED    6/0

<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	Portable and Attractive Assets Policy
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	Policy Manual
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> August 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Over the past few years there have been several reviews around, *Local Government Act 1995* and Regulations with respect to the operations of Local Government.

Within the reviews is Auditing Reforms for Local Government, part of this being the audits of Councils being undertaken by the Auditor General, the introduction of performance based audits and change in timeframes for Audit Regulations 17 reviews and Financial Management Reviews.

## COMMENT

It has been recognized throughout the reviews that there is a shortfall in recognizes the purchase of Assets under values of \$5,000 which in most cases are portable and attractive assets that have the ability of being either misplaced or stolen from the organization.

Therefore there has been some amendments to regulations to ensure Council's capture the purchase and subsequent disposal (if occurs) of the product.

The Regulation 17B requires the Chief Executive Officer to take steps to protect excluded portable and attractive assets. This regulation requires a CEO to take all reasonable steps to prevent the theft or loss of non-consumable assets that are susceptible to theft or loss due to their portable nature and attractiveness for personal use or resale.

The language of this requirement is consistent with State Government requirements contained in Treasurer's Instruction 410 Record of Assets and has been revised following consultation with the Local Government sector.

A property register for portable and attractive items may be an appropriate means to properly record portable and attractive assets. The steps necessary to protect portable and attractive assets are a decision for each local government CEO.

Council's staff has been reviewing various policies around Australia regarding Portable and Attractive items to ascertain the best policy to match the needs of Council.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

New policies or amendments to existing policies will have financial implications on Council's Budget depending upon which policy/s is added/deleted/amended.

## POLICY IMPLICATIONS

Council doesn't have a policy relating to the Portable and Attractive Assets.

## STATUTORY IMPLICATIONS

### **Local Government (Financial Management) Regulations 1996**



**17B. CEO to take steps to protect excluded portable and attractive assets**

A CEO must take all reasonable steps to prevent the theft or loss of — (a) a non-consumable asset that is susceptible to theft or loss due to its portable nature and attractiveness for personal use or resale; and (b) an asset referred to in regulation 17A(5).

[Regulation 17B inserted in Gazette 26 Jun 2018 p. 2388.]

**Local Government Act 1995 (as amended)**

**Section 2.7. The role of the council**

- (1) The council —
  - (a) directs and controls the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

**Section 2.8. The role of the mayor or president**

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

**Section 2.9. The role of the deputy mayor or deputy president**

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

**Section 2.10. The role of councillors**

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

**5.60. When person has an interest**

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or

- (b) a person with whom the relevant person is closely associated,  
has —
- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

**5.60A. Financial interest**

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

**5.60B. Proximity interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
  - (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.
- (2) In this section, land (**the proposal land**) adjoins a person’s land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person’s land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person’s land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person’s land.
- (3) In this section a reference to a person’s land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

**5.61. Indirect financial interests**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

**5.62. Closely associated persons**

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
  - (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (l) the prescribed amount; or

- (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
  - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
  - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

**value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

*[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

### **5.63. Some interests need not be disclosed**

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
  - (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.

- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64. Deleted by No. 28 of 2003 s. 112.]**

**5.65. Members' interests in matters to be discussed at meetings to be disclosed**

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

**5.66. Meeting to be informed of disclosures**

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

**5.67. Disclosing members not to participate in meetings**

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

**5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member’s conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

**5.69. Minister may allow members disclosing interests to participate etc. in meetings**

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or

- (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

**5.69A. Minister may exempt committee members from disclosure requirements**

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

**5.70. Employees to disclose interests relating to advice or reports**

- (1) In this section —  
**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.  
Penalty: \$10 000 or imprisonment for 2 years.

**5.71. Employees to disclose interests relating to delegated functions**

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

**STRATEGIC PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**CORPORATE BUSINESS PLAN IMPLICATIONS**  
**(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION:**

Council has a legislative requirement to consider and determine its Policies.

**STAFF RECOMMENDATION**

*That Council*

- 1. *Adopts the Portable and Attractive Assets Policy as presented.*
- 2. *Insert the new policy into Councils Policy Manual to be implemented on 1<sup>st</sup> September 2018*
- 3. *Advertise the Policy in the Pipeline*

**COUNCIL RECOMMENDATION**

**MIN 135/18 MOTION - Moved Cr. Steber            2<sup>nd</sup> Cr. Leake**

*That Council*

- 1. *Adopts the Portable and Attractive Assets Policy as presented.*
- 2. *Insert the new policy into Councils Policy Manual to be implemented on 1<sup>st</sup> September 2018*
- 3. *Advertise the Policy in the Pipeline*

CARRIED    6/0

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	Wheatbelt Secondary Freight Route Project
<b>Location:</b>	Wheatbelt North Regional Road Group
<b>Applicant:</b>	Wheatbelt North Regional Road Group
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	9 <sup>th</sup> August 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Wheatbelt Secondary Freight Route (WSFR) network in the Main Roads WA Wheatbelt region comprises some 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business. The WSFR project is developing a business case, with the supporting evidence and documentation required, to seek the addition of a program of road improvements across the network be added to the Infrastructure Australia Priority List.

The project is being driven by local government authorities associated with the Regional Road Groups of the Wheatbelt Region. The project is intended to support and contribute to other work being undertaken by Main Roads WA, the Department of Transport and the Department of Primary Industries and Regional Development that is considering strategic transport investments across the agricultural regions through the Revitalising Agricultural Regional Freight (RARF) project.

A project Working Group has been established consisting of representatives from the following organisations:

- Wheatbelt North Regional Road Group (WN RRG)
- Wheatbelt South Regional Road Group (WS RRG)
- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA-Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

## COMMENT

Council on Wednesday 8<sup>th</sup> August 2018 received the following email from the Chairperson of Wheatbelt Regional Road Group.

*Good morning Everyone,*

*At the most recent meeting of the WBN RRG the delegates asked me to write to you all requesting that all Council's reaffirm their commitment to the Wheatbelt Secondary Freight Project and commit \$6000 in their 18/19 budgets as the co-contribution required from all 42 LG's for the funding application we will be submitting over the coming months to undertake the detailed planning and design works to enable us to have a Level 4 Infrastructure Australia Submission prepared.*

*We acknowledge that a lot of councillors will not be intimately aware of the project, so to that end Garrick Yandle together with the Working Group have prepared a detailed Briefing document that we would like you to include with the agenda item for your councillors.*



We are requesting that all LG's present the motion as is below, our intent is to have 42 LG's adopted the exact same position, so that we continue to present a united front. It is this collaboration and agreement that is getting us significant traction both at a Federal and State Government Level. We would like you to present this recommendation and supporting documentation to your councils in the August round of Council meetings, following these meetings we would like you to write back to me as Chair of WBN RRG confirming the motion that was passed by council.

For those that aren't away the WSFR Project has been working on this project since mid 2016; the project stemmed from considerable work done by both WBS & WBN in looking at their road networks in attempt to improve connectivity through our RRG funding and road projects. This mapping process started in 2014, once the RRG together with Main Roads identified that improving the connectivity was a major project that would bring significant economic benefit to the Ag Region a working group was formed and RDA via Juliet Grist helped us obtain initial funding to further progress this as a regional road project. The last 2 ½ years have seen considerable work undertaken by all 42 LG's and the working group to get this project to a point where we are starting to have constructive and positive meetings with the State Government, Federal Government, Infrastructure Australia, Freight & Logistics Council WA, CBH and other key stakeholders.

Hopefully this provides your councils with sufficient information about the background of the project and the plan going forward to enable them to provide the working group with formal support, so we can continue to work for what is a significant regional project for Wheatbelt Region. Some points that require clarification:

1. The WSFR working group had met with MRWA sometime ago putting forward the idea that any LGA contribution to assist with BBRF application, could come directly from project funding allocations. While we have not been given a definitive answer, the suggestion was that this would not be possible. At that time we had thought that co-contributions may need to be in the order of \$15,000 to \$20,000 per LGA. As the amount is now \$6000, the group felt this was the more appropriate action to avoid further delays,
2. When I made the request for co-contributions to be in 18/19, we were unsure if those contributions need to be in the year of the grant approval or if over the life of the project. I have since been advised that the contributions can be extended over the project life. It is now not necessary to make the allocation in 18/19, but could be in 19/20. The commitment will still be required to enable a BBRF application to be lodged.

Any contribution would **only** be required if the BBRF application is successful.

3. We have been made aware that there is some Federal funding available from the Major Project Business Case Fund, that we are investigating to see if this can be used instead of the BBRF. I am not certain how much or in fact if any co-contribution is required. This is at present our primary target, as any outcome would be known sooner rather than later.

Initial discussions have been positive.

It had been arranged that I would meet with Minister McCormack to discuss this when he was to be in WA last weekend, but the visit was cancelled late Friday afternoon. I have requested for the WSFR to meet with the Minister when he next comes to WA, which is expected late August.

As there is uncertainty over this option, we will still progress the BBFR application.

I hope this provides some clarity as to the status of the WSFR.

During local government week, the WSFR working group had several very productive meetings with MRWA, DoT and Minister Saffioti's advisors. There had been concerns that the RARF project may not be able to endorse its support for the WSFR until their report had been tabled, but we have been given assurance that the DoT supports our project and are looking at how they may be able to assist.

The Wheatbelt Secondary Freight Route have been working diligently over the past several years with the following goals in mind.

The immediate goal is the inclusion of the WSFR project on the Infrastructure Australia Infrastructure Priority List (IPL), which is a prioritised list of nationally significant investments. It provides decision makers with advice and guidance on specific infrastructure investments that will underpin Australia's continued prosperity. Infrastructure Australia is seeking submissions for the next update of the Infrastructure Priority List, which will be published in February 2019.

The long term goal is to obtain funding support from the Federal Government for a broadly estimated, \$500 million capital works program over 10 - 20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. In order to be considered for this list Infrastructure Australia require a Stage 4 Business Case submission.

Led by the Wheatbelt North and Wheatbelt South Regional Road Groups, work is underway to secure the funds needed to do the work required to formally submit the Wheatbelt Secondary Freight Routes proposal for consideration by Infrastructure Australia. RDA Wheatbelt (RDAW) have provided seed funding of approximately \$80k to support project scoping with the aim of securing the \$2 million to \$5 million (depending on the findings) needed to development an investment ready business case. The project development costs are likely to be of the order of 1% of the final investment.

To be confident that sufficient funds are available before starting the detailed planning, engineering and costing, preliminary data has been collected from Local Governments concerning roads that have been identified as part of the network. These works constitute components associated with the development of Stages 1 and 2 of Infrastructure Australia's IPL submission process.

The WSFR Working Group proponents are currently investigating funding options for funding the Stage 4 IPL submission of up to \$5M. This has primarily sought State Government support of \$1.25 million cash through the Leverage Fund, administered by the Department of Primary Industries and Regional Development, *conditional upon* Federal cash support of \$3.5 million through an application to the Building Better Regions Fund and Local Government cash and in-kind support of \$350,000. These funds will be utilised to prepare complete and compliant Stage 1 to Stage 4 submissions to Infrastructure Australia. If successful, this will result in the project being added to the Infrastructure Priority List, facilitating conversations with the Federal Government for capital funding contributions.

## **FINANCIAL IMPLICATIONS**

Council should the application be successful will be responsible for a \$6,000 contribution towards the project.

However should the project eventuate the possibility of funding to Council for upgrading its Road Network is significant, which would far out way the \$6,000 cost initially.

## **POLICY IMPLICATIONS - Nil**

## **STATUTORY IMPLICATIONS**

### **Land Administration Act 1997**

#### **52. Local government may request acquisition as Crown land of certain land no longer required**

- (1) Subject to this section, a local government may request the Minister to acquire as Crown land —

- (a) any alienated land designated for a public purpose on a plan of survey or sketch plan lodged with the Registrar;
- (b) any private road; or
- (c) any alienated land in a townsite which the Minister proposes to abolish under section 26,

within the district of the local government (in this section called **the subject land**).

- (2) A request made under subsection (1) is to be accompanied by —
  - (a) a plan of survey or sketch plan —
    - (i) showing the subject land; and
    - (ii) approved by the Planning Commission;
 and
  - (b) copies of all objections lodged with the local government during the period referred to in subsection (3)(b)(i) or (ii), as the case requires.
- (3) Before making a request under subsection (1), a local government must —
  - (a) take all reasonable steps to give notice of that request to —
    - (i) the holder of the freehold in the subject land unless the local government holds that freehold;
    - (ii) the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and
    - (iii) all suppliers of public utility services to the subject land;
 and
  - (b) in the case of —
    - (i) alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or
    - (ii) any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of that notification during which period persons may lodge objections with it against the making of that request.
- (4) The Minister may, on receiving a request made under subsection (1), the accompanying plan of survey or sketch plan referred to in subsection (2)(a) and copies of all objections referred to in subsection (2)(b) —
  - (a) by order grant that request;
  - (b) direct the local government to reconsider that request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse to grant that request.
- (5) On the registration of an order made under subsection (4)(a), the subject land —
  - (a) ceases to belong to the holder of its freehold;
  - (b) is freed from all encumbrances; and
  - (c) becomes Crown land.
- (6) Subject to subsection (7), compensation is payable under Part 10 to any holder of the freehold in the subject land who suffers loss on the registration of an order referred to in subsection (5) as if that loss resulted from a taking under Part 9.
- (7) A person with an interest in land that is a private road (including a person who has the benefit of an easement created under section 167A of the TLA) the subject of an order

under subsection (4)(a) who suffers loss on the registration of the order is not entitled to compensation under Part 10.

- (8) Sections 188, 189, 190 and 191 do not apply to a private road or an interest in land that is a private road if the land is the subject of an order under subsection (4)(a) and the land was taken or resumed or purportedly taken or resumed under a written law for the purpose of a right of way or a right of way and recreation.

[Section 52 amended by No. 59 of 2000 s. 14.]

## **Part 5 — Roads**

### **Division 1 — Conventional roads**

#### **53. Status of *Main Roads Act 1930* in respect of highways and main roads**

To the extent that there is in the case of a road which is a highway or main road within the meaning of the *Main Roads Act 1930* an inconsistency between this Act and that Act, that Act prevails.

#### **54. Configuration and situation of roads**

A road may have —

- (a) a 2 dimensional configuration consisting of —
- (i) length; and
  - (ii) width;
- or
- (b) a 3 dimensional configuration consisting of —
- (i) length;
  - (ii) width; and
  - (iii) height or depth or both,

as specified in the relevant plan of survey or sketch plan lodged with the Registrar and may be situated in airspace or waters or on the surface of or below the ground (including the bed of waters) or in any combination of 2 or more of these situations.

#### **55. Property in roads etc.**

- (1) Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection —
- (a) revested in the Crown; and
  - (b) in the case of land under the operation of the TLA or the *Registration of Deeds Act 1856*, removed from that operation and so revested.
- (2) Subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road.
- (3) The operation of subsection (1) —
- (a) suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the *Mining Act 1978* excepted from the acquisition of the land reserved, declared or dedicated as that road; but
  - (b) does not affect the functions of a local government in respect of a road of which it has the care, control and management.
- (4) If land comprising a private road is revested in the Crown under this section, a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that reversioning.

**56. Dedication of roads**

- (1) If in the district of a local government —
- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;
- or
- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must —
- (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
- (a) subject to subsection (5), by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
- (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

[Section 56 amended by No. 59 of 2000 s. 16.]

**57. Leases in relation to roads**

- (1) The Minister may —

- (a) grant a lease in respect of land above or below a road; or
  - (b) with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the *Public Works Act 1902*, as the case requires, grant a lease in respect of land comprising a road, if —
    - (i) there are structures above the road; or
    - (ii) the purpose of that lease is consistent with the use of the road by the public.
- (2) When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.

*[Section 57 amended by No. 59 of 2000 s. 17.]*

## **58. Closure of roads**

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

*[Section 58 amended by No. 59 of 2000 s. 18(1)<sup>9</sup>.]*

**STRATEGIC PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

<b>Goal 2.1.3</b>	<b>To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.</b>
<b>Council's Role</b>	To facilitate discussions with Road Authorities and external parties to improve condition of state roads. To lobby government agencies to provide an improved road and transportation system to the Shire. To develop a program to improve and enhance local roads and footpaths. To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Manager Works and Services  
Wheatbelt North Regional Road Group  
Wheatbelt South Regional Road Group

**ABSOLUTE MAJORITY - Yes**

**STAFF RECOMMENDATION**

*That Council:*

- 1. Notes the Secondary Freight Routes Project Development report;*
- 2. Supports the strategic intent of the Secondary Freight Routes project;*
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and*
- 4. Endorses in principle an allocation of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.*

**COUNCIL RECOMMENDATION**

**MIN 136/18 MOTION - Moved Cr. Reid      2<sup>nd</sup> Cr. Steber**

***That Council:***

- 1. Notes the Secondary Freight Routes Project Development report;***
- 2. Supports the strategic intent of the Secondary Freight Routes project;***
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and***
- 4. Endorses in principle an allocation of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.***

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Central East Aged Care Alliance (CEACA) Inc Body – Re-allocation of ILU's
<b>Location:</b>	CEACA
<b>Applicant:</b>	CEACA
<b>File Ref:</b>	AGE03
<b>Record Ref:</b>	MIN 034/18
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	14 <sup>th</sup> August 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Central East Aged Care Alliance – 15<sup>th</sup> December 2017

*The recommendation presented to the Committee by “flying email” is shown below:*

1. *That the CEACA Committee endorses all actions undertaken by the CEACA Executive Committee as detailed in the CEACA Executive Committee resolution parts 1-8 inclusive; and*
2. *That the CEACA Committee agree that the Shires of Bruce Rock, Kellerberrin and Merredin having agreed to forgo construction of one of its allocated houses be given first preference should another Member Council decide they did not require all the houses currently allocated to them, and if this situation did not arise during the current construction phase then the affected Member Councils be offered first choice of housing in any future construction program.*

*Copies of both the email sent on Friday 15 December 2017 and the email to all Committee Members on Monday 18 December 2017 that the recommendations had been accepted unanimously form attachments to the meeting agenda.*

### **RECOMMENDATION:**

*That the decision made by the CEACA Committee via a “flying email” on Friday 15 December 2017 be endorsed.*

#### **1. Reimbursement of Bruce Rock, Kellerberrin & Merredin overpayment**

This item was presented to the 26<sup>th</sup> March 2018 Committee Meeting with the following recommendation adopted.

*That:*

1. *CEACA reimburse the Shires of Bruce Rock, Kellerberrin and Merredin \$20,000 each, being the contributions made for units which will be foregone and that CEACA's Members agree to an increase in per unit/site contribution of \$833.33 per unit; and*
2. *The Shires of Bruce Rock, Kellerberrin and Merredin be give “first right of refusal” on any additional housing constructed through the CEACA Seniors Housing Project should funds become available to allow additional houses to be constructed.*

#### **2. Additional Contribution by all member Councils to balance the budget as there is a current shortfall of \$24,408 with current estimates.**

Therefore it is requested that each member Council allocate additional funds of \$339 per unit as an additional contribution to balance the current budget.



The comment must be made that the intention is to continually work towards seeking additional savings though with the current position of the CEACA construction project and until further consultation is held with the local communities this figure needs to be agreed to.

## **COMMENT**

The Shire of Kellerberrin have received advice from the CEACA Executive Officer that due to an unresolvable legal issue between the Wyalkatchem Seniors Community Housing Trust and CEACA the four units allocated to the Wyalkatchem community are now being removed from Wyalkatchem and offered to the three Council's that had a unit removed from them as part of budget cut backs as illustrated in the background above.

The Shire of Kellerberrin has the ability to accept or decline the offer to have the additional unit constructed. In accepting the offer Council will be required to contribute \$20,339 to enable this unit to be constructed.

The \$20,000 is the original price allocated as a co-contribution from each Council per unit of which Council originally paid to the Shire of Merredin though was reimbursed when the funding cuts were made.

Additionally Council will need to allocate the \$339 which CEACA required to add to each unit to balance the book in light of the funding cuts from the State Government.

## **FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

2018/2019 Budget

\$20,339 – Contribution to reinstate 14<sup>th</sup> ILU in Kellerberrin.

Council's management feels that the abovementioned figure can be allocated within the current budget as current advice has been received that Council will receive an additional \$60,000 in Direct grants this year and we are also waiting on confirmation of our WANDRA funding which could lead to an additional \$40K of funding.

Therefore Management is confident that the abovementioned increase in income will cover the contribution required for the unit to be reinstated.

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS - Nil**

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION**

Chief Executive Officer  
CEACA Executive  
CEACE Committee

**ABSOLUTE MAJORITY REQUIRED – YES**

**STAFF RECOMMENDATION**

*That Council;*

- 1. *Accepts the reinstatement of the 14<sup>th</sup> Independent Living Unit on the provision that the Wyalkatchem community cannot find an alternative solution to the current agreement which enables the four (4) units to remain in Wyalkatchem.*
- 2. *allocates the additional \$20,339 in its 2018/2019 Budget*

**COUNCIL RECOMMENDATION**

**MIN 137/18 MOTION** - Moved Cr. Reid

2<sup>nd</sup> Cr. McNeil

***That Council Acknowledges that the Shire of Wyalkatchem’s have been reinstated therefore no reallocation is required at this time.***

CARRIED 6 /0

2.55 pm - Cr. Steber exited the Chamber after declaring a Closely Associated Person Interest.

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Sale of Ford Ranger Wildtrak
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	EJ Charlton & Co
<b>File Ref:</b>	ADM 64
<b>Record Ref:</b>	ICR181874
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	14 <sup>th</sup> August, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council on the 8<sup>th</sup> June prepared the following advertisement for an Expressions of Interest for the purchase of Council's Fleet vehicles.

## PUBLIC NOTICE

### Invitation to Tender on Fleet Vehicles

Council is currently inviting tenders for the purchase of the following vehicles under Section 3.58 of the Local Government Act 1995.

Details of the vehicles as at 8<sup>th</sup> June 2018 are:-

Vehicle	Rego	Year	Paint	Licence Expiry	Trans	Kms	Interior
Toyota Prado VX (New Shape)	KE 1	2017	White	13/12/18	Auto	17,000 approx	Black Leather
Ford Ranger Wildtrak.3.2D 6A 4x4	KE 2	2018	White	22/01/19	Auto	18,000 approx	Black Leather
Toyota Kluger GXL 2x4 Luxury Pack	KE 002	2017	White	19/04/19	Auto	33,500 approx	Charcoal Leather

The above vehicles are available for inspection on request. All vehicles are sold on "as is where is basis".

The cars will not be available until July/August.

Written offers addressed to the undersigned

**Raymond Griffiths  
Chief Executive Officer  
Shire of Kellerberrin  
110 Massingham Street  
KELLERBERRIN WA 6410**

And close on **Friday 6<sup>th</sup> July 2018** at the Office of Council at 12.00 noon.

Raymond Griffiths  
**Chief Executive Officer**

## COMMENT

Council at the closing of the Expressions of Interest received an offer from EJ Charlton & Co of \$50,000 Including GST.

The offer hasn't been presented to Council previously in July 2018 as officers were waiting on Budget adoption and also discussion has been held with EJ Charlton & Co around confirmation of the offer.

Council received the confirmation of the offer and with the budget being adopted at the August 2018 Council meeting the item is now being presented for discussion.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2018/2019 Budget.

## POLICY IMPLICATIONS – Nil

## STATUTORY IMPLICATIONS

### ***Local Government Act 1995 – Part 3, Division 3***

Section 3.58

- (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; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
  - ii. *giving details of the proposed disposition; and*
  - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*
- and*
- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
  - b. *the consideration to be received by the local government for the disposition; and*
  - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

### **3.59. Commercial enterprises by local governments**

- (1) *In this section —*
- acquire** *has a meaning that accords with the meaning of “dispose”;*
- dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- land transaction** *means an agreement, or several agreements for a common purpose, under which a local government is to —*
- (a) *acquire or dispose of an interest in land; or*
  - (b) *develop land;*

**major land transaction** means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

**major trading undertaking** means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

**trading undertaking** means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give Statewide public notice stating that —
  - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
  - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
  - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

*\* Absolute majority required.*

- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
  - (b) prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLCATIONS – Nil  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil**

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Community via the 'Pipeline'

**ABSOLUTE MAJORITY REQUIRED – YES**

**STAFF RECOMMENDATION**

*That Council in accordance to section 3.58 (2) of the Local Government Act:*

- 1. *Authorises the sale of the Ford Ranger Wildtrak – KE 2 - \$50,000 (Inc GST) to EJ Charlton & Co, Po Box 76, Tammin, WA, 6409*
- 2. *Delegates authority to the Chief Executive Officer to execute the transfer of vehicle documents for KE 2 – Ford Ranger Wildtrak*
- 3. *Retain the ownership of KE 2 vehicle registration plates.*

**COUNCIL RECOMMENDATION**

**MIN 138/18 MOTION - Moved Cr. Leake**

**2<sup>nd</sup> Cr. Reid**

*That Council in accordance to section 3.58 (2) of the Local Government Act:*

- 1. *Authorises the sale of the Ford Ranger Wildtrak – KE 2 - \$50,000 (Inc GST) to EJ Charlton & Co, Po Box 76, Tammin, WA, 6409*
- 2. *Delegates authority to the Chief Executive Officer to execute the transfer of vehicle documents for KE 2 – Ford Ranger Wildtrak*
- 3. *Retain the ownership of KE 2 vehicle registration plates.*

*CARRIED 5/0  
ABSOLUTE MAJORITY*

3.07pm - Cr. Steber entered the chamber.

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	2018/19 Differential Rates Adoption
<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	15 <sup>th</sup> August 2018
<b>Author:</b>	Brett Taylor, Finance Officer

## BACKGROUND

Council at its May 2018 Ordinary Meeting of Council meeting council agreed to apply differential rating for GRV Commercial Properties for the 2018/19 rating year. A notice seeking submissions to the proposed rates was advertised on Thursday 19<sup>th</sup> July 2018.

The proposed rates are set out below.

GRV Value	Minimum Rate	Rate in the \$
GRV Residential	\$748	0.127620
GRV Commercial	\$822	0.147000

## Objects and Reasons

GRV Residential – The objective is to raise revenue to contribute to services desired by the community. The reason being is this is considered to be the base rate on which all other GRV Rate levels are assessed.

GRV Commercial – The objective is to raise additional revenue at a higher level than similarly valued residential and non-rural land. The reason being a higher rate is applied to this land use category to achieve a greater contribution to reflect additional costs of servicing commercial and industrial activities including parking, waste control, landscaping and other infrastructure.

## COMMENT

Council through advertising the Differential rating provided a submission period as per section 6.36 – *Local Government Act 1995*. The advertised closing date for submissions was the 15<sup>th</sup> August 2018.

Council at the closing of this submission period, received no submissions to the Differential rates applied as above.

## POLICY IMPLICATIONS

Nil

## STATUTORY IMPLICATIONS

*Local Government Act 1995*



## Subdivision 2 — Categories of rates and service charges

### 6.32. Rates and service charges

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*
- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*
- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

### 6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
  - (b) a purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or

- (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

**6.34. Limit on revenue or income from general rates**

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

**6.35. Minimum payment**

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

[Section 6.35 amended by No. 49 of 2004 s. 61.]

### **6.36. Local government to give notice of certain rates**

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
  - and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### **6.37. Specified area rates**

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
  - (a) have benefited or will benefit from;
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for,that work, service or facility.
- (2) A local government is required to —
  - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for that purpose.

- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
- (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,
- and section 6.11(2), (3) and (4) do not apply to such a reserve account.
- (4) A local government may only use the money raised from a specified area rate —
- (a) to meet the cost of providing the specific work, service or facility for which the rate was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —
- (a) may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.
- (6) Where —
- (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electricity.

*[Section 6.37 amended by No. 2 of 2012 s. 20.]*

### **6.38. Service charges**

- (1) A local government may impose on —
- (a) owners; or
  - (b) occupiers,
- of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.
- (2) A local government is required to —
- (a) use the money from a service charge in the financial year in which the charge is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for the purpose of that work, service or facility.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
- (a) change the purpose of the reserve account; or

- (b) use the money in the reserve account for a purpose other than the work, service or facility for which the charge was imposed,
- and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge —
    - (a) to meet the cost of providing the specific service for which the work, service or facility charge was imposed; or
    - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
  - (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it —
    - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or
    - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.
  - (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service charge which is proportionate to the contributions received by the local government.
  - (7) This section applies in respect of a prescribed work, service or facility even if the work, service or facility is not provided, or not wholly provided, by a local government if the local government has facilitated or participated in the provision of the work, service or facility.
  - (8) Where —
    - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a service charge was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
    - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the charge is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the charge, the amendments effected by *Local Government Amendment Act 2012* Part 2 Division 5 had been in effect and the provision of underground electricity had been a prescribed work.

[Section 6.38 amended by No. 2 of 2012 s. 21.]

**STRATEGIC PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**CORPORATE BUSINESS PLAN IMPLICATIONS**  
**(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION:**

Councillors  
 Chief Executive Officer  
 Deputy Chief Executive Officer  
 Senior Finance Officer

**STAFF RECOMMENDATION**

That Council adopts the differential rates model as detailed below for the 2018/2019 Financial Year:

<b>Description</b>	<b>Minimum Rate</b>	<b>Rate in \$</b>
Kellerberrin Commercial	\$822	\$0.147000
Other Commercial	\$822	\$0.147000

**COUNCIL RECOMMENDATION**

**MIN 139/18 MOTION** - Moved Cr. McNeil

2<sup>nd</sup> Cr. Steber

*That Council adopts the differential rates model as detailed below for the 2018/2019 Financial Year:*

<i>Description</i>	<i>Minimum Rate</i>	<i>Rate in \$</i>
<i>Kellerberrin Commercial</i>	<i>\$822</i>	<i>\$0.147000</i>
<i>Other Commercial</i>	<i>\$822</i>	<i>\$0.147000</i>

CARRIED 6/0



- **Kellerberrin Commercial (GRV)** 14.7000 cents in the dollar
- **Other Commercial (GRV)** 14.7000 cents in the dollar
- **Mining Tenements (UV)** 2.0929 cents in the dollar
- **Rural (UV)** 2.0929 cents in the dollar

**1.2 Minimum Rates**

- **Kellerberrin Residential (GRV)** \$748.00
- **Other Residential (GRV)** \$748.00
- **Kellerberrin Commercial (GRV)** \$822.00
- **Other Commercial (GRV)** \$822.00
- **Mining Tenements (UV)** \$748.00
- **Rural (UV)** \$748.00

2. **Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments:**

<b>Full payment and instalment due date</b>	<b>September 2018</b>
<b>2<sup>nd</sup> half instalment due date</b>	<b>January 2019</b>
<b>2<sup>nd</sup> quarterly instalment due date</b>	<b>November 2018</b>
<b>3<sup>rd</sup> quarterly instalment due date</b>	<b>January 2019</b>
<b>4<sup>th</sup> quarterly instalment due date</b>	<b>April 2019</b>

**Special Arrangement**

**Arrangements made prior to September 2018 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2018.**

3. **Pursuant to Section 6.45 of the local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, council adopts an instalment administration charge where the owner elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid.**
4. **Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.**
5. **Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.**
6. **Offer ratepayers early payment rate incentive prizes for rates paid in full by the full payment due date at no cost to Council.**
7. **Pursuant to Section 6.33 of the Local Government Act 1995 adopts differential Rating for GRV Industrial and Commercial properties and seeks Ministerial Approval to impose the differential rate.**

**CARRIED 7/0  
ABSOLUTE MAJORITY**



**COUNCIL RECOMMENDATION**

**MIN 053/18 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

**That Council:**

1. *approves Kellerberrin Speedway application for \$3,000.00 towards the running of the Kellerberrin Speedway.*
2. *approves Kellerberrin High School application request for the amount of \$782.00 being waiver of Hall hire, Pool Hire and Athletics Carnival Setup Fees.*
3. *approves Kellerberrin District Agricultural Society application for \$2,000.00 to assist with covering costs associated with the 2018 Ag show.*
4. *approves Kellerberrin Squash Club application for \$2,000.00 to be transferred to the Sport and Recreation Reserve to assist with future upgrades.*
5. *approves Kellerberrin Senior's Group application for \$1,251.85 being for the following:*
  - a. *Write off of Electric Urn account with Shire of Kellerberrin*
  - b. *Purchase of New Laptop and Printer*
  - c. *Purchase new Blind for window at back of Club house.*
6. *approves Doodlakine Bowling Club application for \$2,000.00 being a contribution towards installation of lights and watering system for Bowling Green.*
7. *approves Doodlakine Community Committee application for \$2,000.00 through a rubbish collection to assist with ongoing maintenance for the Doodlakine Hall.*

CARRIED 7/0

**COUNCIL RECOMMENDATION**

**MIN 073/18 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Steber

**That Council:**

1. *Receives the Draft capital expenditure program as presented and incorporates this into Council's 2018/19 Draft Budget.*
2. *Receives the Draft roadworks program as presented and incorporates this into Council's 2018/19 Draft Budget*

CARRIED 7/0

BY ABSOLUTE MAJORITY

**COUNCIL RECOMMENDATION**

**MIN 118/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. McNeil

***Council adopts the following for the 2017/18 Financial Year;***

1. ***The 17/18 budget as presented; and***

**Council offers to ratepayers the following payment options for 2017/18;**

<b>Option</b>	<b>Due By</b>
<b>Option A - One Payment</b>	<b>15<sup>th</sup> September 2017</b>
<b>Option B – 2 Instalment Option</b>	<b>50% due 15<sup>th</sup> September 2017 50% due 19th January 2018</b>
<b>Option C – 4 Instalment Option</b>	<b>25% due 15<sup>th</sup> September 2017 25% due 17<sup>th</sup> November 2017 25% due 19th January 2018 25% due 23rd March 2018</b>

**Option D – Special Arrangement** Arrangements made prior to 31st August 2017 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2018.

2. **Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.**
3. **Administration fee of \$5.00 per reminder rate notice (Options B and C)**
4. **Instalment interest to be levied at 5.5%**
5. **Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.**
6. **That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.**
7. **That Council adopts the rates revenue for its 2017/18 Budget, inclusive of the revaluations received from VGO 08.05.17 effective 01.07.17, which decreased UV values and increased GRV values: RID being;**

<b>GRV - Kellerberrin Residential</b>	<b>Remains at 0.127237c minimum \$678 to \$712</b>
<b>GRV - Other Residential</b>	<b>Remains at 0.127237c minimum \$678 to \$712</b>
<b>GRV – Commercial</b>	<b>0.127237c up to 0.139961c minimum \$678 to \$783</b>
<b>GRV – Industrial</b>	<b>0.127237c up to 0.139961c minimum \$678 to \$783</b>
<b>UV - Mining Tenements</b>	<b>0.022133c down to 0.020584c minimum \$678 to \$712</b>
<b>UV – Rural</b>	<b>0.022133c down to 0.020584c minimum \$678 to \$712</b>

8. **That Council adopts differential Rating for GRV Industrial and Commercial properties and the DLG is informed of this following budget adoption for 17/18.**

**\* Absolute majority required**

CARRIED 7/0

**ABSOLUTE MAJORITY REQUIRED**

## 2018/2019 BUDGET INFORMATION

### Comparisons 18/19 to 17/18

	2018/19 Budget (\$)	2017/18 Budget (\$)	Variance (\$)	Variance (%)
<b>Receipts</b>				
Rates	2,124,358	2,010,063	114,295	6%
Operating grants, subsidies and contributions	1,236,049	2,093,302	-857,253	-41%
Fees and charges	614,762	817,603	-202,841	-25%

Interest earnings	30,749	35,279	-4,530	-13%
Goods and services	172,720	210,730	-38,010	-18%
Other revenue	250,882	461,642	-210,760	-46%
	<b>4,429,520</b>	<b>5,628,619</b>	<b>-1,199,099</b>	<b>-21%</b>
<b>Payments</b>				
Employee costs	(1,828,217)	(1,690,570)	137,647	8%
Materials and	(1,456,247)	(1,969,183)	-512,936	-26%
Utilities charges	(276,751)	(341,903)	-65,152	-19%
Interest expenses	(112,100)	(122,956)	-10,856	-9%
Insurance expenses	(158,099)	(178,211)	-20,112	-11%
Goods and services	(172,720)	(210,730)	-38,010	-18%
Other expenditure	(234,181)	(138,114)	96,067	70%
	<b>(4,238,314)</b>	<b>(4,651,667)</b>	<b>-413,353</b>	<b>-7%</b>
<b>Cash flows</b>				
Payments for purchase of property, plant and equipment	(1,232,126)	(1,619,000)	-386,874	-24%
Payments for construction of infrastructure	(1,608,075)	(3,334,281)	-1,726,206	-52%
Non-operating grants subsidies and contributions used for the development of assets	875,474	2,890,281	-2,014,807	-70%
Proceeds for sale of plant and equipment	191,541	8,984	182,557	2032%
Repayment of borrowings	(209,771)	(122,701)	87,070	70%
Proceeds from new borrowings	700,000	700,000	0	-

### Rates

The budget as presented has a 5.32% increase in Rates Levied, this being consistent with the Long Term Financial Plan and reflecting property revaluations undertaken by the Valuer General's Office (VGO) on Unimproved Valuations (Rural) only this financial year.

### Reserve Account Movements

Council this year has proposed in addition to the Interest component of funds to allocate the following amounts to Council's Reserve Accounts in the 2018/19 financial year:

1. Plant Replacement Reserve – \$35,000 allocation and
2. Long Service Leave Reserve – \$12,465 allocation.

### Significant Projects

The following projects have been included in the budget and have been funded via a range of sources including Grants, General Revenue and Reserve funds:

1. Roads capital works program including Kwolyn West, Bandee North and Shackleton Roads amounting to \$811,657 net cost to Council;
2. Town site Housing Project at \$700,000 funded from self-supporting loan of \$700,000 with GEHA lease back agreement in place over ten years;
3. John Deere Loader Replacement being a Merlo/JCB at \$70,000 net cost to Council
4. Bobcat Replacement – Net cost to Council \$95,000
5. Massingham Street Toilet block – upgrade of fittings to porcelain – Net cost to Council \$25,000
6. Freezer construction at Recreation Centre due to non-compliance – Net cost to Council \$16,150.
7. IT Server Upgrade and IT Furniture and Equipment upgrades – Net cost to Council \$50,476
8. Retention Payment and Balance payment for Tote – net cost to Council \$26,660
9. Council Fleet vehicle replacements – Net cost to Council \$29,410 and
10. Caravan Park upgrades at \$40,000.

### **FINANCIAL IMPLICATIONS**

Shire of Kellerberrin - 2018/2019 Budget

### **POLICY IMPLICATIONS - NIL**

### **STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

#### **6.45. Options for payment of rates or service charges**

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
  - (a) 4 equal or nearly equal installments; or
  - (b) Such other method of payment by installments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
  - (a) by a single payment; or
  - (b) by such installments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
  - (a) provide for the manner of making an election to pay by installments under subsection (1) or (2);
  - (b) prescribe circumstances in which payments may or may not be made by installments;

- (c) prohibit or regulate any matters relating to payments by installments;
- (d) provide for the time when, and manner in which, installments are to be paid;
- (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) provide for any other matter relating to the payment of rates or service charges.

**6.46. Discounts**

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.

*\* Absolute majority required*

**Local Government Act 1995**

**6.2. Local government to prepare annual budget**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
  - (a) the expenditure by the local government;
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
  - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - (c) the fees and charges proposed to be imposed by the local government;
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —

- (a) the form of the annual budget;
- (b) the contents of the annual budget; and
- (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

**Strategic Priority 2.1**

**Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.**

<b>Goal 2.1.1</b>	<b>To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> To implement asset management best practice principles into our day to day operations.</li> <li><input type="checkbox"/> To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</li> <li><input type="checkbox"/> To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the</li> </ul>

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

Service	Business un	Enabling assets
Manage resources efficiently and effectively to deliver services, programs, and infrastructure to the	Corporat e Services	Council Offices, Vehicles Council Owned Dwellings

**LONG TERM FINANCIAL PLAN IMPLICATIONS**

The current ten year financial model features an increase to rates between 16/17 and 20/21 of between 5.25% and 4.50% per annum; this was the basis for development of the 2018/19 budget as presented.

**COMMUNITY CONSULTATION**

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works & Services
- Community Development Officer
- Finance Officer

**ABSOLUTE MAJORITY REQUIRED – YES**

## STAFF RECOMMENDATION

That:

### PART A – MUNICIPAL FUND BUDGET FOR 2018/2019

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2018/2019 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (#) showing a net result for that year of (\$326,635)
- Statement of Comprehensive Income by Program on page (#) showing a net result for that year of (\$326,635)
- *Statement of Cash Flows on page (6) of the Statutory Budget.*
- *Rate Setting Statement on page (7) of the Statutory Budget showing an amount required to be raised from rates of \$2,090,583.*
- *Notes to and Forming Part of the Budget on pages (8 to 22)*
- *Budget Program Schedules as detailed in pages (23 to 64)*
- *Transfers to / from Reserve Accounts as detailed in page (18)*

### PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates\*
  - Kellerberrin Residential (GRV) 12.7620 cents in the dollar
  - Other Residential (GRV) 12.7620 cents in the dollar
  - Kellerberrin Commercial (GRV) 14.7000 cents in the dollar
  - Other Commercial (GRV) 14.7000 cents in the dollar
  - Rural (UV) 2.0929 cents in the dollar
  
  - Kellerberrin Residential (GRV) \$748
  - Other Residential (GRV) \$748
  - Kellerberrin Commercial (GRV) \$822
  - Other Commercial (GRV) \$822
  - Rural (UV) \$748
  - Mining Tenements (UV) \$748
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
  - Full payment and instalment due date 28<sup>th</sup> September 2018
  - 2nd half instalment due date 01<sup>st</sup> February 2019
  - 2nd quarterly instalment due date 30<sup>th</sup> November 2018
  - 3rd quarterly instalment due date 01<sup>st</sup> February 2019
  - 4th quarterly instalment due date 05<sup>th</sup> April 2019
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid.

4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

**PART C – GENERAL FEES AND CHARGES FOR 2018/2019**

Pursuant to Section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 66 to 80 inclusive of the draft 2018/2019 budget included as Attachments of this agenda and minutes.

**PART D – OTHER STATUTORY FEES FOR 2018/2019**

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery included at page 66 of the draft 2018/2019 budget included as Attachments to this agenda and minutes.
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$57.45 inclusive of GST.
3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
  - a. Residential Premises
    - i. 240ltr bin per weekly collection \$200pa
    - ii. Additional Bins \$220 pa
  - b. Commercial Premises
    - i. 240ltr bin per weekly collection \$200pa
    - ii. Additional Bins \$220 pa

(SIMPLE MAJORITY)

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:
  - a. Kellerberrin Waste Transfer Station

**Load or volume:**

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%

**PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2018/2019**

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
  - President \$300 per meeting.





# COUNCIL RECOMMENDATION

MIN 141/18 MOTION - Moved Cr. O'Neill

2<sup>nd</sup> Cr. Reid

## PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates\*
  - Kellerberrin Residential (GRV) 12.7620 cents in the dollar
  - Other Residential (GRV) 12.7620 cents in the dollar
  - Kellerberrin Commercial (GRV) 14.7000 cents in the dollar
  - Other Commercial (GRV) 14.7000 cents in the dollar
  - Rural (UV) 2.0929 cents in the dollar
  
  - Kellerberrin Residential (GRV) \$748
  - Other Residential (GRV) \$748
  - Kellerberrin Commercial (GRV) \$822
  - Other Commercial (GRV) \$822
  - Rural (UV) \$748
  - Mining Tenements (UV) \$748
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
  - i. Full payment and instalment due date 28<sup>th</sup> September 2018
  - ii. 2nd half instalment due date 01<sup>st</sup> February 2019
  - iii. 2nd quarterly instalment due date 30<sup>th</sup> November 2018
  - iv. 3rd quarterly instalment due date 01<sup>st</sup> February 2019
  - v. 4th quarterly instalment due date 05<sup>th</sup> April 2019
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED 6/0  
BY ABSOLUTE MAJORITY

## COUNCIL RECOMMENDATION

MIN 142/18 MOTION - Moved Cr. Steber

2<sup>nd</sup> Cr. O'Neill

### PART C – GENERAL FEES AND CHARGES FOR 2018/2019

Pursuant to Section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 66 to 80 inclusive of the draft 2018/2019 budget included as Attachments of this agenda and minutes.

CARRIED 6/0  
BY ABSOLUTE MAJORITY

## COUNCIL RECOMMENDATION

MIN 143/18 MOTION - Moved Cr. Leake

2<sup>nd</sup> Cr. Reid

### PART D – OTHER STATUTORY FEES FOR 2018/2019

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery included at page 66 of the draft 2018/2019 budget included as Attachments to this agenda and minutes.
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$57.45 inclusive of GST.
3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
  - a. Residential Premises
    - i. 240ltr bin per weekly collection \$200pa
    - ii. Additional Bins \$220 pa
  - b. Commercial Premises
    - i. 240ltr bin per weekly collection \$200pa
    - ii. Additional Bins \$220 pa

CARRIED 6/0

## COUNCIL RECOMMENDATION

MIN 144/18 MOTION - Moved Cr. McNeil

2<sup>nd</sup> Cr. Leake

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:
  - a. Kellerberrin Waste Transfer Station

Load or volume:

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%

CARRIED 6/0  
BY ABSOLUTE MAJORITY

## COUNCIL RECOMMENDATION

MIN 145/18 MOTION - Moved Cr. Steber

2<sup>nd</sup> Cr. Leake

### PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2018/2019

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
  - President \$300 per meeting.
  - Councillors \$200 per meeting
  
2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:
  - Travel Allowance – President - \$50
  - Travel Allowance – Councillor - \$50
  
3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
  - President \$5,000

CARRIED 5/1

## COUNCIL RECOMMENDATION

MIN 146/18 MOTION - Moved Cr. Reid

2<sup>nd</sup> Cr. McNeil

### PART F – MATERIAL VARIANCE REPORTING FOR 2018/2019

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2018/2019 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	July 2018 Cheque List
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	10 <sup>th</sup> August 2018
<b>Author:</b>	Morgan Ware, Finance Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> July 2018 – 31<sup>st</sup> July 2018

### Trust Fund

EFT 8575 - 8578

CHQ 3069

#### TRUST TOTAL

\$ 674.34

### Municipal Fund

Cheque Payments

34445 - 34461

\$ 31,240.93

EFT Payments

8540 - 8617

\$ 204,588.79

#### Direct Debit Payments

\$ 43,952.97

#### TOTAL MUNICIPAL

\$ 235,829.72

## COMMENT

During the month of July 2018, the Shire of Kellerberrin made the following significant purchases:

### IT Vision Australia Pty Ltd

\$ 36,900.16

Renew SynergySoft & Universal Annual License Fees 01/07/18 to 30/06/19

### Woodstock Electrical Services

\$ 26,984.03

Supply boxes for Oval lights, Aluminium cabinets custom made to replace damaged boards on Oval for lighting towers. Find faults in sewerage farm chlorine, Replace burnt out transfer pump, Replace flow switch, Repair contactor, Reset & test control system, Supply of pump, Seal kit, Flow switch, Plumber fittings, Labour & Freight. Automatic sensor lights in Public Toilets, Install power metre at Moylans Accommodation, Supply of Materials & Labour. Replacement of lights for LED at CRC, Install power to CEACA site, Install aircon split system, Repair hot water systems, Replace air con at managers residence, Supply and Install window fans at Caravan Park, Repair air conditioner at Recreation Centre Gym, Materials & Labour

### Deputy Commissioner Of Taxation

\$ 23,468.00

PAYG Tax, GST Debtors, GST Creditors, Fuel Tax, Rounding, FBT

### Smith Earthmoving Pty Ltd

\$ 20,985.25

Semi Hire for Road Works and Gravel Haulage George Street, Remove Footpath Debris & Cart in Fresh Material, Clear top soil, Push Gravel for Maintenance grading at Beresford Rd, Angle Rd, Baandee North, Brown Rd, Doodlakine-Kununoppin Rd & Kellerberrin-Bencubbin Rd

<b>Synergy</b>	<b>\$ 10,864.75</b>
Power Consumption for Shire owned properties from April to June 2018	
<b>Avon Waste</b>	<b>\$ 9,168.98</b>
Dom/Com Rubbish x 5 Weeks, Transport of Waste to Northam Landfill Facility, Recycling 22nd June, Additional Recycling Bulk Bin 22nd June, Cardboard Only Service 14th & 28th June, Servicing of Transfer Station 21st June, Transport of Waste to Northam Landfill Facility - 21st June	
<b>Moore Stephens</b>	<b>\$ 9,081.52</b>
Audit Regulation 17 Review, Progressive billing in relation to review of risk management, Internal controls and legislative compliance	
<b>Western Australian Treasury Corporation</b>	<b>\$ 8,171.09</b>
Loan No. 116A Interest payment & Principal payment	
<b>Synergy</b>	<b>\$ 7,826.25</b>
Streetlights Tariff Charge (257) from 25/05/2018 to 24/06/2018, Power Consumption for Recreation Centre & facilities, Caravan Park & GSG Oval	
<b>RAMM Software Pty Ltd</b>	<b>\$ 6,661.82</b>
RAMM Annual Support & Maintenance Fee for the Period 01/07/18 to 30/06/19	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 6,082.59</b>
Payroll Deductions	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 5,754.48</b>
Payroll Deductions	
<b>Shire Of Merredin</b>	<b>\$ 5,527.20</b>
Contribution to Central Wheatbelt Visitor Centre, Annual contribution 18/19 to the operations of the Central Wheatbelt Visitor Centre under schedule 3, Environmental Health Officer Services for 24/05/2018, 07/06/2018, 14/06/2018, 26/06/2018, 28/06/2018	
<b>Moore Stephens</b>	<b>\$ 5,210.15</b>
Compilation of the Statement of Financial Activity, May 2018, Review and Lodge Business Activity Statement, May 2018, Rates Processing Service, May 2018	

Shire of Kellerberrin 2018/2019 Operating Budget

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

**11. Payment of accounts**

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
  - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - (b) Petty cash systems.

- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
  - (a) Subject to sub-regulation (4), are not to be made in cash; and
  - (b) Are to be made in a manner which allows identification of —
    - (i) The method of payment;
    - (ii) The authority for the payment; and
    - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

*[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]*

**12. Payments from municipal fund or trust fund**

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]*

**13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;
 And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLCATIONS - Nil  
(Including Workforce Plan and Asset Management Plan Implications)**

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

**STAFF RECOMMENDATION**

*That Council notes that during the month of July 2018, the Chief Executive Officer has made the following payments under council’s delegated authority as listed in appendix A to the minutes.*

- 1. *Municipal Fund payments totalling \$235,829.72 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$674.34 on vouchers EFT, CHQ, Direct payments*

**COUNCIL RECOMMENDATION**

MIN 147/18 MOTION - Moved Cr. Steber

2<sup>nd</sup> Cr. Leake

*That Council notes that during the month of July 2018, the Chief Executive Officer has made the following payments under council’s delegated authority as listed in appendix A to the minutes.*

- 1. *Municipal Fund payments totalling \$235,829.72 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$674.34 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0



<b>Agenda Reference:</b>	11.1.13
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month July 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	13 <sup>th</sup> August 2018
<b>Author:</b>	Amanda Garlett, Administration Officer

## BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of July 2018.

### Municipal Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
2-Jul-18	Westnet	Monthly static IP address	\$	4.99
2-Jul-18	Shire of Kellerberrin	SuperChoice	\$	1,253.67
2-Jul-18	Alleasing	Monthly Rent	\$	3,121.83
4-Jul-18	National Australia Bank	EFT Payment	\$	456.70
5-Jul-18	Shire of Kellerberrin	EFT Payment	\$	56,738.26
10-Jul-18	ATO	EFT Payment	\$	23,468.00
10-Jul-18	Housing Authority	Fortnightly Rent	\$	420.00
12-Jul-18	Shire of Kellerberrin	SuperChoice	\$	7,626.63
12-Jul-18	Shire of Kellerberrin	EFT Payment	\$	59,137.29
13-Jul-18	DLL	Monthly Rent	\$	265.21
16-Jul-18	National Australia Bank	EFT Payment	\$	70.00
19-Jul-18	Shire of Kellerberrin	EFT Payment	\$	137,982.37
24-Jul-18	Housing Authority	Fortnightly Rent	\$	420.00
25-Jul-18	Shire of Kellerberrin	EFT Payment	\$	9,868.16
26-Jul-18	Shire of Kellerberrin	SuperChoice	\$	8,169.61
26-Jul-18	Shire of Kellerberrin	EFT Payment	\$	52,946.83
31-Jul-18	National Australia Bank	Account Fees - BPAY	\$	7.36
31-Jul-18	National Australia Bank	Account Fees - Muni	\$	41.30
31-Jul-18	National Australia Bank	Account Fees - Trust	\$	49.40
31-Jul-18	National Australia Bank	Account Fees - NAB Connect June 2018	\$	68.23
31-Jul-18	National Australia Bank	Account Fees - Merchant Shire	\$	100.56
31-Jul-18	National Australia Bank	Account Fees - Merchant Caravan Park	\$	144.26
		<b>TOTAL</b>	<b>\$</b>	<b><u>362,360.66</u></b>

### Trust Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
31-Jul-18	Department Transport	Direct Debit-Licensing Payments July 2018	\$	46,501.85
		<b>TOTAL</b>	<b>\$</b>	<b><u>46,501.85</u></b>

### Visa Transactions

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
03-Jul-18	Succulent Foods	Food and Beverages	\$	78.00

16-Jul-18	KBN CRC	KE 1 - Licensing	\$	459.70
19-Jul-18	Kmart Online	Caravan Park Linen	\$	337.65
23-Jul-18	Kmart Online	Caravan Park Linen	\$	94.00
27-Jul-18	NAB	Card Fees	\$	9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b><u>978.35</u></b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
27-Jul-18	NAB	Card Fee	\$	9.00
		<b>TOTAL - DCEO</b>	<b>\$</b>	<b><u>9.00</u></b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b><u>987.35</u></b>

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

### POLICY IMPLICATIONS - Nil

### STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

#### 34. Financial activity statement report — s. 6.4

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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(1)(b) or (c);
  - (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 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 December be shown —
  - (a) according to nature and type classification; or
  - (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 at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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 the AAS, to be used in statements of financial activity for reporting material variances.

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

- 1) That the Direct Debit List for the month of July 2018 comprising;
  - (a) Municipal Fund – Direct Debit List
  - (b) Trust Fund – Direct Debit List
  - (c) Visa Card Transactions

Be adopted.

**COUNCIL RECOMMENDATION**

**MIN 148/18 MOTIONS - Moved Cr. O’Neill** **2<sup>nd</sup> Cr. Reid**

- 1) *That the Direct Debit List for the month of July 2018 comprising;***
  - (a) Municipal Fund – Direct Debit List***
  - (b) Trust Fund – Direct Debit List***
  - (c) Visa Card Transactions***

***Be adopted.***

**CARRIED 6/0**

## DEVELOPMENT SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: July 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	15 <sup>th</sup> August, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

### BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the Building Act 2011, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

### COMMENT

1. There were four (4) applications received for a "Building Permit" during the July 2018 period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the July 2018 period. See attached form "Return of Building Permits Issued".

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is income from Building fees and a percentage of the levies paid to other agencies. ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

### POLICY IMPLICATIONS

NIL

### STATUTORY IMPLICATIONS

- Building Act 2011
- Shire of Kellerberrin Town Planning Scheme 4

### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

### CORPORATE BUSINESS PLAN IMPLICATIONS - Nil (Including Workforce Plan and Asset Management Plan Implications)

### TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

### COMMUNITY CONSULTATION

Building Surveyor  
Owners  
Building Contractors

### ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

**STAFF RECOMMENDATION**

*That Council*

1. *Acknowledge the "Return of Proposed Building Operations" for the July 2018 period.hjg*
2. *Acknowledge the "Return of Building Permits Issued" for the July 2018 period.*

**COUNCIL RECOMMENDATION**

**MIN 149/18 MOTION - Moved Cr. Reid      2<sup>nd</sup> Cr. Leake**

*That Council*

1. *Acknowledge the "Return of Proposed Building Operations" for the July 2018 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the July 2018 period.*

CARRIED    6/0

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Premium Grains – Sign Erection (Shire Land)
<b>Location:</b>	Lot 312, Tiller Drive
<b>Applicant:</b>	Premium Grains
<b>File No:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	13 <sup>th</sup> August 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

Council over the previous few months have held discussions with Premium Grain around signage for their facility at the Industrial Area on Tiller Drive, Kellerberrin.

Currently there is signage on the Mather Road signage advising of Premium Grains being in the industrial area precinct though with the current restrictions on heavy vehicle access 95% of Premium Grains client will be accessing the site from Dowding Street to Tiller Driver therefore making the current signage inappropriate.

**COMMENT**

The Applicant is applying for the erection of a 2.44m by 1.22m metal sign to be erected on Council’s Lot 312, Tiller Drive, Kellerberrin. Please see below a diagram illustrating the location of the proposed signage.



**FINANCIAL IMPLICATIONS**

1. A Development Application fee of \$147.00 will be invoiced to Premium Grains.

**POLICY IMPLICATIONS**

**STATUTORY IMPLICATIONS**

***Shire of Kellerberrin – Property 2006 Local Law.***  
**Discretion to erect sign**

2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

***Division 2 - Signs***

*Signs*

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is –

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

**OFFICERS COMMENT**

The Development Application complies with Council’s Town Planning Scheme.

**STRATEGIC PLAN IMPLICATIONS**

There are no strategic plan implications.

**FUTURE PLAN IMPLICATIONS**

There are no future plan implications.

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Mick Jones

**STAFF RECOMMENDATION**

*That Council provides conditional approval to Premium Grains for the installation of a advertising sign on Council’s owned Lot 312, Tiller Drive, Kellerberrin:*

**GENERAL CONDITIONS:**

- i. The sign is installed as per design submitted being 2.44m x 1.22m;*
- ii. The sign has a 5 meter setback from the road boundary;*
- iii. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*

# COUNCIL RECOMMENDATION

**MIN 150/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. Reid

***That Council provides conditional approval to Premium Grains for the installation of a advertising sign on Council's owned Lot 312, Tiller Drive, Kellerberrin:***

**GENERAL CONDITIONS:**

- i. The sign is installed as per design submitted being 2.44m x 1.22m;***
- ii. The sign has a 5 meter setback from the road boundary;***
- iii. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.***

CARRIED 6/0



**11.3 WORKS & SERVICES – AGENDA ITEMS**

Nil Items

**12 ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil Items

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**COUNCIL RECOMMENDATION**

**MIN 151/18 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake**

***That Council receive Late Items***

CARRIED 6/0

<b>Agenda Reference:</b>	13.1.1
<b>Subject:</b>	Resignation of Councillor/Dealing with Extraordinary Vacancy
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM 41/ELE 03
<b>Record Ref:</b>	IHR181131
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	21 <sup>st</sup> August 2018
<b>Author:</b>	Cr. Rodney Forsyth, Shire President

## BACKGROUND

Councillors would be aware that Cr Christie White was approved leave of absence at the July 2018 Ordinary Meeting of Council due to family commitments. Council has today received an email from Cr White advising Council of her immediate resignation from Council for personal reasons.

Written acknowledgement has been provided to Christie White accepting her resignation.

Accordingly Council must now determine how to deal with the vacancy to fill the position of Councillor.

## COMMENT

Council has two basic options in dealing with the current scenario:-

- Conduct an extraordinary election.
- Request the WA Electoral Commission to “carry” the vacancy through to the next ordinary Election Day (i.e. 19<sup>th</sup> October 2019) when an extraordinary vacancy would be filled for the full 4 year term, as Christie was set for re-election at the 2019 nominations.

Being that the Councillor Elections are only 13 months away the second option under section 4.17 (3) of the Local Government Act 1995 would be prudent. Council has 6 of the 7 offices of Councillor filled (85.7%) and no ward system in place which will allow it to request, via an absolute majority resolution, that the WAEC leave the vacancy unfilled.

**FINANCIAL IMPLICATIONS** - Nil (subject to Council Resolution)

**POLICY IMPLICATIONS** - Nil (not applicable)

## STATUTORY IMPLICATIONS

### LOCAL GOVERNMENT ACT 1995

#### 2.31. Resignation

- (1) An elector mayor or president may resign from the office of mayor or president.
- (2) A councillor may —
  - (a) resign from the office of councillor;
  - (b) resign from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

**2.32. How extraordinary vacancies occur in offices elected by electors**

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies;
- (b) resigns from the office;
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office;
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27;
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council;
- (e) becomes the holder of any office or position in the employment of the local government; or
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

*[Section 2.32 amended by No. 55 of 2004 s. 686; No. 24 of 2005 s. 58; No. 1 of 2007 s. 5.]*

**Division 4 — Extraordinary elections**

**4.8. Extraordinary elections**

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an **extraordinary election**.

*[Section 4.8 amended by No. 2 of 2012 s. 10.]*

**4.9. Election day for extraordinary election**

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
  - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
  - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
  - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
  - (b) advise the CEO of the day fixed.

**4.10. Extraordinary election can be held before resignation has taken effect**

If a member resigns —

- (a) the vacancy is to be regarded for the purposes of sections 4.8(1) and 4.9 as occurring when the CEO receives the notice of resignation even if the resignation takes effect on a later day; but

- (b) the election day fixed for the extraordinary election cannot be earlier than one month before the resignation actually takes effect.

**Division 5 — Other elections**

**4.11. Elections after restructure of districts, wards or membership**

Any poll needed for an election to give effect to an order under section 2.1(1) changing the boundaries of a district or under section 2.2 or 2.18 is to be held on the day fixed by the Governor by order under section 9.62.

**4.12. Elections after reinstatement of council**

Any poll needed for an election to fill offices of members that are vacant when a suspended council is reinstated is to be held on the day fixed by order under section 8.29(4).

**4.13. Elections after all members' offices become vacant**

Any poll needed for an election to fill the vacant offices after the offices of members have been declared vacant under section 2.37 is to be held on the day fixed by order under section 2.37(5).

**4.14. Elections after council is dismissed**

Any poll needed for an election to elect a new council after a council has been dismissed under section 8.25 is to be held on the day fixed by order under section 8.34(1).

**4.15. Fresh election after election declared invalid**

Any poll needed for a fresh election after an election is declared invalid is to be held on the day fixed by the Court of Disputed Returns under section 4.81(3).

**Division 6 — Postponement and consolidation of elections**

**4.16. Postponement of elections to allow consolidation**

- (1) This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.
- (2) If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (3) In the case of a member's office becoming vacant under section 2.32 by resignation, if —
  - (a) the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and
  - (b) the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (4) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in an election year; but
  - (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

*[(5) deleted]*

*[Section 4.16 amended by No. 66 of 2006 s. 7; No. 2 of 2012 s. 11.]*

#### 4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
  - (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

\* *Absolute majority required.*

- (4A) Subsection (3) applies —

- (a) if —
    - (i) the office is for a district that has no wards; and
    - (ii) at least 80% of the number of offices of member of the council in the district are still filled;or
  - (b) if —
    - (i) the office is for a ward for which there are 5 or more offices of councillor; and
    - (ii) at least 80% of the number of offices of councillor for the ward are still filled.
- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

[Section 4.17 amended by No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]

#### 4.18. Certain elections to be held as one

- (1) This section applies to the following kinds of elections of councillors —
  - (a) ordinary elections;
  - (b) extraordinary elections;
  - (c) elections under section 4.11, 4.12 or 4.13.
- (2) If in a district or ward the same election day is fixed for elections of more than one kind, Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

**STRATEGIC PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**CORPORATE BUSINESS PLAN IMPLICATIONS  
(Including Workforce Plan and Asset Management Plan Implications)**

**LONG TERM PLAN IMPLICATIONS:** Nil (not applicable at this date and therefore unknown)

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Shire President  
Christie White.

**ABSOLUTE MAJORITY REQUIRED – Yes**

**STAFF RECOMMENDATION**

*That Council, in accordance with Section 4.17 (3) of the Local Government Act 1995, requests that the WA Electoral Commissioner allows the Shire of Kellerberrin to not fill the current vacancy on Council with the vacancy to be filled as part of the October 2019 election cycle.*

**COUNCIL RECOMMENDATION**

**MIN 152/18 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid**

*That Council, in accordance with Section 4.17 (3) of the Local Government Act 1995, requests that the WA Electoral Commissioner allows the Shire of Kellerberrin to not fill the current vacancy on Council with the vacancy to be filled as part of the October 2019 election cycle.*

CARRIED 6/0  
ABSOLUTE MAJORITY

**CLOSURE OF MEETING**

4:20 pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

**NEXT MEETING DATES**

Ordinary Council Meeting, Tuesday, 18<sup>th</sup> September 2018