

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 19th June 2018, commencing at 2.05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.05 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. White	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/CDO

Apologies:

Cr. Leake

Leave of Absence:

Nil

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

MIN 080/18 MOTION: Moved Cr. Steber 2nd Cr. Reid

That Council grant Cr. White grant Leave of Absence until the November OCM.

CARRIED 6/0

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 **19th June 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 **19th June 2018**.

Date	Name	Item No.	Reason

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 **19th June 2018**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 15th May 2018

COUNCIL RECOMMENDATION

MIN 081/18 MOTION: Moved Cr. Steber 2nd Cr. White

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 15th May 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 082/18 MOTION: Moved Cr. White 2nd Cr. Steber

That the Presidents Reports for May 2018 be received.

CARRIED 6/0

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	5 th June, 2018
Author:	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.

May 2018 Council Meeting

MIN 063/18 MOTION - Moved Cr. McNeil 2nd 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

April 2018 Council Meeting

MIN 048/18 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council note no requests or ideas to be actioned for April Ordinary Meeting of Council.

CARRIED 7/0

March 2018 Council Meeting

MIN 028/18 MOTION - Moved Cr. Leake 2nd Cr. White

That Council:

- 1. Supports the concept of South West Wireless though due to budget restraints at this time cannot financially support this initiative.***
- 2. Supports Kellerberrin Seniors participation at the Senior Games in Corrigin by:***
 - a) donation of bus hire including fuel;***
 - b) Shire shirts to be provided for the 2019 Senior Games and***
 - c) One off cash contribution of \$300.***

CARRIED 6/0

May 2018 - MIN 063/18

Signs have been purchased, awaiting delivery.

April 2018 - MIN 048/18

That Council note no requests or ideas to be actioned.

1. Advised Leigh Ballard. Leigh advised that they will continue to seek funding though on a 100% basis.
2. Letter written to Kellerberrin Seniors advising of decision. Also advised in person while in a face to face meeting.

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 083/18 MOTION - Moved Cr. McNeil 2nd 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

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	5 th June, 2018
Author:	Mr 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

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:

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 084/18 MOTION - Moved Cr. White 2nd Cr. Reid

That Council receives the Status Report.

CARRIED 6/0

Agenda Reference:	11.1.3
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Merredin Regional Community and Leisure Centre
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	5 th June, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Thursday 26th April, 2018 at the Merredin Regional Community and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 26th April, 2018. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure 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 Group and;
- d. return the formality by Member Councils involved.

Note: COUNCIL APPOINTED DELEGATES-GECZ:
 President Cr Rodney Forsyth
 Deputy President Cr Scott O'Neill

GREAT EASTERN COUNTRY ZONE MEETING: Appointed Delegate Meeting attendance: Cr Forsyth and Raymond Griffiths (CEO).

RESOLUTION: **Moved: Cr O'Connell** **Seconded: Cr Strange**

That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 1 March 2018 confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Cr Hooper**

That the Minutes of the Meeting of the Great Eastern Country Zone Committee Meeting held Thursday 17 March 2018 be received.

CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Cr Truran**

That the Great Eastern Country Zone adopt the Draft Budget for the year ending 30 June 2019, as circulated, be adopted with a general subscription for each Member Council set at \$3,500 (excluding GST).

CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Cr Davies**

That GECZ engage WALGA to provide executive support for 12 months (1-7-18 to 30-6-19) provided:

1. A senior officer from WALGA provide that service.
2. That KPI's be developed by the Executive Committee by August.

CARRIED

RESOLUTION: **Moved: Cr Sachse** **Seconded: Cr Hooper**

That:

1. The report be received; and
2. The Executive Officers from the Avon Midland, Central and Great Eastern Country Zones be thanked for their efforts in organising another successful conference.

CARRIED

RESOLUTION: **Moved: Cr O'Connell** **Seconded: Cr Truran**

That the Great Eastern Country Zone request WALGA:

1. Provide a copy of the Noongar Standard Heritage Agreement (NSHA) for Local Government to all Member Councils; and
2. Attend a meeting of the Great Eastern Country Zone to work through the NSHA to explain how the documents will meet the needs of Member Councils.

CARRIED

RESOLUTION: **Moved: Cr Davies** **Seconded: Cr Truran**

That the matter be noted.

CARRIED

RESOLUTION: **Moved: Cr Sachse** **Seconded: Cr Hooper**

That the Great Eastern Country Zone in conjunction with WALGA and the State Emergency Management Committee seek meetings with relevant Commonwealth agencies to develop resolutions to the ongoing power outages being experienced in parts of the central and eastern Wheatbelt.

CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Cr Day**

That the Zone President's Report be received.

CARRIED

RESOLUTION: **Moved: Mr McCabe** **Seconded: Cr Sachse**

That the Minutes of the Local Government Agricultural Freight Group Meeting held Friday 13 April 2018 be received.

CARRIED

RESOLUTION: **Moved: Cr Davies** **Seconded: Cr Truran**

That Cr Sachse's report be received.

CARRIED

RESOLUTION: **Moved: Mr Burton** **Seconded: Cr O'Connell**

That Cr Storer's report be received.

CARRIED

RESOLUTION: **Moved: Cr O'Connell** **Seconded: Cr Batchelor**

That the Great Eastern Country Zone notes both the State Councillor and WALGA Status Reports.

CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Cr Davies**

That the Great Eastern Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

RESOLUTION: **Moved: Cr O'Connell** **Seconded: Cr Truran**

That the matter of representation on State Council be referred to Member Councils for consideration with responses to be considered at the June Meeting of the Great Eastern Country Zone.

CARRIED

RESOLUTION: **Moved: Cr Sachse** **Seconded: Harris**

That the Great Eastern Country Zone notes the following reports contained in the WALGA State Council Agenda:

- **Matters for Noting/Information;**
- **Organisational Reports;**
- **Policy Forum Reports; and**
- **WALGA President's Report.**

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET) : Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

As per Great Eastern Country Zone WALGA resolutions adopted at Zone Meetings

STATUTORY IMPLICATIONS: Nil (not directly in regards to Zone Meeting procedures and resultant actions forwarded onto the Western Australian Local Government Association.

STRATEGIC PLAN IMPLICATIONS

Participation in Great Eastern Country Zone of WALGA 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 Great Eastern Country Zone. The additional advantage to membership of the Zone is to monitor and actively provide input to Governance, Compliance and Statutory issues that affect the member Local Government, to deliver the required services to its respective community and to operate effectively and efficiently as a local government.

CORPORATE BUSINESS PLAN IMPLCATIONS: Nil (not know at this time)
(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

- Council and Councillors of the Shire of Kellerberrin
- Great Eastern Country Zone Member Councils
- Great Eastern Country Zone of WALGA
- Western Australian Local Government Association

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 26th April, 2018.

COUNCIL RECOMMENATION

MIN 085/18 MOTION - Moved Cr O'Neill 2nd Cr Reid

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 26th April, 2018.

CARRIED 6/0

Agenda Reference:	11.1.4
Subject:	WALGA Constitution Amendments.
Location:	WALGA
Applicant:	Great Eastern Country Zone
File Ref:	
Disclosure of Interest:	N/A
Date:	11 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Members of the Great Eastern Country Zone discussed the proposed amendments to the WALGA constitution.

The constitution amendments where as per the following:

WALGA Recommendation

1. *That Clause 18 and Clause 19 of the Association Constitution be amended as follows:*
 - I. *Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:*
 - (1) *Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.*
 - II. *Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:*
 - (1) *If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.*
 - (2) *Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.*
 - (3) *An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.*
 - (4) *Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.*

~~(3)~~(5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.

~~(4)~~(6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 48 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.

2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

17A – Rotation of Presidency

1. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:

A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:

4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:

(j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15G(2)(e) of the Local Government Act 1995.

5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:

(2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:

- I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~

- II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words "Local Government Managers Australia (LGMA)" to be replaced with the words "Local Government Professionals Australia WA".
- III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words "Local Government Managers Australia (LGMA)" with the words "Local Government Professionals Australia WA".
- IV That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word "LGMA" with the words "Local Government Professionals Australia WA".

Special Majority Decision Required.

Whilst the above changes to the WALGA Constitution should be supported, Member Councils might also wish to discuss the matter of State Council's size.

Currently State Council has 24 State Councillors, one State Councillor for each WALGA Zone.

At the March Meeting of the Great Eastern Country Zone, Cr Strange commented that the size of the State Councils should be reviewed, with so suggesting that 24 State Councillors may be too many and as such a review of membership on State Council should be undertaken.

ZONE COMMENT:

Zone supports the WALGA recommendation

ADDITIONAL MEETING COMMENT:

In discussing Agenda Item 5.12 the meeting also considered the matter of membership to State Council.

RECOMMENDATION:

That the Great Eastern Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

RESOLUTION: **Moved: Cr Strange** **Seconded: Cr Davies**

That the Great Eastern Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

RESOLUTION: **Moved: Cr O'Connell** **Seconded: Cr Truran**

That the matter of representation on State Council be referred to Member Councils for consideration with responses to be considered at the June Meeting of the Great Eastern Country Zone.

COMMENT

The item is being put to Council for consideration and to provide a response back to the Zone Executive to consolidate and provide the information through to WALGA.

Currently there membership of WALGA for State Council:

State Councillors

Chair	
WALGA President	President Cr Lynne Craigie
Members	
Avon-Midland Country Zone	Cr Jan Court
Central Country Zone	President Cr Phil Blight
Central Metropolitan Zone	Cr Paul Kelly Vacant
East Metropolitan Zone	Cr Brooke O'Donnell Cr Kate Driver
Goldfields Esperance Country Zone	President Cr Malcolm Cullen
Gascoyne Country Zone	President Cr Cheryl Cowell
Great Eastern Country Zone	President Cr Stephen Strange
Great Southern Country Zone	President Cr Keith House
Kimberley Country Zone	Cr Chris Mitchell
Murchison Country Zone	Cr Les Price
North Metropolitan Zone	Cr Russ Fishwick JP Cr Giovanni Italiano JP Mayor Tracey Roberts JP (Deputy President)
Northern Country Zone	President Cr Karen Chappel
Peel Country Zone	President Cr Michelle Rich
Pilbara Country Zone	President Cr Kerry White
South East Metropolitan Zone	Cr Julie Brown Cr Brian Oliver
South Metropolitan Zone	Mayor Logan Howlett JP Cr Doug Thompson Mayor Carol Adams
South West Country Zone	President Cr Tony Dean
Ex Officio	
Local Government Professionals State President	Mr Ian Cowie PSM

Council would be aware that the bigger the membership of any committee the harder to get full representation at all meetings and the ability to have positive constructive timely efficient meetings.

The only stipulation that will need to be assessed in this process is to ensure that the membership has an even playing field, ie 6 Country and 6 City should it be cut in half to ensure that the balance is still even.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS: Nil (not known at this time – decision making processes)

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil (elected body to determine)

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council advise Great Eastern Country Zone:

- 1. that on review the Shire of Kellerberrin believes a membership base of twelve (12) be sufficient based on a six (6) Country, six (6) City membership.*
- 2. The nominations for the six (6) City and Country memberships be received from the individual zones from the City or Country.*
- 3. The voting for the successful delegates is one voting ballot per Council within the prospective City or Country portfolios should the nominations exceed the six (6) seats available.*

COUNCIL RECOMMENATION

MIN 086/18 MOTION - Moved Cr. Reid

2nd Cr. Steber

That Council advise Great Eastern Country Zone:

- 1. that on review the Shire of Kellerberrin believes a membership base of twelve (12) be sufficient based on a six (6) Country, six (6) City membership.*
- 2. The nominations for the six (6) City and Country memberships be received from the individual zones from the City or Country.*
- 3. The voting for the successful delegates is one voting ballot per Council within the prospective City or Country portfolios should the nominations exceed the six (6) seats available.*

CARRIED 6/0

Agenda Reference:	11.1.5
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	WALGA Boardroom, Leederville
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	7 th June, 2018
Author:	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 31st May, 2018 WALGA Boardroom Leederville, 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 31st May, 2018 WALGA Boardroom Leederville.

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 31st May, 2018 Special CEACA Executive Council Meeting summarised hereunder,

EN BLOC RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 21 March 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

EN BLOC RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That the Minutes of the Special Executive Committee Meeting of the Central East Aged Care Alliance Inc held Tuesday 10 April 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Rachel Kirby

That the Action Sheet as presented be received.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

That:

1. The Executive Officer's Report be received; and
2. The Executive Officer's Report be distributed to all CEACA Members following the CEACA Executive Committee Meeting.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Ken Hooper**

That the Chair's Report to the Central East Aged Care Alliance Executive Committee be received.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

That the Statement of Financial Position for the period ending 30 April 2018, as presented, be received.

CARRIED

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

That the Accounts Paid for the period 20 January 2018 to 18 May 2018 totalling \$83,632.14 be approved.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Ken Hooper**

That the Executive Committee approve for payment the following invoices from BHW Consulting for Executive Support Services and reimbursements:

- Invoice 342 - Professional Services January 2018 and various reimbursements totalling \$4,426.00;
- Invoice 343 - Professional Services February 2018 and various reimbursements totalling \$4,752.38; and
- Invoice 344 - Professional Services March 2018 and various reimbursements totalling \$5,206.24.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

That Helen Westcott and Bruce Wittber from BHW Consulting remain in the room for discussion related to the Executive Officer Contract.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Ken Hooper**

That the KPIs in Executive Officer's contract be altered to read as follows:

A. GOVERNANCE

- a) Committee Meeting Agenda's to be issued to members 5 Business Days prior to the meeting date.
- b) Committee Meeting Minutes to be distributed in draft form no later than 7 Business Day after the meeting date.
- c) Executive Committee Meeting Minutes to be issued to Executive for comment within 5 Business Days of meeting and then re-distributed to the Committee Members no later than 7 Business Days after the meeting date.

B. PERFORMANCE – (Facilitate and Communicate to Committee)

- a) Constitution Development and Sign off from Department.
- b) Rent Setting Policy, Sales/Lease for Life Policy formation and Adoption.

- c) Strategic Plan for CEACA – Incorporating an updated priority list of the VERSO report platform.
- d) During the term of the contract the CEACA Executive Committee may vary the KPIs which could be the inclusion of additional KPIs or the deletion of existing KPIs.
- e) CEACA Code of Conduct be developed and adopted by the Committee.
- f) The Intellectual Property of CEACA to be backed up monthly via External Hard Drive which is provided to a nominated Council for backing up onto their server. (No longer required as have been advised by Executive Officer there is already a backup procedure completed through Market Creations via the Cloud).

CARRIED

RESOLUTION: **Moved: Ken Hooper Seconded: Raymond Griffiths**

That CEACA accept the quotation provided by the Bresland Insurance Group for cyber insurance for the amount of \$1,220.00 inclusive of GST.

CARRIED 3/1

Rachel Kirby voted against the resolution.

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

That the issue of the privacy policy be deferred for consideration at the next Executive Committee Meeting.

CARRIED

RESOLUTION: **Moved: Ken Hooper Seconded: Rachel Kirby**

That the:

- 1. Project Update (Financial) Report be received; and
- 2. Project Update (Financial) Report be distributed to all CEACA Members following the CEACA Executive Committee Meeting.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Ken Hooper**

That:

- 1. The Project Manager's Report be received; and
- 2. The Project Manager's Report be distributed to all CEACA Members following the CEACA Executive Committee Meeting.

CARRIED

RESOLUTION: **Moved: Ken Hooper Seconded: Rachel Kirby**

That the Central East Aged Care Alliance Inc (CEACA) Executive Committee adopt the following meeting schedule for the remainder of 2018:

- Tuesday 24 July 2018 – an in-person meeting Kellerberrin;
- Wednesday 15 October 2018 – an in-person meeting held in Kellerberrin; and
- Wednesday 12 December 2018 – an in-person meeting held in Kellerberrin.

CARRIED

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

That the Executive Officer communicate with the Minister for Regional Development's Office extending an invitation to the "turning of the sod" for the CEACA Project and should the Minister be unavailable, CEACA hold an informal function to celebrate this milestone and extend an invitation to the Minister for opening of the first house.

CARRIED

That the CEACA Executive Committee recommend to the CEACA Committee:

- 1. That Gary Shadbolt be appointed Acting Chair until the appointment of an Independent Chair or the CEACA 2018 Annual General Meeting whichever is the sooner; and**
- 2. That a Working Group comprising of the current Acting Chair and 2 other Committee Members be formed at the Committee Meeting to be held Wednesday 6 June 2018 with the terms of reference being to take the necessary actions to call for applications, conduct interviews and make a recommendation to the CEACA Committee for the appointment of an Independent Chair of CEACA.**

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 IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 31st May, 2018.

COUNCIL RECOMMENDATION

MIN 087/18 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 31st May, 2018.

CARRIED 6/0

Agenda Reference:	11.1.6
Subject:	Wheatbelt Communities Inc Meeting Minutes and Resolutions
Location:	Kellerberrin Recreation and Leisure Centre
Applicant:	Wheatbelt Communities
File Ref:	
Disclosure of Interest:	Nil
Date:	5 th June, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 2nd May 2018, at the Kellerberrin Recreation and Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 2nd May 2018, at the Kellerberrin Recreation and Leisure Centre.

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 the Wheatbelt Communities Inc.

Resolutions arising out of the 2nd May, 2018 Wheatbelt Communities Inc. Council Meeting summarised hereunder.

RESOLUTION: Moved: Darren Mollenoyux Seconded: Karin Day

That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 28 February 2018 be confirmed as a true and accurate record of the meeting.

CARRIED

RESOLUTION: **Moved:** Karin Day **Seconded:** Darren Mollenoyux

That the Wheatbelt Communities Financial Report for the period ending 31 March 2018 be received.

CARRIED

RESOLUTION: Moved: Karin Day Seconded: Greg Powell

That Wheatbelt Communities and WE-ROC continue to operate as two separate entities for the next 12 months after which it be further reviewed.

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That the 2018/2019 Wheatbelt Communities Budget:

1. Be developed along similar lines to the 2017/2018 budget with annual contribution to be set at \$2,000 per member; and
2. Be circulated to Councils for consideration at the May 2018 round of meetings.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

Nil (not directly in regards to formalisation 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 Wheatbelt Communities Inc. 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.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

Council and Councillors of the Shire of Kellerberrin
Wheatbelt Communities Inc. Member Councils
Staff Information re Minutes and Agendas

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 2nd May 2018.

COUNCIL RECOMMENDATION

MIN 088/18 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 2nd May 2018.

CARRIED 6/0

Agenda Reference:	11.1.7
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Kellerberrin Recreation and Leisure Centre
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	5 th June, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 2nd May, 2018 at the Kellerberrin Recreation and Leisure Centre, 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 Council Meeting Minutes held on Wednesday 2nd May 2018, at the Kellerberrin Recreation and Leisure Centre.

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 2nd May, 2018 WE-ROC Council Meeting summarised hereunder,

RESOLUTION:	Moved: Mr Powell	Seconded: Mr Mollenoyux
That the Minutes of the Council Meeting held Wednesday 28 February 2018 be confirmed as a true and correct record.		

CARRIED

RESOLUTION:	Moved: Mr Criddle	Seconded: Cr Day
That the Minutes of the Executive Meeting held Wednesday 28 March 2018 be received.		

CARRIED

RESOLUTION:	Moved: Mr Powell	Seconded: Cr Hooper
That the WE-ROC Financial Report for the period ending 31 March 2018 be received.		

CARRIED

RESOLUTION:	Moved: Cr Hooper	Seconded: Cr Day
That the Accounts Paid for the period 21 February 2018 to 26 April 2018 totalling \$5,381.71 be approved.		

CARRIED

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Mollenoyux**

That the WE-ROC Budget for 2018/2019 as presented, with a Member Subscription of \$10,000 and Consultancy and Project Reserve contribution of \$2,000 per Member Council, be adopted.

CARRIED

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Mollenoyux**

That WE-ROC enter into a draft contract as per the attached, with Key Performance Indicators to be formulated by the WE-ROC Council by the end of August 2018 and an annual performance appraisal to be completed by April 2019.

CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Cr Day**

That the Executive Officer's report be noted, and the Executive Officer provide input into the planning process on behalf of WE-ROC's Member Councils.

CARRIED

RESOLUTION: **Moved: Cr Day** **Seconded: Mr Griffiths**

That the Memorandum of Understanding between the Shire of Merredin, WE-ROC and the Shires of Cunderdin and Tammin for Visitor Servicing and Regional Promotion through the Central Wheatbelt Visitor Centre be approved for a three (3) year period.

CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Mr Powell**

That WE-ROC accept the proposal and costing provided by go2Guides for the further development of the WE-ROC App at a cost of \$8,520 (GST exclusive).

CARRIED
7/1

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Mr Mollenoyux**

That:

- 1. Accingo be advised that whilst WE-ROC is pleased with the concept, it considers the quoted cost is high and therefore the quote is not accepted;**
- 2. WE-ROC seek further discussions with Accingo to refine a scope of works to obtain a revised costing from Accingo to undertake Phase 1 (Asset and People Optimisation) of its assets and resources management platform; and**
- 3. The issue of plant utilisation and sharing be listed for discussion at the next Executive Meeting.**

CARRIED 7/1

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

Nil (not directly in regards to formalisation 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 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 FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 2nd May, 2018.

COUNCIL RECOMMENDATION

MIN 089/18 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 2nd May, 2018.

CARRIED 6/0

Agenda Reference:	11.1.8
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Disclosure of Interest:	N/A
Date:	5 th June, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

To seek Council's endorsement for the application of the Shire of Kellerberrin Common Seal in accordance with the Common Seal Register.

COMMENT

The Shire of Kellerberrin's Common Seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the Seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the Seal is applied. The register is maintained, updated and should be presented to Council on a quarterly basis. A process will be put in place to ensure that this occurs. It is recommended that Council formalises the receipt of the affixation of the Common Seal Report for endorsement.

Generally, the Common Seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the Seal is required to be applied urgently and Council's endorsement is sought retrospectively.

Attached to this report is a short list of agreements that require Council endorsement for use of the Common Seal.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil (not required statutory function of the Council)

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council endorse the affixing of the Shire of Kellerberrin's Common Seal as per the attached Common Seal Register document.

COUNCIL RECOMMENDATION

MIN 090/18 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council endorse the affixing of the Shire of Kellerberrin's Common Seal as per the attached Common Seal Register document.

CARRIED 6/0

Agenda Reference:	11.1.9
Subject:	Delegated Authority review to CEO
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Administration
File Ref:	Delegations File (SAFE)
Record Ref:	
Disclosure of Interest:	
Date:	4 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Local Government Act 1995 as amended, the associated Regulations and the Compliance Audit Return requires the Local Government to review its delegation of Powers/Authority to the Chief Executive Officer, at least once in every twelve (12) months and then for the Chief Executive Officer to review his Delegation of Authority to identified Senior Staff and Management Staff within the same review period.

June 2017 Council Meeting

MIN 090/17 MOTION - Moved Cr. O'Neil 2nd Cr. Leake

That Council:

- 1. in accordance with section 5.42 of the Local Government Act 1995 as amended***
- 2. in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,***
- 3. adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 4. Cancel all previous Delegations to the Chief Executive Officer.***

CARRIED 7/0
ABSOLUTE MAJORITY

July 2016 Council Meeting

MIN 118/16 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

MIN 97/15 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 6/0
BY ABSOLUTE MAJORITY

MIN 73/14 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

MIN 101/13 MOTION - Moved Cr. Clarke 2nd Cr. O'Neill

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 5/0
BY ABSOLUTE MAJORITY

MIN 223/12 MOTION - Moved Cr. Bee 2nd Cr. Forsyth

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

The proposed delegations are summarised as per the enclosed Delegations Schedule and has been presented on the basis of;

1. Statutory Requirement to do so under the Local Government Act 1995 associated Regulations of the Local Government Act 1995, the Bush Fires Act 1954 and the Compulsory Annual Compliance Audit Return.
2. For continued and efficient Management of daily Functions of the Staff to completing Business and Administrative requirements of the Council.
3. The proposed Delegations are in accordance with Local Government Industry Standards of a Local Government Operation of this size.
4. The attached Delegations Schedule has been amended to include Local Government Act changes and associated Regulations changes to keep the list at a minimum standard for efficient and effective management of Councils daily business requirements and in accordance with the statutory functions of the Council and that of the Chief Executive Officer.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Bush Fires Act 1954

7. Interpretation

- (1) In this Act unless the context otherwise indicates or requires —

adjoining, when used with respect to 2 or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;

authorised CALM Act officer means a wildlife officer, forest officer, ranger or conservation and land management officer who is authorised for the purposes of section 45(3a) of the *Conservation and Land Management Act 1984*;

Authority means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;

bush includes trees, bushes, plants, stubble, scrub, and undergrowth of all kinds whatsoever whether alive or dead and whether standing or not standing and also a part of a tree, bush, plant, or undergrowth, and whether severed therefrom or not so severed. The term does not include sawdust, and other waste timber resulting from the sawmilling of timber in a sawmill whilst the sawdust and other waste timber remains upon the premises of the sawmill in which the sawmilling is carried on;

bush fire brigade means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

CALM Act CEO has the meaning given to “CEO” by section 3 of the *Conservation and Land Management Act 1984*;

CALM Act Department has the meaning given to “Department” by section 3 of the *Conservation and Land Management Act 1984*;

Chief Executive Officer means the person holding, acting in, or otherwise discharging the duties of, the office of chief executive officer of the Authority, as referred to in section 19 of the FESA Act;

forest land means State forest and timber reserves within the meaning of the *Conservation and Land Management Act 1984* and any land to which section 131 of that Act applies;

member of the Authority means a member of the board of management referred to in section 6 of the FESA Act;

occupier of land means, subject to subsection (2), a person residing on the land or having charge or control of it, whether the person is the owner or tenant or a bailiff, servant, caretaker, or other person residing or having charge or control of the land and includes a person who as mortgagee in possession has possession of the land, while the land is unoccupied, and also a person who has the charge or control of 2 or more separate parcels of land, although the person resides on only one of the parcels;

prohibited burning times means the times of the year during which it is declared by the Minister under section 17 to be unlawful to set fire to the bush within a zone of the State and, in relation to any land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated or in respect of that land in particular;

restricted burning times means the times of the year during which it is declared by the Authority under section 18 to be unlawful to set fire to the bush within a zone of the State except in accordance with a permit obtained under that section and with the conditions prescribed for the purposes of that section and, in relation to land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of that part of that zone, or the district or part of a district, in which that land is situated;

the FESA Act means the *Fire and Emergency Services Authority of Western Australia Act 1998*.

- (2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

10. Powers of Authority

- (1) The Authority shall —
 - (a) report to the Minister as often as it thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;
 - (b) perform and undertake such powers and duties as may be entrusted to it by the Minister;
 - (c) subject to the general control of and direction by the Minister, be responsible for the administration of this Act;
 - (d) recommend to the Minister the prohibited burning times to be declared for the whole or any part of the State;
 - (e) carry out such fire prevention measures as it considers necessary;
 - (f) carry out research in connection with fire prevention and control and matters pertaining to fire prevention and control;
 - (g) conduct publicity campaigns for the purpose of improving fire prevention measures.
- (2) The Authority may —
 - (a) recommend that the Chief Executive Officer appoint and employ such persons as the Authority considers necessary for carrying out the provisions of this Act;
 - (b) organise and conduct bush fire brigade demonstrations and competitions and provide prizes and certificates for presentation to bush fire brigades and competitors;
 - (c) pay the expenses of bush fire brigades attending bush fire brigade demonstrations.

12. Appointment of bush fire liaison officers

- (1) The Chief Executive Officer may, on the recommendation of the Authority and with the approval of the Minister, appoint persons under section 20 of the FESA Act to be bush fire liaison officers for the purposes of this Act.
- (2) Any person who was a bush fire warden immediately before the coming into operation of section 9 of the *Bush Fires Act Amendment Act 1977*¹ shall be deemed to have been appointed to be a bush fire liaison officer under subsection (1).

[Section 12 inserted by No. 65 of 1977 s. 9; amended by No. 42 of 1998 s. 10.]

14. Members of the Authority and other persons may enter land or buildings for purposes of the Act

- (1) A member of the Authority, an officer who is authorised by the Authority so to do, a bush fire liaison officer and a bush fire control officer, appointed in accordance with the provisions of this Act, and, subject to the proviso to this section, a member of the Police Force, is empowered to enter any land or building at any time to —
 - (a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
 - (b) examine a fire which he believes is not under proper control;
 - (c) examine fire-breaks on the land;
 - (d) examine anything which he considers to be a fire hazard existing on the land;
 - (e) investigate the cause and origin of a fire which has been burning on the land or building;
 - (f) inspect fire precaution measures taken on the land;
 - (g) investigate and examine the equipment of a bush fire brigade;
 - (h) do all things necessary for the purpose of giving effect to this Act.

Provided that a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in paragraphs (a), (b) and (e).

- (2) A bushfire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

[Section 14 amended by No. 11 of 1963 s. 5; No. 65 of 1977 s. 11 and 47; No. 60 of 1992 s. 8; No. 42 of 1998 s. 16; No. 38 of 2002 s. 20.]

[Divisions 3 and 4 (s. 15-16E) deleted by No. 42 of 1998 s. 11(1).]

Part III — Prevention of bush fires

[Division 1 deleted by No. 65 of 1977 s. 12.]

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister

- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
- (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.

- (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
- (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
- (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.
- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (7)(a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
 - (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
 - (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
 - (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
 - (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
 - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
 - (i) rescind or modify the variation as directed in the notice; and

- (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsections (7) and (8) **publish** means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).
- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.
Penalty: \$10 000 or 12 months' imprisonment or both.

[Section 17 inserted by No. 65 of 1977 s. 13; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 21 and 40(1).]

Division 3 — Restricted burning times

18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.
- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.
- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (b) imposing a further period of restricted burning times.
- (5)(a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
 - (i) vary the restricted burning times in respect of that year in the district or a part of the district by —
 - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (B) imposing a further period of restricted burning times;

or

- (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of —
 - (i) shortening the restricted burning times by; or
 - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.
- (c) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (d) For the purposes of this subsection **prescribed condition** includes the requirement of subsection (6)(a).
- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
 - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
 - (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section

except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.

- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500.

For a second or subsequent offence \$10 000.

[Section 18 inserted by No. 65 of 1977 s. 14; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 22, 39 and 40(1).]

Part V — Miscellaneous

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
- (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

[Section 48 inserted by No. 38 of 2002 s. 35.]

50. Records to be maintained by local governments

- (1) A local government shall maintain records containing the following information —
- (a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;
 - (b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;
 - (c) particulars of the nature, quantity, and quality of the bush fire fighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.
- (2) The Governor may make regulations —
- (a) requiring an owner or occupier of land to notify the local government in whose district the land is situated of the occurrence of any bush fire on the land;
 - (b) requiring a local government to send to the Authority particulars of losses caused by bush fires in its district;
 - (c) prescribing the times at or within which, and the manner in which, the requirements of the regulations shall be complied with;
 - (d) imposing a maximum penalty of \$1 000 for any breach of the regulations.

Compliance Audit Report

Annual endorsement and certification, that the process of Council and CEO has reviewed its delegated authority respectively.

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil (not required – a statutory function of the Council and of the Chief Executive Officer)

ABSOLUTE MAJORITY – YES

STAFF RECOMMENDATION

That Council:

1. *in accordance with section 5.42 of the Local Government Act 1995 as amended*
2. *in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,*
3. *the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
4. *Cancel all previous Delegations to the Chief Executive Officer.*

COUNCIL RECOMMENDATION

MIN 091/18 MOTION - Moved Cr. Steber

2nd Cr. Reid

That Council:

1. *in accordance with section 5.42 of the Local Government Act 1995 as amended*
2. *in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,*
3. *the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
4. *Cancel all previous Delegations to the Chief Executive Officer.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.10
Subject:	Authorised & Registration Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ENG 01
Disclosure of Interest:	N/A
Date:	5 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

To authorise employees to act of behalf of Council as an Authorised and/or Registration Officer of Council.

COMMENT

Council annually reviews the Authorised and Registration Officers for Council to act on behalf of Council under the provision of the provided Legislation.

FINANCIAL IMPLICATIONS

- Cost of advertising within the Government Gazette

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

The following legislation is referred to for Council's Authorised and Registration Officers;

- Caravan Park and Camping Ground Act 1995
- Shire of Kellerberrin Cemetery Local Law 2003
- Local Government Property Local Law 2006
- Local Government Act 1995
- Litter Act 1979
- Control of Vehicles (Off-Road Areas) Act 1978
- Bush Fires Act 1954
- Cat Act 2011
- Dog Act 1976
- Local Government (Miscellaneous Provisions) Act 1960
- Food Act 2008
- Building Act 2011

STRATEGIC PLAN IMPLICATIONS – Nil

STRATEGIC PLAN IMPLICATIONS:

Shire of Kellerberrin Strategic Plan

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
Personal Assistant

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:

- 1. adopts the Authorised Officers Schedule as presented*
- 2. adopts the Registration Officers Schedule as presented*

BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 092/18 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council:

- 1. adopts the Authorised Officers Schedule as presented*
- 2. adopts the Registration Officers Schedule as presented*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.11
Subject:	Council Representatives & Council Motions 2018 Local Government Week Convention
Location:	Perth Convention & Exhibition Centre (PCEC)
Applicant:	Shire of Kellerberrin
File Ref:	
Disclosure of Interest:	N/A
Date:	30 th May, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The 2018 Local Government Week Convention and Exhibition is to be held in the Perth Convention and Exhibition Centre from Wednesday 1st – Friday 3rd August 2018.

Council's policy automatically permits the President, Deputy President and Chief Executive Officer to attend Local Government Week, should any other member wish to attend Council will need to endorse their attendance.

Additionally WALGA provide Council's the opportunity to have items presented to the Annual General Meeting for consideration and deliberation by the meeting should Council have an issue they would like discussed.

COMMENT

Council is permitted two voting rights at the AGM, if the President or Deputy President are unable to attend Council may nominate other Councillors to attend.

Council has received additional information from WALGA seeking Council's Expressions of Interest for a "Dialogue Issue Brief" session with various Departments of State Government during the conference on Wednesday 1st August 2018 from 9.15am - 12.30pm.

The program will be run in two segments: an opening series of policy presentations from relevant Ministers followed by an open exchange with the audience; and pre-approved rotational 10 minute discussions on pre-determined topics between Directors General and Council representatives.

Date: Wednesday, 1 August 2018

Venue: Perth Convention & Exhibition Centre

Time: 9:15am – 12:30pm followed by lunch (*Registration from 8:45am*)

9:15am – 10:30am Party Policy Presentations and Sector Policy Development

Presentations from Government Ministers and panel discussion

Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts

Hon Dave Kelly MLA, Minister for Water; Fisheries; Forestry; Innovation and ICT; Science

Hon Fran Logan MLA, Minister for Emergency Services; Corrective Services

Hon Rita Saffioti MLA, Minister for Transport; Planning; Lands

Hon Stephen Dawson MLC, Minister for Environment; Disability Services

Hon Ben Wyatt MLA, Treasurer; Minister for Finance; Energy; Aboriginal Affairs

10:30am – 12:20pm Rotational Dialogues with Director Generals

As per the attached documentation the meetings are for ten minutes, therefore Council needs precise items to list for the Department's Director General to take on notice and get back to

Council. Council needs to consider which of the above are priorities as we may only have the opportunity to speak to only one of the above mentioned.

Council's Chief Executive made contact with Councillors via email on the 19th April 2018 seeking interest to attend this year's conference with the following replies:

- Council's President advised that he will attend the AGM including the Forum in the morning only.
- Cr McNeil – Advised not this year
- Cr White – Advised not this year.

FINANCIAL IMPLICATIONS

Council normally budgets for two (2) attendees at the Local Government Week convention with the following breakdown.

	BUDGET
• Registration	\$3,000
• Meal Allowance	\$ 300
• Accommodation	\$ 650
TOTAL	<u>\$3,950</u>

Should additional Councillors wish to attend as they have not previously attended Council will budget sufficient funds to ensure the members can attend.

POLICY IMPLICATIONS

Western Australian Local Government Association Standing Orders for the conduct of the Annual General Meeting of the Western Australian Local Government Association 2009.

POLICY NUMBER	-	5.1
POLICY SUBJECT	-	Conference & Meeting Attendance & Expenses
DATE OF ADOPTION	-	January 2003
REVIEWED	-	October 2016

Purpose

To ensure Councillors are aware of opportunities to attend Local Government Week Conference and other conferences and meetings requiring/allowing the attendance of a representative of Council.

Policy

Notices inviting Council to nominate delegates or observers to conferences, meetings and similar occasions be circulated to all Councillors. Any Councillors who wish to represent Council at such an event shall request nomination at a Council Meeting. Council shall decide by resolution to nominate such representatives as Council may consider are appropriate.

Councillors receiving authorisation to attend are required to provide a written report on attendance of meeting.

Council will pay the conference/meeting registration fees, accommodation expenses as deemed appropriate by Council and travelling expenses for the delegate if using their private vehicle, at a rate of 50 cents per kilometre of travel.

Conference – Local Government Week

The Council President, Deputy President and the Chief Executive Officer will be the nominated delegates for Council. In the event of these delegates not being able to attend, Council may decide by resolution, to choose other Councillors to replace them.

Councillors wishing to attend the Annual Conference in addition to the nominated delegates should advise when registrations are requested or when notice of Conference is presented to Council.

Council shall determine by resolution all matters pertaining to representatives, numbers of Councillors attending and payment of expenses, but the following shall be used as a guide;

1. Council shall pay the expenses of Annual Conference delegates.
2. Council shall pay the cost of conference registration for the delegate and the annual dinner fee for both the delegate and delegate's partner.
3. Council shall pay the accommodation expenses, which includes bed and breakfast for the delegate and delegate's partner.

Other Conferences. Meetings and Occasions

All proposals for attendance at other conferences and meetings shall firstly be subject to an assessment by Council with advice from the Chief Executive Officer based on the following criteria –

Whether the proposal relates to an objective identified within the current or future strategic direction of Council.

The current relevance of the proposal to the Shire.

Historic or expected attendance.

The relationship of the proposal to the outcomes to be delivered and how these relate to the Councillor's role as either a Presiding Member, Committee Member or Councillor.

Equity of opportunity and the remaining period of office of the Councillor concerned including recognition of the number of opportunities previously provided to the Councillor.

Whether there are more cost effective options to acquire the relevant knowledge and information.

Whether it is appropriate that more than one Councillor attend.

The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the future impact on conference attendance by other Councillors during the current financial year.

Administration Process

Registration for all approved conferences and meetings including travel and accommodation must be organised through the Chief Executive Officer. Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be paid direct by the Shire.

Reimbursement of Expenses

Authorised expenditure shall be reimbursed to the Councillor delegate upon presentation of receipts. Councillor delegates will be personally liable for any outstanding amounts not properly authorised.

The Chief Executive Officer is responsible for implementing this policy.

STATUTORY IMPLICATIONS: Nil (not known at this time – decision making processes)

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil (elected body to determine)

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council appoints Cr. Forsyth as Council's voting delegate.

COUNCIL RECOMMENATION

MIN 093/18 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council appoints Cr. Forsyth as Council's voting delegate

CARRIED 6/0

Agenda Reference:	11.1.12
Subject:	Dual Fire Control Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Merredin
File Ref:	BUSH 00
Record Ref:	
Disclosure of Interest:	N/A
Date:	30 th May, 2018
Author:	Mr Sean Sibly, Deputy Chief Executive Officer

BACKGROUND

Council has received correspondence from the Shire of Merredin nominating the following Fire Control Officer for Dual Appointment as Fire Control Officer with the Shire of Kellerberrin and Shire of Merredin.

- o Mr Cam Gethin
- o Mr Colin Miller

COMMENT

Council has been working with surrounding Local Governments to have Dual Registration of Fire Control Officers.

FINANCIAL IMPLICATIONS - NIL

POLICY IMPLICATIONS

POLICY NUMBER	-	3.1
POLICY SUBJECT	-	Bush Fire Control Officers
DATE OF ADOPTION	-	January 2003
REVIEWED	-	October 2014

Purpose

To have guidelines to follow for the appointment and actions of Fire Brigade Officers & Bush Fire Advisory Committee.

Policy

Appointment:

1. In accordance with relevant provisions of the Bush Fires Act 1954 (as amended), Council shall appoint required Fire Control Officers, including the positions of Chief Bushfire Control Officer and Deputy Chief Bush Fire Control Officer. The adopted procedure for these appointments will be as follows;

- a) The Shire appointed Bushfire Advisory Committee shall at their March Annual Advisory Meeting consider and recommend to Council, the appointment of required Fire Control Officers including the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer.
- b) The Shire Bush Fire Advisory Committee shall undertake the following tasks at their two (2) annual Advisory Meetings in March and September of each year as follows;
 - (i) Fire Control Officer Appointments and recommendation - March
 - (ii) Firebreak Order Review and recommendation - March

- (iii) Capital Equipment/Vehicle Replacement Budget (ESL) Planning and recommendation - March
- (iv) Prohibited and Restricted Burning periods review and recommendation - March
- (v) Communications Strategies including radios and repeater network review and recommendation – March or September
- (vi) Bushfire Policy Review and recommend to the Council for consideration – March or September
- (vii) Other Business – not included above and of a substantive nature – March or September

It should be noted that all business considered at a Bushfire Advisory Meeting is presented to the Council with recommendations for Council consideration and/or adoption. The Shire agrees to provide Administrative support to the Shire of Kellerberrin Bushfire Advisory Meetings only.

2. Fire Control Officers are not permitted to issue permits to burn, for their own purposes. Fire Control Officers wishing to burn must obtain a permit from another authorised Fire Control Officer.

- a) Authority to Act at a Bushfire Emergency – that the Chief Executive Officer be authorised to release/allocate Council operated vehicles, plant and machinery to a Bushfire Emergency, in consultation with or upon request from the Fire Control Officer in charge at the Bushfire Scene.
- b) Recovery of Costs from a Bushfire Emergency - costs incurred by Council vehicle/s, plant and machinery attending to an extreme/out of control Bushfire Emergency, is to be recouped from the ESL Scheme (DFES).

Bush Fire Courses - It be Council's policy that every encouragement be given to the Bush Fire Brigade Members and Fire Control Officers to attend Bush Fire and Fire Control Officer Courses run by DFES.

That Fire Control Officers be authorised to expend up to \$200 without authorisation. Expenditure above \$200 is to be authorised by the Chief Executive Officer in the course of management of control of a bushfire and that DFES be notified of the expense required to assist with controlling a fire.

STATUTORY IMPLICATIONS

Bush Fires Act 1954

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- [(b) deleted]*
- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.

- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - [(b) and (c) deleted]
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5)(a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6)(a) In this section —

“approved local government” means a local government approved under paragraph (b) by the Authority.
- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has

precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.

- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

[Section 38 amended by No. 35 of 1957 s. 7; No. 20 of 1958 s. 2; No. 11 of 1963 s. 18; No. 67 of 1970 s. 4; No. 65 of 1977 s. 36; No. 51 of 1979 s. 4; No. 60 of 1992 s. 21; No. 14 of 1996 s. 4; No. 10 of 1998 s. 20(2); No. 42 of 1998 s. 16; No. 38 of 2002 s. 29.]

38A. Authority may appoint Chief Bush Fire Control Officer

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the FESA Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).
- (3) The provisions of this Act, other than section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
 - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
 - (b) the references in those subsections to the local government were references to the Authority.

[Section 38A inserted by No. 38 of 2002 s. 30.]

39. Special powers of bush fire control officers

- (1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —

- (a) exercise any of the appropriate powers of the Director of Operations under the *Fire Brigades Act 1942*, in so far as the same may be necessary or expedient, for extinguishing a bush fire or for preventing the spread or extension of the fire;
 - (b) enter any land or building, whether private property or not;
 - (c) pull down, cut, and remove fences on land, whether private property or not, if in his opinion it is necessary or expedient so to do for the purpose of taking effective measures for extinguishing a bush fire, or for preventing the spread or extension of the fire;
 - (d) cause fire-breaks to be ploughed or cleared on land, whether private land or not, and take such other appropriate measures on the land as he may deem necessary for the purpose of controlling or extinguishing a bush fire or for preventing the spread or extension of the fire;
 - (e) take and use water, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, and other fire extinguishing material from any source whatever on land, whether private property or not;
 - (f) take charge of and give directions to any bush fire brigade present at a bush fire with respect to its operations or activities in connection with the extinguishment or control of the bush fire, or the prevention of the spread or extension of the fire;
 - (g) any other thing which in his opinion is incidental to the exercise of any of the foregoing powers;
 - (h) employ a person or use the voluntary services of a person to assist him, subject to his directions in the exercise of any of the foregoing powers; and
 - (i) either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish the fire or prevent it from spreading, but except as arranged with or requested by an officer in charge of a fire brigade under the *Fire Brigades Act 1942*, this power shall not be exercised in a townsite in an area which has been declared a fire district under that Act or in a townsite in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.
- (2)(a) Where a bush fire is burning in or on forest land, or in or on Crown lands, if an authorised CALM Act officer is present at the fire, the powers and authorities conferred by this Act upon a bush fire control officer appointed under this Act by a local government are vested in and are exercisable by the authorised CALM Act officer.

[(b) *deleted*]

[Section 39 amended by No. 11 of 1963 s. 19; No. 51 of 1979 s. 5; No. 8 of 1987 s. 4; No. 14 of 1996 s. 4; No. 38 of 2002 s. 31 and 40.]

39A. Duties of bush fire authorities on outbreak of fire

- (1) On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.
- (2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.
- (3) This section applies only to bush fires which —
 - (a) have been lit or are maintained unlawfully;

- (b) have occurred accidentally;
- (c) have ceased to be under control or are not adequately controlled; or
- (d) are declared in the regulations to be bush fires to which this section applies.

[Section 39A inserted by No. 35 of 1957 s. 8; amended by No. 51 of 1979 s. 5; No. 14 of 1996 s. 4.]

40. Local governments may join in appointing and employing bush fire control officers

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

[Section 40 amended by No. 14 of 1996 s. 4.]

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Chief Bush Fire Control Officer
Shire of Merredin

STAFF RECOMMENDATION

That Council:

- 1. *appoints the following Shire of Merredin Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Merredin.*
 - i. *Mr Cam Gethin*
 - ii. *Mr Colin Miller*
- 2. *That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.*

COUNCIL RECOMMENDATION

MIN 094/18 MOTION - Moved Cr. Reid

2nd Cr. McNeil

That Council:

- 1. ***appoints the following Shire of Merredin Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Merredin.***
 - i. Mr Cam Gethin***
 - ii. Mr Colin Miller***
- 2. ***That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.***

CARRIED 6 /0

Agenda Reference:	11.1.13
Subject:	Lease Ex-Golf Club
Location:	Lot 307 Price Street, Kellerberrin
Applicant:	Activ Foundation/Shire of Kellerberrin
File Ref:	A766 & ORGL 13
Record Ref:	MIN 035/18 &
Disclosure of Interest:	Nil
Date:	5 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Shire of Kellerberrin – April Ordinary Meeting of Council – 17th April 2018

MIN 054/18 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council:

1. *advertises the proposed lease of areas known as Ex-Golf Club – Lot 307 Price Street, Kellerberrin to ACTIV and Kellerberrin Seniors Group in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995*
2. *authorise the Chief Executive Officer to draft a Lease Agreement with Activ ensuring co-location with the Kellerberrin Seniors Group.*
3. *Authorise the Chief Executive Officer to draft a Lease Agreement with Kellerberrin Seniors ensuring co-location with Activ.*
4. *subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with ACTIV for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$12,000 excluding GST; and*
5. *subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with Kellerberrin Seniors Group for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$NIL excluding GST; and*
6. *advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

Shire of Kellerberrin – March Ordinary Meeting of Council – 20th March 2018

MIN 035/18 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council defer the item until the April OMC in order to seek and evaluate further alternatives.

COMMENT

Council progressed the proposed lease to Activ and the Kellerberrin Seniors by advertising the proposed lease, wrote to the agencies and commenced preparation of a lease agreement for Activ.

Council received notification from Mr Wayne Wardle that he was going to head out to Kellerberrin to look at the facility with the view to commence operations on 1st June 2018.

Council subsequently on the 21st May 2018 received the following email after his onsite visit.

Hi Raymond,
I had the opportunity to inspect the Kellerberrin Golf Club House on Thursday.

Unfortunately, the building is will not be able to be utilised by Activ as the toilets are not able to be accessed by persons in a wheel chair and access ramps to the main entrance are not compliant.

Fortunately, Activ has secured a private rental within Kellerberrin, which provides suitable wheel chair access and amenities.

Thank-you for your assistance to date and we look forward to working closely with the Shire of Kellerberrin with regards to any suitable accommodation that may become available.



Council



issued an email to Activ advising them of Council's disappointment at the above notification as per the below email:

Wayne

Thank you for the email below.

I must view my disappointment with the below as there has been a lot of work and time go into not only this proposal though previous proposals.

This item has been to Council twice already and now I am taking it back a third time to rescind the motion to lease.

Council could have reviewed the situation with the toilets and looked to provide upgrades to the facility to cater for this disabled access as it was receiving funds through a lease payment to justify the expense. I would have though this question could have been asked prior to a thanks but no thanks.

Thank you
Raymond

FINANCIAL IMPLICATIONS

2018/2019 Budget and ongoing budgets.

Council's Management will remove the proposed income from the Draft Budget.

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned;
 - (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.
- (5) This section does not apply to —
 - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

- (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Mr Wayne Wardle

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council rescinds minute 054/18 as Activ no longer wish to pursue the leasing of the Ex-Golf Club Facility.

STAFF RECOMMENDATION

That Council:

1. *advertises the proposed lease of areas known as Ex-Golf Club – Lot 307 Price Street, Kellerberrin to Kellerberrin Seniors Group in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995*
2. *authorise the Chief Executive Officer to draft a Lease Agreement with the Kellerberrin Seniors Group.*
3. *subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with Kellerberrin Seniors Group for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$NIL excluding GST; and*
- 4.

COUNCIL RECOMMENDATION

MIN 095/18 MOTION - Moved Cr. McNeil

2nd Cr. Reid

That Council rescinds minute 054/18 as Activ no longer wish to pursue the leasing of the Ex-Golf Club Facility.

CARRIED 6/0

MIN 096/18 MOTION - Moved Cr. O'Neill

2nd Cr. White

That Council:

1. ***advertises the proposed lease of areas known as Ex-Golf Club – Lot 307 Price Street, Kellerberrin to Kellerberrin Seniors Group in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995***
2. ***authorise the Chief Executive Officer to draft a Lease Agreement with the Kellerberrin Seniors Group.***
3. ***subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with Kellerberrin Seniors Group for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$NIL excluding GST; and***

CARRIED 6/0

Agenda Reference:	11.1.14
Subject:	Approval to keep Three Dogs at a residence within the Kellerberrin Townsite.
Location:	14 Moore Street, Kellerberrin
Applicant:	Ms Sonya Morley
File Ref:	LLAW 12 & A804
Record Ref:	ICR181780
Disclosure of Interest:	Nil
Date:	30 th May, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 15th May 2018 received correspondence from Ms Sonya Morley requesting permission to house three dogs at 14 Moore Street, Kellerberrin.

The house is owned by Ms Sonya Morley.

COMMENT





A check of Councils Dog Register provided the following information:-

The dogs currently are all registered with the Shire of Kellerberrin.

Tag No	Name of Dog	Description	Colour Marking	Sex	Microchipped Y/N Number	Sterilised	Owner Other Name	Owner Surname
LT0080	Tiffany	Chihuahua	Tri Colour	F	985170002918193	N	Sonya	Morley
LT0081	Amy	Chihuahua	White/Tan	F	953010002497906	N	Sonya	Morley
LT0050	Rainbow	Bischon Friche	White	F	981000300628271	Y	Sonya	Morley

FINANCIAL IMPLICATIONS

All adult dogs are required to be registered with the Council and an annual registration fee is payable, all three dogs are currently registered.

All dogs have been licenced and paid for.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

- Dog Act 1976 as amended

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.

- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1 000 and a daily penalty of \$100.

- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,

may apply to the State Administrative Tribunal for a review of the decision.

- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268.]

Shire of Kellerberrin Dogs Local Law 2012

EXTRACT from "Dogs Local Laws"

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

STRATEGIC PLAN IMPLICATIONS: Nil

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

LONG TERM PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Shire Contract Ranger
Shire Administration Officers
Sonya Morley

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council approves the keeping of three dogs at 14 Moore Street, Kellerberrin subject to the following conditions:-

1. *Maintenance of suitable fencing to contain the dogs.*
2. *The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.*
3. *The approval becomes **void** if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.*

COUNCIL RECOMMENDATION

MIN 097/18 MOTION - Moved Cr. McNeil

2nd Cr. Reid

That Council approves the keeping of three dogs at 14 Moore Street, Kellerberrin subject to the following conditions:-

1. ***Maintenance of suitable fencing to contain the dogs.***
2. ***The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.***
3. ***The approval becomes void if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.***

CARRIED 6/0

Agenda Reference:	11.1.15
Subject:	Approval to keep Four Dogs at a residence within the Kellerberrin Townsite.
Location:	79 Forrest Street, Kellerberrin
Applicant:	Mr Simon Beckham
File Ref:	LLAW 12 & A522
Record Ref:	ICR18718
Disclosure of Interest:	Nil
Date:	5 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 30th May 2018 received correspondence from Mr Simon Beckham requesting permission to house four dogs at 79 Forrest Street, Kellerberrin.

The house is owned by Jodie and Greg Wootton who have provided Council with a letter of permission for Mr Beckham to house the four dogs at their property.

COMMENT





A check of Councils Dog Register provided the following information:-

The dogs currently are NOT registered with the Shire of Kellerberrin, however Mr Beckham has been in to pay the registration when he realised that he requires Council approval for the four dogs.

Tag No	Name of Dog	Description	Colour Marking	Sex	Sterilised	Owner Other Name	Owner Surname
	Princess	Chihuahua		Female		Simon	Beckham
	Quila	Chihuahua		Female		Simon	Beckham
	Abynissia	Chihuahua		Female		Simon	Beckham
	Shadow	Chihuahua		Female		Simon	Beckham

FINANCIAL IMPLICATIONS

All adult dogs are required to be registered with the Council and an annual registration fee is payable, all four dogs are currently registered.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

- Dog Act 1976 as amended

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.

- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.
- Penalty: \$1 000 and a daily penalty of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268.]

Shire of Kellerberrin Dogs Local Law 2012

EXTRACT from "Dogs Local Laws"

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

STRATEGIC PLAN IMPLICATIONS: Nil

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

LONG TERM PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Shire Contract Ranger
Shire Administration Officers
Simon Beckham

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council approves the keeping of four dogs at 79 Forrest Street, Kellerberrin subject to the following conditions:-

1. *Maintenance of suitable fencing to contain the dogs.*
2. *The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.*
3. *The approval becomes **void** if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.*

COUNCIL RECOMMENDATION

MIN 098/18 MOTION - Moved Cr. Steber

2nd Cr. McNeil

That Council approves the keeping of four dogs at 79 Forrest Street, Kellerberrin subject to the following conditions:-

1. ***Maintenance of suitable fencing to contain the dogs.***
2. ***The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.***
3. ***The approval becomes void if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.***

CARRIED 6/0

Agenda Reference:	11.1.16
Subject:	Shire of Kellerberrin – Private and Confidential Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	11 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council wish to move behind closed doors to discuss the Outstanding Rates Recoverable on Sale and Chief Executive Officer Performance Appraisal 2018.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
 where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

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

STAFF RECOMMENDATION

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss the Outstanding Rates Recoverable on Sale and Chief Executive Officer Performance Appraisal 2018.

COUNCIL RECOMMENDATION

MIN 099/18 MOTION - Moved Cr. Reid

2nd Cr. Steber

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss the Outstanding Rates Recoverable on Sale and Chief Executive Officer Performance Appraisal 2018.

CARRIED 6/0

Agenda Reference:	11.1.17
Subject:	Outstanding Rates – Recoverable on Sale PRIVATE AND CONFIDENTIAL
Location:	14 Mitchell Street.
Applicant:	Shire of Kellerberrin
File Ref:	A385
Record No.:	
Disclosure of Interest:	N/A
Date:	29 th May, 2018
Author:	Brett Taylor, Finance Officer

COUNCIL RECOMMENDATION

MIN 100/18 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Private and Confidential items.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.18
Subject:	Performance Appraisal - Chief Executive Officer Private and Confidential
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Personal File (CEO)
Record Ref	NHR16616
Disclosure of Interest:	N/A
Date:	11 th June, 2018
Author:	Cr Rod Forsyth, Deputy President

COUNCIL RECOMMENDATION

MIN101/18 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Private and Confidential items.

CARRIED 6/0

MIN 102/18 MOTION Moved Cr. McNeil 2nd Cr. Reid

That Council moves back from behind closed doors.

CARRIED 6/0

Agenda Reference:	11.1.19
Subject:	Council Committee Representation Update
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	7 th June, 2018
Author:	Mr Sean Sibly, Deputy Chief Executive Officer

BACKGROUND

Council's November 2017 Ordinary Meeting of Council

MIN 210/17 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

Audit Committee

That Audit Committee comprises full Council.

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Forsyth

Delegate - Cr. O'Neill

Delegate - Cr Reid

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - Cr. O'Neill

Deputy - Chief Executive Officer

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

Chief Executive Officer

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. O'Neill

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Steber

Sport & Recreation Steering Committee

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. White

Deputy - Cr. McNeil

Chief Executive Officer

Local Hospital Advisory Group (L-HAG)

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Forsyth

Deputy - Cr. O'Neill

Community Resource Centre Management Committee
Council's representatives on the Kellerberrin Community Resource Centre Management Committee are:
Delegate - Cr. O'Neill
Deputy - Cr. Leake

Kellerberrin Swimming Pool Facility Redevelopment Steering Committee
Council's representatives on the Kellerberrin Swimming Pool Facility Redevelopment Steering Committee are:
Delegate - Cr. Forsyth
Deputy - Cr. Leake

Regional Development Assessment Panel
Council's representatives on the Regional Development Assessment Panel are:
Delegate - Cr. Forsyth
Deputy - Cr. Leake

Independent Kellerberrin District High School Board Panel
Council's representatives on the Independent Kellerberrin District High School Board are:
Delegate - Cr. Reid

Central East Aged Care Committee (CEACA)
Council's representatives on the Central East Aged Care Committee (CEACA) are:
Delegate - Mr. Forsyth
Deputy Delegate – Mr. Steber
Deputy Delegate – Chief Executive Officer

CARRIED 7/0

COMMENT

Pursuant to its Bi-Annual Election process, Council last determined the distribution of duties across Councillors for Community based Committees in October 2017

Since that time Council has been requested to nominate a representative to the Management Committee of Wheatbelt Agcare, which it is entitled based on historic and ongoing financial support.

Wheatbelt Agcare's mobile Family Counselling Service is funded by the Department for Child Protection & Family Support and participating Shires. Historically, the service serves the Shires of Dowerin, Kellerberrin, Koorda, Merredin, Mount Marshall, Mukinbudin, Nungarin, Trayning, Westonia, Wyalkatchem and Yilgarn.

The meeting occurs bi-monthly in Nungarin and can be accompanied by Shire-specific Counsellor Report and Statistics if requested.

FINANCIAL IMPLICATIONS

Financial support of Wheatbelt Agcare in the coming financial year is to amount to \$550.00 inclusive of GST.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Subdivision 2 — Committees and their meetings

5.10. Appointment of committee members

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

** Absolute majority required.*

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

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Interpretation Act 1984

52. Power to appoint includes power to remove, suspend, appoint acting officer etc.

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power —
 - (a) to remove or suspend a person so appointed to an office or position, and to reappoint or reinstate, any person appointed in exercise of such power or duty; and
 - (b) where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
 - (c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), **cause** includes —

- (a) illness; and
 - (b) temporary absence from the State; and
 - (c) conflict of interest.
- (3) The validity of anything done by a person purporting to act under an appointment made under subsection (1)(b) shall not be called in question on the ground that the occasion for his appointment had not arisen or had ceased.
- (4) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position and that power or duty is exercisable only upon the nomination or recommendation, or is subject to the approval, concurrence, or consent of some other person, then the powers conferred by subsection (1)(a) to (c) shall only be exercisable upon such nomination or recommendation or subject to such approval, concurrence, or consent.
- (5) Nothing in this section affects the tenure of office or position of any person under the express provisions of any written law.

[Section 52 amended by No. 31 of 2010 s. 7.]

53. Appointments may be by name or office

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or
- (c) be or do any other thing,

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

54. Statutory bodies, majority and quorum provisions

- (1) Where a written law confers or imposes a function upon a body or number of persons consisting of not fewer than 3 persons, the function may be performed by a majority of those persons.
- (2) Where a written law establishes a board, commission, committee, council or other similar body consisting of 3 or more members (in this section called an **association**) —
 - (a) at a meeting of the association, a number of members of the association equal to —
 - (i) at least one half of the number of members provided for by the written law, if that number is a fixed number; and
 - (ii) if the number of members provided for by the written law is not a fixed number but is within a range having a maximum or minimum, at least one half of the number of members in office if that number is within the range, constitutes a quorum; and
 - (b) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, shall be deemed to have been done by the association.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

Strategic Priority 1.1

We are a vibrant and viable, culturally diverse and engaging and unified community with strong links to history, culture and the creative arts.

Goal 1.1.1	To foster an environment that celebrates the diversity of the community.
Council's Role	<ul style="list-style-type: none"> ■ To lead and promote community programs and initiatives ■ To facilitate discussion with community / stakeholder groups ■ To participate in programs and initiatives as a key member of the community
Goal 1.1.2	To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate provision of information on our community to the public ■ To collaborate with groups to develop community historical and cultural information ■ To lead, promote and participate in community cultural events and programs ■ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding
Goal 1.1.3	To encourage the growth of local regional and indigenous arts, culture and history.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate and lead discussions with local community groups on heritage and culture ■ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture ■ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture
Goal 1.1.4	To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.
Council's Role	<ul style="list-style-type: none"> ■ To promote communication between Council and community members ■ To encourage open dialogue between community members and elected representatives ■ To collaborate with external parties to identify opportunities to promote local culture and history across the region

Strategic Priority 1.2

Our residents feel supported and cared for through the provision of a range of quality community services.

Goal 1.2.1	To create and activate cultural places that will draw community involvement.
Council's Role	<ul style="list-style-type: none"> ■ To collaborate with community members, groups, and external parties to create an inviting space for the enjoyment of all community members ■ To develop a public space strategy that will activate streetscapes and provide an environment for all members of the community and visitors to enjoy. ■ To lobby state and federal government for funding support to develop community and public facilities and provide improved services for the community and visitors.
Goal 1.2.2	To establish relationships to develop and deliver essential health and education services to the region.
Council's Role	<ul style="list-style-type: none"> ■ To create and foster relationships with state and federal agencies and external parties to provide additional essential services to the region ■ To lobby for the provision of increased and improved essential health and education services to the region ■ To lobby for additional grants and monetary support to fund the provision of essential services
Goal 1.2.3	To collaborate with partners to provide activities and events that will educate and enrich the lives of our residents and visitors of all ages.

Council's Role	<ul style="list-style-type: none"> ■ To establish relationships with external agencies / parties / government departments and identify programs and initiatives to enhance the lifestyle and wellbeing of community members and residents ■ To lobby for funding and grants to support the implementation of community lifestyle and wellbeing programs and initiatives
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Strategic Priority 1.3

Present a Shire with high visual and aesthetic appeal to neighbouring Shire Councils and visitors

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with community members to identify priority community infrastructure upgrades ■ To develop and implement a program of visual improvements throughout the Shire. ■ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities. ■ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.
Goal 1.3.2	To plan and design assets and facilities to address community needs and expectations.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements ■ To develop a program to upgrade / develop new community facilities ■ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure ■ To lobby state / federal agencies for community funds to facilitate development of public / community facilities

Strategic Priority 2.1

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

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management best practice principles into our day to day operations. ■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal. ■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible. ■ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs. ■ To operate and maintain assets in the most economical and efficient manner possible. ■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.

Council's Role	<ul style="list-style-type: none"> ■ 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.
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Strategic Priority 2.2

We are a Shire that respects and aims to preserve the quality of the natural environment and rural landscape and promote environmental sustainable initiatives.

Goal 2.2.1	To raise awareness and interest of the natural environment and key factors affecting the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs. ■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices. ■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate. ■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives. ■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives. ■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.
Goal 2.2.2	To work with organisations to promote actions to enhance the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire. ■ To facilitate the development of environmental initiatives and programs and implement these across the community. ■ To encourage community participation in environmental initiatives and programs.
Goal 2.2.3	To promote opportunities to encourage sustainable environmental practices across the Shire.
Council's Role	<ul style="list-style-type: none"> ■ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices. ■ To make information and educational packages on the principles of environmental sustainability accessible to the community. ■ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public. ■ To seek information and feedback from the community on environmental awareness initiatives and programs. ■ To facilitate and host community based environmental awareness initiatives and programs.

Strategic Priority 3.1

Our Elected Representatives provide effective, respected and progressive leadership

Goal 3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
Council's Role	<ul style="list-style-type: none"> ■ To provide up to date information on Council services, operations, activities and decisions to the community. ■ To ensure Council information is accurate and easily accessible by the community.

	<ul style="list-style-type: none"> ■ To provide responses and encourage feedback from the community.
Goal 3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
Council's Role	<ul style="list-style-type: none"> ■ To provide up to date information on Council and community activities and events to community residents. ■ To encourage responses and feedback from the community on Council initiatives and programs. ■ To provide open dialogue between the community and Council members and to listen to the responses provided by the community. ■ To facilitate and initiate community based programs, activities and events to promote community pride and participation.
Goal 3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
Council's Role	<ul style="list-style-type: none"> ■ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution. ■ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes. ■ To provide access to up to date information on Council and Council services. ■ To encourage participation in community consultation events.
Goal 3.1.4	To actively pursue a positive community spirit and support.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate programs and initiatives that will improve the community spirit and pride. ■ To provide open, honest and friendly discussions between Council and community members. ■ To assist and be responsive to community requests and needs.

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

Goal 4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
Council's Role	<ul style="list-style-type: none"> ■ To identify opportunities to enhance the local economy. ■ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire. ■ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities. ■ Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and identify new ventures / opportunities to create economic opportunities.
Goal 4.1.2	To work with local businesses to improve and enhance the quality of service provided.
Council's Role	<ul style="list-style-type: none"> ■ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services. ■ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community. ■ To develop initiatives with external parties to educate and improve the welfare of local businesses.
Goal 4.1.3	To identify economic trends and create employment and business opportunities for the local community.
Council's Role	<ul style="list-style-type: none"> ■ To work with local business communities and education and health service providers to identify what is required to improve and enhance services. ■ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the

	community.
	<ul style="list-style-type: none"> ▪ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community. ▪ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.

- | | |
|--|--|
| | community. |
| | <ul style="list-style-type: none"> ▪ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community. ▪ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives. |

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

LONG TERM FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

Management Committee – Wheatbelt Agcare Community Support Services Inc.

Council's representatives on the Management Committee comprise:

Delegate - Cr. _____

Delegate – Cr. _____

Deputy – _____

COUNCIL RECOMMENDATION

MIN 103/18 MOTION - Moved Cr. White **2nd Cr. Steber**

That Council:

- 1. supports Wheatbelt Agcare through its financial donation;*
- 2. Declines the opportunity to provide a representative on the Management Committee.*

CARRIED 6/0

Agenda Reference:	11.1.20
Subject:	Cheque List for May 2018
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th June, 2018
Author:	Miss Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st May 2018 – 31st May 2018

Trust Fund

EFT & CHQ

TRUST TOTAL	\$ 1,546.91
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Municipal Fund

Cheque Payments

34411 - 34428	\$ 27,442.80
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EFT Payments

8340 - 8440	\$ 377,830.25
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Direct Debit Payments	\$ 29,468.09
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TOTAL MUNICIPAL	\$ 405,273.05
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COMMENT

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

Colas WA Pty Ltd	\$ 85,933.22
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Two coat bitumen seal, 14mm 95/5 cutback bitumen, 1st coat primerseal, Kwolyin West Road

Western Stabilisers	\$ 30,250.83
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Wet mixing, 200/220mm mix depth for 11,630m/2, 11,630m/2, 1,632m/2, 3,940m/2, for George St upgrade & intersection, Lump sum, Mobilisation & Demob of Stabiliser and Spreader truck

Rylan Pty Ltd	\$ 29,542.59
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150mm High SM-1 Kerbing, George Street, Kellerberrin, 388lm 100 high A-1 Kerbing

WV Plumbing and Gas Replace Water Valves for Fire Hydrant at Recreation Centre, as per Quote 439	\$	21,010.00
Rockway Contracting Tree mulching, Hire & Labour	\$	15,950.00
Woodstock Electrical Services Works for Park Upgrade Lights, Wiring, Laying Conduit, Supply and Install Electric HWS toilet block, LED lights, Installation of wiring at Ladies Change rooms, Repair water pump in shed at Rec Centre, Rectify lighting issue at Park, Install W/P PPT at BBQ area, Power cable, Glands & Labour, Repair electrical at 29 Hammond St,	\$	14,691.30
Shire of Quairading Tree pruning for road works, Private works, Wilkins Rd	\$	13,864.13
United Card Services Pty Ltd Fuel Purchases, April 2018	\$	12,023.55
Moore Stephens Services provided in February & March 2018, Financial activity for February 18, March 18, BAS March 18	\$	11,367.95
Western Australian Treasury Corporation Loan No. 119 Principal/Interest payment, Construct CEACA Senior Units, Hammond St	\$	11,140.49
Sam Williams Truck hire, Tipper and Water Cart, April to May 2018	\$	10,472.00
F-111 Engineering Pty Ltd Rebuild Moldboard Blade on John Deere Grader	\$	9,000.00
Avon Waste Dom/Com Rubbish x 4 weeks, Transport of waste to Northam, Recycling, Additional Recycling, Cardboard only, Servicing of transfer station, Transport of waste to Northam	\$	7,710.80

Dual Building Services Erect shed for shade and security for machinery in pit area, 10mx10m	\$	6,600.00
Landgate Rural UV Gen Valuations, First 500 Shared	\$	6,305.20
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$	5,731.22
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$	5,704.36
Kellerberrin & Districts Club Monthly Repayment for Macquarie Bank, Solar Panels, Reimbursement for cleaning wages, Refreshments for WE-ROC Council meeting	\$	5,620.31
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$	5,496.27
Brooks Hire Service Pty Ltd Hire of Pad Foot roller, Mobilisation & Demob, April 2018	\$	5,200.98
Deputy Commissioner Of Taxation GST Debtors, PAYG Tax, GST Creditors, Rounding Account, Reimbursements, Fuel Tax Credits	\$	5,139.19

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 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 May 2018, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

*Municipal Fund payments totalling \$405,273.05 vouchers EFT, CHQ, Direct payments
Trust Fund payments totalling \$1,546.91 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 104/18 MOTION - Moved Cr. Reid

2nd Cr. White

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

***Municipal Fund payments totalling \$405,273.05 vouchers EFT, CHQ, Direct payments
Trust Fund payments totalling \$1,546.91 on vouchers EFT, CHQ, Direct payments***

CARRIED 6/0

Agenda Reference:	11.1.21
Subject:	Direct Debit List and Visa Card Transactions for the Month of May 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th June, 2018
Author:	Amanda Garlett – Administration Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-May-18	Westnet	Monthly static IP address	\$	4.99
1-May-18	National Australia Bank	EFT Payment	\$	94.45
1-May-18	National Australia Bank	EFT Payment	\$	130.96
1-May-18	Housing Authority	Fortnightly Rent	\$	420.00
3-May-18	National Australia Bank	EFT Payment	\$	284.90
3-May-18	Shire of Kellerberrin	EFT Payment	\$	48,290.33
4-May-18	Shire of Kellerberrin	Clicksuper	\$	7,177.55
10-May-18	Shire of Kellerberrin	EFT Payment	\$	247,024.69
11-May-18	DLL	Monthly Rent	\$	265.21
15-May-18	Housing Authority	Fortnightly Rent	\$	420.00
17-May-18	Shire of Kellerberrin	EFT Payment	\$	48,816.03
18-May-18	Shire of Kellerberrin	Clicksuper	\$	7,714.02
22-May-18	National Australia Bank	Account Fees - NAB Connect (March 2018)	\$	72.73
22-May-18	ATO	EFT Payment	\$	5,139.19
22-May-18	Shire of Kellerberrin	EFT Payment	\$	11,140.49
22-May-18	Shire of Kellerberrin	EFT Payment	\$	12,023.55
24-May-18	Shire of Kellerberrin	EFT Payment	\$	107,641.52
28-May-18	ATO	EFT Payment	\$	1,406.49
29-May-18	Housing Authority	Fortnightly Rent	\$	420.00
31-May-18	National Australia Bank	Account Fees - BPAY	\$	12.88
31-May-18	National Australia Bank	Account Fees - Muni	\$	47.00
31-May-18	National Australia Bank	Account Fees - Trust	\$	57.80
31-May-18	Shire of Kellerberrin	EFT Payment	\$	49,853.46
TOTAL			\$	548,458.24

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-May-18	Department Transport	Direct Debit-Licensing Payments May 2018	\$	53,747.25
TOTAL			\$	53,747.25

Visa Transactions

Date	Name	Details	\$	Amount
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DATED: PRESIDENT SIGNATURE:

09-May-18	Kmart Online	Towels - Caravan Park	\$	98.00
28-May-18	NAB	Card Fee	\$	9.00
		TOTAL - CEO	\$	107.00
Date	Name	Details	\$	Amount
28-May-18	NAB	Card Fee	\$	9.00
		TOTAL - DCEO	\$	9.00
		TOTAL VISA TRANSACTIONS	\$	116.00

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 May 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 May 2018 comprising;*
- (a) Municipal Fund – Direct Debit List*
 - (b) Trust Fund – Direct Debit List*
 - (c) Visa Card Transactions*

Be adopted.

COUNCIL RECOMMENDATION

MIN 105/18 MOTION - Moved Cr. O'Neill

2nd Cr. Steber

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.22
Subject:	Financial Management Report for May 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th June, 2018
Author:	Sean Sibly, DCEO

BACKGROUND

Enclosed is the Monthly Financial Report for the month of May 2018.

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 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

That the Financial Report for the month of May 2018 comprising;

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 12*

Be adopted.

COUNCIL RECOMMENDATION

MIN 106/18 MOTION - Moved Cr. White

2nd Cr. McNeil

That the Financial Report for the month of May 2018 comprising;

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 12*

Be adopted.

CARRIED 6/0

Agenda Reference:	11.2.1
Subject:	Building Returns: May 2018
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	5 th June, 2018
Author:	Mr 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 May 2018 period. A copy of the "Australian Bureau of Statistics appends".
2. There was two (2) "Building Permits" issued in the May 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 IMPLCATIONS - Nil (Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS - 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 May 2018 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the May 2018 period.*

COUNCIL RECOMMENDATION

MIN 107/18 MOTION - Moved Cr. White 2nd Cr. Steber

That Council

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

CARRIED 6/0

Agenda Reference:	11.2.2
Subject:	Food Act 2008 Compliance and Enforcement
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Policy Manual
Disclosure of Interest:	N/A
Date:	11 th June, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council undertakes an annual review of its policies and determines new or updated Policies to guide its day to day operations and responsibilities in regards to its adopted structure and legislative requirements.

The annual review process ensures Council has current and applicable policies. This process takes place no later than October each year.

COMMENT

Council has been in discussion with its consulting Health Officer's from the Shire of Merredin regarding Food Act compliance and enforcement and advising Council the best way forward it to have a policy that can be provided to the community so they are all aware of their responsibilities with regards to Food Act Compliance.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The is a small Financial Impact of advertising the Policy.

POLICY IMPLICATIONS

Introduction of a New Policy for Council's Policy Manual.

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.

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:

Chief Executive Officer
Deputy Chief Executive Officer
Shire of Merredin – Environmental Health Officers.

STAFF RECOMMENDATION

That Council

1. *Adopts the Food Act 2008 Compliance of Enforcement Policy as presented.*
2. *Instruct the Chief Executive Officer to advertise the Policy, update and provide copies if requested.*

COUNCIL RECOMMENDATION

MIN 108/18 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council

1. *Adopts the Food Act 2008 Compliance of Enforcement Policy as presented.*
2. *Instruct the Chief Executive Officer to advertise the Policy, update and provide copies if requested.*

CARRIED 6/0

MEETING ADJORNED

4:04pm – Cr. Rodney Forsyth, Shire President adjourned the meeting to visit current projects within the Townsite.

4.55 pm – Cr. Rodney Forsyth, Shire President re-commenced the meeting with all members prior to the adjournment present.

CLOSURE OF MEETING

5:01pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 31st July, 2018