

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Special Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Monday, 24th June 2019, commencing at 8.00am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS

The Presiding Member opened the meeting at 8.14am.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member (left the meeting at 8.21am – returned at 8.22am)
Cr. Steber	Member (left the meeting at 8.21am – returned at 8.22am)
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer (left the meeting at 8.21am – returned at 8.22am)
Ms Kate Dudley	Deputy Chief Executive Officer – Minutes
Mr Mick Jones	Manager of Works and Services (left the meeting at 8.21am – returned at 8.22am)

Apologies:

Nil

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
24 June 2019	Cr Dennis Reid	11.1.6	Applicant to join the panel of pre-qualified suppliers
24 June 2019	Cr Matt Steber	11.1.6	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
24 June 2019	Mr Raymond Griffiths	11.1.6	Listed as a referee for an applicant to join the panel of pre-qualified suppliers
24 June 2019	Mr Mick Jones	11.1.6	Listed as a referee for an applicant to join the panel of pre-qualified suppliers

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

Nil

11.1 CORPORATE SERVICES – AGENDA ITEM

11.1 CORPORATE SERVICES

Agenda Reference:	11.1.1
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
Signature of Author:	_____
Signature of CEO:	

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

COUNCIL RESOLUTION

MIN106/19 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

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

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.2
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
Signature of Author:	_____
Signature of CEO:	

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
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

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

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

CARRIED 5/0
BY ABSOLUTE MAJORITY

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

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

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

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

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

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

** Absolute majority required.*

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

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

5.43. Limits on delegations to CEO

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

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

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

5.44. CEO may delegate powers and duties to other employees

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

(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) — **conditions** includes qualifications, limitations or exceptions.

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

5.45. Other matters relevant to delegations under this Division

(1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

(2) Nothing in this Division is to be read as preventing —

(a) a local government from performing any of its functions by acting through a person other than the CEO; or

(b) a CEO from performing any of his or her functions by acting through another person.

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

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Bush Fires Act 1954

7. Interpretation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Powers of Authority

- (1) The Authority shall —
 - (a) report to the Minister as often as it thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;

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

[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

COUNCIL RESOLUTION

MIN107/19 MOTION - Moved Cr. Reid

2nd Cr. McNeil

That Council:

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

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference: 11.1.3
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: 11th June 2019
Author: Mr Raymond Griffiths, Chief Executive Officer

Signature of Author: _____

Signature of CEO:

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 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

COUNCIL RESOLUTION

MIN108/19 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council;

- a) rescinds Part 2 of 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.

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.4
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
Signature of Author:	_____
Signature of CEO:	

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.

COUNCIL RESOLUTION

MIN109/19 MOTION - Moved Cr.O'Neill 2nd Cr. Leake

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.

CARRIED 6/0

8.18am *At this time the meeting was closed to the public.*

Agenda Reference:	11.1.5
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
Signature of Author:	_____
Signature of CEO:	

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".

ABSOLUTE MAJORITY REQUIRED

Yes

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

COUNCIL RESOLUTION

MIN110/19 MOTION - Moved Cr.Reid 2nd Cr. McNeil

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.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

COUNCIL RESOLUTION

MIN111/19 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council moves from behind closed doors.

CARRIED 6/0

8.20am *At this time the meeting was reopened to the public.*

Agenda Reference:	11.1.6
Subject:	List of Preferred Suppliers 2019/2022
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record No.:	
Disclosure of Interest:	
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”.

Date	Name	Item No.	Reason
24 June 2019	Cr Dennis Reid	11.1.6	Applicant to join the panel of pre-qualified suppliers
24 June 2019	Cr Matt Steber	11.1.6	Applicant to join the panel of pre-qualified suppliers

Date	Name	Item No.	Reason
24 June 2019	Mr Raymond Griffiths	11.1.6	Listed as a referee for an applicant to join the panel of pre-qualified suppliers
24 June 2019	Mr Mick Jones	11.1.6	Listed as a referee for an applicant to join the panel of pre-qualified suppliers

8.21am At this time Cr Steber, Cr Reid, the Chief Executive Officer and the Manager of Works Services left the meeting.

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. <ul style="list-style-type: none"> i. Key services and skills (10%) ii. Key personnel (10%) iii. Relevant equipment (5%) 	25%
B) Relevant experience in providing this service (include referees) Provide details of previous successful delivery of services: <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. Scaling of Project Clients <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%
C) Local Supplier Outline the primary location of your business <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

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

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 behaviours 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 • the open market.

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	To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs. To operate and maintain assets in the most economical and efficient manner possible. To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	To facilitate discussions with Road Authorities and external parties to improve condition of state roads. To lobby government agencies to provide an improved road and transportation system to the Shire. To develop a program to improve and enhance local roads and footpaths. To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM 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.*

COUNCIL RESOLUTION

MIN112/19 MOTION - Moved Cr. Leake 2nd Cr. McNeil

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.***

CARRIED 4/0

8.22am

At this time Cr Steber, Cr Reid, the Chief Executive Officer and the Manager of Works Services returned to the meeting.

Agenda Reference:	11.1.7
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
Signature of Author:	_____
Signature of CEO:	

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;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

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

STRATEGIC PLAN IMPLICATIONS

Nil

CORPORATE BUSINESS PLAN IMPLICATIONS

Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

ABSOLUTE MAJORITY REQUIRED

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

COUNCIL RESOLUTION

MIN113/19 MOTION - Moved Cr. Reid

2nd Cr. Steber

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

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

Be adopted.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

11.2 DEVELOPMENT SERVICES

Nil

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil

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

Nil

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

Nil

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

Nil

15 CLOSURE OF MEETING

The Presiding Member closed the meeting at 8.23am and thanked members for their attendance.

NEXT MEETING DATE

Ordinary Council Meeting Tuesday, 23rd July 2019