



AGENDA

Ordinary Council Meeting Tuesday, 19 July 2022

Date: Tuesday, 19 July 2022

Time: 2:00pm

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

Shire of Kellerberrin
Ordinary Council Meeting
19th July 2022

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 19th July 2022 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 2:00pm.



Raymond Griffiths
Chief Executive Officer
Monday, 18 July 2022

Shire of Kellerberrin

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Kellerberrin for any action, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Kellerberrin disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Kellerberrin during the course of any meeting is not intended to be and is not taken a notice of approval from the Shire of Kellerberrin.

The Shire of Kellerberrin warns that anyone who has any application lodged with the Shire of Kellerberrin must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kellerberrin in respect of the application.

Signed _____
Chief Executive Officer

**DECLARATION OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR
INTEREST AFFECTING IMPARTIALITY**

Chief Executive Officer, Shire of Kellerberrin

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations*, I advise you that I declare a (☒ appropriate box):

☐ financial interest (Section 5.60A)

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.

☐ proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —

- (a) change to a planning scheme affecting land that adjoins the person's land;
- (b) change to the zoning or use of land that adjoins the person's land; or
- (c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

☐ interest affecting impartiality/closely associated persons (Regulation 24C). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include a financial or proximity interest as referred to in section 5.60.

in the following Council / Committee Meetings to be held on _____

in Item number/s _____

the *nature* of the interest being _____

☐ Further, that I wish to remain in the Chamber to participate in proceedings. As such, I declare the extent of my interest as being:

Yours faithfully

(Councillor's signature)

Councillor's Name

The *Local Government Act* provides that it is the member's obligation to declare the Nature of an interest if they believe that they have a financial interest, proximity interest, closely associated persons or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the Nature of the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the Agenda Item at the meeting. The Act further provides that the Extent of the interest needs to be declared if the member seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

The decision of whether to disclose a financial interest is yours and yours alone. Nobody can disclose for you and you can not be forced to make a disclosure.

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1 DECLARATION OF OPENING

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**2.1 PRESIDENT REPORT - JUNE 2022**

File Ref: ADM
Author: Scott O'Neill, President
Authoriser: Scott O'Neill, President
Attachments: Nil

This is my last report as Shire President and my last meeting as a Shire Councillor after 15 years on Council I am going to miss the 3rd Tuesday of every month (except January) where we meet to represent the residents of Kellerberrin, Doodlakine and the Shire as whole . I have thoroughly enjoyed my time on council and have the pleasure of working with some fantastic people, both Councillors and Shire Staff.

This current group of Councillors and Staff is no exception to this and I wish them all the best for the future and I am sure that they have the whole of the Community's best interests at heart.

With the upcoming by-election in September it will give another member of this great community a chance to be on Council and have a voice for a least 12 months, I encourage those with concerns to at least investigate the role of a Councillor.

In conclusion I would like to thank all the Community members who have reached out to me in the last few weeks your words of thankyou and support have warmed my heart.

Kind Regards



Scott O'Neill

Shire President

STAFF RECOMMENDATION

That Council receive and note the Shire Presidents Reports for June 2022.

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**4 DECLARATION OF INTEREST**

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice**5.2 Public Question Time**

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 JUNE 2022
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File Ref: MIN

Author: Codi Brindley-Mullen, Manager of Governance

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Minutes of the Council Meeting held on 21 June 2022

HEADING

STAFF RECOMMENDATION

1. That the Minutes of the Council Meeting held on 21 June 2022 be received as a true and accurate record.

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 STANDING ORDERS

File Ref: ADM
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

STAFF RECOMMENDATION

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

9.2 COMMUNITY REQUESTS AND DISCUSSION ITEMS

File Ref: Various
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

June 2022 Council Meeting

MIN 080/22 MOTION - Moved Cr. Leake Seconded Cr. Gardiner

That Council;

- 1. Will include an Acknowledgement of Country when opening official Council Meetings; and*
- 2. Includes Native Frangipani, Corymbia Eucalyptus and Grevilleas to the approved species list for town streets and road verge planting.*

May 2022 Council Meeting

No items were presented for actioning or review.

April 2022 Council Meeting

MIN 044/22 MOTION - Moved Cr. Forsyth Seconded Cr. Steber

That Council;

- 1. Investigate the broken footpath on Corner of Leake & Spring Street, Doodlakine;*
- 2. Ensure that Management incorporates a regular schedule of works for the town crew at the Doodlakine town site;*
- 3. Acknowledge correspondence from Deb Ware regarding revegetation of George Street and request staff review opportunities for revegetating George Street; and*
- 4. In light of the new redevelopment on James Street, Council provide a costing for the draft 2022/2023 budget for incorporating a vegetated traffic island on Gregory Street as per James Street construction.*

CARRIED 7/0

STAFF COMMENT

June MIN 080/22

1. Noted
2. Noted to be incorporated into the Townscape Management Plan. Email issued to the Gregory Street resident that was planting trees on behalf of the community.

May MIN 064/22

NIL

April MIN 044/22

1. Team Leader has attended site and culvert requires a plate over the top to rectify the issue.

2. A fortnightly schedule has been issued to all Town Crew employees to complete all regular tasks.
On receipt of the fortnightly schedules from all employees' a consolidated schedule for the Town Crew will be completed which will incorporate a fortnightly allocation to Doodlakine.
3. Noted
4. A quotation has been provided in Councils 2022/2023 Roadworks Budget for consideration.

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

[Section 2.7 amended: No. 17 of 2009 s. 4.]

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and
 - (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; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (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: 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: No. 64 of 1998 s. 30; amended: 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; or
 - (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; or
 - (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: 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 an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given an electoral gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
 - (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; 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.

(1A) Subsection (1)(eb) and (ec) apply to a gift if —

- (a) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
 - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection;
- and

- (b) the gift is not an excluded gift under subsection (1B).
- (1B) A gift is an excluded gift —
 - (a) if —
 - (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
 - (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;
 - or
 - (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

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; or
 - (b) an interest in the imposition of any rate, charge or fee by the local government; or
 - (c) an interest relating to —
 - (i) 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; or
 - (ii) a gift permitted by section 5.100A; or
 - (iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;
 - or
 - (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;
 - or
 - [(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; or
 - (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; or
 - (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; or
 - (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; or
 - (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: 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; No. 26 of 2016 s. 12.]

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.
- (1A) Subsection (1) does not apply if —
 - (a) the interest disclosed is an interest relating to a gift; and
 - (b) either —
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
 - (ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with —
 - (a) the extent of any participation allowed by the council or committee; and
 - (b) if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.
- (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.

[Section 5.68 amended: No. 16 of 2019 s. 30.]

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.
- (5) A decision under this section must be recorded in the minutes of the meeting relating to the matter.

[Section 5.69 amended: No. 49 of 2004 s. 53; No. 16 of 2019 s. 31.]

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: 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.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).
- (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 for this subsection: a fine of \$10 000 or imprisonment for 2 years.

[Section 5.70 amended: No. 16 of 2019 s. 32.]

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.

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

9.3 STATUS REPORT OF ACTION SHEET

File Ref: Various
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS**STAFF COMMENT**

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

- (a) the relevant person; or

(b) a person with whom the relevant person is closely associated,
has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or

- (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
 or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
 or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

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

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

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

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

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

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

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

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

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

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

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or

- (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the status report.

9.4 INTERIM AUDIT 2021/2022

File Ref: ADM
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Interim Audit 2021/2022 (under separate cover)

BACKGROUND

The Local Government amendment (auditing) bill 2017 brings legislative change to the Local Government Act 1995, providing for the auditing of local governments by the office of the auditor general (OAG).

Being engaged by OAG (Western Australia) to perform an audit of the Shire's annual financial report for the year ending 30 June 2022, Macri Partners have recently completed their interim audit and the findings and Shire management responses are presented for Council's consideration.

The item has been presented to the Shire of Kellerberrin Audit Committee Meeting – 19th July 2022 being held prior to this Council Meeting with the below recommendation from Management;

That the Audit Committee:

1. Endorse the findings and management comments to the Interim Audit Report as presented by staff; and
2. Recommend to Council that the findings and management comments to the Interim Audit Report be endorsed.

STAFF COMMENT

Please find below a table identifying the findings from the current interim audit conducted in May 2022.

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
Current year issues			
1. Variance between purchase order value and invoice value		✓	
Prior year issues			
2. Monthly reconciliations		✓	
3. Contract price variations		✓	
4. IT Security policy and user access rights		✓	
5. Annual financial report		✓	

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.

- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

Please find attached a copy of the full report including;

- Finding
- Rating
- Implication
- Recommendation
- Management Comment

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government Amendment (Auditing) Act 2017

7.12AJ. Conducting a performance audit

(1) The Auditor General Act section 18 applies in relation to a local government as if —

(a) the local government were an agency; and

(b) money collected, received or held by any person for or on behalf of the local government were public money; and

(c) money collected, received or held by the local government for or on behalf of a person other than the local government were other money; and

(d) property held for or on behalf of the local government, other than money referred to in paragraph (b), were public property; and Local Government (Audit) Regulations 1996 (as amended)

(e) property held by the local government for or on behalf of a person other than the local government were other property; and

(f) the reference in the Auditor General Act section 18(2)(d) to “legislative provisions, public sector policies or its own internal policies,” were a reference to “legislative provisions or its own internal policies”.

(2) A performance audit is taken for the purposes of the Auditor General Act to have been carried out under the Auditor General Act Part 3 Division 1.

7.12AK. Reporting on a performance audit

(1) The Auditor General Act section 25 applies in relation to a performance audit as if —

(a) a local government were an agency; and

(b) the council of the local government were its accountable authority.

(2) The auditor must give a report on a performance audit to the local government.

Local Government (Audit) Regulations 1996

16. *Audit committee, functions of*

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

Subsidiary Statutory Acts and Regulations to achieve compliance

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services
- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

STRATEGIC COMMUNITY PLAN

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Administration Staff
- Councillors

STAFF RECOMMENDATION

That Council endorse the findings and management comments to the Interim Audit Report as presented by staff.

9.5 RISK REGISTER REVIEW

File Ref: ADM 60
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council's December Audit Committee Meeting – 21st December 2021

COMMITTEE RESOLUTION

MIN 011/21 MOTION - Moved Cr. Leake Seconded Cr. Steber

That the Audit Committee recommends to Council that;

- 1. Receives the updated Risk Review spreadsheet as presented;**
- 2. Notes the Actions required and proposed timeframes; and**
- 3. Removes the completed actions from the Register into Completed items spreadsheet**

CARRIED 7/0

The CEO is required to undertake a review of the appropriateness and effectiveness of financial systems and risk management, internal control and legislative compliance every three years as part of this review an external consultant to review the operations of Council as per Regulation 17.

The Risk Register has been presented to the Audit Committee for review on Tuesday, 19th July 2022 prior to Council meeting. The staff recommendation presented to the committee is as follows;

That the Audit Committee recommends to Council that;

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

STAFF COMMENT

Please note the following items remain outstanding on the Register:

Item Number	Source Document	Risk Assessment Category	Risk Issue and Failure Modes
1	Reg 17 Review (2021)	Risk Management Framework	We acknowledge that a Strategic Risk Report and Operating Risk Report for the period ended 31st March 2017 (the "reports") was prepared indicating that a risk assessment had been previously conducted, however perusal of the reports identified that risks had not been re-assessed on a periodic basis with completion dates noted as 2018 and risks were generic in nature.

2	Reg 17 Review (2021)	Contract Management	There is no contract management framework in place for Formal Risk Assessment, Formal Contract Review and no register of contractors
13	Reg 17 Review (2021)	Outdated Plans and Reports	Local Emergency Management Arrangements Plan dated 9 May 2018 of more than 2.5 years old;
14	Reg 17 Review (2021)	Outdated Plans and Reports	Corporate Business Plan dated 2016 of more than 4 years old; and
15	Reg 17 Review (2021)	Outdated Plans and Reports	Long Term Financial Plan dated 20 September 2016 of more than 4.5 years old.
24	OAG Interim Audit 2021	Contract Variations	There are no limits on the delegations for entering into contract variations. Paragraph 21A of the Local Government (Functions and General) Regulations 1996, allows local governments to make variations to the original contract price under certain circumstances.
38	OAG Annual Audit	Variance between purchase orders and invoice value	It was noted that there were variances of more than 10% between purchase order value and the related invoice value in 6 out of 24 transactions.

Councils Management is working through the outstanding items and provide the below update;

Item No	Risk Issue	Status
1	We acknowledge that a Strategic Risk Report and Operating Risk Report for the period ended 31st March 2017 (the "reports") was prepared indicating that a risk assessment had been previously conducted, however perusal of the reports identified that risks had not been re-assessed on a periodic basis with completion dates noted as 2018 and risks were generic in nature.	Reg 17 has been reviewed, staff need to ensure that what has been completed adheres to the requirements prior to finalising this outstanding item.
2	There is no contract management framework in place for Formal Risk Assessment, Formal Contract Review and no register of contractors	Still to be completed.

13	Local Emergency Management Arrangements Plan dated 9 May 2018 of more than 2.5 years old;	
14	Corporate Business Plan dated 2016 of more than 4 years old; and	The CBP will be completed once the SCP is complete
15	Long Term Financial Plan dated 20 September 2016 of more than 4.5 years old.	The LTFP will be completed by internal staff and external consultant.
24	There are no limits on the delegations for entering into contract variations. Paragraph 21A of the Local Government (Functions and General) Regulations 1996, allows local governments to make variations to the original contract price under certain circumstances.	Item is going to July 2022 Ordinary Council Meeting.
38	It was noted there were variances of more than 10% between purchase order value and the related invoice value in 6 out of 24 transactions.	Management recommendation has been presented to auditor to sign off on.

Please find attached a copy of the updated Risk Register.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS

Regulation 17 of the Local Government (Audit) Regulations 1996 directs the Chief Executive Officer (CEO) to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management; internal control and legislative compliance once every 3 financial years and to report the results of the review to the Audit Committee.

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 directs the CEO undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Internal Staff

STAFF RECOMMENDATION

That Council;

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

9.6 PROCUREMENT POLICY

File Ref: ADM53
Author: Codi Brindley-Mullen, Manager of Governance
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Procurement Policy - Review (under separate cover)

BACKGROUND

Council's June 2021 Ordinary Meeting of Council. – 21st June 2022

MIN 001/22 **MOTION - Moved Cr. Steber** **Seconded Cr. Gardiner**

That Council;

- 1. Adopts the Policies as presented;*
- 2. Endorse the removal of Policies from the Policy manual as presented;*
- 3. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 7/0

Council's February 2020 Ordinary Meeting of Council. – 6th February 2020

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*

Council's April 2019 Ordinary Meeting of Council. – 16th April 2019

MIN 069/19 **MOTION - Moved Cr. Reid** **2nd Cr. Leake**

That Council

- 1. Adopts the Procurement policy as presented as its new Purchasing and Tendering Policy 2.3*
- 2. Deletes the previous Tenders – Preparation/Advertisement of Tender Documents for exiting contracts Policy 2.3 and Procurement Policy 2.4.*
- 3. Renumber the remaining policies in order on removing outdated policies.*
- 4. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 4/0

STAFF COMMENT

Council's interim audit was completed in May 2022. Council in June 2021 reviewed its procurement policy as per the finding and felt that what was endorsed by Council was sufficient.

However the following was identified in Councils Interim Audit;

3. Contract price variations**Status in 2022**

The Shire has since adopted a contract management policy. However, it does not specify the delegation thresholds as recommended.

Finding 2021

We noted that there are no limits on the delegations for entering into contract variations. Paragraph 21A of the Local Government (Functions and General) Regulations 1996, allows local governments to make variations to the original contract price under certain circumstances.

**Rating: Moderate
Implication**

In the absence of management approved thresholds for variations to contracts, there is a greater risk that contract variations are approved by staff who do not have the necessary skills or knowledge of the contract and could result in the Shire not obtaining value for money.

Recommendation

We recommend that delegation thresholds be established that specify which staff/positions can approve contract variations, based on value and/or the type of contract.

Management Comment 2021

New Procurement Policy was recently endorsed by Council. When Council review the delegations register next it will take into consideration the delegation of Contract Variations.

Responsible Person: Chief Executive Officer

Completion Date: 31 July 2021

Management Comment 2022

Council will review the policy to incorporate delegated authority to the CEO for a limit of variations.

TEN YEAR FINANCIAL PLAN

NIL known at this time

FINANCIAL IMPLICATIONS

NIL known at this time

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

- (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Councils Auditors – Macri Partners

STAFF RECOMMENDATION

That Council;

- 1. Adopts the Procurement policy as presented as its new Procurement Policy;*
- 2. Deletes the previous Procurement Policy adopted in 21st June 2022; and*
- 3. Instructs the Chief Executive Officer to ensure all staff receive a copy of the new Procurement Policy and have the policy placed on the website.*

9.7 WHEATBELT SECONDARY FREIGHT NETWORK GOVERNANCE PLAN

File Ref: ADM
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. WSFN Governance Plan (under separate cover)

BACKGROUND

Council on the Monday, 4th July 2022 received the following correspondence from Main Roads WA;
Following on from the request by the WBN and WBS RRGs at the last RRG meetings in February and March 2022 for an independent review of the document, please find the Wheatbelt Secondary Freight Network DRAFT Governance Plan attached for your perusal.

The review and draft have been undertaken by Nova Corvus Consulting Pty Ltd.

This document is the first draft, to be taken to your July Council meetings for comment.

This document is in an editable format, if Council wish to make any comments, please do so by clicking in the area of the document and using the "Insert" – "Comments" options in Word, or in the body of your response email - listing the page and the paragraph.

STAFF COMMENT

Please find attached a copy of the Draft Governance Plan for Councils review, comment and endorsement.

Councils Management have reviewed the plan and have no issue with the draft wording of the document.

TEN YEAR FINANCIAL PLAN

The Shire of Kellerberrin has the following roads listed on the Wheatbelt Secondary Freight Network:

- Kellerberrin-Shackleton Road
- Kellerberrin-Yoting Road
- Kellerberrin-Bencubbin Road
- Bruce Rock-Doodlakine Road

When the above roads are scheduled for works Council will be required to commit a minimum of 6.7% towards the project costs.

FINANCIAL IMPLICATIONS

The governance plan endorsement has no financial implications

STATUTORY IMPLICATIONS

Nil known at this time.

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community

3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Wheatbelt Secondary Freight Network – Councils involved
- Wheatbelt Secondary Freight Network

STAFF RECOMMENDATION

That Council endorse the Draft Wheatbelt Secondary Freight Network – Governance Plan as presented.

9.8 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JUNE 2022

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

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of June 2022.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Jun-22	NAB	Merchant Fees - Trust		4.04
1-Jun-22	NAB	Merchant Fees - CRC		68.69
1-Jun-22	NAB	Merchant Fees - Caravan Park		56.16
1-Jun-22	NAB	Merchant Fees - Muni		223.21
2-Jun-22	Shire of Kellerberrin	Creditors Payment		826,503.98
7-Jun-22	Department of Communities	Rent		420.00
8-Jun-22	Department of Transport	Vehicle Inspection		109.90
9-Jun-22	Shire of Kellerberrin	Precision Superannuation		10,554.93
9-Jun-22	Shire of Kellerberrin	Pay Run		60,054.66
15-Jun-22	Westnet	Internet Fees		4.99
16-Jun-22	Shire of Kellerberrin	Creditors Payment		127,132.47
21-Jun-22	Department of Communities	Rent		420.00
23-Jun-22	Shire of Kellerberrin	Pay Run		60,176.36
27-Jun-22	Nayax Australia Pty Ltd	Vending Machine Caravan Park		38.17
29-Jun-22	Shire of Kellerberrin	Precision Superannuation		10,595.27
29-Jun-22	Shire of Kellerberrin	Pay Run		2,575.39
30-Jun-22	Shire of Kellerberrin	Creditors Payment		67,051.39
30-Jun-22	NAB	NAB Connect Usage Fee		46.74
30-Jun-22	NAB	B-Pay Charges		20.24
30-Jun-22	NAB	Account Fees - Muni		50.90
30-Jun-22	NAB	Account Fees - Trust		14.20
TOTAL			\$	1,166,121.69

Trust Direct Debit List

Date	Name	Details	\$	Amount
30-Jun-22	Department of Transport	Licensing Payments June 2022		41,558.85
TOTAL			\$	41,558.85

Visa Transactions

Date	Name	Details	\$	Amount
13-Jun-22	United Petroleum Kellerberrin	Fuel KE1		130.01
17-Jun-22	Shackleton & District Club	Refreshments - Traffic Accident		18.23
24-Jun-22	Florsheim Shoe Factory	Staff Uniforms		219.95
28-Jun-22	NAB	Card Fee		9.00
TOTAL - CEO			\$	377.19
Date	Name	Details	\$	Amount
06-Jun-22	United Petroleum PTY - Kellerberrin	Fuel KE002		91.30
15-Jun-22	Telstra	Recharge Sim Digital Board		150.00
17-Jun-22	Next 1 Enterprises - West Perth	Refreshments - Traffic Accident		39.00
17-Jun-22	SP Yarn Marketplace - Brisbane	Staff Uniforms		387.15
28-Jun-22	NAB	Card Fee		9.00
TOTAL -MOG				676.45
TOTAL VISA TRANSACTIONS			\$	1,053.64

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of June 2022.

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

STATUTORY IMPLICATIONS**Local Government (Financial Management) Regulations 1996****34. Financial activity statement report — s. 6.4**

(1A) In this regulation —

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

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

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council note the direct debit list for the month of June 2022 comprising of;

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

9.9 CHEQUE LIST JUNE 2022

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. June 2022 Payment List (under separate cover)

BACKGROUND

Accounts for payment from 1st June to 30th June 2022.

TRUST

TRUST TOTAL	\$ 46,270.10
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MUNICIPAL FUND**Cheque Payments**

34949-34958	\$ 25,396.00
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EFT Payments

13516-13634	\$ 1,020,687.84
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Direct Debit Payments	\$ 35,175.48
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TOTAL MUNICIPAL	\$ 1,081,259.32
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STAFF COMMENT

During the month of June 2022, the Shire of Kellerberrin made the following significant purchases:

MBC (Majstrovich Building Co)	\$ 517,495.00
Payment - Claim 3, Phase 2 Swimming Pool redevelopment	

WCS Concrete Pty Ltd	\$ 98,598.94
Concrete footpaths, crossovers & drains for Ripper St., James St., Rason St. & Forrest St	

EverGreen Sythetic Grass	\$ 59,670.91
Gold bowling green 38m x 38m replacement deposit	

Western Australian Treasury Corporation	\$ 53,815.35
Loan No. 118 & 120 principal & interest payments	

Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$ 41,558.85
Licencing payment June 2022	

Water Corporation	\$ 20,987.13
Water charges for various Shire properties & buildings April-June 2022	

Woodstock Electrical Services	\$ 20,437.19
Claim works done for Caravan Park, Shire Office, 2 George St. 26 Hammond St., Centenary Park, Scott St., GSG Ablutions & Shire Dam	

Youlie and Son Contracting	\$ 19,465.60
Equipment hire April-May 2022 various road grading maintenance	

E Giles & Co.	\$ 18,500.00
Supply of gravel for Nth Baandee Rd constructions	

Westrac Repairs for KE1342 Cat loader	\$ 18,498.08
Bruce Rock Engineering Repairs to 2-way tipper sub frame 1DLX390	\$ 15,092.36
United Card Services Pty Ltd Total supply May 2022	\$ 13,963.23
Synergy Power charges various Shire properties & buildings April-June 2022	\$ 12,808.57
Deputy Commissioner Of Taxation FBT Instalment 2022	\$ 10,838.61
Beam Superannuation Superannuation Payrun 23/06/2022	\$ 10,595.27
Beam Superannuation Superannuation Payrun 09/06/2022	\$ 10,554.93
WCS Concrete Pty Ltd Supply & delivery 40m ³ of landscape mix for Town Gardens & Centenary Park	\$ 10,395.00
Griffin Valuation Advisory Professional valuation advisory - 2022 other infrastructure asset valuations insurance component	\$ 8,690.00
Wheatbelt Plumbing & Gas Claim works for Caravan Park, 2 George St. & 29 Leake St.	\$ 8,662.50
Midway Ford Transmission & instrument for KE 529 repairs including labour & materials	\$ 8,575.00
Avon Waste Domestic & commercial collections May 2022	\$ 8,111.72
Fire And Emergency Services (WA) 2021/2022 ESL Quarterly payments - ESLB 4th Quarter contribution	\$ 7,770.43
Farmways Kellerberrin Pty Ltd Purchase of oils & grease for Depot, Hikoki brushless, LPG bottles, patio tube & various under \$200	\$ 7,054.19
Landgate Valuations payment May 2022	\$ 6,683.25
AFGRI Equipment Australia Pty Ltd Repairs for John Deer grader 672D KE03	\$ 6,431.63
Shire Of Quairading CESM shared costs October-December 2021	\$ 5,951.03
Rylan Concrete Kerbing of Hinckley St. & Connelly St.	\$ 5,225.00

T-Quip**\$ 5,091.70**

Purchase of pulley, baldes, bushing & knob seat for P36

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2021/2022 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

*[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]***12. Payments from municipal fund or trust fund**

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

*[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]***13. Lists of accounts**

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of June 2022, 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 \$ 1,081,259.32 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 46,270.10 on vouchers EFT, CHQ, Direct payments*

9.10 FINANCIAL ACTIVITY STATEMENT - JUNE 2022

File Number: FIN
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

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

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

Council's July 2021 Ordinary Meeting of Council – 20th July 2021

MIN 001/21 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council:

PART G – MATERIAL VARIANCE REPORTING FOR 2021/2022

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2021/2022 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

STAFF COMMENT

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31st March 2022.

TEN YEAR FINANCIAL PLAN

Financial Management of 2021/2022 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2021/2022 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Senior Finance Officer
- Martin Whitley – External Consultant

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of June 2022 comprising;

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

9.11 BUILDING REPORTS JUNE 2022

File Ref: BUILD06
Author: Amanda Stewart, Administration Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Permits Issued (under separate cover)
2. Building Application Received (under separate cover)

BACKGROUND

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

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There is income from Building fees and a percentage of the levies paid to other agencies.

ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors
- Chief Executive Officer

STAFF RECOMMENDATION

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the June 2022 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the June 2022 period.*

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

13.1 2022/2023 BUDGET ADOPTION

File Ref: FIN04
 Author: Raymond Griffiths, Chief Executive Officer
 Authoriser: Raymond Griffiths, Chief Executive Officer
 Attachments: Nil

BACKGROUND

Council's May 2022 Ordinary Meeting of Council – 17th May 2022

MIN 001/22 MOTION - Moved Cr. Steber Seconded Cr. Reid

That Council endorses the following rating information and charges to be incorporated into the 2022/2023 draft budget;

1. Option

<i>Option A - One Payment</i>	<i>Due By 26th August 2022</i>
<i>Option B – 2 Instalment Option</i>	<i>50% due 26TH August 2022</i>
	<i>50% due 6th January 2023</i>
<i>Option C – 4 Instalment Option</i>	<i>25% due 26th August 2022</i>
	<i>25% due 28th October 2022</i>
	<i>25% due 6th January 2023</i>
	<i>25% due 10th March 2023</i>
<i>Option D – Special Arrangement</i>	<i>Arrangements made prior to 26th August 2022 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2023.</i>

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*
5. *Late payment penalty interest to be levied at 7% for Rates and Emergency Services Levy for all outstanding rates from 26th August 2022.*
6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*
7. *That Council recommends an overall 4.5% increase of the rates revenue for its 2022/23 Draft Budget, inclusive of the revaluations received from VGO 26.04.22 effective 01.07.22, which decreased UV values and increased GRV values: Rate In the Dollar being;*
 - a. *GRV - Kellerberrin Residential –Increases to 0.149500c and minimum to \$855*
 - b. *GRV - Other Residential – Increases to 0.149500c minimum to \$855*
 - c. *GRV – Commercial – Increases to 0.169750c minimum to \$937*

- d. **GRV – Industrial - Remains 0.169750c minimum to \$937**
- e. **UV - Mining Tenements – Reduces to 0.0165250c minimum to \$855**
- f. **UV – Rural – Reduces to 0.0165250c minimum to \$855**
- 8. **That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 22/23.**

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Council's May 2022 Ordinary Meeting of Council – 17 th May 2022
--

MIN 002/22 MOTION - Moved Cr. Steber Seconded Cr. Forsyth

That Council resolve to:

- 1. **Advertise the following differential rates and minimum rate for the 2022/2023 financial year.**

Gross Rental Value Properties		
Description	Rate in \$	Minimum Rate
Kellerberrin Residential	\$0.14950	\$855.00
Other Residential	\$0.14950	\$855.00
Kellerberrin Commercial	\$0.16975	\$937.00
Other Commercial	\$0.16975	\$937.00
Unimproved Value Properties		
Mining Tenements	\$0.016525	\$855.00
Rural	\$0.016525	\$855.00

- 2. **Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.**

CARRIED 7/0

Council's May 2022 Ordinary Meeting (Confidential Item) of Council – 17 th May 2022
--

MIN 003/22 MOTION - Moved Cr. Forsyth Seconded Cr. Gardiner

That Council:

- 1. **Receives the Salaries and Wages schedule as presented; and**
- 2. **Instructs Council's Chief Executive Officer to incorporate the Draft Salary and Wages Budget as presented into Council's 2022/23 Draft Budget.**

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Council's April 2022 Ordinary Meeting of Council – 12 th April 2022
--

MIN 057/22 MOTION - Moved Cr. Ryan Seconded Cr. Steber

That Council;

- 1. **Approve the following Community Budget Submissions for 2022/2023;**

- a. *Kellerberrin Historical Society for \$2,000 for reframing and restoration of photos held at the museum and purchase display cabinets and internal signage;*
- b. *Kellerberrin Town Team Movement to supply plants for the planter boxes upgrade;*
- c. *Kellerberrin Men's Shed for up to \$3,000 for the redevelopment of bushland – Centenary Park west end for architect drawings;*
- d. *Kellerberrin District High School for In-kind and hire waiver for the following;*
 - *Hall Hire and equipment;*
 - *Oval Hire;*
 - *Bus Hire;*
 - *Pool Hire; and*
 - *Construction of winter carnival arenas*
- e. *Kellerberrin Playgroup for \$2,000 for painting the interior of the building including storage rooms, kitchen and bathrooms;*
- f. *Kellerberrin Junior Fire Brigade for In-Kind of the hire of Councils community bus;*
- g. *Doodlakine community committee for \$2,000 for entertainment, catering and decorations for the 100th year of the Hall celebrations;*
- h. *Kellerberrin Hockey Club for \$2,000 for the purchase and installation of protection netting behind the goals to protect the new pool amenities building;*
- i. *Kellerberrin Community Resource Centre for \$1,200 to cover costs of fuel cards for Food Pantry volunteer driver;*
- j. *Doodlakine Bowling Club for \$2,000 for repairing of cracks and damage to the bowling greens.*

2. Decline the following community budget submissions for 2022/2023;

- a. *Kellerberrin Town Team Movement for \$3,000 start-up funds for incorporation set up, post office box and welcome mats; and*
- b. *Mount Caroline Bushfire Brigade for \$3,000 for outfitting the new bushfire shed.*

3. Increase the Budget allocation for Community Budget Submissions to \$39,000 to incorporate the annual allocation of \$3,000 to the following groups;

- a. *Kellerberrin Agricultural Society;*
- b. *Central Wheatbelt Harness Racing Club; and*
- c. *Add Christmas up Keller*

CARRIED 7/0

COMMENT

Council in producing the 2022/2023 budget has seen some challenges with the upfront payment of FAG grants in the 2021/22 financial year and the extensive capital program for roads and pool construction.

There has been significant increases in expenditure with CPI based at 7.6% add to this the increase of 5.2% to the minimum wage.

The Capital Expenditure Comp

TEN YEAR FINANCIAL PLAN

Long term financial plan has been incorporated into the budget with modifications.

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin 2022/2023 Budget

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal installments; or
 - (b) Such other method of payment by installments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) by a single payment; or
 - (b) by such installments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
 - (a) provide for the manner of making an election to pay by installments under subsection (1) or (2);
 - (b) prescribe circumstances in which payments may or may not be made by installments;
 - (c) prohibit or regulate any matters relating to payments by installments;
 - (d) provide for the time when, and manner in which, installments are to be paid;
 - (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
 - (f) provide for any other matter relating to the payment of rates or service charges.

6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve* to grant a discount or other incentive for the early payment of any rate or service charge.

** Absolute majority required*

Local Government Act 1995

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

- (a) the expenditure by the local government;
- (b) the revenue and income, independent of general rates, of the local government; and
- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

- (4) The annual budget is to incorporate —

- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
- (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
- (c) the fees and charges proposed to be imposed by the local government;
- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
- (g) such other matters as are prescribed.

- (5) Regulations may provide for —

- (a) the form of the annual budget;
- (b) the contents of the annual budget; and
- (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

STRATEGIC COMMUNITY PLAN

Council's Vision – To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

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

1. *Relationships that bring us tangible benefits (to the Shire and our community)*
2. *Our lifestyle and strong sense of community.*
3. *We are prepared for opportunities and we are innovative to ensure our relevancy and destiny*

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer
- Manager Works & Services
- Council

STAFF RECOMMENDATION

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2022/2023

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2022/2023 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type and by Program;
- *Statement of Cash Flows of the Statutory Budget.*
- *Rate Setting Statement of the Statutory Budget showing an amount required to be raised from rates of \$2,440,182.*
- *Notes to and Forming Part of the Budget*
- *Budget Program Schedules as detailed in attachments*
- *Transfers to / from Reserve Accounts as detailed*

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates*
 - Kellerberrin Residential (GRV) 14.9500 cents in the dollar
 - Other Residential (GRV) 14.9500 cents in the dollar
 - Kellerberrin Commercial (GRV) 16.9750 cents in the dollar
 - Other Commercial (GRV) 16.9750 cents in the dollar
 - Rural (UV) 1.6525 cents in the dollar
 - Mining (UV) 1.6525 cents in the dollar
 - Kellerberrin Residential (GRV) \$855
 - Other Residential (GRV) \$855
 - Kellerberrin Commercial (GRV) \$937

- Other Commercial (GRV) \$937
 - Rural (UV) \$855
 - Mining Tenements (UV) \$855
2. Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
 - Full payment and instalment due date 26th August 2022
 - 2nd half instalment (Option 2) due date 06th January 2023
 - 2nd quarterly instalment due date 28th October 2022
 - 3rd quarterly instalment due date 6th January 2023
 - 4th quarterly instalment due date 10th March 2023
 3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
 4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
 5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

PART C – GENERAL FEES AND CHARGES FOR 2022/2023

Pursuant to Section 6.16 of the Local Government Act 1995, council adopts the Fees and Charges included, inclusive of the draft 2022/2023 budget included as Attachments of this agenda and minutes.

PART D – OTHER STATUTORY FEES FOR 2022/2023

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$58.45 inclusive of GST.
3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
 - a. Residential Premises
 - i. 240ltr bin per weekly collection \$205 pa
 - ii. Additional Bins \$225 pa
 - b. Commercial Premises
 - i. 240ltr bin per weekly collection \$205 pa
 - ii. Additional Bins \$225 pa

SIMPLE MAJORITY

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:
 - a. Kellerberrin Waste Transfer Station

Load or volume:

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%
- Bed Mattress - \$10 per mattress

PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2022/2023

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
 - President \$350 per meeting.
 - Councillors \$200 per meeting
2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:
 - Travel Allowance – President - \$550
 - Travel Allowance – Councillor - \$550
 - ICT Allowance – President - \$429
 - ICT Allowance – Councillor - \$429
3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - President \$5,000
 - Deputy President \$1,250
4. Pursuant to Section 5.98(1)(b) and (2A)(b) of the *Local Government Act 1995*, council adopts the following meeting attendance fees
 - GECZ \$110 per member, per meeting plus travel allowance
 - WEROC \$110 per member, per meeting plus travel allowance
 - CEACA \$110 per member, per meeting plus travel allowance
 - Roadworks Advisory \$110 per member, per meeting plus travel allowance
 - LEMC \$110 per member, per meeting plus travel allowance
 - Sport and Rec \$110 per member, per meeting plus travel allowance
 - Audit Committee \$110 per member, per meeting plus travel allowance

PART F – MATERIAL VARIANCE REPORTING FOR 2022/2023

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/2023 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

13.2 ADOPT A COLOUR - FUNDRAISER FUNCTION

File Ref: ADM02
Author: Kelsey Cox, Community Development Officer
Authoriser: Codi Brindley-Mullen, Manager of Governance
Attachments: Nil

BACKGROUND

The Adopt a Colour concept has been developed after feedback from the community following previous Pink up Week occasions. Adopt a Colour is aimed to broaden the scope of our fundraising efforts by highlighting a variety of cancer foundations and encouraging local businesses, community and sporting groups to participate in fundraising efforts to support a foundation that they feel strongly about.

Council's staff set up a feedback stall at the Kellerberrin Community Resource Centre with a variety of different cancer foundation options for the community members to place tokens in the cup allocated to the foundation they wish to support. This was well received and had a lot of community engagement, especially from those who may not have been able to access the online survey. The online survey received a total of 19 responses.

The 5 Cancer Foundations nominated by the community are:

1. Breast cancer – Pink (45 votes)
2. Prostate Cancer – Light Blue (45 votes)
3. Ovarian Cancer – Teal (32 votes)
4. Skin Cancer – Black (27 votes)
5. Leukaemia Cancer – Orange (20 votes)

STAFF COMMENT

Staff anticipates for the week of 24th – 30th October 2022 to have a specific colour allocated to each day of the week so that if local businesses, community and sporting groups wish to fundraise, then they are able to do so on the specific day allocated to that cancer foundation. This will encourage community members to participate in fundraising efforts that they're most passionate about.

The Community Development Officer will be meeting with local businesses to discuss their fundraising ideas and how this will look throughout the week. Council staff will offer to assist in advertising their fundraising efforts but will be encouraging businesses, sporting and/or community groups to peruse these efforts themselves.

Council's staff have been discussing opportunities to acknowledge the fundraising efforts from the community by hosting a one off event at the end of the week. The event will consist of the following:

- Cocktail Ball held at the Kellerberrin Memorial Town Hall during the evening of Saturday, 29th October 2022 from 5pm – 12pm.
 - Incorporates finger food platters being distributed throughout the evening;
 - Drinks available for purchase;
 - Live music and entertainment;
 - Photographer with a photo booth station;
 - Decorations;
 - Equipment hire; and

- Fundraiser auction held on the night.

The intention for hosting a ball is to bring the community together in a social situation to recognise and acknowledge their fundraising efforts at the end of the Adopt a Colour week. This will be a great opportunity for the community to celebrate their efforts in a formal setting, which is rarely made available for rural communities such as Kellerberrin and surrounding towns. Hosting a large scale event in Kellerberrin will bring in an economical benefit to the community with guests looking for accommodation, shopping locally and most importantly, community together for a great cause.

Sought quotes from three local liquor outlets – *still waiting on responses*

- Kellerberrin Farmers Co-op
- Kellerberrin Districts Club
- Kellerberrin Hotel Motel

Staff have placed consistent advertisement through the following avenues:

- The Pipeline (Kellerberrin Newsletter)
- Council Matters (Shire Newsletter)
- Shire of Kellerberrin's Website
- Council's Notice Boards
- Facebook
- Instagram

TEN YEAR FINANCIAL PLAN

Nil known at this stage

FINANCIAL IMPLICATIONS

Expenditure

- Live Music and Entertainment - \$3,000.00
- Liquor Licence - \$120.00 (estimated)
- Decorations - \$1,000.00 (estimated)
- Furniture Hire - \$1,200.00 (estimated)
- Catering (\$35 per person) - \$3,500.00 (estimation based on 100 people)

Total expenditure (not including alcohol) = **\$8,820.00**

Income

Ticket prices are as follows (Excluding GST);

- Adults - \$60.00 (plus online booking fee)
- Pensioner/Senior/Disability Concession - \$50.00 (plus online booking fee)

10% of ticket sales will be equally divided up and donated to the 5 Cancer Foundations.

Should the committee recommend to Council that we operate on a similar basis we would need the following numbers to break even without any sales of drinks from the bar.

Numbers	Category	Units Price	Total
50	Adults	\$60.00	\$3,000.00
20	Concession	\$50.00	\$1,000.00

		TOTAL	\$4,000.00
Less 10% donation and online booking fee.			\$400.00
			Loss of \$5,220
70	Adults	\$60.00	\$4,200.00
20	Concession	\$50.00	\$1,000.00
		TOTAL	\$5,200.00
Less 10% donation and online booking fee.			\$520.00
			Loss of \$4,120
100	Adults	\$60.00	\$6,000.00
30	Concession	\$50.00	\$1,500.00
		TOTAL	\$7,500.00
Less 10% donation and online booking fee.			\$750.00
			Loss of \$2,070
150	Adults	\$60.00	\$9,000.00
30	Concession	\$50.00	\$1,500.00
		TOTAL	\$10,500.00
Less 10% donation and online booking fee.			\$1,050.00
			Profit of \$2,730

STATUTORY IMPLICATIONS

Nil known at this stage

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Community Development Officer
- Cancer Foundations and Companies
- Local business
- Sporting groups
- Community groups
- Councillors

STAFF RECOMMENDATION

That Council;

1. Adopts the Cocktail Ball function as an official windup for “Adopt A Colour”;
 - (a) to be held on Saturday, 29th October 2022 from 5pm - 12pm at the Kellerberrin Town Hall
 - (b) Endorse the following ticket structure of:
 - (i) Adult - \$60.00
 - (ii) Pensioner/Senior/Disability Concession - \$50.00
 - (c) That 10% of ticket sales to be divided equally and donated to the five (5) Cancer Foundations being:
 - (i) Breast Cancer;
 - (ii) Prostate Cancer;
 - (iii) Ovarian Cancer;
 - (iv) Leukaemia Cancer; and
 - (v) Skin Cancer.
 - (d) Make application for a liquor permit.
 - (e) Allocate profits (after payment of all expenditure) from the function to the five (5) Cancer Foundations.
 - (f) Request the Chief Executive Officer to approach the Arts & Culture Committee for assistance in running the event; and
 - (g) Request the Chief Executive Officer approach the Arts and Culture Committee to access part of their yearly allocation funds to cover event costs should a shortfall exist.

13.3 KELLERBERRIN MEN'S SHED - PARK RE-DEVELOPMENT

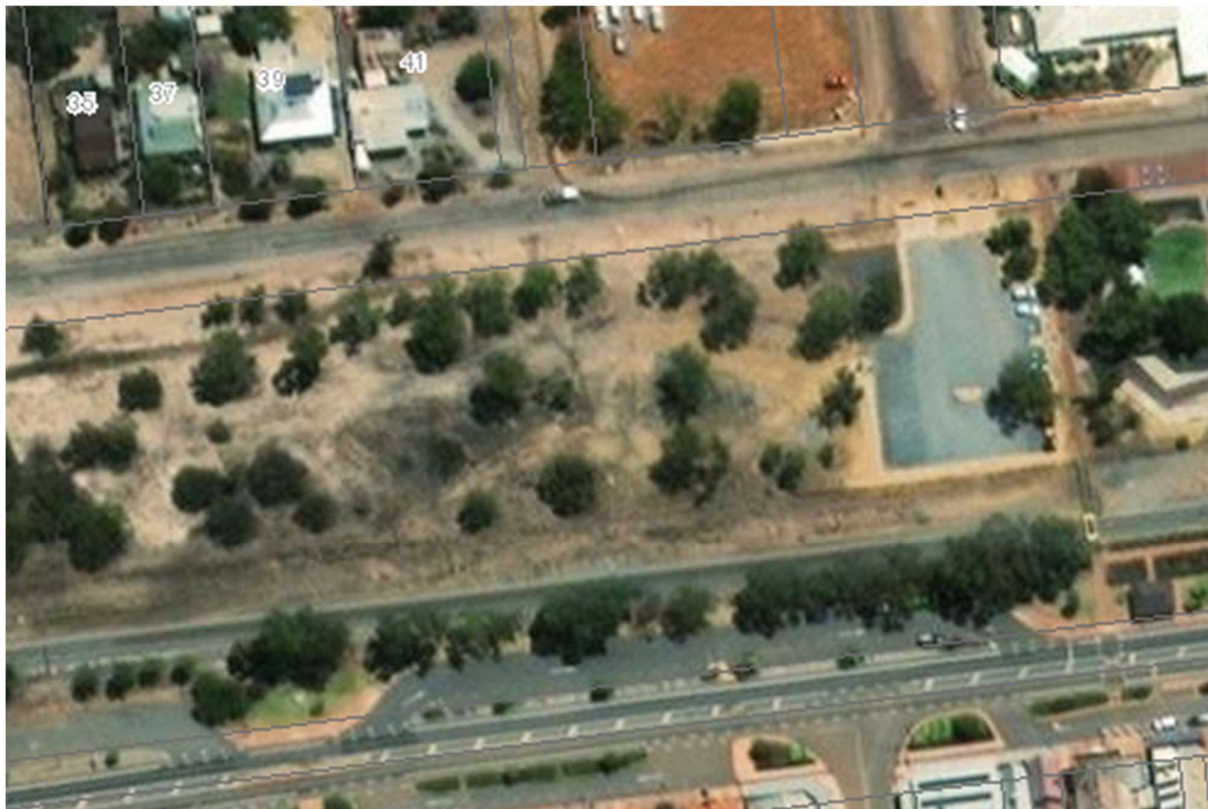
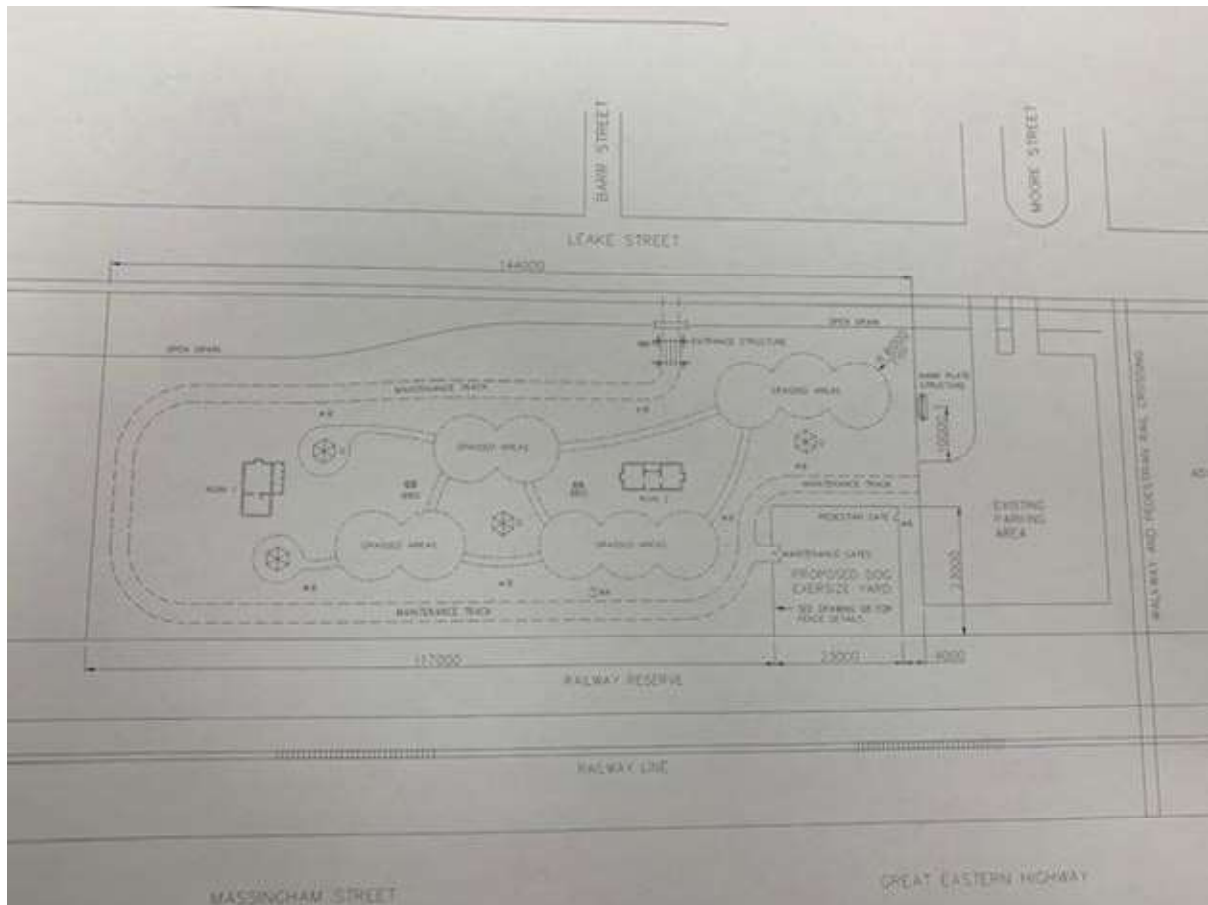
File Ref: ADM
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Kellerberrin Men's Shed
Location: Lot 500, Leake Street, Kellerberrin
Attachments: Nil

BACKGROUND

A development application has been received from Mr. Richard Marek on behalf of the Kellerberrin Men's Shed to redevelop the west end of Lot 500 Leake Street, Kellerberrin. Existing development on Lot 500 includes the skate park, public toilets, and various other public facilities. The Men's shed are proposing to redevelop the west end of the park, which hosts vegetation and an existing carpark.



The re development will include a dog exercise yard, four grassed areas- linked by paths and four gazebos. The park will be accessed by the railway crossing from Great Eastern Highway or the existing carpark on Leake Street (as seen below).



SITE**Shire of Kellerberrin Local Planning Scheme****Local Planning Scheme No.4****2.4. USE AND DEVELOPMENT OF LOCAL RESERVES AMD 2 GG 12/09/17****2.4.1. A person must not —**

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.

2.4.2. In determining an application for development approval the local government is to have due regard to —

- a) the matters set out in Clause 67 of the deemed provisions; and
- b) the ultimate purpose intended for the Reserve.

2.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.***Planning and Development (Local Planning Scheme) Regulations 2015*****67. Matters to be considered by local government**

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

- a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- c) any approved State planning policy;
- d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- e) any policy of the Commission;
- f) any policy of the State;
- g) any local planning policy for the Scheme area;
- h) any structure plan, activity centre plan or local development plan that relates to the development;
- i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local

Planning Schemes) Regulations 2015;

- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
 - i. environmental impacts of the development;
 - ii. the character of the locality;
 - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
 - i. the proposed means of access to and egress from the site; and
 - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
 - i. public transport services;
 - ii. public utility services;
 - iii. storage, management and collection of waste;
 - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- w) the history of the site where the development is to be located;
- x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) any submissions received on the application;
- za) the comments or submissions received from any authority consulted under clause 66;

zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

As above

COMMUNITY CONSULTATION

The following community consultation has taken place;

- Chief Executive Officer
- Manager of Governance
- Council
- Kellerberrin Men's Shed
- Kellerberrin Town Teams
- Public Transport Authority

PLANNING ASSESSMENT

The proposed redevelopment plans have the potential to be a positive addition to the aesthetics of the townsite. It is important that due regard is taken for the rail reserve in terms of safety. Furthermore, the existing carpark provides adequate space for parking.

STAFF RECOMMENDATION

That Council provide planning approval for the development of a Kellerberrin Memorial Park and a Dog Park at Lot 500 Leake Street, Kellerberrin (West of Centenary Park Carpark) with the following conditions;

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval; and*
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;*

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained. Development plans will not be endorsed until they reflect the conditions of the approval.

14 CONFIDENTIAL MATTERS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

14.1 Chief Executive Officer - Performance Appraisal

This matter is considered to be confidential under Section 5.23(2) - a and c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees and a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

14.2 Sale of Industrial Land, Lot 312 Dowding Street

This matter is considered to be confidential under Section 5.23(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

15 CLOSURE OF MEETING