



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 21 April 2020**

**Date: Tuesday, 21 April 2020**

**Time: 2:00pm**

**Location: Council Chamber  
110 Massingham Street  
Kellerberrin WA 6410**

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**MINUTES OF SHIRE OF KELLERBERRIN  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN  
ON TUESDAY, 21 APRIL 2020 AT 2:00PM**

**1 DECLARATION OF OPENING**

The Presiding Member opened the meeting at 2.06pm

**2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

<b>2.1 PRESIDENTS REPORT APRIL 2020</b>
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**File Number:** ADMIN  
**Author:** Rod Forsyth, Shire President  
**Authoriser:** Rod Forsyth, Shire President  
**Attachments:** Nil

With the COVID-19 virus pandemic affecting every nation on the globe we should be thankful that we live in Kellerberrin, Western Australia, Australia. The Federal, State and Local Governments actions have kept the virus's spread in our communities to the lower end of the scale. Thanks to Raymond, Sargent Lynch, Teresa at the Hospital, Linda at the Co-op, Valecia at the CRC/Post Office and their staff for the work they have done to keep us all "social distancing ". However those same actions have hurt a lot of businesses and we should spare a thought for and support our local businesses where we can.

Our lives post COVID-19 will be different, though with an agricultural base our change may not be as radical as the urban populations. We should use this opportunity to promote the lifestyle that Kellerberrin and the Wheatbelt enjoy.

Kind regards  
Rod Forsyth  
President

## **RECOMMENDATION**

*That Council receive and note the Shire Presidents Reports for March 2020.*

## **COUNCIL RESOLUTION**

**MIN 037/20 Moved: Cr Matt Steber      Seconded:      Cr Dennis Reid**

***That Council receive the Shire Presidents Report for March 2020.***

**CARRIED 7/0**

**2.2 STANDING ORDERS**

**File Number:** ADMIN  
**Author:** Kate Dudley, Deputy Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**STAFF RECOMMENDATION**

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

**COUNCIL RESOLUTION**

**MIN 038/20 Moved: Cr David Leake                      Seconded: Cr Wendy McNeil**

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

**CARRIED 7/0**

### **3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**PRESENT:** Cr Rod Forsyth (Shire President)  
Cr Scott O'Neill (Deputy President)  
Cr Wendy McNeil  
Cr Matt Steber  
Cr Dennis Reid  
Cr Emily Ryan (remotely)  
Cr David Leake (remotely)

**IN ATTENDANCE:** Raymond Griffiths (Chief Executive Officer)  
Kate Dudley (Deputy Chief Executive Officer)  
Mick Jones (Manager of Works Services)  
Brett Taylor (Senior Finance Officer) (left meeting at 3:13pm)  
Natasha Giles (Community Development Officer) (left meeting at 3:13pm)

#### **APOLOGIES**

Nil

#### **LEAVE OF ABSENCE**

Nil

### **4 DECLARATION OF INTEREST**

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

### **5 PUBLIC QUESTION TIME**

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President's discretion.

**5.1 Response to Previous Public Questions taken on Notice**

The Chief Executive Officer provided a written response to Mrs Jessica Cole on 14 April 2020.

In summary Council provided Mrs Cole with possible locations for a Childcare facility subject to inspection and availability, and has made contact with the Regional Early Education Development (REED) to have a discussion about Childcare in the Kellerberrin area. Additionally an invitation has been made for them to present to the April 2020 Council meeting.

**5.2 Public Question Time**

Nil

**6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES****6.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 30 MARCH 2020**

**File Number:** MIN  
**Author:** Kate Dudley, Deputy Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Audit Committee Meeting held on 30 March 2020

**STAFF RECOMMENDATION**

*That the Minutes of the Audit Committee Meeting held on 30 March 2020 be received and the recommendations therein be adopted.*

**COUNCIL RESOLUTION**

**MIN 039/20 Moved:** Cr David Leake      **Seconded:** Cr Dennis Reid

*That the minutes of the Audit Committee Meeting held on 30 March 2020 be confirmed as a true and accurate record.*

**CARRIED 7/0**

**6.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 30 MARCH 2020**

**File Number:** MIN  
**Author:** Kate Dudley, Deputy Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Special Council Meeting held on 30 March 2020

**STAFF RECOMMENDATION**

*That the Minutes of the Special Council Meeting held on 30 March 2020 be received and the recommendations therein be adopted.*

**COUNCIL RESOLUTION**

**MIN 040/20 Moved:** Cr Dennis Reid      **Seconded:** Cr Wendy McNeil

*That the Minutes of the Special Council Meeting held on 30 March 2020 be confirmed as a true and accurate record.*

**CARRIED 7/0**



**6.3 MINUTES OF THE COUNCIL MEETING HELD ON 17 MARCH 2020**

**File Number:** N/A  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 17 March 2020

**STAFF RECOMMENDATION**

*That the Minutes of the Council Meeting held on 17 March 2020 be received and the recommendations therein be adopted.*

**COUNCIL RESOLUTION**

**MIN 041/20 Moved:** Cr Wendy McNeil **Seconded:** Cr David Leake

*That the Minutes of the Council Meeting held on 17 March 2020 be confirmed as a true and accurate record.*

**CARRIED 7/0**

**7 PRESENTATIONS**

- 7.1 Petitions
- 7.2 Presentations
- 7.3 Deputations

**8 REPORTS OF COMMITTEES**

Nil

## 9 CORPORATE SERVICES REPORTS

### 9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

**File Number:** Various  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

#### 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.

#### March 2020 Council Meeting

**MIN 025/20 MOTION -** Moved Cr. McNeil 2<sup>nd</sup> Cr. Ryan

***That Council;***

1. ***Allocate funds in the 2020/21 budget for the purchase of a reconciliation week banner in 2020;***
2. ***Request the CEO enter in discussions with local businesses to gauge interest in a subsidised rate for advertising through GWN commercials;***
3. ***Request the CEO respond to the letter received regarding budget allocations from Ryan and Kerry Forsyth;***

#### February 2020 Council Meeting

**MIN 007/20 MOTION -** Moved Cr. Leake 2<sup>nd</sup> Cr. Talbot

***That Council;***

1. ***declines the request of \$500.00 for the speed shearing events hosted within Woodstock Country Muster Expo due to the approval of the event application being based on an exhibition event;***
2. ***support the murals concept presented by Richard Marek, but the design requires review to incorporate more relevance and context to the local area and directs the Deputy Chief Executive Officer to discuss the idea further; and***
3. ***provide a response to Rose Bowen to advise of Councils proposed digital signage proposal, which will serve the purpose of a flag pole as requested.***

#### December 2019 Council Meeting

**MIN 224/19 MOTION -** Moved Cr. Talbot 2<sup>nd</sup> Cr. O'Neill

***That Council;***

1. ***Action a plan to remove the White Cockatoos in line with the regulations set out by DWER.***
2. ***Delegates to the Chief Executive Officer the ability to negotiate with Council's Lawyer for a counter offer to Sport and Recreation Surfaces to ensure that Council has the full surface replaced on the Western Courts and the works is of quality.***
3. ***Budget for Hammond Street (East of Restdown) to have roots removed and reinstate road surface.***

**STAFF COMMENT****March MIN 025/20**

1. Kate Dudley to ensure that 2020/21 budget to have reconciliation week banner cost allocated.

**February MIN 007/20**

1. *Letter written to Anthony Scorza declining his request for the Woodstock Country Muster on 11<sup>th</sup> February 2020*
2. *Letter written to Richard Marek on 11<sup>th</sup> February 2020 for further discussion to take place.*
3. *Letter written to Rose Bowen regarding the feedback for Council signage. Council advertised Rose of the digital signage for proposed 2020/2021 Budget.*

**December MIN 224/19**

1. *Mick Jones is investigating. Extermination cost was quoted at \$5.00 per bird which was consider excessive. Council used scare tactics to move them on over a 2 day period.*
2. *Raymond Griffiths is negotiating with Council's Lawyer for a counter offer to Sport and Recreation Surfaces to ensure that Council has the full surface replaced on the Western Courts and the works is of quality. Council was to receive timeline by 10<sup>th</sup> February 2020. Not received at that time.*
3. *Mick Jones to review Hammond Street.*

**TEN YEAR FINANCIAL PLAN**

This does not directly affect the long term financial plan.

**FINANCIAL IMPLICATIONS**

Financial implications will be applicable depending on requests and decision of council.

**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 COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. 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

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Council Members
- Chief Executive Officer
- Deputy Chief Executive Officer

## **STAFF RECOMMENDATION**

*That Council note any requests or ideas to be actioned.*

## COUNCIL RESOLUTION

MIN 042/20 Moved: Cr Wendy McNeil      Seconded:Cr Emily Ryan

*That Council:*

- 1. Request the Chief Executive Officer write to Regional Early Education Development (REED) to investigate further childcare services within the Kellerberrin area;*
- 2. Request the Chief Executive Officer to further investigate the request received from the family day care provider; and*
- 3. Approve the Council road board to be donated to the historical society for display in the museum.*

**CARRIED 7/0**

3:13pm      At this time the Senior Finance Officer & Community Development Officer left the meeting.

**9.2 STATUS REPORT OF ACTION SHEET**

<b>File Number:</b>	<b>Various</b>
<b>Author:</b>	<b>Codi Mullen, Personal Assistant</b>
<b>Authoriser:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Attachments:</b>	<b>Nil</b>

**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.

**STAFF 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.

**TEN YEAR FINANCIAL PLAN**

There is no direct impact on the long term financial plan.

**FINANCIAL IMPLICATIONS**

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.

**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 COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. 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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer

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

## **STAFF RECOMMENDATION**

*That Council receive the Status Report.*

## **COUNCIL RESOLUTION**

**MIN 043/20 Moved: Cr Wendy McNeil    Seconded:    Cr Matt Steber**

*That Council receive the Status Report.*

**CARRIED 7/0**

**9.3 COVID-19 FINANCIAL HARDSHIP POLICY**

**File Number:** ADM 53  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The COVID-19 pandemic is impacting our community and organisation with the impacts of the pandemic continuing to emerge and evolve rapidly.

The Federal and State Governments have issued the instruction to close the following businesses, whether operating as a profit or not for profit organisation;

- Pub, bar or club that supplies alcohol, but not include any part of the business constituted by a bottle shop
- Hotel, whether licensed or unlicensed but not;
  - To the extent that it provides accommodation, takeaway meals or drinks or a meal delivery service; or
  - Any part of the hotel constituted by a bottle shop
- Gymnasium
- Indoor sporting centre
- Casino
- Cinema or Nightclub
- Entertainment venue of any other kind
- Restaurant or café, other than to the extent that it provides takeaway meals or drinks or a meal delivery service;
- Place of worship, other than for the purposes of a wedding or funeral
- Auction house
- Beauty parlour or salon, other than a hairdressers or barbershop
- Nail salon
- Tattoo parlour
- Spa
- Massage parlour
- Gaming or gambling venue
- Adult entertainment premises (including but not limited to strip clubs, brothels and sex on premises venues)
- Amusement park or arcade
- Play centre, whether indoors or outdoors
- Community Recreation or youth centre or facility (including but not limited to community halls, clubs, Returned and Services League facilities and Police and Citizens Youth Clubs), other

than to the extent that it remains open for the purpose of hosting essential voluntary or public services such as food banks or homeless services

- Health Club or fitness centre, including a centre offering yoga, barre or spin facilities
- Sauna
- Bathhouse
- Wellness centre
- Boot camp
- Swimming pool, whether indoors or outdoors (not including a community swimming pool which is run on a non-commercial basis)
- Gallery
- Museum
- Historic site
- Library
- Local Government facility which is not essential to the continued functioning of the local government (such as, but in addition to, libraries and swimming pools).
- Playgrounds
- Skate parks; and
- Outdoor gyms

#### **STAFF COMMENT**

The above list demonstrates the effective closures that have taken place over all of Australia and more importantly in Kellerberrin. The closures or part closures thereof will lead to a possible financial loss for that business, therefore the attached policy has been drafted to try and assist these members during this time.

The policy is written to cover the COVID-19 situation and isn't a policy that will carry over into the future past COVID-19 to ensure that the financial hardship needs to be a reflection of the COVID-19.

#### **TEN YEAR FINANCIAL PLAN**

Not known at this time.

#### **FINANCIAL IMPLICATIONS**

The current COVID-19 has the potential of financial implications for Council moving forward with ratepayers potentially not being able to meet payment terms affecting Councils cash flow.

There certainly is implications though at this time Councils officers are not sure on the extent/levels of affect in the community at the time of writing this report.

#### **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.

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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.

*[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.

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  - (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 —
  - (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.

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- (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
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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.

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**[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 COMMUNITY PLAN**

Nil

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

## **STAFF RECOMMENDATION**

*That Council;*

1. *Adopts the Financial Hardship policy as presented as a new policy.*
2. *Instructs the Chief Executive Officer to advertise the policy.*

## **COUNCIL RESOLUTION**

**MIN 044/20 Moved: Cr Wendy McNeil    Seconded:    Cr Dennis Reid**

***That Council;***

1. ***Adopts the Financial Hardship policy as presented as a new policy.***
2. ***Instructs the Chief Executive Officer to advertise the policy.***

**CARRIED 7/0**

**9.4 2019/20 BUDGET REVIEW**

**File Number:** FIN  
**Author:** Kate Dudley, Deputy Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FMR), between 1 January and 31 March in each financial year, a local government must carry out a review of its budget for that year. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into a financial year.

A budget review compares year to date actual results with the adopted or amended budget. It establishes whether a local government is meeting its budget commitments and if any variations are required. The review must:

- consider the local government's financial performance for the period 1 July 2019 to the review date in that financial year;
- amend the budget opening position at 1 July 2019 by reference to the audited closing position at 30 June 2019, including any adjustment(s) required for the introduction of new accounting standards on 1 July 2019;
- consider the local government's financial position as at the date of the review; and
- review the forecasted outcomes for the end of the financial year.

Regulation 33A(2) and (3) of the FMR states that, within 30 days after a review is carried out, it is required to be submitted to the council. In accordance with regulation 33A(4) of the FMR, a copy of the Council endorsed review must be provided to the Department of Local Government, Sport and Cultural Industries within 30 days of its endorsement by council.

If prior budget reviews have been undertaken, the Reg 33A review must still cover the period from 1 July and also cover any adjustments made as a result of prior reviews.

**STAFF COMMENT**

Statements of Budget Review are provided by Statutory Reporting Program and Nature and Type, as well as Net Current Funding Position and Budget Amendments.

Council's administration has noted that line items within the Schedules are over and under budget currently though within the schedule the expectation is the end result will be within the budget.

It is a requirement of Council to send a copy of the revised annual budget to the Department of Local Government.

## TEN YEAR FINANCIAL PLAN

The budget review will align with the Long Term Financial Plan.

## FINANCIAL IMPLICATIONS

The budget review will align with the Annual Budget.

## STATUTORY IMPLICATIONS

*Local Government (Financial Management) Regulations 1996*

### 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government's financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.  
*\*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

*[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]*

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. 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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works & Services

## **STAFF RECOMMENDATION**

*That Council adopt the 2019/20 Budget Review at 31 March 2020 as presented comprising;*

- a) Statement of Budget Review by Nature and Type*
- b) Statement of Budget Review by Program*
- c) Note 1 to Note 5*

*and that the Chief Executive Officer present to the Department of Local Government, Sport and Cultural Industries.*

## **COUNCIL RESOLUTION**


**MIN 045/20 Moved: Cr Scott O'Neill      Seconded:      Cr Emily Ryan**

*That Council adopt the 2019/20 Budget Review at 31 March 2020 as presented comprising;*

- a) Statement of Budget Review by Nature and Type*
- b) Statement of Budget Review by Program*
- c) Note 1 to Note 5 and that the Chief Executive Officer present to the Department of Local Government, Sport and Cultural Industries.*

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**9.5 CHEQUE LIST MARCH 2020**

**File Number:** N/A  
**Author:** Zene Arancon, Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. March 2020 Payment List 

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> March to 31<sup>st</sup> March 2020

**TRUST**

**TRUST TOTAL** **\$ 600.00**

**MUNICIPAL FUND**

<b>Cheque Payments</b>	
34730-34738	<b>\$ 12,965.89</b>
<b>EFT Payments</b>	
10581-10689	<b>\$ 334,855.78</b>
<b>Direct Debit Payments</b>	<b>\$ 48,017.48</b>
<b>TOTAL MUNICIPAL</b>	<b>\$ 395,839.15</b>

**STAFF COMMENT**

During the month of March 2020, the Shire of Kellerberrin made the following significant purchases:

<b>Avon Valley Toyota</b>	<b>\$ 65,488.33</b>
Purchase of Toyota Prado for CEO	
<b>Western Australian Treasury Corporation</b>	<b>\$ 33,504.08</b>
Loan No. 118 Interest payment - Rec Centre Redevelopment	
<b>Fire And Emergency Services (WA)</b>	<b>\$ 21,982.57</b>
ESL Quarter 3 fee 2019/2020	
<b>GPR Truck Service &amp; Repairs</b>	<b>\$ 18,764.29</b>
Routine service & parts repairs carried for Western Star tip truck	
<b>Sam Williams</b>	<b>\$ 18,150.00</b>
Semi hire March 2020	
<b>Mineral Crushing Services WA PTY LTD</b>	<b>\$ 13,580.58</b>
Purchase of 10mm & 14mm aggregates for various road works	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 12,614.46</b>
Staff superannuation contributions	
<b>United Card Services Pty Ltd</b>	<b>\$ 12,480.21</b>
Total supply charges February 2020	

<b>Deputy Commissioner Of Taxation</b> PAYG Tax	<b>\$ 10,460.00</b>
<b>WCS Concrete Pty Ltd</b> Purchase of headwalls & box culverts for various road works	<b>\$ 9,753.70</b>
<b>Smith Earthmoving Pty Ltd</b> Semi hire February 2020	<b>\$ 9,581.00</b>
<b>InfoCouncil Pty Ltd</b> Finalisation for license fee, implementation fee & help desk fee	<b>\$ 9,175.10</b>
<b>Innes &amp; Co</b> Semi hire February 2020	<b>\$ 8,651.50</b>
<b>Avon Waste</b> Commercial & domestic collections February 2020	<b>\$ 7,749.49</b>
<b>WA Local Government Superannuation Plan Pty Ltd</b> Staff superannuation contributions	<b>\$ 7,295.53</b>
<b>Synergy</b> Various power supply charges December 2019-February 2020	<b>\$ 7,055.16</b>
<b>Peak Transport</b> Truck hire February 2020	<b>\$ 7,050.01</b>
<b>Department of Agriculture, Water and the Environment</b> Baandee North Road clearing permit 2020/8638	<b>\$ 6,577.00</b>
<b>Farmways Kellerberrin Pty Ltd</b> Purchase of pool pump, upright cooker, sealer & various under \$200	<b>\$ 6,321.71</b>
<b>Smith Earthmoving Pty Ltd</b> Hire of prime mover January 2020	<b>\$ 6,220.50</b>

## TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2019/2020 Operating Budget

## 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

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. 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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Finance Officer

## STAFF RECOMMENDATION

*That Council notes that during the month of March 2020, 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 \$395,839.15 on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling \$600.00 on vouchers EFT, CHQ, Direct payments*

## COUNCIL RESOLUTION

**MIN 046/20 Moved: Cr Matt Steber                      Seconded:Cr David Leake**

***That Council notes that during the month of March 2020, 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 \$395,839.15 on vouchers EFT, CHQ, Direct payments***
2. ***Trust Fund payments totalling \$600.00 on vouchers EFT, CHQ, Direct payments***

**CARRIED 7/0**

**9.6 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - MARCH 2020**

**File Number:** N/A  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Please see below the Direct Debit List and Visa Card Transactions for the month of March 2020.

**Municipal Direct Debit List**

Date	Name	Details	Amount
2-Mar-20	Westnet	Internet Charges	103.99
3-Mar-20	Department of Housing	Rent	420.00
5-Mar-20	Shire of Kellerberrin	Pay Run	54,052.74
6-Mar-20	Shire of Kellerberrin	Super Choice	8,966.97
9-Mar-20	Department of Transport	Vehicle Inspections	68.03
12-Mar-20	Shire of Kellerberrin	Creditors	220,478.74
13-Mar-20	Department Water and Environment	Clearing Permit - Baandee North	6,577.00
17-Mar-20	Department of Housing	Rent	420.00
18-Mar-20	ATO	February BAS	10,460.00
18-Mar-20	Shire of Kellerberrin	Creditors	1,824.16
19-Mar-20	Shire of Kellerberrin	Pay Run	57,827.83
23-Mar-20	Shire of Kellerberrin	Super Choice	19,543.50
27-Mar-20	Shire of Kellerberrin	Creditors	112,552.88
31-Mar-20	NAB	Bank Fees - Trust	10.00
31-Mar-20	NAB	Bank Fees - Muni	42.50
31-Mar-20	NAB	Bank Fees - BPAY	47.84
31-Mar-20	NAB	Bank Fees - NAB Connect	46.24
		<b>TOTAL</b>	<b>493,442.42</b>

**Trust Direct Debit List**

Date	Name	Details	Amount
31-Mar-20	Department of Transport	Licencing March 2020	155,975.05
		<b>TOTAL</b>	<b>155,975.05</b>

**Visa Transactions**

Date	Name	Details	Amount
06-Mar-20	DWER	Clearing Permit	2,400.00
12-Mar-20	Australia Post	ID Check R.Griffiths Property Settlement -99 Hammond Street	49.00
12-Mar-20	Australia Post	ID Check S.O'Neill Property Settlement -99 Hammond Street	49.00
27-Mar-20	NAB	Card Fee	9.00
<b>TOTAL - CEO</b>			<b>2,507.00</b>

Date	Name	Details	Amount
06-Mar-20	Moore Stephens	Budget Worksop	957.00
19-Mar-20	Electrical Home Aids	Vacuum Cleaner Bags Caravan Park	31.95
27-Mar-20	NAB	Card Fee	9.00
<b>TOTAL -DCEO</b>			<b>997.95</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>3,504.95</b>

**STAFF COMMENT**

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of March 2020.

**TEN YEAR FINANCIAL PLAN**

There are no direct implication on the Long Term Financial Plan.

**FINANCIAL IMPLICATIONS**

Financial Management of 2019/2020 Budget.

**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 December 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 COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. 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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Senior Finance Officer

## **STAFF RECOMMENDATION**

*That Council note the direct debit list for the month of March 2020 comprising of;*

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

## **COUNCIL RESOLUTION**


**MIN 047/20 Moved: Cr Dennis Reid      Seconded:      Cr Matt Steber**

*That Council note the direct debit list for the month of March 2020 comprising of;*

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

**CARRIED 7/0**

**9.7 FINANCIAL ACTIVITY STATEMENT - MARCH 2020**

**File Number:** FIN  
**Author:** Kate Dudley, Deputy Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Financial Activity Statement March 2020 

**BACKGROUND**

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis, and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting on 23<sup>rd</sup> July 2019, the Council adopted (MIN128/19) the following material variance reporting threshold for the 2019/20 financial year:

**“PART F – MATERIAL VARIANCE REPORTING FOR 201Y/201Z**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2019/2020 for reporting material variances shall be 10% or \$10,000, whichever is the greater.”

**STAFF COMMENT**

Pursuant to Section 6.4 of the Local Government Act 1995 (the Act) and Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 (the Regulations), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire’s financial performance on a year to date basis for the period ending 31 March 2020.

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2019/2020 Budget.

**FINANCIAL IMPLICATIONS**

Financial Management of 2019/2020 Budget.

**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 COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. 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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Senior Finance Officer

### **STAFF RECOMMENDATION**

*That Council adopt the Financial Report for the month of March 2020 comprising;*

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

### **COUNCIL RESOLUTION**



**MIN 048/20 Moved: Cr Wendy McNeil    Seconded:    Cr David Leake**

***That Council adopt the Financial Report for the month of March 2020 comprising;***

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

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**9.8 BUILDING REPORTS MARCH 2020**

**File Number:** BUILD06  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Building applications recieved March 2020   
2. Building permits issued March 2020 

**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.

**STAFF COMMENT**

1. There were nil (0) applications received for a "Building Permit" during the March period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permit" issued in the March period. See attached form "Return of Building Permits Issued".

**TEN YEAR FINANCIAL PLAN**

There is no direct impact on the Long Term Financial Plan.

**FINANCIAL IMPLICATIONS**

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)

**STATUTORY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefit s (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

**COMMUNITY CONSULTATION**

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

## **STAFF RECOMMENDATION**

*That Council;*

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

## **COUNCIL RESOLUTION**

**MIN 049/20 Moved: Cr David Leake      Seconded:      Cr Emily Ryan**

*That Council;*

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

**CARRIED 7/0**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS**

Nil

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

Nil

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

Nil

**14 CONFIDENTIAL MATTERS**

Nil

**15 CLOSURE OF MEETING**

The president member closed the meeting at 4.26pm

The minutes of this meeting consisting of Pages 1 to 53 were confirmed at the Ordinary Council Meeting held on 19 May 2020.

.....  
**CHAIRPERSON**