

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 DECEMBER 2021

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 DECEMBER 2021

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 3.08pm.

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr J Verhoogt
	Cr BJ Waight
Apology	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling
Environmental Health Officer	Mr J Goldacre (3.25pm to 3.33pm)
Manager of Finance	Mrs JL Bow (3.08pm – 3.25pm)

3. Declarations of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.60B and 5.65 of the Local Government Act 1995 the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason
16.12.21	Cr J Verhoogt	10.2.6	Cr Verhoogt’s son is debtor referred to in item.
16.12.21	Cr PG Negri	10.2.6	Owner of Truck and Trailer was used to collect sand.

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

- 7. Applications for Leave of Absence**
- 8. Announcements by Presiding Member**
- 9. Confirmation of Minutes**

Ordinary Meeting of Council held on Thursday 18 November 2021

COUNCIL DECISION

Resolution OCM Dec 21 – 9.3

Moved: Cr Crooks

Seconded: Cr Foss

That the minutes of the Ordinary Meeting held Thursday 18 November 2021 be confirmed as a true and correct record.

Carried 8/0

10. Officers' Reports

10.1 Manager of Works and Services

No Item

10.2 Manager of Finance

Agenda Reference and Subject:

10.2.1 Statement of Financial Activity

File Reference:

8.2.6.2 Financial Reporting

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest

Nil

Attachment:

*Item 10.2.1 Attachment A - Statement of Financial Activity
November 2021*

Summary

A statement of financial activity must be produced monthly and presented to Council.

Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

The Statement of Financial Activity will be made available to Council the week of the Ordinary Council Meeting.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
David Holland, Manager of Works and Services
Julian Goldacre, Environmental Health Officer
Mike Darby, Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(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); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (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.*

(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.

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire’s financial performance throughout the year.		

Financial Implications

Comparison of actual year to date to the 2021-22 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	
Resolution OCM Dec 21 – 10.2.1	
Moved:	Cr Waight
Seconded:	Cr Rajagopalan
That the Statements of Financial Activity for the month ending 30 November 2021.	
	Carried 8/0

Agenda Reference and Subject:	10.2.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.2.2 Attachment A – List of Payments November 2021</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also, in accordance with Finance Policy Number 2.3, included is a list of payments made with the CEO’s credit card.

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and payments made with the CEO’s credit card for the month of November 2021.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with 2021/22 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.2.2

Moved: Cr Waight

Seconded: Cr Foss

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT18509 to EFT18696 totalling \$618,154.26**
 - b. Cheque number 48 to 50 totalling \$5,397.45**
 - c. Trust 18688 – 18693 totalling \$600.00**
 - d. Wages and Superannuation payments totalling \$254,827.16, and**
 - e. Credit Card payments \$646.24**

With all payments totalling \$878, 978.87 for the month of November 2021.

Carried 8/0

Agenda Reference and Subject:	10.2.3 Acceptance of 2020/21 Audit Report
File Reference:	8.2.6.2 Annual Financial Statements
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Jennifer Bow, Manager of Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.2.3 Attachment A – CONFIDENTIAL Management Letter</i>

Summary

The Audit Committee has recommended that Council adopts the Audit Report for the year ended 30 June 2021.

Background

At the completion of the Annual Audit, the Auditor prepares an Audit Report and a Management Letter outlining any areas or issues that Council needs to address.

A Draft Management Letter has been issued following the completion of the Audit.

As at the time of producing the Agenda, the Audit Report has not been received.

The Exit Interview had also not yet been held but will be held prior to the December Ordinary Council Meeting.

Comment

The Audit Committee received the Audit Report for the year ending 30 June 2021.

The Management Letter contained 3 items of moderate findings for the year ending 30 June 2021 and two items of moderate fundings that were raised in the previous year's audit. The Audit Committee has been advised of the findings in the Management Letter.

Consultation

Darren Mollenoyux, Chief Executive Officer

Alan O'Toole, Deputy Chief Executive Officer

Kien Neoh, Financial Audit Director, Office of the Auditor General

Robert Hall, Director, Butler Settineri (OAG Contract Auditors)

Statutory Implications

Audit Report - *Local Government Act 1995 s. 7.9 and Local Government (Audit) Regulations 1996 r.10.*

s7.9. Audit to be conducted

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - (a) *the mayor or president; and*
 - (b) *the CEO of the local government; and*
 - (c) *the Minister.*

Policy Implications

Nil

Risk Implications

Risk: Compliance – Non-compliance with relevant sections and regulations of the Local Government Act 1995.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedures Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed to mitigate the risks associated with each of the areas of the financial audit.		

Financial Implications

Annual audit fee has been advised for the 2020-21 financial audit, by the OAG, is \$25,200. There is an allocation in the 2021-22 budget for this.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 - Council leads the organisation in a strategic and flexible manner.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council receives the Audit Report for the year ended 30 June 2021.

NOTE

Council left the item on the table due to the signed Final Audit Report not being received in time for the meeting.

Agenda Reference and Subject:	10.2.4	Acceptance of the Annual Report 2020-2021
File Reference:	8.2.6.1	Annual Audit
Reporting Officer:	Jennifer Bow, Manager of Finance Officer	
Author:	Jennifer Bow, Manager of Finance Officer	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Summary

Council is asked to accept the Annual Report for the period ending 30 June 2021 and set a date for the Annual Electors' Meeting.

Background

The Annual Report for the financial year ending 30 June 2021 is to be provided to Councillors for their consideration and acceptance. The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report.

Comment

Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable. It must also be posted on our website within 14 days of being adopted.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, with 14 days local public notice of the meeting being given. The last day that the Annual Electors Meeting could be held is Thursday 10 February 2022.

The Annual Report will be distributed to Councillors at the meeting.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
Julian Goldacre, Environmental Health Officer
Dave Holland, Manager of Works and Services

Statutory Implications

The Local Government Act 1995 Section 5.53 advises that the Annual Report is to contain the following:

- a) A report from the President;
- b) A report from the Chief Executive Officer;
- c) Deleted
- d) Deleted
- e) An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
- f) The financial report of the financial year;
- g) Such information as may be prescribed in relation to the payments made to employees;
- h) The auditor's report for the financial year;
- h.a) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- h.b) details of entries made under section 5.121 during the financial year in the register of complaints, including;
 - i. The number of complaints recorded in the register of complaints; and
 - ii. How the recorded complaints were dealt with; and
 - iii. Any other details that the regulations may require; and
 - iv. such other information as may be prescribed.

The Local Government (Administration) Regulations 1996 regulation 19B has been amended to include additional information required in the annual report for the year commencing 1 July 2020;

- a) Number of employees entitled to annual salary of \$130,000 or more;
- b) Number of employees entitled to annual salary that falls within each band of \$10,000 over \$130,000
- c) Any remuneration or allowance paid under Schedule 5.1 clause 9, which refers to Standards Panels
- d) Any amount ordered under s5.110(6)(b)(iv) which refers to Standards Panels
- e) Remuneration paid or provided to the CEO during the financial year
- f) Number of council and committee meetings attended by each Councillor
- g) If available, the gender, linguistic background and country of birth of council members
- h) If available, the number of councillors who are aged;
 - i. 18 to 24 years
 - ii. 25 to 34 years
 - iii. 35 to 44 years
 - iv. 45 to 54 years
 - v. 55 to 64 years
 - vi. 64 years and over
- i) If available, number of councillors who identify as Aboriginal or Torres Strait Islander;
- j) Details of any modifications to Strategic Community Plan during financial year; and
- k) Details of any modifications made to the Corporate Business Plan during the financial year.

Policy Implications

Nil

Risk Implications

Risk: That the Annual Report is not accepted by Council.		
Likelihood	Consequence	Rating
Rare	Moderate	Moderate
Action / Strategy		
It is a statutory requirement that the Annual Report is accepted by Council so that it can be submitted to the Department of Local Government and made available to the Bruce Rock Community.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

- Goal 10 Our organisation is well positioned and has capacity for the future
 Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements Absolute Majority

Officer Recommendation

That Council;

1. Accepts the Annual Report for 2020-21 including the Audited Financial Report for period ended 30 June 2021, and that local public notice of its availability be given as soon as practicable; and
2. Holds the Annual Meeting of Electors on or before Thursday 10 February 2022.

NOTE

Council left the item on the table due to the signed Final Audit Report not being received in time for the meeting.

Agenda Reference and Subject:	10.2.5	Introduce New Fee & Charge – Sale of Sand Extracted from Pit
File Reference:	8.2.7.1	Annual Budget
Reporting Officer:		Jennifer Bow, Manager of Finance Officer
Author:		Jennifer Bow, Manager of Finance Officer
Disclosure of Interest:		Nil
Attachments:		<i>Nil</i>

Summary

To introduce a new fee and charge for the self-extraction of yellow sand from the Yarding Sand Pit by a contractor who provides their own plant and equipment.

Background

The Shire has received a request from a contractor who is prepared to extract the yellow sand from the Yarding Sand Pit and cart it directly to their works. They are also equipped with a weighing machine on the loader and will record the tonnes of sand extracted.

Comment

The Shire currently does not have a fee and charge for the self-extraction of yellow sand from the Yarding Sand Pit.

The Manager of Works and Services (MOWS) has discussed the need to have this new fee and charge as it would reduce the overall works required by Shire staff in supplying large quantities of sand for private works. It is also cost beneficial for the contractor as the overall cost of the sand is substantially lower.

The Yarding Sand Pit is subject to a lease from the PTAWA. The current lease, which is due to expire in August 2022, has been reviewed and this arrangement will not breach any conditions of the lease.

This new fee and charge will only be allowed for yellow sand extract from the Yarding Sand Pit by a contractor with weighing equipment, such as a "Loadright" and with the prior approval and written authorisation by the Chief Executive Officer (CEO), MOWS or a manager nominated by the CEO.

It has also come to management's attention that there is no sign at the entrance of the Yarding Sand Pit alerting the public that the pit is the property of the Shire. It is recommended that a sign be erected highlighting that the sand pit is the property of the Shire's, that the taking of sand or dumping of materials is not permitted.

As per the lease agreement, the Shire has environmental obligations as a condition of the lease to ensure that no materials are dumped or deposited at the site.

Consultation

Darren Mollenoyux, Chief Executive Officer
Dave Holland, Manager of Works and Services

Statutory Implications

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —(a) imposed* during a financial year; and
(b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Risk Implications

No risk implications

Financial Implications

An additional income receivable for sale of sand, \$5.00, inclusive GST.

Annual lease fee to PTAWA is \$1,200 ex GST.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 - Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.2.5

Moved: Cr Rajagopalan

Seconded: Cr Crooks

That Council;

- 1. Introduce a new fee and charge for the self-extraction of yellow sand from the Yarding Sand Pit for \$5.00 (inc GST) per tonne, with prior approval and authorisation of the CEO, MOWS or nominated manager;**
- 2. Give public notice of 7 days of the intent to introduce the newly adopted fee and charge; and**
- 3. Erect signage at the entrance to the Yarding Sand Pit stating that the Pit is the private property, no taking of materials and/or no dumping of materials.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Agenda Reference and Subject:

10.2.6 Request from Debtor 84168 to Reduce Invoice

File Reference:

8.2.3.2 Accounts – Receivables (Debtors)

Reporting Officer:

Jennifer Bow, Manager of Finance Officer

Author:

Jennifer Bow, Manager of Finance Officer

Disclosure of Interest:

Cr Verhoogt, Cr Negri

Attachments:

Item 10.2.6 – Attachment A Letter from Mr W Verhoogt

Summary

Council is asked to consider a request from Mr W Verhoogt to reduce the invoice issued for yellow sand.

Background

Mr Verhoogt has written to the Chief Executive Officer requesting that the invoice issued to him for the yellow sand for his house pad be reduced due to the fact that he carted the sand from the Yarding Sand Pit himself with borrowed machinery.

Comment

Mr Verhoogt did enquire at the Shire Office to request the delivery of yellow sand to his lot in Curlew Drive for a pad for a transportable house. He was advised that this may not be possible given the short notice of the request and due to the work schedule of Shire Construction Team.

Mr Verhoogt was then advised by TR that his pad would need to be constructed within 24 to 36 hours. Mr Verhoogt then privately arranged for equipment to load and transport the sand from the Yarding Sand Pit to his lot in Curlew Drive.

Mr Verhoogt was not aware that the Yarding Sand Pit was the Shire's property and has apologised to both the CEO and the Manager of Works and Services (MOWS). He also advised that he carted 7 semi-trailer loads of sand to his lot.

The Shire does not have a fee and charge for sand extracted from the Yarding Pit in its list of Fees and Charges for 2021-22. The fee and charge for delivery of yellow sand over quantities of 50 tonnes is \$18.00 including GST. An invoice was raised for Mr Verhoogt for 226T, totalling \$4,068 including GST.

Mr Verhoogt has pointed out that he was not aware that the sand was the property of the Shire's and was of the understanding that the sand could be used in the Shire for local purposes at no cost

He has asked that the Shire consider reducing the invoice to a "supply only" fee. He has stated that a local farmer sells white sand "supply only" for \$9.00 per tonne.

As per the officer's recommendation in the previous item, if the new fee and charge is adopted for the self-extraction of sand from the Yarding Sand Pit, \$5.00 per tonne inclusive of GST, the invoice would be reduced to \$1,130.

Consultation

Darren Mollenoyux, Chief Executive Officer

Dave Holland, Manager of Works and Services

Statutory Implications

Local Government Act 1995

Local Government Act, section 6.12 (c) gives the Council the authority to write off any amount of money.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

which is owed to the local government.

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

Policy Implications

Nil

Risk Implications

Risk: That sundry debtors remain unpaid resulting in less revenue for the Shire.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be a “Moderate” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Reduction in collectable sundry debtors of \$2,938

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Goal 12 - Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.2.6

Moved: Cr Kilminster

Seconded: Cr Foss

That Council considers the request of Debtor 84168 and reduces the invoice issued for yellow sand to the new fee and charge adopted in Item 10.2.5, to \$5.00 per tonne.

CARRIED BY ABSOLUTE MAJORITY 8/0

Mrs JL Bow left the Council Chambers at 3.23pm and did not return.

Mr J Goldacre entered the Council Chambers at 3.25pm.

10.3 Environmental Health Officer

Agenda Reference and Subject:	10.3.1 Proposed Construction of the New Supermarket, Supermarket Minimum Boundary Setbacks, Maximum Plot Ratio, Minimum Landscape Area, and Parking Bays required
File Reference:	A2654 Lots 15 & 19 Johnson Street Bruce Rock
Reporting Officer:	Julian Goldacre Environmental Health Officer
Author:	Julian Goldacre Environmental Health Officer
Disclosure of Interest	Nil
Attachments	<i>Item 10.3.1 - Attachment A Development Application Lot 15 & 19 Johnson Street Supermarket.</i> <i>Item 10.3.1 – Attachment B Shop Floor Plan and Setbacks.</i> <i>Item 10.3.1 – Attachment C Car Parking Bays & areas Commercial Strip of Bruce Rock Townsite.</i>

Summary

Council resolves to approve the Shop Development Application, and furthermore approve Shop building setbacks from the boundaries to zero, other than for the Loading Area uncovered portion, which is setback from the boundary by 8,100mm. And, that the requirement for the Maximum Plot Ratio is ‘one’, and the Minimum Landscape Area is ‘zero’. Furthermore, an advice note is supplied to advise of the National Construction Code requirements for fire safety requirements, and Fire Resistance Levels, as applicable.

Background

At the Ordinary Council Meeting held in November 2021 Council resolved (Resolution OCM Nov 21 – 10.5.3) to proceed to Tender for the construction of the new supermarket building (Shop) on Lots 15, and 19 Johnson Street, as amended (Note – currently to be amalgamated, the Lot number/s could change so Lots 15 and 19 will be read as to mean the same to any changes for these current Lot numbers).

The final Shop building plan in this Development Application is required to be formally endorsed by Council (Attachment B) along with the formality under the *Shire of Bruce Rock Local Planning Scheme No3* (Scheme) for Council to approve the building boundary setbacks, as well as the number of parking bays for vehicles. The required parking bays appears to be arbitrary although there is scope to reduce the number which this Agenda will address, and regarding the Shop setback considerations this is a rudimentary process.

The Shop proposed is a permitted use under the Scheme Table 1 – Zoning Table, notwithstanding this, a Development Application (DA) is still required for the ‘works’ component, as well as consideration of the parking bays requirement, and setback consideration under Scheme Table 2 Development Table (Table 2) and is thus formally tabled for attention.

Comment

For development in designated ‘Zones’ under the Scheme, Table 2 sets out the requirements for Minimum Boundary Setback, Maximum Plot Ratio, Minimum Landscaped Area, and Number of Car Parking Bays (Parking). These matters are at the discretion of local government and as such these considerations fall outside the Scheme permitted use for a shop in a Commercial Zone, notwithstanding a DA is still required for the Shop ‘works’ component, consequently a DA is needed for both requirements (is needed (Attachment A)).

Regarding all these matters other than Parking, the local government can decide setbacks and areas without any reference to prescribed numbers, ratios, and percentages. For Parking the number of bays required is set at '1 for every 15m² of gross floor area', and the Shop area publicly accessible is approximately 850m², yet does not discount shop immovable objects such as, but not limited to, fridges, freezers, racks etc. Consequently, at 850m² area divided by 15m² for Parking would result in a requirement of 56 Parking bays which by any reasonable consideration, especially historically, would be 'excessive'. Notwithstanding this, there is scope to allow a variation to development standards in the Scheme such as those prescribed in Table 2, although this needs to be judiciously considered and then applied.

Firstly, the new Shop land area has no provision for parking, and this is the case for all Commercial Zoned properties on Johnson Street. The parking presently available is facilitated by the local government of Bruce Rock by designation of angled parking bays on the West side of the Johnson Street road reserve. Also, parallel parking is available on the slip road off Johnson Street on the East side along the Railway Reserve, the east side of Johnson Street proper, as well as Bath Street and Bruce Street. Importantly, no parking is reserved exclusively for any Commercial business on Johnson Street, other than designated parking provided in support of the Australian Council of Rehabilitation Organizations on Disability (ACROD).

Attachment C shows the areas for parking within the Commercial strip of Johnson Street. An estimated 78 'car' sized parking bays are available within reasonable proximity to the Shop, as well as further parking bays further afield as highlighted. Collectively the parking presently available reveals a plethora of parking bays. Historically, a lack of parking concern and/or complaint/s has not been recorded by the Shire of Bruce Rock when the former Masons store was operating. The parking presently available is unassigned to a business and is on a 'first in, first parked' basis, and shop operators generally park at the rear of the retail venues. Therefore, in consideration of the Parking requirements the following key considerations are offered:

- a) the historical nature of persons engaging with retail establishments on Johnson Street and for which no complaints are on record about lack of car parking,
- b) the parking is wholly provided by the local government of Bruce Rock on managed road reserve with no parking bay discrimination provided to specific retail business,
- c) The Lot sizes on the Commercial Zoned areas are too limited in ability to accommodate onsite public parking, with some Lots exceptionally small and wholly relying on the Shire of Bruce Rock-provided street parking,
- d) no public parking is currently supplied onsite at any existing commercial retail premises, and
- e) Table 2 would be for considering parking bay numbers within a Lot, in the first instance, before making application to use the local government of Bruce Rock public parking areas and/or roads as an offset as was the case for the Bruce Rock Engineering 'Bedrock Village' parking bays.

Therefore, it would be most prudent to consider the currently supplied public parking bays and areas on both Bath and Johnson Streets provided by the Shire to be suitably sufficient. For the empirical purpose of determining available number of parking bays and parking areas the figure of 34 parking bays and areas is assigned, thus leaving 44 parking bays and areas available for other businesses in the vicinity of the Shop.

For the purpose of consideration of the Shop building setbacks from the boundary as shown in Attachment B by the red line reveals:

- a) Zero millimetres setback distance of the front (East) boundary of the Shop wall for a wall length of 30,040 millimetres,
- b) Zero millimetres setback distance of the side (North) boundary of the Shop wall for a wall length of 50,100 millimetres,
- c) Zero millimetres setback distance of the side (South) boundary of the Shop wall for a wall length of 42,200 millimetres.

- d) Zero millimetres setback distance of the West side portion boundary of the Shop Loading Yard Covered area for a length (North-South) of 9,500 millimetres, and
- e) 8,100 millimetres setback distance of the West side portion boundary of the Shop Loading Yard Uncovered area between the Shop wall and boundary for a length (North-South) of 20,250 millimetres.

With regards to the above wall and area lengths quoted, the measurements are subject to slight variations of up to 10% for reasonable variations for Planning purposes

For Commercial Zoned areas a ‘Zero’ setback is not unusual and is clearly evidenced by the current Bruce Rock townsite buildings adjoining party walls, and ‘on the footpath/verge’ shop frontages. The *Building Act 2011* adopting the National Construction Code deals with matters of fire proofing and fire resistance levels for building compliance where buildings are adjoining or are in proximity and whilst this is outside the scope of Planning, it does make for a prudent Advice Note. It is observed in Attachment B that the Shop North wall on the boundary is fire rated for the full length of the building which deems this matter as being dealt with. For the proposed Shop the setbacks detailed are appropriate for this building in a Commercial Zoned area, consequently, Council can determine the setback of ‘zero’ for all sides at the Lot boundary, other than the 8,100mm setback variation for the Loading Area uncovered on the West side.

Regarding the Maximum Plot Ratio and Minimum Landscape Area matters this is not an applicable consideration for this proposed Shop in a Commercial Zone in this instance which occupies the whole area of the Lots with predominantly zero setbacks. Consequently, the Maximum Plot Ratio for the Shop building is determined to be ‘one’, and the Minimum Landscape Area requirement is determined to be ‘zero’.

Attachment B (Pgs. DA0.01 to DA4.01 inclusive) reveals the DA plans for the proposed Shop. Council has previously resolved (Resolution OCM Nov 21 – 10.5.3) to proceed to Tender for the construction of the new Shop, and despite this, due to the ‘works’ component of the development formal development approval is required. Given the extensive Council, Senior Staff, and Public consultation, research and development undertaken it is duly appropriate that the DA for the Shop ‘works’ is able to be approved by Council with no due concerns.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Mr Tim Reed, Acting Planning Manager, Land Use Planning, Dept. of Planning, Lands and Heritage, and
 Mr Brad Wetherall, Project Architect, Office of Regional Architecture.

Statutory Implications

Shire of Bruce Rock Local Planning Scheme No3

Policy Implications

Nil

Risk Implications

Risk: Complaint/s about inadequate parking		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 3 Assist the local economy to grow
- 3.5 Improve signage, infrastructure and aesthetics to link both sides of the Bruce Rock main street that encourages patronage and a reason to visit / stop

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.3.1

Moved: Cr Negri
Seconded: Cr Rajagopalan

Officer Recommendation

That Council

1. Approves the Development Application for the Shop as presented in Attachment B, pages DA0.01 to DA4.01 inclusive,
2. Endorses the Development Application that up to 34 parking bays within the immediate catchment of local government of Bruce Rock provided parking bays are readily available for public patronage of the Shop on Johnson Street is deemed to be sufficient,
3. Endorses the Development Application that the Shop building on Lots 15 and 19 Johnson Street (as amended) setbacks, with a slight margin of error allowed up to 10%, plus or minus of:
 - a) Zero millimetres setback distance of the front (East) boundary of the Shop wall for a wall length of 30,040 millimetres,
 - b) Zero millimetres setback distance of the side (North) boundary of the Shop wall for a wall length of 50,100 millimetres,
 - c) Zero millimetres setback distance of the side (South) boundary of the Shop wall for a wall length of 42,200 millimetres.
 - d) Zero millimetres setback distance of the West side part boundary of the Shop Loading Yard Covered area for a length (North-South) of 9,500 millimetres, and
 - e) 8,100 millimetres setback distance of the West side part boundary of the Shop Loading Yard Uncovered area between the Shop wall and boundary for a length (North-South) of 20,250 millimetres.
4. Decides the Development Application requirement for the Maximum Plot Ratio is 'one', and the Minimum Landscape Area is 'zero',
5. Provides in good faith for information purposes only, and is not limited to, the following advice note:
 - a) Whilst the Planning determination of a zero setback of the shop building wall to the Lot boundary where it affects another building will require certain provisions of the National Construction Code to be implemented for the purpose of the fire safety requirements, and Fire Resistance Level to ensure structural adequacy, integrity and insulation is maintained in the event of a fire for protection of life and property, and any other relevant provisions under the National Construction Code to ensure the same.

Carried 8/0

Mr J Goldacre left the Council Chambers at 3.33pm and did not return.

10.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

10.4.1 Shire President Stamp

File Reference:

Reporting Officer:

Alan O'Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp November 2021.

Background

Nil

Comment

As per Council's policy, the Shire President Stamp has been used during the months of November 2021 as follows:

- Asset Transfer Agreement (Water Corp Tent)
- Community Water Supply Grant Application
- Agreement for Landfill Services between Shire of Bruce Rock and Colin Brownley

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.4.1

Moved: Cr Kilminster

Seconded: Cr Waight

That Council endorse the use of the Shire President Stamp during October 2021.

Carried 8/0

Agenda Reference and Subject:

10.4.2 Shire Common Seal

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire Common Seal in November 2021.

Background

Nil

Comment

As per Council’s policy, the Shire Common Seal has been used during the months of November 2021 as follows:

- Asset Transfer Agreement (Water Corp Tent)
- Agreement for Landfill Services between Shire of Bruce Rock and Colin Brownley

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.4.2

Moved: Cr Kilminster

Seconded: Cr Verhoogt

That Council endorse the use of the Shire Common Seal during November 2021.

Carried 8/0

Agenda Reference and Subject:

10.4.3 E-Rotary Request for sponsorship

File Reference:

8.2.7.5 Sponsorship Requests

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider a request from the Rotary E-Club of Western Australia to sponsor two Bruce Rock Youths to attend the Rotary (RYPEN) Youth Development Camp in 2022.

Background

A request has been received from Kero O’Shea from E-Rotary WA to sponsor two Bruce Rock Youths to attend the Rotary RYPEN Youth Development Program (Camp) in 2022. The email request states (in part) the following:

Regarding our request for support from the Shire for our very popular (RYPEN) Rotary youth development program for 14-17 year olds. In past years Bruce Rock Shire has very kindly sponsored two attendees annually, subject to them being resident in the Shire. We respectfully seek support from the Shire for two places, as previously, and request funding at the rate of \$330 per place.

RYPEN provides opportunities for young people aged 14-17 to:

- develop and challenge themselves;
- develop their self-esteem and confidence;
- develop skills including leadership, teamwork, communication, goal setting & problem solving;
- build a network of young people and to make new friends; and
- enjoy a weekend of fun.

Comment

Council has supported the E-Rotary RYPEN initiative in previous years and on these occasions this has led to positive outcomes for both the individuals concerned and also the community as a whole, as the skills and benefits are brought back to the Shire, including two past participants becoming RYPEN Ambassadors.

Consultation

Darren Mollenoyux, Chief Executive Officer
Jennifer Bow, Manager of Finance
Kero O’Shea, E Rotary WA

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not support the RYPEN Scholarship		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

There is funding available to support initiatives such as this in the Council Donation Expenditure. The total amount to sponsor two places will be \$660.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Community

Goal 7: Our community are engaged and have a healthy lifestyle.

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Dec 21 – 10.4.3</p> <p>Moved: Cr Rajagopalan Seconded: Cr Foss</p> <p>That Council approves sponsorship of \$660 for two Bruce Rock youths to attend the Rotary RYPEN Youth Development Camp in 2022.</p> <p style="text-align: right;">Carried 8/0</p>

Agenda Reference and Subject:

10.4.4 Review of Delegated Authority Register

File Reference:

2.3.1.5 Delegations Register

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.4.4 Attachment A - Delegation Register 2021-2022

Summary

The Shire of Bruce Rock’s Delegated Authority Register is to be reviewed every financial year.

Background

In accordance with the Local Government Act 1995 section 5.46 (2), at least once every financial year the Delegated Authority Register is to be reviewed by the delegator, which is Council.

Comment

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority decision.

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government’s powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate some of his or her powers to another employee. This must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations if he or she desires.

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of the Delegations Register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The delegations ensure that the Administration acts in a timely manner to provide services to the public, residents and customers.

The Delegations Register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council. Council is required to review and endorse the list of delegations to the Chief Executive Officer.

This Delegation Register Review has been completed with regard to a new “Delegation Register” Template which has been compiled and circulated by WALGA and is intended to provide a more comprehensive approach to the subject, covering many of the Delegations required by Local Government Officers. Therefore, in utilising the Template provided by WALGA, it is intended that many more Delegations can be created to facilitate more efficient operation of Council and Shire’s business, without having to refer to Council to request a Delegation which did not previously exist. All Delegations in the new Register are compliant with the Act, having been created by WALGA’s Governance and Compliance specialist, Lyn Fogg. The DCEO has liaised comprehensively with Ms. Fogg in considering how many and which Delegations are appropriate for Bruce Rock for use either now, or at some point in the future when it is foreseeable that they might be needed.

Consultation

Chief Executive Officer, Darren Mollenoyux
Manager of Finance, Jennifer Bow
Environmental Health Officer, Julian Goldacre
Lyn Fogg, Governance Advisor - Sector Support and Advice, WALGA

Statutory Implications

Local Government Act 1995, s5.42 to s.5.44 and s.5.46

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.4.4

Moved: Cr Negri

Seconded: Cr Rajagopalan

That the Chief Executive Officer be provided with the specified delegations as per Attachment A December 2021 Delegation Register.

CARRIED BY ABSOLUTE MAJORITY 8/0

Agenda Reference and Subject:

10.4.5 New Council Policy 3.12 – Management of Complaints about Elected Members

File Reference: 1.2.4.4 Policy Manual

Reporting Officer: Alan O’Toole, Deputy Chief Executive Officer

Author: Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 10.4.5 Attachment A – Draft Policy 3.12 Management of Complaints about Elected Members*

Summary

Council is asked to consider the adoption of this new Policy concerning Management of Complaints with regard to Elected Members, following the implementation of Regulations from the Department of Local Government, Sport and Cultural Industries, which were brought into force on 3 February 2021. This Policy works in conjunction with the Model Code of Conduct for Elected Members, adopted at the February 2021 Ordinary Meeting of Council (OCM).

Background

Following the activity involved in the Local Government Act Review, including recommendations which have been subject to consultation with the Sector, on 3 February 2021 the Department of Local Government, Sport and Cultural Industries (DLGSCI) informed all Local Governments of new requirements under a variety of legislation.

One of these requirements was the adoption of a Code of Conduct specifically for Elected Members. (Prior to this, the Shire had a combined Code of Conduct which applied to both Staff and Elected Members). Part of the new Code of Conduct for Elected Members dealt with the management of Complaints about alleged Breaches with regard to the behaviour of Councillors. Section 15 (2) of this Code states: “The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.”

At the February 2021 OCM Council were also asked to authorise an Officer who could receive and withdraw complaints about Council Members. Council can also to delegate the authority to select an appropriate person for this role to the Chief Executive Officer. In the first instance and to ensure compliance from the 24 February 2021, Council authorised the CEO as the Complaints Officer, while awaiting further information and advice being made available from the DLGSCI and WALGA. At the time of the new legislation being implemented, WALGA had advised its member Councils that it would develop templates of Policies and Committee establishment, and appropriate Terms of Reference to assist Local Governments in dealing with complaints.

The WALGA Complaints Management Policy template refers to the appointment of a *Complaints Assessor*, and that this position should be independent of Council. It also recommended that Council’s Procurement Policy could be utilised to source quotations for this position. However, rather than the individual local governments sourcing external Assessors at cost, at one of the subsequent Wheatbelt East Regional Organisation of Councils (WEROC) Board meetings, it was suggested that a panel of names from WEROC Member Councils be submitted that could be called upon to act as a Complaint Assessor if required. In a further effort to ensure impartiality, a Complaint Assessor could be sourced from a non-adjointing Member Council.

Comment

Since this time, WEROC, and particularly the Shire of Yilgarn, has liaised with and referred draft documents to WALGA, which has indicated that this approach appears consistent with how some other groups of Councils intend to manage assessment of complaints.

It is therefore proposed that Policy 3.12 be adopted to guide Council should a Complaint be made about an Elected Member.

Consultation

Darren Mollenoyux , Chief Executive Officer
Members of Wheatbelt East Regional Organisation of Councils (WEROC).

Statutory Implications

Local Government (Model Code of Conduct) Regulations 2021
Local Government Act 1995, Section 5.39C and 5.36 (2)
Local Government (Administration) Amendment Regulations 2021

Policy Implications

New Policy

Risk Implications

Risk: Council does not adopt Policy 3.12 – Management of Complaints about Elected Members.		
Likelihood	Consequence	Rating
Unlikely	Major	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Moderate” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

By appointing a Complaints Assessor from within the WEROC structure, Council will avoid the potential cost of procuring an independent person or body, who/which may require payment for carrying out the role.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 10 Our organisation is well positioned and has capacity for the future.
Goal 12 Council leads the organisation in a strategic and flexible manner.

Voting Requirements

Absolute Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Dec 21 – 10.4.5</p> <p>Moved: Cr Crooks Seconded: Cr Waight</p> <p>1) That Council adopt new Policy 3.12 – Management of Complaints about Elected Members. 2) That Councillor Stephen Strange be nominated to represent the Shire of Bruce Rock on the WEROC Complaints Assessor Panel.</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 8/0</p>

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 Proposed Local Government Reforms Submission

File Reference:

2.3.3.1 Local Government Act 1995

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Attachment A – Local Government Reform Summary of Proposed Reforms WALGA Submission
Attachment B – Local Government Reform 2021 Fact Sheets

Summary

Council is asked to consider making a submission to the Department of Local Government, Sport and Cultural Industries in relation to their proposed Local Government Act Reform and consider WALGA's submission.

Background

On the 10th November 2021, The Minister for Local Government released a Media Statement announcing the Proposed Reforms of the Local Government Act and called for public consultation and submission of the proposed reforms.

The reforms are based on the findings and recommendations of a number of reports and consultation undertaken over the past five years, and represent the most significant package of reforms to local government in Western Australia since the Local Government Act 1995 was introduced more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

The package will build upon reforms introduced in the previous term of the McGowan Government, including new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

The consultation period is open for feedback on the implementation of the reforms. Further details on the proposed reforms can be found at <http://www.dlgsc.wa.gov.au/lgactreform>

The Department of Local Government's **Local Government Reform Fact Sheets** are attached for Councillors' reference.

The period for consultation has been extended and will now close on the 25th February 2022.

WA Local Government Association has already commenced their consultation process to gauge a sector response to the proposed reforms. The CEO distributed the attached "**Local Government Reform WALGA Advocacy Positions and Recommendations**" document to Councillors via email on the 3rd December 2021

to enable sufficient time to review the proposed reforms. This document is provided as an attachment to this item.

WALGA have provided the following process for sector submission;

“The following is the suggested process for a sector submission on the Local Government Legislative Reform Program;

- *Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5pm 28 January 2022*
- *February 2022 – Zone Meetings to consider a draft sector submission*
- *Wednesday 23 February at 4pm – WALGA Special Meeting of State Council via video conference to endorse submission*
- *Friday 25 February - WALGA to present submission to the State Government.*

Please note that the sector currently have positions on 27 of the 44 positions and will require positions on the remaining 17.”

The WALGA Great Eastern Zone Executive Officer has advised of the Zone’s process;

“Feedback from Local Governments has been requested by 12 January 2022. Following the receipt of submissions an agenda item will be prepared for State Council consideration on 2 February 2022. The agenda item will go out in late January and the Zone can consider whether to hold a meeting virtually or whether to provide feedback direct to the Zones State Councillor.

I will email the Zone in mid-January to enquire as to which method of providing input is preferred.”

Comment

These proposed reforms will be the most significant reforms on Local Government since the introduction of the Local Government Act 1995. Overall the proposed reforms will benefit the sector greatly and are supported with some feedback and consideration to strengthen feedback.

Whilst the WA Local Government Association will make this submission on behalf of the sector it is encouraged that Council also makes a submission to reinforce key points and highlight any concerns.

Individuals are also able and are encouraged to make their own submission and therefore Councillors may wish to also make their own submission to the Department of Local Government.

The Chief Executive Officer has reviewed the proposed reforms and specifically WALGA’s *“Local Government Reform – Summary of Proposed Reforms, WALGA Advocacy Position and recommendations”* document. The concerns that have been identified in the proposed reforms have been captured by WALGA’s document are in line with views of Council that have previously been raised through other reviews or from Council or Senior Management discussions.

The reporting officer is of the view that Council should endorse *“Local Government Reform – Summary of Proposed Reforms, WALGA Advocacy Position and recommendations”* document, as presented.

There are a few key points of concern and clarification on Council’s views to WALGA’s document that Council may resolve to highlight to both WALGA and in a separate submission to the Department of Local Government. Staff have also identified two additional requests for change to reduce red tape outlined below.

The additional points are;

4.3 Introduction of Preferential Voting

The Reform Proposal is:

- Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections.
- In preferential voting, voters number candidates in order of their preferences.
- Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect.
- All other states use a form of preferential voting for local government.

WALGA's comments;

Current Local Government Position

Item 4.3 does not align with Advocacy Position 2.5.1 – 'First Past the Post voting system'

The Local Government sector supports:

1. *Four year terms with a two year spill*
2. *Greater participation in Local Government elections*
3. *The option to hold elections through:*
 - *Online voting*
 - *Postal voting, and*
 - *In-person voting*
4. *Voting at Local Government elections to be voluntary*
5. *The first past the post method of counting votes*

Comment

It should be noted that the sector's advocacy against compulsory voting and "All in All out" 4 year terms has been successful and these items are not included in the reform proposals.

The introduction of preferential voting will be a return to the system of voting prior to the Local Government Act 1995. The Local Government Advisory Board reported on voting systems in 2006 ('Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities') and provided the following comments in support of both first past the post voting and preferential voting:

'Comments in support of retaining first past the post include:

- *Quick to count. Preferential voting is time consuming to count.*
- *Easily understood.*
- *Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government.*
- *Preferential voting allows election rigging through alliances or 'dummy' candidates.*
- *In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.'*

▪ 'Comments in support of replacing first past the post include:

- *Preferential voting is more democratic and removes an area of confusion.*
- *Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.*
- *Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place.*
- *FPP does not adequately reflect the wishes of electors when there are three candidates or more.*
- *FPP is unsuitable when there is more than one vacancy.*
- *Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.'*

The Sector supports first past the post voting for its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported. Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.

Recommendation

Not currently supported - Local Government feedback requested

Reporting Officer's Comment

Does Council support the proposed change to method of Electoral Voting to be Preferential Voting?

4.5 Tiered Limits on the Number of Councillors

The Reform Proposal is:

- It is proposed to limit the number of councillors based on the population of the entire local government.
- Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.
- The Local Government Panel Report proposed:
 - For a population of up to 5,000 – five councillors (including the President)
 - population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)
 - population of above 75,000 – nine to fifteen councillors (including Mayor).

WALGA's Comment;

Current Local Government Position

Item 4.5 does not align with Advocacy Position 2.5.1 – 'Councils consist of between six and 15 (including the Mayor/President)'

Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)

Comment

The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjaraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater number of Councillors to effectively share the representative role that Council Members play within their communities.

The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.

WALGA Recommendation

Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.

Reporting Officer's Comments

From initial discussions at the November 2021 Ordinary Council Meeting, Council strongly opposes the proposal to limit Councillors to only 5 for Councils with a population of less than 5,000.

It is recommended that Council endorses WALGA's recommendation and prepare additional information to strengthen the argument for Local Governments with populations up to 5,000 be able to have between 5 – 7 Council Members. This additional information will focus on example of impacts on our Council and how hard it would be to manage the balance of only 5 Councillors. It would be unreasonable for only 5 Councillors to be adequately and effectively serve on the many Council, Community and Regional committees, delegations and representatives.

6.6 Audit Committees

The Reform Proposal is:

- To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government.
- Audit Committees would also need to consider proactive risk management.
- To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees.
- The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.

WALGA's Comment;

Current Local Government Position

Item 6.6 does not align with Advocacy Position 2.2.4 – Accountability and Audit

That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.

Comment

The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.

The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.

It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet separately with each Local Government within the region?

There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.

The proposal for the Audit Committees to also consider proactive risk management is supported.

WALGA's Recommendation

1. *Do not support majority independent members of the Audit Committee*
2. *Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues.*

Reporting Officer's Comment

That Council supports the recommendation of WALGA as it would be extremely unlikely that Council would be able to attract adequately skilled or interested external independent members for our Audit and Risk Committee.

3.5 CEO Key Performance Indicators (KPIs) be Published

The Reform Proposal is:

To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:

- o Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)
- o The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)
- o The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).

WALGA's Comments

Current Local Government Sector Position

There is currently no advocacy position in relation to Item 3.5.

Comment

In principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and operational function of the Local Government.

In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.

The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.

Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.

The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.

WALGA's Recommendation

1. *Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature;*

2. *Do not support the results of performance reviews being published.*

Reporting Officer's Comment

That Council supports the recommendation provided by WALGA, where the KPI's would be published on Council's website and required Reports, however the results should not be published due to the reasons outlined by WALGA's comments above.

Additional Matters

Officers have identified the additional points to be considered outside the proposed reforms and request Council consider endorsing the inclusion of these to WALGA and the Department of Local Government subsequent submissions.

1. Valuations required prior to the disposal of property.

This is not listed as a specific reform item but by having a threshold before a valuation is required would be beneficial. Currently, valuations start at \$3,000 and in some instances this is more than the property or lease is worth. Also the requirement that the valuation must be less than 6 months old can also be costly, particularly when the property market is relatively stable (especially in the country) and Council must obtain another valuation.

Clarification on who can provide the valuation would also be beneficial, as a Real Estate Agent could provide a market appraisal for property under a certain threshold. This would be more cost effective than a full valuation from a licensed valuer.

2. Requirement to complete a monthly financial statement for each month.

This is not listed as a specific reform item but to include an exemption to not prepare a Monthly Financial Statement for a month when Council does not meet.

Our Council does not hold a Council meeting in January, however a Monthly Financial Statement for December must still be prepared. Council receives it at the meeting, but it is not discussed as the January Monthly Financial Statement supersedes the December Financial Statement.

Consultation

Members of Senior Management Team
WA Local Government Association
LG Professionals
WEROC CEO's Group

Statutory Implications

The Local Government Act 1995

Policy Implications

There will be numerous changes required to Council's Policy Manual when the Local Government Reforms are implemented, however the timeframe and specifics of policy change are unknown at this stage.

Risk Implications

Risk: There will be significant compliance and legislative changes with the reforms and will result in increased costs and administrative burden, however there will also be significant improvements and benefits from the proposed reforms for the sector. Should the implementation of a maximum of 5 Councillors for our Council there would be significant risk to attracting Councillors due to additional time and commitment to the role.

Likelihood	Consequence	Rating
Likely	Moderate	Moderate

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.

Financial Implications

Should the proposed reform be implemented by the Department of Local Government, there may be some administrative costs associated with the governance and reporting on some of the requirements, especially in the early stages of implementation. The time required to administer and associated costs are unknown at this stage.

Medium to long term should see some administrative cost savings with changes to some of the required red tape and legislation.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 10 – Our organisation is well positioned and has capacity for the future

Goal 12 – Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 10.

Moved: Cr Rajagopalan

Seconded: Cr Verhoogt

That Council endorses WALGA’s “Local Government Reform – Summary of Proposed Reforms, WALGA Advocacy Position and recommendations” in response to the Department of local Government’s Local Government Reform Consultation, with the following to be included;

- 1. Position on preferential voting to be determined by Council.**
- 2. Strengthen the response and give case evidence on effects of reducing Council numbers to 5.**
- 3. Include additional comments to seek reform on;**
 - a) Valuations required prior to the disposal of property**
 - b) Requirement to complete a monthly financial statement for each month**

Carried 8/0

Agenda Reference and Subject:

10.5.2 Request for Installation of Monument – Bruce Rock Cemetery

File Reference: **1.7.1.4** Monumental Works

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: Nil

Summary

Council is asked to consider a request for a nonstandard monument placement on plot 604, at the Bruce Rock Cemetery.

Background

A request has been received from McKenzie Family Funerals and Monumental Works, on behalf of a family seeking to install additional monument/s on plot 604 at the Bruce Rock Cemetery.

Currently plot 604 has two monuments erected, one at the head of the plot and one at the bottom, with 4 sets of ashes.

The applicant is seeking approval to intern additional ashes and another one or two monuments to be erected on plot 604.

Comment

Staff have reviewed the cemetery records and this type of request/approval has not been sought before. Staff have visited the Bruce Rock Cemetery to gain a visual understanding of the request and what already exists.

In regard to the request to place additional ashes in plot 604, Council's Cemeteries Local Law states;

5.7 (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

Therefore, if Council (as the Board) approves the request and proof of approval is provided by the holder of the right of burial of the grave, this request can be proceeded.

In considering the request to place one or two additional monuments on plot 604, Council needs to consider its section 7.2 of the Shire of Bruce Rock Cemeteries Local Law which states;

*7.2 Placement of Monumental Work
Every memorial shall be placed on proper and substantial foundations.*

The request also needs to be in line with the Cemeteries Act 1986

*30. Permission for memorials
(1) A person who wishes to place or erect a memorial in a cemetery shall apply to the Board specifying the proposed location, design and materials of which the memorial is to be composed and the Board may approve or, if the Board considers the location*

to be incorrect or the proposed memorial to be inappropriate or indecorous or contrary to a local law or by law, refuse the application.

The following points need to be considered by Council in approving this request;

1. Will having additional monuments impact the plot, and will there be substantial foundations that will not create or affect the stability of monuments located in close proximity?
2. The aesthetics and appearance of having additional monuments on the single grave, and overall appearance or impact on adjoining plots and the overall cemetery.
3. This is the first type of request on this nature and would create a precedent for future requests.

As part of the Council Meeting Bus Tour, Council will inspect the site to receive an overview of the request.

Consultation

Caris Negri, Community Development Officer (Cemetery Records)
McKenzie Family Funerals and Monumental Works

Statutory Implications

Local Government Act 1995

Cemeteries Act 1986

30. Permission for memorials

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

Shire of Bruce Rock, Local Law Relating to the Management and Control of the Bruce Rock Cemetery 2004, Reviewed 2019

5.7 Disposal of Ashes

- (1) *The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—*
Niche Wall
Memorial Wall
Garden of Remembrance
Ground Niche
Memorial Rose, Tree or Shrub
Family Shrub
Memorial Desk
Granite Seat
Family Grave
Book of Remembrance
Scattering to the Winds
Memorial Gardens
Other memorials approved by the Board
- (2) *Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.*
- (3) *An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided—*

- (a) the person requesting the placement of the ashes has the permission of the Board; and
 (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 7—Memorials and Other Works

Division 1—General

7.1 Application for Monumental Work

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

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations.

7.16 Carrying out Monumental Works

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason’s licence issued pursuant to clause 7.14 or does so as the employee of a person who holds such a licence; or
 (b) is authorised by the Board to do so

Policy Implications

Nil

Risk Implications

Risk: That the approval could create a precedent and affect the aesthetics and appearance of the Bruce Rock Cemetery. The additional monuments may become unstable over a period of time.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

The following fees are associated with this request;

- Internment of Ashes \$186
 Monument Approval \$62

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council approves/declines the request for interment of additional ashes in plot 604, at the Bruce Rock Cemetery; and

That Council approves/declines the request for a nonstandard monument/s placement on plot 604, at the Bruce Rock Cemetery.

Cr decision varied to Officer Recommendation to approves the request for interment of additional ashes in plot 604, at the Bruce Rock Cemetery; and declines the request for a nonstandard monument/s placement on plot 604, at the Bruce Rock Cemetery as it was deemed the request was outside the parameters of the standard requirements for the installation of a monument/s.

COUNCIL DECISION

Resolution OCM Dec 21 – 10.5.2

Moved: Cr Negri

Seconded: Cr Waight

That Council approves the request for interment of additional ashes in plot 604, at the Bruce Rock Cemetery; and

That Council declines the request for a placement of additional monuments on plot 604 at the Bruce Rock Cemetery, and that staff provide alternative proposals for the family to consider, via the stonemason.

Carried 8/0

11. Regional Reports

Agenda Reference and Subject:	11.1.1 CEACA Meeting Minutes
File Reference:	4.1.10.1 Minutes and Agendas CEACA
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.1.1 Attachment A – CEACA General Committee Minutes</i> <i>Item 11.1.1 Attachment B – CEACA Annual General Meeting Minutes</i>

Summary

Council is asked to receive the minutes from the previous CEACA Inc. Meeting.

Background

The 9 member Councils of the Central Eastern Aged Care Alliance (CEACA Inc.) held its General and Annual General Meeting on the 8th November 2021 at the Kellerberrin Recreation Centre.

Comment

To assist with the Councillors' continued understanding and updates on CEACA Inc. and its associated projects, the minutes will be presented for receiving after each CEACA Inc. meeting.

The matters raised in these minutes were discussed and overview provided by the CEO and President at the November 2021 Councillor Information Session.

A full copy of both sets of the minutes has been provided to Council for their reference.

Consultation

Discussions were held at the CEACA Inc. Committee Meeting

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Council has a budget provision of \$20,000 for its CEACA Inc. Membership in the 2021/2022 financial year.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

- | | | |
|------|-----|--|
| Goal | 7 | Community are engaged and have a healthy lifestyle |
| | 7.1 | Encourage and help facilitate the administration of the planned CEACA units |
| | 7.3 | Continue to work towards achieving the strategies of the Age Friendly Community Plan |

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 21 – 11.1.1

Moved: Cr Foss

Seconded: Cr Kilminster

That Council receives the minutes of the CEACA Inc General Meeting and Annual General Meeting held on the 8th November 2021 at the Kellerberrin Recreation Centre.

Carried 8/0

Agenda Reference and Subject:

11.1.2 WEROC Inc Meeting Minutes December 2021

File Reference:

1.6.9.1 Minutes and Agendas WEROC Inc

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.1.2 Attachment A - WEROC Annual General Meeting Minutes

Item 11.1.2 Attachment B - WEROC Inc Board Meeting Minutes

Item 11.1.3 Attachment C – EHO Notes Sheet WEROC Regional Landfill by ASK Consulting

Summary

Council is asked to receive the minutes from the previous WEROC Inc Board Meeting.

Background

The last WEROC Inc Board Meeting and Annual General Meeting were held on 22nd November 2021 at the Kellerberrin Recreation Centre.

Comment

To encourage the WEROC Inc partnership and promote a better understanding by all Councillors it is recommended that WEROC Inc minutes be read and received by Council.

The following items are highlighted for Council's attention;

10.1 Annual General Meeting

In line with the rotational Agreement of WEROC Chair the Shire of Kellerberrin now holds the Chairpersons' position for WEROC Inc.

It should be noted that there has been a significant turnover of delegates for WEROC, however the information package that the Executive Officer, Rebekah Burgess provided to each delegate was well received and provided excellent overview and understanding of WEROC.

7.1 WEROC Executive Officer Contract Review

With the contract term of the WEROC Executive Officer set to expire on the 28th February 2022 a review of the position was undertaken and the WEROC Board resolved to extend the contract of 150Square Strategic Solution (Rebekah Burgess) for the delivery of Executive Services until the 28th February 2024.

7.4 WEROC Inc Tourism Projects

The revised WEROC Tourism Product Audit was circulated to Board Members, via email on 7 October 2021. The revised document now includes a summary of accommodation gaps and opportunities and contains details of accommodation providers in each of the WEROC Shires.

Each Member Council provided feedback on the documents including their priorities. The following comments were made at the meeting around the direction for this project;

Comments from the meeting:

- The top four tourism priorities by consensus are:
 1. Caravan and camping
 2. Nature, parks, and reserves
 3. Trails
 4. Events
- Each Member Shire will take the agreed priorities to their respective Councils for further discussion.
- The Executive Officer will send a template for Shires to complete, advising projects already underway, planned or desired under each of the four priority areas. The template will also ask Shires to provide information on events, their scheduled dates, and the level of influence they have over them.
- Ms. Glenice Batchelor advised that Ms. Mandy Walker from RDA Wheatbelt has suggested that groupings of local governments should consider collaborative projects for the next round of the Building Better Regions Fund. This could present an opportunity for a group tourism project.
- Mr. Raymond Griffiths suggested with regard to events, that rather than looking at new events, it might be better to promote events that already exist and that aren't necessarily promoted well. It is also important to make sure that events throughout the region do not clash.

The meeting resolved as follows;

That:

1. *The agreed tourism priorities for WEROC be caravan and camping, nature, parks and reserves, events, and trails.*
2. *That each Shire provide the Executive Officer with information on tourism projects planned, in-progress or desired under each of the four priority areas before the next meeting to facilitate further discussion on next steps.*

The Shire's Community Development Officer is currently completing the template provided and will report Bruce Rock's information back to the WEROC Executive Officer.

7.5 Review of WEROC Inc Strategic Plan 2020

A desktop review was undertaken of the plan at the meeting with the following comments being made in relation to the current Strategic Plan;

- Mr. Darren Mollenoyux suggested that WEROC should not change course too much.
- Ms. Glenice Batchelor suggested that the strategic aspects of the plan (i.e., the vision, mission, values and strategic priorities) remain the same but the actions be re-assessed.
- The following amendments to the Strategic Plan were requested:
 - Change the ranger and regulatory services priority to inter-council cooperation.
 - Change the regional waste management priority to sustainability and incorporate actions around climate change readiness as well as short-and long-term solutions for waste management.
 - Include the 'possible actions' for visitor economy under the tourism product development.
 - Actions relating to Public Health Planning and Records Management to be included under inter-council cooperation.
- The Shire of Yilgarn advised that they are considering establishing a designated area migration agreement (DAMA) and questioned whether this could be included as an action under inter-council cooperation. All Shires were supportive of this.
- The Shire of Kellerberrin advised that they would like a workplace health and safety officer to be considered as a shared resource across WEROC. The Shire of Bruce Rock advised that they have already been approached by a neighbouring shire about entering into a shared resource arrangement. The Shire of Merredin advised that they have done some internal capacity

building in this space. Both Bruce Rock and Merredin are happy to be involved in the conversation but are not able to commit. All other Shires are supportive. This will be included as an action under inter-council cooperation.

The following resolutions were made;

That:

- 1. The Executive Officer update the WEROC Inc. Strategic Plan as per the discussion and direction provided by the Board; and*
- 2. As an immediate priority, the Executive Officer to draft a request for quote for the provision of workplace health and safety services.*

7.4 Consultants ASK - Presentation on Waste Management Audit Approach

Mr. Samuel Green, Senior Consultant with ASK Waste Management presented the draft Strategic Waste Management Plan and landfill rationalization study for WEROC Local Governments.

Each Local Government was requested to provide a response to the documents during the month and Council's EHO, Julian Goldacre provided a thorough review and report back to WEROC which was distributed and considered by ASK and other member Councils.

General comments from the meeting included;

- Ms. Glenice Batchelor questioned if the scope for the waste strategy included recycling and if not, could ASK Waste Management be requested to look at this as an option and provide the economics on it.
- Mr. Darren Mollenoyux suggested that it might be a valuable exercise for Environmental Health Officers to visit Corrigin to gain insight into the ROEROC regional waste management facility and how this operates.
- Mr. Raymond Griffiths suggested that there should be short-to-medium term solutions to get through the next five years (e.g., transfer stations and regional landfills in Merredin and Southern Cross) and a longer-term solution (e.g., a greenfield site).
- The landfill rationalization options proposed by ASK Waste Management along with a fifth option of establishing a greenfield site, will be taken back to individual Councils for consideration. The Executive Officer will advise ASK Waste Management that more time is required to consider the options.

The meeting resolved as follows;

That:

1. Each Shire to consider the four options proposed by ASK Waste Management and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year.
2. The Executive Officer to advise ASK Waste Management that more time is required to consider the options and that a response will be provided after December Council meetings.

The CEO will seek Council's EHO Mr Julian Goldacre to attend the Council meeting during this item to provide an overview and his direction on the options being considered.

Consultation

Julian Goldacre, Environmental Health Officer

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WEROC Inc Board meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Dec 21 – 11.1.2</p> <p>Moved: Cr Rajagopalan Seconded: Cr Waight</p> <ol style="list-style-type: none"> 1. That Council receives the minutes of the WEROC Board Meeting and Annual General Meeting held on the 22nd November 2021 at the Kellerberrin Recreation Centre. 2. Consider the four options proposed by ASK Waste Management in their Strategic Waste Management Plan and landfill rationalization study and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year. <p style="text-align: right;">Carried 8/0</p>

Agenda Reference and Subject:

11.1.3 WALGA Zone Meeting Minutes November 2021

File Reference:

1.6.5.1 Minutes and Agendas WALGA Zone

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

*Item 11.1.3 Attachment A – WALGA Zone Meeting Minutes
November 2021*

Summary

Council is asked to receive the minutes from the previous WALGA Great Eastern Zone Meeting.

Background

The recent WALGA Great Eastern Zone Meeting was held on the 22nd November 2021 at the Kellerberrin Recreation Centre.

Comment

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA Zone minutes be read and received by Council. Cr Strange, Cr Crooks and the CEO attended the meeting.

The following items from the minutes are drawn to Councillors' attention;

1.1 Election of WALGA Zone Positions – Results

- Chairperson – Cr Tony Sachse, Shire of Mt Marshall
- Deputy Chairperson – Cr Quentin Davies, Shire of Wyalkatchem
- State Councillor, Cr Stephen Strange, Shire of Bruce Rock
- Deputy State Councillor, Cr Tony Sachse, Shire of Mt Marshall
- Zone Executive Committee
 - Cr Kellie Mortimore, Shire of Narembeen
 - Cr Melanie Brown, Shire of Trayning
 - Cr Karen Day, Shire of Westonia

Agricultural Freight Group Representative - Cr Tony Sachse, Shire of Mt Marshall
Agricultural Freight Group Representative Deputy – Cr Mark Crees, Shire of Westonia
Wheatbelt District Emergency Management Committee Delegate – Cr Tony Sachse
District Emergency Management Committee Deputy – Cr Glenice Batchelor, Shire of Tammin
Regional Health Advisory Committee Representative - Cr Alison Harris, Shire of Tammin

6.1 Presentation Association of Mining Exploration Companies

Warren Pearce, Chief Executive Officer, Association of Mining and Exploration Companies, was invited to speak at the meeting of the Zone. His presentation ensured that Local Governments (as well as other key stakeholders – MPs, WDC, WAFF etc) were aware of the increased activity – the companies involved, and how they are approaching their exploration programs and surrounding communities.

Information was provided on:

- Why there is increased mineral exploration now taking place across the Wheatbelt – and what that means for the region.

- The basics around mineral exploration, land access, and how it interacts with other land users / landholders.
- The companies that are taking up tenure and where and what they are exploring for.

6.2 Presentation by Department of Fire and Emergency Services

Richard Burnell, Executive Director Corporate Services, Department of Fire and Emergency Services

Richard has previously presented to the Great Eastern Country Zone and returned to provide an update on:

- ESL and related funding matters
- STAND project update
- Update on Workplace Health & Safety legislation transition support to assist LGs and farming industry groups

Richard received a question on notice from the Shire of Nungarin in regard to who is determining what the requirements are for new buildings. Conflicting opinions were heard on if it is the direction of the Department of Fire and Emergency, or requests from the Local Government itself. Richard will reply directly to the Shire of Nungarin and to the Zone.

8.5 Local Government Legislative Reform

The Zone raised consultation timeframes being an issue. Most Local Governments don't meet until February, however country Shires want to have an input. It was discussed whether an online meeting at the end of January would be of benefit, or if Members should review the document released by WALGA on 23 November and either provide feedback through the State Councillor, or go ahead with an online meeting.

It was decided to review the WALGA document initially and provide feedback through the Great Eastern Country Zone's State Councillor. If WALGA does not address concerns, then a meeting can be considered.

A full update on the Reform process and responses is provided in the CEO's Report of this month's agenda.

8.6 Work Health and Safety (WHS) Legislation Update

Executive Summary

- The Work Health and Safety Act 2020 (WHS legislation) was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.
- The new WHS legislation introduces a number of new legal terms and concepts, including the term Person Conducting a Business or Undertaking (PCBU). Further, volunteers are now included in the definition of Workers.
- The Local Government sector has expressed concern with the new WHS legislation, particularly around the implications for the management of volunteer bushfire brigades (BFBs).
- A Duty of Care may be shared with others, and if more than one person has a duty in relation to the same matter, they must consult, cooperate and coordinate their activities, which adds additional complexity in the case of BFBs.
- WALGA and LGIS are working to provide support and resources to the sector to assist with the transition to the new WHS legislation.

Comment from Report

WALGA and LGIS are continuing to liaise with DFES and DMIRS on these issues, recognising the need for further information and clarification regarding the implications and requirements of the WHS legislation for the sector's management of bushfire brigade volunteers. Other activities that WALGA is undertaking include:

- *Meetings with the Workplace Commissioner Darren Kavanagh and other groups responsible for Volunteer organisations and DFES to discuss the concerns being raised by volunteers and relevant organisations.*
 - *This was a positive meeting with all wanting to put in place reasonable and practical measures to assist Local Governments and Volunteers. The Workplace Commissioners' department DMIRS has released a Guide to Work health and safety for volunteer organisations which WALGA provided feedback on.*
 - *On 12 November DMIRS delivered a webinar for volunteers and volunteer organisations;*
- *LGIS is obtaining legal advice about which Local Government officers are considered 'officers' for the purposes of the WHS legislation which will be provided to the sector;*
- *WALGA is developing a scope of works for a WHS consultant to develop additional tools and resources to support the sector; and*
- *WALGA will advocate to the Minister for the commencement of the WHS legislation for Local Governments to be delayed until June 2022 to allow additional time to ensure that safe work practices are implemented for volunteers.*

To inform its advocacy on this and sector emergency management issues more generally, WALGA is also undertaking an Emergency Management Survey of Local Governments to ascertain the sentiment of the sector to their emergency management obligations, and to understand how they are undertaking their management of BFBs. The survey includes questions about the types of additional support that Local Governments require in order to comply with the WHS legislation. Preliminary survey feedback indicates:

- *Local Governments need more information on Work Health and Safety and Guidelines and templates to support compliance with the legislation;*
- *Further work is needed to ensure that Local Governments are well prepared to meet WHS requirements in relation to:*
 - *Providing up to date Standard Operating Procedures and directives for incident response;*
 - *Training for use of vehicles and equipment use;*
 - *Ensuring Bush Fire brigade stations do not present a risk to health and safety; and*
 - *Providing for volunteer fatigue management and access to welfare services; and*
- *Local Governments generally feel well prepared in relation to WHS regarding provision of personal protective equipment for volunteers.*

A full copy of the minutes and supporting documentation is provided as Attachment A.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WALGA Great Eastern Zone meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Dec 21 – 11.1.3</p> <p>Moved: Cr Crooks Seconded: Cr Verhoogt</p> <ol style="list-style-type: none"> 1. That Council receives the minutes of the WEROC Board Meeting and Annual General Meeting held on the 22nd November 2021 at the Kellerberrin Recreation Centre. 2. Consider the four options proposed by ASK Waste Management in their Strategic Waste Management Plan and landfill rationalization study and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year. <p style="text-align: right;">Carried 8/0</p>
--

12. New Business of an urgent nature introduced by discussion of the meeting

13. Confidential Items

14. Closure of Meeting

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.27pm.

These minutes were confirmed at a meeting on 17 February 2021.

Cr Stephen Strange
Shire President
17 February 2022



Shire of
Bruce Rock

Where friends become family



Agenda Attachments

Thursday 16 December 2021

SHIRE OF BRUCE ROCK
AGENDA ATTACHMENTS 16 DECEMBER 2021

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 18 NOVEMBER 2021

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SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 18 NOVEMBER 2021

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 3.00pm

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr J Verhoogt
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling
Environmental Health Officer	Mr J Goldacre (3.21pm to 3.27pm)
Manager of Works and Services	Mr D Holland (3.02pm to 3.08pm)
Manager of Finance	Mrs JL Bow (3.09pm – 3.20pm)

3. Declarations of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason
18/11/21	Mr D Mollenoyux	10.5.1	Is applicant applying for leave
18/11/21	Mr D Mollenoyux	10.3.1	Secretary of Bruce Rock Football Club that holds the current lease of the land to which the construction will take place
18/11/21	Mr D Mollenoyux	12.1	Secretary of Bruce Rock Football Club that holds the current lease of the land to which the construction will take place

In accordance with Section 5.60B and 5.65 of the Local Government Act 1995 the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

7. Applications for Leave of Absence
8. Announcements by Presiding Member
9. Confirmation of Minutes

Audit Committee Meeting held on Thursday 21 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.1

Moved: Cr Crooks

Seconded: Cr Waight

That the minutes of the Audit Committee Meeting held Thursday 21 October 2021 be received.

Carried 9/0

Special Council Meeting held Thursday 21 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.2

Moved: Cr Waye

Seconded: Cr Foss

That the minutes of the Special Council Meeting held Thursday 21 October 2021 be received.

Carried 9/0

Ordinary Meeting of Council held on Thursday 21 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.3

Moved: Cr Waight

Seconded: Cr Foss

That the minutes of the Ordinary Meeting held Thursday 21 October 2021 be confirmed as a true and correct record.

Carried 9/0

Works and Services Meeting held Wednesday 27 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.4

Moved: Cr Foss

Seconded: Cr Crooks

That the minutes of the Works and Services Committee Meeting held Wednesday 27 October 2021 be received.

Carried 9/0

10. Officers' Reports

10.1 Manager of Works and Services

No Item

Mrs JL Bow entered the Council Chambers at 3.09pm.

10.2 Manager of Finance

Agenda Reference and Subject:

10.2.1 Statement of Financial Activity

File Reference:

8.2.6.2 Financial Reporting

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest

Nil

Attachment:

Nil

Summary

A statement of financial activity must be produced monthly and presented to Council.

Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

The Statement of Financial Activity will be available for download on Council's website on Monday.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
David Holland, Manager of Works and Services
Julian Goldacre, Environmental Health Officer
Mike Darby, Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(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); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (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.*

(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.*

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire’s financial performance throughout the year.		

Financial Implications

Comparison of actual year to date to the 2021-22 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.2.1</p> <p>Moved: Cr Waye Seconded: Cr Foss</p> <p>That the Statements of Financial Activity for the month ending 31 October 2021.</p> <p style="text-align: right;">Carried 9/0</p>
--

Agenda Reference and Subject:

10.2.2 List of Payments

File Reference:

8.2.3.3 Accounts Payable (Creditors)

Reporting Officer:

Jennifer Bow, Manager of Finance Officer

Author:

Mike Darby, Senior Finance Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.2.2 Attachment A – List of Payments October 2021

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also, in accordance with Finance Policy Number 2.3, included is a list of payments made with the CEO's credit card.

Comment

Following is a list of payments made from Council's Municipal and Trust Accounts and payments made with the CEO's credit card for the month of October 2021.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with 2021/22 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.2.2

Moved: Cr Waye

Seconded: Cr Verhoogt

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT18318 to EFT18510 totalling \$628,888.26**
 - b. Cheque number 45 to 47 totalling \$1,931.92**
 - c. Trust Cheques**
 - d. Wages and Superannuation payments totalling \$194,990.84, and**
 - e. Credit Card payments \$451.45**

With all payments totalling \$825,811.02 for the month of October 2021.

Carried 9/0

Agenda Reference and Subject:	10.2.3 Financial Response to COVID-19
File Reference:	2.3.1.1 Policy Manual
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Jennifer Bow, Manager of Finance Officer
Disclosure of Interest:	Nil
Attachments:	<p><i>Item 10.2.3 Attachment A – OAG Report 5: 2020-21 Local Government COVID-19 Financial Hardship Support</i></p> <p><i>Item 10.2.3 Attachment B – Proposed Updates to Policy 2.12 Financial Hardship Policy</i></p> <p><i>Item 10.2.3 Attachment C – Proposed Financial Hardship Application Form</i></p>

Summary

To update the Financial Hardship Policy (number 2.12) to oversee the current rating year.

Background

Council was required to implement a Financial Hardship Policy last year as a response to the Covid 19 pandemic.

Recently the Office of Auditor General (OAG) conducted a Performance Audit into 3 local governments regarding the financial hardship support provided by local government in 2020-21 to ratepayers impacted by the COVID-19 pandemic.

Comment

Staff have reviewed the OAG’s report into the support provided by local governments during the COVID-19 pandemic and have provided the following comments as per the recommendations at the back of the report:

	Recommendations	Assessment	Time Frame	Officer Respon.
1.	Have a current Council-approved financial hardship policy that, if they want to charge the higher threshold of instalment interest, covers the 2021-22 rates	Shire of Bruce Rock had a Covid-19 Financial Hardship Policy for 2020-21. Has been assessed and requires updating for 2021-22 financial year. Need to remove references to debtors.	18/11/2021	MOF
2.	Actively promote the policy to their ratepayers and make the policy and application form publicly available	1. Need to make the financial hardship policy easier to find. Northampton has their highlighted on their front page 2. Need to have Application Form on website as well.	25/11/2021	MOF

3.	Put in place clear eligibility and assessment criteria and timeframes to process applications	1. Develop clear eligibility and assessment criteria and the timeframe for processing application. Should be consistent with Customer Service Charter	18/11/2021	MOF
4.	Maintain records of applications and outcomes	1. Maintain a separate register for Financial Hardship Applications and have them identified on Agreement to Pay control spreadsheet.	25/11/2021	SFO
5.	Identify and manage actual, potential and perceived conflicts of interest for staff who assess applications	Process in accordance with normal procedures. Where the possibility of a potential conflict of interest arises, application is to be dual signed by Rates Officer and CEO. Can be signed by DCEO or another senior officer if a conflict of interest is identified.	18/11/2021	SFO
6.	Review their application and assessment processes in response to complaint feedback.	Register any complaints in the Complaints Register. Ensure that any complaints received are acted on in accordance with the Complaints Policy and registered in the Complaints Register.	25/11/2021	DCEO

The existing Financial Hardship Policy needs updating to ensure that it is also applicable for the 2021—22 financial year. The policy was also written to include debtors, however the policy is applicable to ratepayers and so references to debtors have been removed.

The OAG recommends that the Financial Hardship Policy is publicly available on the Shire website and highlighted so that it is easy to find. The application form will also be available on the website.

The Shire will also keep a separate register for applications made under the Financial Hardship policy.

The Shire will develop an assessment document so that all applications are considered fairly.

Staff will also ensure that where a conflict of interest arises, the assessment is conducted by another officer who does not have a conflict of interest.

The Shire will also review the process from time to time in response to complaints feedback.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Alan O'Toole, Deputy Chief Executive Officer
 Mike Darby, Senior Finance Officer

Statutory Implications

Nil

Policy Implications

Amending of Existing Policy 2.12- Financial Hardship

Risk Implications

Risk: That the community experiences financial hardship during the COVID-19 pandemic resulting in a decrease in revenue		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High” risk. As a High Risk, the Chief Executive Officer and Manager of Finance will be monitoring the progress regularly.		

Financial Implications

Could be some minor impact to revenue.

No requests were received in 2020-21 for rates relief or payment plans in accordance with the Financial Hardship Policy.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 - Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.2.3</p> <p>Moved: Cr Waight Seconded: Cr Foss</p> <p>That Council amend Council’s Policy 2.12 - Financial Hardship for 2021 and staff action the recommendations from the Performance Audit Report findings.</p> <p style="text-align: right;">Carried 9/0</p>
--

Mrs JL Bow left the Council Chambers at 3.20pm and did not return.

Mr J Goldacre entered the Council Chambers at 3.21pm.

10.3 Environmental Health Officer

Agenda Reference and Subject:

10.3.1 Development Application for the construction & use of a private aircraft hangar at the Bruce Rock Aerodrome.

File Reference:

6.3.1.1 Airstrip General Transport

Reporting Officer:

Julian Goldacre Environmental Health Officer

Author:

Julian Goldacre Environmental Health Officer

Disclosure of Interest

Mr D Mollenoyux

Attachments

Item 10.3.1 Attachment A - Development Application Proposed Taxiway & Hangar Mr D Verhoogt

Item 10.3.1 Attachment B - Proposed Taxiway & Hangar Mr D Verhoogt

Item 10.3.1 Attachment C - Proposed Taxiway & Hangar and affected areas

Item 10.3.1 - Attachment D - Bruce Rock Football Club response as affected party.

Summary

Council is requested to consider the Development Application for the works and use of a hangar, fuel storage and handling, and appurtenant taxiway at the Bruce Rock Aerodrome. That the Bruce Rock Football Club can harvest the 2021 crop before hangar construction activities occur. Advice notes are provided for the applicant for their knowledge and consideration.

Background

In September 2021 the Environmental Health Officer Mr J Goldacre, the Chief Executive Officer Mr D Mollenoyux, and Mr D Verhoogt conducted a site visit of the Bruce Rock Aerodrome to explore possible location of an aircraft hangar. A site was selected close to the existing building infrastructure although closer to the runway, which triggered the requirement to determine the permissibility to do so for Aerodrome requirements. The EHO liaised with the applicant Mr D Verhoogt to determine requirements for the proposed hangar, and to guarantee the future possibility of the Bruce Rock Aerodrome becoming a Registered Aerodrome. On the 13 October 2021 Mr D Verhoogt submitted a Development Application (DA) with supporting information (Attachment A) for the proposed hangar, taxiway, fuel storage, and utilities, and supplemented by attachments B and C.

Comment

The Bruce Rock Aerodrome is on Lot 19655, Reserve 17266 Bruce Rock – Quairading Road for which the Shire of Bruce Rock holds a Management Order number M287326. The Shire of Bruce Rock Local Planning Scheme No3 (Scheme) requires all development on Shire owned and/or managed Reserves to obtain a Development Approval. Attachment A with supporting information details the hangar, taxiway, proposal for a fuel facility, as well as a request for connection to onsite existing power and water.

Attachments B and C shows the 400m² hangar and fuel storage footprint with front sliding doors (green outline) positioned in line with the existing hangar and buildings on-site. The hangar minimum height is 6 metres with an apex height (maximum) of 7.7 metres. Furthermore, the grey outline is the proposed taxiway to facilitate aircraft movement. The hangar location sets the hangar 105 metres back from the runway centre line (notation in blue). As a result, the side transition distance slope from the 7.7 metre

height hangar apex to ground level is 54 metres, thus 51 metres short of the runway centre line. A review of the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS) shows that the minimum building to runway separation distance as presented is exceeded for the type of aircraft which can use this Aerodrome, given the main runway length of only 1,180 metres. Consequently, from the technical aspect of the hangar size and location, the hangar as proposed will not impede any possible future CASA Registration of the Bruce Rock Aerodrome should this be considered into the future.

From the Planning perspective, for orderly development the hangar proposed is in accordance with the purpose of an Aerodrome. There does exist one aspect of the Development Application which requires further consideration which is that the land the hangar is proposed to be built is currently leased for the purpose of cropping to the Bruce Rock Football Club (Club). A requirement exists to contact persons affected by a Development Application where there is the possibility of ‘... potential loss of any community service or benefit resulting from the development...’. Attachment C shows the potential loss of cropping area estimated from scaled drawings to be limited to approximately 700m². Consequently, a letter was sent to the Secretary of the Club on the 1 November 2021 and a written response was received on the 10 November 2021 with no objection other than access to remove the crop before building commences and the lease to be modified to reflect the loss in area to the hangar development.

Other matters regarding this DA identified for recommended Advice Notes are:

1. The Management Order held by the Shire of Bruce Rock for the Aerodrome permits the leasing of the land for Aerodrome purposes up to 21 years. The lease matter has been discussed with the Deputy Chief Executive Officer Mr A O’Toole who is currently pursuing legal advice for a draft lease. The Applicant for the DA intends to connect the hangar to water and power services existing at the Aerodrome which can be incorporated into the proposed lease.
2. Consultation with the Shire of Kalamunda Senior Building Surveyor identified that a hangar for private purposes is deemed a Class 10A building (Shed). A Building Permit is not required for a Class 10A building outside the townsites of Bruce Rock Shire although full compliance with engineering drawings as well as a being a suitable structure when built is required. and
3. The storage and handling of aviation fuel should comply with Australian Standard 1940-2017. In the event the storage of aviation fuel exceeds 10,000 litres then a Dangerous Goods License is required which is applied for and granted, if so the case, by Department of Mines, Industry Regulation and Safety.

Consultation

Mr D Mollenoyux Chief Executive Officer,

Mr A O’Toole Deputy Chief Executive Officer,

Mr R Baker, Assistant Manager, Land Management Central, Department of Planning, Lands, and Heritage,

Mr T Reed, Acting Planning Manager, Land Use Planning, Department of Planning, Lands, and Heritage,

Mr D Wilson, Principal Building Surveyor Approval Services, City of Kalamunda, and

McLeods Solicitors.

Bruce Rock Football Club, Community Crop Lease Holder

Statutory Implications

Land Administration Act 1997,

Local Government Act 1995,

Planning and Development (Local Planning Schemes) Regulations 2015, and

Shire of Bruce Rock Local Planning Scheme No3

Policy Implications

Nil

Risk Implications

Risk: Development proceeds outside the parameters in the submitted Development Application.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Development Application fee of \$352. Preparation of Lease estimated at \$1,500 + GST. Fee for, and determination by valuer of portion of leased land for annual charge is still to be advised. Utility fees for access to onsite water and power for hangar to be either sub-metred or a flat rate whichever is most practicable. Note, unless otherwise determined the fees above are costed out to the Development Application applicant in full.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 2 Maintain Shire owned facilities in a strategic manner and also to meet community needs.
- 2.2 Encourage greater usage of current Shire owned facilities.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.3.1

Moved: Cr Foss
Seconded: Cr Waye

That Council:

1. Approves the Development Application by Mr D Verhoogt for the construction and use of a private aircraft hangar with fuel storage and a floor area of 400m2 and maximum height of 7.7 metres and is setback from the main runway 105 metres and is inclusive of the fuel handling and storage up to 10,000 litres only, and the appurtenant taxiway to facilitate aircraft hangar access as so presented in the Development Application dated 13 October 2021 reference ‘DA-D Verhoogt - R17266 Hangar’ and supplemental documents.
2. Requires the Development Application applicant Mr D Verhoogt to liaise to a mutually agreeable outcome to ensure the Bruce Rock Football Club has unfettered access to complete the harvest of the 2021 season crop in the vicinity of the building and taxiway footprint location before construction of the hangar and taxiway and fuel storage commences, and;
3. Provides the following Advice Notes to assist the Development Application applicant Mr D Verhoogt for the hangar and appurtenant constructions and activities endeavours and is provided in good faith and is not limited to:
 - a. The Shire of Bruce Rock and the Development Application applicant Mr D Verhoogt will enter a formal Lease for up to 21 years for the hangar, fuel storage and handling, taxiway,

and any appurtenant fees and charges so Levied by the establishment of, and in the lease as reasonably required,

- b. The hangar is identified as a Class 10A building. Whilst a Building Permit is not required for a Class 10A building outside the townsites of the Bruce Rock Shire, full compliance with suitable engineering drawings as well as a being a suitable structure when built is still required, and;**
- c. The hangar storage and handling of aviation fuel should comply with Australian Standard 1940 - 2017. In the event the storage of aviation fuel exceeds 10,000 litres then a Dangerous Goods License is compulsory which is applied for and granted, if so the case, by Department of Mines, Industry Regulation and Safety. Should a license be so necessary the Development Application applicant Mr D Verhoogt is required to formally consult on this matter with the Shire of Bruce Rock Chief Executive Officer.**

Carried 9/0

Agenda Reference and Subject:

10.3.2 Western Australian Planning Commission Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath.

File Reference:

A2638 Lots 15887 & 19532 Bruce Rock South Road, Ardath

Reporting Officer:

Julian Goldacre Environmental Health Officer

Author:

Julian Goldacre Environmental Health Officer

Disclosure of Interest

Darren Mollenoyux, Chief Executive Officer

Attachments

Item 10.3.2 - Attachment A - Western Australian Planning Application No. 161419 lodgement details; Item 10.3.2 - Attachment B - Western Australian Planning Application No. 161419 maps.

Summary

Council notify the Western Australian Planning Commission Application (WAPC) that Lot 15887 has a current non-conforming use which is a permitted use under the Shire of Bruce Rock Local Planning Scheme No 3, this could change if the non-conforming use expands and/or a building is built for the non-conforming use, thus a Development Application is required. To place a note on the property file A2638 stating the same information provided to the WAPC regarding the non-conforming use. Inform the WAPC that regarding Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath that there is no comment, or recommended conditions pertinent to this Application.

Background

The Shire of Bruce Rock Administration received from the WAPC Application No: 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath (the Subdivision) by email on the 7th of October 2021 at 2:28 PM. The land the subject of the Subdivision has come across the Environmental Health Officer's (EHO) and Deputy Chief Executive Officer's desk previously in 2018-19 as there is a historic continuing use for the extraction of feature granite. Enquiries were related to any Shire of Bruce Rock extraction local law/s, and any Planning requirements.

Comment

Attachment A reveals the application details and identifies the affected lands as shown in Attachment B, specifically on page 3. This is a relatively straight forward boundary realignment, where at the end of the process the original two Lots remain as two Lots although the boundary is relocated as highlighted in blue on page 3 of Attachment B. The EHO has in the past (2018 & 2019) received enquiries from development companies enquiring about requirements for mining and extraction of granite. During investigations it was found that granite was extracted from Lot 15887 and that this activity has been occurring for quite some time. It is determined that the granite extraction has been ongoing for at least 30 years by a company named 'Australasian Granite Pty Ltd', and currently registered with the Australian Securities and Investments Commission. A visual inspection from the road observed stockpiles of presumed granite and evidence of extracted rock face on Lot 15887.

Close inspection of Attachment B on page 3 shows the Lot to be created has minimal, if at all, farming activity occurring on it. From observations the lack of farming is due to the presence of the solid geology underlying and above the ground, and forming the bulk of the ground characteristic. This proposed subdivision will effectively subdivide the predominantly hard geology from the current broadacre farming

activities. Therein is the quandary that this proposed subdivision could then make the land suitable for strictly granite extraction without the need to also manage farmland. The EHO consulted the Department of Planning and explained that while the use under the Shire of Bruce Rock Local Planning Scheme No 3 (the Scheme) would comply with subclause 3.8(a) for allowing a ‘non-conforming use’ under the present Scheme to be ongoing given the extraction activity occurred before the Scheme and the Planning and Development Act 2005.

Whilst this would be the case as the non-conforming use stands presently, should the extraction of granite and/or other base raw material ‘extend’ beyond the volumes and reach of past and current extraction activities, then the Scheme subclause 3.9.1(a) could be triggered thus requiring a Development Application. The land use under the Scheme for ‘Industry – extractive’ is a ‘D’ use and permitted only in ‘Rural’ zoned areas of the Scheme, thus requires Council approval through a Development Application. Also, should a building be required to be placed onsite of the area affected by extraction activities then this to would require a Development Application. For this paragraph the affected Lot is Lot 15887 (as amended) given the Lot number could change during the subdivision process.

For the consideration of this Subdivision, other than the concern regarding non-conforming use, there are no other clear and present issues identified with the proposed Subdivision which is to realign existing boundaries. While not eligible to be documented as an issue with the WAPC for the identified non-conforming use, it would be most prudent to place a notation on the file as an ‘advice note’. The advice note would serve to alert the owners and/or prospective buyer/s of the Subdivision with the existing non-conforming use rights about extending activities beyond what has been current up to now.

Consultation

Mr T Reed, Acting Planning Manager, Land Use Planning, Department of Planning, Lands, and Heritage.

Statutory Implications

*Planning and Development Act 2005,
Planning and Development (Local Planning Schemes) Regulations 2015, and
Shire of Bruce Rock Local Planning Scheme No.3*

Policy Implications

Nil.

Risk Implications

Risk: The non-conforming use of rock extraction on the Lot area presently Lot 15887 expands to a greater activity than has and is currently (at time of this Report) occurring.

Likelihood	Consequence	Rating
Possible	Moderate	Moderate

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 3 Assist the local economy to grow

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.3.2

Moved: Cr Waye

Seconded: Cr Foss

That Council:

- 1. Inform the Western Australian Planning Commission regarding Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath that the following information is provided with regards to Lot 15887 Bruce Rock South Road, Ardath:**
 - a) Lot 15887 (as amended) has a non-conforming use activity being ‘industry – extractive’, which under the Shire of Bruce Rock Local Planning Scheme No.3 is a use class of ‘industry – extractive’ and has a meaning of ‘D’ for Rural zoned lands thus ‘means that the use is not permitted unless the local government has exercised its discretion by granting development approval’. Consequently, should the non-conforming use ‘expand’, and/or a building is erected in association with the non-conforming use, it could initiate the requirement for a Development Application with the local government of Bruce Rock.**
- 2. Inform the Western Australian Planning Commission regarding Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath that there is no comment, or recommended conditions pertinent to this Application.**
- 3. Instructs the Environmental Health Officer to place a file advice note onto the affected property file A2638 with the following information for current and future landowners of Lot 15887 (as amended):**
 - a) Lot 15887 (as amended) has a non-conforming use activity being ‘industry – extractive’, which under the Shire of Bruce Rock Local Planning Scheme No.3 is a use class of ‘industry – extractive’ and has a meaning of ‘D’ for Rural zoned lands thus ‘means that the use is not permitted unless the local government has exercised its discretion by granting development approval’. Consequently, should the non-conforming use ‘expand’, and/or a building is erected in association with the non-conforming use it could initiate the requirement for a Development Application with the local government of Bruce Rock.**

Carried 9/0

Agenda Reference and Subject:

10.3.3 Request by Ms H Ferguson keep a rooster on the property located at 101 Butcher Street, Bruce Rock

File Reference: A501 101 Butcher Street, Bruce Rock

Reporting Officer: Mr J Goldacre Environmental Health Officer

Author: Mr J Goldacre Environmental Health Officer

Disclosure of Interest Nil

Attachments *Item 13.3.3 - Attachment A – Request to keep Rooster*

Summary

Council is requested to grant permission to Ms H Ferguson keep a rooster on the property located at 101 Butcher Street, Bruce Rock, with conditions and an advice note.

Background

During an inspection of a Shire property the Environmental Health Officer (EHO) whilst walking down a Right of Way (lane) heard a rooster crowing at the back of 101 Butcher Street. The EHO contacted the owner Mr D Payne and said that roosters in the townsite needed Council approval, and that he could make application which could then be considered. Consequently, the Occupier Ms H Ferguson, made a written application to the Shire of Bruce Rock (Attachment A) regarding approval to keep a rooster on the property at 101 Butcher Street, Bruce Rock.

Comment

The Ranger visited Mr D Payne to see how he was progressing with advising nearby neighbours of the intention to keep a rooster on the property and he was not able to provide any information of such an endeavour being undertaken. To expedite the process, the EHO contacted by phone the houses encircling the applicant's address and received verbal support for the keeping of a rooster other than to say it does not crow during the late evening, the night, and early mornings. One property has been written to as the EHO was unable to contact the Owners, whilst their comments may not be received in time for this tabling of the matter, the initial approval will be as a trial which if successful will roll over until ceased or revoked. Incidentally, follow up inspections have found no rooster crowing at 101 Butcher Street, furthermore, when told about the existence of the rooster, the people called said they had no idea one was around the area, which is a promising development.

The *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (as amended) (Local law) under Clause 2.7 permits the keeping of a rooster only with the written permission of the local government. As roosters are notorious for nuisance complaints it is important that, should permission be given, the rooster does not become a nuisance. Any consideration for permission to keep a rooster will require conditions to be listed and be adhered to as well as compliance with the Local Law requirements for keeping poultry.

Conditions recommended for keeping roosters will be:

1. Only one rooster will be approved not including chicks up to an age of three months;
2. All reasonable measures are to be undertaken to ensure the crowing of the rooster is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night, and early morning hours, and;
3. A trial of 6 weeks will be permitted and should no complaints or reasonable objections for the keeping of the rooster be received the trial will roll over. Despite the aforementioned approval and roll over option, Council can revoke the permission to keep a rooster at 101 Butcher Street should after all reasonable efforts to deal with any complaints about the rooster fail.

The following advice notes will be provided to advise Ms H Ferguson of the obligations required to be undertaken for keeping poultry being:

1. Compliance with Clause 2.6 'Conditions for keeping poultry' of the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (as amended).

Consultation

All neighbours in reasonable proximity to 101 Butcher Street by phone, email, and letter. One neighbour has yet to comment although the trial is initiated to ascertain effectiveness of rooster keeping so to not cause a nuisance thus giving the applicant a chance for rooster keeping.

Statutory Implications

Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 (as amended).

Policy Implications

Nil

Risk Implications

Risk: Failure to prevent the keeping of roosters from becoming a nuisance.		
Likelihood	Consequence	Rating
Possible	Insignificant	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Please use the below formatting when referring to the plan.

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

GOAL 4: Workers and their families can work and reside in the Shire

Ten Year Plan Workers and their families reside in and contribute to the local economy

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.3.3

Moved: Cr Verhoogt

Seconded: Cr Waye

That Council:

- 1. To permit the keeping of one rooster by Ms H Ferguson at 101 Butcher Street, Bruce Rock for a trial period of 6 weeks which will roll over for an unspecified time until cancelled by the applicant, or revoked by Council; and with the following conditions:**
 - a) The rooster kept shall not exceed more than one rooster not including chicks up to an age of three months;**
 - b) All reasonable measures are to be undertaken to ensure the crowing of the rooster is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night, and early morning hours; and**
 - c) Council can revoke the permission to keep roosters at 101 Butcher Street, Bruce Rock should, after all reasonable efforts to deal with complaints about the keeping of the rooster fail.**

The following advice note is provided to advise Ms H Ferguson of the obligations required to be undertaken for keeping poultry being:

- Compliance with Clause 2.6 'Conditions for keeping poultry' of the Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 (as amended).**

Carried 9/0

Mr J Goldacre left the Council Chambers at 3.27pm and did not return.

10.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

10.4.1 Shire President Stamp

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp October 2021.

Background

Nil

Comment

As per Council’s policy, the Shire President Stamp has been used during the months of October 2021 as follows:

- CEACA Nomination for member

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.4.1

Moved: Cr Crooks

Seconded: Cr Waight

That Council endorse the use of the Shire President Stamp during October 2021.

Carried 9/0

Agenda Reference and Subject:

10.4.2 Adoption of Local Heritage Survey Draft

File Reference:

1.1.5.2 Municipal Heritage Inventory

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Caris Negri, Community Development Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.4.2 Attachment A - Draft Local Heritage Survey

Item 10.4.2 Attachment B - Draft Local Heritage Survey

Appendix 1

Item 10.4.2 Attachment C - Draft Local Heritage Survey

Appendix 2

Summary

Council is asked to adopt the Draft of the Local Heritage Survey.

Background

In 1997, Council adopted the Shire of Bruce Rock Municipal Inventory of Heritage Places, which was a thorough recording of places of historical significance within the Shire. At this time, this was the accepted standard of Local Government’s recording Heritage information.

The *Heritage Act 2018* require Local Governments to replace their Municipal Inventories with a Local Heritage Survey, and to develop a Heritage List.

A Local Heritage Survey must identify and record places that are, or may become, of cultural heritage significance in its district, assist the Local Government in making and implementing decisions that are in harmony with cultural heritage values, provide a cultural and historical record of its district, provide an accessible public record of places and cultural heritage significance to its district, and assist the Local Government in preparing a Heritage List.

Local Governments are required to establish a Heritage List under *Planning and Development (Local Planning Schemes) Regulations 2015*. When the Heritage List is adopted, Local Governments are required to give due regard to the heritage significance of the listed place when determining development applications but does not limit or restrict how a Local Government is to determine an application.

Comment

Council engaged Laura Gray of Heritage Intelligence (WA) to undertake a review of the Municipal Inventory of Heritage Places, prepare a Local Heritage Survey and include a Heritage List within the Local Heritage Survey. Ms Gray has been undertaking these works over the past 5 months and now has the Draft of the Local Heritage Survey to a place where it is ready to be released for public comment.

If Council adopt the draft, then Category B property owners must be written to and allowed two weeks to respond. Thereafter public comment will open on Monday 13th December 2021 and close Friday 24th December 2021. It is then proposed that the final copy of the Survey will be presented for Council for consideration at the February OCM. After the Local Heritage Survey has been adopted by Council, the Heritage List must be adopted within the Local Planning Scheme.

Consultation

Laura Gray, Heritage Consultant
Darren Mollenoyux, Chief Executive Officer

Statutory Implications

Part 8. Heritage Act 2018
S2 P3 cl.9 Planning and Development (Local Planning Schemes) Regulations 2015.

Policy Implications

Nil

Risk Implications

Risk: That Council does not adopt the Local Heritage Survey Draft		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.4.2</p> <p>Moved: Cr Foss Seconded: Cr Waye</p> <p>That Council adopt the draft Local Heritage Survey, and direct Officers to write to Category B property owners allowing them two weeks to reply, and thereafter release it for public comment for a period finishing on Friday 24th December 2021.</p> <p style="text-align: right;">Carried 9/0</p>

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 CEO Annual Leave Christmas Shut Down Period

File Reference:

Personnel

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Darren Mollenoyux, Chief Executive Officer

Attachments:

Nil

Summary

Council is asked to consider approval of Annual Leave for the Chief Executive Officer during the 2021 Christmas / New Year Period.

Background

The Chief Executive Officer is seeking annual leave during the Christmas / New Year Period 2021. The period of leave will include 2 public holidays being the 27th & 28th December 2021 followed by 3 days annual leave being the 29th, 30th, 31st December 2021 when the Shire Office is closed.

Comment

I will still be available for call out work and harvest bans etc and there is no requirement to appoint an Acting CEO for this short period, however there is a requirement to approve the leave as it is greater than what can be approved by the Shire President.

The CEO is not intending to take any extensive annual leave in January 2022 as has occurred in the past. There may be a couple of days that will be taken, however this will be minor and can be approved upon request to the Shire President.

Consultation

Stephen Strange, Shire President

Statutory Implications

Local Government Act 1995

In particular:

5.36 . *Local government employees*

(1) *A local government is to employ —*

(a) *a person to be the CEO of the local government; and*

(b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

5.39 . *Contracts for CEO and senior employees*

(a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting*

Policy Implications

Policy 3.10 – Appointment of Acting Chief Executive Officer

PREAMBLE

Policy regarding the process to be followed to appoint an Acting Chief Executive Officer.

OBJECTIVE

1. To ensure compliance with the Local Government Act 1195 s5.39c that requires Local Governments to have a policy regarding the employment of an Acting Chief Executive Officer (CEO).
2. To advise Council of the process which needs to be followed in these circumstances.

Risk Implications

Risk: That adequate staffing resources are not available to cover the CEO’s period of absence.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 10 Our organisation is well positioned and has capacity for the future
- Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.1

Moved: Cr Kilminster

Seconded: Cr Negri

That due to the office closure during the Christmas / New Year period Council approve the 3 days annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on 29th December 2021 up to 31st December 2021, inclusive.

Carried 9/0

Agenda Reference and Subject:

10.5.2 Request for Consideration of Additional Street Lighting in Ardath

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.5.2 Attachment A – Map of Current Street Lights Ardath

Summary

Council is asked to consider making an application to Western Power to obtain costings for the installation of two new streetlights in Ardath.

Background

Staff have received several inquiries asking if there could be additional street lighting in the main street of Ardath, being Main Street. Currently there are only three streetlights, and it has been raised that there should be two more lights at the north and south of the existing three lights.

The concerns raised are that there is not adequate lighting as you approach the built-up area of the street coming around the bends from the north and south of the townsite entries. This can be dangerous for traffic entering the townsite. This has been a highlighted issue with the increased activity in the town.

Comment

To enable staff to provide full details to Council on costings and what improvement to traffic safety could be created, an additional application is required to Western Power for them to provide a scope and costing for such a project.

The application fee is \$497.92 to submit the online application.

Consultation

Cr Kevin Foss
Julian Goldacre, Environmental Health Officer
Jennifer Bow, Manager of Finance

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: At this stage it is only an application fee for costings and no commitment to installation of the additional 2 lights will be made until it is presented back to Council.

Likelihood	Consequence	Rating
Possible	Moderate	High
Action / Strategy		

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High”. As a high-risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There is Budget provision for Street lighting, however this is for usage and therefore it is requested that Council make an additional budget allocation and vary the 2021/2022 budget to include an additional \$500 against general ledger 121201.

Any additional costs or consideration to the actual project for installation of additional lighting would require Council approval.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 2.4 Support the improvement and maintenance of assets in a strategic manner

Goal 3 Assist the local economy to grow

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.2

Moved: Cr Rajagopalan

Seconded: Cr Crooks

That Council makes a budget amendment to include an additional \$500 expenditure in street lighting General Ledger 121201 for an application fee to Western Power for scope and costings for the installation of 2 new streetlights in Main Street, Ardath.

And,

That upon receiving the costings for 2 new streetlights in Ardath the cost and relevant information be presented back to Council for consideration.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

10.5.3 Construction of New Supermarket - Tender

File Reference:

8.2.7.1 Annual Budget

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.5.3 Attachment A – Community Briefing Document

Item 10.5.3 Attachment B – CONFIDENTIAL Council Briefing from ORA

Item 10.5.3 Attachment C – CONFIDENTIAL Quantitative Surveyor Estimate

Item 10.5.3 Attachment D – CONFIDENTIAL Business Plan for Bruce Rock Temporary Supermarket

Summary

Council is requested to endorse proceeding with going to Tender for the construction of a new building to be located at on 52 and 52A Johnson Street, Bruce Rock for the purpose of leasing to a retailer for the operation of a new Supermarket.

Background

At its Special Meeting of Council held on the 9th December 2020 Council was informed of the receiving \$375,578 from the Federal Government's Local Roads and Community Infrastructure Program (LRCIP) Round 2 and resolved that this was allocated for budget year 2021/2022.

Council has been running a temporary grocery store since the only grocery store burnt to the ground in March 2020 and the owners not being in a position to rebuild or a suitable new retailer coming to town to construct and operate a new grocery store.

The following is a summary of actions from the past 16 months:

Investigations into new shop location

Council and staff explored several options and suitability for the location of the new supermarket with the goal of creating a hub and being in close proximity to other services that complimented a supermarket such as the butcher shop and chemist. The goal was to not only look at the economic benefits of the locations but to also create a social hub for community members in our main street.

Council also considered existing buildings, however they were either not available, not in a suitable location or would still require significant costs to upgrade to meet compliance and requirements.

Acquisition of the old Mason's site

After negotiations with the existing owners, and 9 months of various issues including caveats and Crown Land Conditions the old Mason's site was secured.

Investigation of retail options

Council staff have met with various industry stakeholders throughout the process including Metcash IGA, Quairading Co-Op and Foodworks to identify which model would best suit Bruce Rock. Assistance has also been sought from Wheatbelt Business Network throughout this process.

Engagement of Retail Resources Company

Following initial investigations by Council it was agreed to engage a consultant from the retail industry to assist in guiding Council in relation to the retail component of the project.

Council sought quotes and engaged Rob Hubbard of Retail Resources Company. Rob is a retail consultant and licensed recruiter with many years of experience, including country locations. Rob has developed a Supermarket Strategy and investigated at length the feasibility of a future Supermarket in Bruce Rock.

Once it was determined that the business was viable, Council considered Rob's reports and all the relevant information provided and Council determined the best way forward is to build and lease the building out. Council is now working closely with Retail Resources Company to attract a suitable retailer and once plans are finalised this will assist in attracting the right retailer.

Lobbying and Funding

Since the fire Council have lobbied various politicians and Government Departments to secure funding and attract additional funding. This ranges from Local Member Mia Davies; the Premier; the Hon. Alannah MacTiernan, Minister for Regional Development; Hon. David Templeman; Melissa Price and Rick Wilson Federal MPs; the Minister for Local Government the Hon. John Carey; and the Hon. Steve Martin.

Tender for Architect and Project Management

The Shire went out to Tender and received 3 submissions whereby the Office of Regional Architecture was awarded the project to design and project management the construction of the building.

Office of Regional Architecture (ORA) are established firmly in the Wheatbelt, with a depth of knowledge and passion for our local communities, as well as suitable professional experience and qualifications. Council have developed a very strong relationship with ORA, working collaboratively to design and develop plans and are very pleased with the outcome.

A community briefing was held on Monday 25th October 2021 to provide an update on the entire project and process to date which included an expansion of the above and a full presentation from Office of Regional Architecture. **A copy of the Public Community Briefing Summary is included ATTACHED.**

Council has been continuing to work on this project providing support and direction for best meeting the requirements of the community. An independent community survey that was undertaken by Wheatbelt Business Network in December 2020 evidenced that from the 211 respondents over 98% supported the Shire of Bruce Rock's intention to construct a new building to attract a retailer and accommodate a new grocery store.

In addition, Council's direction was well supported with over 150 residents attending the public meeting on the 25th October 2021 and overwhelming support from those who attended.

Comment

There is no current supermarket within the town of Bruce Rock that is at a satisfactory level to meet the requirements of the community. Council has been running a temporary grocery since March 2020 and while it has approval to operate this temporary store, this is not something that Council has indicated it would like to continue on an ongoing basis.

Council and the Office of Regional Architecture are now at the stage of seeking a building company to construct the new building, and therefore as the value is over the threshold is required to call for public tenders for the construction. The new building will be located at on 52 and 52A Johnson Street, Bruce Rock, and for the purpose of leasing this to a retailer for the operation of a new Supermarket.

The Office of Regional Architecture will be managing and overseeing the tender process in line with the Local Government Act, subsequent regulations and Council's purchasing policy. Tenders will be presented back to Council for consideration upon the closure of tenders and assessment.

The funding of this project is significant, and these details are provided in the financial section of this report. The Bruce Rock Progress Association is also working hard and undertaking many fundraising ventures to assist with the construction of the new supermarket.

Consultation

Shire of Bruce Rock Council

Brad Wetherall and Rosalie Pech Eva from Office of Regional Architecture

Rub Hubbard, Retail Resources Consultant

Department of Local Government

Caroline Robinson, Wheatbelt Business Network

Manager of Finance, Jennifer Bow

Executive Assistant, Melissa Schilling

Community Development Officer, Caris Negri

Kathy and Campbell Schilling, representing the Bruce Rock Progress Association

Public consultation on the construction of new supermarket has been undertaken as follows:

- Independent Survey conducted by Wheatbelt Business Network
Council requested an independent consultant to undertake a survey in December 2020 to ascertain community feedback on both Council running the temporary store, and then Council constructing a new building to house a supermarket in town.
There were 211 responses to the community survey.

An extract of relevant survey results is listed below.

Question e)

Do you support Council's continuation of the temporary supermarket until a permanent supermarket of a higher level can be offered in Bruce Rock?

Answer

Yes 203

No 4

Unsure 4

Answered 211

Question f)

Do you support the Shire of Bruce Rock's intention to construct a new building to attract a retailer and accommodate a new grocery store?

Answer

Yes 205

No 4

Answered 209

Skipped 2

Question h)

Additional services and products requested with multiple responses:

1. Basic Hardware and Household products (34)
2. ATM (13)
3. Lotto and newsagency (10)
4. Garden products (6)
5. Cooked chooks (4)

- **Community Briefing Session**

A Community Briefing Session on the proposed construction of a new supermarket was held on the 25th October 2021. This was advertised over a three-week period via Council’s website, Facebook, Instagram, Public Notices at Shire Office and CRC, the local newspaper Rock Review, two weeks on the electronic notice board in the main street and the two SMS notifications were sent out on the Shire’s Community SMS Public Information system.

The briefing, which was attended by 150 community members, was intended to provide an overview of the project including indicative costing and design elements, and to give residents an opportunity to have their thoughts on the project heard.

The Shire are encouraged by the overwhelmingly positive response from those who attended and with no major concerns being raised, are reassured that the community supports their decision to build a new supermarket.

Immediately following the Community Briefing a document was prepared that provides a summary of the presentations delivered at the briefing. This was made public via the Rock Review, Council’s website and social media. This was made available on the 4th November 2021 and invited the community to contact the Shire President, Councillors or CEO to discuss the proposal further. At the time of writing this report only verbal positive feedback was provided.

Statutory Implications

The two Confidential Attachments are required to be confidential as they relate to commercial in confidence matters and provide information relevant to the proposed tender.

Local Government (Functions and General) Regulations 1996
Division 2 -- Tenders for providing goods or services (s. 3.57)

Local Government Act 1995, Part 3, Division 3, s.3.57

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions & General) Regulations 1996, Part 4, Division 2, r.11 11.

11 When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub regulation (2) states otherwise.

Regulation 33 of Local Government (Financial Management) Regulations 1996

The project must be within the Federal Government’s Local Roads and Community Infrastructure Program Phase 3 Guidelines and Work Schedule.

Policy Implications

This item is part of the 2021/22 budget and is required to go to tender as it was above the threshold of \$250,000. The process will be undertaken in line with Council’s Purchasing Policy which also includes the Buy Local and Sustainability policy of Council. The Policy details are outlined below:

Council Policy 2.7 – Purchasing

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.3

Moved: Cr Waye

Seconded: Cr Kilminster

That Council resolves to proceed to tender for the construction of a new building to be located at on 52 and 52A Johnson Street, Bruce Rock for the purpose of leasing to a retailer for the operation of a new Supermarket.

And;

That the Office of Regional Architecture undertake the Tender in accordance with the Local Government Act 1995, Tender Regulations and Council policies with the assessment to be presented back to Council to consider and make a final decision.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

10.5.4 Allocation of Local Roads and Community Infrastructure Program Phase 2 and Phase 3

File Reference: 8.2.7.1 Annual Budget

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: Nil

Summary

Council is requested to reconsider the allocation of the Local Roads and Community Infrastructure Program (LRCIP) Phase 2 of \$375,578 to the construction of a new Supermarket that is allocated for the 2021-2022 Financial year. In addition, Council is asked to formalise the allocation of Local Roads and Community Infrastructure Funding Phase 3 of \$1,052,604 to the construction of a new Supermarket in Bruce Rock.

Background

At its Special Meeting of Council held on the 9th December 2020 Council was informed of the receiving \$375,578 from the Federal Government’s Local Roads and Community Infrastructure Program (LRCIP) Round 2 and resolved that this was allocated for budget year 2021/2022.

Council agreed that the LRCIP Round 2 allocation would be allocated towards the construction of a new grocery store in 2021/2022. However, this funding is required to be spent by the 30 December 2021 and it is unlikely that the new grocery store works will have commenced until at least December 2021.

Following the presentation of this information at the Ordinary Meeting of Council on the 17th June 2021 Council resolved as follows:

COUNCIL DECISION

Resolution OCM Jun 21 – 11.5.6

Moved: Cr Dolton

Seconded: Cr Waight

Officer Recommendation

That Council resolves to amend its allocation of projects and resubmit application for Phase 2 and 3 of the LRCIP as follows;

- i. The allocation of \$375,578 Local Roads and Community Infrastructure Program Phase 2 funding be allocated to the following projects in 2021/2022:

 - Stage 2 of Caravan Park Upgrade*
 - Reticulation of Bruce Rock Oval*
 - Dam Catchment Improvements*
 - Automatic Doors – Town Hall Access Improvement*
 - Bruce Rock Recreation Centre - Replace ground cover with synthetic grass*
 - Install accessibility ramp**
- ii. The LRCIP Phase 3 Funding be presented to Council once the guidelines have been released and that Council’s submission for this funding be allocated to the construction of a new grocery store on 52 and 52A Johnson Street, Bruce Rock.*

Comment

Since making the resolution for expenditure of LRCIP at the June 2021 Council meeting, notification from the Federal Government has advised of extended timeframes which would enable the funds to therefore be spent on the construction of a new supermarket in Bruce Rock.

The correspondence advises that the Deputy Prime Minister, The Hon Barnaby Joyce MP, has agreed to extend the ECTP for both Phase 1 and Phase 2 of the LRCI to now close on 30 June 2022. No further extensions will be granted past this date and consequently, any projects not completed by 30 June 2022 may not receive the remainder of their funding allocation under those Phases. It is suggested that although we should have commenced construction by the 30th of June 2022 the project certainly won't be completed.

On 20 October 2021 the Deputy Prime Minister, the Hon Barnaby Joyce MP approved the Program Guidelines for Phase 3 of the Local Roads and Community Infrastructure Program.

The purpose of the LRCI Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. Phase 3 of the LRCI Program will open from 20 October 2021.

From 3 January 2022, the construction time period commences, and eligible payments will be made from this time. Project construction can commence once Project Nominations are approved by the Department with projects required to be physically completed by 30 June 2023.

Phase 3 of the LRCI Program continues a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

As with the earlier Phases of the LRCI Program, Eligible Funding Recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that Eligible Funding Recipients will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

As per Council's previous direction it is recommended that this funding be allocated to the construction of a new supermarket in Bruce Rock as our highest current priority for the community.

Consultation

Manager of Finance, Jennifer Bow
Executive Assistant, Melissa Schilling
Community Development Officer, Caris Negri

Statutory Implications

Regulation 33 of Local Government (Financial Management) Regulations 1996

The project must be within the Federal Government's Local Roads and Community Infrastructure Program Phase 3 Guidelines and Work Schedule.

Policy Implications

Nil

Risk Implications

Risk: That the 2020-21 and 2021-22 Budget does not correctly reflect the forecast expenditure and revenue for the remaining financial year or the funding remains unallocated.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High” risk. As a High Risk, the Manager of Finance will be monitoring the progress regularly.		

Financial Implications

LRCI Phase 2 Funding - \$375,578 funds are allocated for the 2021/2022 financial year.

In line with Council’s direction at the May 2021 Councillor Information Session Phase 3 of the LRCIP funding will be allocated to the new grocery store, and allocated in the 2022-23 Annual Budget.

It is proposed that the new grocery store will be funded through the following:

- Federal Government LRCIP Phase 3 Funding
- Grants
- Medium to long term loan
- Already received significant community donation
- Potential community donations
- Council General Revenue and/or Reserve Funds

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2: Maintain Shire owned facilities in a strategic manner and to meet community needs

Goal 2.2 Encourage greater usage of current Shire owned facilities

Economy

Goal 3 – Assist the local economy grow

Goal 3.5 – Improve signage, infrastructure and aesthetics to link both side of the main street that encourage patronage and a reason to visit / stop

Goal 6 – Tourism helps diversify our local community

Goal 12 - Council leads the organisation in a strategic and flexible manner

Main Street Revitalisation Strategy

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.4.1

Moved: Cr Waye
Seconded: Cr Waight

That Council, in accordance with Section 5.25 (1) (e) of the Local Government Act 1995 revokes Resolution OCM Jun 21 – 11.5.6

That Council resolves to amend its allocation of projects and resubmit application for Phase 2 and 3 of the LRCIP as follows;

- i. The allocation of \$375,578 Local Roads and Community Infrastructure Program Phase 2 funding be allocated to the following projects in 2021/2022:
 - Stage 2 of Caravan Park Upgrade
 - Reticulation of Bruce Rock Oval
 - Dam Catchment Improvements
 - Automatic Doors – Town Hall Access Improvement
 - Bruce Rock Recreation Centre - Replace ground cover with synthetic grass
 - Install accessibility ramp
- ii. The LRCIP Phase 3 Funding be presented to Council once the guidelines have been released and that Council's submission for this funding be allocated to the construction of a new grocery store on 52 and 52A Johnson Street, Bruce Rock.

CARRIED BY ABSOLUTE MAJORITY 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.4.2

Moved: Cr Waye
Seconded: Cr Crooks

That Council resolves to amend its allocation of projects and resubmit application for Phase 2 and submit phase 3 of the LRCIP as follows;

- i. The allocation of \$375,578 Local Roads and Community Infrastructure Program Phase 2 funding be allocated to the construction of a new supermarket on 52/54 Johnson Street, Bruce Rock in 2021/2022;
- ii. That the 2021-22 Annual Budget is amended to reflect the change of allocation of funding as follows;
 - a. J11302 Construction of Accessibility Ramp at Rec Centre (\$15,000) - \$0
 - b. J11311 Installation of Synthetic Grass on West Side of Rec Centre (\$12,000) - \$0
 - c. J11312 Installation of Automatic Doors at Shire Hall (\$21,000)- \$0
 - d. J11354 Replace & Upgrade Reticulation on Rec Centre Oval (\$192,078) - \$0
 - e. 13113 Upgrade of Caravan Park – Stage 2 (\$116,500)- \$0
 - f. J13603 Water Catchment Improvements to Negri Dam (\$19,000) - \$0
 - g. J13042 Reconstruction of Supermarket - \$1,322,974
 - h. GL 113308 INCOME Rec & Culture Grants – Capital (\$240,078) - \$0
 - i. GL131302 INCOME Grants Caravan Park (\$379,651) - \$263,151
 - j. GL136301 INCOME Grants Dams Other (\$19,000) - \$0
 - k. GL130303 INCOME LRCI Phase 2 - \$375,578
 - l. GL130305 INCOME LRCI Phase 3 (\$1,052,604) - \$0
- iii. That Council writes to The Hon Rick Wilson and The Hon Barnaby Joyce MP to explain our unique situation in regard to the supermarket project and request a further extension past the 30th June 2022.
- iv. The Council endorses LRCIP Phase 3 Funding submission for \$1,052,604 be allocated to the construction of a new supermarket on 52/54 Johnson Street, Bruce Rock 2022/2023.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

10.5.5 South West Native Title Settlement – 16 Hay St
Kwolyin, Reserve 25673

File Reference: 7.1.2.3 Native Title Claims

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 10.5.5 - Attachment A – Map of Reserve R25673*

Summary

The Department of Planning, Lands and Heritage is seeking comments relating to the South West Native Title Settlement – Land Base Consultation – Land List 1146 relating to 16 Hay Street, Kwolyin, Reserve R25673 located within the Shire of Bruce Rock.

Background

Council has received a letter from the Department of Planning, Lands and Heritage as follows:

“The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay.

The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations.

All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

For more information on the Settlement, please refer to the Department of the Premier and Cabinet website: <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/south-west-native-title-settlement>

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- *unallocated Crown land;*
- *unmanaged reserves;*
- *land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and*
- *land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.*

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities. To that end, please find attached a spreadsheet comprising of land parcels identified for possible transfer. It would be appreciated if you could provide comments on each of the land parcels directly into the column labelled 'Referee Comments' in relation to the following:

- 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?*
- 2. Does the Shire have any interest in the land?*
- 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.*
- 4. Is the land parcel subject to any mandatory connection to services?*
- 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?*
- 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?*
- 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?*
- 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).*
- 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.*

Once you have considered the land identified, the South West Settlement Project team would be pleased to receive your comments by email to swsettlement@dplh.wa.gov.au.

In accordance with the abovementioned Annexure J of the ILUAs, your advice is required to be returned within 40 days of receiving this email. As a result, please provide your comments by 18 December 2021. Should this timeframe not be achievable, please let me know as a matter of priority. Where no response is received from the Shire within the 40 day timeframe, this will be taken as having no comment on the land parcels referred."

Unlike previous requests for South West Native Title Settlement – Land Base Consultation, this is the first time this request has been raised or consideration for Reserve 25673 has been presented to Council.

A copy of the map outlining the location of Reserve 25673 is included as an attachment to this item. This parcel of land is bushland and is 993m2 in size.

Comment

Staff have considered the information received and provide the following guidance for Councillors to consider on the questions asked:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
Council has not previously had opportunity to comment on this request for transfer of 16 Hay Street, Kwolyin, Reserve R25673 under the Native Title Settlement. Following discussions with Senior Management and the Community Development Officer it is felt that this may have an impact on adjoining land as part of our Kwolyin Campsite and associated tourism and trails in this area. It is also adjoining the old townsite historical walk trail.

2. Does the Shire have any interest in the land?
Staff believe that Council should consider expressing an interest in this land as part of our current Kwolyin Campsite, historical townsite walk trail and associated tourism in this area.
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
Staff are not aware of any existing infrastructure, however there is certainly tourism infrastructure near the parcel of land and it may be of interest for future tourism purposes.
4. Is the land parcel subject to any mandatory connection to services?
Council has no mandatory service connection requirements for Reserve R25673.
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
Staff are not aware of any current proposals for Reserve R25673, however it may be of use for future tourism.
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
The land is within the vicinity of one of Council's major tourist attractions and campgrounds. Any future use of Reserve R25673 may impact on current and future tourism proposal for the site.
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
Council has no current or short term plans to amend its Town Planning Scheme, however it should be noted that the Reserve is designated as Public Purpose under our Town Planning Scheme and would require Council approval for any future develop or use of Reserve R 25673.
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
Council staff are not aware of any previous issues, however as we are not the land owner we may not have been informed.
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.
Should Council not be able to acquire the land the concern may be in regard to any potential change of Reserve purpose, such as camping. Potential could exist that in the future, should interest arise for the claimant's request to convert it to a camping ground, implications could occur under the new Caravan and Camping Act and Health Act which 'bind the crown' in a way that it could be incumbent of the Local Government to enforce the Acts and its regulations. Property owners must comply with the firebreak regulations.

Consultation

Julian Goldacre, Environmental Health Officer

Caris Negri, Community Development Officer

Mike Darby, Senior Finance Officer /Rates

Statutory Implications

Land Administration Act 1997 – Section 83

83. Transfer etc. of Crown land to advance Aboriginal people

- (1) The Minister may for the purposes of advancing the interests of any Aboriginal person or persons —
- (a) transfer Crown land in fee simple; or
 - (b) grant a lease of Crown land, whether for a fixed term or in perpetuity,

to that person or those persons, or to an approved body corporate, on such conditions as the Minister thinks fit in the best interests of the person or persons concerned.

- (2) Subsection (1) does not limit the right of any Aboriginal person, or a body corporate, to apply for and acquire an interest in or the fee simple of Crown land under any other provision of this Act.
- (3) In subsection (1) —
- approved body corporate means a body corporate that the Minister is satisfied —
 - (a) is to hold the land or the lease in trust for the Aboriginal persons concerned; or
 - (b) has a membership that comprises only the Aboriginal persons concerned.

Policy Implications Nil

Risk Implications

Risk: That Council not attempt to acquire the land and future use from a third party may not align to Council’s preferred direction for Kwolyin.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and requires input only.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

Goal 2 Maintain Shire owned facilities in a strategic manner and meet community needs

Governance

13.1 Proactively manage reserves and natural bushland

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.5

Moved: Cr Waight

Seconded: Cr Waye

- 1) Council does not support the transfer of 16 Hay Street, Kwolyin, Reserve R25673 under the South West Settlement – Land Base Consultation as it is felt that this may have an impact on adjoining land as part of Kwolyin Campsite and associated tourism and townsite historical trails in this area.**
- 2) That the CEO writes to the Department of Planning, Lands and Heritage and responds to questions 1 – 9 as outlined in the comments of this item.**
- 3) Council requests that the Department of Planning, Lands and Heritage ensures that it consults with all adjoining property owners to see comment on the proposed transfer of Reserve R25673.**

Carried 9/0

Agenda Reference and Subject:

10.5.6 Report of Election held on 16th October 2021

File Reference:

2.2.1.1 Electoral Results

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

This report is to brief elected members on the conduct of the election held on 16th October 2021 and to provide an overview of statistics that relate to the election.

Background

At the Ordinary Council Meeting held in April 2021, Council resolved to declare that in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 Ordinary Elections together with any other elections or polls which may be required; and determine in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a Postal Election.

On the 16th October 2021 Shire of Bruce Rock held Local Government Elections for the District. There were four vacancies and five candidates for a four-year term.

Postal votes were received in letterboxes from 17th September 2021. A total of 278 ballot papers were returned via the post prior to Election Day.

108 ballot papers were received at the Bruce Rock Shire Office, 54 Johnson Street, Bruce Rock, between 18th September 2021 to the 15th October 2021 from 8.30am to 4.30pm.

On Election Day, 16th October 2021, the polling place was Bruce Rock Emergency Services Building, Dunstall Street, Bruce Rock open from 8.00am to 6.00pm. There was a total of 9 votes which were received on Election Day.

Comment

A total of two staff worked on election throughout various times between 8.00am and 7.00pm.

Year	Number of Candidates	Total number eligible voters on roll	Total valid votes cast	Early Votes Cast	Total informal votes	Total votes cast	Percentage turnout
2021	4	670	395		0	395	59%
2019	6	646	284	188	0	284	44%
2018*	3	628	207	126	0	207	33%
2017	5	642	258	131	6	264	41%
2013	6	681	267	144	2	269	39%
2012*	2	698	178		3	181	26%

*indicates extraordinary election

Whilst the voter turnout exceeded expectations, it was still felt that there could have been improved communication on the postal voting process delivered by the Electoral Commission to the public.

Consultation Nil

Statutory Implications

For this election the CEO acted as reporting officer. The election was conducted on the basis of electors voting in person. Part 4 of the Local Government Act 1995 and Local Government (Elections) Regulations 1997 specify the way local government elections are to be conducted.

Policy Implications Nil

Financial Implications

The invoice for the election is yet to be received however a quote was received in April for \$11,818 to which \$12,000 was set in the 2021/22 Annual Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 10 – Our organisation is well positioned and has capacity for the future

Goal 12 – Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.6

Moved: Cr Kilminster

Seconded: Cr Foss

That Council receive the report of the Chief Executive Officer for the election held on 16th October 2021.

Carried 9/0

Agenda Reference and Subject:

10.5.7 Ordinary Council Meeting Schedule 2022

File Reference:

2.1.2.5 Council Meetings

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider the schedule of Ordinary Council Meeting dates for 2022.

Background

It is a requirement for Council to advertise at least once each year the dates set for Ordinary Council Meetings. The Shire of Bruce Rock holds its Ordinary Council meetings on the 3rd Thursday of each month except January.

In line with the above the 2022 schedule of Ordinary Council Meetings would be as follows:

- Thursday 17 February 2022
- Thursday 17 March 2022
- Thursday 21 April 2022
- Thursday 19 May 2022
- Thursday 16 June 2022
- Thursday 21 July 2022
- Thursday 18 August 2022
- Thursday 15 September 2022
- Thursday 20 October 2022
- Thursday 17 November 2022
- Thursday 15 December 2022

Comment

There are no foreseeable clashes with public holidays or other events that would require Council to vary any of the proposed meeting dates.

The current meeting day schedule is as follows:

11.00am Councillor Information Session
1.15pm Lunch Served
2.00pm Bus Tour
2.30pm Finish Councillor information Session
3.00pm Council Meeting commences

Consultation

Melissa Schilling, Executive Assistant
Alan O'Toole, Deputy Chief Executive Officer

Statutory Implications

Local Government (Administration) Regulations 1996 - REG 12

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 – Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.6

Moved: Cr Kilminster

Seconded: Cr Foss

That Council endorses the schedule of Ordinary Council Meeting dates for 2022.

And;

Give Public Notice of the meeting schedule for the Ordinary Meetings of Council for 2022.

Carried 9/0

11. Regional Reports

Agenda Reference and Subject:	11.1.1 WEROC Inc Tourism Audit
File Reference:	1.6.9.1 Minutes and Agendas WEROC
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<p><i>Item 11.1.1 Attachment A – WEROC Inc Tourism Product Audit Recommended Actions</i></p> <p><i>Item 11.1.1 Attachment B - CONFIDENTIAL Bruce Rock Analysis</i></p> <p><i>Item 11.1.1 Attachment c – Feedback from CDO</i></p> <p><i>Item 11.1.1 Attachment D - CONFIDENTIAL - WEROC Inc. Tourism Audit Full Report</i></p>

Summary

Council is asked to consider the WEROC Inc Tourism Product Audit 2021 and recommended actions.

Background

At the last WEROC Inc Board Meeting was held on 11 August 2021 an item on the WEROC Tourism Product Audit 2021 was presented. The following extract is from the WEROC Inc board meeting:

On Tuesday 13 July 2021, the Executive Officer circulated the Draft WEROC Inc. Tourism Product Audit to all Members of the WEROC Inc. Board, inviting their input and requesting any feedback be provided by Monday 26 July 2021. Feedback received from the Shire's of Westonia, Bruce Rock, Merredin and Yilgarn has been incorporated into the Final Draft, which is now presented for endorsement.

Just to note, it was requested that all accommodation be included in the product audit rather than just caravan and camping, however this was purposely excluded from the scope of work due to a specific audit of accommodation having already been completed in recent years.

A summary of the recommendations provided in the WEROC Inc. Tourism Product Audit is provided below:

1. **Caravan and Camping:** *develop a regional caravan and camping strategy; improve understanding of self-contained traveller needs and expectations through an RV survey; improve digital access to online bookings and visitor information on free and commercial caravan and camping sites in the region.*
2. **Trails:** *develop an Eastern Wheatbelt Trails Master Plan; ensure all trails are entered into the Trails WA database; co-operatively promote existing walk and drive trails.*
3. **Nature, Parks and Reserves:** *investigate opportunities to develop priority nature reserves including through immersive tourism experiences; consider investment in a tourism development fund.*
4. **Culture, Art and Heritage:** *identify respectful and appropriate opportunities for Aboriginal cultural and heritage tourism; develop art tourism in the region; improve cross-marketing of cultural, heritage and art assets to encourage multi-site visitation and longer stays.*

5. **Events:** develop a regional event strategy/feasibility study to identify potential for a “show-stopping” event for the Eastern Wheatbelt and new community driven events that will drive both peak and off-season visitation.
6. **Food and Drink:** test the market and logistics for agritourism initiatives; undertake a “good food” promotion to showcase the region’s best food and drink offerings; provide industry support to build the capacity of food and drink businesses in the region.
7. **Online Presence:** build local capability and digital know how; advocate for improved access to digital infrastructure; encourage passive advertising through visitor reviews and social media advocacy.
8. **Utilise the right marketing channels:** Prioritise the use of digital marketing; leverage key influencers to promote the region to a broader audience.
9. **Attract the right visitors:** develop interest-based marketing/promotion for key market segments; targeted marketing of the region to Perth residents to boost intrastate visitation; promote the Eastern Wheatbelt as a multi-experience destination to appeal to a wider market.
10. **Create a distinctive brand:** use the “Our Story: Spirit of Adventure” framework to develop a distinct brand for the Eastern Wheatbelt; build a library of visual assets to bring the story of the Eastern Wheatbelt to life; develop new signage and entry statements consistent with the brand.
11. **Champion hero regional experiences:** build a common vision around hero experiences/attractions in the region; use these hero experiences/attractions as a marketing hook to drive interest in the region; leverage existing tourism products to promote a broader offering of things to see and do around visits to the regions anchor attractions.

The Executive Officer suggests that the Board consider and discuss the recommendations and agree on priority actions to inform an implementation plan.

The following resolution was made at the WEROC Board Meeting on the 11th August 2021:

1. **The final draft of the WEROC Inc. Tourism Product Audit be adopted;**
2. **Each Local Government to present the recommendations of the audit to their respective Council and discuss their priorities for action;**
3. **A workshop will be conducted at the next meeting of the WEROC Inc. Board to agree on actions for implementation.**

Comment

Council received the WEROC Tourism Audit Report at the September 2021 Council meeting for consideration, and feedback is now sought on priorities for action to enable WEROC Inc delegates to provide Council’s views on its priorities from the report.

Councillors are asked to review pages 42 – 44 of the WEROC Tourism Audit Report which provided the recommended actions and prioritise the recommendations.

It is the reporting officer’s view that our main priorities need to be around marketing, brand, online bookings, targeting and attracting the right visitors, capacity building of food, drink and accommodation options.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: Not having a Tourism Development Strategy may lead to an ad hoc approach to tourism and ineffective allocation of funding.

Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

3.5 – Improve signage, infrastructure and aesthetics to link both sides of the Bruce Rock main street that encourages patronage and a reason to visit /stop

Goal 6 – Tourism helps to diversify our local economy

6.1 - Promote our attractions, amenities and activities in a coordinated approach

Governance

12.5 – Lead the organisation in a financially responsible and viable manner

Shire of Bruce Rock Tourism Development Strategy 2019 – 2023

Council’s tourism strategy relates to many of the recommended actions from the WEROC Inc Tourism Audit Recommendations and below are just a few of those.

- 1.2 Undertake a full review annually of Council’s involvement and financial commitment to regional memberships.
- 1.3 Continued involvement with the Roe Tourism Association and regional tourism collaborations and activities as determined through review.
- 2.1 Support and encourage tourism service providers to build on skills and development to better support tourism industry stakeholders
- 4.1 Promote our attractions, amenities and activities in a coordinated approach.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 11.1.1

Moved: Cr Verhoogt

Seconded: Cr Waye

That Council prioritise the Recommend Actions (pages 42-44) from the WEROC Tourism Product Audit 2021.

Carried 9/0

Agenda Reference and Subject:

11.1.2 WALGA State Council Agenda December 2021

File Reference:

1.6.5.1 Minutes and Agendas WALGA State Council

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.1.1 Attachment A – WALGA State Council Agenda December 2021

Summary

Council is asked to review the WALGA State Council Agenda and provide direction for its voting delegate for the upcoming WALGA Great Eastern Zone Meeting.

Background

Councillors have recently received an email from WALGA notifying them of the WALGA State Council agenda for the November 2021 round of Zone and State Council meetings.

As per previous advice WALGA have requested that State Council agenda items for decision are considered by Councils, either in formal Council meetings, or in briefing or concept forums. State Council agenda items for decision are to be considered by Council in a formal or informal meeting to provide guidance and direction to their Zone representatives and to raise awareness of contemporary strategic advocacy and policy issues for all Elected Members and staff.

Comment

The next WALGA Great Eastern Zone meeting is on 22nd November 2021, with the WALGA State Council Meeting being held on the 1st December 2021.

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA State Council Agenda and items requiring a decision be addressed by Council and any direction provided to Zone delegates.

5.1 Paid Family and Domestic Violence Entitlements

Executive Summary

- *There is currently no legislative or award entitlement to paid FDVL in the federal industrial relations system.*
- *The National Employment Standards (NES) in the Fair Work Act 2009 (Cth) (FW Act) provide employees with an entitlement to five days' unpaid FDVL per year.*
- *The FWC commenced a review of FDVL in April 2021 to determine appropriate FDVL provisions in modern awards, including whether an entitlement to ten days' paid FDVL should be included in modern awards as requested by the ACTU.*
- *WALGA Employee Relations has surveyed the sector to determine whether WALGA should prepare a submission for the FWC on FDVL and whether Local Governments believe employees should be provided with an entitlement to paid FDVL.*
- *50% of the sector responded to the survey and 69% of respondents believe employees should be provided with paid FDVL.*
- *The majority of respondents take the view that employees should be provided with five days' FDVL per year.*
- *Many Local Governments already provide employees with paid FDVL either through their enterprise agreement or by policy.*

WALGA Recommendation

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;
3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).

Reporting Officer Comment

The reporting officer recommends that Council supports WALGA's Recommendation.

5.2 Payment to Independent Committee Members

Executive Summary

- Local Governments have raised the issue that clarification is needed to allow Local Governments to pay meeting attendance fees to independent members of Committees in respect of their preparing for, attending and/or participating in Committee meetings, in accordance with s5.100 of the Local Government Act 1995.
- There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise.
- This item recommends advocating for the Local Government Act 1995 to be amended to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995.

WALGA Recommendation

That WALGA request the Minister for Local Government to amend the Local Government Act 1995 to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995.

Reporting Officer Comment

This is a reasonable request and would assist in attracting appropriate committee members to important roles. The proposed reform changes may vary this approach and play a more important role going forward.

5.3 WALGA 2021 Annual General Meeting

These are the recommendations from the Annual General Meeting and the reporting officer recommends that Council supports the recommendations as presented.

Items 5.4 & 5.5 both relate to the Review of the Building Act, Building Regulations, and Building Surveyors Code of Conduct. I have requested that our EHO, Julian Goldacre review these items and provide any comments and feedback prior to the Great Eastern Zone Meeting on the 22nd November 2021.

The WALGA State Council Agenda was distributed via email to Councillors during the month.

Additional reports in the agenda are for noting or information, if Councillors have any strong particular points or views, they wish raised at the Zone meeting in reference to the Matters for Noting or Key Activities please raise them during the Council meeting so voting delegates can make comment.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Financial Implications	Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 11.1.2

Moved: Cr Kilminster
Seconded: Cr Rajagopalan

That Council provides direction for its voting delegates for the WALGA State Council Agenda Items listed for consideration at the WALGA Great Eastern Zone Meeting on the 22nd November 2021.

Carried 9/0

12. New Business of an urgent nature introduced by discussion of the meeting

Agenda Reference and Subject:	12.1 Lease of portion of land at Bruce Rock Airstrip on which to build a hangar
File Reference:	6.3.1.1 Airstrip General Transport
Reporting Officer:	Alan O’Toole, Deputy Chief Executive Officer
Author:	Alan O’Toole, Deputy Chief Executive Officer
Disclosure of Interest:	Darren Mollenoyux, Chief Executive Officer
Attachments:	<i>Item 13.1 Attachment A – Draft Lease of land located at Bruce Rock Airstrip for purpose of Hangar</i>

Summary

Council is asked to consider the Draft Lease for the land at the Bruce Rock Airstrip upon which Mr Damion Verhoogt proposes to build a hangar for his plane.

Background

Mr Damion Verhoogt has requested that Council consider his request to build a Hangar at the Bruce Rock Airstrip. The details of the request are contained in item 10.3.1 presented by Mr Julian Goldacre, the Environmental Health Officer, earlier in this Agenda. In order for the request to be actionable, Mr Verhoogt needs to enter into a Lease with the Shire for the land on which to construct the hangar. McLeods Solicitors have been engaged to prepare the Lease and have forwarded the attachment for this purpose.

Comment

The Draft Lease is at the moment lacking some financial and other details which cannot be presented to Council at the current Meeting as there has not been enough time to obtain this. The information required relates to the rental amount for leasing the land, and also that the Lease refers to the date on which Council gave planning approval for the hangar to be constructed. If this is approved at the current Meeting (should Council choose to do so) then it will be added at that time.

Including the rental cost is dependent on obtaining a valuation, and Officers are currently sourcing companies who can provide this service. Valuation services are at a premium at present and we have been informed this could take several weeks to obtain. A further consideration is that once the valuation has been accepted then the intention to lease the land will need to publicly advertised for 14 days before it can be further actioned.

Mr Verhoogt has been consulted regarding the Draft Lease, as has Mr Goldacre, and both have made pertinent comments and suggestions for improvement and clarity, but which do not materially affect the purpose and intent of the document. It is intended that these will be added to the Lease when a valuation has been obtained, and therefore all the amendments can be made by McLeods at the same time, which will keep the costs associated with preparation of the Lease to a minimum.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Julian Goldacre, Environmental Health Officer
 Jennifer Bow, Manager of Finance
 Melissa Schilling, Executive Assistant

Statutory Implications

Local Government Act 1995 - Sect 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; and

(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; and

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

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(3) Fees and charges are to be imposed when adopting the annual budget but may be -

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications Nil

Risk Implications

Risk: Council do not issue a lease for the land at Bruce Rock Airstrip.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Moderate” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

The preparation of the Lease by McLeods Solicitors lawyers has been quoted at \$1,500 + GST. The fee for, and the determination by the valuer of, the portion of leased land for annual charge is still to be advised.

Clause 4.5(1)(c) of the Draft Lease states that the Lessor is responsible for “all legal costs of and incidental to the instructions for the preparation, execution and stamping of this Lease and all copies”.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2 Encourage greater usage of current Shire owned facilities

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 12.1</p> <p>Moved: Cr Waye Seconded: Cr Waight</p> <p>That Council approves the Draft Lease for the portion of land at Bruce Rock Airstrip pending fair valuation of the land, and authorises the CEO to take the necessary steps to enter into the Lease Agreement with Mr Damion Verhoogt.</p> <p style="text-align: right;">Carried 9/0</p>

Mr D Holland entered the Council Chambers at 3.02pm.

13. Confidential Items

Agenda Reference and Subject:

13.1 Purchase of 4x2 End Tipper

File Reference:

8.2.8.1 Tenders/Quotes

Reporting Officer:

David Holland, Manager of Works & Services

Author:

David Holland, Manager of Works & Services

Disclosure of Interest:

Nil

Attachments:

*Item 13.1 Attachment A - CONFIDENTIAL Truck eQuote
Evaluation Summary*

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 13.1.1

Moved: Cr Waye

Seconded: Cr Foss

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

(e) a matter that if disclosed would reveal -

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 13.1.2

Moved: Cr Foss

Seconded: Cr Verhoogt

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 13.1.3

Moved: Cr Waight

Seconded: Cr Crooks

That Council award the EQuote VP2269239 to Major Motors PTY Ltd and this to include the trade vehicle of BK062 that being a Fuso Fighter 4x2 and tipper body.

CARRIED BY ABSOLUTE MAJORITY 9/0

Mr D Holland left the Council Chambers at 3.08pm and did not return.

14. Closure of Meeting

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.19pm.

These minutes were confirmed at a meeting on 16 December 2021.

Cr Stephen Strange
Shire President
16 December 2021

List of Accounts November 2021

Chq/EFT	Date	Name	Description	Amount
Municipal Account EFTs				
EFT18509	01/11/2021	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN CAPITAL & INTEREST PAYMENT	\$14,688.86
EFT18511	08/11/2021	AUSRECORD	A4 FILES	\$110.55
EFT18512	08/11/2021	BADGELINK	STAFF & COUNCILLOR BADGES	\$77.40
EFT18513	08/11/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$79.03
EFT18514	08/11/2021	BDD AUSTRALIA PTY LTD T/A BEGA	SUPERMARKET ORDER	\$1,265.83
EFT18515	08/11/2021	BROWNLEY'S PLUMBING & GAS	GAS REPAIRS AT SHIRE PROPERTY	\$337.70
EFT18516	08/11/2021	BRUCE ROCK DISTRICT CLUB	COUNCIL MEETING LUNCHES & REFRESHMENTS	\$768.50
EFT18517	08/11/2021	BRUCE ROCK TYRES	PUNCTURE REPAIR BK512	\$210.89
EFT18518	08/11/2021	BUNNINGS WAREHOUSE	MATERIALS FOR BUILDING MAINTENANCE	\$286.45
EFT18519	08/11/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$718.91
EFT18520	08/11/2021	CJ VASES	ADDITIONAL NAME ON MAIN WAR MEMORIAL	\$352.80
EFT18521	08/11/2021	CJD EQUIPMENT PTY LTD	PARTS FOR BK373	\$647.06
EFT18522	08/11/2021	COLESTAN ELECTRICS	ELECTRICAL WORK AT SHIRE PROPERTIES	\$1,416.55
EFT18523	08/11/2021	COPIER SUPPORT	PHOTOCOPIER METER READING	\$527.02
EFT18524	08/11/2021	COUNTRYWIDE FRIDGELINES PTY LTD	SUPERMARKET FREIGHT	\$62.11
EFT18525	08/11/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$2,138.81
EFT18526	08/11/2021	ELDERS RURAL SERVICES AUSTRALIA LIMITED	CHEMICAL FOR AQUATIC CENTRE	\$147.40
EFT18527	08/11/2021	ELEC TECH DIESEL SERVICES PTY LTD	PARTS FOR BK03	\$589.73
EFT18528	08/11/2021	FILTERS PLUS WA	PARTS FOR BK6855	\$861.52
EFT18529	08/11/2021	FORTH CONSULTING PTY LTD	SUPERMARKET ARCHITECT FEES	\$5,060.00
EFT18530	08/11/2021	GREAT EASTERN FREIGHTLINES	MEMORIAL GARDEN SIGNS FREIGHT	\$413.51
EFT18531	08/11/2021	GWY PAINTING SERVICE	PAINTING AT AMPHITHEATRE	\$7,557.00
EFT18532	08/11/2021	HARE & FORBES PTY LTD	PARTS FOR BATCHING PLANT	\$145.20
EFT18533	08/11/2021	HERSEY'S SAFETY PTY LTD	WORKSHOP CONSUMABLES, PPE & TOOLS	\$2,436.52
EFT18534	08/11/2021	HISCO PTY LTD	BLANKETS FOR CARAVAN PARK CHALETs	\$459.40
EFT18535	08/11/2021	IT VISION	SYNERGYSOFT CENTRAL RECORDS TO ALTUS CONTENT DATA MIGRATION	\$12,993.75
EFT18536	08/11/2021	JTB - JAPANESE TRUCK & BUS SPARES	PARTS FOR BK655	\$2,252.15
EFT18537	08/11/2021	JENNY AND PAULS CLEANING AND MAINTENANCE	PROFESSIONAL CLEAN OF REC CENTRE KITCHEN	\$750.00
EFT18538	08/11/2021	KENNARDS HIRE MIDLAND	HIRE OF SOLAR TRAFFIC LIGHTS	\$1,000.00
EFT18539	08/11/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ANNUAL STATE CONFERENCE AWARDS DINNER	\$160.00
EFT18540	08/11/2021	LUKERATIVE PLUMBING, GAS & MAINTENANCE	PLUMBING WORKS AT SHIRE PROPERTIES	\$167.20
EFT18541	08/11/2021	M & W KITCHENS & CABINETS	VANITY CUPBOARD FOR SHIRE PROPERTY	\$695.00
EFT18542	08/11/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$7,133.09
EFT18543	08/11/2021	MERREDIN GLAZING SERVICE	WINDOW REPAIRS AT REC CENTRE	\$1,303.50
EFT18544	08/11/2021	MERREDIN TELEPHONE SERVICES	SUPPLY OF GYM SWIPE CARDS & MONTHLY SECURITY MONITORING	\$371.16
EFT18545	08/11/2021	METAL SIGN & LABEL PTY LTD	SIGNAGE FOR MEMORIAL GARDEN	\$21,714.00
EFT18546	08/11/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$15,035.35
EFT18547	08/11/2021	NB HARDWARE & AG SUPPLIES	MATERIALS FOR TOWN MAINTENANCE	\$548.25
EFT18548	08/11/2021	NUTRIEN AG SOLUTIONS	MATERIALS FOR GARDEN CREW	\$1,936.00
EFT18549	08/11/2021	OFFICEWORKS BUSINESS DIRECT	OFFICE STATIONERY	\$722.06
EFT18550	08/11/2021	PUMPS AUSTRALIA PTY LTD	HOSE FOR STEAM CLEANER	\$385.00
EFT18551	08/11/2021	QC ULTIMATE CLEAN	CARPET CLEANING AT SHIRE PROPERTIES	\$319.00
EFT18552	08/11/2021	REALITY LANDSCAPES	LANDSCAPING AT WAR MEMORIAL AND PARKLETS	\$40,759.50
EFT18553	08/11/2021	REGIONAL COMMUNICATION SOLUTIONS	WEATHER STATION ANNUAL NETWORK SERVICE CHARGE	\$154.00
EFT18554	08/11/2021	RON BATEMAN & CO	SKELETON WEED LAG SUPPLIES	\$236.14
EFT18555	08/11/2021	RUSSELL TRADING TRUST T/A RUSSELL BUILDING APPROVALS PTY LTD	SUPERMARKET PRELIMINARY BCA COMPLIANCE CHECK	\$1,045.00
EFT18556	08/11/2021	SANDS FRIDGE LINES	SUPERMARKET FREIGHT	\$816.23
EFT18557	08/11/2021	SAYERS MECHANICAL	REPAIRS TO BK511, BK373 & BK6670	\$9,682.75
EFT18558	08/11/2021	SHIRE OF BRUCE ROCK - T/AS BRUCE ROCK SUPERMARKET	VARIOUS PURCHASES FOR SEPTEMBER	\$1,103.44
EFT18559	08/11/2021	SIGMA CHEMICALS	SUPPLY OF EQUIPMENT FOR AQUATIC CENTRE	\$758.38
EFT18560	08/11/2021	SOURCE MY PARTS	PARTS FOR BK373 & BK06	\$1,838.24
EFT18561	08/11/2021	STAR TRACK EXPRESS PTY LTD	FREIGHT	\$16.44
EFT18562	08/11/2021	STIHL SHOP MALAGA	PARTS FOR SMALL PLANT	\$29.50
EFT18563	08/11/2021	SYNERGY	ELECTRICITY USAGE AT SHIRE PROPERTIES	\$19,896.93
EFT18564	08/11/2021	THE WINDMILL NEWSPAPER	SKELETON WEED LAG EXPENSES	\$45.00
EFT18565	08/11/2021	THE WORKWEAR GROUP PTY LTD	STAFF UNIFORMS	\$93.91
EFT18566	08/11/2021	TOLL TRANSPORT PTY LTD	FREIGHT FROM VARIOUS LOCATIONS TO BRUCE ROCK	\$217.64
EFT18567	08/11/2021	TRANSTRUCT	REPLACE ELECTRIC ROLL UP DOOR AT SHIRE PROPERTY	\$1,253.01
EFT18568	08/11/2021	TWO DOGS HOME HARDWARE	MATERIALS FOR BUILDING MAINTENANCE	\$61.75
EFT18569	08/11/2021	WA CONTRACT RANGER SERVICES	MONTHLY RANGER SERVICES OCTOBER	\$654.50
EFT18570	08/11/2021	WA DISTRIBUTORS PTY LTD T/AS ALLWAYS FOODS	CLEANING SUPPLIES	\$1,597.50
EFT18571	08/11/2021	WALLIS COMPUTER SOLUTIONS	SUPERMARKET MONTHLY NETWORK ACCESS	\$44.00
EFT18572	08/11/2021	WESTRAC PTY LTD	PARTS FOR BK510 & BK511	\$1,418.97
EFT18573	08/11/2021	WHEATBELT EQUIPMENT PTY LTD	PARTS FOR BK6556 & BK012	\$4,714.12
EFT18574	08/11/2021	WHEATBELT REFRIGERATION AND AIR CONDITIONING	AIRCON REPLACEMENT AT SHIRE HALL (DEPOSIT)	\$5,096.66
EFT18575	08/11/2021	WHEATBELT UNIFORMS, SIGNS & SAFETY	STAFF UNIFORMS	\$28.60

EFT18576	08/11/2021	WILSONS SIGN SOLUTIONS	HONOR BOARD PLATES & DESK NAME PLATES	\$322.30
EFT18577	08/11/2021	WURTH	WORKSHOP CONSUMABLES	\$294.27
EFT18578	11/11/2021	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$371.61
EFT18579	11/11/2021	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$959.00
EFT18580	11/11/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$175.34
EFT18581	11/11/2021	BDD AUSTRALIA PTY LTD T/A BEGA	SUPERMARKET ORDER	\$5,781.85
EFT18582	11/11/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$2,061.10
EFT18583	11/11/2021	FORTH CONSULTING PTY LTD	SUPERMARKET ARCHITECT FEES	\$3,300.00
EFT18584	11/11/2021	GRANO DIRECT	MATERIALS FOR TOWN CREW	\$526.10
EFT18585	11/11/2021	IRVINE TRANSPORT	METAL DUST AND CONCRETE SAND	\$4,481.40
EFT18586	11/11/2021	LUKERATIVE PLUMBING, GAS & MAINTENANCE	PLUMBING WORK AT SHIRE PROPERTY	\$900.90
EFT18587	11/11/2021	MAROK WA PTY LTD	SUPERMARKET ORDER	\$909.11
EFT18588	11/11/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$3,619.97
EFT18589	11/11/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$17,471.96
EFT18590	11/11/2021	NB HARDWARE & AG SUPPLIES	MATERIALS FOR BK608	\$96.21
EFT18591	11/11/2021	SANDS FRIDGE LINES	SUPERMARKET ORDER	\$480.19
EFT18592	11/11/2021	STAR TRACK EXPRESS PTY LTD	FREIGHT	\$52.25
EFT18593	11/11/2021	TWO DOGS HOME HARDWARE	MATERIALS FOR TOWN CREW	\$60.48
EFT18594	11/11/2021	SHIRE OF BRUCE ROCK - CREDIT CARD	CREDIT CARD FOR NOVEMBER 2021	\$646.24
EFT18595	15/11/2021	GREAT SOUTHERN FUEL SUPPLIES	FUEL FOR OCTOBER 2021	\$1,393.64
EFT18596	18/11/2021	COCA-COLA AMATIL	SUPERMARKET ORDER	\$1,191.95
EFT18597	19/11/2021	150 SQUARE PTY LTD	SUPERMARKET PROJECT COORDINATION	\$1,276.00
EFT18598	19/11/2021	ALLWEST PLANT HIRE AUSTRALIA PTY LTD	HIRE OF LOADER	\$8,778.00
EFT18599	19/11/2021	AUSTRALIA POST	POSTAGE FOR OCTOBER 2021	\$165.40
EFT18600	19/11/2021	AVON WASTE	RECYCLING FOR OCTOBER 2021	\$3,248.00
EFT18601	19/11/2021	AUSTRALIAN COMMUNITY MEDIA RURAL PRESS PTY LIMITED	ADVERTISING IN WHEATBELT DIRECTORY	\$620.00
EFT18602	19/11/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$88.65
EFT18603	19/11/2021	BGC CEMENT	BULK CEMENT	\$10,826.48
EFT18604	19/11/2021	BK AIR & SERVICES	AIR CONDITIONER MAINTENANCE AT SHIRE PROPERTY	\$517.00
EFT18605	19/11/2021	BOC LIMITED	GAS BOTTLE RENTAL	\$109.65
EFT18606	19/11/2021	BROWNLEY'S PLUMBING & GAS	PLUMBING WORKS AT AQUATIC CENTRE	\$3,511.20
EFT18607	19/11/2021	BRUCE ROCK DISTRICT CLUB	VETS MEALS & ROOM HIRE FOR RUOK BREAKFAST	\$1,145.00
EFT18608	19/11/2021	BRUCE ROCK TYRES	BATTERY FOR BK011, TYRES FOR BK9649 & WORKSHOP CONSUMABLES	\$690.33
EFT18609	19/11/2021	BURGESS RAWSON PTY LTD	WATER RATES AT LEASED PROPERTY	\$52.55
EFT18610	19/11/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$1,572.50
EFT18611	19/11/2021	CODY EXPRESS TRANSPORT	SUPERMARKET FREIGHT	\$1,597.34
EFT18612	19/11/2021	COLESTAN ELECTRICS	ELECTRICAL WORKS AT SHIRE PROPERTY	\$5,118.71
EFT18613	19/11/2021	COMBINED TYRES PTY LTD	TYRES FOR BK2	\$697.84
EFT18614	19/11/2021	COMPUHYPERGLOBALMEGANET PTY LTD T/A COLBERNE INDUSTRIES	RIBBON FOR MEMORIAL PARK OPENING	\$150.00
EFT18615	19/11/2021	CORSIGN WA PTY LTD	SIGNS FOR VARIOUS ROADS	\$4,216.30
EFT18616	19/11/2021	COUNTRYWIDE FRIDGELINES PTY LTD	SUPERMARKET FREIGHT	\$65.55
EFT18617	19/11/2021	DUXTON HOTEL	ACCOMMODATION FOR OFFICER ATTENDING CONFERENCE	\$453.00
EFT18618	19/11/2021	ELDERS RURAL SERVICES AUSTRALIA LIMITED	GAS BOTTLES FOR KWOLYIN	\$230.00
EFT18619	19/11/2021	ELEC TECH DIESEL SERVICES PTY LTD	SERVICE OF BK010 AND PARTS FOR SMALL PLANT	\$339.11
EFT18620	19/11/2021	EXTRA MILE WRITING SERVICES	MEMORIAL GARDEN CONTRACT PROJECT MANAGEMENT	\$737.95
EFT18621	19/11/2021	FLOWERS BY ELLI PAIGE	BOUQUET AND WREATH FOR VETS PARADE	\$135.00
EFT18622	19/11/2021	GAP SOLUTIONS PTY LTD	QUARTERLY SUPPORT	\$788.70
EFT18623	19/11/2021	IRVINE TRANSPORT	METAL FOR VARIOUS ROADS	\$30,066.33
EFT18624	19/11/2021	JCB CONSTRUCTION EQUIPMENT AUSTRALIA	PARTS FOR BK089	\$269.75
EFT18625	19/11/2021	JTB - JAPANESE TRUCK & BUS SPARES	PARTS FOR BK730, BK604 & BK1018	\$745.35
EFT18626	19/11/2021	KENNARDS HIRE MIDLAND	HIRE OF SOLAR TRAFFIC LIGHTS	\$999.98
EFT18627	19/11/2021	LEE OWEN GRIFFITHS	REIMBURSEMENT OF EXPENSES	\$57.60
EFT18628	19/11/2021	LGIS WA	2020-21 MOTOR VEHICLE CONTRIBUTION ADJUSTMENT	\$3,741.89
EFT18629	19/11/2021	LIBERTY OIL RURAL PTY LTD	OIL FOR BK510 & BK1018	\$2,169.13
EFT18630	19/11/2021	LIVINGSTREAMS MEDICAL SERVICES PTY LTD T/A DR OLUMUYIWA JEDEDE	PRE-EMPLOYMENT MEDICALS	\$450.00
EFT18631	19/11/2021	LUKERATIVE PLUMBING, GAS & MAINTENANCE	MAINTENANCE & PLUMBING WORKS AT VARIOUS SHIRE PROPERTIES	\$6,489.74
EFT18632	19/11/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$4,170.21
EFT18633	19/11/2021	MCCALL MOTORS PTY LTD	MATERIALS FOR GARDENERS, TOWN CREW, CONSTRUCTION CREW & BUILDING MAINTENANCE	\$1,543.89
EFT18634	19/11/2021	MERREDIN GLAZING SERVICE	SHOWER SCREEN REPLACEMENT AT SHIRE PROPERTY	\$1,051.60
EFT18635	19/11/2021	METAL SIGN & LABEL PTY LTD	REPLACEMENT VIETNAM WAR MEMORIAL SIGN	\$1,309.00
EFT18636	19/11/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$13,058.71
EFT18637	19/11/2021	MODULAR WA	CARAVAN PARK ABLUTIONS PROGRESS CLAIM	\$68,519.00
EFT18638	19/11/2021	MOORE STEPHENS	STAFF TRAINING	\$1,320.00
EFT18639	19/11/2021	OFFICE OF REGIONAL ARCHITECTURE	ARCHITECTURE SERVICES	\$12,291.40
EFT18640	19/11/2021	OFFICEWORKS BUSINESS DIRECT	OFFICE STATIONERY	\$533.85
EFT18641	19/11/2021	PHILLIP SKIPSEY	AUDIO MIXER	\$150.00

EFT18642	19/11/2021	PLATINUM BAGS PTY LTD	VETS MERCHANDISE	\$990.00
EFT18643	19/11/2021	PUBLIC LIBRARIES WESTERN AUSTRALIA INC	SUBSCRIPTION RENEWAL	\$110.00
EFT18644	19/11/2021	QUEST INNALOO	STAFF ACCOMMODATION FOR DOT TRAINING	\$1,028.55
EFT18645	19/11/2021	RAW CREATIVE	UPDATE MEMORIAL PARK SIGNS	\$143.00
EFT18646	19/11/2021	REPCO	PARTS FOR BK1018	\$126.50
EFT18647	19/11/2021	RYLAN CONCRETE	KERBING CONSTRUCTION	\$3,850.00
EFT18648	19/11/2021	SHIRE OF KELLERBERRIN	HIRE OF STREET SWEEPER	\$3,565.00
EFT18649	19/11/2021	SHIRE OF MERREDIN	CONTRIBUTION TO CENTRAL WHEATBELT VISITOR CENTRE	\$2,500.00
EFT18650	19/11/2021	SIGMA CHEMICALS	CHEMICALS FOR HYDROTHERAPY POOL	\$386.87
EFT18651	19/11/2021	SOUTHERN CROSS AUSTEREO PTY LTD	TOURISM ADVERTISING CAMPAIGN	\$99.00
EFT18652	19/11/2021	SPINIFEX BREWERY PTY LTD	REFRESHMENTS FOR VETS WEEK	\$451.00
EFT18653	19/11/2021	JUEL ENTERPRISES PTY LTD T/A STIRLING ASPHALT	ASPHALTING AT AIR STRIP AND REC CENTRE	\$100,381.60
EFT18654	19/11/2021	SYNERGY	ELECTRICITY CHARGES FOR SHIRE PROPERTY	\$1,057.33
EFT18655	19/11/2021	TELSTRA	TELEPHONE USAGE	\$33.19
EFT18656	19/11/2021	THE HONDA SHOP	REPLACEMENT ENGINE FOR SMALL PLANT	\$385.00
EFT18657	19/11/2021	TRANSTRUCT	REPAIRS AT MUSEUM & MATERIALS FOR VARIOUS JOBS	\$2,764.35
EFT18658	19/11/2021	TWO DOGS HOME HARDWARE	MATERIALS FOR TOWN CREW	\$71.04
EFT18659	19/11/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	WALGA EMPLOYEE RELATIONS SUBSCRIPTION 2021-22	\$4,587.00
EFT18660	19/11/2021	WESTRAC PTY LTD	PARTS FOR BK510	\$688.36
EFT18661	19/11/2021	WHEATBELT EQUIPMENT PTY LTD	HYDRAULIC FLUID FOR BK6556	\$279.73
EFT18662	19/11/2021	WHEATBELT REFRIGERATION AND AIR CONDITIONING	ANNUAL REVERSE CYCLE AIR CON SERVICING AT VARIOUS SHIRE PROPERTIES	\$1,529.88
EFT18663	22/11/2021	AUSTRALIAN TAXATION OFFICE	BAS FOR OCTOBER 2021	\$7,105.00
EFT18664	10/11/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPERS FOR WEEK ENDING 31/10/2021	\$483.86
EFT18665	17/11/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPER FOR WEEK ENDING 07/11/2021	\$826.42
EFT18666	24/11/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$92.04
EFT18667	24/11/2021	BDD AUSTRALIA PTY LTD T/A BEGA	SUPERMARKET ORDER	\$3,117.30
EFT18668	24/11/2021	BROWNLEY'S PLUMBING & GAS	1 STED SCHEME SUBSIDY	\$1,000.00
EFT18669	24/11/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$1,167.07
EFT18670	24/11/2021	COCA-COLA AMATIL	SUPERMARKET ORDER	\$2,064.00
EFT18671	24/11/2021	CODY EXPRESS TRANSPORT	SUPERMARKET FREIGHT CHARGES	\$1,020.93
EFT18672	24/11/2021	RAMESH RAJAGOPALAN	ICT ALLOWANCE 2021-22	\$1,515.00
EFT18673	24/11/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$3,327.55
EFT18674	24/11/2021	JANINE MICHELLE COSGROVE	REIMBURSEMENT FOR SUPERMARKET SUPPLIES	\$16.00
EFT18675	24/11/2021	KATIE FUCHSBICHLER	RUBBISH COLLECTION FOR FNE 11/11/2021 & 25/11/2021	\$5,000.00
EFT18676	24/11/2021	MAROK WA PTY LTD	SUPERMARKET ORDER	\$1,651.01
EFT18677	24/11/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$5,246.74
EFT18678	24/11/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$8,547.46
EFT18679	24/11/2021	NEVILLE LINDSAY NOACK	REIMBURSEMENT FOR FUEL FOR COMMUNITY BUS	\$50.00
EFT18680	24/11/2021	SANDS FRIDGE LINES	SUPERMARKET FREIGHT CHARGES	\$994.90
EFT18681	24/11/2021	STAR TRACK EXPRESS PTY LTD	FREIGHT	\$121.11
EFT18682	24/11/2021	TELSTRA	TELEPHONE USAGE NOVEMBER 2021	\$1,848.89
EFT18683	24/11/2021	WIDEAWAKE PTY LTD T/AS IDEAL SALES	SUPERMARKET ORDER	\$1,109.84
EFT18684	25/11/2021	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$371.61
EFT18685	25/11/2021	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$1,147.00
EFT18686	26/11/2021	ESTATE OF MARGARET ANNE NUNN	REIMBURSEMENT AS PER COUNCIL RESOLUTION OCM 21 - 10.4.3	\$905.00
EFT18687	26/11/2021	ROYLANDS FARMING	REIMBURSEMENT FOR SUPERMARKET CHRISTMAS SUPPLIES	\$732.15
EFT18694	03/11/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPER FOR WEEK ENDING 03/11/2021	\$462.38
EFT18695	24/11/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPER FOR WEEK ENDING 14/11/2021	\$505.07
EFT18696	30/11/2021	DEPARTMENT OF TRANSPORT (DOT CLEARING)	DOT CLEARING 29/11/2021 (EOM TRANSACTION)	\$1,128.50
Total EFTs				\$618,154.26
Municipal Account Cheques				
48	10/11/2021	BOND ADMINISTRATOR	LODGEMENT OF BOND WITH BOND ADMINISTRATOR	\$456.00
49	19/11/2021	ELGAS LTD	GAS SERVICE CHARGE	\$87.12
50	19/11/2021	WATER CORPORATION	WATER USE AT SHIRE PROPERTIES	\$4,854.33
Total Cheques				\$5,397.45
Trust Account EFT Payments				
EFT18688	26/11/2021	BRENDAN JOHN WAIGHT	REFUND OF NOMINATION DEPOSIT	\$80.00
EFT18689	26/11/2021	RAMESH RAJAGOPALAN	REFUND OF NOMINATION DEPOSIT	\$80.00
EFT18690	26/11/2021	GRACE BROKAS	REFUND OF AMPHITHEATRE HIRE BOND	\$200.00
EFT18691	26/11/2021	JENNIFER VERHOOGT	REFUND OF NOMINATION DEPOSIT	\$80.00
EFT18692	26/11/2021	NATALIE CHRISTINE KILMINSTER	REFUND OF NOMINATION DEPOSIT	\$80.00
EFT18693	26/11/2021	SHANE GREGORY BUTLER	REFUND OF NOMINATION DEPOSIT	\$80.00
Total Trust Account EFT Payments				\$600.00
Wages and Salaries				
	10/11/2021	PAYROLL DIRECT DEBIT OF NET PAYS	PAYROLL FORTNIGHT ENDING 10/11/2021	\$45,326.63
	24/11/2021	PAYROLL DIRECT DEBIT OF NET PAYS	PAYROLL FORTNIGHT ENDING 24/11/2021	\$177,668.04
Total Wages and Salaries				\$222,994.67
Municipal Account Direct Debits				
DD7763.1	10/11/2021	AWARE SUPER PTY LTD	PAYROLL DEDUCTIONS	\$9,102.11

DD7763.2	10/11/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$200.74
DD7763.3	10/11/2021	VIRGIN MONEY SUPER	SUPERANNUATION CONTRIBUTIONS	\$217.20
DD7763.4	10/11/2021	BENDIGO SMART SAVER SUPER	SUPERANNUATION CONTRIBUTIONS	\$550.42
DD7763.5	10/11/2021	AMP RETIREMENT SAVINGS ACCOUNT	SUPERANNUATION CONTRIBUTIONS	\$48.85
DD7763.6	10/11/2021	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$220.11
DD7763.7	10/11/2021	MACQUARIE SUPER MANAGER II	SUPERANNUATION CONTRIBUTIONS	\$129.12
DD7763.8	10/11/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$878.56
DD7763.9	10/11/2021	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$714.01
DD7785.1	24/11/2021	AWARE SUPER PTY LTD	PAYROLL DEDUCTIONS	\$9,233.37
DD7785.2	24/11/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$200.74
DD7785.3	24/11/2021	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	PAYROLL DEDUCTIONS	\$392.97
DD7785.4	24/11/2021	VIRGIN MONEY SUPER	SUPERANNUATION CONTRIBUTIONS	\$217.20
DD7785.5	24/11/2021	BENDIGO SMART SAVER SUPER	SUPERANNUATION CONTRIBUTIONS	\$424.32
DD7785.6	24/11/2021	AMP RETIREMENT SAVINGS ACCOUNT	SUPERANNUATION CONTRIBUTIONS	\$80.94
DD7785.7	24/11/2021	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$221.73
DD7785.8	24/11/2021	COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	\$176.16
DD7785.9	24/11/2021	MACQUARIE SUPER MANAGER II	SUPERANNUATION CONTRIBUTIONS	\$146.26
DD7763.10	10/11/2021	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	PAYROLL DEDUCTIONS	\$417.94
DD7763.11	10/11/2021	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$558.93
DD7763.12	10/11/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,971.74
DD7763.13	10/11/2021	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$503.19
DD7763.14	10/11/2021	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$220.78
DD7785.10	24/11/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$876.04
DD7785.11	24/11/2021	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$714.00
DD7785.12	24/11/2021	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$723.59
DD7785.13	24/11/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,968.30
DD7785.14	24/11/2021	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$502.35
DD7785.15	24/11/2021	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$220.82
Total Municipal Account Direct Debits				\$31,832.49
Credit Card Payments				
EFT18594	11/11/2021	HEALTH ENGINE	HEALTH ENGINE APP, SMS RECALLS & NEW PATIENTS	\$132.00
		CANVA	SUBSCRIPTION TO CANVA PRO	\$164.99
		BENDIGO BANK	CARD FEE	\$4.00
		ACTIV8ME	INTERNET FOR OCTOBER/NOVEMBER 2021	\$45.40
		WESTNET	INTERNET FOR NOVEMBER 2021	\$109.95
			INTERNET FOR NOVEMBER 2021	\$99.95
			INTERNET FOR NOVEMBER 2021	\$89.95
Total Credit Card Payments				\$646.24
Total Municipal Account EFT Payments				\$618,154.26
Total Municipal Account Cheque Payments				\$5,397.45
Total Trust Account EFT Payments				\$600.00
Total Trust Account Cheque Payments				\$0.00
Total Wages				\$254,827.16
Total				\$878,978.87

Wyatt Verhoogt
PO Box 90
Bruce Rock WA 6418
wyatt.verhoogt@outlook.com
0428 849 721

3rd December 2021

Dear Mr Darren Mollenoyux

I am writing to you in relation to an invoice I have received from the Bruce Rock Shire for the supply of yellow sand from the Yarding pit (IN11629). Whilst the circumstances of how this sand was supplied were not ideal, I wish to document a few points on my behalf.

I originally enquired at the shire office around the works team transporting sand into our new residence at 56 Curlew Drive. I was told the team were very busy and that it probably wouldn't be possible, but someone would get back to me. I was subsequently informed that afternoon by the TR site construction manager that the sand would be required on site within the next 24 -36 hours. This made me particularly annoyed at the short notice since we had been waiting months for the house completion. With a seemingly dead end at the shires ability to move sand at short notice I organized the job to be done utilizing a generous local farmer's truck and trailer. We transported 7 semi loads of yellow sand the next day. At no point in time was I under the impression that I could not utilize sand from the Yarding pit as I am aware of many others (over the last 10+ years) who have used this sand for various purposes similar to mine or on-farm at no cost. Furthermore, there is no signage indicating that sand cannot be used.

Upon learning that access to the pit was not permitted I expressed a sincere apology to Dave Holland and agreed to be invoiced for the sand. I also wish to extend this apology to yourself. I was under the belief that the sand could be used for local purposes in the Bruce Rock shire without cost, and that a charge would only occur if the shire transported the sand. I apologize for not clarifying this before going ahead with the work.

Regardless, I am still happy to be invoiced for the supply of sand. However, I wish to request the current per tonne charge of \$18 be reviewed. It is my current understanding that the \$18/t encompasses the delivery of sand by the shire. As transportation was conducted privately, I am hoping you will consider a 'supply only' fee.

For reference of nearby sand supply fees, I am aware of a local farm that has white sand available at a rate of \$9/t (supply only).

I thank you for taking the time to read this letter and look forward to hearing from you in the future.

Regards




Wyatt Verhoogt

**Planning and Development (Local Planning Schemes) Regulations 2015
Schedule 2 Deemed provisions for local planning schemes Part 11 Forms referred
to in this Scheme cl. 86**

The form of an application for development approval referred to in clause 62(1)(a) is as follows —

Application for development approval

Owner details*		
Name: Local Government of Bruce Rock		
ABN (if applicable): 22 148 096 754		
Address: 54 Johnson Street Bruce Rock WA Postcode: 6418		
Phone: Work: 9061 1377 Home: Mobile:	Fax:	Email: admin@brucerock.wa.gov.au
Contact person for correspondence: Mr J Goldacre		
Signature: 		Date: 9-12-2021
Signature:		Date:
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p> <p>* Signed only as acknowledgement that a development application is being made in respect of a proposal that includes land under the control and-or ownership of the local government of Bruce Rock, and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (Including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development.</p>		

Applicant details (if different from owner)		
Name:		
Address: Postcode:		
Phone:	Fax:	Email:
Work:
Home:		
Mobile:		
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:
Property details		
Lot N°: 15 & 19	House/Street N°: 50 & 52A	Location N°:
Diagram or Plan N°: DP229891, & D028706	Certificate of Title Vol. N°: 1036, and 1531	Folio: 829, and 679
Title encumbrances (e.g. easements, restrictive covenants): Restriction on sale of intoxicating liquor (this is currently being formally removed by Landgate on application by the local government of Bruce Rock and resolution is underway although pending LandGate administrative action...)		

Street name: Johnson	Suburb: Bruce Rock
Nearest street intersection: Bath Street	
Proposed development	
Nature of development:	<input checked="" type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: That the Shop building on Lots 15 and 19 Johnson Street (as amended) setbacks for: a) the North and South building sides are zero millimetres from the boundary, b) the Front of the building facing East is setback zero millimetres from the boundary, c) the building setback for the West facing rear area of the Loading Yard Covered is setback to zero millimetres from the boundary, and d) The building setback for the West facing rear area of the Loading Yard Uncovered is setback 8,100 millimetres between the wall and boundary. The requirement for the Maximum Plot Ratio is 'one', and the Minimum Landscape Area is 'zero',	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use: No existing buildings, this is a 'Greenfields' site. Zoned 'Commercial' for which a Shop is a permitted use subject to Shire of Bruce Rock Local Planning Scheme No3, Table 2 considerations by the local government of Bruce Rock which this DA seeks to address.	
Approximate cost of proposed development: 4,000,000.00	
Estimated time of completion: 9 December 2022	

OFFICE USE ONLY

Acceptance Officer's initials: JRG (EHO)

Date received: 9 December 2021

Local government reference N^o: DA-9/12/2021-Shop on Lots 15 & 19 Johnson St.



78 boys
Proximity to Snap

S staff allocated parking

Parting Bays Further afield.



Shire of Bruce Rock

DELEGATION REGISTER

Draft to be presented to Council December 2021

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Shire of Bruce Rock

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1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Audit and Risk Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none">1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)].2. Authority to:<ol style="list-style-type: none">a. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Bruce Rock; andb. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].3. Authority to review and endorse the Shire of Bruce Rock's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Council Conditions on this Delegation:	<ol style="list-style-type: none">a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.

Compliance Links:	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees
Record Keeping:	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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1.2 Council to CEO

1.2.1 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record Keeping:	

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1.2.2 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.3 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

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1.2.3 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 :Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping:	

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1.2.4 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Council Conditions on this Delegation:	a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

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1.2.5 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
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	Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i>
Record Keeping:	

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1.2.6 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works, Deputy Chief Executive Officer, Environmental Health Officer, Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 2.7 Purchasing Policy
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1.2.7 Tenders for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$5000 detailed as a condition on this Delegation, and to then negotiate minor variations with the

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	<p>successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>12. Authority to decline any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>14. Authority to:</p> <ol style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$5000 whichever is the lesser value. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

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	c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Finance, Manager of Works, Environmental Health Officer, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 2.7 Purchasing Policy
Record Keeping:	

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1.2.8 Application of Regional Price Preference Policy

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulations 1996::</i> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 2.8 Regional Price Preference
Record Keeping:	

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1.2.9 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Finance, Deputy Chief Executive Officer, Senior Finance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual
Record Keeping:	

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1.2.10 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Bruce Rock [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Bruce Rock [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Bruce Rock [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Write-off a rates or service charge debt up to \$200 in accordance with the Financial Hardship Policy [s.6.12(1)(c) &(2)]. b. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Bruce Rock. c. Limited to individual debts valued below \$200 or cumulative debts of a debtor valued below \$200. Write off of debts greater than these values must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	

Version Control:

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1.2.11 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 2.9. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy 2.9
Record Keeping:	

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1.2.12 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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1.2.13 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 2.12 COVID19 Financial Hardship Policy. b. Agreements must be in writing and, subject to the Council Policy 2.12 COVID19 Financial Hardship Policy, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy 2.12 COVID19 Financial Hardship Policy
Record Keeping:	

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1.2.14 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 2.12 COVID19 Financial Hardship Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

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1.2.15 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Bruce Rock [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 2.12 COVID19 Financial Hardship Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Policy 2.12 COVID19 Financial Hardship Policy
Record Keeping:	

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1.2.16 Renewal or Extension of Contracts during a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and • contracts formed through a public tender.
Council Conditions on this Delegation:	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is \$500,000 or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).

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	<p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</p> <p>e. This authority may only be exercised where the total consideration under the resulting contract is \$500,000 or less.</p> <p>f. The CEO cannot sub-delegate this authority.</p>

Compliance Links:	<p>Local Government (Functions and General) Regulations 1996</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy 2.7 Purchasing Policy</p>
Record Keeping:	

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1.2.16 Procurement of Goods or Services required to address a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> 1. Determine that particular goods or services with a purchasing value of less than \$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.

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Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit
Record Keeping:	

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1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Delegate/s:	Manager of Works, Deputy Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

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1.3.3 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Deputy Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day

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	which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	Nil.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	

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1.3.4 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Deputy Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	

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1.3.5 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Deputy Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

Version Control:

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1.3.6 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	Manager of Finance
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire of Bruce Rock; ii. Safe custody and security of money collected or held by the Shire of Bruce Rock; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority 1.2.9; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	

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1.3.7 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	Deputy Chief Executive Officer, Manager of Finance
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Bruce Rock’s systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996
Record Keeping:	

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1.4 Local Law Delegations to the CEO

1.4.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – “acceptable material” cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. General Activity Control</p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <ul style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. <p>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a</p>

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	<p>Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none">a. Temporary vehicle crossing [cl.2.4(1)]b. Any activity described as requiring a permit under cl.2.2(1);<ul style="list-style-type: none">i. dig or otherwise create a trench through or under a kerb or footpath;ii. throw, place or deposit anything on a verge;iii. cause any obstruction to a vehicle or person using a thoroughfare;iv. cause any obstruction to a water channel;v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;vi. damage a thoroughfare;vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13;viii. fell any tree onto a thoroughfare;ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare;x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;xi. use or do anything so as to create a nuisance;xii. place or cause to be placed in on a thoroughfare a bulk rubbish container;xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare;c. Drive or take a vehicle on a closed thoroughfare [cl.2.19];d. Erect or place an advertising or directional sign [cl.3.2]e. Use of portable signs [cl.3.4];f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5];g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)];h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11].i. Burn, subject to the <i>Bush Fires Act 1954</i>, slash or apply herbicides to part of a thoroughfare to reduce
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	<p>fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]</p> <p>b. Construct firebreaks on a thoroughfare [cl.5.17]</p> <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of “acceptable materials” which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <p>a. Alter the direction of a sprinkler or other watering equipment [cl.9.1];</p> <p>b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</p> <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <p>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3];</p> <p>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p>
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	<p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
Council Conditions on this Delegation:	a.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>A register of all special environmental areas must be maintained under cl.5.8 of the <i>Activities in Thoroughfares and Public Places and Trading Local Law</i>.</p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations 1.3.3 and 1.3.4.</p>
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	Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.
Record Keeping:	

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1.4.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Activities in Thoroughfares and Public Places and Trading Local Law: cl.6.6 Conditions of Permit (Stallholders and Traders) cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Permits General <ol style="list-style-type: none"> 1A. Authority, limited to the permit types listed below, to: <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. 2. Stallholder, Trading and Performing <ol style="list-style-type: none"> 2A. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to: <ol style="list-style-type: none"> a. Stallholder [cl.6.2]; b. Trader [cl.6.3]; c. Perform in a public place [cl.6.10]. 2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] 2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].

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	<p>3. Outdoor Eating Facilities</p> <p>3B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16].</p> <p>3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>3D Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p>
Council Conditions on this Delegation:	a.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

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2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	a.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Record Keeping:	

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2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation:	

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<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	

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2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<p>Building Act 2011</p> <ul style="list-style-type: none"> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>

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2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<u>Building Act 2011:</u> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	

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2.1.5 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i>

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	s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<u>Building Act 2011:</u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	

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2.1.6 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Building Act 2011 - s.146 Confidentiality
Record Keeping:	

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2.1.7 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Bruce Rock's District [s.145A(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	
Record Keeping:	

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2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	

Version Control:

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2.1.9 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	
Record Keeping:	

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2.1.10 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as “approved officers”.</i> Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as “authorised officers” for the purposes of Building Regulation 70(2).</i>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	

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3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire of Bruce Rock that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	
Version Control:	
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3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

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3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Bruce Rock or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

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Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

Version Control:

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3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].

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	<p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the Shire of Bruce Rock or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

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3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in

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	open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

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3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Bruce Rock: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

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3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Bruce Rock [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

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3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	

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3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Bruce Rock or those on behalf of the Shire of Bruce Rock to do [s.58].
Council Conditions on this Delegation:	a.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Compliance Links:	
Record Keeping:	

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3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Bush Fire Control Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none">1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	

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4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Bruce Rock's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<i>Cat Regulations 2012</i> r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7))

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	r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	

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4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Bruce Rock's District [s.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	

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4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	<i>Cat Regulations 2012:</i> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	

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4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	
Record Keeping:	

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4.1.5 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	
Record Keeping:	

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4.1.6 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	
Record Keeping:	

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4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Deputy Chief Executive Officer, Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Council Conditions on this Delegation:	a.
Express Power to Sub-Delegate:	Nil.
Compliance Links:	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	

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5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Bruce Rock's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].

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	<p>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</p>
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p>
Express Power to Sub-Delegate:	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p><i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
Record Keeping:	

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5.1.2 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer, Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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5.1.3 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer, Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	

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5.1.4 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
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5.1.5 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer, Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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5.1.6 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
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5.1.7 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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5.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer, Manager of Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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6.1.2 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

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6.1.3 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	

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6.1.4 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.
Compliance Links:	
Record Keeping:	

Version Control:

1	Delegation established December 2021
2	
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Delegation Register

Shire of Bruce Rock

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none">1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	

Version Control:

1	Delegation established December 2021
2	
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Delegation Register

Shire of Bruce Rock

7.1.2 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	

Version Control:

1	Delegation established December 2021
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Delegation Register

Shire of Bruce Rock

7.1.2 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy Chief Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	

Version Control:

1	Delegation established December 2021
2	
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Delegation Register

Shire of Bruce Rock

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i>
Record Keeping:	

Version Control:

1	Delegation established December 2021
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Delegation Register

Shire of Bruce Rock

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer <u>OR</u> Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Bruce Rock [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	

Version Control:

1	Delegation established December 2021
2	
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Delegation Register

Shire of Bruce Rock

8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority

Delegation Register

Shire of Bruce Rock

	<i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i>
Record Keeping:	<i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i>

Version Control:

1	Delegation established December 2021
2	
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Delegation Register

Shire of Bruce Rock

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	

Delegation Register

Shire of Bruce Rock

Version Control:

1	Delegation established December 2021
2	
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10 Statutory Authorisations and Delegations to Local Government from State Government Entities

10.1 Environmental Protection Act 1986

10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - [3Mb](#)

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

10.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Delegation Register

Shire of Bruce Rock

10.2 Planning and Development Act 2005

10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2nd* day of *June* 2016



**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**

Delegation Register

Shire of Bruce Rock

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road, <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goswells Shire of Halla Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojoonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

Delegation Register

Shire of Bruce Rock

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickkepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of *June* 2016

10.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

822

GOVERNMENT GAZETTE, WA

27 March 2020

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the *Strata Titles Act 1985*.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

Delegation Register

Shire of Bruce Rock

10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (*Insert name of Local Government*) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Delegation Register

Shire of Bruce Rock

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Delegation Register

Shire of Bruce Rock

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

Policy Name:	3.12 – Management of Complaints about Elected Members
Department:	Elected Members
Date Adopted:	16 December 2021
Last Reviewed:	

PREAMBLE Policy regarding the process to be followed in the event of a Complaint about an alleged Breach by an Elected Member.

OBJECTIVE

1. To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021*, the procedure for dealing with complaints about alleged breaches of the behaviour requirements of the Shire of Bruce Rock Code of Conduct for Council Members, Committee Members and Candidates.
2. To advise Council of the process which needs to be followed in these circumstances.

POLICY

A Complaint about an alleged Breach will be referred in the first instance to the nominated Complaints Officer (i.e. the Chief Executive Officer) for initial assessment. The Complaints Officer will assess the Complaint and, if it cannot be resolved quickly, will decide whether it requires input from the Complaints Assessor. The Complaints Assessor is appointed from a panel of names submitted by the Wheatbelt East Regional Organisation of Councils (WEROC) Inc., (updated from time to time), who are deemed by individual WEROC participating Member Councils to have the necessary experience to undertake the Complaint Assessor role in an impartial manner. The Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period, and will then provide written notice of the appointment to the Complainant and the Respondent.

Once the Complaints Assessor is appointed they will work, with assistance from the Complaints Officer, to make an assessment of the validity of the Breach allegation and produce a Complaint Report.

When in receipt of the Complaint Report the Complaints Officer will bring this to Council at the next Council Meeting, with any actions which are recommended to be included for consideration in the Resolution.

HEAD OF POWER Local Government Act 1995

Local Government Reform - Summary of Proposed Reforms

WALGA Advocacy Positions and Recommendations

November 2021

About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,220 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

Contacts

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Local Government Act Review Process

WALGA through consultation with the Local Government Sector endorsed sector advocacy positions relating to Local Government Act amendments in March 2019 and December 2020. These advocacy positions were developed considering (but not limited to);

- The Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The City of Perth Inquiry Report (mid 2020)
- The State Parliament’s Select Committee Report into Local Government (late 2020)

In December 2020, WALGA endorsed the following principles for any review of the Local Government Act.

Local Government Reform – WALGA Principles

That the following key principles be embodied in the Local Government Act:

1. Uphold the general competence principle currently embodied in the Local Government Act
2. Provide for a flexible, principles-based legislative framework
3. Promote a size and scale compliance regime
4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments’ role in creating a sustainable and resilient community through:
 - i. Economic development
 - ii. Environmental protection, and
 - iii. Social advancement
5. Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act, and
6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

It is worth noting that of the above principles, items 1, 2, and 3 are addressed in these legislative reform proposals and principles 4 and 5 are partially addressed.

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> • The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> ○ Suspend or dismiss councils ○ Appoint Commissioners ○ Suspend or, order remedial action (such as training) for individual councillors. • The Act also provides the Director General with the power to: <ul style="list-style-type: none"> ○ Conduct Authorised Inquiries ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal ○ Commence prosecution for an offence under the Act. • Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. • The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> • It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). • The Inspector would receive minor and serious complaints about elected members. • The Inspector would oversee complaints relating to local government CEOs. • Local Governments would still be responsible for dealing with minor behavioural complaints. • The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. • The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. • The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. • The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. • The Inspector would be supported by a panel of Local Government Monitors (see item 	<p><u>Current Local Government Position</u></p> <p>Items 1.1, 1.2 and 1.3 generally align with WALGA Advocacy Position 2.6.8 - ‘Establish Office of Independent Assessor’</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> 1. <i>Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against Elected Members and undertake inquiries.</i> 2. <i>Remove the CEO from being involved in processing complaints.</i> 3. <i>That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.</i> 4. <i>An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.</i> <p>Comment</p> <p>The Local Government sector is in favour of early intervention and a swift response to potentially disruptive or dysfunctional behaviours. The Proposed Reforms state ‘<i>Local Governments would still be responsible for dealing with minor behavioural complaints</i>’ and therefore do not go as far as the Sector’s recent request for an external</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>1.2).</p> <ul style="list-style-type: none"> The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>oversight model for the independent assessment of local level complaints (State Council Res: 264.5/2021 – September 2021). However this will be mitigated with the Inspector able to respond to a Local Government having unresolved matters by appointing a monitor to assist the Local Government.</p> <p>It is expected the Local Government Inspector would be funded by the State Government, however it is noted that the cost of the Local Government Monitors and the Conduct Panel would be borne by the Local Government concerned.</p> <p>Recommendation</p> <ol style="list-style-type: none"> Support the proposed reforms as they align with the sectors position on external oversight and support. Request the Minister to explore alternate mechanisms for resolving local level complaints.
<p>1.2 Local Government Monitors</p>		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such 	<p>As above</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>as:</p> <ul style="list-style-type: none"> ○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators ○ Dispute resolution experts - to address the breakdown of professional working relationships ○ Certified Practising Accountants and other financial specialists - to assist with financial management and reporting issues ○ Governance specialists and lawyers - to assist councils resolve legal issues ○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. <ul style="list-style-type: none"> ● Only the Inspector would have the power to appoint Monitors. ● Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council’s code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	
1.3 Conduct Panel		
<ul style="list-style-type: none"> • The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. • Currently, the Panel makes findings about alleged breaches based on written submissions. • The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> • The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication. • The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for 	<p>As above</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>up to three months, with an appeal mechanism.</p> <ul style="list-style-type: none"> • For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. • Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	
1.4 Review of Penalties		
<ul style="list-style-type: none"> • There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> • Penalties for breaching the Local Government Act are proposed to be strengthened. • It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. • Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). • It is proposed that a councillor who is suspended multiple times may become disqualified from office. • Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p><u>Current Local Government Position</u></p> <p>Items 1.4 and 1.5 <u>expand upon</u> Advocacy Position 2.6.9 - 'Stand Down Proposal'</p> <p><i>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</i></p> <ol style="list-style-type: none"> 1. <i>That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and</i> 2. <i>That activities associated with the term 'disruptive behaviour', presented as reason to</i>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p><i>stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i></p> <p>Comment The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members.</p> <p>Recommendation</p> <p>Supported</p>
<p>1.5 Rapid Red Card Resolutions</p>		
<ul style="list-style-type: none"> • Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. • Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. • Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> • It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). • It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> ○ Require the Presiding Member to issue a clear first warning ○ If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions ○ If the person continues to be disruptive, the 	<p>As above</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>Presiding Member can instruct that they leave the meeting.</p> <ul style="list-style-type: none"> Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government’s operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person’s query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person’s complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p><u>Current Local Government Position</u> Item 1.6 <u>expands upon</u> Advocacy Position 2.6.11 – ‘Vexatious complainants in relation to FOI applications’ <i>WALGA advocates for the Freedom of Information Act 1992 (WA) to be reviewed, including consideration of:</i></p> <ol style="list-style-type: none"> <i>Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD);</i> <i>Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn; and</i> <i>Modernisation to address the use of electronic communications and information.</i> <p>Comment The Act has been expanded significantly in recent</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>years to permit an increased level of public involvement, scrutiny and access to information relating to the decisions, operations and affairs of Local Government in WA. Introducing a means to limit capacity for unreasonable complainants to negatively impact Local Governments will provide a necessary balance between the openness and transparency of the sector and the reasonable entitlement of citizens to interact with their Local Government.</p> <p>Recommendation</p> <p>Supported</p>
<p>1.7 Minor Other Reforms</p>		

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<p><u>Current Local Government Position</u></p> <p>Item 1.7 aligns with Advocacy Position 2.6 - 'Support DLGSC as service provider / capacity builder'</p> <p><i>WALGA supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, WALGA calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.</i></p> <p>Comment</p> <p>Operational guidance from the Department of Local Government, Sport and Cultural Industries leads to consistent understanding and application of statutory provisions by Local Government. The proposed reform that the Inspector issue non-compliance notices appears to replicate the Minister's powers under Section 9.14A – 'Notice to prevent continuing contravention'</p> <p>Recommendation</p> <p>Supported</p>

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<p><u>Current Local Government Position</u></p> <p>Item 2.1 aligns with Advocacy Position 2.6 – Local Government Legislation – ‘Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act’ and Advocacy Position 2.3.1 - ‘Regional Collaboration’.</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p>Comment</p> <p>The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p> <p>Recommendation</p> <p>Supported</p>
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. 	<ul style="list-style-type: none"> It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on 	<p><u>Current Local Government Position</u></p> <p>Comment</p> <p>WALGA developed the Template Crossover Guideline and Specification resource in 2017 and have been part of the Minister’s working group on</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<p>local roads.</p> <ul style="list-style-type: none"> A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. The DLGSC will work with the sector to develop standardised design and construction standards. 	<p>red tape reduction that has been looking at standardisation of crossovers.</p> <p>Recommendation</p> <p>Supported</p>
<p>2.3 Introduce Innovation Provisions</p>		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 2.3.</p> <p>Comment</p> <p>It is arguable communities expect all levels of Government will apply innovative solutions to complex and emerging issues difficult to resolve by traditional means. Exemptions constructed with appropriate checks and balances, particularly where expenditure of public funds are concerned, has potential to facilitate efficient and effective outcomes.</p> <p>Recommendation</p> <p>Supported</p>
<p>2.4 Streamline Local Laws</p>		
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer 	<p><u>Current Local Government Position</u></p> <p>Items 2.4, 2.5 and 2.6 expand upon Advocacy Position 2.6.35 - 'Local law-making process should be simplified'.</p> <p><i>The Local Law making process should be simplified as follows:</i></p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>frustrating for residents and business stakeholders.</p>	<p>applicable.</p> <ul style="list-style-type: none"> Local governments adopting Model Local Laws will have reduced advertising requirements. 	<ul style="list-style-type: none"> <i>The requirement to give state-wide notice should be reviewed, with consideration given to Local Governments only being required to provide local public notice;</i> <i>Eliminate the requirement to consult on local laws when a model is used;</i> <i>Consider deleting the requirement to review local laws periodically. Local Governments, by administering local laws, will determine when it is necessary to amend or revoke a local law; and</i> <i>Introduce certification of local laws by a legal practitioner in place of scrutiny by Parliament's Delegated Legislation Committee.</i> <p>Comment</p> <p>Proposed reforms meet the Sector's preference for simplified local law-making processes. Model local laws are supported, whilst recognising the models themselves will require review by State Government departments with the relevant head of power. For example, the Model Local Law (Standing Orders) 1998 formed the basis of many Local Government meeting procedures local laws but no review was completed. This model was superseded by individual local laws with added contemporary provisions. This pattern will repeat itself if model local laws are not reviewed to remain contemporary to the Sector's requirements.</p> <p>Recommendation</p> <p>Supported</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> • Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> • Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> ○ alfresco and outdoor dining ○ minor small business signage rules ○ running community events. 	As above
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> • Local governments currently prepare individual standing order local laws. • The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public. • Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> • To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. • Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. • Members of the public across all local governments would have the same opportunities to address council and ask questions. 	As above

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> • Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal “organisations of councils”, such as NEWROC and WESROC. • These initiatives typically have to be managed by a lead local government. • In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. • So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> • Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> ○ Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments ○ Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds ○ Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk ○ Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p><u>Current Local Government Position</u></p> <p>Item 2.7 aligns with Advocacy Position 2.3.1 - ‘Regional Collaboration’</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p>Comment</p> <p>Under the Regional Subsidiary model, two or more Local Governments are able to establish a regional subsidiary to undertake a shared service function on behalf of its constituent Local Governments. The model provides increased flexibility when compared to the Regional Local Government model because regional subsidiaries are primarily governed and regulated by a charter rather than legislation. While the regional subsidiary model’s governance structure is primarily representative, the model also allows independent and commercially focussed directors to be appointed to the board of management.</p> <p>A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Recommendation</p> <p>Supported</p>

Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> • Currently, local governments are only required to make written minutes of meetings. • While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. • Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. • Local governments are divided into bands with the largest falling in bands 1 and 2, and 	<ul style="list-style-type: none"> • It is proposed that all local governments will be required to record meetings. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. • Band 1 and 2 local governments would be required to livestream meetings, and make 	<p><u>Current Local Government Position</u></p> <p>Item 3.1 <u>expands upon</u> Advocacy Position 2.6 – ‘Promote a size and scale compliance regime’ and Advocacy Position 2.6.31 - ‘Attendance at Council Meetings by Technology’</p> <p><i>A review of the ability of Elected Members to log into Council meetings should be undertaken.</i></p> <p>Comment</p> <p>Local Governments introducing electronic meeting procedures and the means for remote public attendance in response to the COVID-19</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as:</p> <ul style="list-style-type: none"> ○ Growth and development ○ Strategic planning issues ○ Demands and diversity of services provided to the community ○ Total expenditure ○ Population ○ Staffing levels. 	<p>video recordings available as public archives.</p> <ul style="list-style-type: none"> • Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. • Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. • Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. • All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	<p>pandemic led to a swift uptake of streaming Council meetings. The proposed reform that Band 1 and 2 Local Governments will only be problematic where technical capability such as reliable bandwidth impact the district.</p> <p>Recommendation</p> <p>Supported</p>

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.2.</p> <p>Comment There is an evolving common practice that Council Minutes record the vote of each Council Member present at a meeting.</p> <p>Recommendation</p> <p>Supported</p>
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.3.</p> <p>Comment Clarifying the provisions of the Act has broad support within the sector. New reforms requiring Local Governments to video or audio record Council meetings (Item 3.1) will add to the formal record of proceedings that includes written Minutes. While being supported, the requirement to provide audio recordings of confidential matters to the DLGSC is queried on the basis that written and audio records can be readily accessed from a Local Government if required.</p> <p>Recommendation</p> <p>Supported</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.4 Additional Online Registers		
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government’s website. Regulations would prescribe the information to be included. <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking Contracts Register that discloses all contracts above \$100,000. 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.4.</p> <p>Comment This proposal follows recent Act amendments that ensure a range of information is published on Local Government websites. WALGA has sought clarity that the contracts register excludes contracts of employment.</p> <p>Recommendation</p> <p>Supported</p>
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
<ul style="list-style-type: none"> It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. The Model Standards for CEO recruitment and selection, performance review and 	<ul style="list-style-type: none"> To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.5.</p> <p>Comment In principle, this proposal has some merit and would be particularly effective if all CEO KPIs</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>termination require that a local government must review the performance of the CEO against contractual performance criteria.</p> <ul style="list-style-type: none"> Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<p>consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO’s statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO’s performance related to the strategic direction and operational function of the Local Government.</p> <p>In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.</p> <p>The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council’s responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI’s will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.</p> <p>The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature; 2. Do not support the results of performance reviews being published.

Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> There is currently no requirement for local governments to have a specific engagement charter or policy. Many local governments have introduced charters or policies for how they will engage with their community. Other States have introduced a specific 	<ul style="list-style-type: none"> It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. A model Charter would be published to assist 	<p><u>Current Local Government Position</u></p> <p>Items 4.1 and 4.2 generally align with Advocacy Position 2.6.34 - 'Support responsive, aspirational and innovative community engagement principles'</p> <p><i>The Local Government sector supports:</i></p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>requirement for engagement charters.</p>	<p>local governments who wish to adopt a standard form.</p>	<p>1. <i>Responsive, aspirational and innovative community engagement principles</i> 2. <i>Encapsulation of aims and principles in a community engagement policy, and</i> 3. <i>The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.</i></p> <p>Comment As indicated in Item 4.1 commentary, many Local Governments have already developed stakeholder engagement charters, or similar engagement strategies, that reflect their unique communities of interest. The development of guidance by the DLGSC, based on standards such as the International Standard for Public Participation practice, is supported in favour of taking a prescriptive approach or conducting a survey for the sake of a survey.</p> <p>Item 4.2 has potential to provide benchmarking of community satisfaction levels across Band 1 and 2 Local Governments.</p> <p>Recommendation</p> <p>Supported</p>
<p>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</p>		
<ul style="list-style-type: none"> • Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. • These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. • Results would be required to be reported publicly at a council meeting and published on 	<p>As above</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>the local government’s website.</p> <ul style="list-style-type: none"> All local governments would be required to publish a response to the results. 	
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> The current voting method for local government elections is first past the post. The existing first-past-the-post does not allow for electors to express more than one preference. The candidate with the most votes wins, even if that candidate does not have a majority. Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. In preferential voting, voters number candidates in order of their preferences. Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. All other states use a form of preferential voting for local government. 	<p><u>Current Local Government Position</u></p> <p>Item 4.3 <u>does not align</u> with Advocacy Position 2.5.1 – ‘First Past the Post voting system’</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> Four year terms with a two year spill Greater participation in Local Government elections The option to hold elections through: <ul style="list-style-type: none"> Online voting Postal voting, and In-person voting Voting at Local Government elections to be voluntary The first past the post method of counting votes <p>Comment</p> <p>It should be noted that the sector’s advocacy against compulsory voting and “All in All out” 4 year terms has been successful and these items are not included in the reform proposals.</p> <p>The introduction of preferential voting will be a return to the system of voting prior to the <i>Local Government Act 1995</i>. The Local Government Advisory Board reported on voting systems in 2006 (<i>Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities</i>) and provided the following comments in support of both first past</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>the post voting and preferential voting: <i>‘Comments in support of retaining first past the post include:</i></p> <ul style="list-style-type: none"> • <i>Quick to count. Preferential voting is time consuming to count.</i> • <i>Easily understood.</i> • <i>Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government.</i> • <i>Preferential voting allows election rigging through alliances or ‘dummy’ candidates.</i> • <i>In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.’</i> <p><i>‘Comments in support of replacing first past the post include:</i></p> <ul style="list-style-type: none"> • <i>Preferential voting is more democratic and removes an area of confusion.</i> • <i>Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.</i> • <i>Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place.</i> • <i>FPP does not adequately reflect the wishes of electors when there are three candidates or more.</i> • <i>FPP is unsuitable when there is more than one vacancy.</i> • <i>Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.’</i> <p>The Sector supports first past the post voting for</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported. Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.</p> <p>Recommendation Not currently supported - Local Government feedback requested</p>
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> • The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> ○ by the electors of the district through a public vote; or ○ by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> • Mayors and Presidents of all local governments perform an important public leadership role within their local communities. • Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. • Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. • A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<p><u>Current Local Government Position</u></p> <p>Item 4.4 does not align with Advocacy Position 2.5.2 - 'Election of Mayors and Presidents be at the discretion of Local Government.'</p> <p><i>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</i></p> <p>Comment</p> <p>There are 43 Band 1 and 2 Local Governments with 22 popularly electing the Mayor or President: Band 1 - 15 Band 2 - 7</p> <p>The remaining 21 Local Governments have a Council-elected Mayor or President. The cited examples of the City of Rockingham and City of Stirling electors determining by referendum to change the process for electing the Mayor are examples of the current system working as</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>intended. There is no evidence of elector support for uniform direct election of Mayors. Recommendation</p> <p>Not currently supported - Local Government feedback requested</p>
<p>4.5 Tiered Limits on the Number of Councillors</p>		
<ul style="list-style-type: none"> The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> It is proposed to limit the number of councillors based on the population of the entire local government. Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. The Local Government Panel Report proposed: <ul style="list-style-type: none"> For a population of up to 5,000 – five councillors (including the President) population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) population of above 75,000 – nine to fifteen councillors (including Mayor). 	<p><u>Current Local Government Position</u></p> <p>Item 4.5 does not align with Advocacy Position 2.5.1 – ‘Councils consist of between six and 15 (including the Mayor/President)’</p> <p><i>Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)</i></p> <p>Comment</p> <p>The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjarraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>number of Councillors to effectively share the representative role that Council Members play within their communities.</p> <p>The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.</p> <p>Recommendation</p> <p>Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.</p>
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> • A local government can make an application to be divided into wards, with councillors elected to those wards. • Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> • It is proposed that the use of wards for councils in bands 3 and 4 is abolished. • Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government’s election. • In smaller local governments, the population of wards can be very small. • These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. • There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<p><u>Current Local Government Position</u></p> <p>There are no advocacy positions in relation to Items 4.6, 4.7, 4.8 or 4.9.</p> <p>Comment</p> <p>The proposed reform to discontinue wards in Band 3 and 4 Local Governments brings alignment with the majority and provides that affected Local Governments will no longer have to conduct 8 year ward reviews or make representation to the Local Government Advisory Board to revert to a no wards system.</p> <p>Remaining proposed reforms will improve and clarify election processes.</p> <p>Recommendation</p> <p>Supported</p>

4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> • A person with a lease in a local government district is eligible to nominate as a candidate in that district. • A person with a lease in a local government district is eligible to apply to vote in that district. • The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> • Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. • The City of Perth Inquiry Report identified sham leases as an issue. • Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> ○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. ○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. ○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. • The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. • The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	<p>As above</p>
4.8 Reform of Candidate Profiles		

Local Government Reform – Consultation on Proposed Reforms

<ul style="list-style-type: none"> • Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> • Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	As above
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> • Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> • Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> ○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) ○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	As above

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> • The Act does not currently outline specific principles. • The Act contains a short “Content and Intent” section only. • The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> • It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> ○ The recognition of Aboriginal Western Australians ○ Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) 	<p><u>Current Local Government Position</u> Item 5.1 generally aligns with Advocacy Position 2.6 - Legislative Intent <i>Provide flexible, principles-based legislative framework.</i></p> <p>Recommendation</p> <p>Supported</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Community Engagement ○ Financial Management. 	
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> • The Act provides for the role of council, councillor, mayor or president and CEO. • The role of the council is to: <ul style="list-style-type: none"> ○ govern the local government’s affairs ○ be responsible for the performance of the local government’s functions. 	<ul style="list-style-type: none"> • The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. • It is proposed that these roles and responsibilities are further defined in the legislation. • These proposed roles will be open to further consultation and input. • These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<p><u>Current Local Government Position</u></p> <p>Item 5.2 aligns with Advocacy Position 2.6.36 - ‘Roles and Responsibilities’</p> <p><i>That clarification of roles and responsibilities for Mayors/ Presidents, Councillors and CEOs be reviewed to ensure that there is no ambiguity.</i></p> <p>Recommendation</p> <p>Supported</p>
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> ○ Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council ○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act ○ Developing and maintaining professional working relationships between councillors 	<p>As above</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>and the CEO</p> <ul style="list-style-type: none"> ○ Performing civic and ceremonial duties on behalf of the local government ○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> ○ Making significant decisions and determining policies through democratic deliberation at council meetings ○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council ○ Providing a safe working environment for the CEO; ○ Providing strategic direction to the CEO; ○ Monitoring and reviewing the performance of the local government. 	<p>As above</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: <ul style="list-style-type: none"> ○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) ○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council ○ Applying relevant law and policy in contributing to the decision-making of the council ○ Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions ○ Communicating the decisions and resolutions of council to stakeholders and the public ○ Developing and maintaining professional working relationships with all other councillors and the CEO ○ Maintaining and developing their knowledge and skills relevant to local government 	<p>As above</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Facilitating public engagement with local government. ● It is proposed that elected members should not be able to use their title (e.g. “Councillor”, “Mayor”, or “President”) and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 	
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> ● The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. ● To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. ● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions ○ Facilitating the implementation of council decisions ○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council ○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council 	<p>As above</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) ○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council ○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	

5.3 Council Communication Agreements		
<ul style="list-style-type: none"> • The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. • The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> • In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. • It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. • These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. • A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.3.</p> <p>Comment</p> <p>The availability of information not already in the public domain to Councillors under Section 5.92 of the Act can become contentious in the absence of a clear statement in support of the function the Council Member is performing. This can place CEO's in the invidious position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to <i>'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'</i>.</p> <p>Consistent availability of information motivates this proposed reform and it does not appear that</p>

		<p>individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement, in much the same way that the Communication Agreements between Ministers and agencies are based on provisions of the <i>Public Sector Management Act 1994</i>.</p> <p>Recommendation</p> <p>Support a consistent, regulated Communications Agreement.</p>
<p>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</p>		
<ul style="list-style-type: none"> • Elected members are eligible to receive sitting fees or an annual allowance. • Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. • Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> • It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. • Superannuation is widely recognised as an important entitlement to provide long term financial security. • Other states have already moved to allow councils to make superannuation contributions for councillors. • Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. • Providing superannuation to councillors recognises that the commitment to elected office can reduce a person’s opportunity to undertake employment and earn superannuation contributions. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.4.</p> <p>Comment</p> <p>WALGA was in the process of consulting with the sector when this reform was announced. The feedback to date from Local Governments varied. The proposed discretionary approach will permit Local Governments to exercise general competence powers to make their own determination on paying superannuation to Council Members.</p> <p>Recommendation</p> <p>Supported</p>

5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> • Local government elected members must complete mandatory training. • There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> • Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. • Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. • Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. • Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	<p><u>Current Local Government Position</u></p> <p>Item 5.5 <u>generally aligns</u> with Advocacy Position 2.8 - Elected Member Training</p> <p><i>Support Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members;</i></p> <p>Comment</p> <p>The proposal augments recent Act amendments that require Local Governments to adopt a professional development policy for Council Members. Many Local Governments now budget for training requirements that align with the policy statement.</p> <p>Recommendation</p> <p>Supported</p>

5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> • There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. • This is commonly a point of public confusion. 	<ul style="list-style-type: none"> • A statewide caretaker period for local governments is proposed. • All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> ○ Councils do not make major decisions with criteria to be developed defining 'major' ○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. ○ There are consistent election conduct rules for all candidates. 	<p><u>Current Local Government Position</u> There is no advocacy position in relation to Item 5.6</p> <p>Comment WALGA developed a template Caretaker Policy in 2017 on request for a consistent approach. There are no know instances where Caretaker Policy have led to unforeseen or unmanageable consequences impacting on decision-making functions.</p> <p>Recommendation</p> <p>Supported</p>

5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> • The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. • The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> • The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. • Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<p><u>Current Local Government Position</u> There is no advocacy position in relation to Item 5.7.</p> <p>Comment WALGA is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector.</p> <p>Recommendation</p> <p>WALGA to undertake its due diligence on this proposal and advise the sector accordingly.</p>

5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<p><u>Current Local Government Position</u> There is no advocacy position in relation to Item 5.8.</p> <p>Comment The proposed reform augments the CEO Standards in relation to recruitment introduced in February 2021.</p> <p>Recommendation Supported</p>

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial 	<p><u>Current Local Government Position</u> Items 6.1 and 6.2 generally align with Advocacy Position 2.6 – Support a size and scale compliance regime and Advocacy Position 2.6.24 – Financial Management and Procurement.</p> <p><i>The Local Government sector:</i></p> <ol style="list-style-type: none"> 1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General. 2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>reporting, to make statements clearer, and reduce unnecessary complexity.</p> <ul style="list-style-type: none"> • Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. • It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. • Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. • Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process. 	<p>Comment</p> <p>The Sector has a long-standing position for a broad review of the financial management and reporting provisions of the Act, which remain largely unchanged since commencing in 1996.</p> <p>Recommendation</p> <p>Supported</p>
6.2 Simplify Strategic and Financial Planning		
<ul style="list-style-type: none"> • Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. • There is also the Integrated Planning and Reporting (IPR) framework. • While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> • Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. • The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. • In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning 	<p>As above</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>and reporting clearer and simpler, providing greater transparency for ratepayers.</p> <ul style="list-style-type: none"> • Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. • It is proposed that the plans that are required are: <ul style="list-style-type: none"> ○ Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC ○ Simplified Asset Management Plans to consistently forecast costs of maintaining the local government’s assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape ○ Simplified Long Term Financial Plans will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years ○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected 	

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years)</p> <ul style="list-style-type: none"> ○ The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 	
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> • Local governments are not required to have a rates and revenue policy. • Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> • The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. • A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. • The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. • A template would be published for use or adaption by all local governments. • The Local Government Panel Report included this recommendation. 	<p><u>Current Local Government Position</u></p> <p>Item 6.3 generally aligns with Advocacy Position 2.1.6 - Rate Setting and WALGA's Rate Setting Policy Statement.</p> <p><i>Councils' deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community's willingness and capacity to pay.</i></p> <p>Recommendation</p> <p>Supported</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> The statements of a local government’s credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. This provides oversight of incidental local government spending. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 6.4.</p> <p>Comment</p> <p>This proposed reform reflects widespread common practice for credit card transactions to be included in monthly financial reports and lists of accounts paid.</p> <p>Recommendation</p> <p>Supported</p>
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<p><u>Current Local Government Position</u></p> <p>Item 6.5 aligns with Advocacy Position 2.6.25 - Review and reduce financial ratios.</p> <p><i>Advocate to the Minister for Local Government to amend the Local Government (Financial Management) Regulations 1996 to prescribe the following ratios:</i></p> <ol style="list-style-type: none"> Operating Surplus Ratio, Net Financial Liabilities Ratio, Debt Service Coverage Ratio, and Current Ratio. <p>Recommendation</p> <p>Supported</p>
6.6 Audit Committees		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government’s functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<p><u>Current Local Government Position</u></p> <p>Item 6.6 <u>does not align</u> with Advocacy Position 2.2.4 – Accountability and Audit <i>That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.</i></p> <p>Comment The Sector’s view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.</p> <p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p> <p>It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>separately with each Local Government within the region?</p> <p>There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to also consider proactive risk management is supported.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Do not support majority independent members of the Audit Committee 2. Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues.
<p>6.7 Building Upgrade Finance</p>		
<ul style="list-style-type: none"> • The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. • This is not currently provided for under the Act. • The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> • Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. • This would allow local governments to lend funds to improve buildings within their district. • Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<p><u>Current Local Government Position</u></p> <p>Item 6.7 aligns with Advocacy Position 2.6.26 - Building Upgrade Finance.</p> <p><i>The Local Government Act 1995 should be amended to enable a Building Upgrade Finance mechanism in Western Australia.</i></p> <p>Comment</p> <p>Building Upgrade Finance would enable Local Governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, Local Governments have identified an opportunity to use this approach</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market and achieve economic growth.</p> <p>Recommendation</p> <p>Supported</p>
<p>6.8 Cost of Waste Service to be Specified on Rates Notices</p>		
<ul style="list-style-type: none"> • No requirement for separation of waste changes on rates notice. • Disclosure will increase ratepayer awareness of waste costs. • The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> • It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). • This would provide transparency and awareness of costs for ratepayers. 	<p><u>Current Local Government Position</u> There is no advocacy position in relation to Item 6.8.</p> <p>Comment This proposed reform will require a relatively simple calculation,</p> <p>Recommendation</p> <p>Supported</p>



Local Government Reform

Earlier intervention, effective regulation and stronger penalties

Problems, disputes and dysfunction within local government impacts upon ratepayers, local businesses, and local government services.

Complaints relating to local governments should be resolved quickly to reduce the risk of damage that may be done when there are serious problems in how a local government is functioning.

Local government oversight needs to be focused on targeting and fixing significant problems and stopping misconduct.



The Local Government Inspector

A new oversight Inspector for local government will be appointed to handle complaints, manage investigations, and coordinate the proactive resolution of significant problems identified within local governments. The Inspector will have the authority to receive complaints about local government CEOs.



Local Government Monitors

Specialist independent Monitors appointed by the Inspector will visit and work with local governments to fix problems, to provide for faster resolution where problems are identified.



Stronger Penalties

Stronger penalties will be imposed by a new Conduct Panel. This will include short-term disqualification or withholding of allowances for elected members who have been found to be in breach of the Local Government Act or Regulations.



Mandatory Training

Elected members who do not complete mandatory training within a certain time will not be eligible for any allowances or sitting fees. They will also be liable for other penalties.



Rapid Red Card Resolutions

Mayors and Presidents will have consistent powers to eject anyone who disrupts a council meeting, with appropriate checks and balances by the Local Government Inspector, to prevent the misuse of these powers. This reform will also be supported by mandatory audio or video recording of council meetings.



Other Amendments

Other amendments may further strengthen oversight of local government. Early intervention and oversight reforms will also be supported by the other reforms, especially new transparency and democratic decision-making reforms.





Local Government Reform

Reducing red tape, increasing consistency and simplicity

The State Government is reducing unnecessary red tape to help facilitate delivery of small projects and support small business. Changes to the *Local Government Act 1995* and associated legislation will include a streamlined approach to facilitating alfresco dining, minor signage, and driveway approvals.

Improving the efficiency and consistency of local government will deliver significant benefits for small businesses, community organisations, and residents and ratepayers.



Standardised Meeting Procedures across all Local Governments

The procedures for all council meetings, including for public question time, will be standardised across the State. This will improve consistency, and make engaging with council decisions simpler and easier.



Greater Consistency for Small Business

Reforms will introduce standard approvals for key local government regulations and approvals, including:

- alfresco and outdoor dining
- minor small business signage rules
- community events

Many of these reforms build on the planning reforms already implemented by the State Government. They also complement the ongoing innovations by local governments, and initiatives by the Small Business Development Corporation and StreamlineWA.



Streamlining Local Laws

Local laws will be streamlined to create greater consistency and reduce the complexity of regulation, particularly for rules about installing minor signage for small business, and the planning of community events. There will be new, simple model local laws that local governments can easily adopt.



Creating Flexibility to Enable Resource-Sharing

Legislation will specifically enable and encourage local governments to share resources, including CEOs and senior employees. For instance, it will be easier for two or three local governments to hire one shared CEO.



Standardising Residential Crossovers/Driveways on Local Roads

Reforms to standardise and simplify the approval of crossovers (the part of driveways connecting to the road) for residential developments on local roads as part of the Phase 2 Planning and Local Government Reforms, announced jointly by the Minister for Planning and the Minister for Local Government, will be implemented.





Local Government Reform

Greater transparency and accountability

Ratepayers and the public expect local government decision making to be clear and transparent. During the COVID-19 pandemic, councils across the State demonstrated how online engagement can bolster public participation in local government decision-making.



Mandatory Recording of Council Meetings

Large local governments will be required to livestream meetings, and post recordings online. Smaller local governments will be required to record and publish audio recordings.



Guidance for Confidential Meeting Items

Clear rules will define the types of decisions that can be made by councils in confidential meetings, and recordings of those decisions will be required to be stored as permanent records.



Transparency and Accountability through Online Registers

There will be new state-wide standards for reporting of important local government transactions online, including:

- a Lease Register about the leases the local government is party to (either as lessor or lessee)
- a Community Grants Register to outline all grants and funding provided by the local government
- a Contracts Register that discloses all contracts or procurement with a value of \$100,000 or more
- an Interest Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council
- an Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space or car parking



Transparency of CEO Key Performance Indicators

The Key Performance Indicators (KPI) used to measure the performance of the CEO will be made publicly available, and the results will also be reported. The CEO will also have the right to publish comments to provide context to the results.



Consistent Recording of all Votes

To provide consistent transparency of decision-making across all local governments, all votes cast by all councillors for all decisions on council will be required to be reported in council minutes.



Local Government Reform

Stronger local democracy and community engagement

Election and community engagement reforms are proposed to empower ratepayers to participate in local democracy and decision-making.



Direct Election of the Mayor or President

All electors in large local governments will be able to vote directly for the Mayor or President, giving ratepayers more power to choose the leadership of their council. This reflects a broader trend, with councils such as Stirling and Rockingham already having moved to a public vote for the election of their Mayors.



Preferential Voting

Local government elected members will be elected by preferential voting, which is the same as State and Federal elections. Preferential voting ensures the elected council best reflects community views.



Consistent Number of Elected Members

To increase consistency, the number of elected members on any council will be set based upon the population within that local government. The Local Government Panel Report recommended a number of elected members as follows:

- population of up to 5,000 – 5 councillors (including the President)
- population of between 5,000 and 75,000 – 5 to 9 councillors (including the Mayor/President)
- population of above 75,000 – 9 to 15 councillors (including the Mayor)



No Wards for Small Local Governments

Wards in small local governments can cover very limited areas, with small populations. This means that councillors are more likely to be elected unopposed, or with a very small number of votes. In line with a broader trend, it is proposed that wards for all small local governments be abolished.



Reforms to Ensure Valid Candidate and Voter Eligibility

Rules for who is eligible to vote or run for council will be tightened, ensuring that only legitimate residents or businesses will be eligible. New laws will prevent candidates from using sham leases in council elections. The basis for why a candidate is eligible to run will also be required to be publicly disclosed.



Community Engagement Charter

Local governments will be required to establish a Charter which sets out how it will engage with ratepayers and the community about the local government's proposed policies, initiatives, and projects. A model Charter will be published to assist local governments who wish to adopt a standard Charter.



Other Amendments

There are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting.





Local Government Reform

Clearer Roles and Responsibilities

The *Local Government Act 1995* (the Act) outlines the role of council, elected members and the Chief Executive Officer (CEO). Ambiguity in these roles can be a source of dispute within local governments. Amendments to further define these roles and responsibilities in the Act will help to address this.

Principles

New principles will be included in the Act to foster a culture of better practice, based on the recommendations of the Local Government Review Panel Report. New principles will include:



recognition of the unique status of Aboriginal Western Australians



recognition of tiers (based on SAT bands)



guidance for community engagement



guidance for financial management



Communication agreements

Local governments will be required to introduce a communications agreement outlining communications process between councillors and the CEO.



Elected members

Elected members will only be able to use the title of their local government position while performing their role in an official capacity.



Statewide Caretaker Period

A statewide caretaker period for local governments is proposed. This means that all local governments across the State will have the same clearly defined election period, during which all councils operate on a caretaker basis.



Superannuation allowances

Local governments will be able to decide to make superannuation contributions for elected members. Councils will also be able to decide to cover tuition fees for elected members who undertake further study related to local government.



CEO recruitment

DLGSC will establish an approved panel of CEO recruitment panel members for the role of independent person on a recruitment and selection panel. Local governments will be able to appoint people outside of the designated panel with approval from the Local Government Inspector.



The role of CEOs

Roles will be further defined, providing a greater understanding of the CEO's responsibilities and clear delineation between the functions of council and the CEO, as leader of the administration.



In accordance with the Local Government Review Panel Report's recommendation, WALGA will no longer be constituted under the *Local Government Act 1995*. This will provide clarity that WALGA is not a State Government entity.





Local Government Reform

Improved financial management and reporting

Clear and accurate financial management and reporting is critical for public confidence in local government. Currently, local governments across Western Australia have to comply with the same financial reporting requirements, even though local governments range from less than 200 residents to a population of more than 200,000 people.



Model Financial Statements

New standardised templates will be established for local government financial statements:

- Large (band 1 and 2) local governments will have financial statements similar to those already used, with minor amendments and streamlining where possible
- Smaller (band 3 and 4) local governments will have more streamlined standard financial statements, reflecting the generally less complex operations of smaller local governments



Rates and Revenue Policy

All local governments will adopt a short Rates and Revenue Policy. The Policy will provide greater clarity for ratepayers by linking the cost of services and the maintenance of assets (such as roads and recreation facilities) to the setting of rates.



Reforms for Financial Ratios

The financial metrics reported on the MyCouncil website will be reviewed and adjusted to ensure they best reflect the underlying financial position of the local government.



Credit Card Statements Publicly Reported to Council

New reforms will introduce a requirement that employee credit card statements are to be provided to council at meetings on a monthly basis.



Other Minor Reforms

Other changes to the legislation will provide for general improvements for financial management:

- Changes to require Audit and Risk Committees to bolster local government oversight, and allowing regional local governments to share Audit and Risk Committees to reduce costs
- Reforms will allow local governments to provide fixed-interest loans to building owners to fund specific building upgrade finance, such as for green energy investments, and for heritage preservation works
- The cost of waste collection services provided to a property will be required to be separately stated on any rates notice for that property. This provides ratepayers with clear transparency for what waste collection services cost

The State Government is also considering potential further reform for regional subsidiaries, and other financial and risk management initiatives.





MINUTES OF CENTRAL EAST ACCOMMODATION & CARE ALLIANCE INC MANAGEMENT COMMITTEE MEETING HELD AT 10.00AM ON MONDAY, 8TH NOVEMBER 2021 AT THE KELLERBERRIN RECREATION & LEISURE CENTRE, LOT 260 CONNELLY STREET, KELLERBERRIN

1. OPENING & INTRODUCTION

The Chairperson opened the meeting at 10.05am and welcomed the new CEO of the Shire of Merredin, Lisa Clack.

The Chairperson advised that CEACA had met with various home care providers to discuss options for provision of home care services to CEACA Member shires and the discussions with Catholic Homes have proven to be very positive. An invitation was extended to Catholic Homes to present to the Members and they will be joining us today.

The Chairperson welcomed the Catholic Homes representatives, John Bogoevski (Home Care Operations Manager), Kylie Steele (Executive Manager Home and Community Care) and Zoe Heron (Clinical Manager) and thanked them for taking the time to be present at the meeting.

2. PRESENTATION – CATHOLIC HOMES

Catholic Homes presented and the following key information in relation to their business and home care:

- Providers of home care packages (HCP), private services, health and wellness programs, short term restorative care and transport services. Currently service 256 packages and expanding rapidly.
- Training of staff is mandatory, is provided free of charge and is updated consistently.
- Can assist clients to apply for care packages, including face-to-face meeting, Aged Care Assessment Team (ACAT) assessment, liaison with *My Aged Care*, allocation and ongoing management of the home care package.
- No daily fees and no call centres. They listen to the clients' individual needs and modify packages to suit.
- They have clients as well as staff who live and work in the region (including an Occupational Therapist).
- Short term restorative care packages are available to individuals of all ages and last for a maximum of 8 weeks.
- They offer their services to everyone, regardless of religious beliefs, age or ethnicity.

Questions/Comments:

1. Are Short Term Restorative Care programs limited to one per annum?

- Individuals can access a maximum of 2 rounds in one calendar year and the payment is approx. \$4k/month.

2. Transport is a big issue for many of the Member shires. What services can Catholic Homes offer in this regard?

- If the transport (eg. to medical appointments) is part of the client's funding package, it is included in their funding and Catholic Homes ensure that they have drivers in place to fulfil that service.
- If the service is a 'one-off' (eg. attending a funeral) a fee-for-service charge will be applied and a driver will be found.
- Staff are in most areas and can assist. More drivers are being recruited and they pay for time + kms between clients.

3. There are a few towns that Catholic Homes already service and some of these are remote. Feedback from the community is that 90% of the HCP can be taken up by travel costs and demand for services is very high. How would Catholic Homes respond to this and how are they managing it?

- Catholic Homes endeavour to recruit locally and ideally have staff in every town to service these requests. At present, do not charge a large travel fee, if anything in many of these towns. This is obviously not sustainable and is currently under review. Social media is used to advertise for staff in areas where they are required and have had a high level of success.

4. Is there training available for those who wish to join Catholic Homes?

- Catholic Homes ensure all staff undertake mandatory training, free of charge (face to face or via Zoom). This includes dementia specific training. They also have an Occupational Therapist in Koorda who provides on-site training.

5. CEACA is made up of 9 shires in the Central East Wheatbelt region and those shires not only have CEACA units in their area, but their own. How does Catholic Homes see themselves working with the Shires for their tenants?

- Catholic Homes would be happy to meet with any shire to discuss requirements for care service provision to their shire-owned properties. They have done this with hospitals in the region already.

6. How do individuals find out about the services that Catholic Homes offer and apply for a HCP or other service?

- Catholic Homes receive enquiries via phone, referrals from hospitals, social workers or from the website. A large amount of advertising is conducted. Some of the enquiries are new to HCP and others simply wish to change provider and are shopping around. The majority are from people needing help with the process as it is confusing and time consuming. Catholic Homes do not charge a fee for the initial meeting and assessment which can take up to 1.5hrs.

7. One of the main challenges the Shires experience is to get the elderly to recognise that they need assistance and by the time they realise it, they have no option but to go straight to a residential care facility.

- Catholic Homes recommend that the elderly book in for an assessment early as it will reduce the risk of this happening. The process of being assessed, to being approved for a HCP, can take 6-12 months. If they are assessed and awarded a package, they should accept it even if they do not use all funds. The funds can accumulate and be useful down the track if they need to pay for additional or higher care services (eg. mobility aids).

8. We understand that you have Level 1-4 services depending on level of need. What is the most common level being applied to clients in the region at present?

- Most of our clients in the region are on Level 4 (highest), followed by Level 3. The most common services used are personal care, full care, in-home respite to give the partner/family a break, domestic assistance and gardening. Catholic Homes are well placed to assist with these items, especially gardening.

9. Can anyone apply to work with Catholic Homes (eg. gardeners)?

- Catholic Homes invite individuals in the community to apply for work with them, including groups such as Men's Sheds, but must have an ABN. Catholic Homes do conduct checks on contractors (Police Clearance, insurance etc) prior to approving them as a preferred provider.

10. Do Catholic Homes help with the assessment and change from one level of care to another?

- Homes Care Manager manages all changes to their clients' care packages. If they decide the client needs higher care, they will conduct a review, liaise with *My Aged Care* and submit a recommendation for change in favour of the client.

11. Is there an age limit for HCP?

- Applicants must be 65+ years, except for Aboriginal or Torres Strait Island applicants, who can apply from 55 years.

12. Could CEACA and Catholic Homes push for their community to use one provider so that we can get critical mass, better use of staff, transport services?

- This is not possible, as clients have the right to choose which provider they wish to use and can change at any time. We can provide information to community members, market and improve services that we offer in conjunction with Shires and Members but cannot force people to use just one provider.

Outcome

CEACA to review the information and discuss ways in which we may be able to assist with the provision and marketing of services (eg. central hub of information, community information sessions).

Conclusion

There being no further questions, the presentation concluded at 11.11am. The Chairperson thanked Catholic Homes for attending and recommenced with the CEACA Management Committee Meeting at 11.20am after a short break.

3. MEETING MATTERS

3.1 Record of Attendance and Apologies

Attendance

Terry Waldron - Chairperson (CEACA), Richard Marshall - Executive Officer (CEACA), Jo Trachy -Operations Manager (CEACA), Stephen Strange - Shire of Bruce Rock, Darren Mollenoyux - Shire of Bruce Rock, Jannah Stratford - Shire of Koorda, Rod Forsyth - Shire of Kellerberrin, Lisa Clack - Shire of Merredin, Gary Shadbolt - Shire of Mukinbudin, Dirk Sellenger - Shire of Mukinbudin, Louis Geier - Shire of Westonia, Jamie Criddle -Shire of Westonia, Quentin Davies - Shire of Wyalkatchem, Peter Klein - Shire of Wyalkatchem.

Apologies

Darren Simmons – Shire of Koorda, Raymond Griffiths – Shire of Kellerberrin, John Nuttall – Shire of Mt Marshall, Tony Sachse – Shire of Mt Marshall, Mark McKenzie – Shire of Merredin, Nic Warren – Shire of Yilgarn, Wayne Della Bosca – Shire of Yilgarn

3.2 Declaration of Quorum

The Chairperson advised that the quorum for the meeting was met.

3.3 Conflicts of Interest

There were no declarations of conflicts of interest.

3.4 Minutes of the Management Committee Meeting – 23 August 2021

RESOLUTION

It was resolved that the Minutes of the Management Committee meeting held on the 23 August 2021 be accepted as a true and accurate record of proceedings.

CARRIED

3.5 Minutes of the Management Committee Meeting – 11 October 2021

RESOLUTION

It was resolved that the Minutes of the Management Committee meeting held on the 11 October 2021 be accepted as a true and accurate record of proceedings.

CARRIED

3.6 Matters Arising / Action Items

The CEACA Action Items list was distributed to the attendees prior to the meeting and was noted by Members.

4. MATTERS FOR DECISION

4.1 Appointment of CEACA Chairperson

The Chairperson, Terry Waldron, left the meeting. The Deputy Chairperson asked for nominations for the role of Chairperson for the 2021/22 year. Rod Forsyth, Member for Shire of Kellerberrin nominated Terry Waldron. This nomination was seconded by Louis Geier.

RESOLUTION

It was agreed by all CEACA Members to elect Terry Waldron as the Independent Chairperson until the 2022 Annual General Meeting.

CARRIED

Note: A discussion regarding Office Holder terms was held and the Member for Bruce Rock asked if the positions could be extended to 2-year terms but staggered such that roles do not expire at the same time. The CEACA Executive Officer advised that the Constitution currently stipulates that the term for Office Holders is for 1 year only, however if the Members felt it necessary, the Constitution could be reviewed and amended.

4.2 Alliances with Catholic Homes & Baptistcare

The CEACA Executive Officer made the following comments:

- Both providers are aware that CEACA are dealing with them both. Their objectives are similar to ours and it quickly became apparent that we can help each other. We have had discussions with several other care providers, but Catholic Homes and Baptistcare have been the most impressive by far.
- Baptistcare are likely to present at the CEACA meeting in February 2022.
- Happy to recommend that CEACA enter an informal arrangement with both organisations (MOU document provided with the meeting papers).
- Opportunities for us to promote both organisations on CEACA and Shire websites with links to information.

RESOLUTION

It was agreed that we enter a Memorandum of Understanding with both organisations.

CARRIED

4.3 Appointment of Consultant

The CEACA Executive Officer advised that CEACA had received 3 proposals from care services consultants. An option is to defer the appointment of a consultant until we have learnt more from working with Catholic Homes and Baptistcare. If CEACA need to utilise consultancy services later, the option is there. CEACA has applied for \$30k consultancy funding via Lotterywest and a further \$10k from another organisation referred by the CEACA Deputy Chairperson.

RESOLUTION

It was agreed that CEACA would put the consultancy proposals on hold for the time being and work with Baptistcare and Catholic Homes. If they are needed to assist in future, we will approach them at that time.

CARRIED

4.4 Elders' Management Agreement

The CEACA Executive Officer commented as follows:

- CEACA signed a 12-month Management Agreement with Elders Real Estate and that expires on 5 December 2021.
- In response to a concern from some that the fees were too high, a review was conducted mid-2021 by the CEACA Chairperson, Deputy Chairperson, Executive Officer and Operations Manager. This review included reviewing operations, requirements of the Residential Tenancies Act, processes and fees charged. A report was circulated to all CEACA Members at that time and all were supportive of a Managing Agent continuing.
- We have recently tested the market and approached The Professionals in Northam, who were slightly cheaper, but did not give CEACA management the confidence that they could do the job to the same standard as Elders. A meeting would be set up in future to discuss further and ensure that they are aware of the volume of work and expectations.
- A meeting was held with Drew Carey, Elders State Manager and his feedback was that they are happy to enter a 12-month extension with no rate change. They would put the fees up if the extended term was longer than 12 months as their costs are increasing across the board, not just for CEACA, in 2022.
- We currently pay \$120K per annum for Elders to manage 71 units, including units that are empty. This includes but is not limited to quarterly inspections and substantial property condition reports for all units, court attendance, breach notices, terminations, lease meetings/sign ups and collection of rent. This is the simplest way of charging. If they were to charge only for units that were occupied, then the individual management fee would increase.
- We are impressed with the Manager and recommend that we extend for a period of 12 months.
- The Treasurer wanted it noted that he was happy for the extension to go ahead, however, would like CEACA to confirm with the relevant Government Department that we are assessing applicants correctly and providing an opportunity for not only people on very low or low incomes to reside in the units, but those with existing assets.

RESOLUTION

It was agreed that CEACA enter into a 12-month extension agreement at the current rate with Elders, on the understanding that further reviews will be conducted. These reviews must include obtaining quotations from other providers in the region as well as CEACA review of operations vs. Elders Property Manager duties.

Further, it was agreed that CEACA will liaise with the relevant Government Department to confirm that CEACA is following the correct guidelines with regards to Band A and Band B (Very Low or Low Income) assessments and allocation of units (priority ratings) for those with existing assets, currently assessed as 'non-affordable'.

CARRIED

ACTION ITEM

The CEACA Chairperson, Executive Officer and Operations Manager review the current allocations matrix and priority rating systems, and to meet with the relevant Government Department, to confirm that we are assessing applicants correctly, especially those with current assets who are not considered Band A or Band B (Very Low or Low Income).

4.5 Refurbishment Reserve Policy

The CEACA Executive Officer spoke to the draft policy distributed to attendees prior to the meeting and added that the policy refers to funding of refurbishments, not the process of refurbishing Units. A refurbishment plan has been developed which will result in \$1.6m being spent on future refurbishment work, scheduled to start in 2027. The proposal is that CEACA put aside \$100k annually in a refurbishment account. The first transfer has already been made.

RESOLUTION

It was resolved to approve the Refurbishment Reserve Policy.

CARRIED

ACTION ITEM

The Executive Officer to check the wording of the Refurbishment Policy to ensure it complies with the relevant Government Department requirements with respect to having a separate refurbishment account to ensure CEACA are compliant.

4.6 Rectification of Defects

The CEACA Executive Officer commented as follows:

- We have obtained the security bond (approx. \$235k) from Pindan and the funds are held by the Shire of Merredin. This will be added to approx. \$315k currently held in the CEACA project account.
- Preliminary estimate to rectify all defects is \$370k. Vesara and Stallion Homes have been asked to provide quotations to review and rectify defects in 1-9 Hopkins Lane, Merredin as a starting point. The majority of the 'common defects' can be found in these units and it makes sense for the builders to quote on these and when the work is done, submit a report containing accurate pricing/defect rectification for the remaining 62 units.
- CEACA Operations Manager is currently reviewing and refining both quotations received as both have not followed the brief and submitted very different quotes. A request has been sent to them to quote on the items provided by CEACA only and we expect the revised documents to be submitted this week.

5. MATTERS FOR DISCUSSION

5.1 Executive Officer Report

The CEACA Executive Officer provided a summary of his report and commented as follows:

Strategic Objectives – Development of Care Services Model

- Draft MOU have been agreed with Catholic Homes and Baptistcare (Annexure C and D).
- Meetings held with both organisations and they are keen to expand their services and work with CEACA.
- Catholic Homes presented at today's meeting and Baptistcare will be asked to present at the February 2022 meeting.
- Funding applications for consultancy submitted to Lotterywest and Foundation Rural and Regional Renewal.
- Proposals received from Verso, Consultivation and PreEmpt. A summary of all three can be found in Annexure E.

Other Strategic Objectives

Expansion of CEACA Accommodation Units

- A survey to Shires to determine the estimated demand for additional CEACA units is being developed. DPIRD has advised that there would be no funding for additional CEACA units in this year's budget. Although consistently 100% occupied now, we cannot guarantee that level will continue. We may need to consider whether we cater for a wider range of applicants in future (eg. workers/contractors).

Development of Transport Services Model

- Catholic Homes and Baptistcare both offer transport services (some form part of a package eg. medical appointments and some are one-off fee for service trips eg. attending a funeral).

Governance

- Executive Committee is to be appointed by Management Committee Members once a year so we will adjourn this meeting, hold the AGM and then commence the Executive Committee elections.

Management of Accommodation owned by Shires

- Preliminary discussions held with Shire of Bruce Rock.

Other Wheatbelt Shires Joining CEACA

- It is proposed that CEACA approach other Shires to discuss membership, but only after progress is made with the other strategic objectives.

CEACA Membership

- The Shire of Nungarin has advised that it will not renew its CEACA membership for FY22. Formal letter received.

Accounting & Audit

- Annual audit was completed on 12 October 2021 with a clean audit report issued. Audit Management Report dated 12 October 2021 was also issued by auditors. Management Accounts for 3 months to end of September 2021 are included in the papers.

- Operations Manager salary 100% under ILU budget and must be reviewed as they cover Operations and Governance.
- Balance Sheet is strong. End of September saw balance of \$417k with very few liabilities.
- Fixed Assets – Land did not make it onto the Balance Sheet but will do by next year.
- Costs for construction of 71 units is recorded in the Shire of Merredin accounts. A summary schedule (Annexure F) has been prepared which allocates the costs between each site and between siteworks and housing construction. It is expected that costs will be brought to account and included in CEACA's balance sheet at 30 June 2022. Thereafter costs will need to be depreciated over the expected useful lifespan of the units. It may be better to obtain a valuation for all units so that we do not have to depreciate. This will be reviewed over the next few months and we will speak to Elders regarding valuations.

Budget

- Slight change to budget with error found against the Chairperson's fee. The difference was re-allocated to Consultancy.

Pindan Construction (Builder) Update

- A second meeting of creditors of Pindan Contracting Pty Ltd was held on 4 November 2021. The meeting was deferred as an improved offer is to be received from the parent company in Singapore.
- Creditors will consider a proposed Deed of Company Arrangement (DOCA) put forward by Pindan's parent company based in Singapore. The DOCA proposal is an attempt to avoid liquidation, which would see a substantial claim proceed against the Singaporean parent company.
- CEACA has lodged proof of debt with Pindan's Administrators in the amount of \$367,868 being the preliminary estimated cost of defect rectification. Against this is the recovered security bond of \$235,343 which would be offset.
- If approved, DOCA would only yield a maximum of \$1,500 return to CEACA. This would be subject to acceptance of CEACA's proof of debt.
- The Administrators have recommended to creditors that Pindan be placed into liquidation. If Pindan goes into liquidation, it is estimated by the Administrators that creditors may get a higher return than via the DOCA, however that is dependent on a successful outcome of the claim against the overseas parent. In either scenario, liquidation or DOCA, it is expected there would be negligible, if any, further return of funds to CEACA from Pindan.
- CEACA got a vote at the creditors meeting but did not raise it as impossible to know what the best course of action is at this point.
- CEACA will wait to see what the second offer is.

ACTION ITEM

CEACA Management Committee Members to discuss the withdrawal of Shire of Nungarin and Shire of Trayning, review the Constitution, operations, membership rules and fees and attracting new Members.

5.2 Operations Manager Report

The CEACA Operations Manager added the following comments:

Land

Shire of Yilgarn – Settlement has now finalised. Copy of the non-issue Titles from Landgate confirming CEACA have been registered have now been received. Agent has notified rating authorities.

Shire of Wyalkatchem – Jurovich Surveyors are currently liaising with Water Corporation and relevant authorities for the re-certification of Schedule of Unit Entitlement. The cost of this will be \$1,100 + GST. There will be no clearance fee with the Shire. Once finalised, the process of applying for Water Corporation compliant sub-meters will begin.

Sewer Pumps

No issues experienced since March 2021. The systems (x6) seem to be settling in and working well; however, we have not had any power cuts or people putting things down the toilets and regular checks are undertaken. River Engineering and Allied Pumps are working on a proposal to improve the redundancy and operation of these systems and this could include better pumps and/or bigger tanks. We expect to receive a proposal this week.

Solar

Original agreement was signed 21 October 2020. Building Superintendent recommended that we put the contract on hold until the issues with defects were resolved with Pindan. More Green Energy held original price and installations commenced 25th August 2021. Installations progressing well with only a couple of delays and have experienced challenges with finding contractors, increasing costs and lack of materials, due to COVID. They expect to finish Nungarin (x2) and Wyalkatchem on 13, 14, 20 & 21 November and will complete the remainder of units in Merredin by the end of Nov.

6. MEETING CLOSURE

The Chairman thanked everyone for attending and there being no further business, the meeting closed at 12:53pm

7. NEXT MEETING

The next meeting date will be determined in the new year.

- Meeting reconvened after the AGM
- Appointment of Executive Committee

NOMINATION OF EXECUTIVE COMMITTEE MEMBERS

Nominations Received:

John Nuttall from Shire of Mt Marshall and Darren Mollenoyux from Shire of Bruce Rock nominated themselves for the position of CEACA Ordinary Member. Raymond Griffiths from Shire of Kellerberrin also indicated a willingness to remain on the Committee.

RESOLUTION

It was resolved by CEACA Members that John Nuttall from Shire of Mt Marshall, Raymond Griffiths from the Shire of Kellerberrin and Darren Mollenoyux from the Shire of Bruce Rock be appointed as CEACA Ordinary Members until the 2022 Annual General Meeting.

CARRIED

The Members of the CEACA Executive Committee until the 2022 Annual General Meeting are:

Terry Waldron	-	CEACA Chairperson
Richard Marshall	-	CEACA Executive Officer
Gary Shadbolt	-	Shire of Mukinbudin & CEACA Deputy Chairperson
Rod Forsyth	-	Shire of Kellerberrin & CEACA Treasurer
Quentin Davies	-	Shire of Mukinbudin & CEACA Secretary
Darren Mollenoyux	-	Shire of Bruce Rock
John Nuttall	-	Shire of Mt Marshall
Raymond Griffiths	-	Shire of Kellerberrin

DECLARATION

These Minutes were confirmed by the Central East Accommodation & Care Alliance Inc at the Management Committee Meeting held on _____.

Signed _____
Person presiding at the meeting at which these minutes were confirmed.



**CENTRAL EAST ACCOMMODATION &
CARE ALLIANCE INC (CEACA) ANNUAL
GENERAL MEETING**

HELD MONDAY, 8TH NOVEMBER 2021 AT

**KELLERBERRIN RECREATION
& LEISURE CENTRE**

MINUTES

Central East Accommodation & Care Alliance Inc

Annual General Meeting

1. Opening, Attendance and Apologies

The Chairperson opened the meeting at 1.20pm and welcomed all in attendance, including Monica Gardiner deputy Member from the Shire of Kellerberrin.

Attendees

Terry Waldron – CEACA Chairperson, Richard Marshall – CEACA Executive Officer, Jo Trachy – CEACA Operations Manager, Stephen Strange – Shire of Bruce Rock, Darren Mollenoyux – Shire of Bruce Rock, Rod Forsyth – Shire of Kellerberrin, Monica Gardiner – Shire of Kellerberrin, Jannah Stratford – Shire of Koorda, Lisa Clark – Shire of Merredin, Gary Shadbolt – Shire of Mukinbudin, Dirk Sellenger – Shire of Mukinbudin, Louis Geier – Shire of Westonia, Jamie Criddle – Shire of Westonia, Quentin Davies – Shire of Wyalkatchem, Peter Klein – Shire of Wyalkatchem

Apologies

Raymond Griffiths – Shire of Kellerberrin, Darren Simmons – Shire of Koorda, John Nuttall – Shire of Mt Marshall, Tony Sachse – Shire of Mt Marshall, Mark McKenzie – Shire of Merredin, Nic Warren – Shire of Yilgarn, Wayne Della Bosca – Shire of Yilgarn

2. Declaration of Quorum

It was agreed that there was a quorum at the meeting.

3. Declaration of Interest

Members must declare to the Chairman any potential conflict of interest they may have in a matter before the meeting as soon as they become aware of it. Members and Deputies may be directly or indirectly associated with some recommendations of Central East Accommodation & Care Alliance Inc. If attendees are affected by these recommendations, they must excuse themselves from the meeting and must not participate in deliberations.

There were no declarations of interest made.

4. Confirmation of the Minutes from CEACA 2020 AGM

The Minutes from the Annual General Meeting of CEACA Inc held Monday, 23rd November 2020 were circulated prior to the meeting.

RESOLUTION

It was agreed by all Members that the Minutes from the CEACA Inc Annual General Meeting held Monday, 23rd November 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

5. Presentation of Financial Statements to 30 June 2021

Reporting Officer: Richard Marshall, CEACA Executive Officer

The CEACA Inc Financial Statements for the year ended 30 June 2021 were distributed to all attendees prior to the meeting.

There were no queries on the Financial Statements.

6. Presentation of Auditors Report

Reporting Officer: Richard Marshall, CEACA Executive Officer

CEACA Members:

- Noted the audited Financial Report, which had been circulated to all members prior to the meeting.
- Noted the Management Letter from the auditor.

CARRIED

7. Chairman's Report (Verbal)

The Chairperson commented as follows:

- It has been a good but challenging and busy year.
- Thanked the CEACA Operations Manager, Jo Trachy, for her hard work and dedication to ensuring occupancy levels remain high and that tenants are happy living in their homes. The feedback that the Chairperson receives regarding Jo is very pleasing. It is an extremely busy role on top of having to deal with defects and take on extra duties that were previously carried out by the Property Manager.
- Thanked CEACA Executive Officer, Richard Marshall who has spent a considerable amount of time, much of it out of hours, working on the business governance and processes, budgeting and reporting with pleasing results. The support and advice provided to not only the Chairperson but the CEACA Operations Manager and Members is very much appreciated.
- Thanked the Deputy Chairperson, Gary Shadbolt for the support and advice that he has provided to the Chairperson and Members throughout the year, it is very much appreciated.
- Thanked the CEACA Members and especially the Executive Committee Members for their input during the year, often at short notice and sometimes in their own time. It is very much appreciated.
- Thanked the CEACA Shires for their continued support of CEACA and its future initiatives.
- Thanked Elders Real Estate for their professional management of the CEACA properties as well as support and advice provided to the Operations Manager.

8. Treasurer's Report (Verbal)

- On behalf of CEACA Committee the Treasurer thanked the Chairperson for fulfilling his role for the past year and accepting the position for another year and was pleased that progress can be seen with Executives, resulting in good reports being presented.
- It is very pleasing to see the figures in the reports and means we are on a pretty good financial footing. It is disappointing that two Shires decided not to renew their Membership with CEACA and believe that CEACA should do everything possible to make them change their minds. If that is not possible, we may have to look at governance figures down the track.
- Last 12 months' figures have been exceptionally good and higher than budgeted and a lot of that has to do with occupancy and the CEACA Operations Manager's liaison with new and existing tenants and Elders Real Estate.
- The original 11 CEACA shires should give themselves a pat on the back for a job well done, as it is a project that has never been attempted before. We can be role models and get more projects completed in future if we continue.

9. Appointment of Officers

Background:

Clause 10.2 of the Central East Accommodation & Care Alliance Inc (CEACA) Constitution provides that the Office Bearers of CEACA are the Chair, Deputy Chair, Secretary and Treasurer

Nominations were invited via email on Monday, 18th October 2021 for the election of the following:

- Deputy Chair;
- Secretary; and
- Treasurer.
- One Ordinary Member.

Nominations closed at 5.00pm WST on Monday, 1st November 2021. At the close of nominations, the following nominations had been received:

DEPUTY CHAIRPERSON

One nomination received – Gary Shadbolt from Shire of Mukinbudin.

RESOLUTION

It was resolved by the Committee that Gary Shadbolt be appointed as the Central East Accommodation & Care Alliance Inc Deputy Chairperson for until the 2022 Annual General Meeting.

CARRIED

SECRETARY

There were no nominations received.

RESOLUTION

It was resolved by the Committee that Quentin Davies be appointed as the Central East Accommodation & Care Alliance Secretary until the 2022 Annual General Meeting.

CARRIED

TREASURER

There were no nominations received.

RESOLUTION

It was resolved by the Committee that Rod Forsyth be appointed as the Central East Accommodation & Care Alliance Inc Treasurer for until the 2022 Annual General Meeting.

CARRIED

CEACA MEMBER REPRESENTATIVES

In accordance with Item 6.3 of the CEACA Inc Constitution, it was agreed that the persons listed below have been elected by the Members to be their representatives until the next AGM:

Stephen Strange	-	Shire of Bruce Rock
Rodney Forsyth	-	Shire of Kellerberrin
Jannah Stratford	-	Shire of Koorda
John Nuttall	-	Shire of Mt Marshall
Mark McKenzie	-	Shire of Merredin
Gary Shadbolt	-	Shire of Mukinbudin
Louis Geier	-	Shire of Westonia
Quentin Davies	-	Shire of Wyalkatchem
Wayne Della Bosca	-	Shire of Yilgarn

10. General Business

There was no general business to discuss.

11. Meeting Closure

There being no further business, the meeting was declared closed at 1.44pm.

DECLARATION

These minutes were confirmed by the Central East Accommodation & Care Alliance Inc at the Annual General Meeting held on _____ 2022.

Signed _____
Person presiding at the meeting at which these minutes were confirmed



WEROC Inc. Annual General Meeting

MINUTES

Monday 22 November 2021

Kellerberrin Recreation and Leisure Centre
Connelly Street Kellerberrin
Commencing at 1.00pm

WEROC Inc. | Incorporating the Shires of Bruce Rock, Kellerberrin, Merredin, Tammin, Westonia and Yilgarn

A PO Box 5, MECKERING WA 6405 E rebekah@150square.com.au

M 0428 871 202

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WEROC Inc.

Wheatbelt East Regional Organisation of Councils Inc.

Shires of Bruce Rock, Kellerberrin, Merredin, Tammin, Westonia, Yilgarn

Minutes of the Annual General Meeting held on Monday 22 November 2021 commencing at 1.00pm.

MINUTES

1. OPENING AND ANNOUNCEMENTS

Mr. Ram Rajagopalan, Chair of WEROC Inc. was unable to attend the Annual General Meeting (AGM). Mr. Darren Mollenoyux as Chair of the WEROC Inc. CEO Committee, welcomed Members of the Board and opened the meeting at 1.11pm.

2. RECORD OF ATTENDANCE AND APOLOGIES

Rule 6.1 of the WEROC Inc. Constitution states that membership of the WEROC Board shall consist of two representatives from each of the Member Councils and that “representatives are to be nominated every two years by each Local Government Member and notified to the Executive Officer in writing”.

The following nominations have been received:

Local Government	Nominated Representatives	Term Commencing	Term Expiring
Shire of Bruce Rock	Mr. Darren Mollenoyux (CEO)	30 October 2021	30 October 2023
	Cr. Tony Crooks (Deputy President)	30 October 2021	30 October 2023
	Proxies		
	Cr. Stephen Strange (Shire President) Mr. Alan O’Toole (Deputy CEO)		
Shire of Kellerberrin	Mr. Raymond Griffiths (CEO)	30 October 2021	30 October 2023
	Cr. Emily Ryan (Deputy President)	30 October 2021	30 October 2023
	Proxy Cr. Scott O’Neill (Shire President)		
Shire of Merredin	Ms. Lisa Clack (CEO)	1 November 2021	30 October 2023
	Cr. Mark McKenzie (Shire President)	30 October 2021	30 October 2023
Shire of Tammin	Ms. Joanne Soderlund (CEO)	30 October 2021	30 October 2023
	Cr. Glenice Batchelor (Shire President)	30 October 2021	30 October 2023
	Proxy Cr. Tanya Nicholls (Deputy President)		
Shire of Westonia	Mr. Jamie Criddle (CEO)	30 October 2021	30 October 2023
	Cr. Karin Day (President)	30 October 2021	30 October 2023
	Proxy Cr. Mark Crees (Deputy President)		
Shire of Yilgarn	Cr. Wayne Della Bosca (Shire President)	30 October 2021	30 October 2023
	Cr. Bryan Close (Deputy President)		
	Proxy/Observer Mr. Nic Warren (CEO)	30 October 2021	30 October 2023

Recommendation: That the WEROC Inc. Board acknowledge the appointment of the representatives as nominated by Member Local Governments.

RESOLUTION:

Moved: Cr. Wayne Della Bosca

Seconded: Cr. Glenice Batchelor

That the WEROC Inc. Board acknowledge the appointment of the representatives as nominated by Member Local Governments.

CARRIED

2.1 Attendance

Cr. Glenice Batchelor

Ms. Lisa Clack

Mr. Jamie Criddle

Cr. Tony Crooks

Ms. Karin Day

Cr. Wayne Della Bosca

Mr. Raymond Griffiths

Cr. Mark McKenzie

Mr. Darren Mollenoyux

Cr. Emily Ryan

Ms. Joanne Soderlund

Ms. Rebekah Burges, Executive Officer

2.2 Apologies

Cr. Ram Rajagopalan

Cr. Bryan Close

2.3 Guests

Mr. Nic Warren, Chief Executive Officer Shire of Yilgarn

Ms. Codi Brindley-Mullen, Manager of Governance, Shire of Kellerberrin

Mr. Peter Zenni, Executive Manager Development Services

Cr. Renee Manning, Councillor Shire of Merredin

Cr. Mark Crees, Deputy President Shire of Westonia

3. DECLARATIONS OF INTEREST

NIL

4. MINUTES OF MEETINGS

4.1 Minutes of the WEROC Inc. Annual General Meeting held 26 November 2020

Attachment 1: Minutes of the WEROC Inc. Annual General Meeting held 26 November 2020

The Minutes of the WEROC Inc. Annual General Meeting held on Thursday 26 November 2020 have been previously circulated and are provided again as an attachment to the meeting agenda.

Recommendation:

That the Minutes of the WEROC Inc. Annual General Meeting held on Thursday 26 November 2020 be confirmed as a true and correct record.

RESOLUTION:

Moved: Cr. Karin Day

Seconded: Mr. Raymond Griffiths

That the Minutes of the WEROC Inc. Annual General Meeting held on Thursday 26 November 2020 be confirmed as a true and correct record.

CARRIED

4.2 Decisions made via a “flying email” dated 24 August 2021

On Tuesday 24 August 2021, Board Members received an email from the Executive Officer requesting agreement via a “flying email” for WEROC Inc. to approve the draft financial report and representation letter provided by Audit Partners Australia for the period 1 July 2020 to 30 June 2021.

The recommendation contained within the email was as follows:

Recommendation: *That the WEROC Inc. Board approve the Draft Financial Report and Representation Letter and authorise the WEROC Inc. Chair and Executive Officer to sign the documents.*

Responses to the recommendation were requested to be with the Executive Officer by close of business on Friday 23 October 2020.

Support for the recommendation was provided via email from the following Board Members:

- Mr. Ram Rajagopalan
- Mr. Peter Clarke
- Ms. Karin Day
- Mr. Wayne Della Bosca
- Mr. Raymond Griffiths
- Mr. Mark Dacombe
- Mr. Darren Mollenoyux
- Mr. Rod Forsyth

As this constituted a majority of Members, the recommendation was accepted.

For recording purposes, the decision is presented for endorsement.

Recommendation:

That the decision made by the WEROC Inc. Board via a “flying email” sent on 24 August 2021, be endorsed.

RESOLUTION:

Moved: Cr. Wayne Della Bosca

Seconded: Mr. Jamie Criddle

That the decision made by the WEROC Inc. Board via a “flying email” sent on 24 August 2021, be endorsed.

CARRIED

5. CHAIRS REPORT

Author: Mr. Ram Rajagopalan, Chair

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Nil

Voting Requirement: Simple Majority

Executive Officer Comment:

The Chair's report for the 2019-20 financial year is presented.

It is with great pleasure I present my last report after two years as Chair of WEROC Inc.

2021 has been a year of recovery and solidification of our collective vision. After a year of regeneration and planning, we have now created a solid platform from which to spring from with direction. For me the highlight was the continuation of leaving behind our own parochial agendas, so that we could work together to improve the future of our region as a whole.

It was an absolute delight to welcome the Shire of Tammin back into WEROC in October 2020, not only for their input and perspective, but to increase our voice. It also solidified that we now have a purpose that is both attractive and meaningful to others.

We are well on our way in delivering our Strategic Plan. Our priorities were always going to take longer than my term as Chair, so my hope was to bring a sense of unity and purpose and a clear plan for the future, that members could follow. I wish the best of luck to the old and new members of WEROC in carrying on the vision through the remaining priorities of our original five projects and to develop new priorities as WEROC evolves.

I wrote this last year, but it needs repeating, all of our member Shires have come together with a common vision and purpose to support the growth and development of the Eastern Wheatbelt. I would like to thank all our members for looking past their respective Shire boundaries and instead looking at us as a cohesive team responsible for near ten thousand residents.

Each individual member from Kellerberrin, Merredin, Westonia, Yilgarn, Tammin and Bruce Rock have embraced this new entity and shared plan for the future to make some tangible gains. We are a great example of CEOs and Elected Members working collaboratively and cohesively together for a common good, but I wouldn't expect anything less from the Eastern Wheatbelt.

I hope you continue to build our profile and relationships with all levels of government and stakeholders and, more so, continue to work harmoniously and collaboratively for the future of all your communities.

I cannot understate my thanks to our new Executive Officer Rebekah whose expertise, efficiency and enthusiasm has continued to grow our little crop called WEROC Inc. Your professionalism and efficiency have been a pleasure to witness, and I couldn't have asked for better support.

It has been an absolute honour to have been part of WEROC and I look forward to watching your growth as a resident of this amazing part of Western Australia

Ram Rajagopalan

Chair Wheatbelt East Regional Organisation of Councils Inc.

Recommendation:

That the Chair's Report for the 2020-21 financial year be received.

RESOLUTION:

Moved: Cr. Glenice Batchelor

Seconded: Cr. Emily Ryan

That the Chair's Report for the 2020-21 financial year be received.

CARRIED

6. TREASURERS REPORT

Author:

Rebekah Burges, Executive Officer and Secretary/Treasurer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Nil

Voting Requirement: Simple Majority

Executive Officer Comment:

The Treasurers report for the 2020-21 financial year is presented.

As per the audited financial report for WEROC Inc. for the period 1 July 2020 to 30 June 2021, I can report the following:

The **opening balance** of the WEROC account held with Westpac Bank on 1 July 2020 was \$143,177.70.

Total revenue for the year was \$102,064.09

The principal **sources of revenue** for WEROC Inc. for the 2020-21 financial year were the annual financial contributions paid by Member Local Governments and the new Member joining fee paid by the Shire of Tammin.

Total expenses for the year were \$54,383.85

Major expense items included:

- Consultants Fees \$10,280.29
- Executive Officer professional services, travel, and accommodation \$30,955.70
- WEROC website development and maintenance \$6,860

The **closing cash balance** of the WEROC Inc. account on 30 June 2021 was \$190,684.49.

The current signatories to the WEROC Inc. accounts are Mr. Darren Mollenoyux (Board Member and Chair of the CEO Committee), Mr. Ram Rajagopalan (Chair), and Ms. Rebekah Burges (Executive Officer and Secretary/Treasurer).

Recommendation:

That the Treasurer's Report for the 2020-21 financial year be received.

RESOLUTION:

Moved: Cr. Emily Ryan

Seconded: Cr. Wayne Della Bosca

That the Treasurer's Report for the 2020-21 financial year be received.

CARRIED

7. ACCEPTANCE OF THE AUDITED FINANCIAL REPORT FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: *Attachment 2: 2021 Audited Financial Statements*
Attachment 3: 2021 Management Letter

Voting Requirement: Simple Majority

Executive Officer Comment:

The audited financial report and management letter for the period 1 July 2020 to 30 June 2021 are presented.

Recommendation:

That:

- 1) The final audited financial report be accepted; and
- 2) The management letter be noted.

RESOLUTION:

Moved: Mr. Raymond Griffiths

Seconded: Cr. Glenice Batchelor

That:

- 1) The final audited financial report be accepted; and
- 2) The management letter be noted.

CARRIED

8. ACCEPTANCE OF THE WEROC INC. ANNUAL REPORT 2020-2021

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Attachment 4: Draft WEROC Inc. Annual Report 2020-21

Voting Requirement: Simple Majority

Executive Officer Comment:

The Draft WEROC Inc. Annual Report for the 2020-21 financial year is provided as an attachment.

The Annual Report highlights the key activities and achievements of WEROC Inc. over the 2020-21 financial year.

Recommendation:

That the Draft Annual Report of WEROC Inc. for the 2020-21 financial year be accepted.

RESOLUTION:

Moved: Cr. Karin Day

Seconded: Cr. Glenice Batchelor

That the Draft Annual Report of WEROC Inc. for the 2020-21 financial year be accepted.

CARRIED

9. APPOINTMENT OF AN AUDITOR FOR THE 2020-21 FINANCIAL YEAR

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Nil

Financial Implications: The cost of the audit will be accounted for within the WEROC Inc. Budget for 2021-22

Consultation: Audit Partners Australia

Voting Requirement: Simple Majority

Background:

The WEROC Inc. Constitution states under Rule 23. Appointment of Auditor, that:

“WEROC will at each Annual General Meeting, appoint an Auditor for a period of one year, who is not a Member of WEROC. The Auditor will be eligible for reappointment by WEROC and WEROC Board has the power to fill any temporary vacancy in the office of Auditor”.

Executive Officer Comment:

Audit Partners Australia (APA) completed the financial audits for WEROC Inc. for the 2019-2020 and 2020-21 financial years. The cost for these audits has remained consistent at \$850 +GST and incidentals, and APA have advised that this price will stay the same if they are reappointed as auditor for the 2021-22 financial year.

The Executive Officer believes that APA provide an efficient and thorough auditing service and based on comparative quotes received in previous years, also believes that they are the most economical option for WEROC Inc.

Recommendation:

That Audit Partners Australia be reappointed to undertake the financial audit for WEROC Inc. for the period 1 July 2021 to 30 June 2022.

RESOLUTION:

Moved: Mr. Wayne Della Bosca

Seconded: Ms. Emily Ryan

That Audit Partners Australia be reappointed to undertake the financial audit for WEROC Inc. for the period 1 July 2021 to 30 June 2022.

CARRIED

10. ELECTION OF OFFICE BEARERS

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Nil

Voting Requirement: Simple Majority

Background:

The WEROC Inc. Constitution states under Rule 14.1 Elections at Annual General Meeting, that:

- a) Elections for Chair, Deputy Chair, Secretary/Treasurer and Board members will take place at the Annual General Meeting of WEROC where the Chair will declare all positions vacant.
- b) The Chair and Deputy Chair must be from a different Local Government.
- c) Subject to Rule 14.2, a Board Member’s term will be from his or her election at an annual general meeting until the election at the next annual general meeting after his or her election, but he or she is eligible for re-election to membership of the Board.

10.1 Election of Chair

Mr. Darren Mollenoyux invited nominations from the floor for the election of Chair to WEROC Inc. until the next Annual General Meeting.

Cr. Glenice Batchelor nominated Cr. Emily Ryan for the position of Chair to WEROC Inc.

Cr. Emily Ryan accepted the nomination.

There being no further nominations Cr. Emily Ryan was elected unopposed for the position of Chair of WEROC Inc.

Cr. Ryan elected for Mr. Mollenoyux to continue as Chair for the remainder of this meeting.

10.2 Election of Deputy Chair

Mr. Darren Mollenoyux invited nominations from the floor for the election of a Deputy Chair until the next Annual General Meeting.

Cr. Karin Day nominated Cr. Mark McKenzie for the position of Deputy Chair to WEROC Inc.

Cr. Mark McKenzie accepted the nomination.

There being no further nominations Cr. Mark McKenzie was elected unopposed for the position of Deputy Chair of WEROC Inc.

10.3 Election of Secretary/Treasurer

The election of a Secretary/Treasurer is a formality as the WEROC Inc. Constitution states under Rule 16.2 that:

“The Executive Officer will act as Secretary/Treasurer of WEROC and non-voting member of the Board”.

Recommendation:

That the WEROC Inc. Executive Officer be appointed as Secretary/Treasurer until the next Annual General Meeting.

RESOLUTION:

Moved: Cr. Wayne Della Bosca

Seconded: Cr. Glenice Batchelor

That the WEROC Inc. Executive Officer be appointed as Secretary/Treasurer until the next Annual General Meeting.

CARRIED

10.4 Election of Board Members

Rule 14.1 of the WEROC Inc. Constitution stipulates that the election of Board Members will take place at each Annual General Meeting and that a Board Members term will be from his or her election at an annual general meeting until the election at the next annual general meeting.

The appointment of the Board is a formality and should mirror the nominated representatives from each of the six Member Local Governments, who are appointed for a term of two years in accordance with Rule 6 of the WEROC Inc. Constitution.

Recommendation:

That those Members as nominated by their respective Local Government be appointed to the WEROC Inc. Board until the next Annual General Meeting.

RESOLUTION:

Moved: Cr. Glenice Batchelor

Seconded: Cr. Mark McKenzie

That those Members as nominated by their respective Local Government be appointed to the WEROC Inc. Board until the next Annual General Meeting.

CARRIED

11. SPECIAL BUSINESS

Nil

12. GENERAL BUSINESS

Nil

13. CLOSURE

There being no further business the Chair closed the meeting at 1.21pm.



WEROC Inc. Board Meeting MINUTES

Monday 22 November 2021

Kellerberrin Recreation and Leisure Centre
Connelly Street Kellerberrin

WEROC Inc. | Incorporating the Shires of Bruce Rock, Kellerberrin, Merredin, Tammin, Westonia and Yilgarn

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WEROC Inc.

Wheatbelt East Regional Organisation of Councils Inc.

Shires of Bruce Rock, Kellerberrin, Merredin, Tammin, Westonia, Yilgarn

Minutes of the Board Meeting held at the Kellerberrin Recreation and Leisure Centre on Monday 22 November 2021.

MINUTES

1. OPENING AND ANNOUNCEMENTS

Ms. Emily Ryan as Chair of WEROC Inc. welcomed Members of the Board and opened the meeting at 1.23pm.

2. RECORD OF ATTENDANCE AND APOLOGIES

2.1 Attendance

Ms. Glenice Batchelor

Ms. Lisa Clack

Mr. Jamie Criddle

Mr. Tony Crooks

Ms. Karin Day

Mr. Wayne Della Bosca

Mr. Raymond Griffiths

Mr. Mark McKenzie

Mr. Darren Mollenoyux

Ms. Emily Ryan

Ms. Joanne Soderlund

Ms. Rebekah Burges, Executive Officer

2.2 Apologies

Mr. Bryan Close

2.3 Guests

Mr. Nic Warren, Chief Executive Officer Shire of Yilgarn

Ms. Codi Brindley-Mullen, Manager of Governance, Shire of Kellerberrin

Cr. Mark Crees, Deputy President Shire of Westonia

Mr. Peter Zenni, Executive Manager Development Services, Shire of Merredin

Cr. Renee Manning, Councillor Shire of Merredin

Mr. Samuel Green, Senior Consultant ASK Waste Management (joined the meeting via videoconference at 2.00pm and left at 2.30pm)

3. DECLARATIONS OF INTEREST

As per Clause 42 of the Associations Incorporation Act 2015, “a member of the management committee of an incorporated association who has a material personal interest in a matter being considered at a management committee meeting must, as soon as the member becomes aware of the interest, disclose the nature and extent of the interest to the management committee”.

Name	Agenda Item / Initiative	Disclosure
Ms. Rebekah Burges	7.1. WEROC Executive Services Contract Review	Ms. Burges declares an interest in this matter as an employee of 150 Square Strategic Solutions, who currently hold the contract for WEROC Executive Services and are applying for an extension of this contract.
Ms. Glenice Batchelor	Items 7.3 AGO Holiday Planner and 7.4 WEROC Inc. Tourism Projects	Ms. Batchelor declared a possible conflict of interest in relation to tourism discussions given that she operates a tourism business in the Shire of Tammin.

4. PRESENTATIONS

4.1 Mr. Samuel Green, ASK Waste Management, 2.00pm

Attachment 1. WEROC Landfill Scenario Summary

Mr. Samuel Green will join the meeting via videoconference to present the draft WEROC Strategic Waste Management Plan and Landfill Rationalization study.

Mr. Green will also ask Board Members to consider and decide upon the three scenarios for further analysis under the Landfill Rationalization study (refer to attachment 1).

Comments from the meeting:

- Mr. Green advised that he had travelled out to every landfill site/transfer station in the WEROC region and made the following observations:
 - The Shire of Yilgarn have five landfills. There is potential to consolidate some of these.
 - The Westonia landfill site is lacking in space and likely only has two years of operation left.
 - The Shire of Tammin similarly is running out of space and is near capacity. A solution for this site will be required fairly soon.
 - The Shire of Merredin has the largest population of any WEROC Shire and is also the largest generator of waste. The Merredin landfill has plenty of space to landfill upward but is lacking in soil. For Merredin to expand they would need to explore alternative cover options (e.g., landfill lids) and would need to import soil to cap the site at some future point.
 - The Bruce Rock landfill has been very well managed. It does not have the capacity to take waste from other Shires.
 - The Kellerberrin transfer station model might provide a solution for the Westonia and Tammin Shires.
 - The development of a greenfield site has not been posed to WEROC as it was not clear if the group have an appetite for this. A greenfield site would take at least five years to get up and running.

There might be an option to establish a greenfield site in conjunction with other Shires (e.g., NEWROC Shires).

- Mr. Mark McKenzie questioned whether there are any landfills like the one in Merredin, that they could look to for solutions to the observed limitations on this site’s future expansion potential. Mr. Green indicated that he would include recommendations on how to improve existing sites in the SWMP.
- Ms. Karin Day questioned whether there is an obvious solution for WEROC at this time. Mr. Green advised that there is not yet a clear regional solution but there are some imminent priorities such as resolving the landfill capacity issues for the Shires of Tammin and Westonia.
- Mr. Green indicated that he needed clarity on the three options for the landfill rationalization study. Mr. Green asked that each Shire respond to him individually and based on this feedback he will come up with three solid options for further analysis. Mr. Green requested that this feedback be provided as soon as possible.

Mr. Green left the meeting at 2.30pm and did not return.

5. MINUTES OF MEETINGS

5.1 Minutes of the WEROC Inc. Board Meeting held on Wednesday 11 August 2021

Minutes of the WEROC Inc. Board Meeting held in Southern Cross on Wednesday 11 August 2021 have previously been circulated.

Recommendation:

That the Minutes of the WEROC Inc. Meeting held Wednesday 11 August 2021 be confirmed as a true and correct record.

RESOLUTION:

Moved: Ms. Karin Day

Seconded: Ms. Glenice Batchelor

That the Minutes of the WEROC Inc. Meeting held Wednesday 11 August 2021 be confirmed as a true and correct record.

CARRIED

5.2 Business Arising – Status Report as of 1 November 2021

Actions Arising from the WEROC Inc. Board Meeting held on 11 August 2021.

Agenda Item	Action(s)	Status
6.1 WEROC Inc. Financial Report	Increase the consultant expenses budget for the 2021-22 financial year to \$70,000 to account for the Strategic Waste Management Plan and other projects.	The budget has been updated. The revised budget for 2021-22 with a \$70,000 allocation toward consultant expenses will be used as the basis of the financial reporting for the remainder of the 2021-22 financial year.
7.1 WEROC Inc. Tourism Product Audit	<ol style="list-style-type: none"> 1) Each Local Government to present the recommendation of the audit to their Council’s and discuss their priorities. 2) Discuss and agree on priority actions at the next meeting. 3) Executive Officer to add accommodation to the audit. 	The revised WEROC Tourism Product Audit was circulated to Board Members, via email on 7 October 2021. The revised document now includes a summary of accommodation gaps and opportunities and contains a detailed

		list of accommodation provision in each of the WEROC Shires.
7.2 CSIA Customer Service Excellence Training	<ol style="list-style-type: none"> 1) Reschedule workshops for late February to early March 2022. 2) Confirm the terms of the contract and options regarding refunds. 3) Advise registered participants of the revised schedule for the workshops once they are confirmed. 	<p>The CSIA customer service training has been rescheduled and will now take place during the week of 28 February to 4 March 2022.</p> <p>All registered participants were advised via email on 27 August 2021 of the revised schedule for the workshops.</p> <p>The Executive Officer queried the terms of the contract with CSIA and was advised as follows:</p> <p><i>‘Unfortunately, as we have already completed the program development and printing – we do not have a refund policy as such.</i></p> <p><i>We are more than happy to reschedule and hopefully the situation will be back to normal by then. Having said that, if we do face further lockdowns / restrictions that cause further cancellations, I am happy to escalate this to the Board’.</i></p>
7.4 Strategic Projects	At the next meeting of the WEROC Inc. Board, review existing Strategic Priorities and discuss new or revised priorities.	A review of the WEROC Inc. Strategic Plan will be undertaken during the WEROC Inc. Board Meeting being held on 22 November 2021.
7.6 Strategic Waste Management	<ol style="list-style-type: none"> 1) Circulate the PowerPoint presentation delivered by Mr. Giles Perryman and Mr. Samuel Green 2) Invite ASK Waste Management to present on the draft Strategic Waste Management Plan and Landfill Rationalisation Study at the Board meeting on 22 November 2021 	<p>The presentation given by ASK Waste Management was circulated with the minutes of the 11 August Board Meeting, on 13 August 2021.</p> <p>Mr. Samuel Green will present, via videoconference, the draft reports at the Board Meeting being held on 22 November 2021.</p>
8. Emerging Issues	All Shires are requested to advise the Executive Officer of their nominated representative to the WEROC Complaints Assessment Panel.	To date nominations to the WEROC Complaints Assessment Panel have been provided in writing by the Shire of Tammin and the Shire of Yilgarn.

Recommendation:

That the status report as of 1 November 2021 be received.

RESOLUTION:

Moved: Mr. Raymond Griffiths

Seconded: Mr. Wayne Della Bosca

That the status report as of 1 November 2021 be received.

CARRIED

6. WEROC INC. FINANCE

6.1 WEROC Inc. Financial Report as of 1 November 2021

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Nil

Voting Requirement: Simple Majority

At the WEROC Inc. Board Meeting held on 27 April 2021 the budget for the financial year commencing 1 July 2021 and ending 30 June 2022 was adopted. At the WEROC Inc. Board Meeting held on 11 August 2021 it was resolved to increase the consultant expenses budget for the 2021-22 financial year to \$70,000.

The revised WEROC Inc. Budget 2021-22 is used as the basis for the financial report.

An explanation for each of the notations on the financial report is provided below.

Note 1	Annual Financial contributions paid by Member Local Governments.
Note 2	GST received.
Note 3	GST Refund for Q4 BAS 2020-21.
Note 4	Executive Officer services for the months of July, August and September 2021.
Note 5	Executive Officer travel to Board and other meetings.
Note 6	Monthly subscription fee for Xero accounting software.
Note 7	Payment to Audit Partners Australia for completing the audit of WEROC finances for the 2020-21 financial year.
Note 8	Payments to ASK Waste Management for the WEROC Strategic Waste Management Plan, 150 Square Strategic Solutions for the WEROC Tourism Audit and NEWTRAVEL for the Agri-tourism workshop.
Note 9	Payments to Code Research Australia for the monthly website hosting fee.
Note 10	Payments to Local Community Insurance Services for insurances for WEROC Inc. including workers compensation, Cyber insurance, Public and Products Liability, Associations and Officials Liability and Personal Accident – Volunteer Workers.

WEROC Inc.
ABN 28 416 957 824
1 July 2021 to 30 June 2022

		Budget 2021/2022	Actual to 31/10/2021	Notes
INCOME				
0501	General Subscriptions	\$72,000.00	\$72,000.00	1

504.01	Consultancy & Project Reserve	\$0.00	\$0.00	
0575	Interest received	\$0.00	\$0.00	
584	Other Income	\$0.00	\$0.00	
	GST Output Tax	\$7,200.00	\$7,200.00	2
	GST Refunds	\$5,209.05	\$1,436.00	3
Total Receipts		\$84,409.05	\$80,636.00	
EXPENSES				
1545	Bank Fees & Charges	\$0.00	\$0.00	
1661.01	WEROC Inc. Executive Services	\$30,450.00	\$9,684.55	4
1661.02	Executive Officer Travel and Accommodation	\$2,162.40	\$584.82	5
1661.03	WEROC Executive Officer Recruitment	\$780.00	\$0.00	
1687	WEROC Financial Services Accounting	\$795.40	\$181.80	6
1687.03	WEROC Financial Services Audit	\$1,000.00	\$879.95	7
1585	WEROC Consultant Expenses	\$70,000.00	\$19,672.50	8
1850	WEROC Management of WEROC App & Website	\$360.00	\$90.00	9
1801	WEROC Meeting Expenses	\$500.00	\$0.00	
1851	WEROC Insurance	\$6,000.00	\$5,583.38	10
1852	WEROC Legal Expenses	\$2,000.00	\$0.00	
1853	WEROC Incorporation Expenses	\$0.00	\$0.00	
1930	WEROC Sundry	\$300.00	\$0.00	
3384	GST Input Tax	\$11,434.78	\$3,296.80	
	ATO Payments	\$3,654.28	\$0.00	
Total Payments		\$129,436.86	\$39,973.80	
Net Position		-\$45,027.81	\$40,662.20	
OPENING CASH 1 July		\$193,194.46	\$190,684.49	
CASH BALANCE		\$148,166.65	\$231,346.69	

Recommendation:

That the WEROC Inc. financial report for the period 1 July 2021 to 31 October 2021, be received.

RESOLUTION:

Moved: Ms. Karin Day

Seconded: Mr. Wayne Della Bosca

That the WEROC Inc. financial report for the period 1 July 2021 to 31 October 2021, be received.

CARRIED

6.2 Income & Expenditure

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: No interest to disclose

Date: 1 November 2021

Attachments: Nil

Voting Requirement: Simple Majority

A summary of income and expenditure for the period 1 August 2021 to 31 October 2021 is provided below.

Date	Description	Credit	Debit
Opening Balance		\$241,562.19	
3/08/2021	Payment: Shire of Bruce Rock	\$13,200.00	
4/08/2021	Payment: Code Research Australia		\$33.00
5/08/2021	Payment: 150 Square Pty Ltd		\$2,395.00
9/08/2021	Payment: Local Community Insurance Services		\$533.50
12/08/2021	Payment: Shire of Merredin	\$13,200.00	
31/08/2021	Payment: Local Community Insurance Services		\$1,222.49
31/08/2021	Payment: Local Community Insurance Services		\$412.50
1/09/2021	Payment: ASK Waste Management		\$3,902.25
3/09/2021	Payment: Code Research Australia		\$33.00
7/09/2021	Payment: Local Community Insurance Services		\$3,043.00
7/09/2021	Payment: Local Community Insurance Services		\$609.31
9/09/2021	Payment: 150 Square Pty Ltd		\$3,348.00
9/09/2021	Payment: 150 Square Pty Ltd		\$5,676.00
10/09/2021	Payment: 150 Square Pty Ltd		\$5,676.00
12/10/2021	Payment: 150 Square Pty Ltd		\$2,395.00
12/10/2021	Payment: Code Research Australia		\$33.00
15/10/2021	Payment: Audit Partners Australia		\$967.95
15/10/2021	Payment: ASK Waste Management		\$5,835.50
28/10/2021	Payment: NEWTRAVEL Inc.		\$500.00
TOTAL		\$26,400.00	\$36,615.50
Closing Balance		\$231,346.69	

Recommendation:

That the WEROC Inc. summary of income and expenditure for the period 1 August 2021 to 31 October 2021 be received.

That the Accounts Paid by WEROC Inc. for the period 1 August 2021 to 31 October 2021 totalling \$36,615.50 be approved.

RESOLUTION:

Moved: Ms. Glenice Batchelor

Seconded: Mr. Mark McKenzie

That the WEROC Inc. summary of income and expenditure for the period 1 August 2021 to 31 October 2021 be received.

That the Accounts Paid by WEROC Inc. for the period 1 August 2021 to 31 October 2021 totalling \$36,615.50 be approved.

CARRIED

Background:

WEROC Inc. holds a Community Solutions One account with Westpac Bank, into which all funds are deposited. The Community Solutions One account is specifically designed for not-for-profits and charities and has no associated fees. This account previously paid a small amount of interest (0.10%), however this ceased in November 2020. A companion bank account – Community Solutions Cash Reserve – is available and has a current interest rate of 0.01%. The cash reserve account attracts no fees and allows for unlimited transfers between other Westpac transaction accounts. A bonus of an additional 0.01% is paid if no withdrawals are made in a given month. Interest rates paid on term deposits currently range from 0.05% to 0.10% depending on the term fixed.

The current signatories to the Westpac account are Rebekah Burges (administrator, approver), Darren Mollenoyux (administrator, approver) and Ram Rajagopalan (administrator). Two signatories are required for any outgoing payment to be processed.

Executive Officer Comment:

Given the minimal interest rates being paid on accounts at present the Executive Officer believes that there is no benefit in establishing a cash reserve account or investing in a term deposit at this point in time.

In respect to signatories, it is recommended that:

- 1) In their capacity as Secretary/Treasurer of WEROC Inc., the Executive Officer continue to be an administrator and approver for the Westpac account.
- 2) The newly appointed Chair of WEROC Inc. be added as approver of the account and the outgoing Chair be removed.
- 3) One other Member of the WEROC Inc. Board be appointed as approver of the account to ensure that there are always two signatories available to process payments.

Recommendation:

That:

- 1) The current Community Solutions One bank account be retained, and no new account be opened at this time
- 2) The bank signatories be Ms. Rebekah Burges (Secretary/Treasurer), the incoming Chair and one other Board Member.

RESOLUTION:

Moved: Ms. Karin Day

Seconded: Ms. Glenice Batchelor

That:

- 1) The current Community Solutions One bank account be retained, and no new account be opened at this time
- 2) The bank signatories be Ms. Rebekah Burges, Ms. Emily Ryan and Mr. Raymond Griffiths.

CARRIED

7.3 AGO Holiday Planner

Author: Rebekah Burges, Executive Officer

Disclosure of Interest: NIL

Date: 1 November 2021

Attachments: Attachment 3: AGO Holiday Planner Advertising Prospectus

Financial Implications: The advertisement will result in an additional spend of \$604.70 + GST over and above the budgeted \$3,000 for co-operative marketing for 2021-22

Voting Requirement: Simple Majority

- Attachments:** Attachment 4: WEROC Inc. Tourism Product Audit (Revised Sept. 2021)
- Financial Implications:** Any projects undertaken will be paid for from the consultancy line item of the WEROC Inc. Budget 2021-22
- Voting Requirement:** Simple Majority

Background:

At the WEROC Board Meeting held on 11 August 2021 the Executive Officer presented the Final Draft of the WEROC Tourism Audit. The Board resolved as follows:

RESOLUTION: **Moved:** Ms. Julie Flockart **Seconded:** Ms. Karin Day

That:

- 1. The final draft of the WEROC Inc. Tourism Product Audit be adopted;*
- 2. Each Local Government to present the recommendations of the audit to their respective Council and discuss their priorities for action;*
- 3. A workshop will be conducted at the next meeting of the WEROC Inc. Board to agree on actions for implementation;*
- 4. Payment of \$10,320 + GST to 150 Square Strategic Solutions for completing the WEROC Inc. Tourism Audit, is approved;*
- 5. The Executive Officer to update the information contained in the 2016 visitor accommodation study for WEROC Shires; and*
- 6. An additional 25 to 30 hours of the Executive Officer's time is approved to complete the update of the visitor accommodation study.*

Executive Officer Comment:

The revised WEROC Tourism Product Audit was circulated to Board Members, via email on 7 October 2021. The revised document now includes a summary of accommodation gaps and opportunities and contains details of accommodation providers in each of the WEROC Shires.

The Executive Officer has received notice of agreed priorities from the Shire's of Kellerberrin and Yilgarn:

Shire of Kellerberrin:

Short listed priorities are:

1. Events
2. Caravan and camping
3. Nature, parks and reserves

Shire of Yilgarn:

Recommendations in order of priority are:

1. Caravan and camping
2. Trails
3. Nature, Parks and Reserves
4. Attract the right visitors
5. Online presence
6. Champion hero regional experiences
7. Utilise the right marketing channels
8. Food and drink
9. Events

Executive Officer Comment:

Many of the actions identified in the Strategic Plan have already been implemented or are in train. The Executive Officer believes that it is therefore an opportune time to review the Strategic Plan and discuss new/revised priorities and to reflect on the vision, mission, and values of WEROC Inc.

Vision: For the Wheatbelt East to grow and prosper

Mission: Working together to enhance the regions sustainability through investment and innovation.

Values:

- *Commitment to our Region:* We will ensure that in everything we do, we consider the best interests of the people that live and work in or visit the communities of the Eastern Wheatbelt.
- *Collaboration:* We will work together as a united group to prioritise and address important issues impacting on our region, and to achieve outcomes that cannot be accomplished individually.
- *Regional Leadership:* We will be a strong partner and voice representing our region.
- *Integrity:* We will act with integrity, building lasting partnerships based on honesty and trust.
- *Accountability:* We are committed to good governance and accountability in delivering outcomes for our region. We will ensure our stakeholders have genuine involvement in decision making and that we communicate openly, accurately, and effectively with all those who are impacted by the decisions or actions that we take.
- *Innovation & Excellence:* We value innovation and strive for continuous improvement in delivering positive outcomes for our region.

Discussion Points:

- Are our Vision, Mission and Values still relevant?
- Has anything changed?
- Have we achieved or are we making progress toward achieving, our vision?
- Are we operating by these values?

Current Priorities

Priority	Objective	Actions	Progress
Regional waste management	Deliver cost savings and greater efficiencies to WEROC Member Councils in managing waste	<ul style="list-style-type: none"> • Review existing waste management service delivery across the WEROC region • Complete a cost-benefit analysis for ownership of a shared truck • Develop a WEROC waste management plan 	The WEROC Strategic Waste Management Plan and Landfill rationalisation study will be completed by the end of December 2021.
Tourism Product Development	Increase the WEROC regional visitor economy	<ul style="list-style-type: none"> • Conduct an audit of tourism assets across the WEROC region. • Undertake desktop research to identify trends in tourism product development and future target markets. 	The WEROC Tourism Product Audit has been completed. This included an assessment of industry and market trends. The WEROC Board will discuss priorities for investment at the Board meeting being held on 22 November 2021.

		<ul style="list-style-type: none"> • Develop a list of priorities for investment 	
Local Business Development	Sustained economic recovery post COVID-19	<ul style="list-style-type: none"> • Develop a targeted business improvement program with a focus on online reputational management and improved frontline customer service • Develop a project plan/business case to support and application for funding to implement the program 	Rather than developing something new, WEROC have engaged the Customer Service Institute of Australia to deliver their customer service excellence program. The program has been adapted to cover online reputational management as well as frontline customer service. WEROC are able to cover the costs of these workshops without the need for external funding, so a project plan was not deemed necessary.
Digital Connectivity	High-capacity telecommunications network and linkages that support digital access and connectivity	<ul style="list-style-type: none"> • Establish partnerships to collaboratively address deficiencies in digital connectivity and capacity • Work with telcos to target improvements in fixed and mobile connectivity • Support existing initiatives that aim to improve digital connectivity across the WEROC region 	<p>WEROC have provided letters of support for CRISP wireless applications to the Regional Connectivity Program and Digital Farms Grants Program. Both applications were successful.</p> <p>WEROC have engaged with local Federal Member Melissa Price and a representative for Mia Davies – Martin Aldridge on telecommunications.</p>
Ranger & Regulatory Services Solution	Achieve greater efficiency for WEROC Member Councils in delivering ranger and regulatory services	<ul style="list-style-type: none"> • Complete a review of existing ranger service delivery across Member Councils • Investigate avenues to fund a Regional Community Emergency Services Manager (CESM) • Implement a ranger and regulatory service solution for WEROC Member Councils 	<p>WEROC wrote to the Department of Fire and Emergency Services requesting a regional CESM. This request was denied because of a lack of funding.</p> <p>An audit of ranger and emergency service delivery was completed, and a new ranger service delivery model has been implemented for the Shire of Merredin.</p> <p>Avenues to support improved emergency management services continue to be investigated.</p>

Discussion Points:

- Are there any gaps in what we said we would deliver?
- Are any of these focus areas still a top priority for WEROC?
- What new priorities have emerged or are emerging?
- Do these priorities align with our vision and mission?

Potential Priorities	Possible Actions
Regional Growth & Innovation	<ul style="list-style-type: none"> Jobs and economic outlook (e.g., Perth’s Northern Growth Corridor Jobs and Economic Outlook 2050) Investment Prospectus for the WEROC region (example – Northern Growth Alliance of Western Australia) Review and revision of the Central East Sub-Regional Economic Strategy which was completed in April 2015
Community Prosperity	<ul style="list-style-type: none"> Regional Public Health Planning initiative that feeds into local Public Health Plans Implement recommendations of the WEROC Strategic Waste Management Plan and Landfill Rationalisation Study
Visitor Economy	<ul style="list-style-type: none"> Implement priorities identified through the WEROC tourism audit Investigate potential for a destination development officer Develop a tourism product investment prospectus (this is an action in the Shire of Merredin SCP 2020-2030)
Inter-Council Cooperation	<ul style="list-style-type: none"> Continue to monitor the delivery of Local Government Services to identify opportunities to share resources and achieve cost savings (e.g., Emergency Services Management) Develop a suite of record keeping policies aligned to the new Standard for Records Management
Climate Change Readiness	<ul style="list-style-type: none"> Investigate avenues to proceed with the projects identified in the Regional Climate Alliance application (i.e., waste to energy infrastructure, climate resilient sport and recreational infrastructure)

Comments from the meeting:

- Mr. Darren Mollenoyux suggested that WEROC should not change course too much.
- Ms. Glenice Batchelor suggested that the strategic aspects of the plan (i.e., the vision, mission, values and strategic priorities) remain the same but the actions be re-assessed.
- The following amendments to the Strategic Plan were requested:
 - Change the ranger and regulatory services priority to inter-council cooperation.
 - Change the regional waste management priority to sustainability and incorporate actions around climate change readiness as well as short- and long-term solutions for waste management.
 - Include the ‘possible actions’ for visitor economy under the tourism product development.
 - Actions relating to Public Health Planning and Records Management to be included under inter-council cooperation.
- The Shire of Yilgarn advised that they are considering establishing a designated area migration agreement (DAMA) and questioned whether this could be included as an action under inter-council cooperation. All Shires were supportive of this.

RESOLUTION: **Moved:** Mr. Wayne Della Bosca

Seconded: Ms. Karin Day

That:

- 1) Each Shire to consider the four options proposed by ASK Waste Management and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year
- 2) The Executive Officer to advise ASK Waste Management that more time is required to consider the options and that a response will be provided after December Council meetings.

CARRIED

8. EMERGING ISSUES

- Ms. Glenice Batchelor queried whether Shire's had experienced any resistance from employees regarding mandatory vaccinations for COVID-19. Ms. Batchelor also queried whether there were concerns with how local health services would cope when COVID comes into the community.
- Ms. Batchelor shared the Wheatbelt Food and Beverage Capability Guide and encouraged Members to take a look at the online resource.

9. OTHER MATTERS (FOR NOTING)

9.1 Central Wheatbelt Visitors Centre MOU

Attachments: *Attachment 6: CWVC MOU November 2021*

At the WEROC Inc. Board meeting held on 27 April 2020, the renewal of the Memorandum of Understanding between the Shire of Merredin, WEROC Shire's and the Shire of Cunderdin for visitor servicing and regional promotion through the Central Wheatbelt Visitor's Centre, was discussed and the Board resolved as follows:

RESOLUTION: *Moved: Mr. Wayne Della Bosca Seconded: Mr. Rod Forsyth*

That WEROC Inc. agree to renew the Memorandum of Understanding between the Shire of Merredin, WEROC and the Shire of Cunderdin for visitor servicing and regional promotion through the Central Wheatbelt Visitors Centre, for a period of three (3) years, commencing 1 July 2021.

At the following Board Meeting, held on 23 June 2021 the new MoU was presented for signing. The Board's discussion at this meeting is summarised as follows:

- The matter of fees contributed by WEROC Members to the Central Wheatbelt Visitors Centre was discussed. It was determined that as the Shire of Tammin is now a Member of WEROC their fees should be equal to that of all other WEROC Shires.
- It was requested that the MoU be updated to explain the difference in service offered to a WEROC Shire and a "Member Shire" (i.e., Cunderdin) so that it is clear why there is a discrepancy in the fees contributed.
- Executive Officer to contact Ms. Robyn McCarthy to clarify if a "Member Shire" receives the same display space, pamphlets, co-operative marketing, etc.
- The Executive Officer to bring the revised MoU to the next meeting.

Ensuing discussions with Ms. McCarthy revealed that there essentially is no difference in the service offered to WEROC and 'Member Shires' and it was therefore determined that the Shire of Merredin would approach the Shire of Cunderdin about increasing their fees so that each party to the MoU made an equal contribution. The fee negotiation with the Shire of Cunderdin had not been finalised prior to the August meeting of the WEROC Board and therefore the matter was deferred until the November meeting.

On Friday 29 October, the Executive Officer was provided with a verbal update on the discussions with the Shire of Cunderdin from Mr. Mark Dacombe, Temporary CEO Shire of Merredin. Mr. Dacombe advised that

the Shire of Cunderdin were not willing to increase their fee to align with the WEROC Shires. Rather than alter the MoU to reflect a different level of service for WEROC and Member Shires, the MoU will be left as is and reviewed again in 12 months' time, with a view to possibly increasing the Shire of Cunderdin's fees at the time.

It should be noted that while WEROC Inc. is not a signatory to the MoU, the 'Additional Activities' detailed in Schedule 2 of the MoU, which are delivered on a cost recovery/fee for service basis are for the most part, paid for by WEROC Inc.

Comments from the meeting:

- It was requested that Ms. Robyn McCarthy, Manager of the Central Wheatbelt Visitors Centre (CWVC) contact each Shire individually to discuss and answer any questions they may have about the services provided by the CWVC.

9.2 Public Health Planning

At the WEROC Inc. Board Meeting held on 27 August 2020, after discussing advice received from the Department of Health regarding Public Health Planning, the Board resolved as follows:

RESOLUTION:

Moved: Mr. Peter Clarke

Seconded: Mr. Raymond Griffiths

That the WEROC Inc. Executive Officer monitor progress toward the implementation of Stage 5 of the Public Health Act 2016 and at the commencement of Stage 5:

- 1) WEROC Inc. will progress with the development of an overarching Health Plan that can be used as a proforma for the Member Councils to develop their individual Public Health Plans; and*
- 2) The Executive Officer will seek quotations for the development of a WEROC Public Health Plan.*

Based on information available on the Department of Health website the Executive Officer understands that Stage 5 of the implementation of the Public Health Act will not commence until July 2022. In the lead up to this stage it is anticipated that the Department of Health will conduct a series of workshops throughout the State to assist Local Governments in understanding the new regulations under the *Public Health Act 2016*.

9.3 New Standards for Records Management

In 2019 records management consultants Information Enterprises Australia (IEA) undertook a review of four out of the five WEROC Inc. Member Councils' recordkeeping policies and procedures. The summary report recommended that WEROC consider the development of a suite of record keeping policies, guidelines and standard operating procedures to cover records access, control and management, which could be used by Member Councils to direct work practices related to records use and management. The report also recommended that WEROC consider obtaining specialist assistance in implementing the State Record Commission's new record keeping framework.

A quote was sourced from IEA to develop a suite of three essential policies – a generic record keeping policy covering the responsibilities of Council, staff and contractors; a generic privacy and protection of personal information policy; and a generic vital records policy – which could be adapted by each Member Council.

The quote from IEA and a letter from Mr. Damian Shepherd, Director State Records, advising that the reform of the Standards for State record keeping had been put on hold due to COVID, was presented for consideration at the WEROC Inc. Board Meeting held on 30 April 2020. The Board resolved to postpone the engagement of IEA to develop the proposed record keeping policies until the new Standards had been implemented.

The most recent update on the new Standards was provided in the State Records Office Newsletter for Winter 2021, which stated that:

The proposed new Standard for Records Management and associated tools (including a new Records Management Plan template) is currently undergoing rigorous review by the State Records Commission and the SRO.

On Tuesday 2 November 2021, the Executive Officer received an email from Ms. Gooch advising as follows:

We are pleased to share that we have finally received the signed documentation from the federal government and as such can now start planning and doing the necessary ground truthing. When completed, we will contact each shire direct. Leigh Ballard met with the Tammin Shire last week to further discuss their involvement.

These are an example of the plans available – sent for your information. These have been shared with the shires and we will share these again when correspondence goes to them – I anticipate this will be in the coming weeks.

CRISP HOME Ultra-Lite	CRISP HOME Lite	CRISP HOME Essential	CRISP HOME Premium
\$59/mth inc. GST 150GB DATA Up to 20mbps download & 20mbps upload speeds Total minimum cost \$2,421 over 36 months	\$79/mth inc. GST 300GB DATA Up to 20mbps download & 20mbps upload speeds Total minimum cost \$2,844 over 36 months	\$99/mth inc. GST 500GB DATA Up to 25mbps download & 25mbps upload speeds Total minimum cost \$3,564 over 36 months	\$169/mth inc. GST 1000GB DATA Up to 25mbps download & 25mbps upload speeds Total minimum cost \$6,084 over 36 months

There are also Business Plans available. It will be important that people and shire councillors register at the CRISP Wireless website. This really does help with planning – for example if there is a cluster in a particular area, then they will be contacted to ensure that the plan they need is appropriate to their needs. It is important to compare apples and apples – the CRISP Wireless service is not a mobile phone service (i.e. 4G with data attached) it is a business grade internet service that won't break down – we are most pleased to share that the CRISP Wireless service did not break down during Cyclone Seroja when all other telecommunication services were unavailable in the North East Wheatbelt.

An indicative map will be provided and has been shared during presentations that Leigh Ballard has done with the Shires.

This can be challenging as some people are very literal when seeing a map and may feel that the map won't cover all of an area or include their own location so we really need everyone to understand that until we do the planning and ground truthing by doing actual site surveys it is still very much indicative. Rest assured we will be doing all that we can to ensure that there is coverage across the shires aligning with the government grant applications that we submitted.

Some shires are very large. We will be doing all that we can to strategically expand the service area across the entire project within the parameters of the project/grant funding – this is historically what we have done in other shires in the past. It means a larger coverage area so that more people are able to access the CRISP Wireless network and have better internet (and quality of life/ business dealings). This will depend on topography and terrain.

10. FUTURE MEETINGS

The proposed schedule of meeting dates and locations for 2022 is presented for consideration:

Date	Time	Host Council
Tuesday 1 March	9.30am	Westonia
Tuesday 26 April	1.00pm (following the Zone meeting)	Kellerberrin
Monday 27 June	1.00pm (following the Zone meeting)	Merredin

Monday 5 September	9.30am	Tammin
Monday 21 November	9.30am	Bruce Rock

In developing the proposed schedule of meetings, the Executive Officer has taken into consideration the following events, meetings, and holidays in 2022:

- School holidays
 - Term 1: 9 – 25 April
 - Term 2: 2 – 17 July
 - Term 3: 24 September – 9 October
 - Term 4: 16 December – 31 January
- Public Holidays (26 January, 7 March, 15, 18 and 25 April, 6 June, 26 September)
- WMSIP (14 – 18 March)
- ALGA National General Assembly (19 – 22 June)
- CSIA Customer Service Training (28 February - 4 March)
- Great Eastern Country Zone meeting dates:
 - Monday 21 February in Merredin
 - Tuesday 26 April in Kellerberrin
 - Monday 27 June in Merredin
 - Monday 22 August in Kellerberrin
 - Monday 28 November in Merredin
- The Ordinary Council Meeting dates for WEROC Member Councils:
 - Shire's of Bruce Rock, Yilgarn and Westonia, the third Thursday of each month
 - Shire of Tammin the last Thursday of each month
 - Shire's of Kellerberrin and Merredin, the third Tuesday of each month
- The Dowerin Field Days (24 & 25 August)

Recommendation:

That the proposed schedule of meetings for 2022 be endorsed.

Comments from the meeting:

- It was noted that the Zone Executive would be reviewing the meeting dates for 2022 and there may be some changes to their schedule which would affect the WEROC meetings that coincide with Zone dates.
- Ms. Karin Day acknowledged that this would be the final meeting for Mr. Jamie Criddle and thanked him for his contribution to WEROC.

RESOLUTION: **Moved:** Ms. Karin Day **Seconded:** Mr. Mark McKenzie

That the proposed schedule of meetings for 2022 be endorsed.

CARRIED

11. CLOSURE

There being no further business the Chair thanked Members for attending and closed the meeting at 3.40pm.

MEMO

Attention: Mr D Mollenoyux CEO
From: J Goldacre Environmental Health Officer
Date: 16 November 2021
Subject: EHO Review and comments on the ASK WEROC proposed Regional Landfill. – Document base: Baseline data for review, & Scenarios for review and selection

<p>Baseline data for review doc. Pg. 7 Clause 2.1.1 2.1.1.1 Waste Authority, Waste Strategy 2030</p>	<p>To achieve this strategy's objectives and targets, a model of shared responsibility and action is proposed to be adopted. This includes State Government working collaboratively with all stakeholders to guide and develop collective policies and solutions. For local governments and industry, the collective partnership approach will mean adopting best practice approaches to waste minimisation, resource recovery and appropriate waste management.</p> <p>EHO Note: there is a set level based on population which triggers higher levels of reporting requirements. Is a collective scheme and a central landfill site is developed does the 'population' numbers aggregated trigger the higher reporting requirements? Or is this going to occur anyway as a License is required where DWER will dictate the terms of the license reporting anyway to suit their Statutory environment? Will the proposal be designed to factor this cost as well as the administration requirements (triple bottom line) into the proposed regional scheme? Is the FOGO three bin system part of the plan/be required?</p>
<p>Scenarios for review and selection doc. Pg.2 Clause 2.1 Fatal Flaw Test</p>	<p>'...and define the final above ground landform would accurately determine the potential airspace that could be generated for waste disposal. Given the size of the facility and a maximum height of waste at 10m above ground level, over 400,000 cubic metres of airspace could be generated at the existing site'.</p> <p>EHO Note: above ground disposal relies on larger volumes of overburden with a ratio of 3 to 1 being quoted. Is there readily available overburden material and/or technology that could accomplish above ground disposal at the Merredin site?</p>

MEMO

<p>Scenarios for review and selection doc. Table 1.2 - Fatal flaw test results for the WEROC landfills Pg. 3</p>	<p>‘~ 15 Years’</p> <p>EHO Notes: the current landfill site was the result of compulsory land acquisition under the relevant Act and became very contentious. If part of the plan is to expand the landfill site (if only to source local overburden) this needs to be carefully investigated as will require Council endorsement and could attract Political involvement (did previously). This information came from the Late Mr John Mitchell who progressed the compulsory acquisition process which he referred to as ‘...the most poisoned of chalices...’.</p>
<p>Scenarios for review and selection doc. 4.1 Remote Access System Figure 4.1 Pg. 5</p>	<p>‘A remote access system is an automated, unmanned system that allows access to a site via an electronic key (e.g. swipe card, RFID or ‘fob’ tag, or electronic keypad). A CCTV camera provides extra security and monitoring of people entering and exiting. Figure 4.1 shows an example of a remote access system used at a landfill in NSW. This system has a remote power source (solar panel) which powers the automatic gate, CCTV camera and remote access technology as mains power is unavailable at the site.’</p> <p>EHO Notes: It is understood that ASK offer, supply, and sell this technology, has this been declared?</p>

POTENTIAL SCENARIOS FOR ASSESSMENT

Four potential scenarios are summarised below, WEROC need to decide on three of these scenarios to be assessed for the project. Alternatively, the group can develop their own scenario(s) to be assessed instead.

Option 1: A single regional landfill

Establish a single regional landfill at Merredin. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Merredin.

- **Land acquisition? Required? Achievable?**
- **Cost of the required weighbridge and ongoing maintenance and calibration (RoeROC Bending landfill weighbridge +10 years ago \$250,000)**
- **Overburden supply (for above ground disposal) which is equitable as will predominantly use viable agricultural soils, and availability (cost of extraction and delivery)**

MEMO

- **Would investment in bailing technology be useful as would remove airspace, bind up waste to minimise disposal footprint, contain waste better in a secured bale, and make transport more efficient as would reduce volume and maximise weight of truck capacity?**

Option 2: Two regional landfills

Establish two regional landfills, one at Merredin and the other at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Merredin.

- **Merredin Land acquisition? Required? Achievable?**
- **Cost of the required weighbridges if triggered by import volumes so now X 2, and ongoing maintenance and calibration (RoeROC Bending landfill weighbridge +10 years ago \$250,000**
- **Overburden supply (for above ground disposal) which is equitable as will predominantly use viable agricultural soils, and availability (cost of extraction and delivery)**
- **Whilst Southern Cross is less than 20km from Great Eastern Hwy, it is 109klm east of Merredin, whilst only Westonia being the closest Shire out of the balance of WEROC Shires.**
- **What is the advantage short to medium term to invest in 2 licensed facilities? Is the plan to fill Merredin then transfer over to Southern Cross. Will this development be staged? Will Southern Cross landfill be only for the WEROC Shires and exclude Mining operations disposal?**
- **Overall transport costs involved moving forward as transport overheads increase.**
- **Would investment in bailing technology be useful as would remove airspace, bind up waste to minimise disposal footprint, contain waste better in a secured bale, and make transport more efficient as would reduce volume and maximise weight of truck capacity?**

Option 3: A single regional landfill, plus utilise the NEWROC proposed regional landfill

Establish a single WEROC regional landfill at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Waste from the east of the WEROC region would be disposed of at Southern Cross and waste generated

MEMO



in the west of the region would be transferred to the NEWROC regional landfill at Wyalkatchem. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Southern Cross or Wyalkatchem.

- **Whilst Southern Cross is less than 20km from Great Eastern Hwy, it is 109klm east of Merredin, whilst only Westonia being the closest Shire out of the balance of WEROC Shires.**
- **The NEWROC proposal has been a long time evolving (circa 2006). When will it come online given DWER and EPA history of goal post changing?**

Option 4: A single regional landfill, plus utilise Avon Waste's Northam landfill

Establish a single WEROC regional landfill at Southern Cross. All other landfills would be converted to transfer stations and those that are currently unstaffed would be fitted with remote access systems. Waste from the east of the WEROC region would be disposed of at Southern Cross and waste generated in the west of the region would be transferred to the Avon Waste landfill at Northam. Bruce Rock would continue landfilling until their landfill was full, and then start to transfer waste to Southern Cross or Northam.

- **Whilst Southern Cross is less than 20km from Great Eastern Hwy, it is 109klm east of Merredin, whilst only Westonia being the closest Shire out of the balance of WEROC Shires.**
- **Avon Waste would be able on the return of the trucks to York depot be able to incorporate the transport for a fee, but the waste trucks currently double up as recycling trucks after or before refuse collection as are able to dispose of locally other than Kellerberrin.**
- **Avon Waste only manage the Northam landfill site, they don't own it, has the Northam Shire which has a population of +7,000 been approached provisionally to see if up to 2 more Shires, or more would be welcome to drop off there? What is the estimated life expectancy of the landfill site in Northam?**

Overview:

The 'fatal flaw' distance of 20klm off the Great Eastern Highway appears very strict given the proposals require one way travel distances for waste of up to 150klm. The Merredin site is licensed and existing but will need a weighbridge which is costly when its current thresholds of waste are exceeded. Furthermore, can it viably expand upwards for waste disposal given the need for offsite overburden requirements and where would this come from? Expansion of the Merredin landfill site would require land acquisition which previously was undertaken by compulsory land acquisition under the Act, this requires Council approval.

MEMO



Recommended Option V:

1. Investigate the cost for a waste materials bailing plant to compress waste (thus remove onsite landfill compaction), and to bind waste into cubes/bales (thus contain the waste and maximise landfill site airspace),
2. Determine the most equitable site location for the waste bailing plant and remove the 'fatal flaw' 20klm limit off the Great Eastern highway, and
3. Further investigate:
 - a. the location of a regional landfill site which could also double as the waste bailing plant site.
 - b. Remove the 'fatal flaw' 20klm limit off the Great Eastern highway and use an equitable distance model instead.

Note: the imperative key component of the RoeROC Bending regional landfill site was it had to be located at an equitable distance to the four Shires that was agreeable to all Councils. Whilst the Bending regional waste site chosen has around 65Ha, it has predominantly shallow underlying sheet rock (grey stone) which forms part of the Yilgarn Craton and is very hard, quotes to use explosives was very expensive to say the least.

Encl: 2116 - WEROC Baseline Report 1A 5Nov21 [BK EHO edits 15-11-2021]

End



Great Eastern Country Zone

Minutes

Held at Kellerberrin Recreation and Leisure Centre

Commenced at 9:30am
Monday 22 November 2021

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Great Eastern Country Zone

Meeting held at Kellerberrin Recreation and Leisure Centre

Commenced at 9.30am, Monday 22 November 2021

Agenda

1. ELECTIONS

1.1 Elections of Chair and Deputy Chair of the Great Eastern Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of office bearers.

Guidelines for elections were distributed to Member Councils via email dated 20 October 2021.

The election for the Chairperson and Deputy Chairperson shall be conducted and the term set at two years expiring in November 2023, in line with the terms of State Council representatives and in sync with Local Government Elections.

Chairperson:

The following nomination was received for the positions of Chair for 2 years, November 2021 to November 2023.

- Cr Tony Sacshe, Shire of Mount Marshall

DECLARATION

That Cr Tony Sacshe, be elected as Chairperson of the of the Great Eastern Country Zone for the term of 2 years, November 2021 to November 2023.

Deputy Chairperson:

No written nominations were received for the position of Deputy Chairperson. Nominations will be called from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process.
The candidates with the greater number of votes will be elected.

DECLARATION

That Cr Quentin Davies, be elected as Deputy Chairperson of the Great eastern Country Zone for the term of 2 year, November 2021 to November 2023.

1.2 Elections of State Council Representatives and Deputy State Council Representatives to the Great Eastern Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of representatives and deputy representatives to the State Council.

Guidelines for elections were distributed to Member Councils via email dated 20 October 2021.

WALGA incorporates a 24 members State Council with its members derived from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2021 and concluding at the Ordinary Meeting of State Council two years later.

For the Great Eastern Country Zone, there is one (1) representative positions on State Council and one (1) deputy representative positions. The term is from the Ordinary Meeting of State Council in December 2021 and concluding at the Ordinary Meeting of State Council in December 2023.

State Councillor:

The following written nominations were received for the position of State Council Representative:

- Cr Stephen Strange, Shire of Bruce Rock

DECLARATION

That:

Cr Stephen Strange, Shire of Bruce Rock

be elected as State Council Representative of the Great Eastern Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Deputy State Councillor:

The following written nomination was received for the position of Deputy State Councillor Representative.

- Cr Stephen Strange, Shire of Bruce Rock
- Cr Tony Sachse, Shire of Mount Marshall

DECLARATION

That:

Cr Tony Sachse, Shire of Mount Marshall

be elected as Deputy State Council Representative of the Great Eastern Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Elected delegates to note the following details:

WALGA will host a 'State Councillor Induction Session' on 24 November at 4pm.

Further information will be e-mailed shortly.

1.3 Election of up to three (3) Zone Executive Committee Members of the Great Eastern Country Zone

Automatic Executive Committee membership will include the Zone President, Deputy Zone President and the State Councillor Representative.

The election for the Zone Executive Committee representatives shall be conducted and the term set at two years expiring in November 2023, in line with the terms of Zone Delegates and in sync with Local Government Elections.

Nominations for up to three Zone Executive Committee Representatives will be taken from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process.

The candidates with the greater number of votes will be elected.

- Cr Kellie Mortimore, Shire of Narembeen
- Cr Melanie Brown, Shire of Trayning
- Cr Karen Day, Shire of Westonia

DECLARATION

That Cr Kellie Mortimore, Cr Melanie Brown and Cr Karen Day, be elected as Zone Executive Committee representative for the term of 2 years, November 2021 to November 2023.

1.4 Election of Local Government Agricultural Freight Group of the Great Eastern Country Zone – 1 Delegate and 1 Deputy Delegate

The election for the Local Government Agricultural Freight Group delegates of the Great Eastern Country Zone shall be conducted.

Delegate

Nominations for the Local Government Agricultural Freight Group Delegate will be taken from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process.
The candidates with the greater number of votes will be elected.

- Cr Tony Sachse

DECLARATION

That Cr Tony Sachse, be elected as Local Government Agricultural Freight Group Delegate of the Great Eastern Country Zone.

Deputy Delegate

Nominations for the Local Government Agricultural Freight Group Deputy Delegate will be taken from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process.
The candidates with the greater number of votes will be elected.

- Cr Mark Crees, Shire of Westonia

DECLARATION

That Cr Mark Crees, be elected as Local Government Agricultural Freight Group Deputy Delegate of the Great Eastern Country Zone

We ask the elected delegates to note the details of the next meeting of the Agricultural Freight Group:

on **FRIDAY 26 NOVEMBER 2021**
 at **WATTLE ROOM, WALGA**
170 RAILWAY PARADE, WEST LEEDERVILLE
 commencing **1.00 PM**

1.5 Wheatbelt District Emergency Management Committee of the Great Eastern Country Zone – 1 Delegate and 1 Deputy Delegate

The election for the Wheatbelt District Emergency Management Committee delegates of the Great Eastern Country Zone shall be conducted.

The following nomination was received:

Delegate

- Cr Tony Sachse, Shire of Mount Marshall

Further nominations will be taken from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process. The candidates with the greater number of votes will be elected.

DECLARATION

That Cr Tony Sachse, be elected as Wheatbelt District Emergency Management Committee Delegate of the Great Eastern Country Zone

Deputy Delegate

Nominations for the Wheatbelt District Emergency Management Committee Deputy Delegate will be called from the floor.

- Cr Glenice Batchelor, Shire of Tammin

Each voting delegate will be entitled to cast one (1) vote in the ballot process. The candidates with the greater number of votes will be elected.

DECLARATION

That Cr Glenice Batchelor, be elected as Wheatbelt District Emergency Management Committee Deputy Delegate of the Great Eastern Country Zone

1.6 Election of the Regional Health Advocacy Representative of the Great Eastern Country Zone – 1 Delegate and 1 Deputy Delegate

The election for the Regional Health Advocacy Representative of the Great Eastern Country Zone shall be conducted.

Delegate

Nominations for the Regional Health Advocacy Representative will be taken from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process. The candidate with the greater number of votes will be elected.

- Cr Alison Harris, Shire of Cunderdin

DECLARATION

That Cr Alison Harris, be elected as the Regional Health Advocacy Representative Delegate of the Great Eastern Country Zone.

Deputy Delegate

Nominations for the Regional Health Advocacy Representative Deputy Delegate will be taken from the floor.

Each voting delegate will be entitled to cast one (1) vote in the ballot process. The candidate with the greater number of votes will be elected.

- Cr Glenice Batchelor, Shire of Tammin

DECLARATION

That Cr Glenice Batchelor, be elected as the Regional Health Advocacy Representative Deputy Delegate of the Great Eastern Country Zone.

2. OPENING AND WELCOME

3. ATTENDANCE AND APOLOGIES

Attendance

Great Eastern Country Zone Delegates and CEO's

Shire of Bruce Rock	President Cr Stephen Strange Deputy President Cr Anthony Cook Mr Darren Mollenoyux, Chief Executive Officer, Shire of Bruce Rock
Shire of Cunderdin	President Cr Alison Harris Mr Stuart Hoble, Chief Executive Officer, non-voting delegate
Shire of Dowerin	President Cr Robert Trepp Cr Darrel Hudson Ms Rebecca McCall, Chief Executive Officer, non-voting delegate
Shire of Kellerberrin	Deputy President Cr Emily Ryan Mr Raymond Griffiths, Chief Executive Officer Ms Codi Brindley-Mullen, Officer
Shire of Kondinin	Deputy President Cr Beverley Gangell Mr David Burton, Chief Executive Officer, non-voting delegate
Shire of Koorda	President Cr Jannah Stratford Mr Darren Simmons, Chief Executive Officer, non-voting delegate
Shire of Merredin	President Cr Mark McKenzie Cr Donna Crook Ms Lisa Clack, Chief Executive Officer, non-voting delegate
Shire of Mount Marshall	President Cr Tony Sachse
Shire of Narembeen	President Cr Kellie Mortimore Mr David Blurton, Chief Executive Officer, non-voting delegate
Shire of Nungarin	President Cr Pippa de Lacy Deputy President Cr Gary Coumbe
Shire of Tammin	President Cr Glenice Batchelor Ms Joanne Soderlund, Chief Executive Officer, non-voting delegate
Shire of Trayning	President Cr Melanie Brown Ms Leanne Parola, Chief Executive Officer, non-voting delegate
Shire of Westonia	President Cr Karen Day Deputy President Cr Mark Crees Mr Jamie Criddle, Chief Executive Officer, non-voting delegate
Shire of Wyalkatchem	Mr Peter Klein, Chief Executive Officer, non-voting delegate
Shire of Yilgarn	Mr Nic Warren, Chief Executive Officer, non-voting delegate

WALGA Representatives

Tony Brown, Executive Manager Governance & Organisational Services
Naoimh Donaghy, Governance and Organisational Services Officer
Cliff Simpson, Road Safety Advisor, WALGA

Guests

Richard Burnell, Executive Director Corporate Services, Department of Fire and Emergency Services
Warren Pearce, Chief Executive Officer, Association of Mining and Exploration Companies
Mandy Walker, Director Regional Development, RDA Wheatbelt Inc
Ammar Mohammed, A/Regional Manager Wheatbelt, Main Roads
Jennifer Collins, Department of Local Government, Sport & Cultural Industries – Regional Manger Wheatbelt
Kathleen Brown, Electorate Officer, Office of Hon Mia Davies MLA
Renee Manning, Wheatbelt Development Commission - Principal Regional Development Officer

Apologies

Martin Aldridge MLC, Member for the Agricultural Region
Mia Davies MLC, Member for the Agricultural Region
Hon Colin de Grussa MLC

President Cr Alison Harris, Shire of Cunderdin
Deputy President Cr Buster Cooper, Shire of Koorda
President Cr Kent Mouritz, Shire of Kondinin
Deputy President Cr Nick Gillett, Shire of Mount Marshall
Mr John Nuttall, Chief Executive Officer, Shire of Mount Marshall
President Cr Gary Shadbolt, Shire of Mukinbudin
Deputy President Cr Romina Nicoletti, Shire of Mukinbudin
Mr Dirk Sellenger, CEO Shire of Mukinbudin
Deputy President Cr Scott Stirrat, Shire of Narembeen
Mr Leonard Long, CEO, Shire of Nungarin
Deputy President Cr Tanya Nicholls, Shire of Tammin
Deputy President Cr Geoff Waters, Shire of Trayning
President Cr Quentin Davies, Shire of Wyalkatchem
Deputy President Cr Owen Garner, Shire of Wyalkatchem

Mike Roberts, Regional Manager, Water Corporation
Dayna O’Leary, Policy Officer, Association of Mining and Exploration Companies
Vicki Barlow, Senior Policy Advisor Community - Strategy, Policy and Planning

Attachments

The following were provided as attachments to the agenda:

- 1 6.3, Aboriginal Engagement Presentation
- 2 7.1, Minutes, 23 August 2021, Zone Meeting
- 3 8.1, Audit Report
- 4 8.5, Local Government Reform Initiatives
- 5 WALGA Roadwise Report
- 6 WALGA President’s Report
- 7 11.4, Wheatbelt RDA

In addition, please find attached addition documents which were circulated prior to the meeting:

- 8 6.1, Warren Pearce - presentation
- 9 6.2, Richard Burnell - presentation
- 10 12.2, Wheatbelt Development Commission Report
- 11 9.3, Wheatbelt District Emergency Management Report

State Council Agenda – via link: [State Council Agenda December 2021](#)

4. DECLARATIONS OF INTEREST

NIL

5. ANNOUNCEMENTS

- 5.1 Vickki Barlow, Senior Policy Advisor Community - Strategy, Policy and Planning was an apology for the meeting.
- 5.2 Zone Chair Cr Tony Sachse sought feedback from Members on editing the format of the meeting. The Chair suggested moving *Members of Parliament* and *Agency Speakers* to follow *Guest Speakers*, and then break for 10 minutes before commencing the business of the meeting. This suggestion was received by the Zone and initiated at today's meeting.

For the purpose of these Minutes, original Item numbers will remain the same however will not run concurrently due to the change of format on the day.

Noted

6. GUEST SPEAKERS / DEPUTATIONS

6.1 Warren Pearce, CEO, Association of Mining and Exploration Companies

Warren Pearce, Chief Executive Officer, Association of Mining and Exploration Companies, was invited to speak at the August meeting of the Zone. His presentation ensured that Local Governments (as well as other key stakeholders – MPs, WDC, WAFF etc) were aware of the increased activity – the companies involved, and how they are approaching their exploration programs and surrounding communities.

Information was provided on:

- Why there is increased mineral exploration now taking place across the Wheatbelt – and what that means for the region.
- The basics around mineral exploration, land access, and how it interacts with other land users / landholders.
- The companies that are taking up tenure and where and what they are exploring for.

Warren, presented to the Zone, the presentation is attached (Attachment 8)

Noted

6.2 Richard Burnell, Executive Director Corporate Services, Department of Fire and Emergency Services

Richard Burnell, Executive Director Corporate Services, Department of Fire and Emergency Services

Richard has previously presented to the Great Eastern Country Zone and returned to provide an update on:

- ESL and related funding matters
- STAND project update
- Update on Workplace Health & Safety legislation transition support to assist LGs and farming industry groups

Richard, presented to the Zone.

Comment:

Richard received a question on notice from the Shire of Nungarin in regard to who is determining what the requirements are for new buildings. Conflicting opinions were heard on if it is the direction of the Department of Fire and Emergency, or requests from the Local Government itself. Richard will reply directly to the Shire of Nungarin and to the Zone.

Richard's presentation is attached (Attachment 9)

Noted

6.3 Natalie Contos, Principal Policy Officer, Aboriginal Engagement

Natalie was invited to present on Native Title. In her absence, she has provided the attached slides (Attachment 1) from a presentation earlier this year.

Noted

6.4 Jody Nunn, CEO, Reconciliation WA

Jody was invited to present on Reconciliation Plans and how each Local Government can better engage with their aboriginal communities. Jody is unavailable to attend this meeting however has asked for 2022 dates in the hope of attending a future meeting.

Noted

11. MEMBERS OF PARLIAMENT

Kathleen Brown, Electorate Officer, Office of Hon Mia Davies MLA

Ms Brown attended on behalf of Mia Davies MLC, Member for the Agricultural Region and highlighted the following information:

- The Aboriginal Cultural Heritage Bill was introduced last week to the Lower House. The Bill was forced through with little consultation time which will have flow on consequences. Mia encourages all Local Governments to put their views forward.
- From the Opposition point of view, they have raised the health system question if Covid does get in, can the hospital system handle it? They also want to ensure there is a teacher in front of all classes and that the vaccine roll out is available to everyone.
- The Regional Banking Taskforce is open for submissions, Local Governments are encouraged to participate.

NOTED

12. AGENCY REPORTS

12.1 Department of Local Government, Sport and Cultural Industries

Jennifer Collins, Department of Local Government, Sport & Cultural Industries – Regional Manger Wheatbelt, presented to the Zone.

Jennifer let the Zone know that the Department are hosting three "Work Health and Safety Act 2020" webinars for the sport and recreation industry:

- 26 November
- 29 November

- 30 November

Further information can be found on the [DLGSC home page](#).

Kid sport is 10 years old. There has been about 245,000 vouchers delivered to kids across the region. Jennifer thanked all those who have been involved.

Noted

12.2 Wheatbelt Development Commission

Renee Manning, Wheatbelt Development Commission - Principal Regional Development Officer, provided an update to the Zone.

Renee tabled a report prior to the meeting, now attached (Attachment 10)

Noted

12.3 Main Roads Western Australia

Ammar Mohammed, A/Regional Manager Wheatbelt, Main Roads, provided an update to the Zone.

During his presentation, Ammar let Members know that Main Roads Manager of Heavy Vehicles is happy to attend a future meeting to present. This will be brought to the Executive Committee for consideration.

Noted

12.4 Wheatbelt RDA

Mandy Walker, Director Regional Development RDA Wheatbelt presented to the Zone, a report is attached (Attachment 7)

Noted

12.5 Water Corporation

Mike Roberts, Regional Manager, Goldfields and Agricultural Regions was an apology for this meeting.

Noted

7. MINUTES

7.1 Confirmation of Minutes from the Great Eastern Country Zone meeting held Monday 23 August 2021 (Attachment 2)

The Minutes of the Great Eastern Country Zone meeting held on Monday 23 June 2021 have previously been circulated to Member Councils.

RECOMMENDATION

Moved: Cr Karen Day

Seconded: Cr Glenice Batchelor

That the Minutes of the Great Eastern Country Zone meeting held Monday 23 August 2021 are confirmed as a true and accurate record of the proceedings.

CARRIED

7.2 Business Arising from the Minutes of the Great Eastern Country Zone Meeting Monday 23 August 2021

NIL

7.2.1 Item 7.4, State Planning Policy

Background:

At the August Zone meeting, it was suggested we seek a speaker to present on the extraction and carting of Morrel Lime in the Eastern Wheatbelt. The Executive Officer is still seeking confirmation of a speaker to attend a 2022 meeting of the Zone to address this topic.

Zone Comment:

To be discussed again by Executive Committee at the next Executive meeting in February.

Noted

8. ZONE BUSINESS

8.1 Audit Report

The 2021 Audited Financial Statements are attached (Attachment 3).

RECOMMENDATION:

Moved: Cr Mortimore

Seconded: Cr Glenice Batchelor

That Audited Financial Statements for the Great Eastern Country Zone be received.

CARRIED

8.2 Proposed Meeting Dates for 2021

Meeting dates for the Great Eastern Country Zone's Executive Committee and Zone meetings were presented for the Zone's review and acceptance.

The Executive Committee dates are 1.5 weeks prior to the Zone meeting. Zone meetings are scheduled to align with State Council meetings.

**NOTICE OF MEETINGS
GREAT EASTERN COUNTRYZONE EXECUTIVE COMMITTEE 2022**

Exec Comm Meeting Dates Thursday	Time	HOST COUNCIL
10 February	Thursday 7.30 am	Teleconference
14 April	Thursday 7.30 am	Teleconference
16 June	Thursday 7.30 am	Teleconference
11 August	Thursday 7.30 am	Teleconference
17 November	Thursday 7.30 am	Teleconference

Please note WALGA’s annual convention is being held 2-5 October 2022. Therefore all suggested meetings above will be held via teleconference.

**NOTICE OF MEETINGS
GREAT EASTERN COUNTRY ZONE 2022**

Zone Meeting Dates Monday	Time	Host Council	State Council meeting Dates 2022
21 February	Monday 9.30 am	Merredin	Wednesday 2 March
26 April	Tuesday 9.30 am	Kellerberrin	Wednesday 4 May
27 June	Monday 9.30 am	Merredin	Wednesday 6 July
22 August	Monday 9.30 am	Kellerberrin	Regional Meeting 1-2 September
28 November	Monday 9.30 am	Merredin	Wednesday 7 December

Zone Comment:

The Zone raised the possibility of changing the day of the Great Eastern Country Zone meetings. This suggestion will be discussed at the next meeting of the Executive committee.

ZONE RECOMMENDATION

Moved: Cr Glenice Batchelor

Seconded: Cr Karen Day

That the Great Eastern Country Zone endorse the proposed dates, with the Executive Committee reviewing the dates at the next Executive meeting.

CARRIED

8.3 Agricultural Freight Group feedback request

Zone Executive Officers were asked to provide feedback from the Agricultural Freight Group’s member Zones as to the continuation of the Group. Feedback is requested on the role it should play particularly with regards to advocacy to the State Government and the frequency of meetings. The Group's current objectives are:

1. To achieve an integrated road/rail network to support the agricultural freight task.
2. To facilitate the development of local government policy and capacity for a coordinated efficient approach to the use of roads by heavy vehicles in the agricultural freight task.
3. To provide input to the Western Australian Local Government Association on the agricultural freight task.
4. To provide a forum to promote and advocate an understanding of the issues associated with local roads supporting the agricultural freight task.
5. To advocate a community and industry understanding of the issues associated with the agricultural freight task.

Zone Comment:

The Zone discussed the structure of the Group isn't working. Cr Strange highlighted the work that has been achieved through the Group.

As the new representative, Cr Tony Sachse will attend the next meeting of the Agricultural Freight Group and participate in a discussion on how the Group can move forward, or if it should be dissolved.

Noted

8.4 Zone meeting start time

The Executive Officer was asked to receive feedback on a suggestion from one of the Zone's member Councils to change the start time of the Zone meetings from 9.30am to 10am moving forward.

If this change is recommended by the Zone, morning tea will be available from 9.30am with a meeting start time of 10am.

Zone Comment:

The Zone decided to keep the Zone meeting start time at 9.30am.

Noted

8.5 Local Government Legislative Reform

Tony Brown, Executive Manager, Governance and Organisational Services, WALGA

Background

The Minister for Local Government, the Hon John Carey, MLA announced Local Government legislative reform initiatives on Wednesday 10 November 2021.

The reform proposals are based on the following six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The reform proposals are based on consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The information on the reform initiatives can be found [here](#) and is attached (Attachment 4).

The State Government have advised of a 3 month consultation period ending on 4 February 2022.

Comment

Many of the initiatives outlined as a part of this package have been informed by engagement between our Members and the Minister for Local Government. The Local Government sector will welcome the tiered approach to many requirements according to the differing size and scale of Local Governments.

The Local Government sector has been advocating for the following reform initiatives including:

- introduction of a contemporary intervention framework
- greater clarity of roles and responsibilities of Elected Members and Chief Executive Officers
- tiered compliance approach to financial reporting requirements according to size and scale of Local Governments
- model financial statements and fit for purpose financial ratios
- improved processes relating to regional subsidiaries to facilitate collaborative service delivery
- reducing unnecessary red-tape and a more flexible approach to enable resource sharing
- retention of current election cycle for Elected Members, and
- simplification of strategic planning processes and community engagement models.

WALGA will prepare information to the sector analysing the proposals against current sector positions and recommending positions on proposals that currently do not have a formal position. Sector feedback will be requested with a view to providing a sector response to all of the proposals.

Zone Comment:

The Zone raised consultation timeframes being an issue. Most Local Governments don't meet until February, however country Shires want to have an input. It was discussed whether an online meeting at the end of January would be of benefit, or if Members should review the document released by WALGA on 23 November and either provide feedback through the State Councillor, or go ahead with an online meeting.

It was decided to review the WALGA document initially and provide feedback through the Great Eastern Country Zone's State Councillor. If WALGA does not address concerns, then a meeting can be considered.

Noted

8.6 Work Health and Safety (WHS) Legislation Update

Susie Moir, Policy Manager, Resilient Communities

Executive Summary

- The Work Health and Safety Act 2020 (WHS legislation) was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.
- The new WHS legislation introduces a number of new legal terms and concepts, including the term Person Conducting a Business or Undertaking (PBCU). Further, volunteers are now included in the definition of Workers.
- The Local Government sector has expressed concern with the new WHS legislation, particularly around the implications for the management of volunteer bushfire brigades (BFBs).
- A Duty of Care may be shared with others, and if more than one person has a duty in relation to the same matter, they must consult, cooperate and coordinate their activities, which adds additional complexity in the case of BFBs.
- WALGA and LGIS are working to provide support and resources to the sector to assist with the transition to the new WHS legislation.

Background

The Work Health and Safety Act 2020 was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.

The main changes in the new legislation are:

- The primary duty holder is the 'person conducting a business or undertaking' (PCBU) which is intended to capture a broader range of contemporary workplace relationships;
- A broader definition of 'worker' which specifically includes volunteers, including BFB volunteers;
- Broader and overlapping duties of care attach to those who have the capacity to exercise influence and control over health and safety matters and a duty to consult with other duty holders;
- A positive duty of due diligence for officers of a PCBU; and
- Increased penalties for offences under the WHS legislation and the introduction of industrial manslaughter provisions;

On 31 August WALGA and LGIS delivered a webinar on the new WHS legislation which was attended by more than 140 people from 80 Local Governments. A panel of presenters from LGIS, Department of Fire and Emergency Services (DFES), McLeods Barristers and Solicitors, and the City of Mandurah shared their knowledge and experience in relation to the new legislation, WHS obligations, and BFB volunteer training and management. The webinar is available on the WALGA website and a FAQ document is being developed jointly by LGIS and DFES. LGIS has also prepared a Volunteer Handbook and CEO Briefing Note on the WHS legislation available on their website.

Comment

WALGA and LGIS are continuing to liaise with DFES and DMIRS on these issues, recognising the need for further information and clarification regarding the implications and requirements of the WHS legislation for the sector's management of bushfire brigade volunteers. Other activities that WALGA is undertaking include:

- Meetings with the Workplace Commissioner Darren Kavanagh and other groups responsible for Volunteer organisations and DFES to discuss the concerns being raised by volunteers and relevant organisations.
 - This was a positive meeting with all wanting to put in place reasonable and practical measures to assist Local Governments and Volunteers. The Workplace Commissioners' department DMIRS has released a Guide to Work health and safety for volunteer organisations which WALGA provided feedback on.
 - On 12 November DMIRS delivered a webinar for volunteers and volunteer organisations;
- LGIS is obtaining legal advice about which Local Government officers are considered 'officers' for the purposes of the WHS legislation which will be provided to the sector;
- WALGA is developing a scope of works for a WHS consultant to develop additional tools and resources to support the sector; and
- WALGA will advocate to the Minister for the commencement of the WHS legislation for Local Governments to be delayed until June 2022 to allow additional time to ensure that safe work practices are implemented for volunteers.

To inform its advocacy on this and sector emergency management issues more generally, WALGA is also undertaking an Emergency Management Survey of Local Governments to ascertain the sentiment of the sector to their emergency management obligations, and to understand how they are undertaking their management of BFBs. The survey includes questions about the types of additional support that Local Governments require in order to comply with the WHS legislation. Preliminary survey feedback indicates:

- Local Governments need more information on Work Health and Safety and Guidelines and templates to support compliance with the legislation;

- Further work is needed to ensure that Local Governments are well prepared to meet WHS requirements in relation to:
 - Providing up to date Standard Operating Procedures and directives for incident response;
 - Training for use of vehicles and equipment use;
 - Ensuring Bush Fire brigade stations do not present a risk to health and safety; and
 - Providing for volunteer fatigue management and access to welfare services; and
- Local Governments generally feel well prepared in relation to WHS regarding provision of personal protective equipment for volunteers.

Recommendation

That the update on the Work Health and Safety (WHS) legislation be noted.

Noted

8.7 Bridges Renewal Program

The Liberal and Nationals Government is investing \$250 million in initiatives that will improve heavy vehicle safety, keep freight moving and create new economic opportunities and jobs.

Applications are now open for the Bridges Renewal Program (BRP) and the Heavy Vehicle Safety and Productivity Program (HVSPP).

The Media release can be found [Here](#) , and Further information and links to apply can be found [Here](#)

Noted

8.8 Social Housing Information Item

The Hon John Carey MLA, Minister for Housing; Local Government; released this press release, [Regional WA to benefit from record investment in social housing](#), in early September. The release outlines a record social housing investment to deliver up to 275 new regional homes by mid-2023. Please see link for further information.

Noted

9. ZONE REPORTS

9.1 Zone President Report

New Zone President Cr Tony Sachse, acknowledged the outgoing President, Rhona Cole, previous Councillor at Naremben for all she has done during her time as a Councillor and as the Zone President.

Noted

9.2 Local Government Agricultural Freight Group

The Chair thanked Rod Forsyth for his time on the Committee.

Noted

9.3 Wheatbelt District Emergency Management Committee

By Cr Tony Sachse (Delegate)

Cr Tony Sachse tabled a report prior to the meeting (Attachment 11) and provided his report to the Zone.

Comment:

Cr Sachse highlighted action relating to information on any decisions that have been made regarding MOUs or understandings developed between Local Governments for resource sharing, particularly regarding specific expertise such as Environmental Health Officers. This is following on from the Wooroloo Fire Recovery this year. Cr Sachse would appreciate feedback to bring forward to the next meeting of the Wheatbelt District Emergency Management Committee.

RECOMMENDATION

Moved: Cr Wayne Della Bosca
Seconded: Cr Pippa de Lacy

That the Wheatbelt District Emergency Management Committee Report and attachments be received.

CARRIED

9.4 Regional Health Advocacy Group

By Cr Glenice Batchelor

Cr Batchelor reported on the Regional Health Advocacy Group at the meeting.

Comment:

- Cr Bachelor congratulated Cr Alison Harris on being the new representative of the group and asked all initial feedback be given through Cr Harris, with Cr Batchelor as proxy.
- There are four existing priorities for the Group, should Members feel the priority areas are incorrect, please provide feedback;
 1. GP and health workforce attraction and retention
 2. Guaranteed availability of services and transportation
 3. Aged care services, packages, and policy
 4. Volunteer workforce management and support e.g., St John's Ambulance

The next meeting of the Regional Health Group will be on Friday 10 December.

RECOMMENDATION

Moved: Cr Melanie Brown
Seconded: Cr Emily Ryan

That the Regional Health Advocacy Group Report be received.

CARRIED

9.5 WALGA Roadwise

Cliff Simpson, Road Safety Advisor (Wheatbelt North), Infrastructure, provided an update to the Zone (Attachment 5)

RECOMMENDATION

Moved: Cr Glenice Batchelor
Seconded: Cr Pippa de Lacy

That the WALGA Roadwise Report be received.

CARRIED

**10. WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)
BUSINESS**

10.1 State Councillor Report

Cr Stephen Strange

During his address, Cr Strange highlighted the resignation of Tracy Roberts, WALGA President, at the next meeting of State Council on Wednesday 1 December.

RECOMMENDATION

Moved: Cr Stephen Strange

Seconded: Cr Karen Day

That the State Councillor Report be received.

CARRIED

10.2 WALGA Status Report

By Tony Brown, Executive Officer



BACKGROUND

Presenting the Status Report for November 2021 which contains WALGA's responses to the resolutions of previous Zone Meetings.

COMPLETE ZONE STATUS REPORT NOVEMBER 2021

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Great Eastern C	2018 November 29 Zone Agenda Item 7.3 Container Deposit Scheme Locations	<p>That the Great Eastern Country Zone requests that:</p> <ol style="list-style-type: none">1. All Local Governments be guaranteed, as a minimum, one flexible refund point in their area.2. A flexible access point should be defined as a refund point which, as a minimum, is open 16 hours each two week period, including at least 8 hours at weekends <p>The State Government provide appropriate funding for the refund points.</p>	<p>The Container Deposit Scheme was launched in October 2020. To date the Scheme has delivered over 200 refund points across WA. This will increase to the required 229 by 1 October 2021.</p> <p>WALGA will continue to advocate for, as a minimum, one flexible refund point per Local Government area. WALGA has also raised with Government the definitions of flexible refund points and how this is applied. The former Environment Minister indicated the definitions would be reviewed in May 2021 and WALGA and other stakeholders would be consulted as part of the process.</p> <p>MWAC provided a Submission to the Department of Water and Environmental Regulation regarding this matter and continued to advocate for these matters.</p>	Ongoing	Nicole Matthews A/Executive Manager, Strategy, Policy and Planning nmatthews@walga.asn.au 9213 2039
Great Eastern C	2020 February 26 Zone Agenda Item 7.1 Federal Government Drought Communities	<p>That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program.</p>	<p>State Council Resolution</p> <p>That State Council endorse the recommendation from the Great Eastern Country Zone relating to the Federal Government Drought Communities Program.</p> <ul style="list-style-type: none">• That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program.	Ongoing	Nicole Matthews A/Executive Manager, Strategy, Policy and Planning nmatthews@walga.asn.au 9213 2039

			<p>RESOLUTION 37.1/2020</p> <p>WALGA has continued its advocacy on drought assistance for Western Australia with representations to the Hon David Littleproud MP, Minister for Agriculture, and Northern Australia; the Hon Alannah MacTiernan MLC, Minister for Regional Development and Food; Hydrogen Industry; and WA Federal Government members, including meetings between the WALGA Deputy President and Senators Dean Smith and Slade Brockman. WALGA also met with Minister MacTiernan's Chief of Staff on this issue.</p> <p>Correspondence from Minister Littleproud received in October 2020 indicated that details of the Commonwealth's Regional Drought Resilience Planning Program were still being worked through with the WA Government, which was yet to commit to co-funding the program. WALGA subsequently sought an assurance that Minister MacTiernan remained committed to 'working with the Minister for Water to ensure WA local government optimally benefit from the Future Drought Fund'.</p> <p>On 4 July 2021 it was announced that the WA Government had been allocated \$1.3m of the \$9.85m available under the Regional Drought Resilience Planning Program for 2021-22 to undertake planning for the Northern Midwest, Southern Wheatbelt and Great Southern Inland regions. This work will be led by Regional Development Commissions working with Local Governments and is due for completion by 30 June 2022. The WA Government not provided a matching cash contribution for this program.</p> <p>The WA Government's application to the National Water Grid Fund seeking \$3.65 million in Federal funding to support the State's \$3.65 million investment to refurbish 70 agricultural area dams in dryland communities was unsuccessful. The Minister for Water has indicated that he is working closely with the Minister MacTiernan, to secure Federal funding for priority WA water projects in WA.</p>		
Grt Eastern C	2021 23 August Zone Agenda Item 7.1 Regional Telecommunications Review	That the Great Eastern Country Zone provides the following input to the WALGA submission: 1. The Zone would like to establish a better policy with the providers on the use of backup generators for better service reliability and delivery.	The WALGA submission to the Regional Telecommunications Review 2021 included narrative specific to the use of backup generators identified by the Great Eastern Country Zone, and included the following Recommended Solution:	November 2021	Ian Duncan, Executive Manager Infrastructure • Infrastructure, 9213 2031 iduncan@walga.asn.au

		2. More engagement with Local Governments for input, particularly in regards to local blackspots and optimum tower locations.	4. When developing funding programs ensure that power supply (including improved back up and Stand-Alone Power Systems) is a key consideration to any solution sought, and that a collaborative approach between power and telecommunication providers is essential to any funding application.		
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ZONE COMMENT

This is an opportunity for Member Councils to consider the response from WALGA in respect to the matters that were submitted at the previous Zone Meeting.

RECOMMENDATION

Moved: Cr Wayne Della Bosca

Seconded: Cr Melanie Brown

That the Great Eastern Country Zone WALGA August 2021 Status Report be noted.

CARRIED

10.3 Review of WALGA State Council Agenda – Matters for Decision

Background

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The full State Council Agenda can be found via link [State Council Agenda December 2021](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

Matters for Decision

5.1 Paid Family and Domestic Violence Leave Entitlements

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;
3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).

5.2 Payment to Independent Committee Members

That WALGA request the Minister for Local Government to amend the *Local Government Act 1995* to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

5.3 2021 Annual General Meeting

That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.
2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

5.4 Review of advocacy positions relating to the Building Act 2011 and Building Regulations 2012

That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the *Building Act 2011* and Building Regulations 2012 with the following:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.

- d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
 5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
 6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

5.5 Draft WA Building Surveyors Code of Conduct

That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.
 - c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.
2. Endorse the attached consultation response summary on the draft Code.

Matters for Noting

- 6.1 Local Government Support for Single Use Plastic Bans**
- 6.2 Report Municipal Waste Advisory Council**
- 6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy**
- 6.4 Closing the Gap Update**
- 6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians**
- 6.6 Wooroloo Independent Review Letter of Support**
- 6.7 State Budget Outcomes**
- 6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy**
- 6.9 Regional Telecommunications Review 2021**
- 6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986**
- 6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia**
- 6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority**

6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission

Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications Unit

7.1.2 Report on Key Activities, Governance and Organisational Services Unit

7.1.3 Report on Key Activities, Infrastructure

7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit

7.2 Policy Forum Report

RECOMMENDATION

Moved: Cr Kellie Mortimore

Seconded: Cr Glenice Bachelor

That the Great Eastern Country Zone:

1. Supports Items 5.1 to 5.5, as listed above in the 1 December 2021 State Council Agenda.
2. Notes the matters for noting contained in the 1 December 2021 State Council Agenda.

CARRIED

10.4 WALGA President's Report

The WALGA President's Report was circulated prior to the meeting (Attachment 6)

RECOMMENDATION

Moved: Cr Glenice Bachelor

Seconded: Cr Stephen Strange

That the Great Eastern Country Zone notes the WALGA President's Report

CARRIED

13. EMERGING ISSUES

13.1 Meeting format

Zone Chair, Cr Tony Sachse, sought feedback on the new format carried out today, of having all Guest Speakers and Agency reports at the beginning of the meeting. Members were in agreement of continuing with the new format.

13.2 LG Pro Conference – CEO recognition

Cr Strange highlighted Darren Mollenoyux, Chief Executive Officer, Shire of Bruce Rock, on his award at the recent LG Pro conference. Mr Mollenoyux was noted for his efforts when the town lost their supermarket during extreme weather/natural disaster earlier this year.

RECOMMENDATION

Moved: Cr Karen Day

Seconded: Cr Pippa de Lacy

That the Great Eastern Country Zone acknowledge Mr Mollenoyux receiving this award.

CARRIED

13.3 Acknowledgement of Service – Jamie Criddle, CEO Shire of Westonia

Cr Karen Day thanked Jamie Criddle on behalf of the Zone for his contribution over the last 9.5 years. He was noted as being a CEO with passion, and was wished well in his new Chief Executive Officer position at the Shire of Chapman Valley.

13.4 Zone Welcomes

The Zone welcomed the addition of some new Chief Executive Officers and Council Members to the Great Eastern Country Zone region, namely;

- Nic Warren, Chief Executive Officer, Shire of Yilgarn.
- Joanne Sutherland, Chief Executive Officer, Shire of Tammin.
- Lisa Clack, Chief Executive Officer, Shire of Merredin.
- President Cr Mark McKenzie, Shire of Merredin.

14. URGENT BUSINESS

NIL

15. DATE, TIME AND PLACE OF NEXT MEETINGS

The next meeting of the Great Eastern Country Zone will be held in Merredin on Monday 21 February 2022, commencing at 9.30am.

16. CLOSURE

There being no further business the Chair declared the meeting closed at 12.40pm