

SHIRE OF KELLERBERRIN
MINUTES OF ORDINARY COUNCIL MEETING

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110
Massingham Street Kellerberrin on Thursday 6th February 2020, commencing at 2:00pm

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS

The Presiding Member opened the meeting at 2.03pm

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr. Forsyth	Shire President
Cr. O'Neill	Deputy Shire President
Cr. Leake	Member
Cr. Talbot	Member
Cr. Reid	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Ms Kate Dudley	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Senior Finance Officer

Apologies:

Cr. Steber	Member
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Public:

Nil

Leave of Absence:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE:

Nil

4. PUBLIC QUESTION TIME:

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. DECLARATION OF INTEREST:

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes 17th December 2019

COUNCIL RESOLUTION

MIN 001/20 MOTION: Moved Cr. O'Neill 2nd Cr. McNeil

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 17th December 2019, be confirmed as a true and accurate record.

CARRIED 6/0

7.2 Audit Committee Meeting Minutes, 17th December 2019

COUNCIL RESOLUTION

MIN 002/20 MOTION: Moved Cr.Reid 2nd Cr. McNeil

That the minutes of the Audit Committee Meeting held on Tuesday 17th December 2019, be confirmed as a true and accurate record.

CARRIED 6/0

7.3 Roadworks Advisory Committee Meeting Minutes, 17th December 2019

COUNCIL RESOLUTION

MIN 003/20 MOTION: Moved Cr.Talbot 2nd Cr. O'Neill

That the minutes of the Roadworks Advisory Committee Meeting held on Tuesday 17th December 2019, be confirmed as a true and accurate record.

CARRIED 6/0

7.4 Local Emergency Management Committee Meeting Minutes, 12th December 2019

COUNCIL RESOLUTION

MIN 004/20 MOTION: Moved Cr.Reid 2nd Cr. McNeil

That the minutes of the Local Emergency Management Committee Meeting held on Thursday 12th December 2019, be confirmed as a true and accurate record.

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 005/20 MOTION: Moved Cr.Talbot 2nd Cr. Reid

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

CARRIED 6/0

10.2 Standing Orders

MIN 006/20 MOTION: Moved Cr. Leake 2nd Cr. McNeil

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

CARRIED 6/0

11.1 CORPORATE SERVICES – AGENDA ITEM

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	20 th January 2020
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

December 2019 Council Meeting

MIN 224/19 MOTION - Moved Cr. Talbot 2nd 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.***

November 2019 Council Meeting

That Council note no requests to be actioned for the month of November 2019.

October 2019 Council Meeting

MIN176/19 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That the Council;

- 1. Nominate Cr Forsyth for a position on LGAFG;***
- 2. Request that the CEO continue to monitor the pigeons at the senior citizens centre; and***
- 3. Request that the CEO to inspect the damaged pole at the entrance to the bridge replica.***

December MIN 224/19

- 1. Mick Jones is investigating***
- 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.***
- 3. Mick Jones to review Hammond Street.***

November MIN 202/19

That Council note no requests to be actioned for the month of November 2019.

- 1. Will occur at Zone AGM
- 2. re-inspected and they aren't in the roof, contacted Team Leader Parks & Gardens to look into
- 3. pole replaced

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

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

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

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

- (a) an interest common to a significant number of electors or ratepayers;
- (b) an interest in the imposition of any rate, charge or fee by the local government;

- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
- (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.

- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

Council
Community Members

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN 007/20 MOTION -

Moved Cr. Leake 2nd 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.*

CARRIED 6/0

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	3 rd February, 2020
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council at its March 2017 Ordinary Meeting of Council discussed the use of Council’s status report and its reporting mechanisms.

Council therefore after discussing this matter agreed to have a monthly item presented to Council regarding the Status Report which provides Council with monthly updates on officers’ actions regarding decisions made at Council.

It can also be utilised as a tool to track progress on Capital projects.

COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council’s Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

POLICY IMPLICATIONS

Policy Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

- (b) determine the local government's policies.

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.]

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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.

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

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

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

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

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

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

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

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

- (a) preside at the part of the meeting relating to the matter; or

- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer

Manager Works and Services
Council Staff
Council
Community Members.

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RESOLUTION

MIN 008/20 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council receives the Status Report.

CARRIED 6/0

Agenda Reference:	11.1.3
Subject:	Council Policy Manual Review
Location:	Shire of Kellerberrin
Applicant:	
File Ref:	Policy Manual
Disclosure of Interest:	N/A
Date:	2 February 2020
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

Council undertakes an annual review of its policies and determines new or updated policies to guide its day to day operations and responsibilities in regards to its adopted structure and legislative requirements.

The review process has been underway for four month. At the August Council Meeting, it was decided -

That Council;

1. *adopts the proposed template as it's format for Council existing policies*
2. *instructs the CEO to have this process completed December 2019*
3. *rescinds Council Policies;*

- a. *Debt recovery policy debtors*
- b. *Debt recovery policy rates*
- c. *Payment approval process*
- d. *Budget preparation*
- e. *Financial activity statement – Material variance report*
- f. *Sale of land housing proceeds*
- g. *Use of council facilities and plant*
- h. *Smoking council buildings*
- i. *Supply of council notice papers minutes and information*
- j. *Release of unconfirmed minutes*
- k. *Councillor agenda availability*
- l. *Advertising of public notice*
- m. *Signature stamp- Shire President*
- n. *Office Hours*
- o. *Use of council vehicles*
- p. *Internal and & email use*
- q. *Customer Service Charter and Policy*
- r. *Master Key authorisation*
- s. *Legislative compliance*
- t. *Community engagement policy*
- u. *Staff annual leave*
- v. *Rostered day off – inside staff*
- w. *Rostered day off – outside staff*
- x. *Uniforms*
- y. *Provisions of outside staff uniforms*
- z. *Confidential business*
- aa. *Notice of ordinary meetings*
- bb. *Council delegates policy confidential business*
- cc. *Model of code of conduct*
- dd. *Use of council chambers*
- ee. *Noise abatement*

- ff. *Visitor management*

COMMENT

The current Policy Manual includes a number of operation processes. It is proposed that the manual be separated into two documents, a Council Policy Manual and an Operational Procedures Manual.

Policy making is an important function of local government. Policies guide decision making and therefore affect all those who may be impacted by a decision.

Officers are of the view that:

1. There should be a review of the Council Policies with the intent that a Council Policy:
 - a. Should deal with higher level objectives and strategies;
 - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and
 - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.

2. As part of that review, any existing Council Policy should be rescinded where it could, more sensibly, be dealt with by an operational procedure adopted by the CEO

All existing council policies have been transferred to the new template (as adopted by council).

New Policies:

- Access and Inclusion
- Community Engagement
- Welcome to Country
- Complaints Handling
- Placement of temporary Grave Markers and Fences

Amended Policies:

Rescinded Policies:

- False Fire Alarm
- Home Occupation
- Rubbish Tip – Burning Off
- Sale of used grader blades, batteries and oil
- School Bus Stop Sign
- Security Procedures for Digital and Computer Equipment
- Swimming Pool Shade Sails
- Telephones in Council Houses
- Truck, Trailer Combinations – Vehicle Movements
- Vehicle Inspections
- Enforced Harvest Bans Due to Fire
- Prohibited Burning Times
- Restricted Burning Period

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

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 —
 - (l) the prescribed amount; or

- (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
 - (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

[(e) deleted]

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service

of the State or Commonwealth or a body established under this Act or any other written law; or

(h) a prescribed interest.

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

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

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

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

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

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

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

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

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

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

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

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.

- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

LONG TERM PLAN IMPLICATIONS:

Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

Council has a legislative requirement to consider and determine Policies.

STAFF RECOMMENDATION

That Council adopts the proposed Council Policy Manual as presented.

COUNCIL RESOLUTION

MIN 009/20 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council adopts the proposed Council Policy Manual as presented with the exclusion of the investment policy.

CARRIED 6/0

Reason: ***Council felt that the investment policy required further review***

Agenda Reference:	11.1.4
Subject:	Container Deposit Scheme
Location:	Shire of Kellerberrin
Applicant:	
File Ref:	ICR192262
Disclosure of Interest:	N/A
Date:	2 February 2020
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

On June 2 2020 Western Australia will introduce Containers for Change, a state-wide container deposit scheme that lets you cash in eligible containers for 10 cents each. Beverage containers currently account for 44% of all litter by volume in WA. The aim of the scheme is to reduce litter, increase recycling and create new opportunities for the community to participate in environment protection. Hundreds of container refund points are planned, many will hopefully be operated by community groups and social enterprises.

An application for the Shire to be a flexi transfer station was submitted on 19 October 2019.

On 11 November 2019, the Shire received notification that the following Wheatbelt towns had submitted applications to be a waste transfer station.

- Gingin
- Kellerberrin
- Lancelin
- Merredin
- Northam
- Quairading
- Southern Cross
- Toodyay
- Wagin
- York

In December 2019 The Shire received notification that the application to become a flexi transfer station was successful. The following surrounding towns were also successful:

- Westonia
- Wyalkatchem
- Quairading
- York

The expectation by WARRYL is that all towns with a population over 5000 have access to either a flexi transfer station or some kind of disposal solution (pod or mobile)

COMMENT

WARRYL will be hosting a two-day induction course for successful application on 5 and 6 February 2020. At the Refund Point Induction, operators will be given an overview of the Scheme; the Containers for Change Point of Sale system; invoicing and payment processes; audit arrangements; best practice ideas; processing and logistics workings; branding and marketing information; mobilisation planning; and more.

The Manager Works & Services and Transfer Station Manager will be attending the induction.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The 2019/20 Budget doesn't include the new infrastructure that will be required to complete this project in time for 2 June 2020.

Officers have discussed the option of developing a flexi transfer station at a later time with WA Return Recycle Renewal Limited but have been advised that if the Shire doesn't accept the agreement in this round the space (distance between stations) will be filled with another applicant.

It's estimated that the startup costs will be approximately \$60,000.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

STRATEGIC PLAN IMPLICATIONS:

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

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

LONG TERM PLAN IMPLICATIONS:

This project was not included in the long-term financial plan for the Shire of Kellerberrin.

COMMUNITY CONSULTATION:

A survey was provided to the community to gauge interest in the Shire hosting a flexi transfer station. The survey results were positive in the way that the community felt they would dispose of containers through the scheme. Although this could be done through donation points, rather than a flexi-transfer station.

STAFF RECOMMENDATION

That Council decided not to support the development of a flexi-transfer station for the container deposited scheme, due to funds not being allocated in the 2019/20 budget.

COUNCIL RESOLUTION

MIN 010/20 MOTION - Moved Cr. Reid

2nd Cr. O'Neill

That Council;

1. *decided not to support the development of a flexi-transfer station for the container deposited scheme at this time;*
 - a. *due to funds being excessive in nature and not being allocate in the 2019/20 budget;*
 - b. *insufficient available funds to allocate a budget amendment for the construction of infrastructure in 2019/20; and*
 - c. *the timeline for completion being 2 June 2020 was considered too short of a timeframe in light of the contract requirements.*
2. *Advise WARRYL that council is supportive of the project and should an alternative solution not be available in Kellerberrin, Council would be interested in becoming a flexi-transfer station site with appropriate planning and funds allocation in future budget.*

CARRIED 6/0

Reason: *Council were supportive of the initiative but included additional reasons for the decision to not support the development.*

Agenda Reference:	11.1.5
Subject:	Small Business Friendly Local Government
Location:	Shire of Kellerberrin
Applicant:	
File Ref:	
Disclosure of Interest:	N/A
Date:	2 February 2020
Author:	Ms Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

The Small Business Development Corporation have developed the Small Business Friendly Local Governments initiative to recognise local government authorities in Western Australia that are committed to actively supporting small businesses in their local area.

Local governments are encouraged to sign the Small Business Friendly Local Governments Charter to show they have committed to work with, and support, small business by:

- offering enhanced customer service
- reducing red tape
- making on-time payments
- having a process in place to handle disputes
- introducing other activities to improve the operating environment for small businesses in their area
- Participating local governments will provide us with updates on how they are meeting these commitments.

COMMENT

Local governments participating in the initiative have nominated a range of activities to support their local small business community. Some of these exciting activities are outlined below:

- Conduct regular meetings with the Chamber of Commerce.
- Promote a 'buy local' shopping campaign.
- Implement the Local Purchases Policy.
- Host and facilitate local business forums and events.
- Update the Council website by adding a dedicated small business support page.
- Create an online business directory in collaboration with the Waroona Business Support Group.

Most of the aspects covered in the charted (attached) are already implemented by the Shire although may result in additional reporting requirements.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There may be minor financial implications, depending on the actives/initiatives followed.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

STRATEGIC PLAN IMPLICATIONS:

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

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

LONG TERM PLAN IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

STAFF RECOMMENDATION

That Council support the Western Australian Small Business Friendly Local Governments initiative.

COUNCIL RESOLUTION

MIN 011/20 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

That Council support the Western Australian Small Business Friendly Local Governments Initiative.

CARRIED 6/0

Agenda Reference:	11.1.6
Subject:	Direct Debit List and Visa Card Transactions for the month December 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	3rd January 2020
Author:	Brett Taylor – Senior Finance Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
2-Dec-19	Westnet	Internet Fees		4.99
6-Dec-19	Department of Transport	Vehicle Inspections		69.56
6-Dec-19	Shire of Kellerberrin	Creditors		288,129.49
11-Dec-19	Department of Housing	Rent		420.00
12-Dec-19	Shire of Kellerberrin	Super Choice		8,643.94
12-Dec-19	Shire of Kellerberrin	Pay Run		51,615.78
13-Dec-19	DLL	Photocopier Lease		265.21
20-Dec-19	Shire of Kellerberrin	Creditors		6,548.75
20-Dec-19	Shire of Kellerberrin	Creditors		449,046.88
23-Dec-19	NAB	Bank Fees		48.98
24-Dec-19	Department of Housing	Rent		420.00
27-Dec-19	Shire of Kellerberrin	Pay Run		53,396.80
31-Dec-19	NAB	Bank Fees		39.56
31-Dec-19	NAB	Bank Fees		10.00
31-Dec-19	NAB	Bank Fees		41.00
TOTAL			\$	<u>858,700.94</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Dec-19	Department of Transport	Licencing December 2019		51,358.55
TOTAL			\$	<u>51,358.55</u>

Visa Transactions

Date	Name	Details	\$	Amount
11-Dec-19	Shire of Kellerberrin	Licence KE143		267.25
11-Dec-19	Shire of Kellerberrin	Licence KE216		267.25
27-Dec-19	NAB	Bank Fees		9.00
TOTAL - CEO			\$	<u>543.50</u>
Date	Name	Details	\$	Amount
04-Dec-19	RLSSWA	Safety Equipment Swimming Pool		115.25
12-Dec-19	Avon Valley Meats	Meat Xmas Function		162.66
20-Dec-19	SQD First Aid	First Aid Supplies Outside Crew		137.45
27-Dec-19	NAB	Bank Fees		9.00
TOTAL -DCEO				<u>424.36</u>
TOTAL VISA TRANSACTIONS			\$	<u>967.86</u>

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

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

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RESOLUTION

MIN 012/20 MOTION - Moved Cr. O'Neill

2nd Cr. Talbot

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.7
Subject:	Direct Debit List and Visa Card Transactions for the Month January 2020
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	3 rd February 2020
Author:	Brett Taylor – Senior Finance Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
2-Jan-20	NAB	Merchant Fees		3.69
2-Jan-20	Westnet	Internet Fees		4.99
2-Jan-20	NAB	Merchant Fees - Caravan Park		51.90
2-Jan-20	NAB	Merchant Fees - Office		75.56
2-Jan-20	NAB	Merchant Fees - Licencing		162.60
2-Jan-20	Alleasing	Gym Equipment Lease		3,121.83
2-Jan-20	Shire of Kellerberrin	Creditors Payment		201,344.72
7-Jan-20	Department Housing	Rent		420.00
9-Jan-20	Shire of Kellerberrin	Creditors Payment		3,564.00
9-Jan-20	Shire of Kellerberrin	Pay Run		53,563.40
10-Jan-20	Shire of Kellerberrin	Super Choice		8,967.46
16-Jan-20	Shire of Kellerberrin	Creditors Payment		238,079.47
21-Jan-20	Department Housing	Rent		420.00
23-Jan-20	Shire of Kellerberrin	Super Choice		9,573.26
23-Jan-20	Shire of Kellerberrin	Pay Run		55,000.84
29-Jan-20	NAB	Bank Fees		53.98
31-Jan-20	NAB	Bank Fees		53.36
31-Jan-20	NAB	Bank Fees		10.00
31-Jan-20	NAB	Bank Fees		46.70
31-Jan-20	NAB	Merchant Fees - Trust		3.05
31-Jan-20	NAB	Merchant Fees - Caravan Park		51.90
31-Jan-20	NAB	Merchant Fees- Licencing		74.47
31-Jan-20	NAB	Merchant Fees- Office		105.44
TOTAL			\$	<u>574,752.63</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Jan-20	Department of Transport	Licencing January 2020		41,511.75
TOTAL			\$	<u>41,511.75</u>

Visa Transactions

Date	Name	Details	\$	Amount
20-Jan-20	Good Guys	New Laptop CEO		1,804.00
28-Jan-20	Puma Tarcoola	Fuel KE1		101.03
28-Jan-20	NAB	Card Fee		9.00
TOTAL - CEO			\$	<u>1,914.03</u>

Date	Name	Details	\$	Amount
23-Jan-20	Coles Northam	Australia Day Awards Decorations		55.90
23-Jan-20	Red Dot Northam	Australia Day Awards Decorations		96.00

28-Jan-20	Midway Ford	Service KE02	400.00
28-Jan-20	NAB	Card Fee	9.00
		TOTAL -DCEO	560.90
		TOTAL VISA TRANSACTIONS	\$ 2,474.93

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2019/2020

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

- (1A) In this regulation —
- committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - budget estimates to the end of the month to which the statement relates;
 - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - 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 —
- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - an explanation of each of the material variances referred to in subregulation (1)(d); and
 - such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
- according to nature and type classification; or
 - by program; or
 - by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

1. That the Direct Debit List for the month of January 2020 comprising;
 - a) Municipal Fund – Direct Debit List
 - b) Trust Fund – Direct Debit List
 - c) Visa Card Transactions

Be adopted.

COUNCIL RESOLUTION

MIN 013/20 MOTION - Moved Cr. Leake

2nd Cr. Talbot

1. ***That the Direct Debit List for the month of January 2020 comprising;***
 - a) Municipal Fund – Direct Debit List***
 - b) Trust Fund – Direct Debit List***
 - c) Visa Card Transactions***

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.8
Subject:	Cheque List December 2019
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	3 rd January 2020
Author:	Zenedelle Arancon, Finance Officer

BACKGROUND

Accounts for payment from 1st December-31st December 2019

TRUST

TRUST TOTAL **\$ 52,420.20**

MUNICIPAL FUND

Cheque Payments

34696-34704 **\$ 35,235.05**

EFT Payments

10224-10356 **\$ 743,725.12**

Direct Debit Payments

\$ 25,346.06

TOTAL MUNICIPAL

\$ 804,306.23

COMMENT

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

SOURCE MACHINERY PTY LTD	\$ 164,637.00
Purchase of Kubota loader & excavator	
Western Australian Treasury Corporation	\$ 53,815.35
Loan No. 118 & Loan 120 payments	
Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 51,358.55
Licensing December 2019	
Boral Construction Materials Group T/as	\$ 41,511.82
Bitumen Spraying at Bath Street & Chambers Street KBN	
Avon Valley Toyota	\$ 41,001.90
Purchase of Isuzu D-max Ute 4x4 Hi-rider manual	
Office of the Auditor General	\$ 40,700.00
Audit fees end of financial year June 2019	
Kellerberrin Recreation & Leisure Centre Management Advisory Committee	\$ 34,935.90
Proceeds of barley crop for 2019	
Rylan Pty Ltd	\$ 28,488.40
Kerbing Chambers & Bath Streets, KBN	
Water Corporation	\$ 23,515.06

Standpipes & various accounts water supply charges November 2019

Innes & Co Truck hire September 2019	\$ 23,094.50
Fire And Emergency Services (WA) Dept. of Fire & Emergency Services quarter review 2019/2020	\$ 21,982.56
Merredin Glazing Service Supply & install new front sliding door entrance to Recreation Centre & Caravan Park	\$ 21,076.00
CBH Group Purchase of 31 Hammond Street accommodation 4x2 units	\$ 16,500.00
Smith Earthmoving Pty Ltd Hire of semi and dozer at tendered rates for October 2019	\$ 16,137.00
Verum Group Pty Ltd Professional fee consultancy agreement & project management November 2019	\$ 15,312.00
Western Australian Treasury Corporation Loan No. L117 Interest payment	\$ 12,682.59
Farmways Kellerberrin Pty Ltd Purchases of microwave ovens, toasters & kettles for Caravan park additional rooms & various under \$200	\$ 12,162.87
KLM Mining & Industrial Pty Ltd Recreation Centre - supply & lay synthetic turf	\$ 10,560.00
WCS Concrete Pty Ltd Supply & lay coloured concrete between Moylan's dongas and foot paths Caravan Park	\$ 10,362.00
United Card Services Pty Ltd Fuel charges November 2019	\$ 9,593.92
Avon Waste Domestic & commercial collection charges November 2019	\$ 9,130.13
E Giles & Co. Supply of gravel for North Baandee Road	\$ 7,991.00
Santaleuca Forestry Federal Government Referral for clearing permit Baandee Nth Road	\$ 7,014.70
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$ 6,935.29
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$ 6,926.79
VISA Payments - National Australia Bank Visa transactions charges CEO & DCEO November 2019	\$ 6,869.92
Merredin Refrigeration & Gas Purchase indoor fans for Caravan Park & Swimming Pool & labour	\$ 6,743.65
AMPAC Debt Recovery (WA) Pty Ltd	\$ 6,623.34

Shire of Koorda **\$ 6,600.00**
Wheatbelt secondary freight network co-contribution to stage 1 priority works

Mineral Crushing Services WA PTY LTD **\$ 5,262.40**
Purchase 10mm washed aggregates

Shire of Kellerberrin 2019/2020 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;

- (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 - And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED - No

STAFF RECOMMENDATION

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

- 1. *Municipal Fund payments totalling \$804,306.23 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$52,420.20 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 014/20 MOTION - Moved Cr. McNeil

2nd Cr. Leake

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

- 1. *Municipal Fund payments totalling \$804,306.23 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$52,420.20 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0

Agenda Reference:	11.1.9
Subject:	Cheque List January 2020
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	3 rd February 2020
Author:	Zenedelle E. Arancon, Finance Officer

BACKGROUND

Accounts for payment from 1st January-31st January 2020

TRUST

TRUST TOTAL **\$ 1,889.45**

MUNICIPAL FUND

Cheque Payments

34705-34718 **\$ 28,273.84**

EFT Payments

10357-10479 **\$ 530,714.03**

Direct Debit Payments

\$ 25,583.40

TOTAL MUNICIPAL

\$ 582,571.27

COMMENT

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

WCS Concrete Pty Ltd **\$ 139,311.70**

Supply & laying of N25 concrete and bobcat hire at Bath St., Chambers St. & Centenary Park

WCS Concrete Pty Ltd **\$ 45,532.30**

Supply & delivery of N32 concrete for McBolt Road floodway

It Vision Australia Pty Ltd **\$ 38,317.40**

Renewal Synergy Software annual license fee for July 2019-June 2020

Rylan Pty Ltd **\$ 29,863.59**

Kerbing of Cemetery

Boral Construction Materials Group T/as **\$ 28,403.06**

Mobilization & spray cover using binder & aggregates

Woodstock Electrical Services **\$ 22,380.11**

Decommission & recommission 5 units Caravan Park & Moylan's Dongas

Wheatbelt Plumbing & Gas **\$ 17,841.45**

Remaining 50% claim on works at Caravan Park & various standpipes

Kellerberrin Recreation & Leisure Centre Management Advisory **\$ 15,576.00**

Committee

Proceeds of crop from premium grains

Synergy Various power supply charges October-December 2019	\$ 13,498.62
United Card Services Pty Ltd Various fuel charges December 2019	\$ 12,840.20
Farmways Kellerberrin Pty Ltd Purchase of gas upright cooker, bar fridge, chlorine, tool boxes & various under \$ 200	\$ 11,599.24
Sam Williams Hire of prime mover December 2019	\$ 8,844.00
Avon Waste Domestic & commercial collection December 2019	\$ 7,749.49
WA Local Government Superannuation Plan Pty Ltd Staff superannuation payroll deductions	\$ 7,493.17
Western Australian Treasury Corporation GFEE Loan 117, Loan 118, Loan 119 & Loan 120	\$ 7,261.80
WA Local Government Superannuation Plan Pty Ltd Staff superannuation payroll deductions	\$ 7,024.30
Mineral Crushing Services WA PTY LTD Purchase 5mm & 10mm metal for various road works	\$ 6,564.80
Bruce Rock Engineering Repairs of side tipper trailers including fabrication & repainting	\$ 6,214.85
Peak Transport Hire of prime mover & tipper cat January 2020	\$ 5,818.01
WCS Concrete Pty Ltd Supply & delivery of stabilized sand for McBolt & Simms Road floodway's construction	\$ 5,621.55
Thompson Signs Purchase of sign panels for Cemetery	\$ 5,176.60
Sam Williams Hire of prime mover January 2020	\$ 5,148.00

Shire of Kellerberrin 2019/2020 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED - No

STAFF RECOMMENDATION

That Council notes that during the month of January 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 \$ 582,571.27 on vouchers EFT , CHQ, Direct payments*
- 2. Trust Fund payments totalling \$ 1,889.45 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 015/20 MOTION - Moved Cr. Reid

2nd Cr. McNeil

That Council notes that during the month of January 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 \$ 582,571.27 on vouchers EFT , CHQ, Direct payments*
- 2. Trust Fund payments totalling \$ 1,889.45 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0

Agenda Reference:	11.1.10
Subject:	Financial Management Report for December 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	
Date:	2 February 2020
Author:	Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2019/2020 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

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

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

STRATEGIC PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

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

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

Be adopted.

COUNCIL RESOLUTION

MIN 016/20 MOTION - Moved Cr. McNeil

2nd Cr. O'Neill

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

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.11
Subject:	Financial Management Report for January 2020
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	
Date:	2 February 2020
Author:	Kate Dudley, Deputy Chief Executive Officer

BACKGROUND

Enclosed is the Monthly Financial Report for the month of January 2020.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2019/2020 Budget.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

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

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

STRATEGIC PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

ABSOLUTE MAJORITY REQUIRED

Yes

STAFF RECOMMENDATION

That the Financial Report for the month of January 2020 comprising;

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

Be adopted.

COUNCIL RESOLUTION

MIN 017/20 MOTION - Moved Cr. Reid

2nd Cr. O'Neill

That the Financial Report for the month of January 2020 comprising;

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.2.1
Subject:	Building Returns: December 2019
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	16 th January 2020
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the Building Act 2011, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

COMMENT

1. There were two (2) applications received for a “Building Permit” during the December 2019 period. A copy of the “Australian Bureau of Statistics appends”.
2. There was two (2) “Building Permits” issued in the December 2019 period. See attached form “Return of Building Permits Issued”.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

No

STAFF RECOMMENDATION

That Council

1. Acknowledge the “Return of Proposed Building Operations” for the December 2019 period.

2. Acknowledge the "Return of Building Permits Issued" for the December 2019 period.

COUNCIL RESOLUTION

MIN 018/20 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council

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

CARRIED 6/0

3.15pm ***At this time Council adjourned the meeting for the Citizenship Ceremony.***

3.34pm ***At this time Council recommenced the meeting.***

Agenda Reference:	11.2.2
Subject:	Building Returns: January 2020
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	3 rd February 2020
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the Building Act 2011, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

COMMENT

1. There were one (1) applications received for a “Building Permit” during the January 2020 period. A copy of the “Australian Bureau of Statistics appends”.
2. There was one (1) “Building Permits” issued in the January 2020 period. See attached form “Return of Building Permits Issued”.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

STAFF RECOMMENDATION

That Council

3. *Acknowledge the “Return of Proposed Building Operations” for the January 2020 period.*

4. Acknowledge the "Return of Building Permits Issued" for the January 2020 period.

COUNCIL RESOLUTION

MIN 019/20 MOTION - Moved Cr. Reid 2nd Cr. Talbot

That Council

1. ***Acknowledge the "Return of Proposed Building Operations" for the January 2020 period.***

2. ***Acknowledge the "Return of Building Permits Issued" for the January 2020 period.***

CARRIED 6/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil

ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

CLOSURE OF MEETING

The presiding member closed the meeting at 4.09pm.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 17th March 2020