



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 16 April 2024**

**Date: Tuesday, 16 April 2024**

**Time: 4:00pm**

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

**Order Of Business**

<b>1</b>	<b>Declaration of Opening</b> .....	<b>3</b>
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**MINUTES OF SHIRE OF KELLERBERRIN  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410  
ON TUESDAY, 16 APRIL 2024 AT 4:00PM**

**1 DECLARATION OF OPENING**

The President declared the meeting open at 4:01pm

**2 ACKNOWLEDGEMENT OF COUNTRY**

We begin today by acknowledging the Ballardong Noongar people as traditional custodians of the land and skies on which we gather, and we pay our respects to their elders, past, present and emerging

**3 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**4 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**PRESENT:**

President Matt Steber (President),  
Cr Emily Ryan (Deputy President),  
Cr David Leake,  
Cr Dennis Reid,  
Cr Monica Gardiner,  
Cr Kelsey Pryer,  
Cr Paul Brown

**IN ATTENDANCE:**

Raymond Griffiths (Chief Executive Officer),  
Morgan Ware (Manager of Governance)  
Dr Andrew Van Ballegooyen  
Joy Van Ballegooyen  
Zane Walker  
Colin Herbertson  
Cindy Hubble  
Christine McDonald  
Shyra Coleman  
Cheryl Watson  
Patricia Coleman  
Tamra Clement

**APOLOGIES**

Glenice Coleman

Jack Coleman

**LEAVE OF ABSENCE**

Nil

**5 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.

Councillor	Item	Interest
Cr Ryan	10.7 – Community Budget Submissions	Treasurer of Playgroup Committee

**6 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.

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

Nil

**6.2 Public Question Time**

**Tamra Clement** – Now that the road train turn around route has been upgraded and fixed. When will the rest of the no parking signs go up. There is some on Scott Street.

**Shire President Response** – Thank you for your question, this question is taken on notice.

**7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**

**7.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 MARCH 2024**

**File Ref:** MIN  
**Author:** Michelle Wilson, Executive Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 18 March 2024

**STAFF RECOMMENDATION**

That the Minutes of the Council Meeting held on 18 March 2024 be received as a true and correct record of the meeting.

**COUNCIL RESOLUTION**

**MIN 032/24 MOTION - Moved Cr. Gardiner Seconded Cr. Brown**

***That the Minutes of the Council Meeting held on 18 March 2024 be received as a true and correct record of the meeting.***

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

**CARRIED 7/0**

**8 PRESENTATIONS**

**8.1 Petitions**

Nil

**8.2 Presentations**

Nil

**8.3 Deputations**

Nil

**9 REPORTS OF COMMITTEES**

Nil

**10 CORPORATE SERVICES REPORTS****10.1 SHIRE OF KELLERBERRIN SPECIAL ELECTORS MEETING MINUTES**

**File Ref:** MIN  
**Author:** Michelle Wilson, Executive Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The Shire of Kellerberrin Special Electors Meeting was held on Thursday, 11<sup>th</sup> April 2024. The Local Government Act requires Council to consider the minutes of the Electors Meeting at the next practicable Ordinary Meeting date.

**STAFF COMMENT**

It is statutory and compliance requirements for the Council to consider the minutes of its Special Electors' Meeting held on Thursday, 11<sup>th</sup> April 2024.

Council in adopting the Special Electors Meeting minutes are adopting the motions put forward within the Special Electors Meeting.

Should Council wish to accept the minutes the motions are then to be discussed and voted upon within General Business of Council separately and provide reasons to the decision of Council in relation to the motion/s of the Special Electors Meeting.

As all motions are being discussed and voted on separately within the agenda Council is only required to receive the minutes.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS AND**

NIL

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – section 5.32 – Minutes of Electors' Meetings

*The CEO is to-*

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

Local Government Act 1995 – section 5.33 – Decisions made at Electors' Meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable;*
  - (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose,**whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council 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
- Electors

**STAFF RECOMMENDATION**

That the minutes of the Shire of Kellerberrin Electors Meeting held in the Cuolahan/Cottle Room at the Kellerberrin Recreation Centre on Thursday, 11<sup>th</sup> April 2024, be received as all motions are being considered separately within the April 2024 Ordinary Council meeting.

**COUNCIL RESOLUTION**

**MIN 033/24      MOTION - Moved Cr. Reid      Seconded Cr. Leake**

***That the minutes of the Shire of Kellerberrin Electors Meeting held in the Cuolahan/Cottle Room at the Kellerberrin Recreation Centre on Thursday, 11<sup>th</sup> April 2024, be received as all motions are being considered separately within the April 2024 Ordinary Council meeting.***

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**



**10.2 SPECIAL ELECTORS MEETING - ACKNOWLEDGEMENT OF DR VAN BALLEGOOYEN**

**File Ref:** HEA03  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Councils Special Electors Meeting – Thursday, 11<sup>th</sup> April 2024

**Moved:** Colin Herbertson                      2<sup>nd</sup> Renza Bishop

That the Shire acknowledge and thank Dr Andrew Van Ballegooyen for his 30 years of service to the community since 1994.

**CARRIED**

**STAFF COMMENT**

The services provided by Dr Van Ballegooyen since 1994 are not in question and what he and his family have contributed to this community is to be commended.

The acknowledgement of this from Council should be supported.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**STATUTORY IMPLICATIONS****LOCAL GOVERNMENT ACT 1995 - SECT 5.28****5.28 . Electors' special meetings**

- 1) A special meeting of the electors of a district is to be held on the request of not less than —
  - a. 300 electors or 5% of the number of electors —whichever is the lesser number; or
  - b.  $\frac{1}{3}$  of the number of council members.
- 2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- 3) The request is to be sent to the mayor or president.
- 4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.
- 5) Despite subsection (4), the mayor or president may —
  - a. decide that the special meeting is not to be held if the mayor or president is satisfied that the substance of each matter for discussion specified in the request —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or

- ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request;
    - or
  - b. decide that a matter for discussion specified in the request is not to be discussed at the special meeting in whole or in part if the mayor or president is satisfied that the substance of the whole of the matter or the part of the matter (as the case requires) —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request.
- 6) If the mayor or president makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at —
  - a. the first ordinary council meeting after the mayor or president makes the decision; or
  - b. if, when the mayor or president makes the decision, the CEO has already convened that first ordinary council meeting under [section 5.5\(1\)](#) — the second ordinary council meeting after the mayor or president makes the decision.
- 7) The local government must give local public notice of any decision of the mayor or president made under subsection (5)(a) or (b) and of the reasons for the decision.

*[Section 5.28 modified: SL 2020/57<sup>1M</sup>; amended: No. 11 of 2023 s. 60.]*

## **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
- Council
- Electors and Ratepayers

## STAFF RECOMMENDATION

That Council provides a letter of thank you and acknowledgement to Dr Van Ballegooyen for the continued General Practitioner services provided to Kellerberrin and the wider Wheatbelt region since 1994.

**COUNCIL RESOLUTION**

**MIN 034/24      MOTION - Moved Cr. Gardiner      Seconded Cr. Pryer**

***That Council provides a letter of thank you and acknowledgement to Dr Van Ballegooyen for the continued General Practitioner services provided to Kellerberrin and the wider Wheatbelt region since 1994.***

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**

**10.3 SPECIAL ELECTORS MEETING - DR VAN BALLEGOOYEN LEASE**

**File Ref:** HEA03  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Councils Special Electors Meeting – Thursday, 11<sup>th</sup> April 2024

**Moved:** Colin Herbertson 2<sup>nd</sup> Cindy Hubble

That the Shire initiate the necessary steps to lease to Dr Van Ballegooyen (or his related business entity):

1. The Kellerberrin Medical Centre premises, located at 13 Moore Street, Kellerberrin; and
2. The doctors residence at 22 Gregory Street, Kellerberrin,

Each for a final three year term commencing 19 November 2024 and expiring on 18 November 2027 (an otherwise on comparable terms and conditions to Dr Van Ballegooyen’s current lease).

**CARRIED**

**STAFF COMMENT**

October 2019 Ordinary Meeting of Council – 23<sup>rd</sup> October 2019

**MIN185/19 MOTION** - Moved Cr. O’Neill 2<sup>nd</sup> Cr. Leake

**That Council:**

1. ***advertises the proposed lease of;***
  - o ***Doctors Surgery, Moore Street (\$80 per week)***
  - o ***22 Gregory Street (Nil rental)***

***to Dr Andrew Van Ballegooyen of 22 Gregory Street, Kellerberrin for a three year term (with the option to extend for a further two years) in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995***
2. ***subject to no adverse submissions being received, council delegates authority to the Chief Executive Officer to enter into a lease agreement presented with Dr Andrew Van Ballegooyen of 22 Gregory Street, Kellerberrin.***

**CARRIED 6/0  
 BY ABSOLUTE MAJORITY**

Council in October 2022 wrote to Dr Andrew Van Ballegooyen seeking advice if he would like to invoke the two (2) year extension option taking his lease to the 18<sup>th</sup> November 2024 as per above Council minute.

Dr Van Ballegooyen advised that he would like to take up the extra two (2) years.

Council in September 2023 met with Dr Van Ballegooyen during its information session period on Council meeting day and advised that on expiry of the lease agreement Council wouldn’t be looking to renew the lease of the Medical Facility with Dr Van Ballegooyen.

Council has received verbal information from Dr Van Ballegooyen that he wishes to stay working until he is 75 years old which would be an additional three (3) years from the expiry of the current lease.

Council on the 15<sup>th</sup> March 2024 received an application to lease the Medical Facility at 13 Moore Street from an alternative Medical Practitioner for a ten (10) year period with a five (5) year extension from the 19<sup>th</sup> November 2024.

Council has the application for lease being presented at this April 2024 Ordinary meeting for consideration.

### **TEN YEAR FINANCIAL PLAN**

Rental payments for the Medical Centre.

### **FINANCIAL IMPLICATIONS**

The current lease agreement that expires in November 2024 has a weekly fee of \$80 per week for the Medical Centre and Free rent for 22 Gregory Street (Residence)

### **STATUTORY IMPLICATIONS**

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.28**

##### **5.28 . Electors' special meetings**

- 1) A special meeting of the electors of a district is to be held on the request of not less than —
  - a. 300 electors or 5% of the number of electors —whichever is the lesser number; or
  - b.  $\frac{1}{3}$  of the number of council members.
- 2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- 3) The request is to be sent to the mayor or president.
- 4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.
- 5) Despite subsection (4), the mayor or president may —
  - a. decide that the special meeting is not to be held if the mayor or president is satisfied that the substance of each matter for discussion specified in the request —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request;or
  - b. decide that a matter for discussion specified in the request is not to be discussed at the special meeting in whole or in part if the mayor or president is satisfied that the substance of the whole of the matter or the part of the matter (as the case requires) —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request.
- 6) If the mayor or president makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at —

- a. the first ordinary council meeting after the mayor or president makes the decision; or
  - b. if, when the mayor or president makes the decision, the CEO has already convened that first ordinary council meeting under [section 5.5\(1\)](#) — the second ordinary council meeting after the mayor or president makes the decision.
- 7) The local government must give local public notice of any decision of the mayor or president made under subsection (5)(a) or (b) and of the reasons for the decision.

*[Section 5.28 modified: SL 2020/57<sup>1M</sup>; amended: No. 11 of 2023 s. 60.]*

## TEN YEAR FINANCIAL PLAN

NIL

## FINANCIAL IMPLICATIONS

NIL

## STATUTORY IMPLICATIONS

### 5.28 . Electors' special meetings

- 1) A special meeting of the electors of a district is to be held on the request of not less than —
  - a. 300 electors or 5% of the number of electors —whichever is the lesser number; or
  - b.  $\frac{1}{3}$  of the number of council members.
- 2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- 3) The request is to be sent to the mayor or president.
- 4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.
- 5) Despite subsection (4), the mayor or president may —
  - a. decide that the special meeting is not to be held if the mayor or president is satisfied that the substance of each matter for discussion specified in the request —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request;or
  - b. decide that a matter for discussion specified in the request is not to be discussed at the special meeting in whole or in part if the mayor or president is satisfied that the substance of the whole of the matter or the part of the matter (as the case requires) —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request.
- 6) If the mayor or president makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at —
  - a. the first ordinary council meeting after the mayor or president makes the decision; or

b. if, when the mayor or president makes the decision, the CEO has already convened that first ordinary council meeting under [section 5.5\(1\)](#) — the second ordinary council meeting after the mayor or president makes the decision.

7) The local government must give local public notice of any decision of the mayor or president made under subsection (5)(a) or (b) and of the reasons for the decision.

[Section 5.28 modified: SL 2020/57<sup>1M</sup>; amended: No. 11 of 2023 s. 60.]

### Section 3.58. Disposing of property

(1) In this section —

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

(a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

**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
- Council
- Electors and Ratepayers

**STAFF RECOMMENDATION**

That Council in recognition of the Medical Centre lease being considered as a report later in the April 2024 agenda decline to initiate the necessary steps to lease to Dr Van Ballegooyen (or his related business entity).

**COUNCIL RESOLUTION**

**MIN 035/24      MOTION - Moved Cr. Leake      Seconded Cr. Reid**

***That Council in recognition of the Medical Centre lease being considered as a report later in the April 2024 agenda decline to initiate the necessary steps to lease to Dr Van Ballegooyen (or his related business entity).***

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**



**10.4 SPECIAL ELECTORS MEETING - FEBRUARY COUNCIL MEETING PETITION**

**File Ref:** HEA03  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Councils Special Electors Meeting – Thursday, 11<sup>th</sup> April 2024

**Moved:** Colin Herbertson                      2<sup>nd</sup> Renza Bishop

That the Shire:

1. Note the community's disappointment at the manner in which a 334 signature petition presented by Mrs Joy Van Ballegooyen was dismissed by Council at its February 2024 Ordinary Council Meeting; and
2. Notwithstanding any perceived technicalities, expressly acknowledge the 334 petitioners' clear statement of intent that (amongst other things): *'we do not want to lose the services of Dr Van, who has served us in an exemplary fashion for many years.'*

**CARRIED**

**STAFF COMMENT**

It is acknowledged the amount of signatures that have signed the petition that was presented to the February 2024 Council meeting.

However the format of the petition is clearly set out in Council "*Local Government (Council Meetings) Local Law 2016*" wherein the following is a requirement;

**6.10 – Petitions**

1. *A petition is to –*
  - a. *Be addressed to the President;*
  - b. *Be made by electors of the district;*
  - c. *State the request on each page of the petition;*
  - d. *Contain the name, address and signature of each elector making the request, and the date each elector signed;*
  - e. *Contain a summary of the reasons for the request; and*
  - f. *State the name of the person to whom, and an address at which, notice to the petitioners can be given.*
2. *Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).*
3. *At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless;*
  - a. *The matter is the subject of a report included in the agenda; and*
  - b. *The Council has considered the issues raised in the petition.*

It is unfortunate that the petition couldn't be progressed formally at the meeting though the Local Law is very concise on what can and can't be presented and the statement within the petition didn't

reflect a formal decision of Council for reconsideration. However, it is noted the signatures received as being significant.

## TEN YEAR FINANCIAL PLAN

NIL

## FINANCIAL IMPLICATIONS

NIL

## STATUTORY IMPLICATIONS

### LOCAL GOVERNMENT ACT 1995 - SECT 5.28

#### 5.28 . Electors' special meetings

- 1) A special meeting of the electors of a district is to be held on the request of not less than —
  - a. 300 electors or 5% of the number of electors —whichever is the lesser number; or
  - b.  $\frac{1}{3}$  of the number of council members.
- 2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- 3) The request is to be sent to the mayor or president.
- 4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.
- 5) Despite subsection (4), the mayor or president may —
  - a. decide that the special meeting is not to be held if the mayor or president is satisfied that the substance of each matter for discussion specified in the request —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request;or
  - b. decide that a matter for discussion specified in the request is not to be discussed at the special meeting in whole or in part if the mayor or president is satisfied that the substance of the whole of the matter or the part of the matter (as the case requires) —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request.
- 6) If the mayor or president makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at —
  - a. the first ordinary council meeting after the mayor or president makes the decision; or

- b. if, when the mayor or president makes the decision, the CEO has already convened that first ordinary council meeting under [section 5.5\(1\)](#) — the second ordinary council meeting after the mayor or president makes the decision.

- 7) The local government must give local public notice of any decision of the mayor or president made under subsection (5)(a) or (b) and of the reasons for the decision.

*[Section 5.28 modified: SL 2020/57<sup>1M</sup>; amended: No. 11 of 2023 s. 60.]*

**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
- Council
- Electors and Ratepayers

**STAFF RECOMMENDATION**

That Council:

- 1. Notes the community’s disappointment at the manner in which a 334 signature petition presented by Mrs Joy Van Ballegooyen was dismissed by Council at its February Ordinary Meeting dated 8<sup>th</sup> February 2024; and
- 2. Acknowledge that in signing the petition community members did not want to lose the services that has been provided by Dr Van Ballegooyen since 1994.

**COUNCIL RESOLUTION**

**MIN 036/24      MOTION - Moved Cr. Ryan      Seconded Cr. Brown**

***That Council:***

- 1. Notes the community’s disappointment at the manner in which a 334 signature petition presented by Mrs Joy Van Ballegooyen was dismissed by Council at its February Ordinary Meeting dated 8<sup>th</sup> February 2024; and***
- 2. Acknowledge that in signing the petition community members did not want to lose the services that has been provided by Dr Van Ballegooyen since 1994.***

**In Favour:**      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

**Against:**      Nil

**CARRIED 7/0**

**10.5 SPECIAL ELECTORS MEETING - PURPOSE OF THE MEETING**

**File Ref:** HEA03  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Councils Special Electors Meeting – Thursday, 11<sup>th</sup> April 2024

**Moved:** Robert Bradley      2<sup>nd</sup> Tony Allington

1. That this meeting of electors request Council at its next ordinary meeting to vote by majority to accept the proposal of Dr Andrew Van Ballegooyen to continue his practice as set out in Item 4 purpose of the meeting which implied that subsection 1, 2 and 3 are intended actions of the Shire.
2. Further any negotiations about the practice with other parties which have not been a resolution of Council be rescinded.

**CARRIED**

**STAFF COMMENT**

The motion (No 1) provided from the floor at the Electors meeting as stated above is in reference to the agenda item four (4) purpose of the meeting as set out below;

**4. PURPOSE OF THE MEETING**

1. *That the Shire acknowledge and thank Dr Andrew Van Ballegooyen for his 30 years of service to the community, since 1994.*
2. *That the Shire initiate the necessary steps to lease to Dr Van Ballegooyen (or his related business entity):*
  - a. *The Kellerberrin Medical Centre premises, located at 13 Moore Street, Kellerberrin; and*
  - b. *The doctor's residence at 22 Gregory Street, Kellerberrin.*

*Each for a final three year term commencing 19 November 2024 and expiring on 18 November 2027 (and otherwise on comparable terms and conditions to Dr Van Ballegooyen's current lease)*

3. *That the Shire:*
  - a. *Note the community's disappointment at the manner in which a 334 signature petition presented by Mrs Joy Van Ballegooyen was dismissed by Council at its 8 February 2024 Ordinary Council Meeting; and*
  - b. *Notwithstanding any perceived technicalities, expressly acknowledge the 334 petitions' clear statement of intent that (amongst other things): 'We do not want to lose the services of Dr Van, who has served us in an exemplary fashion for many years'.*

The motion provided requests that Council vote in majority to accept all three (3) items that will be presented to Councils April Ordinary Meeting of Council and will become the intended actions of the Council.

Motion No 2 – Council hasn't at the time of the Electors meeting resolved anything regarding the practice either with Dr Van Ballegooyen or any other party therefore the request for the resolution to be rescinded is not actionable.

Council has all three items listed above being presented to Councils April Ordinary Meeting of Council individually so that each item can be considered separately and not on bulk. The items are set out as follows;

- 10.2 – Special Electors Meeting – Acknowledgement of Dr Van Ballegooyen
- 10.3 – Special Electors Meeting – Dr Van Ballegooyen Lease
- 10.4 – Special Electors Meeting – February Council Meeting – Petition.
- 10.5 – Special Electors Meeting – Purpose of Meeting.

Therefore, in understanding the above order of business Councillors may take into consideration the Electors Motion 1 of this agenda when considering the items 10.2, 10.3 & 10.4.

## TEN YEAR FINANCIAL PLAN

NIL

## FINANCIAL IMPLICATIONS

NIL

## STATUTORY IMPLICATIONS

### 5.28 . Electors' special meetings

- 1) A special meeting of the electors of a district is to be held on the request of not less than —
  - a. 300 electors or 5% of the number of electors —whichever is the lesser number; or
  - b.  $\frac{1}{3}$  of the number of council members.
- 2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- 3) The request is to be sent to the mayor or president.
- 4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.
- 5) Despite subsection (4), the mayor or president may —
  - a. decide that the special meeting is not to be held if the mayor or president is satisfied that the substance of each matter for discussion specified in the request —
    - i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
    - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request;
  - or
  - b. decide that a matter for discussion specified in the request is not to be discussed at the special meeting in whole or in part if the mayor or president is satisfied that the substance of the whole of the matter or the part of the matter (as the case requires)

- i. was discussed at a special meeting that was held during the period of 12 months ending on the day on which the mayor or president received the request; or
  - ii. was, or will be, discussed at a special meeting that was, or will be, held during the period of 35 days after the day on which the mayor or president received the request.
- 6) If the mayor or president makes a decision under subsection (5)(a) or (b), each matter, or the whole or part of the matter, is to be considered at —
  - a. the first ordinary council meeting after the mayor or president makes the decision; or
  - b. if, when the mayor or president makes the decision, the CEO has already convened that first ordinary council meeting under [section 5.5\(1\)](#) — the second ordinary council meeting after the mayor or president makes the decision.
- 7) The local government must give local public notice of any decision of the mayor or president made under subsection (5)(a) or (b) and of the reasons for the decision.

[Section 5.28 modified: SL 2020/57<sup>1M</sup>; amended: No. 11 of 2023 s. 60.]

### Section 3.58. Disposing of property

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned;
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned;
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

*[Section 3.58 amended by No. 49 of 2004 s. 27.]*

**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
- Council
- Electors and Ratepayers

**STAFF RECOMMENDATION**

That Council;

- 1. Acknowledges the request for Council to vote by majority and have the electors’ motions that have been presented in agenda items 10.2, 10.3 & 10.4 be intended actions of the Shire; and
- 2. Notes that Council seriously considered the request while deliberating on items 10.2, 10.3 & 10.4; and
- 3. As no resolution has been carried regarding the practice with other parties there is no requirement to rescind any resolutions.

**COUNCIL RESOLUTION**

**MIN 037/24      MOTION - Moved Cr. Leake      Seconded Cr. Ryan**

***That Council;***

- 1. Acknowledges the request for Council to vote by majority and have the electors’ motions that have been presented in agenda items 10.2, 10.3 & 10.4 be intended actions of the Shire; and***
- 2. Notes that Council seriously considered the request while deliberating on items 10.2, 10.3 & 10.4; and***
- 3. As no resolution has been carried regarding the practice with other parties there is no requirement to rescind any resolutions.***

**In Favour:**      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

**Against:**      Nil

**CARRIED 7/0**

**10.6 STATUS REPORT OF ACTION SHEET**

**File Ref:** Various  
**Author:** Michelle Wilson, Executive Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Status Report - April 2024 Council

**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**

NIL known at this time.

**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,
- (c) has —
- (d) a direct or indirect financial interest in the matter; or
- (e) 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.*

### COUNCIL RESOLUTION

**MIN 038/24      MOTION - Moved Cr. Pryer      Seconded Cr. Reid**

***That Council receive the status report.***

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**

**10.7 COMMUNITY BUDGET SUBMISSION 2024/25**

**File Ref:** FIN24  
**Author:** Morgan Ware, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

Cr Emily Ryan declared an Impartiality Interest in relation to item 10.7 due to being the current Treasurer of Kellerberrin Playgroup and requested to remain in the chamber and vote on the item.

**BACKGROUND**

Councils April 2023 Ordinary Meeting – Tuesday, 18<sup>th</sup> April 2023

**MIN 034/23 MOTION - Moved Cr. Gardiner Seconded Cr. Ryan**

***That Council;***

- 1. Approve the following Community Budget Submissions for 2023/2024;**
  - a. Kellerberrin Hockey Club 50% of cost for new scoring system upon receipt of quotes;***
  - b. Eastern Wheatbelt Riding Club for \$2,500 for construction and fixation of new jumps at cross country;***
  - c. Kellerberrin Town Teams for \$1,550 for limestone table, chair installed on Cornell Close;***
  - d. Kellerberrin Playgroup for \$2,000 for the purchase of new outdoor cubby and removal of old cubby;***
  - e. Kellerberrin District High School for In-kind for the hire of facilities and equipment;***
  - f. Kellerberrin Community Resource Centre for \$2,000 for Food Pantry fuel cards;***
  - g. Kellerberrin Pistol Club for \$3,000 for the purchase of new 10 metre retrieval system;***
  - h. Better Heart Aboriginal Corporation for \$3,000 for Yorgas Backyard Yarning.***
  
- 2. Decline the following community budget submissions for 2022/2023;**
  - a. Kellerberrin Hockey Club for \$500 for new equipment;***
  - b. Kellerberrin Agriculture Society for shed in Exhibition Hall.***

**CARRIED 7/0**

Councils April 2022 Ordinary Meeting – Tuesday, 12<sup>th</sup> 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**

Councils May 2021 Ordinary Meeting – Tuesday, 18 <sup>th</sup> May 2021
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**MIN 078/21      MOTION - Moved Cr. Reid      Seconded Cr. Leake**

**That Council:**

1. **Kellerberrin District High School**
  - a. **Waiving of Shire Hire Fees & use of facilities:**
    - i. **Celebration Night – Memorial Hall**
    - ii. **Faction Swimming Carnival – Kellerberrin Pool**
    - iii. **Winter Carnival & Athletics Carnival – Sports Ground.**
    - iv. **Vacswim Swimming Lessons. Pool Hire**
2. **Kellerberrin Community Resource Centre (Food Pantry Project)**
  - a. **Food Pantry – Fuel Cards for Volunteers - \$1,200**
3. **Kellerberrin Community Resource Centre (Celebrating Volunteers Project)**
  - a. **Celebrating our Volunteers Event - \$1,000**
4. **Kellerberrin Golf Club**
  - a. **Storage Room Construction at Recreation Centre - \$3,000**
5. **Kellerberrin Local Health Advisory Group**
  - a. **Ladies Day out – (Women reconnecting, inspiring and sharing) - \$3,000**

Councils May 2020 ordinary meeting – Tuesday, 19 <sup>th</sup> May 2020
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**MOTION - Moved Cr. Steber      Seconded Cr. Reid**

**MIN 001/20**

*That Council approves a donation of \$1,500 for the Kellerberrin Speedway for lighting of the playground.*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 002/20**

*That Council approves the donation of the Kellerberrin Memorial Hall hire to the Kellerberrin CWA. Should the event not go ahead due to COVID-19, Council will hold over the funding to the 21/22 financial year if required.*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 003/20**

*That Council approves the donation of \$2,492.00 for in-kind and hire waiver requested by the Kellerberrin District High School for;*

- *Hall Hire and equipment;*
- *Oval Hire;*
- *Pool Hire; and*
- *Construction of winter carnival arenas*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 004/20**

*That Council delegates authority to the Chief Executive Officer to investigate alternative sources of funding with the Kellerberrin Community Resource Centre for the Food Pantry Project.*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 005/20**

*That council approves \$1,000 to the Kellerberrin Community Resource Centre (Celebrating Volunteers Project) with these funds to be leveraged.*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 006/20**

*That council declines the Kellerberrin Community Resource Centre (Seniors Week Project)*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 007/20**

*That council approves the donation of \$400.00/waiver of Community Bus Hire to the Kellerberrin Junior Fire Brigade*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 008/20**

*That council declines the request for a contribution towards the purchase of a trailer for the Kellerberrin Junior Football Club as Council doesn't provide retrospective funding as per the guidelines.*

**MOTION - Moved Cr. Steber                      Seconded Cr. Reid**

**MIN 009/20**



<b>4</b>	Kellerberrin District High School	Facilities & Equipment	In Kind of Facilities & Equipment		Y
<b>5</b>	Kellerberrin CRC	Kellerberrin Food Pantry	\$2,802.70	\$2,802.70	Y
<b>6</b>	Kellerberrin Town Teams	2/28 Battalion Gardens – Gates for Dog Exercise Compound	\$1,677.50	\$1,677.50	Y
<b>TOTAL</b>			<b>\$16,980.20</b>	<b>\$6,480.20</b>	

**TEN YEAR FINANCIAL PLAN**

Council has as part of Policy allocated the \$20,000 per year for Community Budget Submissions.

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2024/2025 Budget

041019 – Donations & Contributions

\$39,000 – Annual Donation Allocations – Community Business Upgrade

\$20,000 - Community Donations and Grants

\$ 3,000 - Public Relations, Sponsorship, Donations and Waivers

\$ 7,000 - Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis.

Council has decided in previous years that the following events be provided with ongoing funding through the Community Budget program without having to make an application to Council:

- Kellerberrin Agricultural Society - \$3,000 to host the Annual Show.
- Central Wheatbelt Harness Racing Club - \$3,000 to host the Central Harness Racing Cup.
- Chrissy Up Keller - \$3,000 to host the Annual Christmas Community Function and Chrissy up Keller

**STATUTORY IMPLICATIONS**

Nil know 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
- Community Development Officer
- Trainee

Advertising

- The Pipeline – Newsletter
- Councils Website
- Social Media Platforms
- Letters sent via email to all community and local groups

## STAFF RECOMMENDATION

That Council;

1. Approve the following Community Budget Submissions for 2024/2025;

<b>Local Sporting/Community Group</b>	<b>Council Approval</b>
<i>Kellerberrin Golf Club</i>	\$2,000
<i>Kellerberrin Riding &amp; Pony Club</i>	In kind – Plant & Labour
<i>Kellerberrin Playgroup</i>	In kind – Plant & Labour
<i>Kellerberrin District High School</i>	In kind – Facilities & Equipment
<i>Kellerberrin CRC</i>	\$2,802.70
<i>Kellerberrin Town Teams</i>	\$1,677.50

## COUNCIL RESOLUTION

**MIN 039/24      MOTION - Moved Cr. Pryer      Seconded Cr. Leake**

***That Council approve the following Community Budget Submissions for 2024/2025;***

<b>Local Sporting/Community Group</b>	<b>Council Approval</b>
<b><i>Kellerberrin Golf Club</i></b>	<b><i>In kind – Plant &amp; Labour</i></b>
<b><i>Kellerberrin Riding &amp; Pony Club</i></b>	<b><i>In kind – Plant &amp; Labour</i></b>
<b><i>Kellerberrin Playgroup</i></b>	<b><i>In kind – Plant &amp; Labour</i></b>
<b><i>Kellerberrin District High School</i></b>	<b><i>In kind – Facilities &amp; Equipment</i></b>
<b><i>Kellerberrin CRC</i></b>	<b><i>\$2,802.70</i></b>
<b><i>Kellerberrin Town Teams</i></b>	<b><i>\$1,677.50</i></b>

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**

**10.8 COUNCIL POLICY MANUAL REVIEW**

**File Ref:** Policies  
**Author:** Michelle Wilson, Executive Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Council Policy Manual - Version April 2024

**BACKGROUND**

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

June Ordinary Council Meeting – 20 June 2023

**MIN 001/23 MOTION - Moved Cr. Reid Seconded Cr. Forsyth**

***That Council;***

- 1. Adopts the Policy Manual as presented;***
- 2. Instructs the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.***

**CARRIED 7/0**

June Ordinary Council Meeting – 21 June 2022

**MIN 083/22 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**

December Ordinary Council Meeting – 21 December 2021

**MIN 203/21 MOTION - Moved Cr. Steber Seconded Cr. Leake**

***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**

November Ordinary Council Meeting – 16 November 2021

**MIN 184/21 MOTION - Moved Cr. Leake Seconded Cr. Gardiner**

***That Council;***

- 1. Adopts the Policies as presented;***
- 2. Endorse the removal of Policies from 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**

**STAFF COMMENT**

Shire of Kellerberrin Policy Manual – Review various policies and update document. The Council is always considerate of its operational and legislative functions and for endorsement towards serving the function and role of the Council, seeks to state defined parameters of its policy review and adoption of any new policies and/or of its existing policies.

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

Council's staff continually review its Policy Manual to ensure its current with the operations of the day.

Council staff have created the following new policies:

**CF06.09 Community Business Support Grants Policy**

The purpose of this policy is to support services and initiatives that result in improved business conditions within the Shire of Kellerberrin. Council is dedicated to providing support and encouragement in the growth of small business and business innovation which will in turn improve local employment opportunities for residents and help achieve thriving local industry and community.

**HR 03.15 Bullying and Sexual Harassment in the Workplace Policy**

This policy provides information to all employees, elected members and members of the public employed by or engaged in business with the Councils that Council considers bullying and sexual harassment in the workplace to be an unacceptable form of behaviour that is not tolerated and recognises that it is unlawful.

**HR 03.17 Employee Health and Wellbeing Policy**

The purpose of this policy is to ensure that all staff have the opportunity to access health and wellbeing initiatives and choices in the workplace. Council encourages the health and wellbeing of its employees at work and promotes employee work life balance so our employees are able to fulfil work and lifestyle responsibilities efficiently and effectively.

**HR 03.18 Employee Training Policy**

The Employee Training Policy aims to invest in employee's development to ensure the continuing success of the business and that the employees are largely responsible for that success.

The Policy Manual has had new category headings for the policies for easier searching as well as creating a numbering system for the policies.

A Background section and a History Summary have also been added.

**TEN YEAR FINANCIAL PLAN**

Nil (not applicable at this date and therefore unknown)

**FINANCIAL IMPLICATIONS**

Nil (not applicable at this date and therefore unknown)

**STATUTORY IMPLICATIONS**

Nil (not applicable at this date and therefore unknown)

**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
- Executive Assistant

**STAFF RECOMMENDATION**

That Council

1. Adopts the Policy Manual as presented;
2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.

**COUNCIL RESOLUTION**

**MIN 040/24      MOTION - Moved Cr. Brown      Seconded Cr. Pryer**

***That Council;***

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

**In Favour:**      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

**Against:**      Nil

**CARRIED 7/0**



**10.9 GAZEBO FUNDING - 2/28 BATTILION PARK**

**File Ref:** ADM00  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Gazebo Quote

**BACKGROUND**

Council on the 12<sup>th</sup> February 2024 received an email from Mr Marek advising that a quote was received to construct a gazebo in the new park West of Centenary Park for \$13,970 with the proposed breakdown:

- CBH Grassroots (Proposed) \$10,000
- Dale Alcock \$ 2,000
- Richard Marek \$ 1,000

The above funding left the proposal \$970 short so contact was made with Mr Marek and advised that Council would be happy to cover the \$970 to allow the project of the gazebo to continue.

**STAFF COMMENT**

Council on Monday, 8<sup>th</sup> April 2024 received a confirmation email from Mr Marek advising that Kellerberrin Town Team was successful for funding through the CBH Grassroots funding albeit not to the level of their application.

The funding provided was \$6,500 therefore, providing an additional \$3,500 shortfall for the project.

Mr Marek within the notification of this email has advised that now the project is a bit short and is seeking Councils assistance.

**TEN YEAR FINANCIAL PLAN**

Ongoing maintenance of the Gazebo.

**FINANCIAL IMPLICATIONS**

\$3,500 Capital outlay and future maintenance cost in out years.

**STATUTORY IMPLICATIONS**

NIL

**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:

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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

- Manager of Governance
- Richard Marek

## STAFF RECOMMENDATION

That Council support the construction of the Gazebo and increases its funding to \$3,970 with the funds to come out of the 041019 – Donations.

## COUNCIL RESOLUTION

**MIN 041/24      MOTION - Moved Cr. Leake      Seconded Cr. Reid**

***That Council support the construction of the Gazebo and increases its funding to \$3,970 with the funds to come out of the 041019 – Donations.***

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**

**10.10 CHEQUE LIST MARCH 2024**

**File Ref:** N/A  
**Author:** Nikayla Ovens, Finance Officer  
**Authoriser:** Morgan Ware, Manager of Governance  
**Attachments:** 1. Payment List March 2024

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> March – 31<sup>st</sup> March 2024

**TRUST**

**Trust Total** **\$52,040.80**

**MUNICIPAL FUND**

**Cheque** **\$9,158.27**

**EFT** **\$701,234.31**

**Direct Debit** **\$51,429.15**

**Municipal Total** **\$757,571.03**

**STAFF COMMENT**

During the month of March 2024, the Shire of Kellerberrin made the following significant purchases: Please note the Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

<b>Sapio Pty Ltd</b>	\$ 5,847.39
Quarterly CCTV Maintenance	
<b>Youlie and Son Contracting</b>	\$ 6,182.00
Hire of Prime Mover and Water Tanker for February - Gravel Sheeting	
<b>Realmark Commercial</b>	\$ 6,709.27
WSFN - 37, 5 Keane St RENT - 01/03/2024 - 31/03/2024	
<b>Water Corporation</b>	\$ 7,972.45
Standpipe Water Charges 07/12/2023-14/02/2024 - GEH	
<b>Avon Waste</b>	\$ 8,749.48
Avon Waste Collections February 2024	
<b>R Munns Engineering Consulting Services</b>	\$ 11,359.90
Hammond and Connelly St Capital Works - Contractor Expenses	
<b>United Card Services Pty Ltd</b>	\$ 11,894.75
Card Fuel Purchases for the Month of February 2024	
<b>Farmways Kellerberrin Pty Ltd</b>	\$ 13,070.00
Purchase of Materials to re-roof three (3) units at 35 Hammond	
<b>Shire Of Merredin</b>	\$ 23,794.65
Transfer of Long Service Leave - C. Brindley-Mullen	
<b>Fire And Emergency Services (WA)</b>	\$ 25,277.21
2023/24 ESL Quarter 3	
<b>GPR Truck Service &amp; Repairs</b>	\$ 29,440.14
Service, Clutch Repairs, Reline Brakes and Air Conditioner Repair.	
<b>Western Australian Treasury Corporation</b>	\$ 33,504.08
Loan No. 118 Interest payment - Rec Centre Redevelopment	
<b>Dowsing Group Pty Ltd</b>	\$ 57,808.30
Hammond St Footpaths – Capital Works	
<b>Dowsing Group Pty Ltd</b>	\$ 68,727.12
Connelly St Footpaths – Capital Works	

<b>Valley Ford</b>	
WSFN - FORD RANGER 2024 Double Cab Chassis XLT, 3.0L V6 10 SPD Auto	\$ 70,475.75
<b>Colas WA Pty Ltd</b>	
Doodlakine South Rd Reseals, Various Sections – Capital Works	\$185,366.98

## TEN YEAR FINANCIAL PLAN

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

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2023/2024 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 March 2024, 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 **\$757,571.03** on vouchers EFT, CHQ, Direct payments.*
2. *Trust Fund payments totalling **\$52,040.80** on vouchers EFT, CHQ, Direct payments.*

## COUNCIL RESOLUTION

**MIN 042/24      MOTION - Moved Cr. Gardiner      Seconded Cr. Pryer**

*That Council notes that during the month of March 2024, 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 **\$757,571.03** on vouchers EFT, CHQ, Direct payments.*
2. *Trust Fund payments totalling **\$52,040.80** on vouchers EFT, CHQ, Direct payments.*

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED 7/0**

**10.11 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - MARCH 2024**

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

**BACKGROUND**

Please see below the Direct Debit List and Visa Card Transactions for the month of March 2024.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Mar-24	3 E Advantage	Rental WSFN Copier		246.40
7-Mar-24	Shire of Kellerberrin	Creditors Payment		167,454.08
12-Mar-24	Department of Communities	Rent 73 Gregory Street		420.00
14-Mar-24	Shire of Kellerberrin	Precision Superannuation		13,117.18
14-Mar-24	Shire of Kellerberrin	Pay Run		70,767.74
14-Mar-24	ATO	BAS Payment February 2024		15,618.00
19-Mar-24	Shire of Kellerberrin	Creditors Payment		70,475.75
20-Mar-24	Nayax Australia Pty Ltd	Caravan Park Vending Machine		38.17
21-Mar-24	Shire of Kellerberrin	Creditors Payment		270,087.27
26-Mar-24	Shire of Kellerberrin	Rent 73 Gregory Street		420.00
27-Mar-24	Shire of Kellerberrin	Creditors Payment		193,217.21
28-Mar-24	NAB	B-Pay Fee		64.40
28-Mar-24	NAB	Account Fees - Trust		10.00
28-Mar-24	NAB	Account Fees - Muni		47.70
28-Mar-24	NAB	Merchant Fee - Trust		2.66
28-Mar-24	NAB	Merchant Fee - Swimming Pool		21.42
28-Mar-24	NAB	Merchant Fee - Muni		82.97
28-Mar-24	NAB	Merchant Fee - Caravan Park		93.99
28-Mar-24	NAB	Merchant Fee - CRC		413.56
28-Mar-24	Shire of Kellerberrin	Precision Superannuation		13,193.00
28-Mar-24	Shire of Kellerberrin	Pay Run		70,118.89
28-Mar-24	NAB	NAB Connect Fee		58.98
<b>TOTAL</b>			<b>\$</b>	<b>885,969.37</b>

Trust Direct Debit List

Date	Name	Details	\$	Amount
28-Mar-24	Department of Transport	Licensing Payments		51,429.15
<b>TOTAL</b>			<b>\$</b>	<b>51,429.15</b>

Visa Transactions

Date	Name	Details	\$	Amount
28-Mar-24	NAB	Card Fee		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>9.00</b>
Date	Name	Details	\$	Amount
29-Feb-24	DMIRS Perth	High Risk Licence Mechanic		44.00
28-Mar-24	Parkwood Hardware	Storm Pipe Sewell St Footpath		860.20
28-Mar-24	NAB	Card Fee		9.00
<b>TOTAL -DCEO</b>				<b>913.20</b>
04-Mar-24	B Cleaned Auto Detailing	Cleaning of KE 147		330.00
28-Mar-24	NAB	Card Fee		9.00
<b>TOTAL -WSFN PROGRAMME MANAGER</b>				<b>339.00</b>
28-Mar-24	NAB	Card Fee		9.00
<b>TOTAL -WSFN TECHNICAL DIRECTOR</b>				<b>9.00</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>1,270.20</b>

**STAFF COMMENT**

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of March 2024.

***Please note The Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.***

**TEN YEAR FINANCIAL PLAN**

There is no direct implication on the Long-Term Financial Plan.

**FINANCIAL IMPLICATIONS**

Financial Management of 2023/2024 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 sub regulation (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
- Manager of Governance
- Senior Finance Officer

**STAFF RECOMMENDATION**

*That Council note the direct debit list for the month of March 2024 comprising of,*

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

**COUNCIL RESOLUTION**

**MIN 043/24      MOTION - Moved Cr. Brown      Seconded Cr. Reid**

***That Council note the direct debit list for the month of March 2024 comprising of,***

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

**In Favour:**      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

**Against:**      Nil

**CARRIED 7/0**

**10.12 FINANCIAL ACTIVITY STATEMENT - MARCH 2024**

**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 2023 Ordinary Meeting of Council – 18<sup>th</sup> July 2023

**MIN 001/23      MOTION - Moved Cr. Forsyth      Seconded Cr. Reid**

***That Council:***

***PART F – MATERIAL VARIANCE REPORTING FOR 2023/2024***

***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 2023/2024 for reporting material variances shall be 10% or \$10,000, whichever is the greater.***

**CARRIED 7/0  
BY ABSOLUTE MAJORITY**

**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, monthly, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year-to-date basis for the period ending 31<sup>st</sup> March 2024.

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2023/2024 Budget.

**FINANCIAL IMPLICATIONS**

Financial Management of 2023/2024 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 sub regulation (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 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
- Manager of Governance
- Senior Finance Officer
- LG Corporate Solutions

**STAFF RECOMMENDATION**

*That Council adopt the Financial Report for the month of March 2024 comprising.*

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

**COUNCIL RESOLUTION**

**MIN 044/24      MOTION - Moved Cr. Leake      Seconded Cr. Ryan**

***That Council adopt the Financial Report for the month of March 2024 comprising.***

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

In Favour:      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against:      Nil

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**10.13 BUILDING REPORTS MARCH 2024**

**File Ref:** BUILD06  
**Author:** Jacki Peak, Administration Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Return of Building Applications Received - March 2024

**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) application received for a "Building Permit" during the March period.
2. There were zero (0) "Building Permit" issued in the March period.

**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**

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**COMMUNITY CONSULTATION**

The following consultation took place:

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

## STAFF RECOMMENDATION

*That Council;*

1. *Acknowledge the "Return of Proposed Building Operations" for the March 2024 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the March 2024 period.*

## COUNCIL RESOLUTION

**MIN 045/24      MOTION - Moved Cr. Gardiner      Seconded Cr. Brown**

***That Council;***

1. ***Acknowledge the "Return of Proposed Building Operations" for the March 2024 period.***
2. ***Acknowledge the "Return of Building Permits Issued" for the March 2024 period.***

**In Favour:**      Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

**Against:**      Nil

**CARRIED 7/0**

**11 DEVELOPMENT SERVICES REPORTS**

Nil

**12 WORKS & SERVICES REPORTS**

Nil

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

Nil

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

Nil

**15 CONFIDENTIAL MATTERS**

**COUNCIL RESOLUTION**

**MIN 046/24 MOTION - Moved Cr. Pryer Seconded Cr. Ryan**

*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:*

**15.1 Lease Agreement - Medical Centre**

*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.*

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

**CARRIED 7/0**

**COUNCIL RESOLUTION**

**MIN 047/24 MOTION - Moved Cr. Leake Seconded Cr. Gardiner**

*That Council moves out of Closed Council into Open Council.*

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

**CARRIED 7/0**

**MOTION**

**COUNCIL RESOLUTION**

**MIN 048/24 MOTION - Moved Cr. Pryer Seconded Cr. Brown**

*That Council has approved the advertising of a proposed lease of 13 Moore Street, Kellerberrin inviting submissions to be made to Council with respect to the lease proposal with any submissions received be considered by Council.*

In Favour: Crs David Leake, Matt Steber, Dennis Reid, Emily Ryan, Monica Gardiner, Kelsey Pryer and Paul Brown

Against: Nil

**CARRIED 7/0**



**16 CLOSURE OF MEETING**

**The Meeting closed at 4:22pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 May 2024.**

.....  
**CHAIRPERSON**