

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 18th June 2019, commencing at 2.04pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS

The Presiding Member opened the meeting at 2.04pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. Steber	Member
Mr Raymond Griffiths	Chief Executive Officer
Ms Kate Dudley	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Senior Finance Officer (left the meeting at 2.48pm)
Mrs Natasha Giles	Communtiy Development Officer (left the meeting at 2.28pm)

Apologies:

Cr. McNeil	Member
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Leave of Absence:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE:

Nil

4. PUBLIC QUESTION TIME:

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **18th June 2019**

Date	Name	Item No.	Reason
18 June 2019	Cr Dennis Reid	13.1.1	Applicant to join the panel of pre-qualified suppliers
18 June 2019	Cr Matt Steber	13.1.1	Applicant to join the panel of pre-qualified suppliers

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **18th June 2019**

Date	Name	Item No.	Reason
18 June 2019	Mr Raymond Griffiths	13.1.1	Listed as a referee for an applicant to join the panel of pre-qualified suppliers
18 June 2019	Mr Mick Jones	13.1.1	Listed as a referee for an applicant to join the panel of pre-qualified suppliers

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 21st June, 2019

COUNCIL RESOLUTION

MIN094/19 MOTION: Moved Cr. O'Neill 2nd Cr. Steber

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 21st June 2019, be confirmed as a true and accurate record

CARRIED 5/0

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

MIN095/19 MOTION: Moved Cr. Steber 2nd Cr. Reid

That the Presidents Reports for May 2019 be received and noted.

CARRIED 5/0

10.2 Standing Orders

MIN096/19 MOTION: Moved Cr. Leake 2nd Cr. Reid

That Standing Order numbers 8.9 – Speaking Twice & 8.10 – Duration of Speeches be suspended for the duration of the meeting to allow for greater debate on items in the agenda.

CARRIED 5/0

11.1 CORPORATE SERVICES – AGENDA ITEM

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:	4 th June 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

May 2019 Council Meeting

MIN 073/19 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council review the Leake Street footpath near Dryandra for a pothole.

April 2019 Council Meeting

MIN 044/19 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council:

- 1. Ensures that some Gravel is put in at the crossover near the Kellerberrin District High School, Library Car park .’***
- 2. Refer the request for white lines on the Kellerberrin Yoting Road “S” bends to Main Roads WA for review.***
- 3. Request that the Boundary markers presented to Council by the Men’s shed be approved up to a maximum of 20, ensuring that the wording is completed professionally.***
- 4. Make contact with the Water Corporation with regards to works undertaken on the South Doodlakine road as the road repair has failed near Chandler’s driveway where previous works have been undertaken.***
- 5. Rectify pot holes on Doodlakine-Kunnunoppin Road near Bowen’s property.***

March 2019 Council Meeting

MIN 024/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

- 1. Investigate advice of the Catholic Church requirements for ablution facilities.***
- 2. Endorse the request for the official opening of the Patterson Hall of Fame at the recreation centre to be on show day and contact the Ag Society;***
- 3. Adopt that the Seniors request for the Laptop & Printer allocation of funds be redistributed to Bus Hire charges;***
- 4. Council to write to Department of Planning Land and Heritage seeking the transfer of Crown Land to Freehold title on Reserve 37171 (Dryandra Land) and***
- 5. Council to endorse Dryandra’s actions in seeking the transfer of Crown Land to Freehold title to ensure the longevity of Aged Care services within the region.***

May MIN 073/19

1. MWS inspected the footpath but noted that it was in the Dryandra Carpark.

April MIN 044/19

1. Item Noted, Town Crew to complete works
2. Main Roads were contact via email 2nd May 2019, Gren Putland has arranged for request to be carried out.
3. Item Noted
4. Action completed 29th April 2019
5. Item Noted, Town Crew Completed 18th April 2019.

March MIN 024/19

1. Inspection carried out by the Shire's EHO on March 28th 2019, letter issued. Spoke to Church, items raised at Council regarding toilets wasn't from Council it was a church decision.
2. Emailed Ag Society & Bruce about the opening and Brett to arrange plaque.
3. Letter issued to seniors on 21st March 2019 and Debtor Officer notified.
4. Letter issued to Dryandra on 25th March 2019, an application has been made to Dept. for Green Title. Mia Davies has also provided a letter of support.

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

COMMUNITY CONSULTATION:

Council
Community Members

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN097/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council;

- 1. Provides \$550.00 financial support for Wheatbelt Ag Care Community Support Services Inc.; and***
- 2. endorse the grant application to Landcorp for further release of industrial land blocks.***

CARRIED 5/0

Reason: The Council was in support of amendments to the staff recommendation to provide financial support to the Wheatbelt Ag Care Community Support Services Inc and endorse the grant application to Landcorp.

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:	4 th June 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council at its March 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.

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- (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;

- (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

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 RESOLUTION

MIN098/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council receives the Status Report.

CARRIED 5/0

2.28pm *At this time the Community Development Officer left the meeting.*

Agenda Reference:	11.1.3
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Merredin
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	10 th June 2019
Author:	Raymond Griffiths, Chief Executive Officer

2.48pm *At this time the Senior Finance Officer left the meeting.*

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 29th May, 2019, in the Council Chambers at the Shire of Merredin, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Wednesday 29th May, 2019, in the Council Chambers at the Shire of Merredin.

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

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

Resolutions arising out of the 29th May 2019, 2019 WE-ROC Council Meeting summarised hereunder,

RESOLUTION: Moved: Greg Powell Seconded: Jamie Criddle

That representatives from BSC Solar and Power Ledger be invited to address the WEROC Council on Wednesday 26 June to explain the potential benefits to Member Councils in developing small scale solar farms on Council owned land to assist in the development of a revenue stream through the sale of power generated by the solar farms.
CARRIED

RESOLUTION: Moved: Darren Mollenoyux Seconded: Greg Powell

That the Minutes of the Executive Meeting held Wednesday 27 March 2019 be confirmed as a true and correct record.
CARRIED

RESOLUTION: Moved: Jamie Criddle Seconded: Greg Powell

That the Status Report for May 2019 be received.
CARRIED

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

1. That feedback be provided to Accingo on its draft asset audit report, with a request that the following issues be further reported on:
 - a) Provision of data for the Shire of Merredin be made available as soon as possible;
 - b) An explanation as to why the asset audit report contained no information on trucks. If the data is available a request be made for it to be included in the final report provided to WEROC;
 - c) A request for the inclusion of information on the frequency an asset is used; and
 - d) Clarification of the data provided for the Shire of Bruce Rock, with details on the differences shown and why these differences occurred.
2. That Accingo be requested to have a further draft of its report variable for consideration by the WEROC Executive at its next meeting, scheduled for Wednesday 27 July 2019.

CARRIED

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

1. That WEROC provide in-kind and financial support to a maximum of \$5,000 to Dr Andrew Harper, Adjunct Clinical Professor at the Curtin Medical School, to assist in the conduct of the "Curtin Wheatbelt Community Health Study: An exploratory research proposal".
2. That the Executive Officer provide Dr Andrew Harper with a copy of the Verso Report.

CARRIED

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

That the WEROC Executive recommend to the WEROC Council that WEROC seek quotations from suitably qualified records management consultants to undertake a review of Member Councils' recordkeeping policies and procedures to ensure they adequately support their respective Record Keeping Policies.

CARRIED

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

That:

1. Mr Ben Galvin from LGIS be invited to attend the next meeting of the WEROC Executive to discuss concerns Member Councils have with their region's current LGIS coordinator; and
2. That should Mr Galvin be available to meet with the WEROC Executive on 24 July, Member Councils' Works Supervisors also be invited to attend the meeting.

CARRIED

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

That the WEROC Executive recommend to the WEROC Council that WEROC engage the services of a suitably qualified lobbyist to assist in efforts to have the decision to prohibit clearing of vegetation required for the development of the proposed Greenfinch Open Pit operated by Ramelius Resources.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED

No

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 29th May, 2019.

COUNCIL RECOMMENDATION

MIN099/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 29th May, 2019.

CARRIED 5/0

Agenda Reference:	11.1.4
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Disclosure of Interest:	N/A
Date:	07 th June 2019
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 RESOLUTION

MIN100/19 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 5/0

Agenda Reference:	11.1.5
Subject:	Authorised & Registration Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ENG 01
Disclosure of Interest:	N/A
Date:	5 th June 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

The Chief Executive Officer deferred item 11.1.5 for lack of an Absolute Majority

BACKGROUND

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

COMMENT

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

FINANCIAL IMPLICATIONS

- Cost of advertising within the Government Gazette

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

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

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

STRATEGIC PLAN IMPLICATIONS

Nil

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

LONG TERM PLAN IMPLICATIONS

Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION

Chief Executive Officer
Personal Assistant

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That Council:

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

BY ABSOLUTE MAJORITY

Item 11.1.5 was deferred for lack of an Absolute Majority

Agenda Reference:	11.1.6
Subject:	Delegated Authority review to CEO
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Administration
File Ref:	Delegations File (SAFE)
Record Ref:	
Disclosure of Interest:	
Date:	4 th June, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

The Chief Executive Officer deferred item 11.1.6 for lack of an Absolute Majority

BACKGROUND

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

June 2018 Council Meeting

MIN 091/18 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

June 2017 Council Meeting

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

That Council:

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

CARRIED 7/0
BY ABSOLUTE MAJORITY

July 2016 Council Meeting

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

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

CARRIED 7/0
BY ABSOLUTE MAJORITY

June 2015 Council Meeting

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

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

June 2014 Council Meeting

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

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

CARRIED 7/0
BY ABSOLUTE MAJORITY

July 2013 Council Meeting

MIN101/13 MOTION - Moved Cr. Clarke 2nd Cr. O'Neill

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

CARRIED 5/0
BY ABSOLUTE MAJORITY

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

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

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

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

FINANCIAL IMPLICATIONS

Nil (not known at this time)

POLICY IMPLICATIONS

Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;

- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

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

** Absolute majority required.*

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

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

5.43. Limits on delegations to CEO

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

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

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

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
- are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
 - (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

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

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

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

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

Bush Fires Act 1954

7. Interpretation

- (1) In this Act unless the context otherwise indicates or requires —
adjoining, when used with respect to 2 or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;
authorised CALM Act officer means a wildlife officer, forest officer, ranger or conservation and land management officer who is authorised for the purposes of section 45(3a) of the *Conservation and Land Management Act 1984*;
Authority means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Powers of Authority

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

• *[Section 10 amended by No. 65 of 1977 s. 7; No. 42 of 1998 s. 8 and 16.]*

12. Appointment of bush fire liaison officers

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

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

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

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

- (f) inspect fire precaution measures taken on the land;
- (g) investigate and examine the equipment of a bush fire brigade;
- (h) do all things necessary for the purpose of giving effect to this Act.

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

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

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

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

Part III — Prevention of bush fires

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

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister

- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
- (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
- (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
- (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.
- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.

- (7)(a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
- (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
- (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
 - (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
 - (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
 - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
 - (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsections (7) and (8) **publish** means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).
- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.
Penalty: \$10 000 or 12 months' imprisonment or both.

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

Division 3 — Restricted burning times

18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.
- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.
- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (b) imposing a further period of restricted burning times.
- (5)(a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
 - (i) vary the restricted burning times in respect of that year in the district or a part of the district by —
 - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (B) imposing a further period of restricted burning times;
 or
 - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of —
 - (i) shortening the restricted burning times by; or
 - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.

- (c) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (d) For the purposes of this subsection **prescribed condition** includes the requirement of subsection (6)(a).
- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
 - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
 - (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.

- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500.

For a second or subsequent offence \$10 000.

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

Part V — Miscellaneous

48. Delegation by local governments

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

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

50. Records to be maintained by local governments

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

- *[Section 50 amended by No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 39; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 39.]*

Compliance Audit Report

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

STRATEGIC PLAN IMPLICATIONS

Nil (not known at this time)

FUTURE PLAN IMPLICATIONS

Nil (not known at this time)

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY

Yes

STAFF RECOMMENDATION

That Council:

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

BY ABSOLUTE MAJORITY

Item 11.1.6 was deferred for lack of an Absolute Majority

Agenda Reference:	11.1.7
Subject:	CBH Application: Doodlakine
Location:	54 Mather Rd, Doodlakine
Applicant:	Mr. Tim Dooling (Cooperative Bulk Handling)
File Ref:	
Disclosure of Interest:	N/A
Date:	6 th June 2019
Author:	Mr Lewis York, Town Planner

BACKGROUND

Council has received a development application from Mr. Tim Dooling on behalf of Cooperative Bulk Handling for development at its Doodlakine receival site (Lot 54 Mather Road, Doodlakine). Over the last five (5) years the Shire has received a number of development applications from CBH group for improvements at its Kellerberrin site.

The proposal includes the following: 36m long weighbridge, with hut, to replace the existing 18m weighbridge and hut.

SITE

The Doodlakine CBH site is located on the northern side of Great Eastern Highway, East of the Doodlakine townsite.

- 18m weighbridge and marshaling area
- Sampling and weighbridge hut
- Open bulkhead
- Main Storage Bunker; and
- Staff facilities





FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

A fee of \$1,957 for the Planning approval has been issued.

POLICY IMPLICATIONS

Local Planning Scheme No.4

Zoning: GA

3.2.6 General Agriculture Zone

- (a) To ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.
- (b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- (c) To allow for facilities for tourists and travellers, and for recreation uses.

4.11 RURAL DEVELOPMENT

4.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks:

Front: 20.0 metres Rear: 15.0 metres Side: 5.0 metres

Planning and Development (Local Planning Schemes) Regulations 2015

67 . Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the [Environmental Protection Act 1986 section 31\(d\)](#);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#);
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
 - (i) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (z) any submissions received on the application;
- (l) the comments or submissions received from any authority consulted under clause 66;
- (o) any other planning consideration the local government considers appropriate.

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:

Not required.

PLANNING ASSESSMENT

The above-mentioned proposal provides no significant planning issues. The proposal does not seek to change road formatting and entry and exit points. The development will not impact upon local amenity as the proposal does not significantly change building bulk or scale. The proposal complies with the shires *Scheme No.4* , including zone objectives and setbacks. Furthermore the proposal is consistent with the 'matters to be considered' in the *Planning and Development (local planning schemes) Regulations 2015*.

It is noted that the Shire of Merriden are in the process of introducing a policy that will allow the Shire to receive royalties from CBH. An outline of this policy is attached.

STAFF RECOMMENDATION

That Council;

Approves the application for development and endorse the attached approved development plans; including:

- *36 m long weighbridge; and*
- *hut*

With the following conditions;

- a) the endorsed approved plans shall not be altered without the prior written approval of the shire; and*
- b) Development approval will expire if the development is not substantially commenced within two years of the approval date.*
- c) The provision of planning approval **is not** considered Building approval and such works should be accompanied with a building permit.*

COUNCIL RESOLUTION

MIN 101/19 MOTION - Moved Cr. Leake

2ndCr. Reid

That Council;

Approves the application for development and endorse the attached approved development plans; including:

- *36 m long weighbridge; and*
- *hut*

With the following conditions;

- a) the endorsed approved plans shall not be altered without the prior written approval of the shire; and*
- b) Development approval will expire if the development is not substantially commenced within two years of the approval date.*
- c) The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*

GENERAL CONDITIONS

- a) Planning approval is not considered Building approval, this must be obtained separately through a building permit.*

CARRIED 5/0

Reason: *Council was supportive of the general condition being added to the approval*

Agenda Reference:	11.1.8
Subject:	Loan – Community Resource Centre
Location:	92-94 Massingham Street, Kellerberrin
Applicant:	Community Resource Centre
File Ref:	Ass 458 & Ass 459
Record Ref:	ICR191980
Disclosure of Interest:	Nil
Date:	11 th June 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

The Chief Executive Officer deferred item 11.1.8 for lack of an Absolute Majority

BACKGROUND

Council’s February 2019 Ordinary Meeting of Council – 12th February 2019

MIN 014/19 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council:

1. ***Approve the CRC request to upgrade the buildings at 94-96 Massingham Street to incorporate the Kellerberrin Post Office as presented.***
2. ***Approve a Loan to the Community Resource Centre of \$80,000 for the purchase of the Australian Post Franchise and upgrades to the Facility to enable the purchase with the following conditions;***
 - a. ***Quarterly payments of \$5,000 until the loan principle are paid in full.***
 - b. ***Payments commence 30th April 2019***
 - c. ***Council is provided with the Monthly Financial Reports of the Community Resource Centre incorporating the Kellerberrin Post Office franchise.***

COMMENT

Council has received correspondence from the Community Resource Centre advising that they no longer require the self-supporting loan from Council as they are able to fund the purchase of the Post Office from their own resources.

Council in February 2019 adopted to approve the funding, therefore Council need to revoke part two of the motion as the Committee still seeks Council’s approval for the building modifications.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That Council;

- a) rescinds Part 2 of Council Resolution MIN 014/19*
- b) writes to the Community Resource Centre acknowledging receipt of their correspondence notifying Council they no longer require the Self-supporting loan to fund the purchase of the Post Office.*

BY ABSOLUTE MAJORITY

Item 11.1.8 was deferred for lack of an Absolute Majority.

Agenda Reference:	11.1.9
Subject:	Shire of Kellerberrin – Private and Confidential Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	11 th June 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

The Chief Executive Officer deferred item 11.1.9 for lack of an Absolute Majority for item 11.1.10

BACKGROUND

Council wish to move behind closed doors to discuss 19/20 Salaries & Wages Budget.

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 19/20 Salaries & Wages.

BY ABSOLUTE MAJORITY

Item 11.1.9 was deferred for lack of an Absolute Majority for item 11.1.10

Agenda Reference:	11.1.10
Subject:	2019/20 – Salaries and Wages Budget
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	N/A
Date:	30 th May 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

This report is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a matter affecting an employee or employees”.

The Chief Executive Officer deferred item 11.1.10 for lack of an Absolute Majority.

STAFF RECOMMENDATION

That Council:

1. *Receives the Salaries and Wages schedule as presented*
2. *Instructs Council’s Chief Executive Office to incorporate the Draft Salary and Wages Budget into Council’s 2019/20 Draft Budget.*

BY ABSOLUTE MAJORITY

Item 11.1.10 was deferred for lack of an Absolute Majority.

Agenda Reference:	11.1.11
Subject:	Draft Fees and Charges 2019/20
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	
Date:	5 th June 2019
Author:	Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

In accordance with Regulation 5(2) of the Local Government (Financial Management) Regulations, a local government is to undertake a review of its fees and charges regularly; and not less than once in every financial year. This report provides the council with a recommended Schedule of Fees and Charges to apply for the financial year commencing on 01 July 2019, for its consideration.

Council adopts fees and charges as part of its annual budget process, though fees and charges can be imposed or amended at any stage of the financial year provided the proposed changes are advertised accordingly (absolute majority required).

Council considers the annual schedule of fees and charges separately from the budget document to enable more time to contemplate each proposed charge for the forthcoming year.

COMMENT

Statutory fees and charges have been considered in relation to sustainability and are adjusted to reflect current pricing where prudent. Council fees and charges have been considered in relation to current income and use and have been compared to other local government bodies in the region.

The list of draft fees and charges for 2019/20 are available at attachment A.

The significant changes proposed are available below:

Housing- Weekly Rentals

Lot 401 Moore Street is currently occupied by the Dentist Surgery. An increase of the weekly rental fee to \$80.00 is proposed to maintain consistency with the fees of other properties (eg Doctor Surgery).

Rubbish Charges

Avon Waste will be increasing their 2019/20 fees by 1.1%. Officers propose a 1.5% increase in the domestic and commercial bins and additional bins. This is consistent with the Fees and Charges revenue extrapolation as comprised within the Councils adopted Long Term Financial Plan.

Event Applications

Event assessments have been split into two categories. Events Assessment fewer than 1000 people will remain at \$115.00, event assessments for more than 1000 people will be \$250.00 with the addition of Environmental Health Officer time being charges at cost plus admin fees. This proposed change will ensure that staff time is being accounted for when processing more complicated event applications.

Gym Membership

Officers have proposed that the hourly gym fee be removed from the list of fees and changes.

FINANCIAL IMPLICATIONS

Whilst fees and charges revenue includes items that the Council has no authority to amend, it is important that, where possible, controllable fees and charges are appropriately indexed on an annual basis, to assist in offsetting the increasing costs of providing associated services. This may include increases beyond normal indexation in particular cases in line with Section 6.17 of the Act.

POLICY IMPLICATIONS

There are no direct policy implications.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or

- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

This matter aligns with Goal 13 “Council leads the organisation and engages with the community in an accountable and professional manner” and particularly 13.1 Develop and maintain our integrated planning documents.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

Projected Fees and Charges are included in the Shire of Kellerberrin Long Term Financial Plan as a 1.5% increase annually.

ABSOLUTE MAJORITY REQUIRED

No

STAFF RECOMMENDATION

That Council adopts the fees and charges for 2019/20 as presented to be included in the 2019/20 Annual Budget.

COUNCIL RESOLUTION

MIN102/19 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council adopts the fees and charges for 2019/20 as presented with the addition of;

- 1. Unit 1/72 Hammond Street and Unit 2/72 Hammond Street rent set by GROH;*
- 2. An increase of the annual gym membership to \$150;*
- 3. An increase to the monthly gym membership to \$60; and*
- 4. Standpipe Water Supply increase to \$10.50 per kiloliter.*

for inclusion in the 2019/20 Annual Budget.

CARRIED 5/0

Reason: *The Council was in agreement that the amendments to the staff recommendation is reflective of current market prices.*

Agenda Reference:	11.1.12
Subject:	Direct Debit List and Visa Card Transactions for the month May 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	5th June 2019
Author:	Brett Taylor – Senior Finance Officer

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of May 2019.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-May-19	NAB	Bank Fees		0.26
1-May-19	Westnet	Internet Fees		4.99
1-May-19	NAB	Bank Fees		72.06
1-May-19	NAB	Bank Fees		81.80
1-May-19	NAB	Bank Fees		147.41
2-May-19	Shire of Kellerberrin	Pay Run		50,062.74
3-May-19	Shire of Kellerberrin	Super Choice		7,117.66
7-May-19	Shire of Kellerberrin	Department of Transport		109.69
9-May-19	Shire of Kellerberrin	Creditors		297,971.29
14-May-19	Department of Housing	Rent		420.00
16-May-19	Shire of Kellerberrin	Creditors		9,241.50
16-May-19	Shire of Kellerberrin	Pay Run		51,622.01
23-May-19	Shire of Kellerberrin	Super Choice		8,040.37
23-May-19	Shire of Kellerberrin	Creditors		129,293.81
28-May-19	Department of Housing	Rent		420.00
30-May-19	Shire of Kellerberrin	Pay Run		53,325.42
31-May-19	NAB	Bank Fees		15.64
31-May-19	NAB	Bank Fees		45.80
31-May-19	NAB	Bank Fees		58.40
31-May-19	NAB	Bank Fees		11.31
31-May-19	NAB	Bank Fees		74.19
31-May-19	NAB	Bank Fees		87.75
31-May-19	NAB	Bank Fees		174.21
31-May-19	Shire of Kellerberrin	Super Choice		7,931.25
31-May-19	NAB	Bank Fees		60.99
TOTAL			\$	616,390.55

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-May-19	Department of Transport	Licencing May 2019		66,497.55
TOTAL			\$	66,497.55

Visa Transactions

Date	Name	Details	\$	Amount
03-May-19	Mallee Tree Café	Entertainment		12.00
08-May-19	Shire of Kellerberrin	Licencing KE 1		459.70
13-May-19	SEEK	CEACA Advertisement		308.00
20-May-19	Dept Mines and Safety	M.Tomlinson High Risk Licence		50.40
22-May-19	United Petroleum	Fuel KE 1		88.40
28-May-19	NAB	Card Fee		9.00
TOTAL - CEO			\$	927.50
TOTAL -DCEO			\$	0.00
TOTAL VISA TRANSACTIONS			\$	927.50

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 May be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or

- (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS

Nil

CORPORATE BUSINESS PLAN IMPLICATIONS

Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

ABSOLUTE MAJORITY REQUIRED

No

STAFF RECOMMENDATION

That the Direct Debit List for the month of May 2019 comprising;

- a) Municipal Fund – Direct Debit List
- b) Trust Fund – Direct Debit List
- c) Visa Card Transactions

Be adopted.

COUNCIL RESOLUTION

MIN103/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That the Direct Debit List for the month of May 2019 comprising;

- a) Municipal Fund – Direct Debit List***
- b) Trust Fund – Direct Debit List***
- c) Visa Card Transactions***

Be adopted.

CARRIED 5/0

Agenda Reference:	11.1.13
Subject:	Cheque List May 2019
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	07 th June 2019
Author:	Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st May 2019 – 31st May 2019

TRUST	
TRUST TOTAL	\$ 700.00

MUNICIPAL FUND	
Cheque Payments	
34596-34605	\$ 17,700.48
EFT Payments	
9481-9575	\$ 436,506.60
Direct Debit Payments	\$ 76,407.67
TOTAL MUNICIPAL	\$ 454,207.08

COMMENT

During the month of May 2019, the Shire of Kellerberrin made the following significant purchases:

Bitutek Pty Ltd	\$ 123,619.55
Two coat primerseal C170 bitumen with up to 5% cutback @ 1.7L/m2 and 14 & 10mm, Additional product used above quoted binder application rates, Spray & Cover single coat 95/5 C170 bitumen @ 1.30L/m2 and 7mm aggregate., Two coat primerseal C170 bitumen with up to 5% cutback @ 1.7L/m2 and 14 & 10mm, Additional product used above quoted binder application rates, Two coat primerseal C170 bitumen with up to 5% cutback @ 1.7L/m2 and 14 & 10mm	
Deputy Commissioner Of Taxation	\$ 51,710.00
GST Debtors, PAYG Tax, GST Creditors, Fuel Tax Credits	
WCS Concrete Pty Ltd	\$ 40,940.90
Supply, Delivery & Laying of 32MPA concrete to North Baandee Rd for floodway, Local Provider within 60kms of Kellerberrin, Supply and Lay N25 coloured concrete (Beige) with F52 mesh in February 2019 as per Quoted Job No 103264, Supply and Lay N20 concrete for footings 8mm 3 bar trench mesh in February 2019 as per Quoted Job No 103264, Supply & Delivery of 3 mts stabe 6% for floodway pipes extension at North Baandee project, 4 x 750mm concrete pipes for floodway plus delivery	
Mineral Crushing Services WA PTY LTD	\$ 39,464.04
Purchase of 187.25 tonne of 14mm & 60.20 tonnes of 10mm aggregate for Baandee North Rd, Purchase of 227.50 tonnes of 10mm aggregate for Kwolyin West, Purchase of 155.45 tonnes of 10mm & 75.65 tonnes of 14mm aggregate for Baandee North Rd, Purchase of 124.55 tonnes of 10mm & 87.10 tonnes of 14mm aggregate for Baandee North Rd, Purchase of 101.60 tonnes of cracker dust for GROH project, Purchase of 47.80 tonnes of 10mm & 115.95 tonnes of 14mm aggregate for Baandee North Rd	

KLM Mining & Industrial Pty Ltd Supply & Install 35ml synthetic turf, 15 Hammond Street, GROH housing	\$ 30,030.00
Western Stabilisers Wet Mixing & Mobilisation at Kwolyin West Rd project	\$ 21,027.69
Rylan Pty Ltd Kerbing on Cemetery Rd, Mountable, Semi-mountable, Flush	\$ 17,119.52
Smith Earthmoving Pty Ltd Cart gravel and spoil, 117.5hr for Baandee North Rd project	\$ 16,802.50
United Card Services Pty Ltd Fuel Purchases, April 2019	\$ 15,039.92
Western Australian Treasury Corporation Loan No. 119 Interest payment, Construct CEACA Senior Units Hammond St	\$ 11,140.49
Merredin Refrigeration & Gas Repairs to Air Con in Judges box, Fault codes with communication error, Need to order indoor PC boards, Materials & Labour, Tested operations, Tested amps and pressures, Materials & Labour, Provide Pre-Season Maintenance Service to Air Conditioning & Refrigeration Equipment to all Shire owned facilities, Repairs to Rec Centre kitchen cool room, Found leak on TX valve, Repaired, Cleaned evaporator thoroughly, Materials & Labour	\$ 9,844.25
Brian Castle Contracting Services Rock walling as directed, Mobilisation, Labour, Equipment hire & Materials	\$ 9,241.50
R Munns Engineering Consulting Services Consulting work on the reconstruction of the Baandee North Rd from SLK 10.54 to 16.54, Setting out of works including floodway at SLK 11.01, Providing TGS's for works, 4 site visits from 03/04/2019 to 03/05/2019, Labour & Travel	\$ 8,827.54
Woodstock Electrical Services Find fault in pump pit at Peaks, Replace burnt out pump fittings to suit sewerage pump, Repairs to faulty ppts in main sleeping dorms, Repair to TV connection lead double ppt, Repairs to washing machines at Caravan Park, Test and tag all cords and appliances at Kellerberrin Pool, Replace burnt out motor and fan in cooler condenser fan, Repairs to damaged lights in Shire workshop, LED batten fluoro, Double power point, Replace damaged exit signs in Hall, Repair LED light panel on stage, Replace blown light in toilet, Repair and make safe damaged lights on signs at Shire Office, Install power to Cat pound facility, Repair and Replacement of faulty lights at Recreation Centre in Kitchen, Replace parts & Labour, Find fault in pump shed at main dam, RCD 1 pole com, Repair and Replacement of faulty lights, timer at Recreation Centre	\$ 7,246.05
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,711.68
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,683.47
Tom's Tree Service Stump grinding & Tree trimming within townsite	\$ 6,435.00
Landgate Rural Valuation Costs 18/19, First 500 shared	\$ 6,258.20
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 5,944.21

Moore Stephens

Compilation of Monthly Financial Statements as per Quote dated 26 March 2019, Including EOM review service, Additional work at EOM to reconcile changes to the opening balance items, Compilation and submission of Monthly Business Activity Statement as per Quote dated 26 March 2019, Rates processing service for April 19 Shire of Kellerberrin 2018/2019 Operating Budget

\$ 5,863.55

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
(Including Workforce Plan and Asset Management Plan Implications)**

LONG TERM FINANCIAL PLAN IMPLCATIONS

Nil

COMMUNITY CONSULTATION

Nil

ABSOLUTE MAJORITY REQUIRED

No

STAFF RECOMMENDATION

That Council notes that during the month of May 2019, the Chief Executive Officer made the following payments under council’s delegated authority as listed in appendix A.

- 1. *Municipal Fund payments totalling \$ 454,207.08 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$ 700.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN104/19 MOTION - Moved Cr. Steber

2nd Cr. Leake

That Council notes that during the month of May 2019, the Chief Executive Officer made the following payments under council's delegated authority as listed in appendix A.

1. *Municipal Fund payments totalling \$ 454,207.08 on vouchers EFT , CHQ, Direct payments.*
2. *Trust Fund payments totalling \$ 700.00 on vouchers EFT, CHQ, Direct payments.*

CARRIED 5/0

Agenda Reference:	11.1.14
Subject:	Financial Management Report for May 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	12 June 2019
Author:	Kate Dudley, Deputy Chief Executive Officer

The Chief Executive Officer deferred item 11.1.14 for lack of an Absolute Majority.

BACKGROUND

Enclosed is the Monthly Financial Report for the month of May 2019.

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; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d).
- (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

Yes

STAFF RECOMMENDATION

That the Financial Report for the month of May 2019 comprising;

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

Be adopted.

BY ABSOLUTE MAJORITY

Item 11.1.14 was deferred for lack of an Absolute Majority.

DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: May 2019
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	4 th June 2019
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 four (4) applications received for a "Building Permit" during the May period. A copy of the "Australian Bureau of Statistics appends".
2. There was seven (7) "Building Permits" issued in the May 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 (Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED

No

STAFF RECOMMENDATION

That Council

- 1. *Acknowledge the "Return of Proposed Building Operations" for the May 2019 period.*
- 2. *Acknowledge the "Return of Building Permits Issued" for the May 2019 period.*

COUNCIL RESOLUTION

MIN105/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council

- 1. *Acknowledge the "Return of Proposed Building Operations" for the May 2019 period.*
- 2. *Acknowledge the "Return of Building Permits Issued" for the May 2019 period.*

CARRIED 5/0

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

Agenda Reference:	13.1.1
Subject:	Late Item List of Preferred Suppliers 2019/2022
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record No.:	
Disclosure of Interest:	Yes
Date:	17 June 2019
Author:	Kate Dudley, Deputy Chief Executive Officer
Signature of Author:	_____
Signature of CEO:	

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”.

The Chief Executive Officer deferred item 13.1.1 for lack of a quorum.

BACKGROUND

Council’s over the previous financial years have been advised at audit time that the tender threshold of \$150,000 for purchases can be reflected across the use of a sole contractor over a period equating to \$150,000 therefore it would become best practice to Tender the contractor service out and either accept a sole tender or have a Preferred Suppliers list for the specified contract works.

The idea of Tender threshold was previously thought by officers to only be for the financial year that the expenditure was to occur in. However recent advice has come to light that it is now recommended that you should undertake a review of your creditors and that any creditor that has history of reaching such funds over a three year period and it is foreseeable that this could occur again then this should be tendered out.

The practice we believe could be seen to be best practice not necessarily regulatory. However, the process does help with day to day operations and ease of appointing contractors to undertake works, understanding the costs up front without quoting.

COMMENT

Council in reviewing its areas of expenditure identified that Council expends considerable funds on Earthmoving contractors throughout any year and over a three year period therefore a tender was called for a panel of pre-qualified preferred suppliers for the three year period commencing 1st July 2019 to 30th June 2022 covering the following areas:

- a. Contract Haulage
- b. Earthmoving Gravel Push-up
- c. Prime Mover
 - i. Truck Only
 - ii. Trailer/s Only
 - iii. Semi Combo
 - iv. Long Vehicle Combo

- d. Plant Hire (Specify Type of Plant)
- e. Engineering services;

Council advertised the Tender on the 10th May 2019 in “The West Australian” and additional adverts in the local pipeline and Council’s facebook page.

Council issued out 27 information packs to prospective contractors and at the closing of tender submissions on Friday 14th June 2019 Council received thirteen submissions in response to the Request for Tender. Submissions were received from:

1. Rockway Contracting
2. May Day Earthmoving
3. R Munns Engineering Consulting Services
4. Martin William Grant
5. Moonspark Holdings Pty Ltd, T/as Peak Transport
6. Smith Earthmoving
7. Innes & Co
8. Triplains Pty Ltd ATF T/As L & L Steber
9. Brooks Hire
10. Tricoast Holdings Pty Ltd
11. Mineral Crushing Services (WA) Pty Ltd
12. Sam Williams
13. Youlie & Sons Spreading

The submissions received from the abovementioned contractors are for various parts of the specified areas, some contractors are for Plant hire only etc.

The review process of all submissions has been completed by the Tender Evaluation Panel, that comprised of the Deputy Chief Executive Officer. The original panel consisted of:

- Mr Raymond Griffiths, Chief Executive Officer
- Mr Mick Jones, Manager Works and Services

Council on the receipt of the tender submissions opened all submissions and reviewed the referees and recognized that both staff members listed above were listed as referees therefore both members removed themselves from the evaluation process leaving the Deputy CEO to review the tenders.

The assessments of the tenders were based on the following Qualitative Criteria as included in the Request for Tender Document:

Description of Qualitative Criteria	Weighting %
A) Capabilities Outline the key services, skills, personnel and equipment that your company can provide the Shire of Kellerberrin. <ol style="list-style-type: none"> i. Key services and skills (10%) ii. Key personnel (10%) iii. Relevant equipment (5%) 	25%

<p>B) Relevant experience in providing this service (include referees) Provide details of previous successful delivery of services:</p> <ul style="list-style-type: none"> i. Up to a maximum of 5 projects (20%) ii. 1 paragraph description outlining scope of work (10%), iii. Cost (10%), iv. Timeframe (5%) v. Referee (5%) - Must include referee details. <p>Scaling of Project Clients</p> <ul style="list-style-type: none"> - Shire of Kellerberrin (scale 1). - Regional WA local government authorities (scale 0.8). - WA local government authorities (scale 0.6). - State Government agencies (scale 0.4) - Other clients (scale 0.2). 	50%
<p>C) Local Supplier</p> <p>Outline the primary location of your business</p> <ul style="list-style-type: none"> i. Shire of Kellerberrin (max 25%) ii. Neighbouring local government authority (max 15%) iii. Regional WA (max 15%) iv. Perth (max 10%) v. Other (max 5%) 	25%

FINANCIAL IMPLICATIONS

Purchasing under this contract will be in accordance with works program outlined in the Annual Budget 2019/20.

POLICY IMPLICATIONS

2.3 Purchasing and Tendering Policy

<p>Policy Name: Purchasing and Tendering Policy</p>	<p>To be read in conjunction with Policy Numbers:</p>
<p>Date Adopted: April 2019</p>	<p>Review Date: October 2020</p>

1. PURCHASING

The Shire of Kellerberrin (the “Shire”) is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire strategic and operational objectives.

This policy complies with the Local Government (Functions and General) Regulations 1996 (The Regulations as amended in March 2007 & LGA 1995 as amended)

1.1 OBJECTIVES

The Shire’s purchasing activities will achieve:

- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the Local Government Act 1995, Local Government (Functions and General) Regulations 1996, as well as any relevant legislation, Codes of Practice, Standards and the Shire’s Policies and procedures;
- Risks identified and managed within the Shire’s Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire’s Record Keeping Plan;
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

1.2 ETHICS & INTEGRITY

All officers and employees of the Local Government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Local Government.

The following principles, standards and behaviors must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

1. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
2. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;

3. Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
4. All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
5. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
6. Any information provided to the Local Government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

1.3 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks. An assessment of the best value for money outcome for any purchasing should consider:

1. All relevant whole-of-life costs and benefits whole-of-life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
2. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
3. Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
4. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
5. A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy;
6. The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
7. The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
8. Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

1.4 PURCHASING THRESHOLDS AND PRACTICES

The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

1.4.1. Policy Purchasing Value Definition

Purchasing value for a specified category of goods, services or works is to be determined upon the following considerations:

- Exclusive of Goods and Services Tax (GST); and
- Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works. OR
- Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period. This period may be extended to a maximum of 5 years only where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire's requirements (Regulation 12).

The calculated estimated Purchasing Value will be used to determine the applicable threshold and purchasing practice to be undertaken.

1.4.2. Purchasing from Existing Contracts

The Shire will ensure that any goods, services or works required that are within the scope of an existing contract will be purchased under that contract.

1.4.3. Table of Purchasing Thresholds and Practices

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:

Purchase Value Threshold (exc GST)	Purchasing Practice Required
Up to \$5,000 (exc GST)	Direct purchase, no quote needed
From \$5,001 and up to \$35,000 (exc ST)	<p>Seek at least one (1) verbal or written quotation from a suitable supplier.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then a quote must be sought from either:</p> <ul style="list-style-type: none"> • a supplier included in the relevant WALGA Preferred Supplier Arrangement; or • other suppliers that are accessible under another tender exempt arrangement; or

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<p>To implement asset management best practice principles into our day to day operations.</p> <p>To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</p> <p>To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.</p> <p>To source funding and grants to contribute to the renewal and replacement works.</p>
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<p>To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.</p>
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<p>To facilitate discussions with Road Authorities and external parties to improve condition of state roads.</p> <p>To lobby government agencies to provide an improved road and transportation system to the Shire.</p> <p>To develop a program to improve and enhance local roads and footpaths.</p> <p>To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.</p>

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

Purchasing under this contract will be in accordance with works program outlined in the Long Term Financial Plan.

ABSOLUTE MAJORITY REQUIRED

No

STAFF RECOMMENDATION

That Council

1. adopts the contractors list supplied as the Panel of pre-qualified suppliers for a three year term commencing 1st July 2019 to 30th June 2022 for the following categories;
 - a. Contract Haulage
 - b. Earthmoving Gravel Push-up
 - c. Prime Mover
 - i. Truck Only
 - ii. Trailer/s Only
 - iii. Semi Combo
 - iv. Long Vehicle Combo
 - d. Plant Hire (Specify Type of Plant)
 - e. Engineering services;

2. Advises the contractors that they qualify for the panel.

Item 13.1.1 was deferred for lack of a quorum

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

Nil

15 CLOSURE OF MEETING

The Presiding Member closed the meeting at 5.36pm and thanked members for their attendance.

NEXT MEETING DATE

Ordinary Council Meeting Tuesday, 23rd July 2019