

**SHIRE OF KELLERBERRIN
MINUTES**

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110
Massingham Street Kellerberrin on Tuesday, 17th September, commencing at 2.00pm

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS

The Presiding Member opened the meeting at 2.08pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Reid	Member
Cr. Steber	Member
Cr. McNeil	Member
Cr. Leake	Member
Mr Raymond Griffiths	Chief Executive Officer
Ms Kate Dudley	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mrs Natasha Giles	Communtiy Development Officer (left the meeting at 2.36pm)
Mr Brett Taylor	Senior Finance Officer (left the meeting at 2.36pm)

Apologies:

Mr Lewis York Town Planner

Public:

0

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 **Closely Association Person and Impartiality** interest were made at the Council meeting held on **17th September 2019**

Date	Name	Item No.	Reason
17 th September	Mr Raymond Griffiths	11.1.9	Closely associated persons as daughter sumitted an EOI

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 20th August, 2019

COUNCIL RESOLUTION

MIN151/19 MOTION: Moved Cr. Steber 2nd Cr. Reid

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 20th August 2019, be confirmed as a true and accurate record

CARRIED 6/0

7.2 Audit Committee Meeting Minutes, 23rd July, 2019

COUNCIL RESOLUTION

MIN152/19 MOTION: Moved Cr. McNeil 2nd Cr. Leake

That the minutes of the Audit Committee Meeting Minutes held on Tuesday 23rd July 2019, be confirmed as a true and accurate record

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN153/19 MOTION: Moved Cr. Reid 2nd Cr. Leake

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

CARRIED 6/0

10.2 Standing Orders

MIN154/19 MOTION: Moved Cr. Leake 2nd Cr. O'Neill

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 6/0

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 September, 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.

August 2019 Council Meeting

MIN143/19 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council directs the CEO to investigate the costs of installing solar panels at the doctor surgery and residence.

July 2019 Council Meeting

MIN118/19 MOTION - Moved Cr.Reid 2nd Cr. McNeil

That Council;

- 1. Submit the Shackleton Road Petition to the Minister for Transport with a “cc” to Hon. Darren West and Mia Davies; and***
- 2. Investigate and install roadside convex mirrors within car parks, subject to Main Roads approval.***

June 2019 Council Meeting

MIN 097/19 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.***

August MIN 143/19

That Council directs the CEO to investigate the costs of installing solar panels at the doctor surgery and residence.

July MIN 118/19

1. Petitions were collected from Kellerberrin Townsite and submitted to the Minister for Transport and "cc" to Hon. Rita Saffioti and Mia Davies on 5th August 2019. Response received from Minister Rita Savoroti advising effectively "No", a response letter has been drafted and issued to the Minister 6th September 2019
2. Mirror isn't supported by Main Roads. Council to have lines painted on the parking area to see if this assists.

June MIN 097/19

1. Letter issued to Wheatbelt Ag Care, 24th June 2019. Invoice being paid 30th July 2019.
2. Landcorp applications are not open at this stage.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

(4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

Council
Community Members

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN155/19 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That the council request the CEO to continue with daily checks on the skate park for leaves, sand etc.

CARRIED 6/0

2.36pm *At this time the Community Development Officer and the Senior Finance Officer left the meeting.*

NOT CONFIRMED

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:	2 nd September 2019
Author:	Mr 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.

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 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

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 - (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;
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- (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.

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5.61. Indirect financial interests

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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.]

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- (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 —
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 - (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 —
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 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

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

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

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

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

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

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

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.
[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

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

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

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

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RESOLUTION

MIN156/19 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council receives the Status Report.

CARRIED 6/0

Agenda Reference:	11.1.3
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Kellerberrin Recreation and Leisure Centre
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	4 th September 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Tuesday 27th August, 2019, in the Meeting Room at the Kellerberrin Recreation & Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Tuesday 27th August, 2019, in the Kellerberrin Recreation & Leisure Centre, Shire of Kellerberrin.

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 27th August 2019, 2019 WE-ROC Council Meeting summarised hereunder,

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

That the Minutes of the Council Meeting held Wednesday 26 June 2019 be confirmed as a true and correct record.
CARRIED

RESOLUTION: **Moved: Cr Forsyth** **Seconded: Mr Powell**

That the Status Report for August 2019 be received.
CARRIED

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

That the matters listed for noting be received.
CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Mr Criddle**

That the WEROC Financial Report for the period ending 30 June 2019 be received.
CARRIED

RESOLUTION: **Moved: Mr Clarke** **Seconded: Cr Day**
That the WEROC Financial Report for the period ending 31 July 2019 be received.

CARRIED

RESOLUTION: **Moved: Cr Day** **Seconded: Cr Rajagopalan**
That the Accounts Paid for the period 1 June 2019 to 31 July 2019 totalling \$20,251.16 be approved.

CARRIED

RESOLUTION: **Moved: Mr Clarke** **Seconded: Cr Rajagopalan**
That the:
1. Executive Officer's report be noted; and
2. Action Sheet from the Meeting of the Wheatbelt Medical Student Immersion Program Planning Group held Wednesday 31 July 2019 be received.

CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Cr Day**
That the Executive Officer's report be received.

CARRIED

RESOLUTION: **Moved: Mr Clarke** **Seconded: Mr Mollenoyux**
That the Executive Officer's report be noted.

CARRIED

RESOLUTION: **Moved: Cr Forsyth** **Seconded: Cr Day**
That the WEROC Executive be given delegated authority to finalise the appointment of a qualified records management consultant to undertake a review of Member Councils' recordkeeping policies and procedures to ensure they adequately support their respective Record Keeping Policies.

CARRIED

RESOLUTION: **Moved: Cr Rajagopalan** **Seconded: Mr Criddle**
That WEROC:
1. Initiate discussions with BSC Energy and Power Ledger seeking the conduct of a pre-feasibility study in respect to developing a micro-grid system across the WEROC geographic area; and
2. Extend an invitation to Steve Mason to meet with WEROC Council in 2020 to provide an update on Innovation Central Midlands WA Inc's renewable energy project.

CARRIED

RESOLUTION: **Moved: Cr Day** **Seconded: Cr Rajagopalan**
That WEROC:
1. Encourages Member Councils to complete the online survey developed by the Department of Health as part of its review of the *Health (Pesticides) Regulations 2011*;
2. Member Councils share the information provided in the online survey with WALGA as it works on a sector wide submission around the review of the *Health (Pesticides) Regulations 2011*; and

3. WEROC prepare a submission that highlights the potential difficulties small rural and remote local governments may face if Option C is adopted by the State Government as an outcome of its review of the *Health (Pesticides) Regulations 2011*

CARRIED

RESOLUTION: **Moved: Cr Forsyth** **Seconded: Cr Day**

That the WEROC Council provide a letter of support for the NEWTravel and Roe Tourism Application for a QANTAS Regional Grant.

CARRIED

RESOLUTION: **Moved: Cr Day** **Seconded: Cr Rajagopalan**

1. That Ms Jo Malcolm from the Public Health Advocacy Institute of WA be invited to the September meeting of the WEROC Executive to discuss the potential for WEROC's Member Councils to access funding to assist them in developing and implementing their respective Public Health Plans.
2. That Member Councils be requested to extend an invitation to relevant staff to attend the presentation and discussion.

CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Cr Rajagopalan**

That prior to the Executive Officer applying for funding for further work on either the WEROC App or website:

1. The WEROC Executive determine what areas should be targeted, with a report and recommendation to be presented at the WEROC Council Meeting scheduled to be held Wednesday 30 October 2019; and
2. Any applications for funding be based only upon decisions arising from WEROC Council's consideration at the meeting scheduled for Wednesday 30 October 2019.

CARRIED 6/4

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 MAJORITY 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 Tuesday 27th August, 2019

COUNCIL RESOLUTION

MIN157/19 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Tuesday 27th August, 2019

CARRIED 6/0

NOT CONFIRMED

Agenda Reference:	11.1.4
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Merredin Recreation and Leisure Centre
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	4 th September 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Tuesday 27th August, 2019 at the Merredin Recreation and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Tuesday 27th August, 2019. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

- a. aware of decision making and proposals submitted
- b. opportunity to prepare agenda items
- c. forward planning to commitments made by the full Group and;
- d. return the formality by Member Councils involved.

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

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

RESOLUTION Moved: Cr Eileen O'Connell

Seconded: Cr Onida Truran

That the Minutes of the Great Eastern Country Zone meeting held Thursday 27 June 2019 are confirmed as a true and accurate record of the proceedings with an amendment to the attendance as follows:

Add Cr Mal Willis Shire of Merredin

Apology Cr Greg Powell Shire of Merredin

Add Cr Julie Chatfield Shire of Dowerin

Apology Cr Brenton Walsh Shire of Dowerin

CARRIED

ZONE RESOLUTION Moved: Cr Stephen Strange

Seconded: Cr Wayne Della Bosca

That the Executive Committee recommends that the Zone appoint Byfields as auditors for the Great Eastern Country Zone of WALGA for the 30 June years ending 2019, 2020 and 2021 for fees quoted above.

CARRIED

ZONE RESOLUTION Moved: Cr Tony Sachse

Seconded: Cr Rodney Forsyth

The following topics be listed as the priority issues for the 19/20 Zone year;

1. Transport – Heavy Vehicle issue – Permit system, CA07 permits, Agricultural Pilot vehicles, Lime Haulage.
2. Health – NDIS, Age care packages, Hospital doctor shortages.
3. Government Regional Officer Housing (GROH) – Affordable Housing for Government Officers.
4. Future Drought Fund - Information on what assistance is available.
5. Training – Officer Level – Career Path for Local Government Officers (Work with LG Professionals)

CARRIED

ZONE RESOLUTION Moved: Cr Karin Day

Seconded: Cr Onida Truran

1) That the following speakers present at the August meeting;

- Rob Dickie, Government and Industry Relations Advisor, CBH Group
- Rebecca Brown, Manager Waste and Recycling, WALGA, (Container Deposit Scheme and on the 3 bin rubbish collection system)

2) Guest speakers for the remainder of the year be sourced against the priority topic issues; and

3) Politicians be continued to be invited to present at Zone meetings.

CARRIED

ZONE RESOLUTION Moved: Cr Eileen O’Connell

Seconded: Cr Geoff Waters

The following Key Performance Indicators be adopted by the Zone of the Executive Officer;

- Attracting speakers in line with Zone priorities
- Advocating for the Zone on priority issues and implementing zone decisions in a timely manner;
- Agenda and minutes to be distributed 7 days prior and following Zone and Executive Committee Meetings;
- Finance – Clean and timely audit received

CARRIED

RESOLUTION Moved: Cr Onida Truran

Seconded: Cr Geoff Waters

That the remaining items contained in the Minutes of the Executive Committee Meeting of the Great Eastern Country Zone held Thursday 8 August 2019 be endorsed.

CARRIED

RESOLUTION Moved: Cr Eileen O’Connell

Seconded: Cr Geoff Waters

That a representative from the Office of the Auditor General attend the 28 November 2019 Great Eastern Country Zone meeting to provide an update on Local Government auditing so far including a look at some of their latest financial and performance audits.

CARRIED

RESOLUTION Moved: Cr Tony Sachse **Seconded: Cr Stephen Strange**

The Draft Great Eastern Country Zone submission to the Select Committee into Local Government be endorsed with the following additions:

- **Secondary Freight Group project**
- **Audit cost increases**

CARRIED

RESOLUTION Moved: Cr Gary Shadbolt **Seconded: Cr Geoff Waters**

- 1. Highlighted the need to encourage nominations for candidates at the 2019 Election.**
- 2. Integrity of the Sector is important – Mentoring of neighbours is important**
- 3. Rural Water Council - input from all Zone members required.**

That the Zone President's Report be received.

CARRIED

RESOLUTION Moved: Cr Stephen Strange **Seconded: Cr Rodney Forsyth**

That the Local Government Agricultural Freight Group Report be received.

CARRIED

RESOLUTION Moved: Cr Tony Sachse **Seconded: Cr Onida Truran**

That the Wheatbelt District Emergency Management Committee Report be received.

CARRIED

RESOLUTION Moved: Cr Stephen Strange **Seconded: Cr Wayne Della Bosca**

July 2019 State Council Meeting – Key Issues

Emerging Issue – Regional Road Group Projects: Finalisation Payments

An emerging issue was discussed at the July meeting relating to the process for Local Governments to finalise their claims for Regional Road Group projects. Local Governments cannot make final claims until all costs are finalised, but there can be delays in finishing and invoicing the line-marking work.

State Council resolved that WALGA would write to Main Roads seeking an urgent meeting to change the procedures for finalisation of claims. Further, State Council resolved that projects that are delayed in finalisation due to line marking should be considered complete in the 2018-19 year.

National Redress Scheme

State Council endorsed in principle support for the Local Government sector to participate in the National Redress Scheme. It should be noted that there will be further consultation in relation to the redress scheme in the coming months.

September 2019 State Council Meeting

The upcoming meeting of State Council will be held as a regional meeting in Shark Bay, hosted by the Gascoyne Country Zone.

This will be the final State Council meeting before the October Local Government elections. At the November Zone meetings elections for State Council positions will be held. State Council/Zone Structure and Process Review

I have attended all 3 of the State Council and Zone Structure and Process Working Group meetings. A report is being prepared for the State Council meeting on September 6 in Shark Bay after which it will go out to the sector for consultation.

WALGA Annual Convention

WALGA appreciates any feedback or suggestions from members on the convention that can assist in our preparation for next year.

That the State Councillor Report be received

CARRIED

RESOLUTION Moved: Cr Karin Day

Seconded: Cr Rodney Forsyth

That the Great Eastern Country Zone WALGA August 2019 Status Report be noted.

CARRIED

RESOLUTION Moved: Cr Onida Truran

Seconded: Cr Eileen O'Connell

That the Great Eastern Country Zone supports all Matters for Decision as listed above in the State Council Agenda.

CARRIED

RESOLUTION Moved: Cr Gary Shadbolt

Seconded: Cr Onida Truran

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

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

CARRIED

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

POLICY IMPLICATIONS: Nil (not known at this time)

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

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

STRATEGIC PLAN IMPLICATIONS

Participation in Great Eastern Country Zone of WALGA provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of Great Eastern Country Zone. The additional advantage to membership of the Zone is to monitor and actively provide input to Governance, Compliance and Statutory issues that affect the member Local Government, to deliver the required services to its respective community and to operate effectively and efficiently as a local government.

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

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

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 27th August, 2019.

COUNCIL RESOLUTION

MIN158/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 27th August, 2019.

CARRIED 6/0

NOT CONFIRMED

Agenda Reference:	11.1.5
Subject:	Wheatbelt Communities Inc Meeting Minutes and Resolutions
Location:	Kellerberrin Recreation and Leisure Centre
Applicant:	Wheatbelt Communities
File Ref:	
Disclosure of Interest:	Nil
Date:	2 nd September 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Tuesday 27th August 2019, at the Kellerberrin Recreation and Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Tuesday 27th August 2019, at the Kellerberrin Recreation and Leisure Centre.

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

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

Resolutions arising out of the 27th August 2019 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

RESOLUTION: **Moved: Ken Hooper** **Seconded: Darren Mollenoyux**
 That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 1 May 2019 be confirmed as a true and accurate record of the meeting. **CARRIED**

RESOLUTION: **Moved: Peter Clarke** **Seconded: Rod Forsyth**
 That the Wheatbelt Communities Inc Financial Report for the period ending 30 June 2019 be received. **CARRIED**

RESOLUTION: **Moved: Greg Powell** **Seconded: Karin Day**
 That the list accounts paid for the period 16 April 2019 for 14 August 2019 totalling \$488.40 be endorsed. **CARRIED**

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Tuesday 27th August 2019.

COUNCIL RESOLUTION

MIN159/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Tuesday 27th August 2019.

CARRIED 6/0

Agenda Reference:	11.1.6
Subject:	Wheatbelt Secondary Freight Route Project
Location:	Wheatbelt North Regional Road Group
Applicant:	Wheatbelt North Regional Road Group
File Ref:	
Record Ref:	
Disclosure of Interest:	NIL
Date:	9 September 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's May 2019 Ordinary Meeting of Council – 21st May 2019

MIN 093/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

- 1. Acknowledge the unsuccessful application of the Building Better Regions Program Application.***
- 2. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project; and***
- 3. Allocates \$6,000 in 2019/20 budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.***
- 4. Writes to the Secondary Freight Route Committee advising of Council's commitment and allocation of funds to co-fund the project management.***

CARRIED 6/0
BY ABSOLUTE MAJORITY

Council's August 2018 Ordinary Meeting of Council – 21st August 2019

MIN 136/18 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council:

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

The Wheatbelt Secondary Freight Network committee have been working over the past months to set a governance plan and a plan to progress the funding into completed projects.

In line with this the committee has provided draft copies of the following documents for review and comment:

- Program Governance Plan
- Program Delivery Plan
- Multi-Criteria Analysis Methodology.

The three reports provide guidance for the operation of the funding and provide a clear direction to all Local Governments and other agencies on how the funding is allocated and the matrixes involved.

FINANCIAL IMPLICATIONS

2019/20 Budget - \$6,000 contribution towards the project.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Land Administration Act 1997

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

- (1) Subject to this section, a local government may request the Minister to acquire as Crown land —
 - (a) any alienated land designated for a public purpose on a plan of survey or sketch plan lodged with the Registrar;
 - (b) any private road; or
 - (c) any alienated land in a townsite which the Minister proposes to abolish under section 26,within the district of the local government (in this section called **the subject land**).
- (2) A request made under subsection (1) is to be accompanied by —
 - (a) a plan of survey or sketch plan —
 - (i) showing the subject land; and
 - (ii) approved by the Planning Commission;and
 - (b) copies of all objections lodged with the local government during the period referred to in subsection (3)(b)(i) or (ii), as the case requires.
- (3) Before making a request under subsection (1), a local government must —
 - (a) take all reasonable steps to give notice of that request to —
 - (i) the holder of the freehold in the subject land unless the local government holds that freehold;
 - (ii) the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and
 - (iii) all suppliers of public utility services to the subject land;And

- (b) in the case of —
 - (i) alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or
 - (ii) any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of that notification during which period persons may lodge objections with it against the making of that request.
- (4) The Minister may, on receiving a request made under subsection (1), the accompanying plan of survey or sketch plan referred to in subsection (2)(a) and copies of all objections referred to in subsection (2)(b) —
 - (a) by order grant that request;
 - (b) direct the local government to reconsider that request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse to grant that request.
- (5) On the registration of an order made under subsection (4)(a), the subject land —
 - (a) ceases to belong to the holder of its freehold;
 - (b) is freed from all encumbrances; and
 - (c) becomes Crown land.
- (6) Subject to subsection (7), compensation is payable under Part 10 to any holder of the freehold in the subject land who suffers loss on the registration of an order referred to in subsection (5) as if that loss resulted from a taking under Part 9.
- (7) A person with an interest in land that is a private road (including a person who has the benefit of an easement created under section 167A of the TLA) the subject of an order under subsection (4)(a) who suffers loss on the registration of the order is not entitled to compensation under Part 10.
- (8) Sections 188, 189, 190 and 191 do not apply to a private road or an interest in land that is a private road if the land is the subject of an order under subsection (4)(a) and the land was taken or resumed or purportedly taken or resumed under a written law for the purpose of a right of way or a right of way and recreation.

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

Part 5 — Roads

Division 1 — Conventional roads

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

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

54. Configuration and situation of roads

A road may have —

- (a) a 2 dimensional configuration consisting of —
 - (i) length; and
 - (ii) width;

or

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

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

55. Property in roads etc.

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

[Section 55 amended by No. 59 of 2000 s. 15.]

56. Dedication of roads

- (1) If in the district of a local government —
 - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
 - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
 - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
 - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

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

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

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

57. Leases in relation to roads

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

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

58. Closure of roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

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

[Section 58 amended by No. 59 of 2000 s. 18(1)⁹.]

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

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

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY - No

STAFF RECOMMENDATION

That Council endorses the Wheatbelt Secondary Freight Network;

- 1. *Program Governance Plan*
- 2. *Program Delivery Plan*
- 3. *Multi-Criteria Analysis Methodology.*

COUNCIL RESOLUTION

MIN160/19 MOTION - Moved Cr. McNeil

2nd Cr. Reid

That Council endorses the Wheatbelt Secondary Freight Network;

- 1. *Program Governance Plan*
- 2. *Program Delivery Plan*
- 3. *Multi-Criteria Analysis Methodology.*

CARRIED 6/0

NOT CONFIRMED

Agenda Reference:	11.1.7
Subject:	Procedure for making local laws – Animals, Environment and Nuisance Local Law 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	LLAW-08
Record Number	
Disclosure of Interest:	N/A
Date:	12 th August 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

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

MIN 011/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council:

1. ***Proceed with the procedure for making the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Animal, Environment and Nuisance Local Law***
2. ***Provide state wide public notice for the purpose and effect of the proposed Animal, Environment and Nuisance Local Law in accordance with section 3.12 (3a) of the Local Government Act 1995:***

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

Council after adopting its draft local law in February 2019 followed the due process for making the local law, however the template in which Council used required amendments. The amendments were deemed to be amending the Local Law significantly therefore recommended to recommence the process.

Council at this point didn't understand why an adopted previous local law template all of the sudden isn't applicable.

Therefore Council has found a new template from the Shire of Cunderdin which was adopted and received in 2019.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Council believes the cost of advertising the initial stage could be up to \$2,000.

G/L Number	Description	Budget	Actual	Available Funds
042001	Advertising	\$5,000	\$138	\$4,862

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

2.7. Role of council

- (1) The council —
 - (a) governs 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 2.7 amended by No. 17 of 2009 s. 4.]

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;

- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* *Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
- (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
- making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that —
 - (a) the local government proposes to review the local law;
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.

* *Absolute majority required.*

[Section 3.16 amended by No. 64 of 1998 s. 7; No. 49 of 2004 s. 24.]

3.17. Governor may amend or repeal local laws

- (1) The Governor may make local laws to amend the text of, or repeal, a local law.
- (2) Subsection (1) does not include the power to amend a local law to include in it any provision that bears no reasonable relationship to the local law as in force before the amendment.
- (3) The Minister is to give a local government notice in writing of any local law that the Governor makes to amend the text of, or repeal, any of the local government's local laws.
- (4) Section 5.94 applies as if a local law made under this section by the Governor were a local law made by the local government in accordance with section 3.12.

Local Government (Functions and General) Regulations 1996.

Part 1A — Local laws

[Heading inserted in Gazette 11 Sep 1998 p. 4927.]

2A. Matters about which local laws are not to be made (Act s. 3.5)

Local laws are not to be made —

- (a) requiring the payment of fees or charges for the parking of vehicles on any land under the care, control or management of a local government in any part of the district of Cottesloe west of Broome Street; or
- (b) enabling such a requirement to be imposed.

[Regulation 2A inserted in Gazette 11 Sep 1998 p. 4927.]

3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

[Regulation 3 inserted in Gazette 31 Mar 2005 p. 1057; amended in Gazette 27 Sep 2011 p. 3846.]

Interpretation Act 1984

Section 43(4) describes the requirements to amend subsidiary legislation S3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years.

Following the review of the Local Laws any amendments will be processed in accordance with S3.12 of the Act

STRATEGIC COMMUNITY PLAN IMPLICATIONS

3 Governance

Refers to the organisational leadership and the way we aspire to be led

To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.

We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.

We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.

Our Strategic Priorities and Goals

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership

To be led by an open, honest and transparent government.

3.1 Our Elected Representatives provide effective, respected and progressive leadership.	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓		
	3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓		✓		
	3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓		
	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		

Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other

external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

Theme 3: Leadership					
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓			
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓		
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓		
3.1.4	To actively pursue a positive community spirit and support.	✓	✓		

An Overview

Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:

- Encourage and be open to community consultation;
- Encourage community participation and community involvement;
- Provide greater opportunities for community participation in activities and events;
- Actively pursue opportunities that will unify the community and develop a stronger community spirit.

Our Objective

- To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community.

Our Desired Outcomes

- A strong and progressive and community focused government leading the community

Our Goals

3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:

1. *Proceed with the procedure for making the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;*
 - *Animal, Environment and Nuisance Local Law*
2. *Provide state wide public notice for the purpose and effect of the proposed Animal, Environment and Nuisance Local Law in accordance with section 3.12 (3a) of the Local Government Act 1995:*

BY ABSOLUTE MAJORITY

COUNCIL RESOLUTION

MIN161/19 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council:

1. *Proceed with the procedure for making the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;*
 - *Animal, Environment and Nuisance Local Law*
2. *Provide state wide public notice for the purpose and effect of the proposed Animal, Environment and Nuisance Local Law in accordance with section 3.12 (3a) of the Local Government Act 1995:*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.8
Subject:	Membership on the Roadworks Advisory Committee
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ENG45.1
Record No.:	
Disclosure of Interest:	
Date:	12 August 2019
Author:	Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

Council's July Ordinary Meeting of Council – 23rd July 2019

MIN125/19 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council;

1. **establish the Roadworks Advisory Committee as per the terms of reference (with an amendment to the number of committee members)**
2. **elect the following members to the Roadworks Advisory Committee:**
 - **Cr Rod Forsyth**
 - **Cr Matt Steber**
 - **Chief Executive Officer**
 - **Manager of Works Services**
 - **Mr Ric Newman**
 - **Mr Grant Gardiner**

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

In accordance with the *Local Government Act 1995* and section 5.8. Establishment of Committees. A local government may establish committees of three or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

COMMENT

Council after the establishment of the abovementioned committee received interest from Mr Mark Ryan and Mr Kelvin Tiller, both parties where requested to attend the first Roadworks Advisory Committee held on Tuesday, 6 August, as observers.

Mr Tiller and Mr Ryan expressed interest in becoming members on the Roadworks Advisory Committee.

Officers are of the view that additional members will be beneficial to committee.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Section 5.10(4) of the Act provides that the Council must appoint the President to each Committee if the President informs the Shire of their wish to be a member of a particular Committee. The Committee, once appointed, must select a Presiding Member at its first meeting.

Section 5.10 (5) of the Act provides for the CEO or their delegate to be appointed to a Committee that has or will have an employee if the CEO so wishes.

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)

Nil

LONG TERM FINANCIAL PLAN IMPLICATIONS

Nil

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That the Council elect to add the following community members to the Roadworks Advisory Committee;

- *Mr Kelvin Tiller*
- *Mr Mark Ryan*

COUNCIL RESOLUTION

MIN162/19 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That the Council elect to add the following community members to the Roadworks Advisory Committee;

- *Mr Kelvin Tiller*
- *Mr Mark Ryan*

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.9
Subject:	Expression of Interest for Sale of Items
Location:	Shire of Kellerberrin
Applicant:	
File Ref:	ENG31
Record Ref:	ICR192131
Disclosure of Interest:	Mr Raymond Griffiths
Date:	
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

Date	Name	Item No.	Reason
17 th September	Mr Raymond Griffiths	11.1.9	Closely associated persons as daughter submitted an EOI

BACKGROUND

The Council invited expression of interest for the purchase of the following Machinery/Equipment pursuant to the Local Government Act 1995 (Section 3.58 (1))

- 2000 White Mitsubishi Magna
- Tri-axle Water Tanker Trailer
- Glass Doors
 - 1x ex-hardware wooden frame
 - 1x steel frame, sliding doors

The expression of interest was advertised over a two-week period through the Pipeline and the Shire of Kellerberrin facebook page, with a closing date of Friday, 9 August at 12.00pm.

COMMENT

In this period there were two expressions of interest received;

- Ms Jasmin Griffiths made an offer of \$500.00 for the 2000 Mitsubishi Magna
- Mr Josh Nocholls on behalf of JFH Nicholls and Son made an offer of \$3500.00 for the Tri-axle Water Tanker

On Friday 9 August the Deputy Chief Executive Officer and Manager of Works Services reviewed and discussed the two expressions of interest that were received.

Further to this, on Monday 9 September, Ms Jasmin Griffiths withdrew her offer of \$500.00 for the 2000 Mitsubishi Magna.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2019/20 Budget – Council has no funds allocated for proceeds on sale of these assets.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

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

3.59. Commercial enterprises by local governments

- (1) *In this section —*
- acquire** *has a meaning that accords with the meaning of “dispose”;*
- dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- land transaction** *means an agreement, or several agreements for a common purpose, under which a local government is to —*
- (a) *acquire or dispose of an interest in land; or*
 - (b) *develop land;*
- major land transaction** *means a land transaction other than an exempt land transaction if the total value of —*
- (a) *the consideration under the transaction; and*
 - (b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*
- major trading undertaking** *means a trading undertaking that —*
- (a) *in the last completed financial year, involved; or*
 - (b) *in the current financial year or the financial year after the current financial year, is likely to involve,*
- expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*

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

- (2) Before it —
- (a) commences a major trading undertaking;
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government;
 - (b) its expected effect on other persons providing facilities and services in the district;
 - (c) its expected financial effect on the local government;
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- * Absolute majority required.
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

The Expression of Interest was advertised for a period of two weeks through the Pipeline and Shire of Kellerberrin facebook page.

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That Council delegate the authority to the Chief Executive Officer to enter into negotiations for the sale of the 2000 White Mitsubishi Magna, Tri-axle Water Tanker Trailer and Glass Doors.

COUNCIL RESOLUTION

MIN163/19 MOTION - Moved Cr. Leake

2nd Cr. Steber

That Council delegate the authority to the Chief Executive Officer to enter into negotiations for the sale of the 2000 White Mitsubishi Magna, Tri-axle Water Tanker Trailer and Glass Doors.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.10
Subject:	Placement of Temporary Grave Markers and Fences
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Policy Manual, ADM29
Disclosure of Interest:	
Date:	9 September 2019
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

Council undertakes an annual review of its policies and determines new or updated Policies to guide its day-to-day operations and responsibilities in regards to its adopted structure and legislative requirements. The Council currently has a Cemetery Local Law but no supporting council polices.

COMMENT

There has been a recent influx in requests for placement of temporary grave markers and fences within the Kellerberrin Cemetery. Therefore, officers have drafted a council policy to assist in the decision-making and approval for placement of temporary grave markers and fences.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The are no direct financial implications

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Shire of Kellerberrin – Cemetery Local Law 2016

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for Monumental Work

A Local Government may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of Rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of Work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of Sand, Soil or Loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Local Government.

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Local Government.

7.7 Unfinished Work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Local Government.

7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Local Government or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Australian War Graves

Notwithstanding anything in this *Cemeteries Local Law 2016* to the contrary, the Office of Australian War Graves:

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.12 Placing of Glass Domes and Vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act.

7.13 Specification of Monuments

- (1) All monuments in the lawn section of a cemetery shall:
 - (a) be made of natural stone; and
 - (b) be placed upon a base of natural stone; and
 - (c) comply with the following specifications:
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
 - (iii) the width of the base of the monument shall not exceed 1.20m;
 - (iv) the depth of the base of the monument shall not exceed 300mm; and
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (3) A person shall not display any trade names or marks upon any monument erected with the lawn section of the cemetery.

7.14 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 2 – Memorial Plaque Section

7.15 Requirements of a Memorial Plaque

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall:
 - (a) be made of admiralty bronze or any other material approved by the Board; and
 - (b) not be less than the dimensions 380mm x 280mm, nor more than 560mm x 305mm.
- (2) All memorial plaques made of admiralty bronze shall:
 - (a) not exceed 20mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall:
- (4) not exceed 50mm in thickness placed upon a base mounting approved by the Board; and
- (5) not be less than 100mm in thickness if it is not to be placed upon a base mounting.

7.16 Monumental Mason's Licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.17 Expiry Date, Non-Transferability A monumental mason's licence

- (a) shall, subject to clause 7.20, be valid from the date specified therein until 30 June next following; and
- (b) is not transferable.

7.18 Carrying out Monumental Work A person shall not carry out monumental work within the cemetery unless that person

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16 or does so as the employee of a person who holds such a licence; or
- (b) is authorised by the Board to do so.

7.19 Responsibilities of the Holder of a Monumental Mason's Licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.20 Cancellation of a Monumental Mason's Licence

(1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds:

- (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

STRATEGIC PLAN IMPLICATIONS:

The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our

- community)
- 2. Our lifestyle and strong sense of community
- 3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

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

Nil

LONG TERM PLAN IMPLICATIONS:

There are no direct long-term financial plan impacts.

COMMUNITY CONSULTATION

Not required

STAFF RECOMMENDATION

That Council adopts the Placement of Temporary Grave Markers and Fences policy as presented.

COUNCIL RESOLUTION

MIN164/19 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council adopts the Placement of Temporary Grave Markers and Fences policy as presented.

CARRIED 6/0

Agenda Reference:	11.1.11
Subject:	Cemetery Identification Markers
Location:	Kellerberrin Cemetery
Applicant:	Kellerberrin Men's Shed
File Ref:	ADM31, LLAW02, ADM29
Record Ref:	ICR192139
Disclosure of Interest:	NIL
Date:	5 th September 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's Chief Executive Officer received a text from Mr Richard Marek on Monday 12th August 2019:

Kellerberrin Cemetery:

Recently the Kellerberrin Men's Shed has cleaned up the Yorkrakine Cemetery and will soon start on the Old Hines Hill Cemetery, Over the weekend we received several requests to place name boards on unmarked grave in Kellerberrin. Do we need Shire approval to place name boards in our Cemetery please? Do you require this in writing? Thank you Sir.

Council's Chief Executive Officer replied, *Yes we do require in writing please.*

Subsequent message were passed around the specific requirements of the letter. The photo below was provided within the text message as an example of what had been completed by the Kellerberrin Men's Shed.



Council on the 27th August 2019 received subsequent a follow up letter from the Kellerberrin Men's Shed regarding the proposed works at the Kellerberrin Cemetery which stated:

Further to the TEXT on 12th August 2019, the Kellerberrin Community Men's Shed would like to commence a project within the Kellerberrin Cemetery to place a name board at each plot that does not have any identifying features.

The Kellerberrin Community Men's Shed are in the process of constructing crosses made of either Pine or Jarrah. These crosses will all be one size and will only feature the person's name and plot number for easy identification. Named crosses will all be at a set measurement of 85cm (height) by 38cm wide. On review of the Kellerberrin Cemetery plots (plan) held within the Shire building, it is envisaged we shall commence within the Anglican Section (sec 1), front row first. These include the following:

Lot 239	Fawcett
Lot 240	Nelson
Lot 241	Bozanich Robyn Alice
Lot 242	Unknown
Lot 243	Taylor A
Lot 244	Gibbons L.E.
Lot 245	Bagshaw. A

COMMENT

Council on receipt of the letter contacted the Cemetery Board to seek guidance on whether or not Council has the ability to give permission for any person to provide identification markers/monuments on gravesites without the express permission of the family or the person who holds the right of burial.

The Cemetery Board advised to contact the *Department of Local Government, Sport and Cultural Industries* to get their advice on the legislation. Council contacted them on 29th August 2019 and was advised that this has currently been raised in Public Question Time in Parliament. The officer at the time was going to obtain answers and some further information and forward to Council.

Council's Cemetery Local Law 2016 in Part 7 – Memorials and Other Work, Clause 7.8 Use of Wood stipulates:

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Local Government.

Council also discussed this with the Cemetery Board and they have advised that they have a Policy on Temporary Markers which can be used up to 24 months enabling temporary marking/identification of a grave until a monument is placed on the sight.

Council has presented a policy of this nature for Council to consider further in the agenda for future implementation.

Please find below a copy of the photo that has been emailed to Council for two of the plots listed above:



Council on receipt of the above photograph contacted the Kellerberrin Men's Shed and requested how the above crosses were to be anchored to the ground.

The below was received in response to Council's query;

It is proposed to use a 900 mm Star picket. The picket would be approx 400mm in the ground.

Council has also provided a written response to the written correspondence dated 27th August 2019 advising we are in receipt of your request and Council is awaiting further advice from the Department and the request will be considered at Council's September 2019 Council Meeting.

Council at this point has not received any information from the Men's Shed or family members providing permission to have the above markers placed on any gravesites in the Kellerberrin Cemetery.

It must be noted that on the Kellerberrin Men's Shed being in receipt of Council's letter Council received a phone call from a relative of Robyn Alice Bozanich advising that she has requested the Men's Shed to have the marker placed on the grave site for recognition of her family members. I advised the situation Council was in and the process in which we are undertaking. The family member may attend Council meeting to discuss.

Council received the following information from the Department;

Good afternoon

Upon looking into the Cemeteries Act (section 30), it appears that the Shire (as the Board) will need to grant permission if the group intend to place a memorial or alter an existing memorial (includes headstone, plaque, tombstone, monumental work, inscription, kerbing, enclosure and any other fixture or thing commemorating a grave or the placement of ashes).

The section that appears to exclude the requirement to also seek approval from the holder of a grant of right of burial is section 31 (1):

(1) If a memorial in a cemetery is placed or erected or altered without the permission of the Board or, although placed, erected or altered with such permission, is placed, erected or altered contrary to the local laws or by laws or other requirements or conditions of the permission of the Board, the Board may give a written notice to the holder of the right of burial or other person who has caused the memorial to be so placed, erected or altered requiring that holder or other person within 28 days from receiving the notice to remove the memorial from the cemetery or to alter it in the manner specified in the notice to the satisfaction of the Board.

While it appears that this group can carry on the work it proposes (with the permission of the board/local government), the board/local government responsible for the cemetery appears to be within its power to request authorisation from the holder of a right of burial (if it chooses to do so) as a condition to granting approval to the group to undertake the work. The group will also need to be compliant with any relevant local laws the Shire may have.

This is the Department’s view only and doesn’t constitute legal advice.

Does this address the query and is there any other information or clarification you want our position/view on?

FINANCIAL IMPLICATIONS

Shire of Kellerberrin Fees and Charges

Permission to erect a headstone	Council	GST Exempt	\$ 30.00
Permission to erect kerbing	Council	GST Exempt	\$ 30.00
Permission to erect monument	Council	GST Exempt	\$ 60.00
Permission to erect name plate	Council	GST Exempt	\$ 30.00
Undertaker's Annual License Fee	Council	GST Exempt	\$ 120.00

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Cemeteries Act 1986

- 30. Permission for memorials
 - (1) A person who wishes to place or erect a memorial in a cemetery shall apply to the Board specifying the proposed location, design and materials of which the memorial is to be composed and the Board may approve or, if the Board considers the location to be incorrect or the proposed memorial to be inappropriate or indecorous or contrary to a local law or by-law, refuse the application.
 - (2) A person shall not place or assist in placing or erecting a memorial in a cemetery without the permission of the Board.

Penalty: \$500.

- (3) A person shall not alter or add to, or assist in the alteration of or addition to or removal of, a memorial in a cemetery without the permission of the Board.

Penalty: \$500.

[Section 30 amended by No. 14 of 1996 s. 4.]

31. Removal or alteration of unauthorised memorial

(1) If a memorial in a cemetery is placed or erected or altered without the permission of the Board or, although placed, erected or altered with such permission, is placed, erected or altered contrary to the local laws or by-laws or other requirements or conditions of the permission of the Board, the Board may give a written notice to the holder of the right of burial or other person who has caused the memorial to be so placed, erected or altered requiring that holder or other person within 28 days from receiving the notice to remove the memorial from the cemetery or to alter it in the manner specified in the notice to the satisfaction of the Board.

(2) If the holder of a right of burial or other person to whom a notice is given under subsection (1) refuses to or otherwise fails to comply with the terms of the notice, the Board may remove or alter the memorial and may recover from that holder of a right of burial or other person the costs of the removal or alteration as a debt in a court of competent jurisdiction.

[Section 31 amended by No. 14 of 1996 s. 4.]

32. Removal or alteration of memorial in disrepair

(1) If a memorial in a cemetery is, in the opinion of the Board, in need of repair or is in such a state of disrepair that repairs are not feasible, the Board may give a written notice to the holder of the relevant right of burial requiring that person within 28 days from receiving the notice to repair the memorial to the satisfaction of the Board or to remove the memorial from the cemetery, as the case may require and as specified in the notice.

(2) If the holder of a right of burial to whom a notice is given under subsection (1) refuses to or otherwise fails to comply with the terms of the notice, the Board may cause the memorial to be repaired or removed from the cemetery and may recover from that holder of a right of burial the costs of the removal or repair as a debt in a court of competent jurisdiction.

Shire of Kellerberrin – Cemetery Local Law 2016

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for Monumental Work

A Local Government may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of Rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of Work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of Sand, Soil or Loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Local Government.

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Local Government.

7.7 Unfinished Work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Local Government.

7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Local Government or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Australian War Graves

Notwithstanding anything in this *Cemeteries Local Law 2016* to the contrary, the Office of Australian War Graves:

- (c) may place a memorial on a military grave; and
- (d) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.12 Placing of Glass Domes and Vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act.

7.13 Specification of Monuments

- (4) All monuments in the lawn section of a cemetery shall:
- (e) be made of natural stone; and
 - (f) be placed upon a base of natural stone; and
 - (g) comply with the following specifications:
 - (v) the overall height of the monument above the original surface of the grave shall not exceed 1.05m;
 - (vi) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
 - (vii) the width of the base of the monument shall not exceed 1.20m;
 - (viii) the depth of the base of the monument shall not exceed 300mm; and
 - (h) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (5) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (6) A person shall not display any trade names or marks upon any monument erected with the lawn section of the cemetery.

7.14 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3—Licensing of Monumental Masons

1.16 Monumental Mason's Licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

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

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

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

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services

ABSOLUTE MAJORITY – No

STAFF RECOMMENDATION

That Council on review of the draft “Temporary Crosses” Policy presented to the September 2019 Council Meeting approve the use of wooden crosses listed within the letter from the Kellerberrin Men’s Shed in accordance with the new policy subject to:

1. *Council receives permission from the Grant of Burial holder; or*
2. *Council receives notifications from the family to access the grave site to place grave markers.*
3. *The Crosses are constructed within the criteria of the policy, which includes design, colour and materials.*
4. *Council receives an application for an annual Monumental Mason’s licence.*
5. *Council receives all associated fees in line with the 2019/20 schedule of fees and charges.*

COUNCIL RESOLUTION

MIN165/19 MOTION - Moved Cr. Steber

2nd Cr. Leake

That Council on review of the draft “Temporary Crosses” Policy presented to the September 2019 Council Meeting approve the use of wooden crosses listed within the letter from the Kellerberrin Men’s Shed in accordance with the new policy subject to:

1. ***Council receives permission from the Grant of Burial holder; or***
2. ***Council receives notifications from the family to access the grave site to place grave markers.***
3. ***The Crosses are constructed within the criteria of the policy, which includes design, colour and materials.***
4. ***Council receives an application for an annual Monumental Mason’s licence.***
5. ***Council receives all associated fees in line with the 2019/20 schedule of fees and charges.***

CARRIED 6/0

Agenda Reference:	11.1.12
Subject:	Direct Debit List and Visa Card Transactions for the month August 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	2 September 2019
Author:	Brett Taylor, Senior Finance Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Aug-19	NAB	Bank Fees - Merchant Trust		3.43
1-Aug-19	NAB	Bank Fees - Merchant C/Park		81.80
1-Aug-19	Westnet	Internet Fees		4.99
1-Aug-19	NAB	Bank Fees - Merchant Shire		128.74
1-Aug-19	NAB	Bank Fees - Merchant CRC		165.94
1-Aug-19	Shire of Kellerberrin	Creditors		226,371.42
6-Aug-19	Department of Housing	Rent		420.00
8-Aug-19	Shire of Kellerberrin	Super Choice		8,335.73
8-Aug-19	Shire of Kellerberrin	Pay Run		52,992.51
13-Aug-19	ATO	BAS Payment July 2019		21,371.00
13-Aug-19	DLL	Photocopier Lease		265.21
14-Aug-19	Shire of Kellerberrin	Creditors		61,068.98
16-Aug-19	Shire of Kellerberrin	Creditors		2,280.00
20-Aug-19	Department of Housing	Rent		420.00
20-Aug-19	Shire of Kellerberrin	Creditors		18,386.97
22-Aug-19	Shire of Kellerberrin	Super Choice		8,515.70
22-Aug-19	Shire of Kellerberrin	Pay Run		52,796.69
26-Aug-19	NAB	Bank Fees		41.74
28-Aug-19	Shire of Kellerberrin	Creditors		149,414.69
30-Aug-19	NAB	Bank Fees		195.96
30-Aug-19	NAB	Bank Fees - Trust		51.80
30-Aug-19	NAB	Bank Fees - Muni		82.40
30-Aug-19	NAB	Bank Fees - Merchant C/Park		2.11
30-Aug-19	NAB	Bank Fees - Merchant C/Park		51.90
30-Aug-19	NAB	Bank Fees - Merchant Shire		129.53
30-Aug-19	NAB	Bank Fees - Merchant CRC		296.13
TOTAL			\$	<u>603,875.37</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Aug-19	Department of Transport	Licencing August 2019		\$55,599.05
TOTAL			\$	<u>55,599.05</u>

Visa Transactions

Date	Name	Details	\$	Amount
08-Aug-18	Swan Taxis	Local Govt Week Conference		40.64
08-Aug-19	Hilton Parmelia Perth	Local Govt Week Conference		55.95
08-Aug-19	Ingogo Ltd	Local Govt Week Conference		28.19
09-Aug-19	SFS PCEC Perth	Local Govt Week Conference		19.50
12-Aug-19	Live Taxi Australia	Local Govt Week Conference		25.89
28-Aug-19	NAB	Bank Fees		9.00
TOTAL - CEO			\$	179.17

Date	Name	Details	\$	Amount
05-Aug-19	Fuel 4 Business	Laptop Scoreboard		836.00
09-Aug-19	Shire of Kellerberrin	Licencing KE2		488.30
16-Aug-19	Esplanade Hotel	Training Course P.Arthur		20.22
22-Aug-19	Shire of Kellerberrin	Plate transfer KE002		27.70
22-Aug-19	Shire of Kellerberrin	Licencing KE002		443.85
22-Aug-19	Shire of Kellerberrin	Plate Remakes -See Attached		442.80
28-Aug-19	RLSSWA	Training Course P.Arthur		159.00
28-Aug-19	NAB	Bank Fees		9.00
TOTAL -DCEO				2,426.87
TOTAL VISA TRANSACTIONS			\$	2,606.04

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2019/2020

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

- (1A) In this regulation —
- committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity August be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

1. *That the Direct Debit List for the month of August 2019 comprising;*
- a) *Municipal Fund – Direct Debit List*
 - b) *Trust Fund – Direct Debit List*
 - c) *Visa Card Transactions*

Be adopted.

COUNCIL RESOLUTION

MIN166/19 MOTION - Moved Cr. McNeil

2nd Cr. Steber

1. *That the Direct Debit List for the month of August 2019 comprising;*
- a) *Municipal Fund – Direct Debit List*
 - b) *Trust Fund – Direct Debit List*
 - c) *Visa Card Transactions*

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.13
Subject:	Cheque List August 2019
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	05 th September 2019
Author:	Morgan Ware, Finance Officer

BACKGROUND

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

TRUST

TRUST TOTAL **\$ 5,400.00**

MUNICIPAL FUND

Cheque Payments

34641-34659

\$ 48,668.82

EFT Payments

9782-9907

\$ 457,522.06

Direct Debit Payments

\$ 39,687.30

TOTAL MUNICIPAL

\$ 506,190.88

COMMENT

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

LGIS Insurance Broking

LGIS Motor Vehicle, Personal Accident, Contract Works, Marine Cargo, Salary Continuance, Underwriters insurance, 2019/20

\$ 70,533.65

LGIS Liability

LGIS Bushfire, Crime insurance 2019/20

\$ 36,335.45

LGIS Property

LGIS Property insurance Shire owned facilities, 2019/20 First Instalment, Contributions credit note

\$ 30,640.86

Rockway Contracting

Tree trimming, Excavator hire x 36.25hours, Hire of Mulcher, July 19

\$ 25,602.50

Peak Transport

Hire of LV for the month of August 19, Hauling gravel to stockpile

\$ 23,584.00

LGIS Workcare

Instalment 1 LGIS Workcare 2019/20

\$ 23,103.98

Rockway Contracting

Hire Mulcher for July 19

\$ 22,275.00

Deputy Commissioner Of Taxation	\$ 21,371.00
PAYG Tax, GST Debtors, GST Creditors, Fuel Tax Credits	
Western Australian Local Government Association	\$ 21,005.90
WALGA 19/20, Association membership, Procurement Services, Tax Services, Employee Relations, Local Laws Service, Governance Service, Environmental Planning Tool	
Conplant	\$ 19,664.23
STD labour x 7 hours, Rear axel repairs x 1 hour, Materials & Labour as detailed on invoice, Repairs to roller, Materials & Labour as detailed on invoice	
United Card Services Pty Ltd	\$ 17,119.73
Fuel Purchases, July 2019	
Brooks Hire Service Pty Ltd	\$ 16,101.65
Grader & Roller hire July	
Synergy	\$ 13,322.50
Power Consumption for Shire owned facilities from Jun 19 to Aug 19	
Water Corporation	\$ 12,649.77
Water Charges for Shire owned facilities from 05/06/2019 to 14/08/2019	
Western Australian Treasury Corporation	\$ 11,140.49
Loan No. 119 Principal & Interest payment, Construct CEACA Senior Units Hammond St	
Shire Of Kellerberrin	\$ 10,199.50
Rates Notice 19/20 - Emergency Services Levy ESL Category 4, Rubbish Commercial, Rubbish Bins, Shire owned property	
Avon Waste	\$ 7,641.33
Domestic refuse collection, Commercial refuse collection, Recycling, Additional recycling, Cardboard only service, Transport to Northam landfill facility, Service of Transfer station, Transport Waste, July 2019	
R Munns Engineering Consulting Services	\$ 6,962.03
Road Data Loaded into RAMM, Produce report for Baandee clearing permit cps 8253/1, Marking out offsets for verge clearing slk 23.00 to 29.33, set out 2 x road counters Goldfieds, set out 1x road counter, set out 1x road counter for quarry vehicle movements	
WA Local Government Superannuation Plan Pty Ltd	\$ 6,888.95
Payroll Deductions	
Donovan Ford	\$ 6,755.74
Purchase of Ranger Wildtrak 2019 plated, MWS	
WA Local Government Superannuation Plan Pty Ltd	\$ 6,734.28
Payroll Deductions	

Farmways Kellerberrin Pty Ltd

\$ 5,712.44

100120201 - 8.3mm grease hose 50 m, 04012200306 - elbow 6mm x M10/1, 04031520305 - olive 6mm, 100121204 - hose end sleeve 8.3mm, 100121190 - hose end stud straight 18mm, FAZ03552-00 - bulkhead nipple connector, 04011600206 - adaptor M10/1 M/F 21mm, 040116, 1 x 600mm convex mirror, Outdoor setting for Caravan Park, 3 x Hydraulic hoses, 4 x 45kg gas bottles, Materials for Baandee North Hall and other misc. items under \$100

Santaleuca Forestry

\$ 5,286.60

Clearing permit & Additional information for Baandee North project 19/20, Full detailed population study of aluta aspera ssp localis at 1471 Baandee North, Submit report, 3 x visits, Travel & labour

Shire of Kellerberrin 2018/2019 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.

- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

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

13. Lists of accounts

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

- 1. Municipal Fund payments totalling \$506,190.88 on vouchers EFT, CHQ, Direct payments*
- 2. Trust Fund payments totalling \$ 5,400.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN167/19 MOTION - Moved Cr. McNeil

2nd Cr. Steber

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

- 1. Municipal Fund payments totalling \$506,190.88 on vouchers EFT , CHQ, Direct payments*
- 2. Trust Fund payments totalling \$ 5,400.00 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0

NOT CONFIRMED

Agenda Reference:	11.1.14
Subject:	Financial Management Report for July 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	N/A
Date:	9 August 2019
Author:	Kate Dudley, Deputy Chief Executive Officer

3.30pm At this time the meeting was adjourned for the Citizenship Ceremony to be conducted

3.54pm At this time the meeting resumed

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2019/2020 Budget

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 July 2019 comprising;

- d) *Statement of Financial Activity*
- e) *Note 1 to Note 13*

Be adopted.

COUNCIL RESOLUTION

MIN168/19 MOTION - Moved Cr. Steber

2nd Cr. Leake

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

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

Be adopted.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.15
Subject:	Financial Management Report for August 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	N/A
Date:	9 September 2019
Author:	Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2019/2020 Budget

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 August 2019 comprising;

- c) *Statement of Financial Activity*
- d) *Note 1 to Note 13*

Be adopted.

COUNCIL RESOLUTION

MIN169/19 MOTION - Moved Cr. Reid

2nd Cr. Leake

That the Financial Report for the month of August 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 – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: August 2019
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	2 September 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 nil (0) applications received for a "Building Permit" during the August period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the August period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED –

No

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN170/19 MOTION - Moved Cr.Steber 2nd Cr. Reid

That Council

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

CARRIED 6/0

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

NOT CONFIRMED

CLOSURE OF MEETING

The presiding member closed the meeting at 4.35pm.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 15th October 2019

NOT CONFIRMED