



ORDINARY MEETING OF COUNCIL

MINUTES

20 JANUARY 2022

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on 17/1/22.

Presiding Member:  Date: 17 February 2022

Disclaimer

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member, or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) establish procedures for revocation or revision of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Brookton expressly disclaims liability for any loss or damage suffered by any person as a result or relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member, or Officer, or the content of any discussion occurring, during the course of the Council Meeting.

Shire of Brookton
Ordinary Meeting of Council held 20 January 2022
Commenced at 6.00 pm

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1.01.22 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.00pm.

On behalf of Council, I would like to acknowledge that this meeting is being held on the traditional lands of the Nyongar People, and pay respect to all Elders, past, present, and emerging. I wish to acknowledge and respect local people's continuing culture, and the contribution they make to Country and its life.

2.01.22 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Elected Members (Voting)

Cr KL Crute (Shire President)
Cr NC Walker (Deputy Shire President)
Cr TD Lilly
Cr BK Watts
Cr C Hayden
Cr MG Macnab

Staff (Non-Voting)

Paul Sheedy Acting Chief Executive Officer
Cherie Delmage Acting Manager Corporate and Community
Danni Chard Executive Governance Officer

Apologies

Nil.

Leave of absence

Cr C Hartl

Members of the Public

Nil.

3.01.22 USE OF COMMON SEAL – DECEMBER 2021

The Table below details the Use of Common Seal under delegated authority for the month of December 2021.

Use of Common Seal Register		
File Ref:	Purpose	Date Granted
A2772	Sale of Lot 105 (#10) Avonbank Close, Brookton Settlement: 28 December 2021	14 Dec 2021
A2773	Sale of Lot 102 (#4) Avonbank Close, Brookton Settlement: 20 January 2022	14 Dec 2021

4.01.22 DELEGATED AUTHORITY – ACTIONS PERFORMED – JANUARY 2022

The Table below details the actions of Council performed under delegated authority for the month December 2021.

Shire of Brookton, Delegation Register, 1.46 Building Matters – Permits, Certificates & Orders

BUILDING

Application No.	Lot & Street	Type of Building Work	Date Granted
A578	14 White Street, Brookton	3 x Shed Buildings	02 Dec 2021
A519	48 King Street, Brookton	Swimming Pool	08 Dec 2021
A313	90 Richardson Street, Brookton	Storage Shed	08 Dec 2021
A2554	Lot 92 Bartram Road, Brookton	Extension to carport	20 Dec 2021

Shire of Brookton, Delegation Register, 1.41 Specific Provisions under the Town Planning Scheme No. 4.

PLANNING

File Ref	Application Ref	Subject Land (incl. Scheme No.)	Purpose	Date Granted
Nil.				

5.01.22 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.01.22 PUBLIC QUESTION TIME

Nil.

7.01.22 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.01.22 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9.01.22 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.01.22.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE – 07 DECEMBER 2021

OCM 01.22-01

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Crute

That the minutes of the Local Emergency Management Committee meeting held in the Shire of Brookton Council Chambers, on 07 December 2021, be received by Council.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

9.01.22.02 ORDINARY MEETING OF COUNCIL – 16 DECEMBER 2021

OCM 01.22-02

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Hayden

That the minutes of the Ordinary meeting of Council held in the Shire of Brookton Council Chambers, on 16 December 2022, be confirmed as a true and correct record of the proceedings.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

10.01.22 ANNOUNCEMENTYS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, on behalf of Council would like to Thank to the Acting Chief Executive Officer, Paul Sheedy, for the work he has done for Council and the Community over the last 4 months. We wish you all the best for your next role.

11.01.22 DISCLOSURE OF INTERESTS

Members and Officers to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and prior to the item.

Disclosure of Financial & Proximity Interests

- a. Members must disclose the nature of their interest in matters to be considered at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*).
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be considered at the meeting in respect of which the member or employee has given or will give advice.

Financial, Proximity and Impartiality Interests

Item no.	Members/Officers	Type of Interest	Nature of Interest
12.01.22.01	Cr Macnab	Impartiality	Was a member of "Friends of Railway Station" group, which is now closed.
12.01.22.02	Cr Hayden	Impartiality	On the board of Seabrook Aboriginal Corporation

12.01.22 TECHNICAL & DEVELOPMENT SERVICES REPORTS

Cr Macnab declared an impartiality interest in Item 12.01.22.01, and remained in the room and voted on the item.

12.01.22.01 BROOKTON RAILWAY STATION RESTORATION

File No:	PRO 016
Date of Meeting:	20 January 2022
Location/Address:	Portion of Crown Reserves 10325 (Lot 143) and 14197 (Lot 306) Robinson Road, Brookton
Name of Applicant:	Shire of Brookton
Name of Owner:	Public Transport Authority (PTA)
Author/s:	Paul Sheedy – Acting Chief Executive Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer do not have an interest in this item
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

This item relates to the public submissions received on the various concept design options and Architect's estimated costs for restoration or replacement of the Railway Station building, for Council to endorse a preferred concept design option to allow for the preparation of an RFQ to engage a suitably qualified Architect to prepare detailed construction documents to allow for the calling of tenders for restoration of the building, subject to consideration of the financial implications of tenders received.

Attachment 15.01.22.01B – Summary and copy of Public Submissions – provided under separate cover

Description of Proposal:

The aim of this exercise was to canvas the Brookton community on concept design options for Railway Station building, with the results to inform and aid Council on the preferred direction, being restoring, replica, replacement, or new building. The options offered to the Community through public consultation included:

- Option 1 – Railway Station Conservation
- Option 2 – Railway Station Replica (new building)
- Option 3 – Railway Station Replacement (new building)
- Option 4 – Railway Station New and Addition (new building)

The intent is for Council to endorse the proposed option provided in drawing A3.2 & A3.3 – see **Attachment 15.01.22.01B** which is:

1. The restoration of the building, where financially practicable, including the installation of a Universal Access Toilet (UAT) and cleaners' storeroom within the existing eastern end building, where the existing toilet is located.
2. A new Forecourt area and accessibility ramp; and
3. Removal of internal walls in both rooms (retaining the fireplaces/chimneys) and installation of Bi-fold doors in both rooms.

Background:

The Brookton Railway Reserve is Crown Land vested with the WA Public Transport Authority (PTA) that
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incorporates the main rail corridor, together with the peripheral land area that historically accommodated the Station and signal buildings, passenger boarding platform, cargo lay down and storage areas, and workshop facilities.

In 1988, the Shire accepted responsibility for maintaining and using a central portion of this land (other than the main rail corridor) that is located between Brookton Highway, Robinson Road, William Street and the second 'level crossing' to the south, for community benefit.

This had seen the Council entertain rolling 10-year licence agreements with the PTA, which has provided impetus for Council to focus on preserving the Railway Station's history and presence through a beautification project of Robinson Road (the Main Street) incorporating the main station building, platform and surrounds to:

- a) Reflect an importance of rail as part of the Shire's agricultural history; and
- b) Serve as the central feature for Robinson Road streetscape, being predominantly recognized as the Brookton Town Centre.

Since September 2019, a temporary barrier fence has been in place around the building to deny public access in the interest public safety, given its poor structural condition. During this time liaison has also occurred with the PTA, regarding the condition of the building, and the future land tenure, with agreement reached between the PTA, and Council to request a new Crown Reserve be created in favour of the Shire, being the designated custodian, as opposed to the PTA. This has seen a formal motion passed by Council at its February 2021 Ordinary meeting, seeking consent from the Minister for Land's for creation of the new Reserve.

April 2021

Council at its Ordinary Council meeting on 15 April 2021 resolved (OCM 04.21-05 & OCM 04.21-06):

'That Council Endorses the draft Brookton Railway Station Concept Design and Costing Architectural Consultants Brief – April 2021 as presented in Attachment 12.04.21.01A to this report.'

'That Council allocates, in accordance with, Section 6.8 (1)(b) of the Local Government Act, 1995 an amount of up to \$35,000 to be taken for the Brookton Railway Financial Reserve to cover all relevant costs associated Brookton Railway Station Concept Design and Costing Architectural Consultants Brief – April 2021.'

May 2021

Council at its Special Council meeting on 25 May 2021 resolved (SCM 04.21-02):

'That Council in relation to RFQ 14/2021 for the Brookton Railway Station Concept Design and Costing works:

- 1. Accepts the Evaluation Report – May 2021 (Attachment 7.05.21.01B) for this project as a fair assessment of the Architectural Consultancy submissions that have been received.*
- 2. Awards the contact to Stephen Carrick Architects Pty Ltd for the subject works to be performed in accordance with the Brookton Railway Station Concept Design and Costing Project Brief – April 2021 and their Submission Reference Number: VP238871 dated 08 May 2021.'*

September 2021

Council at its Ordinary Council Meeting on September 2021 resolved (OCM 09.21-06):

'That Council endorses advertising of the Railway Station Designs and Costings Options (presented as attachments to this report) seeking community input over a period of eight (8) weeks that involves:

- A mail drop, media release, email and e-news circulation, publication in the Telegraph newspaper, Shire website and Facebook page, and graphical display of the respective concept designs at the suitable shop front window in Robinson Street, subject to the owner's consent.*
- Two public presentations to be conducted in October 2021 at the WB Eva Pavilion with the first to commence at 10.30am and the second at 6.30pm – with the date to be determined by the Shire President.'*

October 2021

Public presentations and advertising for community feedback on the proposed options was undertaken during October/November 2021 and closing on the 15 November 2021, with sixty-one (61) submissions received.

December 2021

The Architect attended the Council Briefing Forum to provide feedback on the public submissions received and to discuss any proposed modifications with Councillors.

Consultation:

Consultation has been undertaken with the Architect to provide several options for consideration, community consultation via public presentations and the community survey/feedback were undertaken in late 2021 and further consultation with the Architect to provide current drawings after considering the community feedback.

Statutory Environment:

Local Government Act 1995, sections 2.7, 3.1(1) and 6.8(1):

2.7. Role of council

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

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) **is authorised in advance by resolution***; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required*

Relevant Plans and Policy:

Community Consultation Policy 2.41 is relevant to the process utilised for the community comment/feedback.

Financial Implications:

The 2021/22 Budget has an allocation of \$30,000 (Account E115010) for 'Architecture Concept Design' of which approximately \$25,000 expenditure has been incurred to date. Any proposal to proceed with detailed designs (estimated at approximately \$70,000 to \$100,000) will require an additional budget allocation, as part of the budget review process.

Funds for this stage of the proposal could be allocated from the Railway Station Reserve account.

Risk Assessment:

The risk associated with this matter is assessed as 'Medium'. It is important the Council arrives at the best outcome given the 'value' of the Railway Station building to the Brookton Community as indicated in the recent survey to be restoration but understanding that to implement this proposal may come at a significant financial cost to the Shire and the community.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business, and services, detailed in the Shire of Brookton Corporate Compendium – November 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2024.

Specifically, the public consultation on the Railway Station designs and costings and preparation of detailed construction documents would broadly align to:

Business Function 9 – Asset Management

Action – 9.6 Prepare Asset Management Plan – Brookton Railway Station

Comment

Whilst most of the public submissions received supported the restoration of the Railway Station building, the number of submissions received (61) needs to be considered in the context of the whole of the Shire population. However, one would expect that if a greater number of submissions were received the result would potentially have seen a similar outcome.

Progressing forward on the basis that restoration is the only outcome without any consideration of the final potential costs involved would be unwise and would not be considered prudent financial management by the Council. There are a number of structural issues and consideration of replacing of
Shire of Brookton, Ordinary Meeting of Council, 20 January 2022 - Minutes

some material (tiles and external & internal wall cladding, with alternative 'look alike materials', that require further investigation, for the Shire to be a position to be able to prepare detailed plans and specifications when seeking tenders for the restoration. Otherwise, the Shire runs the risk of cost variations (which could be significant) being submitted by the successful tender, as works, not identified in the tender document, are identified as part of the restoration process.

The use of similar materials to what is already there (i.e. clay tiles, timber boards for external walls etc.) could be problematic as sourcing such materials could be expensive due to the lack of general availability, requiring a specialist purchase/production and in the medium to long term has a potential ongoing maintenance issue. The use of modern 'look alike' materials that provides a similar look to a full restoration but provides a medium to long term reduction in the level of maintenance expenditure is worthy of consideration. This is a decision that can be made later prior to calling tenders once more information on potential costs is known.

As this proposal is considered a substantial upgrade of the building compliance with current Regulations will be required, so the attached plans include the provision of a UAT with the addition of a small cleaners' room. It is also proposed to remove the internal walls from both buildings (fireplace/chimneys to be retained) and provide Bi-fold doors to provide greater flexibility when utilising the spaces as it will allow for one large room or multiple smaller rooms as required. The addition of a new forecourt area and accessibility ramp completes the proposal.

Following discussion at the December 2021 Council Briefing Forum on the possible location of the UAT, being internal or external, Drawings A3.3. and A3.6 address these options. Providing the UAT externally under the existing undercover reduces this substantially at the eastern end and potentially could be argued compromises the proposal for 'Restoration'. For this reason, Drawing A3.3 is recommended to be the preferred option, (Option1B) subject to consideration of the final cost estimate and potential use of 'look alike' materials that would reduce potential future building maintenance costs and not adversely compromise the 'restoration concept' of the proposal.



EAST ELEVATION
1:150



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NOTES - GENERAL
 0.1 DRAWINGS TO BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANT DRAWINGS AND SPECIFICATIONS
 0.2 ALL DIMENSIONS SHALL BE REFERRED TO THE NUMBER FOR A DECISION PRIOR TO PROCEEDING WITH THE WORK
 0.3 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK
 0.4 ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LATEST AS CODES AND STANDARDS
 0.5 DRAWINGS TO BE READ IN CONJUNCTION WITH ALL SCHEDULES AND SPECIFICATIONS

Brookton Railway
 Project No. 7309
 Brookton WA 6306

Rev#	Change Name	Date

DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.
 As Existing - East Elevation
A3.2
 Scale: 1:150 @ A3

Finally, the Architect has confirmed that the finalisation of the concept design drawing set for Option 1B is part of their existing fee proposal and will not imply an additional cost. The finalisation of the drawing set helps to assist the Quantity Surveyor to cost the design and will also ensure that the Council will have a **finalised set of concept drawings** to bring into the next stage of the project.

Following the Council's meeting on the 20 January 2022, to select the preferred design for Option 1B, the Architect will be able to prepare the drawings within 1-2 days of notification. The drawings will then be sent to the Shire for review and comment and any further changes that the Council would like to make, prior to costing. The drawing set will then be sent to the Quantity Surveyor to assist with costing up the design which should take roughly about 1 week.

This whole process should take approximately ten (10) days for the Architect to then provide the Shire with all the information.

OFFICER'S RECOMMENDATION

That Council:

1. Notes the public submissions received from the community on all options through the public submission process.
2. Endorses Drawing A3.3 as the selected option (1B) for the potential restoration of the Railway Station Building moving forward subject to:
 - a) Further structural reports being obtained if deemed necessary.
 - b) Consideration being given to the use of 'look alike' materials that don't adversely compromise the 'restoration concept' of the proposal; and
 - c) A cost estimate being provide by a Quantity Surveyor and funding options being considered prior to a final decision being made by Council.
3. Authorise the Chief Executive Officer to progress a Request for Quotation from suitably qualified Architects to prepare detailed concept design, construction drawings and specifications, based on Drawing A3.3 (Option 1B), to allow for calling of tenders based on restoration of the Railway Station Building.
4. Approve unbudgeted expenditure of up to \$150,000, to be allocated from the Railway Station Reserve account, for the preparation of detailed concept design, construction drawing and specifications and further structural reports, as considered necessary.

(Absolute majority vote required)

That Council:

- 1. Notes the public submissions received from the community on all options through the public submission process.**
- 2. Endorses Drawing A3.3 as the selected option (1B) for the potential restoration of the Railway Station Building moving forward subject to:**
 - a) Further structural reports being obtained if deemed necessary.**
 - b) Consideration being given to the use of 'look alike' materials that don't adversely compromise the 'restoration concept' of the proposal; and**
 - c) A cost estimate being provided by a Quantity Surveyor and funding options being considered prior to a final decision being made by Council.**
- 3. Authorise the Chief Executive Officer to progress a Request for Quotation from suitably qualified Architects to prepare detailed concept design, construction drawings and specifications, based on Drawing A3.3 (Option 1B), to allow for calling of tenders based on restoration of the Railway Station Building.**
- 4. Approve unbudgeted expenditure of up to \$150,000.00, to be allocated from the Railway Station Reserve account, for the preparation of detailed concept design, construction drawings, and specifications, and further structural reports, as considered necessary.**

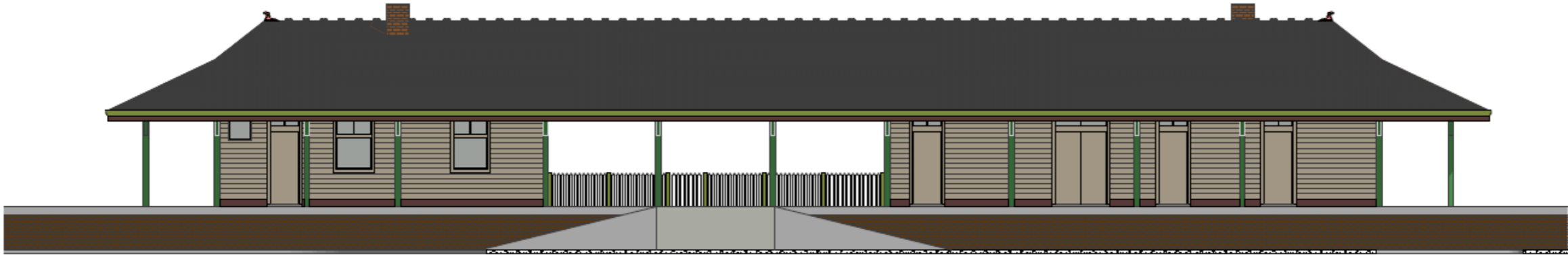
CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Attachments

Attachment 15.01.22.01A – Summary and copy of Public Submissions ([provided under separate cover](#))

Attachment 15.01.22.01B – Drawing A3.2 & A3.3 UAT Internal

Attachment 15.01.22.01C – Drawing A3.5 & A3.6 UAT External



 EAST ELEVATION
1:150

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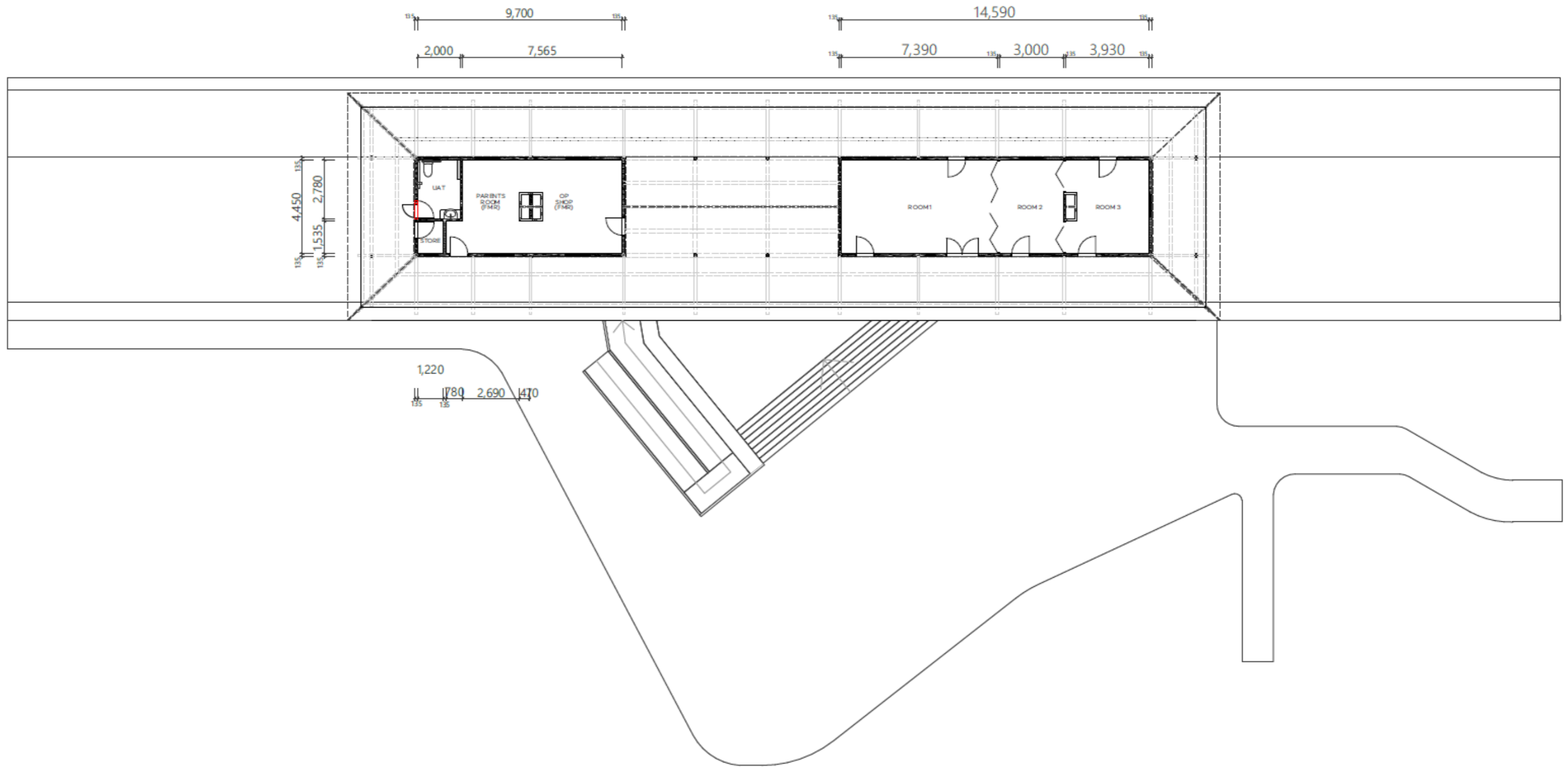
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Brookton Railway
 Project No. 7309
 Brookton WA 6306

RevID	Change Name	Date

DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.

As Existing - East Elevation
A3.2
 Scale : 1:150 @ A3



UAT LAYOUT INTERNAL - 1
1:200


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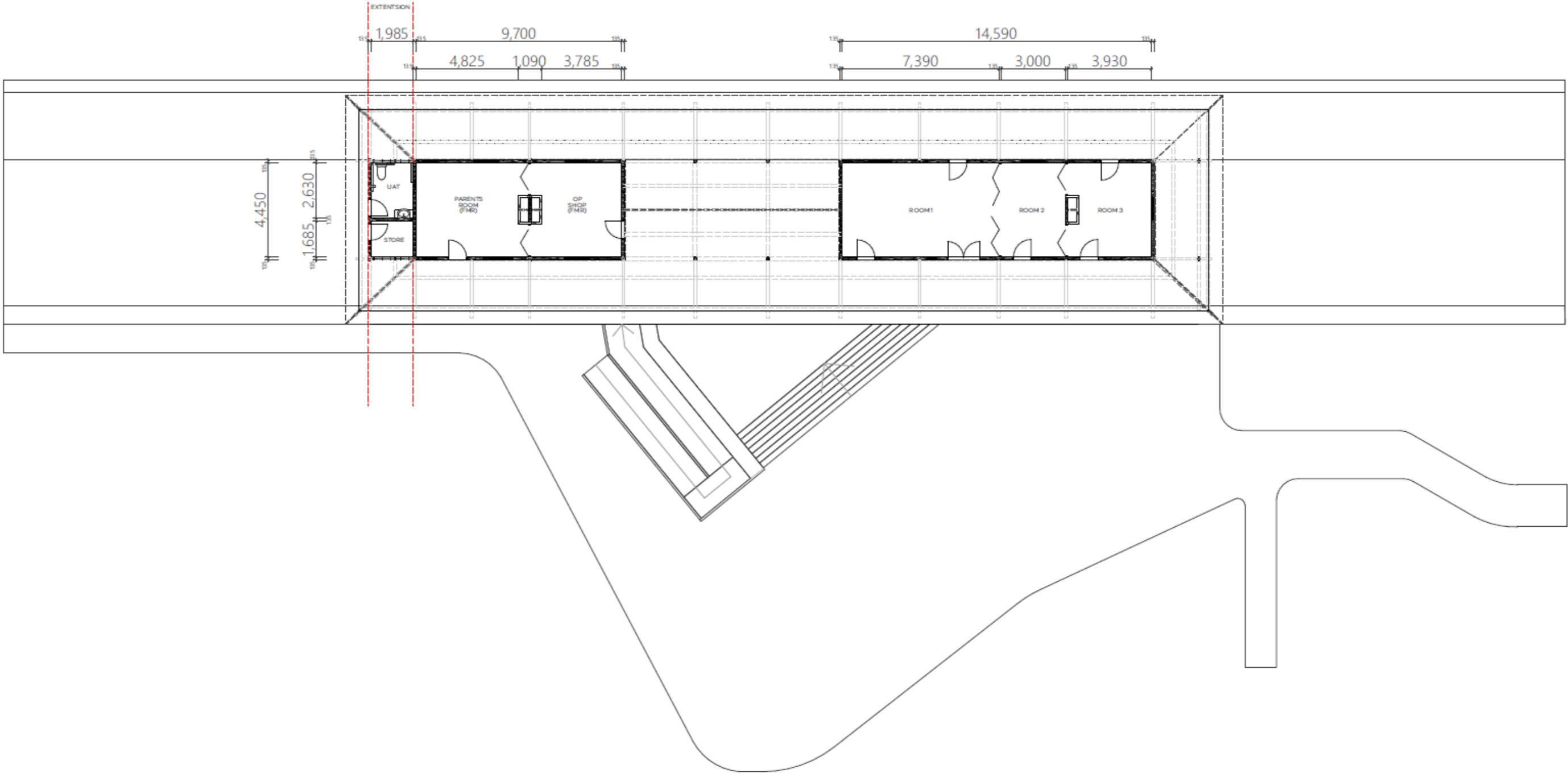
RevID	Change Name	Date

DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.

UAT Floor Plan - (Internal) 1

A3.3

Scale: 1:200 @ A3



UAT LAYOUT EXTERNAL
1:200

DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.

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Brookton Railway
 Project No. 7309
 Brookton WA 6306

RevID	Change Name	Date

UAT Floor Plan (External)
A3.5
 Scale : 1:200 @ A3



E-04

EAST ELEVATION - EXTENSION
1:150



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Brookton Railway

Project No. 7309

Brookton WA 6306

RevID	Change Name	Date

DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.

UAT (EXTERNAL) - EAST ELEVATION
A3.6

Scale: 1:150 @ A3

12.01.22.02 MANAGEMENT ORDER – LOT 552 YEO ROAD, BROOKTON

File No:	REL016
Date of Meeting:	20 January 2022
Location/Address:	N/A
Name of Applicant:	Department of Planning, Lands and Heritage
Name of Owner:	Crown
Author/s:	Paul Sheedy – Acting Chief Executive Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer do not have an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item is to report on a request from the Department of Planning, Lands and Heritage (DPLH) for the Shire of Brookton to accept a management order over a newly created reserve (lot 552) on Yeo Road, Brookton, the reserves are shown in *Attachment 12.01.22.02A – Landgate Deposited Plan 416002*, and *Attachment 12.01.22.02A - Map of Lot 552 & adjoining land*.

Description of Proposal:

The intent is for Council to advise DPLH that it does not wish to accept the management order for this newly created reserve given that it appears to be land locked, is of no benefit to the Shire

Background:

The reserve has been created because of a freehold subdivision of adjoining land (Lots 550 and 551) and was ceded to the Crown for the purpose of 'Waterway Management'

Consultation:

There does not appear to have been any prior consultation with the Shire staff prior to the letter from DPLH on 22 December 2021.

Statutory Environment:

Section 152 of the Planning and Development Act 2005

Relevant Plans and Policy:

There are no relevant plans and policies relevant to this item.

Financial Implications:

Accepting the management order would result in the Shire becoming responsible for the ongoing management of the reserve, including bushfire mitigation, and weed control along the water course.

Risk Assessment:

Acceptance of the reserve management order places additional responsibilities onto the Shire, should a fire commence in the reserve and travel to other adjoining lots, including CBH, however given the small size of the reserve the risk has been assessed as 'Medium'

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

There are no Community & Strategic Objectives relevant to this item.

Comment

As indicated in the summary section of this report this reserve (lot 552) has been created as part of a recent subdivision that seen CBH purchase the adjoining lot (lot 550). As this parcel of land has a water course running through it and is covered in native vegetation it appears that the subdivider has either been requested or has volunteered to relinquish this piece of land.

However, the lot has a water course running through it, it appears to be landlocked (so not sure how the Shire would legally gain access to the lot for maintenance etc.) and it adjoins a current reserve that is vested in the Department of Planning and Infrastructure (old DPLH), which appears the logical agency to accept. The fact that DPLH are suggesting that the purpose of the management order will be 'Waterway Management' gives a good indication of the restrictive nature of any future use of the area.

Given the future requirement for maintenance by the Shire (bushfire mitigation and weed control) at an additional financial burden, should it accept the management order and there appears to be no perceived benefit to the Shire, now or into the future, to justify accepting the management order for this lot, it's recommended that Council advises DPLH that does not wish to accept the management order. Also given its proposed purpose of 'Waterway Management' it's suggested that the Department of Water and Environmental Regulation is a more appropriate agency for the management order.

OFFICER'S RECOMMENDATION

That Council advises the Department of Planning, Lands and Heritage that:

1. It does not wish to accept the management order for lot 552 Yeo Road, Brookton, given that the lot appears to be landlocked and there are no benefits for the Shire to accept the management order; and
2. Given that the proposed purpose of the management order is to be 'Waterway Management' its suggested that the Department of Water and Environmental Regulation is a more appropriate agency for the management order.

(Simple majority vote required)

ALTERNATIVE OFFICER'S RECOMMENDATION

That Council advises the Department of Planning, Lands and Heritage that:

1. *It does not wish to accept the management order for Lot 552 Yeo Road, Brookton, given that the lot appears to be landlocked, and there are no benefits for the Shire to accept the management order; and*
2. *Given that the Lot and adjoining Reserve 289 has been identified as having a high level of cultural significance to the local Noongar peoples, its recommended that the management order for both Lot 552 and adjoining Reserve 289 be issued to Seabrook Aboriginal Corporation.*

(Simple majority vote required)

OCM 01.22-04

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Lilly

That Council suspend Stand Orders to facilitate discussion on the Alternative Officer's Recommendation at 6.13pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 01.22-05

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Lilly

That Council resume Standing Orders at 6.14pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Note to Minute: Cr Hayden declared an impartiality interest after the Motion of Council was passed, due to being a representative on the Seabrook Aboriginal Corporation Board.

OCM 01.22-06

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Watts

That Council advises the Department of Planning, Lands and Heritage that:

- 1. It does not wish to accept the management order for Lot 552 Yeo Road, Brookton, given that the lot appears to be landlocked, and there are no benefits for the Shire to accept the management order; and***
- 2. Given that the Lot and adjoining Reserve 289 has been identified as having a high level of cultural significance to the local Noongar peoples, its recommended that the management order for both Lot 552 and adjoining Reserve 289 be issued to Seabrook Aboriginal Corporation.***

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Reason for Change

Following the public release of the Council agenda the Shire was approached by a representative of the Seabrook Aboriginal Corporation advising of the cultural significance of the waterway and surrounding land to the local Noongar peoples.

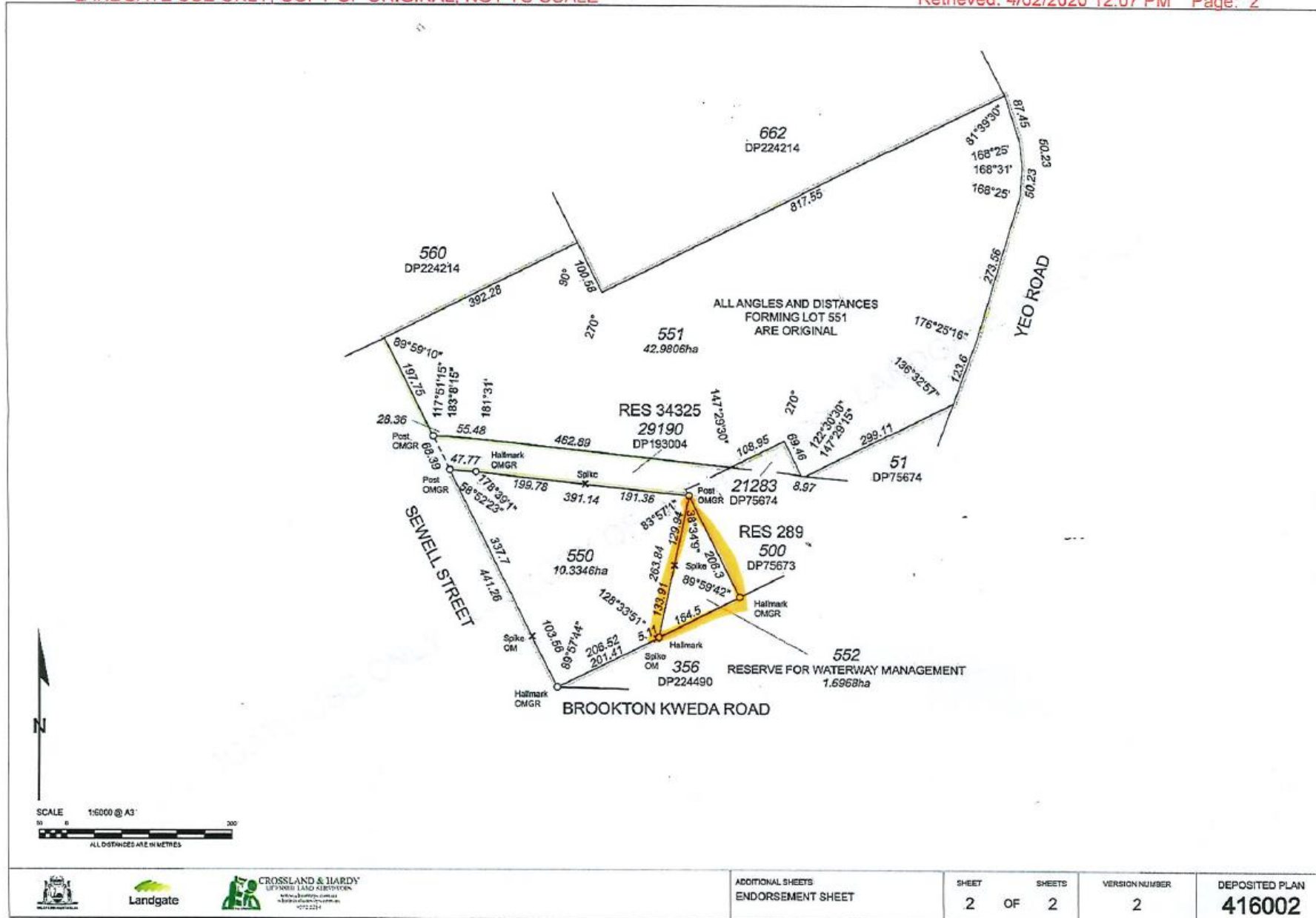
Attachments

Attachment 12.01.22.02A – Landgate Deposited Plan 416002

Attachment 12.01.22.02B – Map of Lot 552 & adjoining land

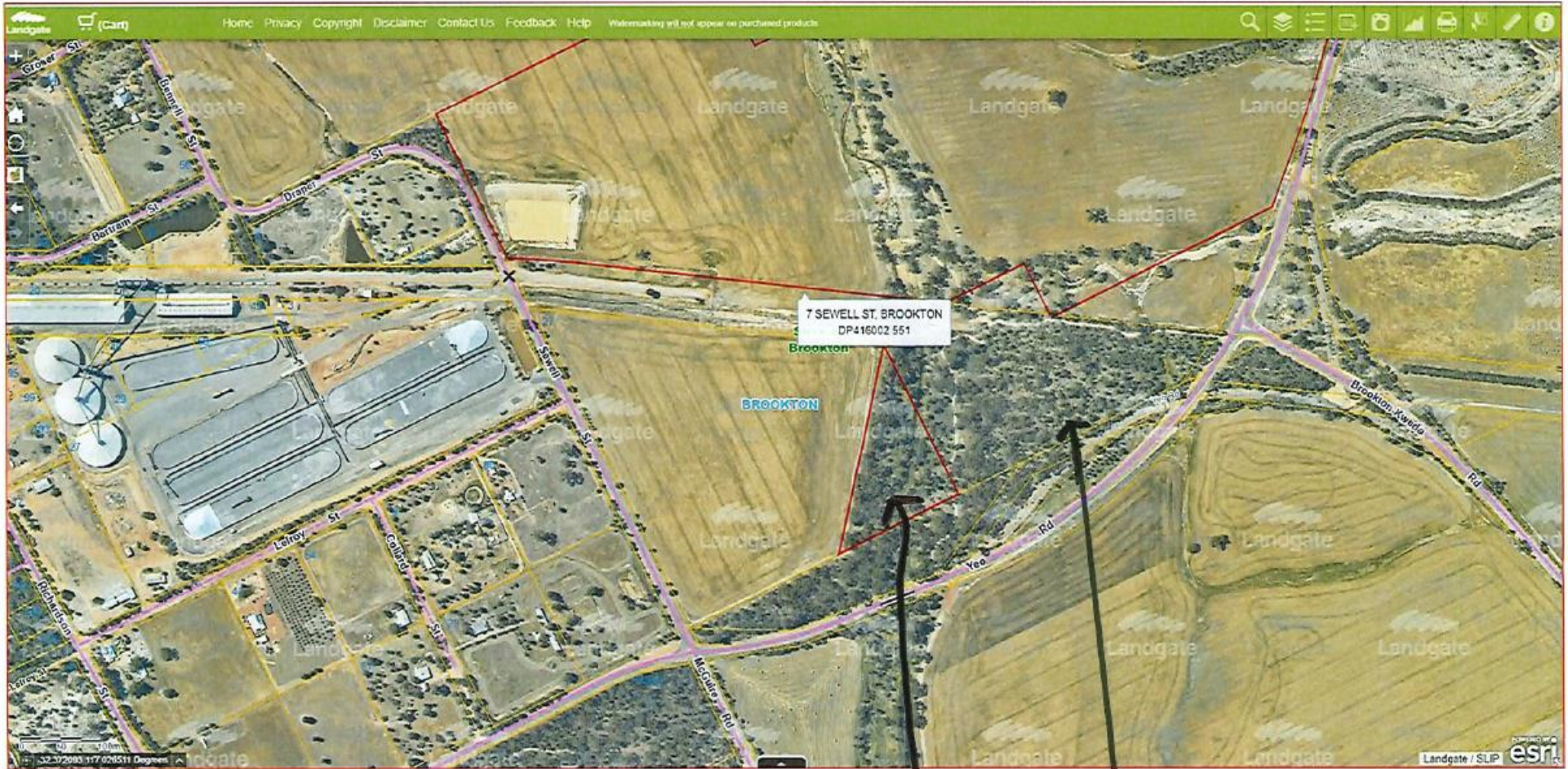
LANDGATE USE ONLY, COPY OF ORIGINAL, NOT TO SCALE

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CROSSLAND & HARDY
LIFE-SAVING LAND SURVEYORS
100 Brookton Highway, Brookton WA 6150
08 9422 2214

ADDITIONAL SHEETS ENDORSEMENT SHEET	SHEET 2	SHEETS OF 2	VERSION NUMBER 2	DEPOSITED PLAN 416002
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LOT 552

LOT 500
Reserve 289

12.01.22.03 SMARTER CONTROL STANDPIPE (SOLAR)

File No:	HOU031
Date of Meeting:	20 January 2022
Location/Address:	Richardson Street, Brookton
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Paul Sheedy – Acting Chief Executive Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer do not have an interest in this item
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

This item is to report on the proposed installation of Smarter Control Standpipe (Solar) to replace the existing key and padlock system at the existing standpipe adjacent to the Shire Depot in Richardson Street, Brookton.

Description of Proposal:

The intent is to improve the control over the water being removed from the existing large volume standpipe and the charging for the amounts taken and improve the efficiency of how the whole process is managed by staff, with the installation of the Smarter Control Standpipe (Solar).

Background:

Under the current system the persons wanting to take water from the standpipe are required to come to the Shire Office to collect a key. They are given a form to complete the amount taken, which is returned when the key is returned. In addition, they are required to take a photo of the meter reading before and after taking water and text that photos to a Shire Phone. Currently these photos are sent to the Building Maintenance Officer who then takes them to the Finance Officer (debtors) to download/print and retain to issue an invoice.

Some regular users and who generally take water on weekends are permitted to retain a key to the standpipe and then follow the existing procedure with a photo of the enter reading and returning of the completed form, which can be adhoc.

Consultation:

The Acting CEO has undertaken consultation with the Administration and Finance Officers to ascertain how the current arrangements are working.

Statutory Environment:

Local Government Act 1995, sections 2.7, 3.1(1) and 6.8(1)

2.7. Role of council

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

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required*

Relevant Plans and Policy:

There is no Plans or Policies relevant to this matter

Financial Implications:

As there are no funds allocated in the 2021/22 budget this will be an unbudgeted expenditure item which will need to be included as part of the budget review but given other under expenditures this year it should be able to be accommodated.

Implementation of this standpipe provide an improved level of financial accountability and may result in an increase in revenue for the cost of water being taken

Risk Assessment:

Whilst the evidence of illegal taking of water is not high, if at all, installation of the system may result in some increased cost to those taking water, with very little backlash from the community so the risk has been assessed as 'Low' given the potential minor impact on the community.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

There is no Community & Strategic Objectives relevant to this matter.

Comment

As indicated in the background section of this report the current system is clunky and inefficient and implementation of this Smarter Control Standpipe will eliminate any community accusations that users are not paying for the water taken.

Whilst the initial upfront cost may seem excessive compared to the amount of revenue currently generated (approximately \$7,000 per annum), when it's allocated over the expected life of the facility (10 plus years) the cost is not significant.

Whilst the quotation includes installation there may be some initial on-ground costs, so the Officer Recommendation includes an additional \$2,000.

OFFICER'S RECOMMENDATION

That Council approves unbudgeted expenditure of \$21,500 (ex GST) for the purchase and installation of a Smarter Control Standpipe (Solar) on the large flow water service at Richardson Street, Brookton adjacent to the Shire Depot.

(Absolute majority decision required)

ALTERNATIVE OFFICER'S RECOMMENDATION

That Council, in accordance with Section 6.16 of the *Local Government Act 1995*:

1. Approves unbudgeted expenditure of \$21,500.00 (excl. GST) for the purchase and installation of a Smarter Control Standpipe (Solar), on the large flow water service at Richardson Street, Brookton, adjacent to the Shire Depot; and
2. Approves the following amendments to the Fees and Charges Schedule:

a. Standpipe Water Charge (Domestic Use Only) per kL (1000L)	\$10.00* (no GST)
b. Minimum Charge for card holders, per billing cycle	\$10.00 (no GST)
c. Swipe Card (non-refundable)	\$30.00 (no GST)
d. Administration Fee	\$30.00* (incl. GST)

*Concession/Pension Card Holders within the Shire receive a 50% discount off the water charge and administration fees.

**Accounts are sent quarterly

3. Resolves to advertise the above amendments to its Schedule of Fees and Charges on the Shire's Website, and in the Brookton Telegraph.

(Absolute majority vote required)

That Council, in accordance with Section 6.16 of the Local Government Act 1995:

- 1. Approves unbudgeted expenditure of \$21,500.00 (excl. GST) for the purchase and installation of a Smarter Control Standpipe (Solar), on the large flow water service at Richardson Street, Brookton, adjacent to the Shire Depot; and***

- 2. Approves the following amendments to the Fees and Charges Schedule:***

<i>a. Standpipe Water Charge (Domestic Use Only) per kL (1000L)</i>	<i>\$10.00* (no GST)</i>
<i>b. Minimum Charge for card holders, per billing cycle</i>	<i>\$10.00 (no GST)</i>
<i>c. Swipe Card (non-refundable)</i>	<i>\$30.00 (no GST)</i>
<i>d. Administration Fee</i>	<i>\$30.00* (incl.</i>
<i>GST)</i>	

- *Concession/Pension Card Holders within the Shire receive a 50% discount off the water charge and administration fees.***

*****Accounts are sent quarterly***

- 3. Resolves to advertise the above amendments to its Schedule of Fees and Charges on the Shire's Website, and in the Brookton Telegraph.***

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Reason for Change:

The installation of the Smarter Control Standpipe requires the use of Swipe Cards, for which there is currently no fee, the existing fees and charges have been updated to reflect similar fees to adjoining local governments, and future taking of water will be restructured for domestic use.

13.01.22 COMMUNITY SERVICES REPORTS

Nil.

14.01.22 CORPORATE SERVICES REPORTS**14.01.22.01 LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2021**

File No:	N/A
Date of Meeting:	20 January 2022
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Tricia Brown – Finance Administration Officer - Rates
Authorising Officer:	Cherie Delmage – Acting Manager Corporate and Community
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	16 December 2021

Summary of Item:

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 December 2021, as required under the *Local Government (Financial Management) Regulations 1996*.

Description of Proposal:

To approve the accounts for payment.

Background:

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to Council for inspection.

Consultation:

There are no community engagement implications that have been identified as a result of this report or recommendation.

Statutory Environment:

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

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

- (3) A list prepared under subregulation (1) or (2) is to be —
- a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - b) recorded in the minutes of that meeting.

Relevant Plans and Policy:

The Chief Executive Officer, under relevant delegation, is authorized to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

Financial Implications:

There are no financial implications that have been identified as a result of this report or recommendation.

Risk Assessment:

The risk in relation to this matter is assessed as 'Medium' on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer's provide a full detailed listing of payments made in a timely manner.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This item relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – October 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the contract services support the following Business Unit and Functions:

18. Financial Control

18.2 Conduct external/internal audits and reporting

18.5 Process rates, other revenues, timely payments

Comment

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Shire of Brookton, Ordinary Meeting of Council, 20 January 2022 - Minutes*

Management) Regulations 1996, a list of accounts paid is to be provide to Council, where such delegation is made.

The payment schedule is provided to Councilors' separately and not published on the Shire of Brookton website to mitigate against the potential of fraudulent activity that can arise from this practice. Members of the public can obtain the schedule from the Shire of Brookton Administration Office.

The following table summarizes the payments for the period by payment type, with full details of the accounts paid contained within **Attachment 14.01.22.01A**.

Payments up to 31 December 2021

Payment Type	Account Type	Amount (\$)
Automatic Payment Deductions (Direct Debits)	Municipal	\$172,001.35
Cheque Payments – Nil	Municipal	\$0.00
EFT Payments #12794 to #12800, #12804 to #12805, #12807 to #12903	Municipal	\$399,478.02
Sub Total	Municipal	\$571,479.37
EFT Payments – Nil	Trust	\$0.00
Sub Total	Trust	\$0.00
EFT Payments – #12801 to #12803, #12904	Bond	\$960.00
Sub Total	Bond	\$960.00
Totals		\$572,439.37

Contained within **Attachment 14.01.22.01A** is a detailed transaction listing of credit card expenditure paid for the period ended 31 December 2021. This amount is included within the total payments, listed above.

OFFICER'S RECOMMENDATION

That Council accepts the list of accounts, totaling \$572,439.37 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 December 2021, as contained within Attachment 14.01.22.01A.

OCM 01.22-08

COUNCIL RESOLUTION

MOVED Cr Macnab SECONDED Cr Hayden

That Council accepts the list of accounts, totaling \$572,439.37 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 December 2021, as contained within Attachment 14.01.22.01A.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.01.22.01A – List of Accounts for Payment December 2021

Members of the public can obtain a copy of the List of Accounts by contacting the Shire Administration Office.

14.01.22.02 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2021

File No:	N/A
Date of Meeting:	20 January 2022
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Charlotte Cooke – Finance Officer
Authorising Officer:	Cherie Delmage – Acting Manager Corporate & Community
Declaration of Interest:	The authors have no financial interest in this matter
Voting Requirements:	Simple Majority
Previous Report:	There is no previous meeting reference

Summary of Item:

The Statement of Financial Activity for period ending 31 December 2021 together with associated commentaries are present for Council's consideration.

Description of Proposal:

That Council receives the Statement of Financial Activity for the period ended 31 December 2021, as presented.

Background:

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. December and January's reports are presented in February as Council does not meet in January.

Consultation:

Reporting officers receive monthly updates to track expenditure and income.

Statutory Environment:

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Relevant Plans and Policy:

There is no Council Policy relevant to this item.

Financial Implications:

The Budget is regularly monitored on at least a monthly basis, by the Chief Executive Officer, the Manager Corporate & Community, and the Senior Finance Officer. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 January and 31 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in the Monthly Financial Report contained within **Attachment 14.01.22.02A**.

Risk Assessment:

The risk in relation to this matter is assessed as 'Low' on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

Responsible financial management is critical to deliver on the Strategic Community Plan.

The Corporate Business Plan determines the local government's resource allocations which form the construction of the Annual Budget. The financial statements thus measure performance against the Corporate Business Plan by providing comparatives against the Annual Budget.

This item relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the contract services supports the following Business Unit and Functions:

- 18. Financial Control
- 18.2 Conduct external/internal audits and reporting
- 18.4 Review/Manage financial investments
- 18.5 Process rates, other revenues, timely payments

Comment

The Monthly Financial Reports has been prepared in accordance with statutory requirements.

OFFICER'S RECOMMENDATION

That Council receives the Monthly Statements of Financial Activity for the 31 December 2021, in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1995 as presented in Attachment 14.01.22.02A.

(Simple majority vote required)

OCM 01.22-09

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Lilly

That Council receives the Monthly Statements of Financial Activity for the 31 December 2021, in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1995 as presented in Attachment 14.01.22.02A.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.01.22.02A – Statement of Financial Activity

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Statement of Financial Activity by Function & Activity

Statement of Financial Activity by Nature & Type

Note 1 - Major Variances

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Note 5 - Cash Backed Reserves

Note 6 - Capital Disposals and Acquisitions

Note 7 - Information on Borrowings

Note 8 - Cash and Investments

Note 9 - Budget Amendments

Note 10 - Trust Fund

Note 11 - Sewerage Operating Statement

Note 12 - WB Eva Pavilion and Gymnasium Operating Statement

Note 13 - Brookton Caravan Park & Acquatic Centre Financial Reports

Note 14 - Road Program

Note 15 - Capital Works Program

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 December 2021

	Note	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) (c)	Var. % (b)-(a)/(b) 9	Var.
		\$	\$	\$	\$	%	
Operating Revenues							
04	Governance	23,510	14,990	14,217	(773)	(5.16%)	
03	General Purpose Funding	1,886,516	1,254,653	387,897	(866,756)	(69.08%)	☹
05	Law, Order and Public Safety	315,963	55,658	56,805	1,147	2.06%	
07	Health	300	150	18	(132)	(87.88%)	
08	Education and Welfare	65,906	32,946	32,661	(285)	(0.86%)	
09	Housing	71,296	35,640	57,260	21,620	60.66%	☺
10	Community Amenities	404,681	395,823	405,126	9,303	2.35%	
11	Recreation and Culture	36,101	18,030	22,604	4,574	25.37%	
12	Transport	684,303	384,874	390,564	5,690	1.48%	
13	Economic Services	100,160	50,082	76,647	26,565	53.04%	☺
14	Other Property and Services	27,000	13,488	24,541	11,053	81.95%	☺
	Total (Excluding Rates)	3,615,736	2,256,334	1,468,340	(787,994)	(34.92%)	
Operating Expense							
04	Governance	(569,257)	(300,397)	(258,579)	41,818	13.92%	☺
03	General Purpose Funding	(250,387)	(124,778)	(104,665)	20,113	16.12%	☺
05	Law, Order and Public Safety	(470,954)	(234,443)	(181,272)	53,170	22.68%	☺
07	Health	(25,294)	(13,386)	(15,313)	(1,927)	(14.40%)	
08	Education and Welfare	(163,573)	(83,360)	(66,622)	16,738	20.08%	☺
09	Housing	(241,917)	(92,171)	(82,638)	9,534	10.34%	
10	Community Amenities	(573,400)	(293,948)	(194,147)	99,801	33.95%	☺
11	Recreation and Culture	(1,044,540)	(536,139)	(463,556)	72,583	13.54%	☺
12	Transport	(3,571,833)	(1,804,869)	(1,744,263)	60,606	3.36%	
13	Economic Services	(257,475)	(130,944)	(109,288)	21,656	16.54%	☺
14	Other Property and Services	(406,383)	(230,204)	(202,243)	27,961	12.15%	☺
	Total	(7,575,013)	(3,844,639)	(3,422,585)	422,054	10.98%	
Funding Balance Adjustment							
	Add back Depreciation	3,098,790	1,549,395	1,487,516	(61,879)	(3.99%)	
	Adjust (Profit)/Loss on Asset Disposal	47,511	47,511	11,904	(35,607)	(74.95%)	☹
	Correction of SSL78 adjustment	0	0	0	0		
	Adjust (Profit)/Loss on Asset Revaluation	0	0	0	0		
	Movement in Non Cash Provisions	0	0	0	0		
	Net Operating (Ex. Rates)	(812,976)	8,601	(454,826)	(463,427)	(5388.05%)	
Capital Revenues							
	Proceeds from Disposal of Assets	122,000	122,000	113,841	(8,159)	6.69%	
	Proceeds from New Debentures	600,000	0	0	0	0.00%	
	Self-Supporting Loan Principal	24,413	12,206	11,998	(208)		
	Transfer from Reserves	2,406,197	0	0	0	0.00%	
	Total	3,152,610	134,206	125,839	(8,367)		
Capital Expenses							
	Land and Buildings	(1,514,000)	(726,984)	(279,003)	447,981	61.62%	☺
	Plant and Equipment	(436,000)	(217,986)	(102,495)	115,491	52.98%	☺
	Furniture and Equipment	(10,000)	(4,998)	(7,638)	(2,640)		
	Infrastructure Assets - Roads & Bridges	(1,068,926)	(346,956)	(286,808)	60,148	17.34%	☺
	Infrastructure Assets - Sewerage	(742,000)	(370,992)	(17,500)	353,492	95.28%	☺
	Infrastructure Assets - Footpath	0	0	0	0		
	Repayment of Debentures	(133,672)	(66,834)	(65,772)	1,062	1.59%	
	Principal elements of finance lease payments	(1,419)	0	0	0		
	Transfer to Reserves	(1,791,777)	(16,608)	(7,439)	9,169	55.21%	
	Total	(5,697,794)	(1,751,358)	(766,656)	984,702	(56.23%)	
	Net Capital	(2,545,184)	(1,617,152)	(640,817)	976,335	(60.37%)	
	Total Net Operating + Capital	(3,358,160)	(1,608,551)	(1,095,643)	512,908	31.89%	
	Rate Revenue	2,376,497	2,409,851	2,410,805	954	0.04%	
	Opening Funding Surplus(Deficit)	981,662	869,805	869,805	111,857	12.86%	☺
	Closing Funding Surplus(Deficit)	0	1,671,105	2,184,967	625,719		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 31 December 2021

NOTE	2021/22	2021/22	2021/22	2021/22	Variance
	Adopted Budget	Current Budget	YTD Budget	YTD Actual	YTD Budget vs YTD Actual
	\$	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,410,607	2,410,607	2,409,851	2,410,805	954
Operating Grants, Subsidies and Contributions	1,167,520	877,666	1,089,561	573,838	(515,723)
Fees and Charges	682,928	689,173	538,023	602,675	64,652
Interest Earnings	130,111	135,249	67,617	29,071	(38,546)
Other Revenue	197,836	162,795	38,507	42,810	4,303
	4,589,002	4,275,490	4,143,559	3,659,199	(484,360)
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,911,012)	(2,221,555)	(1,104,316)	(1,014,489)	89,827
Materials and Contracts	(1,531,907)	(1,718,866)	(836,295)	(631,907)	204,387
Utilities	(177,631)	(190,430)	(93,457)	(64,584)	28,873
Depreciation	(2,781,490)	(3,098,790)	(1,536,114)	(1,487,516)	48,598
Interest Expenses	(76,411)	(67,343)	(33,664)	(18,726)	14,938
Insurance	(193,031)	(230,647)	(213,381)	(192,678)	20,702
Other Expenditure	(112,453)	(850)	(668)	(782)	(114)
	(6,783,935)	(7,528,481)	(3,817,894)	(3,410,682)	407,212
	(2,194,933)	(3,252,991)	325,665	248,518	(77,147)
Non-Operating Grants, Subsidies & Contributions	740,579	1,713,243	520,880	219,946	(300,934)
Profit on Asset Disposals	0	0	0	0	0
Loss on Asset Disposals	(47,511)	(47,511)	(47,511)	(11,904)	35,607
NET RESULT	(1,501,865)	(1,587,259)	799,034	456,560	(342,474)

Shire of Brookton
Notes To The Statement Of Financial Activity
For The Period Ended 31 December 2021

Explanation Of Material Variances

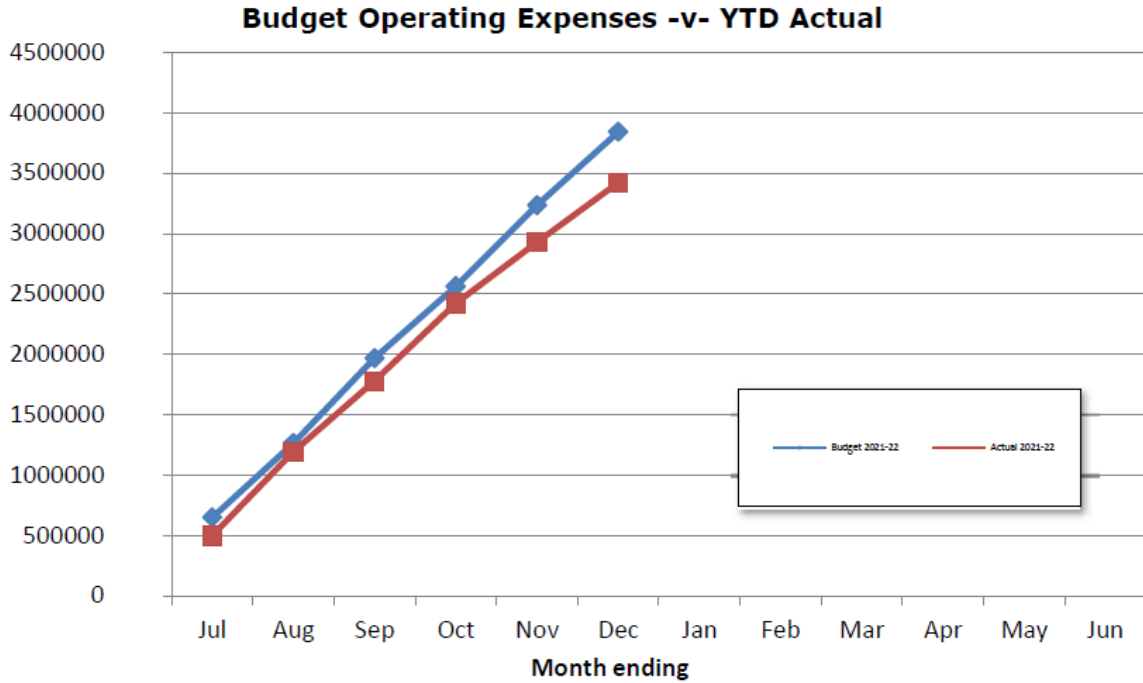
The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2021-22 year is \$10,000 or 10.00% whichever is the greater.

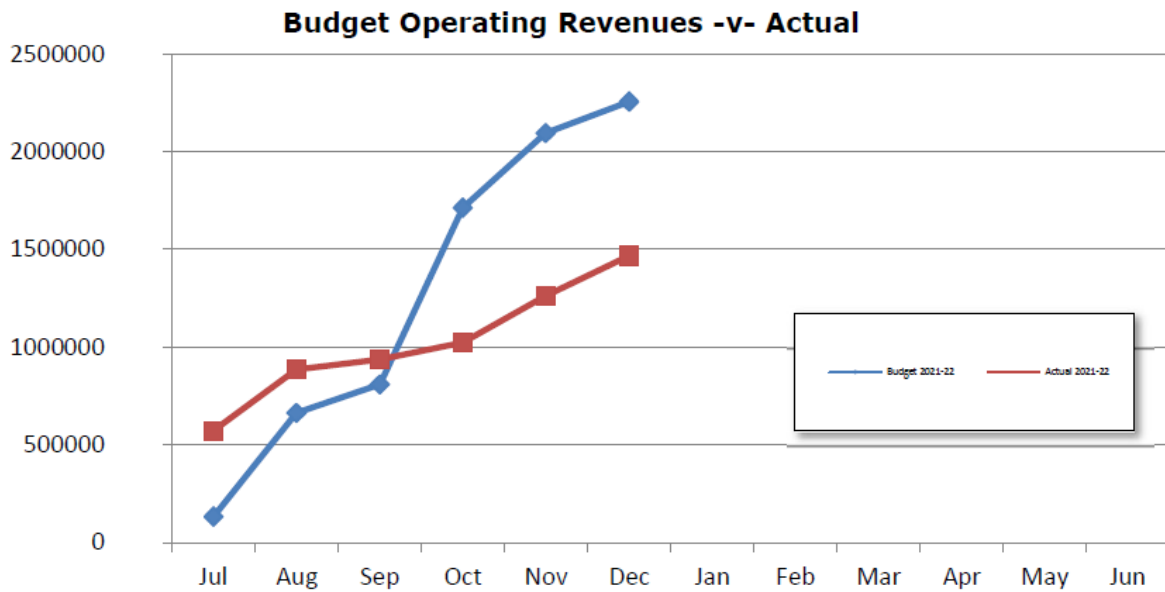
Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	(773)	(5.16%)		Within variance threshold
General purpose funding	(866,756)	(69.08%)	☹ Permanent	FAGS less than budget due to advance payment & adjustment; LCRIP funding still to be claimed
Law, order and public safety	1,147	2.06%		Within variance threshold
Health	(132)	(87.88%)		Within variance threshold
Education and welfare	(285)	(0.86%)		Within variance threshold
Housing	21,620	60.66%	☺ Permanent	Staff housing rental income higher than budgeted
Community amenities	9,303	2.35%		Within variance threshold
Recreation and culture	4,574	25.37%		Within variance threshold
Transport	5,690	1.48%		Within variance threshold
Economic services	26,565	53.04%	☺ Permanent	Caravan Park Fees higher than budget; may be impacted due to lack of staffing resources
Other property and services	11,053	81.95%	☺ Permanent	Higher than budget due to insurance claims
Expenditure from operating activities				
Governance	41,818	13.92%	☺ Timing	Administration Allocations require review; operating expenses & employee costs under budget require review
General purpose funding	20,113	16.12%	☺ Timing	Administration Allocations under budget require review
Law, order and public safety	53,170	22.68%	☺ Timing	Administration Allocations under budget require review
Health	(1,927)	(14.40%)		Within variance threshold
Education and welfare	16,738	20.08%	☺ Timing	ILUs general operating expenses under budget; requires monitoring
Housing	9,534	10.34%	Timing	Within variance threshold
Community amenities	99,801	33.95%	☺ Timing	Refuse & Sewerage operating costs under budget requires monitoring
Recreation and culture	72,583	13.54%	☺ Timing	Pool, recreation grounds & parks & reserves operating costs under budget requires monitoring
Transport	60,606	3.36%		Within variance threshold
Economic services	21,656	16.54%	☺ Timing	Relates to sale related costs
Other property and services	27,961	12.15%	☺ Timing	Administration Allocations require review; operating expenses & employee costs under budget require review
Funding Balance Adjustment				
Add back Depreciation	(61,879)	(3.99%)		Within variance threshold
Adjust (Profit)/Loss on Asset Disposal	(35,607)	(74.95%)	☹ Timing	YTD Budget requires amending
Correction of SSL78 adjustment	0	0.00%		Within variance threshold
Adjust (Profit)/Loss on Asset Revaluation	0	0.00%		Within variance threshold
Movement in Non Cash Provisions	0	0.00%		Within variance threshold
Capital Revenues				
Proceeds from Disposal of Assets	(8,159)	6.69%		Land proceeds not included in budget; will be amended in budget review
Proceeds from New Debentures	0	0.00%		Within variance threshold
Self-Supporting Loan Principal	(208)	0.00%		Within variance threshold
Transfer from Reserves	0	0.00%		Within variance threshold
Capital Expenses				
Land and Buildings	447,981	61.62%	☺ Timing	Capital expenditure still to occur; amend budget timing
Plant and Equipment	115,491	52.98%	☺ Timing	Capital expenditure still to occur; amend budget timing
Furniture and Equipment	(2,640)	0.00%		
Infrastructure Assets - Roads & Bridges	60,148	17.34%	☺ Timing	Capital expenditure still to occur; amend budget timing
Infrastructure Assets - Sewerage	353,492	95.28%	☺ Timing	Capital expenditure still to occur; amend budget timing
Infrastructure Assets - Footpath	0	0.00%		
Repayment of Debentures	1,062	1.59%		
Principal elements of finance lease payments	0	0.00%		
Transfer to Reserves	9,169	55.21%		
Rate Revenue	954	0.04%		
Opening Funding Surplus(Deficit)	111,857	12.86%	☺ Timing	Actual figure will be confirmed once Annual Financial Report is signed off by auditors

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Operating Expenses

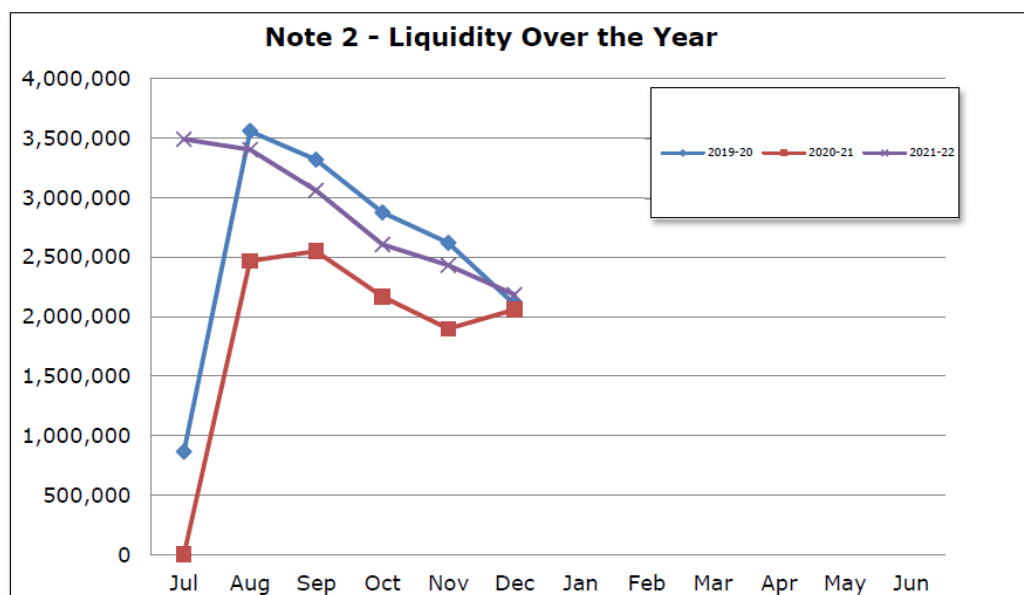


Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 3: NET CURRENT FUNDING POSITION

Note	Positive=Surplus (Negative=Deficit)			Surplus C/F 1 July 2021
	2021-22			
	This Period	Same Period 2020/21	Same Period 2019/20	
	\$	\$	\$	\$
	Dec 2021	Dec 2020	Dec 2019	
Current Assets				
Cash Unrestricted	1,840,674	1,872,745	1,444,175	1,132,706
Cash Restricted	11,634,181	11,896,095	5,280,644	11,626,742
Receivables	688,984	475,965	4,702,813	120,462
Non Cash Movements		0	0	0
Inventories	27,129	18,608	24,101	27,060
	14,190,968	14,263,413	11,451,733	12,906,970
Less: Current Liabilities				
Payables and Provisions	(371,819)	(309,063)	(4,068,842)	(410,423)
	(371,819)	(309,063)	(4,068,842)	(410,423)
Less: Cash Restricted	(11,634,181)	(11,896,095)	(5,280,644)	(11,626,742)
Net Current Funding Position	2,184,967	2,058,255	2,102,247	869,805



Comments - Net Current Funding Position

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 4: RECEIVABLES

Receivables - Rates, Sewerage and Rubbish

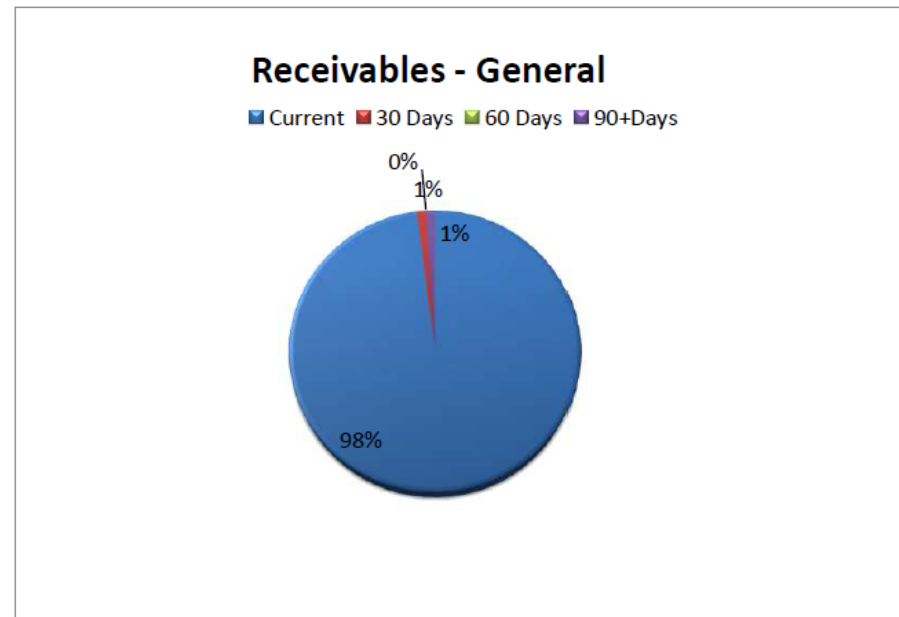
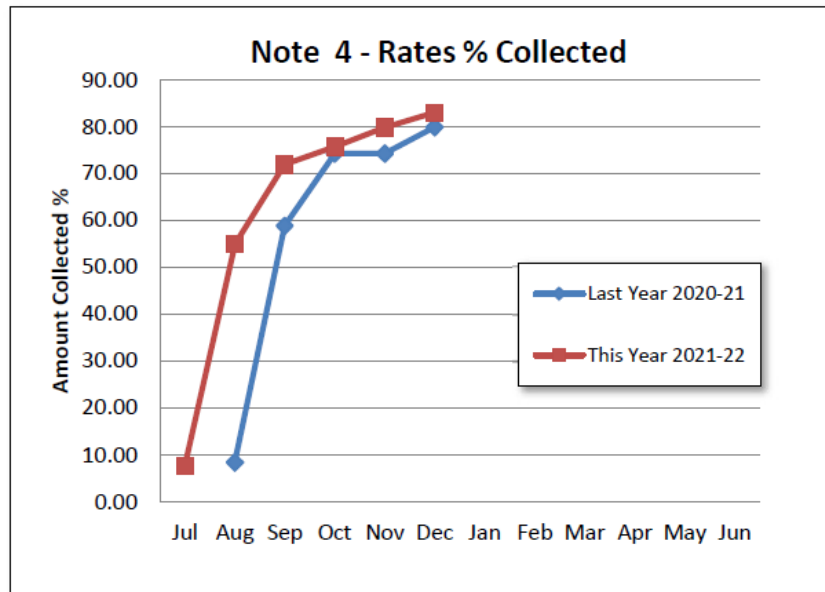
Opening Arrears Previous Years Rates, Sewerage & Rubbish Levied this year
 Less Collections to date
 Equals Current Outstanding

	Current 2021-22	Previous Year 2020-21
	\$	\$
Opening Arrears Previous Years Rates, Sewerage & Rubbish Levied this year	98,570	85,829
Less Collections to date	(2,403,682)	(2,226,709)
Equals Current Outstanding	491,493	558,456
Net Rates Collectable	491,493	558,456
% Collected	83.02%	79.95%

Receivables - General

	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
	194,013	2,050	0	2,047
Total Outstanding				198,109

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables Rates, Sewerage and Rubbish

Comments/Notes - Receivables General

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Current Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	YTD Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$		\$	\$		\$	\$	\$
Leave Reserve	138,900	1,111	28	0		0	0	0	0	140,011	138,928
Plant and Vehicle Reserve and Community Bus Reserve	337,435	2,699	69	545,000		0	(314,000)	0	0	571,134	337,504
Land & Housing Development Reserve/Independent Living Units	1,392,425	11,139	284	0		0	(30,000)	0	0	1,373,564	1,392,709
Furniture and Equipment Reserve	21,213	170	4	0		0	(10,000)	0	0	11,383	21,217
Municipal Buildings & Facilities Reserve	631,068	5,049	129	0		0	(180,000)	0	0	456,117	631,196
Townscape and Footpath Reserve	125,177	1,001	26	0		0	(47,000)	0	0	79,178	125,203
Sewerage Scheme Reserve	445,787	3,566	91	65,000		0	(50,000)	0	0	464,353	445,877
Road and Bridge Infrastructure Reserve	115,816	927	24	758,764		0	(484,433)	0	0	391,074	115,840
Health & Wellbeing reserve	554,349	4,415	113	0		0	(558,764)	0	0	(0)	554,462
Sport & Recreation Reserve	31,653	253	6	0		0	0	0	0	31,906	31,660
Rehabilitation & Refuse Reserve	210,991	1,708	43	55,000		0	(50,000)	0	0	217,699	211,034
Caravan Park Reserve	354,061	2,832	72	0		0	0	0	0	356,893	354,133
Brookton Heritage/Museum Reserve	47,189	378	10	0		0	0	0	0	47,567	47,199
Kweda Hall Reserve	18,042	144	4	0		0	0	0	0	18,186	18,046
Aldersyde Hall Reserve	0	0	0	0		0	0	0	0	0	0
Railway Station Reserve	330,082	2,641	67	200,000		0	(70,000)	0	0	462,723	330,149
Madison Square Units Reserve	30,680	245	6	0		0	0	0	0	30,925	30,686
Cemetery Reserve	30,735	246	6	50,000		0	(40,000)	0	0	40,981	30,741
Water Harvesting Reserve	109,633	877	22	0		0	(42,000)	0	0	68,510	109,656
Developer Contribution	2,742	22	1	0		0	0	0	0	2,764	2,743
Cash Contingency Reserve	131,689	1,054	27	0		0	0	0	0	457,361	131,715
Brookton Aquatic Reserve	456,307	3,650	93	25,000		0	(30,000)	0	0	130,339	456,400
Future Fund Reserve	4,097,368	32,779	4,235	0		0	0	0	0	4,130,147	4,101,602
Innovations Fund Reserve	2,013,401	16,107	2,081	0		0	(500,000)	0	0	1,529,508	2,015,482
	11,626,742	93,013	7,439.12	1,698,764	0	0	(2,406,197)	0	0	11,012,322	11,634,181

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 6: CAPITAL DISPOSALS AND ACQUISITIONS

Original Budgeted Profit(Loss) of Asset Disposal			Disposals	Actual Profit(Loss) of Asset Disposal			
Net Book Value	Proceeds	Profit (Loss)		Net Book Value		Proceeds	Profit (Loss)
31,746	22,000	(9,746)	PAV4 - Commodore (MCC Vehicle)	\$ 31,603		\$ 22,727	\$ (8,876)
44,931	40,000	(4,931)	PAV116 -2018 Ford Ranger MC 2019	44,142		41,114	(3,028)
		0	Lot 105 - 10 Avonbank Close, Brookton - A2772	38,728		50,000	11,272
		0					0
		0					0
		0					0
76,677	62,000	(14,677)		114,473	0	113,841	(632)

Comments - Capital Disposal

Summary Acquisitions				
	Budget	Current Budget	Actual	Variance
	\$		\$	\$
Property, Plant & Equipment				
Land and Buildings	1,514,000	1,514,000	279,003	1,234,997
Plant & Equipment	436,000	436,000	50,532	385,468
Furniture & Equipment	10,000	10,000	7,638	2,362
Infrastructure				
Roadworks & Bridge Works & Footpaths	1,068,926	1,068,926	286,808	782,118
Footpath Construction - Richardson Street	0	0	0	0
Sewerage & Drainage	742,000	742,000	17,500	724,500
Totals	3,770,926	3,770,926	641,481	3,129,445

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 7: INFORMATION ON BORROWINGS

Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)	Principal 1-Jul-21 \$	New Loans \$	Principal Repayments		Principal Outstanding		Interest Repayments	
							Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Self Supporting Loans												
*Loan 82 Country Club Education & Welfare	Extension and Refurbishment of the Club House	15/11/2027	20	6.95	215,828	-	11,998	24,413	203,830	201,217	4,994	14,611
Loan 80 Kalkarni Residency Housing	Kalkarni Residence	1/02/2026	25	5.63	63,602	-	4,787	9,710	58,815	60,149	262	3,453
Loan 80 Staff Housing Community Amenities	Staff Housing	1/02/2026	25	5.63	104,944	-	7,899	16,021	97,045	99,246	433	5,698
Loan 80 Sewerage Transport	Sewerage Extension	1/02/2026	25	5.63	44,521	-	3,351	6,797	41,170	42,104	184	2,417
Loan 80 Grader Recreation and Culture	New Grader	1/02/2026	25	5.63	104,944	-	7,899	16,021	97,045	99,246	433	5,698
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	536,706	-	29,837	60,710	506,869	492,286	12,419	44,420
					1,070,545	-	65,772	133,672	1,004,773	994,248	18,726	76,297
Right of Use	Seabrook Dam										-	810
											18,726	77,107

(* Self supporting loan financed by payments from third parties.
All other loan repayments were financed by general purpose revenue.

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 8: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal Cash at Bank - Operating Account	0.00%	160,708				160,708	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.05%	1,681,411				1,681,411	Bendigo	
Bond Fund	0.00%	11,220				11,220	Bendigo	
Trust Cash at Bank	0.00%			13,820		13,820	Bendigo	
(b) Term Deposits								
Savings Account	0.05%		7,197,084			7,197,084	Bendigo	
Reserves	0.20%		4,437,097			4,437,097	Bendigo	20/03/2022
(c) Investments								
Bendigo Bank Shares					10,000	10,000	Bendigo	
Total		1,840,674	11,634,181	13,820	10,000	13,511,341		

Comments/Notes - Investments

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 9: BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Description	Council Resolution	Classification	No Change - (Non Cash Items) Adjust.	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	Adopted Budget Net Asset Surplus 30 June 2021		Opening Surplus(Deficit)	\$	\$	\$	\$
							869,805
							869,805
							869,805
							869,805
							869,805
							869,805
	Closing Funding Surplus (Deficit)			0	0	0	869,805

Classifications Pick List
Operating Revenue
Operating Expenses
Capital Revenue
Capital Expenses
Budget Review
Opening Surplus(Deficit)
Non Cash Item

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2021

Note 10: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance For the Period 1 July 2021	Amount Received	Amount Paid	Closing Balance For the Period Ended 31 December 2021
	\$	\$	\$	\$
Public Open Space Contributions	13,820	0	0	13,820
	13,820	0	0	13,820

1. Public Open Space Contribution:

T148 - Paul Webb \$13,820

Contribution to be retained in Trust as required under the Planning and Development Act 2005.

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Sewerage Programm by Nature and Type
For the Period Ended 31 December 2021

Note 11 Sewerage Operating Statement

NOTE	2021/22	2021/22	2021/22	Variance
	Adopted Budget	YTD Budget	YTD Actual	YTD Budget vs YTD Actual
	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES				
Sewerage Connection Fees and Charges	1,690	1,690	472	(1,218)
Annual Sewerage Rates	196,268	196,268	195,452	(816)
	<u>197,958</u>	<u>197,958</u>	<u>195,924</u>	<u>(2,034)</u>
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(3,559)	(1,780)	(776)	1,004
Materials and Contracts	(51,200)	(25,600)	(8,357)	17,243
Utilities	(3,300)	(1,650)	(1,730)	(80)
Depreciation	(36,542)	(18,271)	(22,828)	(4,557)
Interest Expenses	(2,315)	(1,158)	(184)	974
Insurance	(322)	(161)	(160)	1
General Operating Expenses	(1,920)	(960)	(689)	271
Allocation of Administration Expense	(50,243)	(25,122)	(21,879)	3,242
	<u>(149,401)</u>	<u>(74,701)</u>	<u>(56,602)</u>	<u>18,098</u>
	48,557	123,258	139,322	16,065
Add Back Depreciation	36,542	18,271	22,828	4,557
Non-Operating Grants, Subsidies & Contributions	0	0	0	0
Profit on Asset Disposals	0	0	0	0
Loss on Asset Disposals	0	0	0	0
Transfer to Sewerage and Drainage Reserve	(65,000)	(32,500)	0	(32,500)
Transfer from Sewerage and Drainage Reserve	50,000	50,000	0	50,000
NET RESULT	<u>70,099</u>	<u>159,029</u>	<u>162,150</u>	<u>38,121</u>
Capital Loan Repayments			(3,351)	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
WB Eva Pavilion by Nature and Type
For the Period Ended 31 December 2021

Note 12 WB Eva Pavilion Operating Statement

NOTE	2021/22	2021/22	2021/22	Variance
	Adopted Budget	YTD Budget	YTD Actual	YTD Budget vs YTD Actual
	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES				
Hire Fees - WB Eva Pavilion	4,000	2,000	2,199	199
Sporting Club Fees	4,000	2,000	673	(1,327)
Gymnasium Income	7,000	3,500	3,986	486
	<u>15,000</u>	<u>7,500</u>	<u>6,858</u>	<u>(642)</u>
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	-	-	-	-
Materials and Contracts	-	-	-	-
Utilities	-	-	-	-
Interest Expenses	(35,688)	(17,844)	(12,419)	5,425
Insurance	-	-	-	-
General Operating Expenses	-	-	-	-
Gymnasium Operating	(11,983)	(5,976)	(2,216)	3,760
	<u>(47,671)</u>	<u>(23,820)</u>	<u>(14,636)</u>	<u>9,184</u>
	<u>(32,671)</u>	<u>(16,320)</u>	<u>(7,778)</u>	<u>8,542</u>
NET RESULT	(32,671)	(16,320)	(7,778)	8,542

Capital Loan Repayments

(29,837)

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Brookton Caravan Park and Brookton Aquatic Centre
For the Period Ended 31 December 2021

	Note	Adopted Annual Budget 2021/22	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)
Note 13 (a): Brookton Caravan Park						
Operating Revenue		\$	\$	\$	\$	%
Caravan Park Fees		85,000	42,500	72,824	30,324	71.35%
Total Revenue		85,000	42,500	72,824	30,324	71.35%
Operating Expenses						
Brookton Caravan Park	CARAOP	(75,846)	(37,923)	(35,017)	2,906	(7.66%)
Brookton Caravan Park	MARKOP	(2,000)	(1,000)	(418)		
Caravan Park Depreciation		(2,179)	(1,090)	(4,333)	(3,244)	297.75%
Caravan Park Abc Administration Expenses		(30,146)	(15,073)	(13,128)	1,945	(12.91%)
Total		(110,171)	(55,086)	(52,896)	1,608	2.92%
Operating Surplus (Deficit)		(25,171)	(12,586)	19,928	31,932	254%
Excluding Non Cash Adjustments						
Add back Depreciation		2,179	1,090	4,333	3,244	297.75%
Net Operating Surplus (Deficit)		(22,992)	(11,496)	24,262	35,176	(305.98%)
Note 13 (b): Brookton Aquatic Centre						
Operating Revenue						
POOL FEES & CHARGES		13,100	6,550	9,934	3,384	51.66%
POOL GRANTS & SUBSIDIES		0	0	0	0	0.00%
Total Revenue		13,100	6,550	9,934	3,384	51.66%
Operating Expenses						
POOL EMPLOYEE COSTS		(79,061)	(39,531)	(39,880)	(350)	0.00%
POOL GENERAL OPERATING EXPENSES		(49,439)	(24,720)	(11,354)	13,365	(54.07%)
POOL BUILDING MAINTENANCE		(15,978)	(7,989)	(12,458)	(4,469)	55.94%
POOL DEPRECIATION		(11,272)	(5,636)	(6,123)	(487)	8.64%
POOL ABC ADMINISTRATION EXPENSES		(30,146)	(15,073)	(13,128)	1,945	(12.91%)
Total		(185,896)	(92,948)	(82,943)	10,005	10.76%
Operating Surplus (Deficit)		(172,796)	(86,398)	(73,010)	13,388	15.50%
Excluding Non Cash Adjustments						
Add back Depreciation		11,272	5,636	6,123	487	8.64%
Net Operating Surplus (Deficit)		(161,524)	(80,762)	(66,887)	13,875	17.18%

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Road Program
For the Period Ended 31 December 2021

Note 14

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Federal Funding		State Funding				Own Source Funding			
					R2R	LRCIP Other	RRG	RRG Carryover	Direct Grant	FAGS	Reserve	Contributions	Muni	
Town Street Maintenance	\$ 179,285	\$ 179,285	\$ 69,378	39%	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 179,285
Rural Road Maintenance	472,983	472,983	310,292	66%					84,910					388,073
Bridge Maintenance	96,314	96,314	35,159	37%										96,314
R2R Work Schedule														0
Richardson Street	218,633	218,633	221	0%	218,633									0
Other Construction														0
Brookton-Kweda Road	186,779	186,779	181,395	97%							186,779			0
Davis Road	150,537	150,537	0	0%							150,537			0
Koormong Drive	59,117	59,117	0	0%							59,117			0
Lefroy Street	20,000	20,000	0	0%										20,000
Collard Street	10,000	10,000	0	0%										10,000
Crn Whithall, Corberding & Br	8,000	8,000	0	0%							8,000			0
Drainage Works Various Road	40,900	40,900	2,948	7%		10,900					30,000			0
RRG Approved Projects														0
Brookton-Kweda Road	374,960	374,960	102,244	27%			374,960							0
	1,817,508	1,817,508	701,636	39%	218,633	10,900	374,960	0	84,910	0	434,433	0	0	693,672

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Capital Works Program
For the Period Ended 31 December 2021

Note 15

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Capital Funding					
					Muni	Grants	Reserves	Sale of Assets	Loan	Total Funding
					\$	\$	\$	\$	\$	\$
Chambers & Reception Area Upgrade	35,000	35,000	17,095	49%			35,000			35,000
Robinson Road - StreetBins	17,000	17,000	0	0%			17,000			17,000
Landfill Ground Water Monitoring Bores x2	15,000	15,000	0	0%			15,000			15,000
Ablution Facility at Cemetery	30,000	30,000	0	0%			30,000			30,000
Memorial Hall upgrade/constuction works	1,000,000	1,000,000	0	0%		500,000	500,000			1,000,000
Railway Station Fencing, signage & crossing improven	30,000	30,000	0	0%			30,000			30,000
Community Garden/Mensshed building	0	0	3,286			0				0
Youth/Girl Guides Building	0	0	2,809			0				0
Aquatic Centre Improvements	30,000	30,000	0	0%			30,000			30,000
Memorial Park Gazebo and Disable access	30,000	30,000	0	0%			30,000			30,000
Tourist Information Bay	17,000	17,000	0	0%	17,000					17,000
Caravan Park Upgrade Stage 1	180,000	180,000	172,217	96%		180,000				180,000
Depot Improvements	130,000	130,000	82,949	64%			130,000			130,000
Chambers Chairs x 24	10,000	10,000	7,638	76%			10,000			10,000
CEO Vehicle change over	45,000	45,000	51,963	115%			5,000	40,000		45,000
MCC Vehicle change over	36,000	36,000	36,668	102%			14,000	22,000		36,000
Water Tank & Wood Chipper 6"	50,000	50,000	13,864	28%			50,000			50,000
Single Axle Tipper small Parks & Garden (trade PT13)	65,000	65,000	0	0%			55,000	10,000		65,000
Tandem Truck (trade PT10)	200,000	200,000	0	0%			165,000	35,000		200,000
Parks and Garden (trade PU33)	40,000	40,000	0	0%			25,000	15,000		40,000
Brookton-Kweda Road	374,960	374,960	102,244	27%		374,960				374,960
Richardson Street	218,633	218,633	221	0%		218,633				218,633
Brookton-Kweda Road	186,779	186,779	181,395	97%			186,779			186,779
Davis Road	150,537	150,537	0	0%			150,537			150,537
Koormong Drive	59,117	59,117	0	0%			59,117			59,117
Lefroy Street	20,000	20,000	0	0%	20,000					20,000
Collard Street	10,000	10,000	0	0%	10,000					10,000
Crm Whithall, Corberding & Brookton Hwy	8,000	8,000	0	0%			8,000			8,000
Sewel Road - Closure	0	0	2,948							0
Drainage Works Various Roads	40,900	40,900	0	0%		10,900	30,000			40,900
Happy Valley Bore Field	92,000	92,000	17,500	19%		50,000	42,000			92,000
Upgrade- Refurb/Refining Pipe Network	650,000	650,000	0	0%			50,000		600,000	650,000
	3,770,926	3,770,926	692,798		47,000	1,334,493	1,667,433	122,000	600,000	3,770,926

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Grants, Subsidies and Contributions Register
For the Period Ended 31 December 2021

Note 16

Funding Provider	Project	Operating/Non-Operating	Adopted Annual Budget	Amended Budget OCM	Amount Applied For	Amount Approved	Amount Invoiced/Received	% Received
			\$	\$	\$	\$	\$	
Main Roads WA	Regional Road Group	Non Operating	(374,960)	(374,960)	Recurrent	(374,960)	(149,982)	40%
Federal Government	Roads to Recovery	Non Operating	(218,633)	(218,633)	Recurrent	(218,633)	-	0%
WA Grants Commission	GPG Grants Commission - General	Operating	(668,176)	(668,176)	Recurrent	(668,176)	(209,347)	31%
WA Grants Commission	GPG Grants Commission - Roads	Operating	(382,494)	(382,494)	Recurrent	(382,494)	(92,480)	24%
WA Grants Commission	GPG Grants Commission - Bridges	Operating	-	-	-	-	-	0%
DFES	ESL Grant - Emergency Services Levy - Operating	Operating	(56,600)	(56,600)	Recurrent	(56,600)	(29,912)	53%
Main Roads WA	Direct Grant	Operating	(84,910)	(84,910)	Recurrent	(84,910)	(90,300)	106%
			(1,785,773)	(1,785,773)		(1,785,773)	(572,020)	32%

15.01.22 GOVERNANCE

15.01.22.01 LOCAL GOVERNMENT REFORM – COUNCIL SUBMISSION

File No:	GOV030A
Date of Meeting:	20 January 2022
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Paul Sheedy – Acting Chief Executive Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer do not have an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item is to provide a draft submission report on the proposed Local Government Reform proposals released by the Minister for Local Government in November 2021.

Description of Proposal:

The intent is for Council to endorse the draft submission, **Attachment 15.01.22.02A**, which will be forwarded to the Department of Local Government, Sport and Cultural Industries (DLGSC), Western Australian Local Government Association (WALGA) and Local Government Professional Australia WA.

Background:

November 2021

On the 10 November 2021 the Minister for Local Government, Hon John Carey BA MLA, released details of his proposed major reforms to the Local Government Act for public comment for a period of three (3) months.

December 2021

WALGA released a consultation paper which included WALGA Advocacy Positions and Recommendations on the various Reform proposals. Local Government Professional Australia WA also released a consultation paper with that organisation's comments and recommendations on the Reform proposals.

Council at its December 2021 Council Briefing Session discussed the WALGA consultation paper and provided feedback to the Acting CEO for inclusion in the Shire's submission.

Consultation:

The Reforms proposal is out for public comment and submissions until 25 February 2022. Discussion was undertaken with Councillors on the proposals at the Council briefing Forum in December 2021.

WALGA is proposing to present a local government industry sector draft submission for discussion at the various WALGA Zone meetings in February 2022.

Statutory Environment:

Local Government Act 1995 and various Regulations will be relevant depending on the final reforms endorsed by the State Government.

Relevant Plans and Policy:

Depending on which final reform proposals are eventually endorsed by the State Government there will be a number of existing policies that will be impacted and potentially require amendment. There will also be a requirement to adopt new policies (i.e. (Rates and Revenue Policy).

Financial Implications:

There will be potential financial implication with staff time implementing the changes, advertising of new proposals/policies, Audit Committee Member fees to name just a few. But actual financial costs will become clearer once the final reforms have been completed and promulgated.

Risk Assessment:

The Minister appears to have provided a strong indication that the proposed reforms are generally not negotiable and potentially there will be very little change, so the potential impact of the submission and the risk of making a submission or not making a submission is assessed as low.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

There is no Community and Strategic Objectives relevant to this item.

Comment

As indicated the attached submission has been based on the recommendations of WALGA, which in most instances reflect the current local government sector and WALGA Advocacy Position and the consultation with Councillors at the December 2021 Council Briefing Forum.

The proposed closing date for submissions of 4 February 2022 has been extended until 25 February 2022 following a deputation from WALGA.

OFFICER'S RECOMMENDATION

That Council endorse the 'Submission by the Shire of Brookton to the Department of Local Government, Sport and Cultural Industries on the proposed Local Government Reforms' detailed in the attachment with a copy of the submission also being forwarded the Western Australian Local Government Association and Local Government Professionals Australia WA.

(Simple majority vote required)

OCM 01.22-10

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Watts

That Council endorse the 'Submission by the Shire of Brookton to the Department of Local Government, Sport and Cultural Industries on the proposed Local Government Reforms' detailed in the attachment with a copy of the submission also being forwarded the Western Australian Local Government Association and Local Government Professionals Australia WA.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachment

Attachment 15.01.22.01A – Shire of Brookton Council Submission on Local Government Reform



SUBMISSION BY THE SHIRE OF BROOKTON

TO THE

DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES

ON THE

PROPOSED LOCAL GOVERNMENT REFORMS

20 January 2022



PO Box 42, 14 White Street, Brookton WA 6306



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Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<p>1.1 Early Intervention Powers</p>		
<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 1.2). • The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). 	<p><u>Council Comment</u></p> <ol style="list-style-type: none"> 1. Supports the proposed reforms as they align with the sectors position on external oversight and support. 2. Request the Minister to explore alternate mechanisms for resolving minor behavioural complaints.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> • 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). 	
1.2 Local Government Monitors		
<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 as: <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. • Only the Inspector would have the power to appoint Monitors. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> 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> <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

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<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 up to three months, with an appeal mechanism. 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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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. 	<p><u>Council Comment</u></p> <p>Supports in general the proposed reforms but does not support any proposal that may include standing down the Councillor whilst the investigation is being undertaken.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	
1.5 Rapid Red Card Resolutions		
<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 Presiding Member can instruct that they leave the meeting. 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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p> <p>The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours.</p> <p>Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
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>Council Comment</u></p> <p>Supports the proposed reforms and provides the following comments.</p> <ol style="list-style-type: none"> The Information Commissioner should also have the power to declare repeated FOI requests as vexatious. Legislation to include the ability of a person to lodge an appeal with the Inspector.
1.7 Minor Other Reforms		
<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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms however Council does not support the Minister being the author/publisher of guidance notices.</p> <p>Initial guidance notices should be published by the DG, Dept of Local Government, with subsequent corrective guidance notices coming from the Inspector.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> 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>Any guidance advice/notices provided should recognise its resourcing implications</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>Council Comment</u></p> <p>Supports the proposed reforms which should be expanded to include the sharing of all staff and systems (i.e. payroll, finance, ICT etc.)</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. This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<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 local roads. 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><u>Council Comment</u></p> <p>Supports the proposed reform but need to ensure a ‘one size fits all’ standard is not adopted.</p> <p>Need to acknowledge that a crossover in Stirling, is not the same as a crossover in Brookton.</p>
2.3 Introduce Innovation Provisions		
<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>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.4 Streamline Local Laws		
<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 frustrating for residents and business stakeholders. 	<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 applicable. Local governments adopting Model Local Laws will have reduced advertising requirements. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms and proposal to move to a review every 15 years.</p> <p>The Model Local Laws should also be reviewed on a regular basis, to stay relevant, and not lead to individual local governments undertaking amendments.</p>
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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Members of the public across all local governments would have the same opportunities to address council and ask questions. 	
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>Council Comment</u></p> <p>Supports the proposed reforms.</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 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: <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. 	<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 video recordings available as public archives. • 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. 	<p><u>Council Comment</u></p> <p>Council generally supports the proposed reforms with the following additional comment.</p> <ol style="list-style-type: none"> 1. Given the potential cost impact to smaller local government to retain the audio recordings a reasonable time frame should be set for their retention. 2. Live streaming of meetings should not encourage attendance remotely by Councillors and attendance in-person should be the default position. 3. Forwarding the recorded confidential part of the meeting to the Department for record keeping appears to be an unnecessary impost with no valid reason given for this proposal. 4. If meetings are livestreamed why would there be a

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	Recordings of all confidential items would also need to be submitted to the DLGSC for archiving.	requirement to publish the recording when the minutes are published.
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>Council Comment</u></p> <p>Proposed reforms not supported for following reasons.</p> <ol style="list-style-type: none"> As an Elected Member, you are required (under the roles and responsibilities), you are required to the decision of Council. If someone feels strongly, they can request their vote/name to be recorded. If the vote for/against is recorded, it may become difficult for a Councillor to defend the decision of Council, if they voted <u>against</u> the item. May cause conflict with community members.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
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>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms but would not support 'contracts of employment' being included online.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ 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. 	
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 termination require that a local government must review the performance of the CEO against contractual performance criteria. • Additional performance criteria can be used for performance review by agreement between both parties. 	<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) ○ 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><u>Council Comment</u></p> <p>Council would support the IPR (strategic direction) KPI's being published online but don't support the results of the CEO performance reviews being published online.</p> <p>KPI's published online, have no background, knowledge of how they are prepared and so could result in unnecessary criticism from the community.</p> <p>Could result in the performance review being undertaken by the community, not the Council.</p>

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 requirement for engagement charters. 	<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 local governments who wish to adopt a standard form. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<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 the local government's website. • All local governments would be required to publish a response to the results. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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. 	<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). 	<p><u>Council Comment</u></p> <p>Council does not support the introduction of preferential voting as it considers that the existing first past the post voting for its simplicity and fundamental apolitical nature.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> The candidate with the most votes win, 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. 	<p>This provides voters with more choice and control over who they elect.</p> <ul style="list-style-type: none"> All other states use a form of preferential voting for local government. 	<p>Preferential voting will also potentially lead to an increase in informal voting where there is a large number of candidates as people wont number all squares on the ballot paper</p>
<h4>4.4 Public Vote to Elect the Mayor and President</h4>		
<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>Council Comment</u></p> <p>Council does not believe the Mayor/President, should be elected on popularity, from electors but by the Councillors whom the person leads.</p> <p>Don't get to vote for the Premier of WA, who is elected by the party.</p>
<h4>4.5 Tiered Limits on the Number of Councillors</h4>		
<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. 	<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: 	<p><u>Council Comment</u></p> <p>Under this, the Shire of Brookton would be reduced to 5 elected members, this would be a challenge due to (other commitments, illness, declarations of interest, leave of absences).</p> <p>Council supports a population of up to</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> The Panel Report recommended electoral reforms to improve representativeness. 	<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>5,000 being permitted to have between 5-7 Councillors, whilst supporting 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>Council Comment</u></p> <p>Supports the proposed reforms.</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 	<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: 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors.</p>	<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. 	
4.8 Reform of Candidate Profiles		
<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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>candidates (e.g. where there is a margin of less than 10 votes a recount will always be required)</p> <ul style="list-style-type: none"> ○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	

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) Community Engagement Financial Management. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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>Council Comment</u></p> <p>Supports the proposed reforms.</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: 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<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 and the CEO ○ 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; 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p> <p>Not sure how sub dot point 3 (provide a safe working environment) will be enforced as currently:</p> <ul style="list-style-type: none"> a) Councillors only have a ‘duty of care’. b) Councillors don’t have responsibilities under the current Work Safe legislation <p>The Council role should also include a specific reference to the recruiting and employing the CEO.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Monitoring and reviewing the performance of the local government. <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 ○ Facilitating public engagement with local government. 	<p><u>Council Comment</u></p> <p>Overall supports the proposed reforms but notes that there is no reference to the requirement for Councillors to 'support the decisions of the Council' as indicated in the current Act/Regulations.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> 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 Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) 	<p><u>Council Comment</u></p> <p>Overall supports the proposed reforms but notes that there is no reference that the CEO is responsible for the recruitment, and performance management of all staff.as indicated in the current Act/Regulations.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ 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>Council Comment</u></p> <p>Overall supports the proposed reforms providing the agreement relevant to the size and scale of the community and a ‘one size fits all’ approach is not taken.</p>
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
<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. 	<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. 	<p><u>Council Comment</u></p> <p>Supports the proposed discretionary approach which will allow Local Governments to exercise general competence powers to make their own determination on paying superannuation to Councillors.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> 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"> 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. 	
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>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
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>Council Comment</u></p> <p>Council supports the proposal for Council to be not making major decisions (as defined) during a Caretaker period but are not supportive of the other proposals as it considers that it would be overly restrictive on existing Councillors, especially the President, in smaller rural local governments.</p> <p>Council considers that Councillors should still be able to represent the local government and act on behalf of the Council (representing the community), but not be permitted to use the event as a platform to campaign for re-election.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
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>Council Comment</u></p> <p>Council does not have a position on this matter but would support WALGA doing its own due diligence on the proposal.</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>Council Comment</u></p> <p>Generally, supports the proposed reforms, however, does have some concerns around dot point #2 and the potential cost implications to the smaller local governments in the regional areas.</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 reporting, to make statements clearer, and reduce unnecessary complexity. 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. 	<p><u>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> • 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. 	
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 and reporting clearer and simpler, providing greater transparency for ratepayers. • 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 	<p><u>Council Comment</u></p> <p>Council does not support these proposed reforms due to the following concerns.</p> <ol style="list-style-type: none"> 1. The proposed reference to innovation and community input into the strategic plans of Council are proposed as a ‘one size fits all’ and will become a tick-box exercise and not be specifically relevant to the local community. 2. Long term financial plans need to be 15 years, not 10, as the current requirement for 10 years does not allow for compliance with the Debt Service Ratio’ reporting 3. Rates and Revenue Policy – Is another resource reporting requirement burden on smaller local governments for

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ 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 in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) ○ 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. 	<p>questionable benefits.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
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>Council Comment</u></p> <p>Supports the proposed reforms.</p>
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>Council Comment</u></p> <p>Supports the proposed reforms.</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. 	<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>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • These ratios are intended to provide an indication of the financial health of every local government. 		
6.6 Audit Committees		
<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>Council Comment</u></p> <p>Council does not support a majority of the Audit Committee, and the chair, being independent members. Councillors should be the majority on the Audit Committee as it currently struggles to have one or two independent members for the existing audit committee</p> <p>Council supports the opportunity to share a Regional Audit Committee with neighbouring local governments.</p>
6.7 Building Upgrade Finance		
<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>Council Comment</u></p> <p>Supports the proposed reforms.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> No requirement for separation of waste charges 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>Council Comment</u></p> <p>Supports the proposed reforms.</p>

15.01.22.02 REQUEST FOR THREE (3) DOGS – LOT 11 (HN. U1/4) MATTHEW STREET, BROOKTON

File No:	A2903
Date of Meeting:	20 January 2022
Location/Address:	Unit1, 4 Matthew Street, Brookton
Name of Applicant:	Peta Harben
Name of Owner:	Shire of Brookton
Author/s:	Paul Sheedy – Acting Chief Executive Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer do not have an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item seeks Council approval of a request received by the resident occupying Unit 1, 4 Matthew Street, Brookton Street Brookton, to keep three (3) dogs at that premises.

Description of Proposal:

The intent of the proposal is to provide approval for the keeping of the three (3) dogs, one Pomeranian, and two miniature dachshunds, subject to them being licensed and microchipped.

Background:June 2021

As part of the negotiation of employment and the offer of housing by the Shire staff the employee sought approval to have four (4) dogs (one temporary until October 2021) and a cat at the property.

The CEO at the time, I understand, discussed the matter at the June Council Briefing Forum where agreement was for three (3) dogs and an agenda item to the July 2021 meeting was required. This action did not progress.

Consultation:

Consultation has been undertaken with the occupier of the property to ascertain that they still wish to proceed with a request for additional dogs.

Statutory Environment:

Specific to this matter the *Dog Act 1976* states under Part V (relevant text underlined):

Part V – The keeping of dogs**26. *Limitation as to numbers***

- (1) *A local government may, by a local law under this Act –*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government’s district.*

- (2) *A local law mentioned in subsection (1) –*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*

- (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - i. more than 6 dogs that have reached 3 months of age; or
 - ii. a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and
 - (c) may be revoked or varied at any time.

In relation to a Local Law, the *Shire of Brookton Dog Local Law 2001 (Consolidated)* states under Part 3 – Requirements and Limitations on the Keeping of Dogs (relevant text underlined):

3.2 Limitation on the number of dogs

- (1) *This clause does not apply to premises which have been—*
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2)
 - (i) Other than in an area zoned ‘Farmland’ under the town planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

Accordingly, Council may grant an exemption for more than two dogs pursuant to Provision 26(3) of the *Dog Act 1976*.

Relevant Plans and Policy:

There are no plans or policies applicable to this matter.

Financial Implications:

There are no immediate financial implications to the Shire in dealing with matter. However, should Council refuse the application and the applicant appeals to the State Administrative Tribunal cost could be incurred for staff to attend the hearing.

Risk Assessment:

The risk in relation to this request and based on the investigation undertaken by the Acting Chief Executive Officer and is deemed ‘Medium’.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the request for approval for a third dog applies to:

Business Function 7. Ranger Services

General Functions 7.1 - Perform Cat/dog registrations

7.3 – Perform animal control and management

Comment

It would appear that the applicant still has four (4) dogs located at the property, despite previous advice that one was only a temporary situation, that would be removed in October 2021, and in fact the applicant is now still seeking approval for four (4) dogs. It is recommended permission only be granted to keep a third dog at Unit 1/ 4 Matthew Street, Brookton, providing all required registrations and sterilizations are obtained, and the other dog is rehoused with 14 days of a notice being served.

OFFICER'S RECOMMENDATION

That Council pursuant to section 26(3) of the Dog Act, 1976, grants an exemption for a third dog to be kept at Unit 1, 4 Matthew Street Brookton, subject to:

1. The owner maintaining full registration, inclusive of microchipping with the Shire of Brookton, of the three dogs, within 14 days of a notice being served by the Acting Chief Executive Officer.
2. The respective dogs being consistently restrained in an enclosed yard, as required by the legislation.
3. This approval does not extend to any new dogs.
4. The fourth dog currently on the premises being permanently rehoused elsewhere, within 14 days of a notice being served by the Acting Chief Executive Officer.

(Simple majority vote required)

COUNCIL RESOLUTION

MOVED Cr Crute

SECONDED Cr Lilly

That Council pursuant to section 26(3) of the Dog Act, 1976, grants an exemption for a third dog to be kept at Unit 1, 4 Matthew Street Brookton, subject to:

- 1. The owner maintaining full registration, inclusive of microchipping with the Shire of Brookton, of the three dogs, within 14 days of a notice being served by the Acting Chief Executive Officer.***
- 2. The respective dogs being consistently restrained in an enclosed yard, as required by the legislation.***
- 3. This approval does not extend to any new dogs.***
- 4. The fourth dog currently on the premises being permanently rehoused elsewhere, within 14 days of a notice being served by the Acting Chief Executive Officer.***

CARRIED BY SIMPLE MAJORITY VOTE 5/1

16.01.22 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

18.01.22 CONFIDENTIAL REPORTS

Nil.

19.01.22 NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be held on Thursday 17th February 2022, commencing at 6.00 pm.

There being no further business the meeting was closed at 6.39pm.