

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 21st August 2018

COUNCIL RECOMMENDATION

MIN 153/18 MOTION: Moved Cr. Steber 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 21st August 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 154/18 MOTION: Moved Cr. Reid 2nd Cr. McNeil

That the Presidents Reports for August 2018 be received.

CARRIED 6/0

11.1 CORPORATE SERVICES – AGENDA ITEM

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| 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: | 6 th September, 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.

August 2018 Council Meeting

MIN 130/18 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council

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

CARRIED 6/0

July 2018 Council Meeting

MIN 111/18 MOTION - Moved Cr. McNeil 2nd Cr. Reid

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

CARRIED 6/0

June 2018 Council Meeting

MIN 083/18 MOTION - Moved Cr. McNeil 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

August 2018 - MIN 130/18

1. Works will commence shortly on repairs to be carried out on Cole Rd;

2. Works will commence shortly on repairs to South Doodlakine Rd to be carried out approximately 1km south of Stone Giles intersection;
3. Works will commence shortly on repairs to be carried out on Saunders Rd;
4. Cr Steber will inform Doodlakine Community Committee that any works associated with the 2018/2019 Community Grant allocation must be undertaken as per letter issued by Council; and
5. Noted that Council supports / endorses the Grant Application for construction of two indoor court facilities on Council owned land. Grant application is currently being finalised.

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| July 2018 - MIN 111/18 |
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That Council note no requests or ideas to be actioned.

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| June 2018 - MIN 083/18 |
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1. Council are currently reviewing the access arrangements from the Doctor's Surgery waiting room to the Doctors room
2. Council agreed to provide 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.

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 155/18 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council:

- 1. Investigate requirements for mulch on garden beds in townsite***
- 2. Write a letter to Mr Ian McNeil acknowledging and thanking him for his contribution as Chief Bush Fire Control Officer.***

CARRIED 6/0

2.30 pm – Mr Brett Taylor – Finance Officer/Community Development Officer Exited Council Chambers.

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| 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: | 6 th September, 2018 |
| Author: | 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 156/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council receives the Status Report.

CARRIED 6/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.3 |
| 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 September, 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 157/18 MOTION - Moved Cr. Steber 2nd Cr. Reid

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: | 11.1.4 |
| Subject: | Policy Manual Review New Policy: Community Engagement |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin - Council |
| File Ref: | Policy Manual |
| Disclosure of Interest: | N/A |
| Date: | 5 th September, 2018 |
| Author: | Sean Sibly, Deputy Chief Executive Officer |

BACKGROUND

Council reviews its policies to ensure proper diligence as to the functioning of the Shire in respect of strategic direction and legislative requirements.

COMMENT

A Community Engagement policy is required to ensure the Shire meets the Achieving Standard for the DLGSC Integrated Planning and Reporting Advisory Standard in relation to its Strategic Community Plan.

The Community Engagement policy has been developed to optimise community consultation and strengthen good governance practice, which is particularly prudent in light of the Shire's forthcoming review of its Strategic Community Plan.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

New policies or amendments to existing policies may have financial implications for Council's Budget depending upon which policies are added/deleted/amended.

POLICY IMPLICATIONS

In faithfully executing its strategic and legislated functions, Council seeks to examine and endorse new policies and/or revisions to existing policies.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

- (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —

- (i) the disclosing member also discloses the extent of the interest; and
- (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —

employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council

- 1. *Adopts the Community Engagement Policy as presented.*
- 2. *Insert the new policy into Councils Policy Manual to be implemented on 15th October 2018.*
- 3. *Advertise the Policy in the Pipeline*

COUNCIL RECOMMENDATION

MIN 158/18 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council

- 1. *Adopts the Community Engagement Policy as presented.*
- 2. *Insert the new policy into Councils Policy Manual to be implemented on 15th October 2018.*
- 3. *Advertise the Policy in the Pipeline*

CARRIED 6/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.5 |
| Subject: | Interim Audit – Annual Financial Report Interim Audit Results for the Year Ending 30 June 2018 |
| Location: | Shire of Kellerberrin |
| Applicant: | Office of the Auditor General |
| File Ref: | |
| Record Ref: | |
| Disclosure of Interest: | Nil |
| Date: | 4 th September, 2018 |
| Author: | Sean Sibly, Deputy Chief Executive Officer |

BACKGROUND

Council’s Ordinary Council Meeting – 31st July 2018.

COUNCIL RECOMMENDATION

MIN 117/18 MOTION - Moved Cr. Reid 2nd Cr. O’Neill

That Council:

- 1. Adopt the findings and management comments to the Interim Audit Report; and**
- 2. Authorise the Chief Executive Officer to issue the Management Comments to Council’s Auditors as requested.**

The Local Government Amendment (Auditing) Bill 2017 brings legislative change to the Local Government Act 1995, providing for the auditing of local governments by the Office of the Auditor General (OAG).

Previously as per MIN 117/18 Council endorsed the interim audit findings in relation to the OAG interim audit, further endorsing Shire management comments on the findings and authorising these to be released to the auditor.

COMMENT

Since MIN 117/18 and as of 23 August, OAG has issued the results of its completed interim audit to the Shire and Shire President in relation to the findings and management comments, which differs fundamentally with the findings adopted and issued as per MIN 117/18 in that:

- a) Corporate Business plan finding is expunged;
- b) Annual Financial Report finding is downgraded from Moderate to Minor rating;
- c) Employee Contracts finding is upgraded from Minor to Moderate rating; and
- d) Journals – no evidence of independent review is upgraded from Minor to Moderate.

This discrepancy occurs due to the findings being provided first to the Shire of Kellerberrin rather than the OAG, a matter raised with the OAG who have undertaken to adjust this process in collaboration with the auditor.

FINDINGS AS IDENTIFIED BY OAG AUDITOR’S DURING THE INTERIM AUDIT

| INDEX OF FINDINGS | RATING | | |
|---|-------------|----------|-------|
| | Significant | Moderate | Minor |
| 1. Employee Contract not signed by employee. | | ✓ | |
| 2. Independent review of journals not evidenced as such | | ✓ | |

| | | | |
|---|--|---|---|
| 3. Noted instances where purchase orders were not properly issued. | | ✓ | |
| 4. Annual returns contain blank sections. | | | ✓ |
| 5. Annual financial report was not submitted to the Department within the required timeframe. | | | ✓ |
| 6. Asset management plans does not have sufficient information as required | | | ✓ |
| 7. The budget review was not submitted to the Department within the required time frames. | | ✓ | |
| 8. Differential rates in were adopted prior to considering any submissions from electors or rate payers | | ✓ | |

KEY TO RATINGS

The Ratings in this management letter are based on the audit team’s assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.

Moderate Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor Those findings that are not of primary concern but still warrant action being taken.

The Council is provided the Annual Financial Report Interim Audit Results for the Year Ending 30 June 2018 for adoption.

FINANCIAL IMPLICATIONS: Nil

POLICY IMPLICATIONS: Nil

STATUTORY IMPLICATIONS

Local Government Amendment (Auditing) Act 2017

7.12AJ. Conducting a performance audit

- (1) The Auditor General Act section 18 applies in relation to a local government as if —
 - (a) the local government were an agency; and
 - (b) money collected, received or held by any person for or on behalf of the local government were public money; and
 - (c) money collected, received or held by the local government for or on behalf of a person other than the local government were other money; and
 - (d) property held for or on behalf of the local government, other than money referred to in paragraph (b), were public property; and Local Government (Audit) Regulations 1996 (as amended)

(e) property held by the local government for or on behalf of a person other than the local government were other property; and

(f) the reference in the Auditor General Act section 18(2)(d) to “legislative provisions, public sector policies or its own internal policies;” were a reference to “legislative provisions or its own internal policies;”.

(2) A performance audit is taken for the purposes of the Auditor General Act to have been carried out under the Auditor General Act Part 3 Division 1.

7.12AK. Reporting on a performance audit

(1) The Auditor General Act section 25 applies in relation to a performance audit as if —

- (a) a local government were an agency; and
- (b) the council of the local government were its accountable authority.

(2) The auditor must give a report on a performance audit to the local government.

Local Government (Audit) Regulations 1996

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

Subsidiary Statutory Acts and Regulations to achieve compliance

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services

- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION: Nil

STAFF RECOMMENDATION

That Council endorse the Annual Financial Report – Interim Audit Results for the Year Ending 30 June 2018 as presented by staff.

COUNCIL RECOMMENDATION

MIN 159/18 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council endorse the Annual Financial Report – Interim Audit Results for the Year Ending 30 June 2018 as presented by staff.

CARRIED 6/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.6 |
| Subject: | Regulation 17 Audit - Report Draft |
| Location: | Shire of Kellerberrin |
| Applicant: | Office of the Auditor General |
| File Ref: | |
| Record Ref: | |
| Disclosure of Interest: | Nil |
| Date: | 27 th August, 2018 |
| Author: | Mr Sean Sibly, Deputy Chief Executive Officer |

BACKGROUND

Audit Committee Meeting – 18th September 2018

The below draft recommendation has been presented to the Audit Committee for consideration and presentation to Council.

That the Audit Committee:

1. *Note the findings and recommendation of the Regulation 17 Report as presented by staff; and*
2. *Recommends to Council that the findings to the Regulation 17 Report be endorsed.*
3. *Recommends to Council that the CEO provides a written implementation report to Council for endorsement.*

COMMENT

The auditors findings and recommendations are provided for consideration by Council.

4.1.2 Formal Risk Identification

Interviews with the CEO and Shire management indicated there was a regular informal process, via CEO led weekly meetings which may include discussion of operational risks and emerging issues.

A process to capture and articulate relevant risks has not been formalised.

The Shire should formalise its process for identification and articulation of strategic and operational risks to ensure they are pro-actively managed when they are flagged.

4.1.3 Risk Monitoring and Reporting

Evidence to support regular and formal monitoring and reporting of risks was not available.

The last formal communication of the Risk Registers report was in March 2017, with the plan to report on a bi-annual basis.

The Risk Management Framework outlines risk review activities which should be reported monthly for operational risks and annually for corporate risks.

The Shire should adhere to the risk monitoring and reporting requirements outlined in its Risk Management Framework (section titled Risk Management Application).

4.1.4 Business Continuity / Disaster Recovery Plan

The current Business Continuity and Disaster Recovery Plan (2016) contains outdated references to old technology. The contact list also has not been updated with current staff details.

Review and update Business Continuity and Disaster Recovery Plan.

Conduct a test to ensure it is still fit for purpose.

4.1.5 IT Security

The Shire does not currently have an IT Security Plan to ensure the Shire's systems are adequately protected from external threats which could compromise the integrity of the Shire's data.

Develop and implement an IT Security Plan and ensure it is reviewed and tested on an annual basis.

4.1.6 Code of Conduct - Training

There is no evidence of a scheduled process to ensure elected members and staff receive refresher training, at least once a year, of their obligations and responsibilities under the Shire's Code of Conduct.

As part of good corporate governance, on an annual basis elected members and staff undertake formal training with respect to the Shire's Code of Conduct and any new governance requirements.

4.2.1 Segregation of Duties - System Access

A routine and documented review of user security profiles for access to Synergy was not available at the time of our visit.

The practice is for new staff to be given the same login profile as their predecessor.

Routine review and testing of system access to ensure staff and contractors only have system access based on their functional role(s) should be undertaken annually and when there are changes to staff functions.

4.2.2 Formal Review of Financial Processes

In certain circumstances, the independent review of bank / account reconciliations, payments (as examples) does not entail a specific check for accuracy, completeness and reasonability to ensure unusual items are flagged and investigated (where required).

Suggest formal procedures covering supervisory reviews of key financial processes be developed to help ensure a robust review takes place as part of the month end financial reporting process.

4.2.3 Purchasing Controls – Purchases Above \$150,000

Review of the Tender Register for FY 2017-18 revealed the Shire has conducted only one tender since April 2017.

The Purchasing Policy states purchases \$100,000 and above, require a "public tender process or WALGA preferred supplier listings."

There is no further guidance as to the request and/or selection process if using WALGA preferred supplier listings.

Suggest the Shire review its Purchasing Policy and include guidance as to the requirements when using WALGA preferred suppliers to ensure consistency and transparency.

4.2.4 Contracts Register

A Contracts Register listing all Supplier contracts and /or agreements was not available when requested during the review.

A Contracts Register with key details such as contract expiry should be developed and maintained to help assist with the procurement planning process and to ensure continuity to essential Shire services.

4.2.5 Investment Register

An Investment Register with details of the Shire's investments was not available during our review. It is noted the Shire has subsequently created a formal Investment Register with the relevant required details.

The Investment Register should be maintained and kept current in accordance with regulatory requirements.

4.2.6 Audit Regulation 17 - Previous Review

The Local Government (Audit) Regulations 1996, Regulation 17 requires the CEO to review the appropriateness and effectiveness of its systems and procedures in relation to risk management, internal control and legislative compliance.

This has not been done every two years as previously required.

The CEO should submit his report of Risk Management, Internal Controls and Legislative Compliance based on the results of this review to the Audit Committee. Council should also be provided with a copy of the report from the Audit Committee.

4.2.7 Non-compliant Issues Raised

The interim external audit for the year ended 30 June 2018 noted five (5) non-compliance matters as follows:

- Annual financial report from FY 30 June 2017 not submitted within due date;
- Budget review was not submitted within due date;
- Corporate Business Plan was not reviewed annually as required;
- Annual returns contained blank sections; and
- Differential rates adopted prior to the expiry of 21 days notice period.

Suggest a compliance calendar be developed to help with timely completion and submission of legislative requirements.

Annual returns should be reviewed when submitted and returned when incomplete.

4.2.8 Review of Strategic Plan

The 2012-2022 Strategic Community Plan was reviewed in 2016 with revisions to the plan adopted by Council in March 2017.

The review of the Strategic Community Plan was undertaken with minimal consultation with electors and ratepayers of the district.

The review process for the update of the Strategic Community Plan should include electors and ratepayers in the Shire, as required by legislation and Departmental guidance.

Management Information Report

Budget

| | | | | |
|--------------------------|----------|--|---|--------|
| Input within SynergySoft | Feb 2018 | Amended budget in Synergy does not reconcile with the calculation of | Reconciliation of adopted budget and budget amendments to amended budget is | Medium |
|--------------------------|----------|--|---|--------|

the adopted budget plus amendments. We have used the amended annual budget totals for the June year to date comparisons.

required to ensure that the amended budget is correctly reflected within SynergySoft.

Fixed Assets

| | | | | |
|------------------------|------------|---|--|--------|
| Additions | April 2018 | There has been an allocation of capital purchases to Furniture and Equipment which has resulted in a net credit balance for capital expenditure in this category. | We recommend the entries made under the capital expenditure reporting type be reviewed and amended. | Medium |
| Reconciliation | June 2018 | No reconciliation was received for the asset register. We noted the fixed asset register does not reconcile to the fixed asset general ledger control accounts. | We recommend the asset register be reconciled for the end of year. | Medium |
| | | | | |
| Trust Liability | | | | |
| Reconciliation | June 2018 | The trust bank is reconciled to the amount of \$65,455. Trust liabilities shown in the general ledger total is \$64,936, a difference of \$519. | We recommend trust liability accounts be reconcile to the cash held and transfers to and from trust made in a timely manner. | Medium |

FINANCIAL IMPLICATIONS: Nil

POLICY IMPLICATIONS: Nil

STATUTORY IMPLICATIONS

The Local Government (Audit) Regulations 1996, Regulation 17

The Local Government (Audit) Regulations 1996, Regulation 17, requires the following: The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:

- A) risk management;
- B) internal control; and
- C) legislative compliance.

The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review no less than once every three (3) financial years (with effect 28 June 2018) The CEO is to report to the audit committee the results of that review.

Local Government (Audit) Regulations 1996

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;

and

- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
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Subsidiary Statutory Acts and Regulations to achieve compliance

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- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION: Nil

STAFF RECOMMENDATION

That Council:

1. *Note the findings and recommendation of the Regulation 17 Report as presented by staff; and*
2. *Endors the findings to the Regulation 17 Report as presented.*
3. *Request the CEO to provide a written implementation report to Council for endorsement.*

COUNCIL RECOMMENDATION

MIN 160 /18 MOTION - Moved Cr. O'Neill

2nd Cr. Reid

That Council:

1. *Note the findings and recommendation of the Regulation 17 Report as presented by staff; and*
2. *Endors the findings to the Regulation 17 Report as presented.*
3. *Request the CEO to provide a written implementation report to Council for endorsement.*

CARRIED 6/0

2.37 pm - Lesley Adrian exited Council Chambers

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.7 |
| 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: | 5 th September, 2018 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council wish to move behind closed doors to discuss the 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 Chief Executive Officer Performance Appraisal 2018.

COUNCIL RECOMMENDATION

MIN 161/18 MOTION - Moved Cr.Steber 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 the Chief Executive Officer Performance Appraisal 2018.

CARRIED 6/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.8 |
| 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: | 4 th September, 2018 |
| Author: | Cr Rod Forsyth, Deputy President |

COUNCIL RECOMMENDATION

MIN 163/18 MOTION - Moved Cr. Leake

2nd Cr. Reid

That Council moves back from behind closed doors

CARRIED 6 / 0

| | |
|--------------------------------|--------------------------------|
| Agenda Reference: | 11.1.9 |
| Subject: | August 2018 |
| Location: | Shire of Kellerberrin |
| Applicant: | N/A |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 7 th September 2018 |
| Author: | Morgan Ware, Finance Officer |

BACKGROUND

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

Trust Fund

EFT 8642-8708

CHQ 3070-3073

TRUST TOTAL

\$ 32,513.74

Municipal Fund

Cheque Payments

34462 - 34485

\$ 72,267.71

EFT Payments

8618-8745

\$ 414,611.01

Direct Debit Payments

\$ 17,378.24

TOTAL MUNICIPAL

\$ 486,878.72

COMMENT

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

Midway Ford

Wildtrak upgrade, 2018 My Double PU Wildtrak 3.2D, Frozen white, Tow Ball, Nudge bar, LED spotlights, Window tint

\$ 52,624.49

Spyker Business Solutions

CCTV Camera Installation for Main Street and Centenary Park as per Quote: 09112017

\$ 34,911.37

LGIS Property

LGIS Property, 2018/2018 First Instalment, Shire Owned Properties

\$ 32,426.02

Shire Of Kellerberrin

Prepaid Rates, 18/19

\$ 30,807.50

LGIS Liability

LGIS Bushfire Insurance, Contributions Credit Note, Liability Insurance Contribution, Crime Insurance, 2018/2019

\$ 23,653.13

| | |
|---|---------------------|
| LGIS Workcare | \$ 22,399.20 |
| LGIS Workcare Insurance Compensation, 2018/2019 First Instalment | |
| Central East Aged Care Alliance (CEACA) | \$ 22,000.00 |
| Annual Contribution 2018/2019 | |
| Western Australian Local Government Association | \$ 20,790.77 |
| Association Membership, Procurement Services, Tax Services, Employee Relations, Local Laws Service, Governance Service, Environmental Planning Tool | |
| United Card Services Pty Ltd | \$ 20,427.17 |
| Fuel Purchases for July 2018 | |
| LGIS Insurance Broking | \$ 16,404.30 |
| Management Liability Insurance, Marine Cargo Insurance, Cyber Liability Insurance, Contract Works Insurance 2018/2019 | |
| Synergy | \$ 15,049.35 |
| Power Consumption for Shire owned properties, June to August 18 | |
| Wheatbelt East Regional Organisation of Councils WE-ROC | \$ 13,200.00 |
| Annual Contribution 2018/2019, Consultancy & Project Reserve 2018/2019 | |
| Western Australian Treasury Corporation | \$ 11,140.49 |
| Loan No. 119 Interest payment, Principal payment, Construct CEACA Senior Units Hammond St | |
| Shire Of Kellerberrin | \$ 10,078.87 |
| Rates Notices for Shire owned properties, 18/19 | |
| Moore Stephens | \$ 9,132.20 |
| Audit Regulation 17 Review, Review of Risk Management, Internal Controls & Legislative Compliance | |
| Merredin Refrigeration & Gas | \$ 8,882.50 |
| Deposit of New Freezer Room as per Quote | |
| Northam Holden/Mazda | \$ 8,835.85 |
| Purchase of Calais V Tourer Wagon, 3.6L V6 AWD, Auto, Abalone white, Tow bar, Window tint | |
| Water Corporation | \$ 8,003.45 |
| Water Charges for Shire owned properties, June to August 18 | |
| Avon Waste | \$ 7,768.07 |
| Domestic Refuse Collection - 478 @ 1.67 x 4 wks | |
| Shire Of Kellerberrin | \$ 7,711.88 |
| Rate Subsidy, Staff Rates 18/19 | |
| Synergy | \$ 7,679.70 |
| Streetlights Tariff Charge, June to August 18 | |
| Farmways Kellerberrin Pty Ltd | |
| No Fill Roll 100mm x 25m 180 Grit, PASC Trade ACR Sealer Undercoat, Finish interior low shine white 4lt, Jet airmax, Hills hoist, Sylvannia globe, Quad tubes, Gas bottles, Fuel pump, Camlock, Poly nipple, Poly socket, Knockout pro, Grease bucket and other misc. items under \$100 | |
| | \$ 7,517.75 |
| Brooks Hire Service Pty Ltd | |
| Hire Multi Roller, Environmental Levey, Damage Waiver, July 18 | |
| | \$ 7,306.46 |
| GJ & MV McCormack | |
| Cart Gravel from Pit to North Baandee Road, Doodlakine-Kunnonoppin rd, Use of Truck & Trailer, Use of Prime Mover | |

| | |
|---|-------------|
| WA Local Government Superannuation Plan Pty Ltd Payroll Deductions | \$ 6,897.00 |
| Water Corporation Water Use & Service Charges for Shire owned properties, June to August 18 | \$ 6,094.40 |
| Western Australian Treasury Corporation Loan 118, GFEE, Loan 116, GFEE, Loan 118, GFEE, Loan 119, GFEE | \$ 5,715.59 |
| WCS Concrete Pty Ltd Supply and Laying of 25MPA beige colour concrete, 8m x 5.2m x 100mm thick pad, F52 mesh, Caravan Park, Supply 7.6 cubic metres of 25MPA concrete, Supply of 3 sheets of F72 mesh | \$ 5,640.04 |
| WA Local Government Superannuation Plan Pty Ltd Payroll Deductions | \$ 5,506.82 |
| GPR Truck Service & Repairs Labour, U Bolt, LH Tie Rod End, RH Tie Rod End, Fuel Bowl, Fuel Pro Filter, Collar, Fuel Filter Kit, Fan Belt, AC Belt, Steer Axle Alignment, Castor Adjustment, Truck Idle Fault - Replace DP Sensor, Waste Disposal | \$ 5,487.71 |
| GI & SJ Curtis Carting Gravel to Yelbini Road, Durokoppin road, Deepwell rd, Mcqueen rd, Use of Prime Mover and Truck & Trailer | \$ 5,246.26 |
| | \$ 5,160.00 |

Shire of Kellerberrin 2018/2019 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

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

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —

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

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

13. Lists of accounts

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.10 |
| Subject: | Direct Debit List and Visa Card Transactions for the month August 2018 |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 11 th September 2018 |
| Author: | Amanda Garlett, Administration Officer |

BACKGROUND

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

Municipal Fund – Direct Debit List

| Date | Name | Details | \$ | Amount |
|--------------|-----------------------|--------------------------------------|-----------|--------------------------|
| 1-Aug-18 | Westnet | Monthly static IP address | \$ | 4.99 |
| 2-Aug-18 | NAB | EFT Payment | \$ | 987.35 |
| 2-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 72,219.43 |
| 7-Aug-18 | Housing Authority | Fortnightly Rent | \$ | 420.00 |
| 8-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 1,960.20 |
| 9-Aug-18 | Shire of Kellerberrin | SuperChoice | \$ | 7,517.49 |
| 9-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 48,066.96 |
| 13-Aug-18 | DLL | Monthly Rent | \$ | 265.21 |
| 16-Aug-18 | DOT | Monthly Payment | \$ | 173.70 |
| 16-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 122,648.32 |
| 21-Aug-18 | Housing Authority | Fortnightly Rent | \$ | 420.00 |
| 23-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 49,683.04 |
| 24-Aug-18 | Shire of Kellerberrin | SuperChoice | \$ | 8,183.20 |
| 24-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 94,882.65 |
| 28-Aug-18 | NAB | Account Fees - Connect Fee | \$ | 56.99 |
| 30-Aug-18 | Shire of Kellerberrin | EFT Payment | \$ | 122,900.41 |
| 31-Aug-18 | NAB | Account Fees - Merchant Fee | \$ | 4.41 |
| 31-Aug-18 | NAB | Account Fees - BPAY | \$ | 34.72 |
| 31-Aug-18 | NAB | Account Fees - Trust | \$ | 52.40 |
| 31-Aug-18 | NAB | Account Fees - Muni | \$ | 54.50 |
| 31-Aug-18 | NAB | Account Fees - Merchant Shire | \$ | 155.60 |
| 31-Aug-18 | NAB | Account Fees - Merchant Caravan Park | \$ | 302.81 |
| TOTAL | | | \$ | <u>530,994.38</u> |

Trust Direct Debit List

| Date | Name | Details | \$ | Amount |
|--------------|----------------------|--|-----------|-------------------------|
| 31-Aug-18 | Department Transport | Direct Debit-Licensing Payments Aug 2018 | \$ | 54,248.65 |
| TOTAL | | | \$ | <u>54,248.65</u> |

Visa Transactions

| Date | Name | Details | \$ | Amount |
|-----------|------------------|------------------|----|--------|
| | Local Government | | | |
| 03-Aug-18 | Professionals | Membership Fees | \$ | 531.00 |
| 06-Aug-18 | United Petroleum | Food & Beverages | \$ | 62.60 |

| | | | | |
|-------------|----------------|--------------------------------------|-----------|------------------------|
| 06-Aug-18 | Formbys Legal | Title Search Settlement - Whitehouse | \$ | 183.25 |
| 10-Aug-18 | Moore Stephens | Audit fee | \$ | 100.00 |
| 13-Aug-18 | BBQ's Galore | Caravan Park BBQ | \$ | 4,073.60 |
| 20-Aug-18 | BBQ's Galore | Caravan Park BBQ | \$ | 2,121.60 |
| 28-Aug-18 | NAB | Card Fees | \$ | 9.00 |
| | | TOTAL - CEO | \$ | <u>7,081.05</u> |
| Date | Name | Details | \$ | Amount |
| 28-Aug-18 | NAB | Card Fee | \$ | 9.00 |
| | | TOTAL - DCEO | \$ | <u>9.00</u> |
| | | TOTAL VISA TRANSACTIONS | \$ | <u>7,090.05</u> |

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2018/2019

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 165/18 MOTIONS - Moved Cr. McNeil

2nd Cr. Steber

- 1) *That the Direct Debit List for the month of August 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: | 11.1.11 |
| Subject: | Financial Management Report for July 2018 |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 4 th September, 2018 |
| Author: | Sean Sibly, Deputy Chief Executive Officer |

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

- Financial Management of 2018/2019

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 July 2018 comprising;

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 13*

Be adopted.

COUNCIL RECOMMENDATION

MIN 166/18 MOTIONS - Moved Cr. O’Neill **2nd Cr. Reid**

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

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 13*

Be adopted.

CARRIED 6/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.12 |
| Subject: | Financial Management Report for August 2018 |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 4 th September, 2018 |
| Author: | Sean Sibly, Deputy Chief Executive Officer |

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

- Financial Management of 2018/2019

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.

DEVELOPMENT SERVICES – AGENDA ITEM

| | |
|--------------------------------|--|
| Agenda Reference: | 11.2.1 |
| Subject: | Building Returns: August 2018 |
| Location: | Shire of Kellerberrin |
| Applicant: | Various |
| File Ref: | BUILD06 |
| Disclosure of Interest: | Nil |
| Date: | 4 th September, 2018 |
| Author: | 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 nil (0) applications received for a "Building Permit" during the August 2018 period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the August 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 August 2018 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the August 2018 period.*

COUNCIL RECOMMENDATION

MIN 168/18 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council

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

CARRIED 6/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil Items

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

Nil Items

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

COUNCIL RECOMMENDATION

MIN 169/18 MOTION - Moved Cr. 2nd Cr.

That Council receives Late Items

CARRIED 6/0

Agenda Reference: 13.1.1
Subject: Sale of Industrial Land, Part Lot 309 Tiller Drive
Location: Lot 309 Tiller Drive, Kellerberrin
Applicant: Premium Grain Handlers Pty Ltd
File Ref: A1732
Record Ref: MIN 120/18
Disclosure of Interest: N/A
Date: 18th September 2018
Author: Mr Raymond Griffiths, Chief Executive Officer

Signature of Author: _____

Signature of CEO:

BACKGROUND

Council's July 2018 Ordinary Meeting of Council – 31st July 2018

MIN 120/18 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

Approve the part sale of Council owned Lot 309 (being 23,669.81m²), Tiller Drive Kellerberrin Deposited Plan 75882, to Premium Grain Handlers Pty Ltd of 10-14 Sultan Way, Rous Head, Industrial Park, North Fremantle WA 6159, as per Deposited Plan by private agreement for the sum of \$17,546.81 subject to:

- 1. Premium Grains undertaking and paying for:***
 - ***Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission;***
 - ***Surveying and ground works;***
 - ***Any increases to cost associated with final dimensions of land as confirmed via survey;***
 - ***Provision of utility services being phone, water and power to the new sub-divided property including headworks and***
 - ***Any upgrades or additional headworks fees to the remaining Lot 309 owned by Council required by utility suppliers due to sub-division.***
- 2. Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***
- 3. No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.***

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

Council on receipt of a letter from Premium Grain Handlers (PGH) requesting the opportunity to seek to purchase/seek Council's interest in selling a portion of Land in the industrial area, presented the item to Council and the above was adopted.

On advertising the proposed sale Council's Chief Executive Officer received a call from Premium Grains advising that they didn't want to purchase the land it was only an enquiry as to whether we would be interested in selling.

In taking the call Council's Chief Executive Officer verified whether or not Premium Grains wanted to continue with the purchase and they advised they didn't. Council advised PGH that the item would be presented to the September 2018 meeting to have the motion rescinded therefore reversing Council's decision.

FINANCIAL IMPLICATIONS

Council has not allocated income or expenditure associated with the sale of part Lot 309 Tiller Drive therefore no Budget impact.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. the highest bidder at public auction; or
 - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*
 - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*
- and*
- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*
- acquire** *has a meaning that accords with the meaning of “dispose”;*
- dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- land transaction** *means an agreement, or several agreements for a common purpose, under which a local government is to —*
- (a) *acquire or dispose of an interest in land; or*
 - (b) *develop land;*
- major land transaction** *means a land transaction other than an exempt land transaction if the total value of —*
- (a) *the consideration under the transaction; and*
 - (b) *anything done by the local government for achieving the purpose of the transaction,*

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

major trading undertaking means a trading undertaking that —

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

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

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

(2) Before it —

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

a local government is to prepare a business plan.

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

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

(4) The local government is to —

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

and

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

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

** Absolute majority required.*

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Our Vision

The Shire of Kellerberrin will be diverse and welcoming to all members of the community and visitors. We will be open to various cultures and industries and we will strive to provide a community that is safe. Our focus will be to develop a community that is prosperous and economically sustainable, rich and vibrant.

Our Vision is:

*To welcome diversity, culture and industry;
 promote a safe and prosperous community
 with a rich, vibrant and sustainable lifestyle for all to enjoy.*

Our Focus Areas

Our vision will be achieved in five (5) key focus areas. These focus areas identify what we will be concentrating on to get us to where we want to be and to achieve our long term goal of being a diverse, cultural, safe, prosperous, vibrant and sustainable community. The key focus areas are:

4 Economic Development

Refers to the economic opportunities which Council will strive to enhance to create a prosperous, sustainable and viable community

To retain the population and diverse demographics in the region through ongoing economic development and the creation of economic and commercial opportunities to boost the local economy.

Economic issues, such as employment, population retention and growth and improving the local economy are key factors that concern the sustainable development of our community.

Theme 4: Prosperity
To develop a community that fosters and encourages long term prosperity and growth and presents a diverse range of opportunities.

| | | | | | | | | |
|-----|---|-------|---|---|--|---|---|--|
| 4.1 | <i>We are a sustainable, economically diverse and strong community.</i> | 4.1.1 | To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities. | ✓ | | ✓ | ✓ | |
| | | 4.1.2 | To work with local businesses to improve and enhance the quality of service provided. | ✓ | | ✓ | ✓ | |
| | | 4.1.3 | <i>To identify economic trends and create employment and business opportunities for the local community.</i> | ✓ | | ✓ | ✓ | |

Strategic Priority 4.1
We are a sustainable, economically diverse and strong community

An Overview

The key issues currently faced by our community are the decline in employment and population, and the need to improve the status of our local economy.

There is a strong desire to retain the population and demographics in the region and to boost our local economy through the creation of commercial, retail and industrial opportunities.

Our Objective

- To create an environment that will encourage economic growth and employment opportunities.

Our Desired Outcomes

- A community that is economically sustainable, able to offer a range of diverse opportunities to local residents, commercial, retail and industrial operators.

Our Goals

| | |
|-------|---|
| 4.1.1 | To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities. |
| 4.1.2 | To work with local businesses to improve and enhance the quality of service provided. |
| 4.1.3 | To identify economic trends and create employment and business opportunities for the local community. |

| Our Delivery Strategy | |
|--|---|
| 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. |
| Anticipated Results | <ul style="list-style-type: none"> ▪ Effective communication and network / relationship building with external private parties and government / non-government agencies. ▪ Improved economic profile for the region. ▪ Creation of opportunities for the Shire that will booster the local economy. ▪ Improved participation by the community. ▪ A stronger and more sustainable community. |
| Performance Measure | <ul style="list-style-type: none"> ▪ Increase in local economic activity ▪ Status of employment and jobs. ▪ Level of community satisfaction in relation to the quality and quantity of services available. ▪ Financial status |
| Relationship to Key Focus Areas | <ul style="list-style-type: none"> ▪ Social ▪ Governance ▪ Economic Development |
| 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. |
| Anticipated Results | <ul style="list-style-type: none"> ▪ Improved relationships between external parties and Council ▪ Identification of employment and commercial opportunities to improve the local economy |
| Performance Measure | <ul style="list-style-type: none"> ▪ Increase in local economic activity ▪ Status of employment and jobs. ▪ Level of community satisfaction in relation to the quality and quantity of services available. ▪ Financial status |
| Relationship to Key Focus Areas | <ul style="list-style-type: none"> ▪ Social ▪ Governance ▪ Economic Development |
| Goal 4.1.3 | To identify economic trends and create employment and business opportunities for the local community. |

| | |
|--------------------------------|---|
| Agenda Reference: | 13.1.2 |
| Subject: | Fire Control Officer - Appointments |
| Location: | Shire of Kellerberrin |
| Applicant: | Bush Fire Advisory Committee |
| File Ref: | BUSH 00 |
| Record Ref: | |
| Disclosure of Interest: | N/A |
| Date: | 18 th September 2018 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council's Bush Fire Advisory Committee met on Monday 17th September 2018 wherein it recommended the appointment of Bush Fire Control Officers and the extension of the Unrestricted Burning Period time.

COMMENT

BF3 – 18/19 MOVED Mr McNeil 2nd Mr Tighe

That the Bush Fire Advisory Committee recommend to Council the following Fire Control Officers be adopted for the year;

| | |
|--|--------------------|
| Chief Bush Fire Control Officer/Baandee Brigade | Mr Geoff Ryan |
| Deputy Chief Bush Fire Control Officer/Central Brigade | Mr Kelvin Tiller |
| North Kellerberrin Brigade | Mr Gavin Morgan |
| Mt Caroline Brigade | Mr Murray McDonald |
| Daadening Creek Brigade | Mr Simon Tighe |
| Doodlakine Brigade | Mr Kevin Walsh |

CARRIED

BF4 – 18/19 MOVED Mr Steber 2nd Mr Syred

That the Bush Fire Advisory Committee recommend to Council a letter be written to the Minister for Emergency Services requesting the following changes to the Restricted Burning Period for the Shire of Kellerberrin

Extend the Prohibited Burning Period from 1st February to the 15th February
 Extend the Restricted Burning Period from the 15th March to the 31st March

CARRIED

FINANCIAL IMPLICATIONS

NIL

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

(5) *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.
- (6) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*
 - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*

and

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

3.59. Commercial enterprises by local governments

- (1) *In this section —*

acquire *has a meaning that accords with the meaning of “dispose”;*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

land transaction *means an agreement, or several agreements for a common purpose, under which a local government is to —*

- (a) *acquire or dispose of an interest in land; or*
- (b) *develop land;*

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

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

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

major trading undertaking *means a trading undertaking that —*

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

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

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

- (2) *Before it —*

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

a local government is to prepare a business plan.

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
 - (a) *its expected effect on the provision of facilities and services by the local government;*
 - (b) *its expected effect on other persons providing facilities and services in the district;*
 - (c) *its expected financial effect on the local government;*
 - (d) *its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister’s approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION

Bush Fire Advisory Committee Meeting
Community Emergency Services Manager
Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

The Council appoint the following Fire Control Officers for the year:

| | |
|-------------------------------------|------------------------|
| <i>Chief Fire Control Officer:</i> | <i>Geoff Ryan</i> |
| <i>Deputy Fire Control Officer:</i> | <i>Kelvin Tiller</i> |
| <i>Mt Caroline Brigade:</i> | <i>Murray McDonald</i> |
| <i>Daandenning Creek Brigade:</i> | <i>Simon Tighe</i> |
| <i>Doodlakine Brigade:</i> | <i>Kevin Walsh</i> |
| <i>Baandee Brigade:</i> | <i>Geoff Ryan</i> |
| <i>Central Brigade:</i> | <i>Kelvin Tiller</i> |
| <i>North Kellerberrin Brigade:</i> | <i>Gavin Morgan</i> |

CARRIED /

STAFF RECOMMENDATION

That Council write a letter be written to the Minister for Emergency Services requesting the following changes to the Restricted Burning Period for the Shire of Kellerberrin;

- *Extend the Prohibited Burning Period from 1st February to the 15th February*
- *Extend the Restricted Burning Period from the 15th March to the 31st March*

CARRIED /

STAFF RECOMMENDATION

The Council request surrounding Councils provide Dual Fire Control Officers to be appointed:

- *Mr Murray McDonald, Mr Kevin Walsh & Mr Simon Tighe - Shire of Bruce Rock*
- *Mr Murray McDonanld - Shire of Quairading*
- *Mr Gavin Morgan - Shire of Wyalkatchen*
- *Mr Geoff Ryan & Mr Gavin Morgan - Shire of Trayning*
- *Mr Geoff Ryan - Shire of Nungarin*
- *Mr Kelvin Tiller, Mr Murray McDonald & Mr Gavin Morgan - Shire of Tammin*

CARRIED /

COUNCIL RECOMMENDATION

MIN 171/18 MOTION - Moved Cr. Steber

2nd Cr. Reid

The Council appoint the following Fire Control Officers for the year:

| | |
|-------------------------------------|------------------------|
| <i>Chief Fire Control Officer:</i> | <i>Geoff Ryan</i> |
| <i>Deputy Fire Control Officer:</i> | <i>Kelvin Tiller</i> |
| <i>Mt Caroline Brigade:</i> | <i>Murray McDonald</i> |
| <i>Daandenning Creek Brigade:</i> | <i>Simon Tighe</i> |
| <i>Doodlakine Brigade:</i> | <i>Kevin Walsh</i> |
| <i>Baandee Brigade:</i> | <i>Geoff Ryan</i> |
| <i>Central Brigade:</i> | <i>Kelvin Tiller</i> |
| <i>North Kellerberrin Brigade:</i> | <i>Gavin Morgan</i> |

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 172/18 MOTION - Moved Cr. O'Neill

2nd Cr. Leake

That Council write a letter be written to the Minister for Emergency Services requesting the following changes to the Restricted Burning Period for the Shire of Kellerberrin;

- *Extend the Prohibited Burning Period from 1st February to the 15th February*
- *Extend the Restricted Burning Period from the 15th March to the 31st March*

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 173/18 MOTION - Moved Cr. Leake

2nd Cr. Steber

The Council request surrounding Councils provide Dual Fire Control Officers to be appointed:

- *Mr Murray McDonald, Mr Kevin Walsh & Mr Simon Tighe - Shire of Bruce Rock*
- *Mr Murray McDonanld - Shire of Quairading*
- *Mr Gavin Morgan - Shire of Wyalkatchen*
- *Mr Geoff Ryan & Mr Gavin Morgan - Shire of Trayning*
- *Mr Geoff Ryan - Shire of Nungarin*
- *Mr Kelvin Tiller, Mr Murray McDonald & Mr Gavin Morgan - Shire of Tammin*

CARRIED 6/0

CLOSURE OF MEETING

3:39 pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 16th October, 2018