



ORDINARY MEETING OF COUNCIL

PUBLIC

MINUTES

21 OCTOBER 2021

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on 18/11/21.

Presiding Member:  Date: 18 November 2021

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 21 October 2021
Commenced at 6.00 pm

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1.10.21 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 Nyoongar 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 it's life.

2.10.21 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Elected Members (Voting)

Cr Katrina Crute (Shire President)
Cr Chris Hartl
Cr Tamara Lilly
Cr Barry Watts
Cr Gail Macnab
Cr Charlene Hayden

Staff (Non-Voting)

Paul Sheedy Acting Chief Executive Officer
Kellie Bartley Manager Corporate and Community
Danni Chard Executive Governance Officer

Apologies

Nil.

Approved Leave of absence

Cr Neil Walker (Deputy Shire President)

Members of the Public

Mr Harold Bell *entered the meeting at 6.02pm.*

3.10.21 USE OF COMMON SEAL – SEPTEMBER 2021

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

Use of Common Seal Register		
File Ref:	Purpose	Date Granted
OCM 08.21-14	Employment Contract: Acting CEO Paul Sheedy	17/09/2021

4.10.21 DELEGATED AUTHORITY – ACTIONS PERFORMED – SEPTEMBER 2021

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

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

BUILDING			
Application No.	Lot & Street	Type of Building Work	Date Granted
Nil.			

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

5.10.21 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.10.21 PUBLIC QUESTION TIME

Mr Harold Bell

Question:

Will the Council be holding regular meetings with the Brookton Police?

Response provided by the Shire President:

Yes.

Question:

Will the meetings be with the full Council?

Response provided by the Shire President:

Yes, they are on a regular basis, and held within the Corporate Briefing Forum.

7.10.21 APPLICATIONS FOR LEAVE OF ABSENCE

OCM 10.21-01

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Watts

That Cr Hayden be granted a leave of absence for the November 2021 Ordinary meeting of Council.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

8.10.21 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9.10.21 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

OCM 10.21-02

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Macnab

That Council consider Items: 9.10.21.01, 9.10.21.02, 9.10.21.03, 9.10.21.04, 9.10.21.05 be moved en-bloc.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 10.21-02

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Macnab

That Council move Items: 9.10.21.01, 9.10.21.02, 9.10.21.03, 9.10.21.04, 9.10.21.05 en-bloc.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

9.10.21.01 ORDINARY MEETING OF COUNCIL – 16 SEPTEMBER 2021

That the minutes of the Ordinary meeting of Council held in the Shire of Brookton Council Chambers, on 16 September 2021, be confirmed as a true and correct record of the proceedings.

9.10.21.02 LOCAL EMERGENCY MANAGEMENT COMMITTEE – 14 SEPTEMBER 2021

That the minutes of the Local Emergency Management Committee meeting held in the Shire of Brookton Council Chambers, on 14 September 2021, be received by Council.

9.10.21.03 BUSHFIRE ADVISORY COMMITTEE – 05 OCTOBER 2021

That the minutes of the Bushfire Advisory Committee meeting held in the Shire of Brookton Council Chambers, on 05 October 2021, be received by Council.

9.10.21.04 CEO RECRUITMENT EMPLOYMENT PANEL MEETING – 11 OCTOBER 2021

That the minutes of the CEO Recruitment Employment Committee held in the Shire of Brookton Council Chambers, on 16 September 2021, be confirmed as a true and correct record of the proceedings.

9.10.21.05 SPECIAL MEETING OF COUNCIL – 14 OCTOBER 2021

That the minutes of the Special meeting of Council held in the Shire of Brookton Council Chambers, on 14 October 2021, be confirmed as a true and correct record of the proceedings.

10.10.21 ANNOUNCEMENTYS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

11.10.21 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
12.10.21.01	Cr Hartl	Financial & Proximity	Family offer to purchase land owned by the Shire.
14.10.21.03	Cr Macnab	Impartiality	Financial member of CWA
14.10.21.03	Cr Crute	Impartiality	Have voluntarily verified accounts for CWA

12.10.21 TECHNICAL & DEVELOPMENT SERVICES REPORTS

Cr Hartl declared a Financial and Impartiality interest in Item 12.10.21.01 and left the room at 6.04pm.

12.10.21.01 OFFER TO PURCHASE – LOT 102 AVONBANK CLOSE, BROOKTON

File No:	A2773
Date of Meeting:	21 October 2021
Location/Address:	Lot 102 (4) Avonbank Close, 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 does not have an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	June 2021 and July 2021

Summary of Item:

Council is to consider the proposed offer to purchase Lot 102 Avonbank Close, Brookton, noting that the offer includes GST so that if accepted the Shire will have a net income of \$60,000. Further information in relation to GST is included in the comment section of this report.

Description of Proposal:

An offer has been received for the purchase of Lot 102 (4) Avonbank Close, Brookton for an amount of \$66,000 including GST.

Background:

June 2021

Council at its June 2021 Ordinary Meeting resolved (OCM 06.21-08) to relist the remaining Avonbank lots based on current valuation prepared by Acumentis Valuers in May 2021.

This resulted in the following prices being endorsed as shown in Table 1 below, with the exclusive sales listing being awarded to McMahon Real Estate for a period of 6 months.

Table 1 – Listed Prices

Lot No.	List (Sale) Price
102	\$66,000
103	\$66,000
104	\$60,500
105	\$55,000

Additionally, Council applied:

- a) A \$5,000 rebate to each lot for construction of a single house within 24 months of the land transfer occurring.
- b) Advice/Conditions to the sale of the respective lots as listed below:
 - The use of repurposed buildings (i.e. donga) is not permitted.
 - The connection to an approved onsite effluent disposal system.
 - A minimum internal floor area for a single house being 100m² (excludes a verandah, garage, or carport).

July 2021

Council at its July 2021 Ordinary Meeting resolved (OCM 07.15-15) in part:

'That Council:

- 2. Sets parameter of negotiation for the CEO under Delegation 1.5 – Disposal of Assets at the market values for Lots 102 – 105 (as determined by Acumentis Valuers) in representing the sale of the Avonbank Estate Lots.'*

Council is now in receipt of an offer from J & L.H. Hartl to purchase Lot 102 for \$66,000 (including GST) with a deposit of \$5,000 to be paid within seven (7) days of acceptance, and settlement to occur ninety (90) days from acceptance of the offer.

A copy of the offer is presented as **Confidential Attachment 12.10.21.01A**.

For Councillors information **Figure 1** below illustrates the subject allotment while **Table 2** reflects market value prices as determined by Acumentis Valuers.



Figure 1 – Lots 102, 103, 104 and 105 Avonbank Estate

Table 2 – Valuation Prices

Lot No.	Valuation Prices
102	\$60,000
103	\$60,000
104	\$55,000
105	\$50,000

Delegation 1.5 – Disposal of Assets allows for the CEO to negotiate on the price in accordance with Council Policy 2.11 - Koornong Residential Estate, however the policy does not specify a range of negotiation.

Consultation:

Consultation has been undertaken with McMahon Real Estate in regard to the payment of GST and the requirement for the Shire to advertise the proposed sale by private treaty.

Statutory Environment:

Local Government Act 1995, section 3.58

3.58. Disposing of property

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

Local Government Act 1995, section 1.7

1.7. Local public notice

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and

- (b) given in at least 3 of the ways prescribed for the purposes of this section.

Local Government (Functions and General) Regulations 1996, section 30

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
 - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable;

Relevant Plans and Policy:

Pertinent to this matter is Council Policy 2.11 - Koornong Residential Estate, which in part states:

'To encourage the sale and development of the individual lots;

- *The following purchase price for the respective remaining lot(s) for sale at "Koornong" (pursuant Section 3.58(4)(c)(ii)) of the Local Government Act 1995 shall apply: o Lot 102 - \$66,000 or nearest offer*
 - *Lot 103 - \$66,000 or nearest offer*
 - *Lot 104 - \$60,500 or nearest offer*

- Lot 105 - \$55,000 or nearest offer
- A \$5,000 rebate applies where the purchaser produces a Builder's Certificate giving notice of practical completion of a dwelling within 24 months of settlement of the sale of the property.
- The CEO ensuring such condition is explicitly contained within the contract of offer documentation relating to the sale.
- The Council may from time to time apply an alternative approach (i.e. tender, action, raffle) to market and promote the sale of the subject lots.
- The following conditions will apply:
 - The use of repurposed buildings (i.e. donga) is not permitted.
 - The connection to an approved onsite effluent disposal system.
 - A minimum internal floor area for a single house being 100m² (excludes a verandah, garage, or carport).'

Financial Implications:

Whilst Council has received an offer of \$66,000, which meets the requirements of Policy 2.11, GST of \$6,000, Commission fees, Settlement Agency fees and other minor land transfer fees will reduce the final net amount Council receives.

A further \$5,000 rebate/payment by Council may be required should the purchasers achieve the practical completion of a dwelling within the 24 months of settlement

Risk Assessment:

Whilst the requirement for Council to adhere to the disposal process as highlighted in the Statutory Environment section of this report, does not technically allow Council to confirm the final acceptance until after the advertised period for public comment (minimum 14 Days), it's considered unlikely that any comment opposing the sale will be received and the "Offer and Acceptance" document allows for settlement to be 90 days from acceptance. Therefore, on this basis it has been assessed that the risk for the sale of the lot is considered '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:

The 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 request for listing/sale of the Avonbank lots broadly aligns to:

Function 4 Property Management

Comment

The 'Offer and Acceptance submitted by the Real Estate Agent indicates that the offer is inclusive of GST. It appears that unless advised otherwise this is the normal process for the sale of a property with the Seller being responsible for the GST payment.

Given that the offer is \$6,000 above the May 2021 valuation the offer should be accepted, however Council will also be responsible for the Commission fees, Settlement Agency fees and the \$5,000 housing rebate should the purchaser achieve practical completion of a dwelling within 24 months of settlement.

The requirement to have to advertise the proposed disposal of the lot for a minimum period of 14 days will be required to be included in the "offer and acceptance" document by the Shire. To speed up the process its proposed that Council provide authorization to the acting CEO to proceed with the sale should no submissions be received at the close of the advertising period.

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant Section 3.58 of the Local Government Act, 1995 and in respect of Lot 102 Avonbank Close, Brookton, authorise the Acting Chief Executive Officer to:
 - a) Give local public notice of the proposal to the dispose of lot 102 Avonbank Close, by private treaty for a period of 14 days inviting public submissions on the proposal.
 - b) To sign the Offer and Acceptance form accepting the offer of \$66,000 including GST; and
 - c) To include a condition on the Offer and Acceptance form that the sale is subject to no public submissions being received at the close of the advertising period, which would require further consideration by Council.
2. Authorise the Acting Chief Executive Officer to proceed with the disposal of lot 102 Avonbank Close should no public submissions be received at the closing date for public submissions; and
3. Authorise the Shire President and Acting Chief Executive Officer to execute any legal documents to finalise the sale of the lot including the affixing of the Shire of Brookton Common Seal to any documents requiring it.

(Simple majority vote required)

That Council:

- 1. Pursuant Section 3.58 of the Local Government Act, 1995 and in respect of Lot 102 Avonbank Close, Brookton, authorise the Acting Chief Executive Officer to:**
 - a) Give local public notice of the proposal to the dispose of lot 102 Avonbank Close, by private treaty for a period of 14 days inviting public submissions on the proposal.**
 - b) To sign the Offer and Acceptance form accepting the offer of \$60,000 including GST; and**
 - c) To include a condition on the Offer and Acceptance form that the sale is subject to no public submissions being received at the close of the advertising period, which would require further consideration by Council.**
- 2. Authorise the Acting Chief Executive Officer to proceed with the disposal of lot 102 Avonbank Close should no public submissions be received at the closing date for public submissions; and**
- 3. Authorise the Shire President and Acting Chief Executive Officer to execute any legal documents to finalise the sale of the lot including the affixing of the Shire of Brookton Common Seal to any documents requiring it.**

CARRIED BY SIMPLE MAJORITY VOTE 5/0

Notes to minute:

- 1) McMahon Real Estate Advised the Acting CEO on Tuesday 19 October 2021 that the buyer requested that the offer be reduced to \$60,000 (including GST) as they had received less income from the sale of a caravan than expected.*
- 2) Cr Crute moved a motion that differed from the Officer's Recommendation due to the revised information presented to Council of the amended offer to purchase.*

REVISED CONFIDENTIAL Attachments

Attachment 12.10.21.01A – Offer to purchase

Note to minute:

- 3) The attachment has been revised from the Agenda, due to the Contract for Sale of Land or Strata title by offer and acceptance, being amended to reflect the reduced offer.*

13.10.21 COMMUNITY SERVICES REPORTS

Nil.

14.10.21 CORPORATE SERVICES REPORTS

Cr Hartl returned to the meeting at 6.12pm.

14.10.21.01 LIST OF ACCOUNTS FOR PAYMENT

File No:	N/A
Date of Meeting:	21 October 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Peta Harben – Finance Administration Officer
Authorising Officer:	Kellie Bartley – Manager Corporate and Community
Declaration of Interest:	The author and authorising officer have no interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	16 September 2021

Summary of Item:

The purpose of this report is to present to Council the list of accounts paid, for the month ending 30 September 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 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 summaries the payments for the period by payment type, with full details of the accounts paid contained within **Attachment 14.10.21.01A**.

Payments up to 30 September 2021

Payment Type	Account Type	Amount (\$)
Automatic Payment Deductions (Direct Debits)	Municipal	\$143,927.11
Cheque Payments (cheque numbers issued)	Municipal	Nil
EFT Payments #12497 to #12571, #12474 to #12611	Municipal	\$358,384.70
Sub Total	Municipal	\$502,311.81
EFT Payments – Nil	Trust	\$0.00
Sub Total	Trust	\$0.00
EFT Payments – #12495-#12496 & #12572-#12573	Bond	\$1,110.00
Sub Total	Bond	\$1,110.00
Totals		\$503,421.81

Contained within **Attachment 14.10.21.01A** is a detailed transaction listing of credit card expenditure paid for the period ended 30 September 2021. This amount is included within the total payments, listed above.

OFFICER'S RECOMMENDATION

That Council accepts the list of accounts, totalling \$503,421.81 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 September 2021, as contained within Attachment 14.10.21.01A.

OCM 10.21-05

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Watts

That Council accepts the list of accounts, totalling \$503,421.81 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 September 2021, as contained within Attachment 14.10.21.01A.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.10.21.01A – List of accounts for September 2021

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

14.10.21.02 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2021

File No:	N/A
Date of Meeting:	21 October 2021
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Charlotte Cooke – Finance Officer
Authorising Officer:	Kellie Bartley – 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 30 September 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 30 September 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 Acting Chief Executive Officer, the Manager Corporate & Community and the 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 14.10.21.02A**.

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
Shire of Brookton, Ordinary Meeting of Council, 21 October 2021 PUBLIC Minutes

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 – October 20, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

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

19. *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 30 September 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 14.10.21.02A.

(Simple majority vote required)

OCM 10.21-06

COUNCIL RESOLUTION

MOVED Cr Macnab SECONDED Cr Hayden

That Council receives the Monthly Statements of Financial Activity for the 30 September 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 14.10.21.02A.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.10.21.02A – Statement of financial activity for period ending 30 September 2021

Shire of Brookton
MONTHLY FINANCIAL REPORT
For the Period Ended 30 September 2021

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Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 September 2021

	Note	Adopted Annual Budget	Current Budget	YTD Budget (a)	This Month	YTD Actual (b)	Var. \$ (b)-(a) (c)	Var. % (b)-(a)/(b) 9	Var.
Operating Revenues									
Governance		\$ 23,510	23,510	\$ 4,245	3,051	\$ 6,542	\$ 2,297	54.10%	
General Purpose Funding		1,886,516	1,886,516	295,272	11,042	167,993	(127,279)	(43.11%)	▼
Law, Order and Public Safety		315,963	315,963	163,532	423	17,006	(146,526)	(89.60%)	▼
Health		300	300	75	0	9	(66)	(87.88%)	
Education and Welfare		65,906	65,906	16,473	4,497	17,685	1,212	7.36%	
Housing		71,296	71,296	17,820	9,900	28,629	10,809	60.66%	▲
Community Amenities		404,681	404,681	101,160	1,918	395,096	293,936	290.57%	▲
Recreation and Culture		36,101	36,101	9,015	783	3,617	(5,398)	(59.88%)	
Transport		684,303	684,303	169,620	5,490	240,382	70,762	41.72%	▲
Economic Services		100,160	100,160	25,035	8,941	42,941	17,906	71.52%	▲
Other Property and Services		27,000	27,000	6,744	1,260	12,301	5,557	82.41%	
Total (Excluding Rates)		3,615,736	3,615,736	808,991	47,304	932,202	123,211	15.23%	
Operating Expense									
Governance		(569,257)	(569,257)	(163,186)	27,324	(44,512)	118,674	72.72%	▲
General Purpose Funding		(250,387)	(250,387)	(56,801)	(25,350)	(58,246)	(1,445)	(2.54%)	
Law, Order and Public Safety		(470,954)	(470,954)	(127,035)	(23,931)	(89,372)	37,663	29.65%	▲
Health		(25,294)	(25,294)	(7,443)	(3,799)	(7,411)	32	0.43%	
Education and Welfare		(163,573)	(163,573)	(42,606)	(13,296)	(33,578)	9,028	21.19%	
Housing		(241,917)	(241,917)	(62,993)	(17,184)	(48,149)	14,844	23.57%	▲
Community Amenities		(573,400)	(573,400)	(141,558)	(41,442)	(100,180)	41,378	29.23%	▲
Recreation and Culture		(1,044,540)	(1,044,540)	(261,501)	(105,506)	(253,473)	8,028	3.07%	
Transport		(3,571,833)	(3,571,833)	(913,283)	(336,984)	(966,168)	(52,885)	(5.79%)	
Economic Services		(257,475)	(257,475)	(68,182)	(19,057)	(53,320)	14,862	21.80%	▲
Other Property and Services		(406,383)	(406,383)	(123,234)	(21,483)	(118,231)	5,003	4.06%	
Total		(7,575,013)	(7,575,013)	(1,967,822)	(580,708)	(1,772,640)	195,182	9.92%	
Funding Balance Adjustment									
Add back Depreciation		3,098,790	3,098,790	774,698		762,964	(11,733)	(1.51%)	
Adjust (Profit)/Loss on Asset Disposal	6	47,511	47,511	47,511		11,904	(35,607)	(74.95%)	▼
Correction of SSL78 adjustment		0	0	0		0	0		
Adjust (Profit)/Loss on Asset Revaluation		0	0	0		0	0		
Movement in Non Cash Provisions		0	0	0		0	0		
Net Operating (Ex. Rates)		(812,976)	(812,976)	(336,623)		(65,569)	271,053	(80.52%)	
Capital Revenues									
Proceeds from Disposal of Assets	6	122,000	122,000	0		63,841	63,841		
Proceeds from New Debentures	5	600,000	600,000	0		0	0	0.00%	
Self-Supporting Loan Principal		24,413	24,413	0		0	0		
Transfer from Reserves	5	2,406,197	2,406,197	601,549		0	(601,549)	(100.00%)	▼
Total		3,152,610	3,152,610	601,549		63,841	(537,709)		
Capital Expenses									
Land and Buildings	6	(1,514,000)	(1,514,000)	(42,996)		(160,355)	(117,359)	(272.95%)	▼
Plant and Equipment	6	(436,000)	(436,000)	(9,999)		(13,864)	(3,865)	(38.65%)	
Furniture and Equipment	6	(10,000)	(10,000)	0		(7,638)	(7,638)		
Infrastructure Assets - Roads & Bridges	6	(1,068,926)	(1,068,926)	(46,692)		(3,454)	43,238	92.60%	▲
Infrastructure Assets - Sewerage	6	(742,000)	(742,000)	(185,496)		(2,107)	183,389	98.86%	▲
Infrastructure Assets - Footpath	6	0	0	0		0	0		
Repayment of Debentures	7	(133,672)	(133,672)	(24,273)		(23,937)	336	1.38%	
Principal elements of finance lease payments	7	(1,419)	(1,419)	0		0	0		
Transfer to Reserves	5	(1,791,777)	(1,791,777)	(447,944)		(571)	447,374	99.87%	▲
Total		(5,697,794)	(5,697,794)	(757,400)		(211,926)	545,475	(72.02%)	
Net Capital		(2,545,184)	(2,545,184)	(155,851)		(148,085)	7,766	(4.98%)	
Total Net Operating + Capital		(3,358,160)	(3,358,160)	(492,474)		(213,654)	278,819	56.62%	
Rate Revenue		2,376,497	2,376,497	2,409,479		2,407,576	(1,903)	(0.08%)	
Opening Funding Surplus(Deficit)		981,662	981,662	869,805		869,805	111,857	12.86%	▲
Closing Funding Surplus(Deficit)	3	0	0	2,786,811		3,063,727	388,773		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 30 September 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	2,409,479	2,407,576	(1,903)
Operating Grants, Subsidies and Contributions	1,167,520	877,666	73,760	256,975	183,215
Fees and Charges	682,928	689,173	172,254	498,288	326,034
Interest Earnings	130,111	135,249	30,559	12,235	(18,324)
Other Revenue	197,836	162,795	10,665	14,721	4,056
	4,589,002	4,275,490	2,696,717	3,189,796	493,079
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,911,012)	(2,221,305)	(607,351)	(547,608)	59,743
Materials and Contracts	(1,531,907)	(1,718,866)	(406,458)	(305,028)	101,430
Utilities	(177,631)	(190,430)	(47,114)	(24,467)	22,647
Depreciation	(2,781,490)	(3,098,790)	(774,663)	(762,964)	11,699
Interest Expenses	(76,411)	(67,343)	(8,455)	4,662	13,117
Insurance	(193,031)	(230,647)	(109,226)	(125,241)	(16,015)
Other Expenditure	(112,453)	(850)	(584)	(90)	494
	(6,783,935)	(7,528,231)	(1,953,851)	(1,760,736)	193,115
	(2,194,933)	(3,252,741)	742,866	1,429,060	686,194
Non-Operating Grants, Subsidies & Contributions	740,579	1,713,243	520,880	149,982	(370,898)
Profit on Asset Disposals	-	-	-	-	-
Loss on Asset Disposals	(47,511)	(47,511)	(47,511)	(11,904)	35,607
NET RESULT	(1,501,865)	(1,587,009)	1,216,235	1,567,139	350,904

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance

Within variance threshold of \$10,000 or 10%

3 General Purpose Funding

Less than anticipated. Timing issue, will correct over time.

5 Law, Order and Public Safety

Less than anticipated. Timing issue, will correct over time.

7 Health

Within variance threshold of \$10,000 or 10%

8 Education and Welfare

Within variance threshold of \$10,000 or 10%

9 Housing

More than anticipated. Timing issue, will correct over time.

10 Community Amenities

More than anticipated. Timing issue, will correct over time.

11 Recreation and Culture

Within variance threshold of \$10,000 or 10%

12 Transport

More than anticipated. Timing issue, will correct over time.

13 Economic Services

Increased revenue from Caravan park

14 Other Property and Services

Within variance threshold of \$10,000 or 10%

OPERATING EXPENSES

4 Governance

More than anticipated. Timing issue, will correct over time.

3 General Purpose Funding

Within variance threshold of \$10,000 or 10%

5 Law, Order and Public Safety

More than anticipated. Timing issue, will correct over time.

7 Health

Within variance threshold of \$10,000 or 10%

8 Education and Welfare

Within variance threshold of \$10,000 or 10%

9 Housing

More than anticipated. Timing issue, will correct over time.

10 Community Amenities

More than anticipated. Timing issue, will correct over time.

11 Recreation and Culture

More than anticipated. Timing issue, will correct over time.

12 Transport

Within variance threshold of \$10,000 or 10%

13 Economic Services

More than anticipated. Timing issue, will correct over time.

14 Other Property and Services

Within variance threshold of \$10,000 or 10%

CAPITAL REVENUE

Proceeds from Disposal of Assets

Less than anticipated. Timing issue, will correct over time.

Self-Supporting Loan Principal

Within variance threshold of \$10,000 or 10%

Transfer from Reserves

Less than anticipated. Timing issue, will correct over time.

CAPITAL EXPENSES

Land and Buildings

Less than anticipated. Timing issue, will correct over time.

Plant and Equipment

Within variance threshold of \$10,000 or 10%

Furniture and Equipment

Within variance threshold of \$10,000 or 10%

Infrastructure Assets - Roads & Bridges

Minimal Capital works carried out due to focus on weather damaged areas.

Infrastructure Assets - Sewerage

Less than anticipated. Timing issue, will correct over time.

Repayment of Debentures

Within variance threshold of \$10,000 or 10%

Transfer to Reserves

More than anticipated. Timing issue, will correct over time.

OTHER ITEMS

Rate Revenue

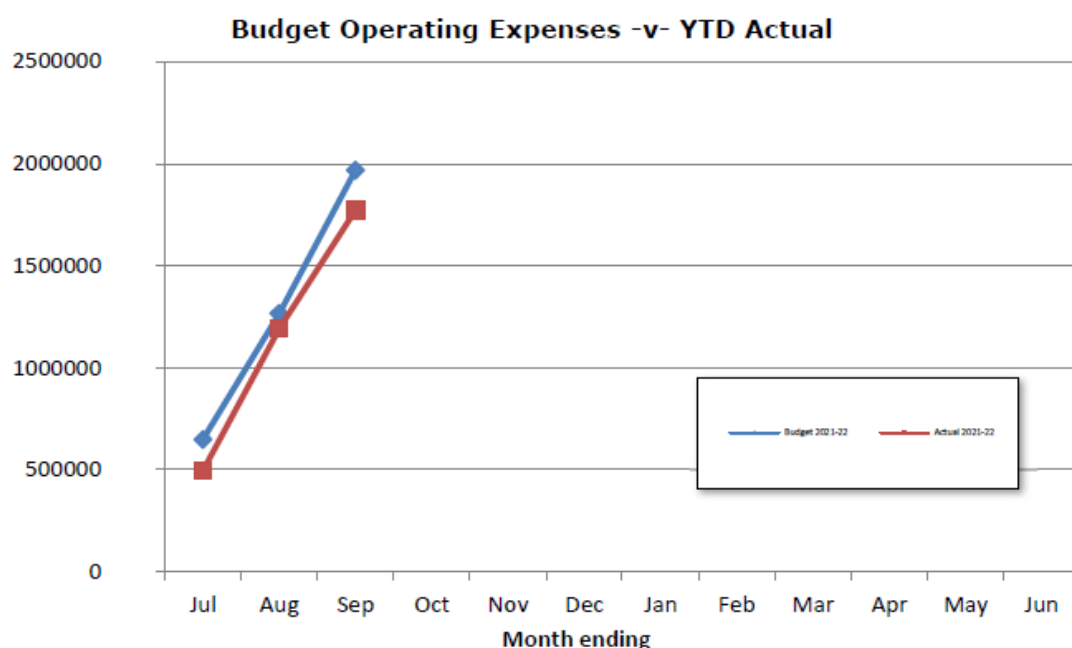
Within variance threshold of \$10,000 or 10%

Closing Funding Surplus (Deficit)

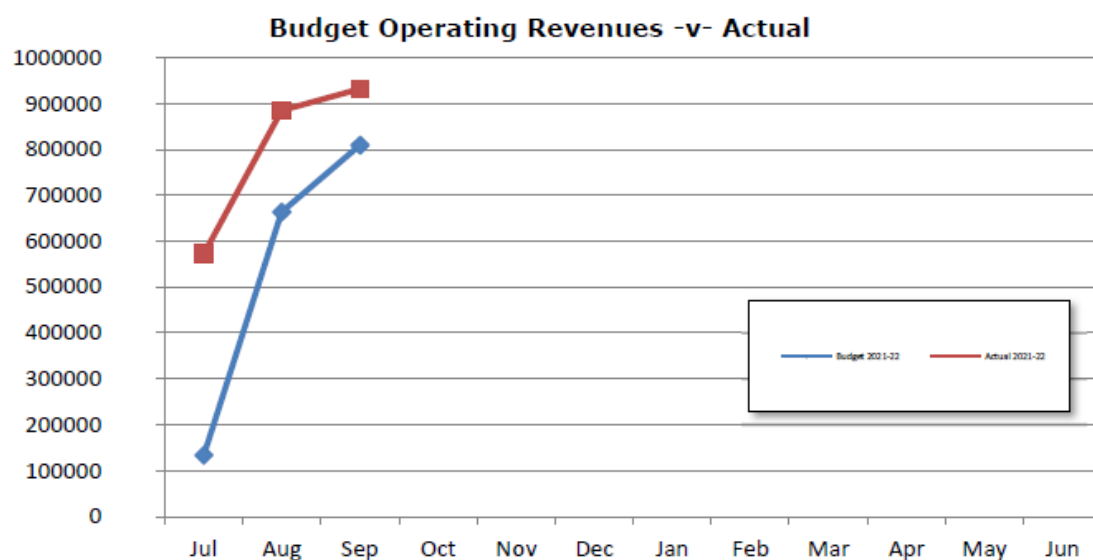
Within variance threshold of \$10,000 or 10%

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Operating Expenses

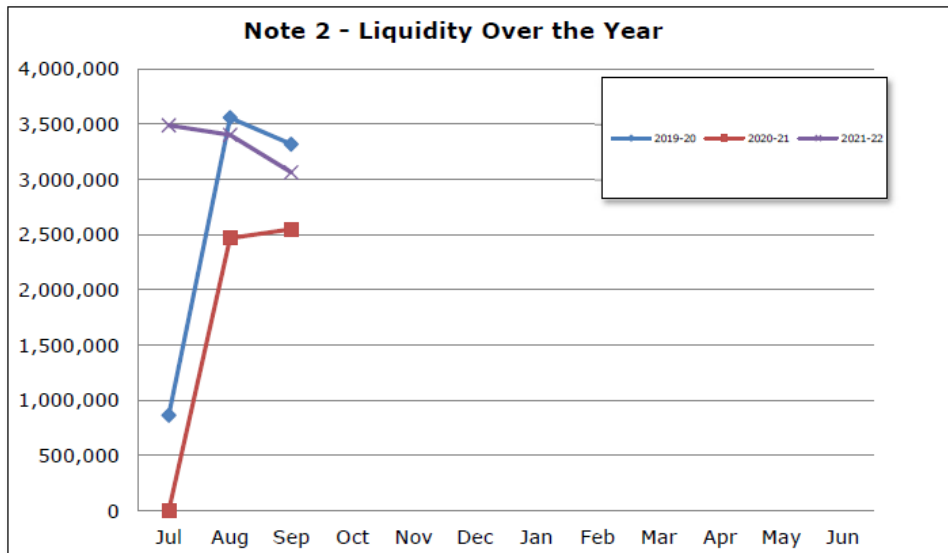


Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 3: NET CURRENT FUNDING POSITION

Positive=Surplus (Negative=Deficit)				
Note	2021-22			Surplus C/F 1 July 2021
	This Period	Same Period 2020/21	Same Period 2019/20	
	\$	\$	\$	\$
Current Assets	SEPT 2021	SEP 2020	SEP 2019	
Cash Unrestricted	2,626,246	1,594,515	2,578,405	1,132,706
Cash Restricted	11,627,313	11,920,707	5,254,106	11,626,742
Receivables	812,106	1,213,491	4,485,805	120,462
Non Cash Movements		0	0	0
Inventories	21,662	24,615	22,495	27,060
	15,087,328	14,753,327	12,340,811	12,906,970
Less: Current Liabilities				
Payables and Provisions	(396,288)	(282,921)	(3,770,126)	(410,423)
	(396,288)	(282,921)	(3,770,126)	(410,423)
Less: Cash Restricted	(11,627,313)	(11,920,707)	(5,254,106)	(11,626,742)
Net Current Funding Position	3,063,727	2,549,699	3,316,579	869,805



Comments - Net Current Funding Position

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 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

Net Rates Collectable

% Collected

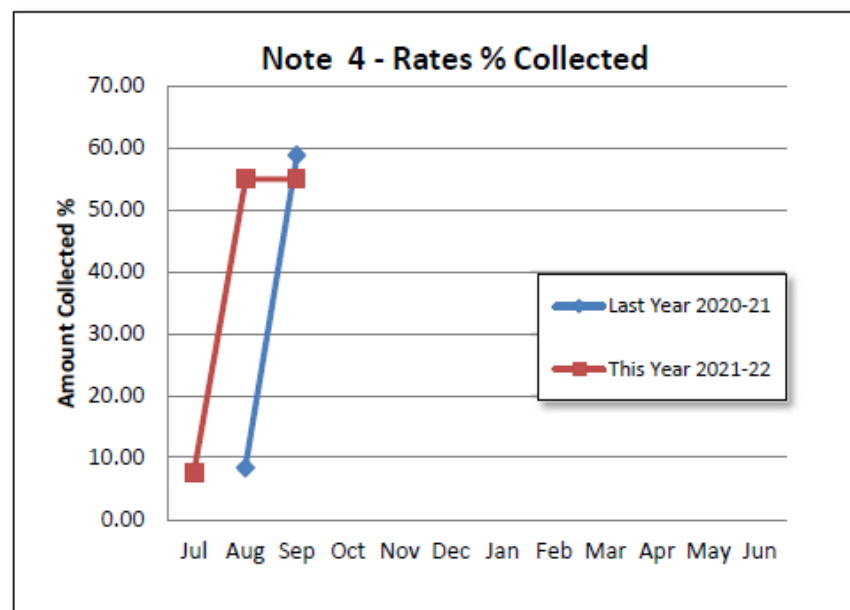
Current 2021-22	Previous Year 2020-21
\$ 98,570	\$ 234,381
2,793,376	2,698,025
(2,079,460)	(1,726,642)
812,486	1,205,764
812,486	1,205,764
71.91%	58.88%

Receivables - General

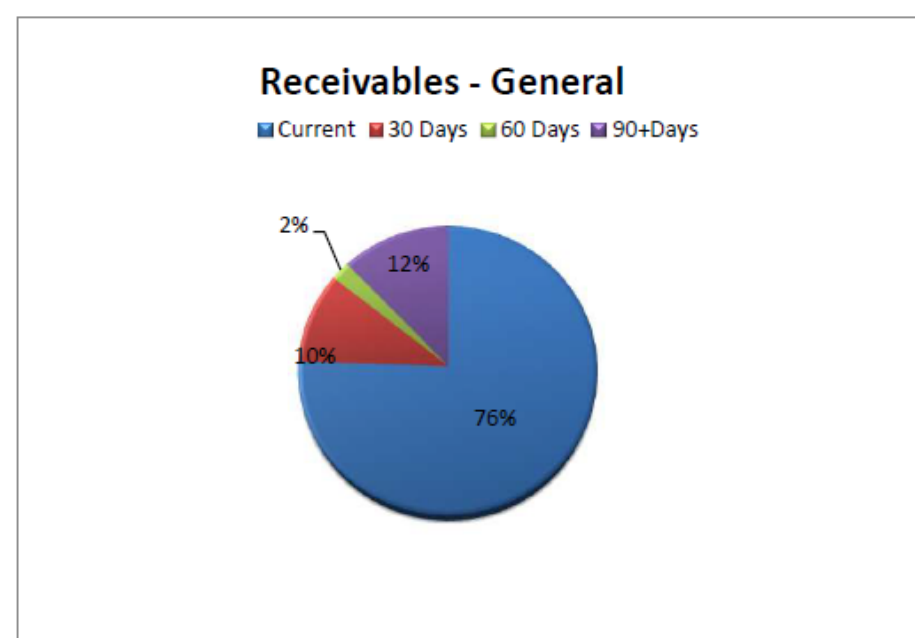
Total Outstanding

Amounts shown above include GST (where applicable)

Current	30 Days	60 Days	90+Days
\$ 10,385	\$ 1,410	\$ 289	\$ 1,677
			13,761



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 30 September 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 (-)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$		\$	\$		\$	\$	\$
Leave Reserve	138,778	1,111	14	0		0	0	0	0	139,889	138,792
Plant and Vehicle Reserve and Community Bus Reserve	751,938	2,699	35	545,000		0	(314,000)	0	0	985,637	751,973
Land & Housing Development Reserve/Independent Living Units	1,391,205	11,139	144	0		0	(30,000)	0	0	1,372,344	1,391,350
Furniture and Equipment Reserve	21,194	170	2	0		0	(10,000)	0	0	11,364	21,196
Municipal Buildings & Facilities Reserve	330,737	5,049	65	0		0	(180,000)	0	0	155,786	330,802
Townscape and Footpath Reserve	125,068	1,001	13	0		0	(47,000)	0	0	79,069	125,081
Sewerage Scheme Reserve	410,425	3,566	46	65,000		0	(50,000)	0	0	428,991	410,471
Road and Bridge Infrastructure Reserve	327,787	927	12	758,764		0	(484,433)	0	0	603,045	327,799
Health & Wellbeing reserve	553,863	4,415	57	0		0	(558,764)	0	0	(486)	553,920
Sport & Recreation Reserve	31,625	253	3	0		0	0	0	0	31,878	31,628
Rehabilitation & Refuse Reserve	169,841	1,708	22	55,000		0	(50,000)	0	0	176,549	169,863
Caravan Park Reserve	153,899	2,832	37	0		0	0	0	0	156,731	153,936
Brookton Heritage/Museum Reserve	47,148	378	5	0		0	0	0	0	47,526	47,153
Kweda Hall Reserve	18,026	144	2	0		0	0	0	0	18,170	18,028
Aldersyde Hall Reserve	25,806	0	0	0		0	0	0	0	25,806	25,806
Railway Station Reserve	129,940	2,641	34	200,000		0	(70,000)	0	0	262,581	129,974
Madison Square Units Reserve	30,653	245	3	0		0	0	0	0	30,898	30,656
Cemetery Reserve	43,863	246	3	50,000		0	(40,000)	0	0	54,109	43,866
Water Harvesting Reserve	48,116	877	11	0		0	(42,000)	0	0	6,993	48,128
Developer Contribution	2,740	22	0	0		0	0	0	0	2,762	2,740
Cash Contingency Reserve	140,336	1,054	14	0		0	0	0	0	141,390	140,350
Brookton Aquatic Reserve	156,130	3,650	47	25,000		0	(30,000)	0	0	154,780	156,177
Future Fund Reserve	7,084,132	32,779	0	0		0	0	0	0	7,116,911	7,084,132
Innovations Fund Reserve	0	16,107	0	0		0	(500,000)	0	0	(483,893)	0
	12,133,250	93,013	570.60	1,698,764	0	0	(2,406,197)	0	0	11,518,830	12,133,822

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 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					0
		0					0
		0					0
		0					0
76,677	62,000	(14,677)		75,745		63,841	(11,904)

Comments - Capital Disposal

Summary Acquisitions				
	Budget	Current Budget	Actual	Variance
Property, Plant & Equipment	\$		\$	\$
Land and Buildings	1,514,000	1,514,000	160,355	1,353,645
Plant & Equipment	436,000	436,000	13,864	422,136
Furniture & Equipment	10,000	10,000	7,638	2,362
Infrastructure				
Roadworks & Bridge Works & Footpaths	1,068,926	1,068,926	3,454	1,065,472
Footpath Construction - Richardson Street	0	0	0	0
Sewerage & Drainage	742,000	742,000	2,107	739,893
Totals	3,770,926	3,770,926	187,418	3,583,508

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 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	Extension and Refurbishment of the Club House	15/11/2027	20	6.95	215,828	-	-	24,413	215,828	201,217	(1,713)	14,611
Education & Welfare												
Loan 80 Kalkarni Residency	Kalkarni Residence	1/02/2026	25	5.63	63,602	-	4,787	9,710	58,815	60,149	262	3,453
Housing												
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	104,944	-	7,899	16,021	97,045	99,246	433	5,698
Community Amenities												
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	44,521	-	3,351	6,797	41,170	42,104	184	2,417
Transport												
Loan 80 Grader	New Grader	1/02/2026	25	5.63	104,944	-	7,899	16,021	97,045	99,246	433	5,698
Recreation and Culture												
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	536,706	-	-	60,710	536,706	492,286	(4,261)	44,420
					1,070,545	-	23,937	133,672	1,046,608	994,248	(4,662)	76,297
Right of Use	Seabrook Dam										-	810
											(4,662)	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 30 September 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%	80,612				80,612	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.05%	2,533,354				2,533,354	Bendigo	
Bond Fund	0.00%	12,280				12,280	Bendigo	
Trust Cash at Bank	0.00%			13,820		13,820	Bendigo	
(b) Term Deposits								
Savings Account	0.05%		4,436,544			4,436,544	Bendigo	
Reserves	0.20%		7,190,768			7,190,768	Bendigo	20/12/2021
(c) Investments								
Bendigo Bank Shares					10,000	10,000	Bendigo	
Total		2,626,246	11,627,313	13,820	10,000	14,277,379		

Comments/Notes - Investments

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 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
	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 30 September 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 30 September 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 30 September 2021

Note 11 Sewerage Operating Statement

NOTE	2021/22 Adopted Budget \$	2021/22 YTD Budget \$	2021/22 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Sewerage Connection Fees and Charges	1,690	1,690	236	(1,454)
Annual Sewerage Rates	196,268	196,268	196,268	0
	197,958	197,958	196,504	(1,454)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(3,559)	(890)	(595)	295
Materials and Contracts	(51,200)	(12,800)	(7,360)	5,440
Utilities	(3,300)	(825)	(519)	306
Depreciation	(36,542)	(9,136)	(11,414)	(2,278)
Interest Expenses	(2,315)	(579)	(184)	395
Insurance	(322)	(81)	(80)	1
General Operating Expenses	(1,920)	(480)	(504)	(24)
Allocation of Administration Expense	(50,243)	(12,561)	(13,011)	(450)
	(149,401)	(37,350)	(33,667)	3,684
	48,557	160,608	162,838	2,230
Add Back Depreciation	36,542	9,136	11,414	2,278
Non-Operating Grants, Subsidies & Contributions	-	-	-	-
Profit on Asset Disposals	-	-	-	-
Loss on Asset Disposals	-	-	-	-
Transfer to Sewerage and Drainage Reserve	(65,000)	(16,250)	-	(16,250)
Transfer from Sewerage and Drainage Reserve	50,000	50,000	-	50,000
NET RESULT	70,099	203,493	174,251	38,258
Capital Loan Repayments			(3,351)	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
WB Eva Pavilion by Nature and Type
For the Period Ended 30 September 2021

Note 12 WB Eva Pavilion Operating Statement

NOTE	2021/22 Adopted Budget \$	2021/22 YTD Budget \$	2021/22 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Hire Fees - WB Eva Pavilion	4,000	1,000	418	(582)
Sporting Club Fees	4,000	1,000	-	(1,000)
Gymnasium Income	7,000	1,750	1,909	159
	15,000	3,750	2,327	(1,423)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	-	-	-	-
Materials and Contracts	-	-	-	-
Utilities	-	-	-	-
Interest Expenses	(35,688)	(8,922)	4,261	13,183
Insurance	-	-	-	-
General Operating Expenses	-	-	-	-
Gymnasium Operating	(11,983)	(2,988)	(920)	2,068
	(47,671)	(11,910)	3,341	15,251
	(32,671)	(8,160)	5,668	13,828
NET RESULT	(32,671)	(8,160)	5,668	13,828

Capital Loan Repayments

0

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
 Brookton Caravan Park and Brookton Aquatic Centre
 For the Period Ended 30 September 2021

	Note	Adopted Annual Budget 2019/20	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9
Note 13 (a): Brookton Caravan Park						
Operating Revenue		\$	\$	\$	\$	%
Caravan Park Fees		85,000	21,250	41,990	20,740	97.60%
Total Revenue		85,000	21,250	41,990	20,740	97.60%
Operating Expenses						
Brookton Caravan Park	CARAOP MARKOP	(75,846)	(18,962)	(16,951)	2,011	(10.60%)
Brookton Caravan Park		(2,000)	(500)	0		
Caravan Park Depreciation		(2,179)	(545)	(2,167)	(1,622)	297.75%
Caravan Park Abc Administration Expenses		(30,146)	(7,537)	(7,807)	(270)	3.58%
Total		(110,171)	(27,543)	(26,924)	119	0.43%
Operating Surplus (Deficit)		(25,171)	(6,293)	15,066	20,858	331%
Excluding Non Cash Adjustments						
Add back Depreciation		2,179	545	2,167	1,622	297.75%
Net Operating Surplus (Deficit)		(22,992)	(5,748)	17,232	22,480	(391.10%)
Note 13 (b): Brookton Aquatic Centre						
Operating Revenue						
POOL FEES & CHARGES		13,100	3,275	0	(3,275)	(100.00%)
POOL GRANTS & SUBSIDIES		0	0	0	0	0.00%
Total Revenue		13,100	3,275	0	(3,275)	(100.00%)
Operating Expenses						
POOL EMPLOYEE COSTS		(79,061)	(19,765)	(19,424)	341	0.00%
POOL GENERAL OPERATING EXPENSES		(49,439)	(12,360)	(1,703)	10,657	(86.22%)
POOL BUILDING MAINTENANCE		(15,978)	(3,995)	(5,665)	(1,671)	41.83%
POOL DEPRECIATION		(11,272)	(2,818)	(3,062)	(244)	8.64%
POOL ABC ADMINISTRATION EXPENSES		(30,146)	(7,537)	(7,807)	(270)	3.58%
Total		(185,896)	(46,474)	(37,660)	8,814	18.96%
Operating Surplus (Deficit)		(172,796)	(43,199)	(37,660)	5,539	12.82%
Excluding Non Cash Adjustments						
Add back Depreciation		11,272	2,818	3,062	244	8.64%
Net Operating Surplus (Deficit)		(161,524)	(40,381)	(34,599)	5,782	14.32%

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	\$ 29,547	16%	\$	\$	\$	\$	\$	\$	\$	\$	\$ 179,285
Rural Road Maintenance	472,983	472,983	226,173	48%					84,910				388,073
Bridge Maintenance	96,314	96,314	17,579	18%									96,314
R2R Work Schedule													0
Richardson Street	218,633	218,633	0	0%	218,633								0
Other Construction													0
Brookton-Kweda Road	186,779	186,779	0	0%							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
Cm 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	505	0%			374,960						0
													0
													0
													0
	1,817,508	1,817,508	276,754	15%	218,633	10,900	374,960	0	84,910	0	434,433	0	693,672

Note 15

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Capital Works Program
For the Period Ended 30 September 2021

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	6,495	19%			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 improvement	30,000	30,000	0	0%			30,000			30,000
Community Garden/Mensshed building	0	0	1,409			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	112,420	62%		180,000				180,000
Depot Improvements	130,000	130,000	37,222	29%			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	0	0%			5,000	40,000		45,000
MCC Vehicle change over	36,000	36,000	0	0%			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	505	0%		374,960				374,960
Richardson Street	218,633	218,633	0	0%		218,633				218,633
Brookton-Kweda Road	186,779	186,779	0	0%			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
Cm 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
Footpath Construction Richardson Road	0	0	0							0
Footpath Construction Lennard Street	0	0	0							0
Happy Valley Bore Field	92,000	92,000	2,107	2%		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	187,418		47,000	1,334,493	1,667,433	122,000	600,000	3,770,926

Note 16

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Grants, Subsidies and Contributions Register
For the Period Ended 30 September 2021

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)	0%
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)	(104,673)	16%
WA Grants Commission	GPG Grants Commission - Roads	Operating	(382,494)	(382,494)	Recurrent	(382,494)	(46,240)	12%
WA Grants Commission	GPG Grants Commission - Bridges	Operating	-	-	-	-	-	0%
DFES	ESL Grant - Emergency Services Levy - Operating	Operating	(56,600)	(56,600)	Recurrent	(56,600)	(15,762)	28%
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)	(406,957)	23%

Cr Macnab and Cr Crute declared impartiality interests in Item 14.10.21.03 and remained in the room and voted on the Item.

14.10.21.03 RATES EXEMPTION APPLICATION – COUNTRY WOMENS ASSOCIATION

File No:	A309
Date of Meeting:	21 st October 2021
Location/Address:	Lot 2, 115 Robinson Road, Brookton
Name of Applicant:	CWA – Country Women’s Association
Name of Owner:	Country Women’s Association
Author/s:	Tricia Brown – Finance Administration Officer (Rates)
Authorising Officer:	Kellie Bartley – Manager Corporate and Community
Declaration of Interest:	The author has no interest in this matter
Voting Requirements:	Absolute majority

Summary of Item:

An application has been received from Country Women’s Association (CWA) seeking a rates exemption under Section 6.26 (g) of the Local Government Act 1995 for the property located at Lot 2 (115) Robinson Road, Brookton.

An internal assessment of the application indicates that they are eligible for a rate exemption.

This application is now referred to Council for consideration.

Description of Proposal:

This proposal involves a request for the property being Lot 2 (115) Robinson Street, Brookton, be exempt for a period of 2 years from rates commencing 1st July 2021.

Background:

The Country Women’s Association is a charitable organisation, incorporated as a not-for-profit body, and is claiming exemption under section 6.26(2) (G) of the *Local Government Act 1995* as the buildings and land are used exclusively for charitable purposes.

The property, the subject of this application is used by the Country Women’s Association for the purpose of providing services to improve the wellbeing of all people, especially those in country areas by promoting courtesy, co-operation, community effort, ethical standards and the wise use of resources.

The CWA aim to include all groups in town, provide support to people of all ages, provide and co-ordinate donations for various needs and provide support in times of emergencies amongst providing charitable support to various groups and individuals in need.

Consultation:

There is no requirement for community consultation however it has been internally reviewed by relevant officers.

Statutory Environment:

This request aligns to Section 6.26 of the *Local Government Act 1995*, which states:

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*

(ii) is unoccupied, except —

- (I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
- (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;

and

- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
 - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
 - (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and
 - (g) land used exclusively for charitable purposes; and
 - (h) land vested in trustees for agricultural or horticultural show purposes; and
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the Gazette.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

The provision to grant the rates waiver under section 6.12 of the *Local Government Act 1995*,

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

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,
which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Furthermore, the *Charities Act 2013 (Federal Legislation)* provides:

Part 3—Definition of charitable purpose

Division 1—Definition of charitable purpose

12 Definition of charitable purpose

(1) In any Act:

charitable purpose means any of the following:

- (a) the purpose of advancing health;
- (b) the purpose of advancing education;
- (c) the purpose of advancing social or public welfare;
- (d) the purpose of advancing religion;
- (e) the purpose of advancing culture;
- (f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- (g) the purpose of promoting or protecting human rights;
- (h) the purpose of advancing the security or safety of Australia or the Australian public;
- (i) the purpose of preventing or relieving the suffering of animals;
- (j) the purpose of advancing the natural environment;
- (k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);

Note: In the case of a purpose that was a charitable purpose before the commencement of this Act and to which the other paragraphs of this definition do not apply, see item 7 of Schedule 2 to the *Charities (Consequential Amendments and Transitional Provisions) Act 2013*.

- (l) the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:
 - (i) in the case of promoting a change—the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs (a) to (k); or
 - (ii) in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.
- (2) Paragraph (l) of the definition of **charitable purpose** in subsection (1) is the only paragraph of that definition that can apply to the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country.
- (3) For the purposes of this section, it does not matter whether a purpose is directed to something in Australia or overseas.

Relevant Plans and Policy:

The current Council Policy - 2.44 Rates Exemption for Charitable Purposes relates to this item.

Financial Implications:

The applied exemption will reduce rate revenue by \$809.00 for the 2021/2022 financial year and the minimum rate for the 2022/2023 financial year. The CWA would still be required to pay the Emergency Services Levy, associated Rubbish, Refuse and Sewerage fees and charges. Provisions will be required to be made for any additional years that will be supported by this decision.

Risk Assessment:

Other than an impact on the Shire's finances, there is a perceived 'Medium' risk of precedent being set for the Local Government industry (including the Shire of Brookton), should this Council and other Councils support a rate exemption.

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, application for a rate exemption aligns to:

Function 18 – Financial Control

Action 18.5 – Process of rates, other revenues, timely payments

Comment:

Notably and admirably the Country Women's Association does assist local individuals and families through the support, welfare and provisions it provides to the community and meets all criteria as a charitable entity.

The consideration by Council needs to be whether there is sufficient benefit to the public at large, or at least a class or section of the public to warrant an exemption from paying rates.

OFFICER RECOMMENDATION

That Council in relation to the application received from Country Women's Association, for Assessment Number A309 – Lot 2 (115) Robinson Street, Brookton, pursuant to Section 6.26 (2) (g) of the Local Government Act 1995;

- a) Grant a rate exemption applicable to the 2021-2022 financial year, totalling \$809.00; and
- b) Grant a rate exemption for rates to be raised in the 2022-2023 financial year.

(Absolute majority vote required)

OCM 10.21-07

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Hartl

That Council in relation to the application received from Country Women's Association, for Assessment Number A309 – Lot 2 (115) Robinson Street, Brookton, pursuant to Section 6.26 (2) (g) of the Local Government Act 1995;

- a) Grant a rate exemption applicable to the 2021-2022 financial year, totalling \$809.00; and***
- b) Grant a rate exemption for rates to be raised in the 2022-2023 financial year.***

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Confidential Attachments

Attachment 14.10.21.03A - Exemption request letter and supporting documentation

15.10.21 GOVERNANCE

15.10.21.01 SHIRE OF BROOKTON DELEGATION REGISTER – ANNUAL REVIEW

File No:	ADM 0427
Date of Meeting:	21 October 2021
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 officers have an operational interest in this item.
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

The Council is obligated to review its Delegation Register annually and when circumstances change. Accordingly, this report seeks Council adoption of a small number of amendments to the attached Delegation Register - see **Attachment 15.10.21.2A**

Description of Proposal:

This item serves as the annual review of Council's delegations and endorsement by council of the Delegation Register with minor changes.

Background:

Western Australian Local Governments are empowered under various pieces of State Government legislation to perform certain duties and exercise certain powers. Under the *Local Government Act, 1995* Council can delegate its power and to discharge a duty to the Chief Executive Officer (CEO). At least once each year the Council is required under the legislation to review, and if considered necessary, amend the schedule of delegations, although more than one review can be entertained.

Consultation:

As the proposed amendments to the current Delegation Register are relatively minor, there has been no prior discussion on this matter.

Statutory Environment:

Local Government Act 1995 sections 5.16, 5.42, 5.43 and 5.44

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority of the council; and
 - (ii) any other power or duty that is prescribed;and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and

- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Relevant Plans and Policy:

There are no plans or policies applicable to this proposal.

Financial Implications:

There are no additional financial implications currently in relation to this matter.

Risk Assessment:

Usually, there is a risk that Council in not reviewing its delegations as required by legislation will be deemed to be in breach of the *Local Government Act, 1995*. Further, without an appropriate level of delegation and sub-delegation, and up to date register, the organisation will find it difficult to operate in an effective and efficient manner.

The risk of persons, who are being delegated authority by Council to the CEO and the CEO to other officers exceeding that authority would be 'Unlikely', but the consequences could be Moderate' or Major' depending on the nature or circumstances of the breach occurs, hence the risk has been assessed as 'Medium.'

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost	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 proposed amendments to the Delegation Register aligns to the following Business Unit and Function:

1. Governance

1.2 Review delegation register

Comment

As Council will appreciate, the grant of delegation is to assist in streamlining the 'day to day' business of the organisation as opposed to relying on Council meetings to be convened, and multiple reports having to be written. However, it is important the level of delegation does not extend beyond:

- The level of permissibility and empowerment afforded under Section 5.42 of the *Local Government Act, 1995*.
- The Council losing (or perceived to be losing) control of its responsibilities under applied legislation with a formed view by some people that the CEO is performing the role of Council in its entirety.

The Delegation Register is presented to Council with the proposed amendments to existing highlighted in red.

It should be noted there are no new delegations being sought with the proposed amendments with the only significant change being the proposed removal of sub-delegation, to the Building Maintenance Officer from the CEO, to for goods and services up to \$5,000 (Delegation 1.36).

OFFICER RECOMMENDATION

That Council in accordance with Section 5.46(2) of the Local Government Act, 1995 adopt the changes to the Shire of Brookton Delegation Register, as presented in Attachment 21.10.21.02A to this report.

(Absolute majority vote required)

OCM 10.21-08

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Hartl

That Council in accordance with Section 5.46(2) of the Local Government Act, 1995 adopt the changes to the Shire of Brookton Delegation Register, as presented in Attachment 21.10.21.02A to this report.

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Attachments *(provided under separate cover)*

Attachment 15.10.21.02A – Delegation register with suggested amendments.

15.10.21.02 ADOPTION OF ORDINARY COUNCIL MEETING DATES FOR 2022

File No:	N/A
Date of Meeting:	21 October 2021
Location/Address:	Shire of Brookton
Name of Applicant:	N/A
Name of Owner:	Shire of Brookton
Author/s:	Danni Chard – Executive Governance Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer have an operational interest in this item.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

Council is requested to adopt the following dates on which Ordinary Council meetings are to be held in 2022. All nominated meeting date fall on the 3rd Thursday of the month.

20 th January 2022	(During School Holidays)	17 th February 2022	17 th March 2022
21 st April 2022	(During School Holidays)	19 th May 2022	16 th June 2022
21 st July 2022		18 th August 2022	15 th September 2022
20 th October 2022		17 th November 2022	15 th December 2022

Description of Proposal:

As above.

Background:

Local Government regulations require that Council and committee meeting dates are required to be advertised in advance, as reflected in the Statutory Environment Section below. Accordingly, this report seeks to ensure the Council satisfies its obligation in this regard.

Consultation:

No consultation was undertaken in relation to this report.

Statutory Environment:

The Local Government (Administration) Regulations 1996 state in r. 12 (1) that:

“At least once a year a local government is to give local public notice of the dates on which and the time and place at which –

- (a) The ordinary council meetings;*
- (b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

are to be held in the next 12 months.

Relevant Plans and Policy:

The dates listed in the Summary and again in the Officer Recommendation accord with Council Policy 1.2 that states;

Policy 1.2 Meetings – Scheduled Dates

The Ordinary meeting of Council shall be held at 6.00 pm on the third Thursday of each month unless otherwise determined by Council.

*Special Council Meetings will be scheduled as decided by the Shire President or Council.
Standing Committee Meetings are to be scheduled on an as required basis.*

Financial Implications:

There is no financial implication in relation to this matter.

Risk Assessment:

There is no notable risk in relation to this matter.

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 adoption of Council Ordinary Meeting dates for 2022 aligns to:

1. Governance

1.4 Convening Council meetings, prepare agendas, minutes

Comment

The proposed meeting dates align with Council Policy 1.2 Meeting – Schedule Dates, with the Ordinary Meetings being held on the third Thursday of each month, at 6.00pm. No Ordinary Meeting of Council was held in January 2021.

OFFICER RECOMMENDATION

That Council in accordance with Regulation 12(1) of the Local Government (Administrative) Regulations 1996 adopts the following Ordinary Council Meeting dates for 2022, being the third Thursday of each month, with each meeting to commence at 6.00pm.

20th January 2022

17th February 2022

17th March 2022

21st April 2022

19th May 2022

16th June 2022

21st July 2022

18th August 2022

15th September 2022

20th October 2022

17th November 2022

15th December 2022

(Simple majority vote required)

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Hartl

That Council in accordance with Regulation 12(1) of the Local Government (Administrative) Regulations 1996 adopts the following Ordinary Council Meeting dates for 2022, being the third Thursday of each month, with each meeting to commence at 6.00pm.

20th January 2022

17th February 2022

17th March 2022

21st April 2022

19th May 2022

16th June 2022

21st July 2022

18th August 2022

15th September 2022

20th October 2022

17th November 2022

15th December 2022

CARRIED BY SIMPLE MAJORITY VOTE 6/0

15.10.21.03 OFFICE AND DEPOT CLOSURE – CHRISTMAS/NEW YEAR PERIOD

File No:	N/A
Date of Meeting:	21 October 2021
Location/Address:	Shire of Brookton
Name of Applicant:	Shire of Brookton
Name of Owner:	N/A
Author/s:	Danni Chard - Executive Governance Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author and authorising officer have an operational interest in this item.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

Council is asked to consider the closure of the administration office from 4.00pm Friday 24th December 2021, until 8:00am Tuesday 4th January 2022.

An early decision will inform the community well in advance of the office closure and allow residents to make arrangements to meet their commitments.

Description of Proposal:

N/A

Background:

Traditionally, the Administration Office has closed over the Christmas / New Year period, and there is no record of this closure causing any inconvenience to the community.

The closure of the office will allow staff to have an extended period of leave with the inclusion of the public holidays. Traditionally, the number of enquiries and transactions during this period has been low.

Works crew generally take leave during this period. However, skeleton staff are rostered on to ensure that gardens are watered, bins are emptied, and any minor maintenance can be attended to. Senior staff will be on standby for emergencies.

The office closure dates are detailed below:

Friday	24 December 2021	Open from 8.00am to 4.00pm
Saturday	25 December 2021	Closed (Christmas Day)
Sunday	26 December 2021	Closed (Boxing Day)
Monday	27 December 2021	Closed – Public Holiday (Christmas Day – observed)
Tuesday	28 December 2021	Closed – Public Holiday (Boxing Day – observed)
Wednesday	29 December 2021	Closed – Local Government Recreation Day
Thursday	30 December 2021	Closed – Local Government Recreation Day
Friday	31 December 2021	Closed – Staff to take annual leave/leave without pay
Saturday	1 January 2022	Closed – Public Holiday (New Year's Day)
Sunday	2 January 2022	Closed
Monday	3 January 2022	Closed – Public Holiday (New Year's Day – observed)
Tuesday	4 January 2022	Normal operating hours

Consultation:

Staff have been informed in relation to the designated public holidays and Local Government Recreation Days.

Statutory Environment:

There is no statutory environment pertinent to this item.

Relevant Plans and Policy:

There are no Plans and/or policies relevant to this item.

Financial Implications:

There are no financial implications relevant to this item.

Risk Assessment:

There are no significant risks identified to this item.

Community & Strategic Objectives:

There is no reference to Strategic Community Plan relevant to this item.

Comment

There is no additional comment to be offered in relation to this request.

OFFICER RECOMMENDATION

That Council endorses the Acting Chief Executive Officer closing the Administration Office, and the Works Depot, from 4:00pm Friday 24th December 2021 to reopen for business at 8:00am Tuesday 4th January 2022, subject to:

1. The closure and emergency contacts being publicised in the local paper, on the Shire Website, and Facebook pages, and on notice boards in the months leading up to the Christmas period, 2021.
2. The Acting Chief Executive Officer ensuring at least one Senior Staff member, and the Community Emergency Services Manager (CESM), are both on standby in the event of an emergency.

(Simple majority vote required)

COUNCIL RESOLUTION

MOVED Cr Hayden

SECONDED Cr Macnab

That Council endorses the Acting Chief Executive Officer closing the Administration Office, and the Works Depot, from 4:00pm Friday 24th December 2021 to reopen for business at 8:00am Tuesday 4th January 2022, subject to:

- 1. The closure and emergency contacts being publicised in the local paper, on the Shire Website, and Facebook pages, and on notice boards in the months leading up to the Christmas period, 2021.*
- 2. The Acting Chief Executive Officer ensuring at least one Senior Staff member, and the Community Emergency Services Manager (CESM), are both on standby in the event of an emergency.*

CARRIED BY SIMPLE MAJORITY VOTE 6/0

15.10.21.04 ADOPTION OF POLICY 1.26 – CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT

File No:	GOV031A
Date of Meeting:	21 October 2021
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:	15 April 2021

Summary of Item:

The purpose of this report is for Council to endorse a new policy that guides the process for dealing with complaints against Council Members, Committee Members and Candidates in relation to breaches of the Shire of Brookton Model Code of Conduct. This policy is the guiding document that aligns with the legislative requirements for all local governments to adopt a Code of Conduct for Council Members, Committee Members and Candidates

The draft Policy 1.26 – Code of Conduct Behaviour Complaints Management is contained in **Attachment 15.10.21.04A**

Description of Proposal:

To set a policy position that will guide how the Complaints Officer will deal with complaints received alleging breaches of the Code of Conduct for Council Members, Committee Members and Candidates

Background:

February 2021

Following the gazettal of new Regulations on 2nd February 2021, and coming into effect on 3rd February 2021, the Department of Local Government, Sport and Cultural Industries (DLGSCII) issued instructions to all local governments that the *Local Government (Model Code of Conduct) Regulations 2021* amendments (must be implemented by 3 May 2021).

April 2021

Council at its ordinary meeting on 15 April 2021 (OCM 04.21-15) in part endorsed the adoption of the Model Code of Conduct for Council Members, Committee Members and Candidates.

September 2021

Council at its Council Briefing Forum reviewed and considered the draft Policy 1.26 Code of Conduct Behaviour Complaints Management.

Consultation:

Consultation was undertaken with Councillors at the Council Briefing Forum in September 2021 and no further consultation is required.

Statutory Environment:

Local Government Act 1995, section 2.7

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.

Local Government Act, 1995, sections 5.103 and 5.104

5.103. Model code of conduct for council members, committee members and candidates

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include —*
 - (a) *general principles to guide behaviour; and*
 - (b) *requirements relating to behaviour; and*
 - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with —*
 - (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
 - (b) *alleged breaches of the rules of conduct by committee members.*
- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct.*

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*
** Absolute majority required.*
- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*
** Absolute majority required.*
- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*
 - (a) *can only be expressed to apply to council members or committee members; and*
 - (b) *are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- (5) *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*
- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.*

Relevant Plans and Policy:

Adoption of policy 1.26 will finalise Council's obligations in dealing with complaints received regarding

the requirements of the adopted Code of Conduct for Council Members, Committee Members and Candidates. No other policies are relevant to this matter.

Delegation 1.49 Behaviour Complaints Committee is relevant to this matter.

Financial Implications:

Should a complaint be lodged with Council and not be withdrawn, then the policy indicates that the Complaints Officer will engage 'a suitably licenced, qualified and experienced Complaints Assessor and/or a Complaint Mediator to assist in the investigation of the complaint. This action potentially will incur a cost for the investigation &/or mediation and travel.

The 2021/22 Adopted budget includes \$5,000 for Consultants/Contractors under Programme 4 Governance Members General Operating Expenses (Account E041020) and this will cover any costs incurred.

Risk Assessment:

The Council is legally obliged to adhere to the new requirements under the Local Government Act and Regulations in relation to the new Code and to deal with complaints in an efficient and transparent manner the Department of Local Government, Sport, and Culture Industry and WALGA strongly suggested that local governments adopt a policy on how they would deal with complaints. Therefore, given the proposal to adopt this policy the risk in relation to this matter has been 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:

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 amended Policy supports the following Business Unit and Functions:

1. *Governance*
 - 1.11 *Attend grievances/resolve complaints*

Comment

The adoption of the policy will provide a clear direction to the Chief executive Officer in how to deal with complaints received against Council and Committee Members and Candidates, should any be received, and the engagement of an independent Complaints Assessor and/or Complaint Mediator, whilst coming at a cost will provide a level of independence and impartiality that should provide confidence to the Complainant that the complainant has been dealt with fairly.

OFFICER'S RECOMMENDATION

That Council adopts Policy 1.26 Code of Conduct Behaviour Complaint Management presented as Attachment 15.10.21.04A to this report.

(Simple majority vote required)

OCM 10.21-11**COUNCIL RESOLUTION**

MOVED Cr Watts SECONDED Cr Hartl

That Council adopts Policy 1.26 Code of Conduct Behaviour Complaint Management presented as Attachment 15.10.21.04A to this report.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachment

Attachment 15.10.21.04A – Policy 1.26 – Code of Conduct Behaviour Complaints Management



1.26 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT

Directorate:	Executive		
Statutory Environment:	<i>Local Government Act, 1995</i>		
Council Adoption:	Date:		Resolution #:
Last Amended:	Date:		Resolution #:
Review Date:	June 2022		

1. Policy Objective

To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021, and the Shire of Brookton Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Brookton's Code of Conduct for Council Members, Committee Members, and Candidates.

2. Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Brookton Council Members, Committee Members and Candidates Code of Conduct.

This Policy applies to Council Members, Committee Members, Candidates, and any person who submits a complaint in accordance with this Policy.

3. Definitions

Act means the Local Government Act 1995. 3

Complaints Officer means a person authorised by resolution of Council under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in clause 5.1 of this Policy.

Breach means a breach of Division 3 of the Shire of Brookton Council Members, Committee Members and Candidates' Code of Conduct.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the *Local Government Act, 1995* but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in clause 6.2 of this Policy.

Code of Conduct means the Shire of Brookton Council Members, Committee Members and Candidates Code of Conduct.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Brookton or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaints Assessor means a person appointed by the Complaints Officer in accordance with clause 5.2 and clause 6.10 of this Policy

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct.

Council means the Council of the Shire of Brookton.

Council Meeting means a formal meeting of the Council that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act. 3.17. Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint and includes any supporting information or evidence that is supplied.

4. Policy Statement

Principles

4.1 Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- a) the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- b) the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- c) any findings made will be based on proper and genuine consideration of the evidence.

4.2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

4.3. Confidentiality

The Shire will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent. Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information. Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

4.4 Accessibility

The Shire will ensure that information on how to make a complaint, including this Policy, is available at the Shire Administration Building and on its website. The Shire will also make information available in alternative formats if requested. Any person wishing to make a complaint may contact the Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

5. Roles

5.1 Complaints Officer

The Complaints Officer:

- a) is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.
- b) is not an advocate for the complainant or the respondent, however will provide procedural information and assistance to both Complainant and Respondent in accordance to this and other Council Policies.
- c) will appoint, liaise with, and provide administrative support to the Complaints Assessor and/or the Complaint Mediator in accordance too this and other Council Policies.
- d) will liaise with the Local Government to facilitate the calling and convening of Council meetings if required.
- e) will apply the Principles of this Policy in undertaking their role.

5.2 Complaints Assessor

The Complaints Assessor:

- a) is appointed by the Complaints Officer in accordance with clause 5.1(c) and 6.10 of this Policy; and
- b) is an impartial third party who will undertake the functions specified in this Policy and in undertaking their functions will apply the Principles of this Policy; and
- c) will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

5.3 Complaints Mediator

The Complaints Mediator:

- a) is appointed by the Complaints Officer in accordance with clause 5.1(c) and 6.8 of this Policy.
- b) is an impartial third party who will undertake the functions specified in this Policy and in undertaking their functions will apply the Principles of this Policy.
- c) will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

6. Procedure

6.1. Making a Complaint

Any person may make a complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct.

A complaint:

- a) must be made within one (1) month after the alleged Breach; and
- b) must be made by completing the Complaint About Alleged Breach Form (Complaint Form) in full and providing the completed forms to the Complaints Officer; and
- c) must be made in accordance with the Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached; and
- d) is required to include the name and contact details of the Complainant, therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Complaints Officer will invite the Complainant to provide this information for the complaint to be progressed. Where a complaint is made more than 1 month after the alleged breach, the Complaints Officer will give the Complainant written notice that the complaint cannot be made.

6.2 Candidate Complaints

A complaint in relation to a Candidate must be made in accordance with clause 6.1 but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member. Within 7 days after receiving a Candidate Complaint, the Complaints Officer will provide written notice:

- a) To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- b) To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints. No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date. If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

6.3 Withdrawing a Complaint

A Complainant may withdraw their Complaint:

- a) at any time before a Finding has been made in relation to the Complaint; and
- b) by advising the Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

6.4 Notice to Complainant

Within 7 days after receiving a Complaint, the Complaints Officer will provide written notice to the Complainant that:

- a) confirms receipt of the Complaint; and
- b) explains the application of confidentiality to the complaint; and
- c) includes a copy of this Policy; and
- d) if necessary, seeks clarifications or additional information; and
- e) seeks the Complainant's interest in participating in Mediation, in accordance with clause 6.8 of this Policy.

6.5 Complaints that are Inappropriate under this Policy

The purpose of the Code of Conduct is to guide the decisions, actions and behaviours of Council Members, Committee Members, and Candidates for election as a Council Member. A breach of the Rules of Conduct (as per Division 4 of the Code of Conduct) is a minor breach under s5.105(1) of the LG Act and is not the intended subject of this Policy.

The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct, and all complaints under this Policy should be made with that objective in mind. Consequently, complaints such as the following are inappropriate to be dealt with under this Policy:

- a) Complaints made with the intent of addressing personal grievances or disagreements; and
- b) Complaints made to express dissatisfaction with a Council or Committee Member's lawfully made decisions or performance of their role; and
- c) Minor breaches under s5.105(1) of the *Local Government Act, 1995*; and
- d) Serious breaches under s5.114 of the *Local Government Act, 1995*; and
- e) Allegations of corruption.

If in the opinion of the Complaints Officer that the complaint is inappropriate under this policy, the Complaints Officer will advise the Complainant in writing and provide the Complainant options (if any) for them to pursue their complaint via other means.

6.6 Vexatious or Unreasonable Persistence Complaints

The Shire acknowledges that some complainants may persist in disagreeing with the action or decision taken in relation to their complaint or they may contact Council or the Chief Executive Officer persistently about the same issue. Where a complaint has been considered by the Complaints Officer and the Council in accordance with this Policy, but the complainant refuses to accept the decisions and actions, as outcomes of the complaint, the Chief Executive Officer (or Complaints Officer) may advise the complainant, in writing that no further consideration will be given to complaints of any kind, that is the same, or substantially the same, and raises no new matters for consideration, when compared with previous communications. In considering application of this process the Chief Executive Officer must have regard for Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

6.7 Notice to Respondent

Within 14 days after receiving a complaint, the Complaints Officer will provide written notice to the Respondent that:

- a) advises that a complaint has been made in accordance with the Code of Conduct and this Policy; and
- b) includes a copy of the complaint documents, redacted of any personal details of the Complainant except for their name; and
- c) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes; and
- d) includes a copy of this Policy; and
- e) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in mediation, the Complaints Officer will ask the Respondent if they are also willing to participate in accordance with clause 6.8 of this Policy.

6.8 Mediation

The Shire of Brookton recognises that mediation may support both parties reaching a mutually satisfactory outcome that resolves the issues giving rise to the complaint. Mediation requires the consent of both parties to the complaint and may not be appropriate in all circumstances. To commence the process, the Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Mediation.

If both parties agree to participate in Mediation, the Complaints Officer will:

- a) pause the formal process and will appoint a suitably qualified and experienced Complaint Mediator within a reasonable period; and
- b) provide written notice of the appointment to the Complainant and the Respondent.

The objective of Mediation will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with clause 6.3 of this Policy.

If Mediation is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of the Complaint Mediator. If Mediation is terminated or does not achieve an agreed outcome that results in the withdrawal of the complaint, the Complaints Officer will resume the formal process required under this Policy.

6.9 Order of Complaints

Complaints will normally be dealt with in the order in which they are received. If more than one complaint is received that relates to the same alleged behaviour, the Complaints Officer may decide to progress those complaints concurrently.

6.10. Appointment of Complaints Assessor

If Mediation is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer:

- a) will engage a suitably licenced, qualified and experienced Complaints Assessor within a reasonable period; and
- b) will provide written notice of the appointment to the Complainant and the Respondent.

6.11 Search of Local Government Records

The Complaints Assessor may request the Complaints Officer to search for any relevant records in the Shire's record management system. In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Complaints Officer will provide any Local Government records that provide evidence that may support a decision as to whether:

- a) the behaviour occurred at a Council or Committee Meeting,
- b) the behaviour was dealt with by the person presiding at the meeting, and/or
- c) the Respondent has taken remedial action in accordance with the Shire's Local Government (Meetings Procedure) Local Law 2021.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Complaints Officer or the Complaints Assessor, copies must also be provided to the Respondent.

6.12 Assessment of the Complaint

The Complaints Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under clause 6.4 and 6.7 of this Policy.

The Complaints Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report, drafting of a proposed Action Plan, and proposed recommendations for Council's consideration.

6.13 Complaint Report

The Complaints Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard.
- include the complaint documents, the response document and any relevant Local Government records as attachments.
- include recommendations on each decision that may be made by the Council.
- include reasons for each recommendation, with reference to Part 7 of this Policy.

If the Complaint Report recommends that an Action Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and clause 3.12 of this Policy, the Complaint Report must include the proposed Action Plan. The Complaints Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report and all other relevant information in the agenda for a meeting of Council. The Complaints Officer will be responsible for preparation of an Officer Report which will be a confidential report to Council. The recommendations of the Complaint Report will be provided as the Officer Recommendation(s).

6.14 Action Plan

The Proposed Action Plan:

- a) may include requirements for the Respondent to do one (1) or more of the following:
 - (i) engage in mediation.
 - (ii) undertake counselling.
 - (iii) undertake training.
 - (iv) take other action the Complaints Committee considers appropriate (e.g. an apology).
- b) should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.
- c) may also outline:
 - (i) the actions to be taken to address the behaviour(s).
 - (ii) who is responsible for the actions.
 - (iii) any assistance the Local Government will provide to assist achieve the intent of the Plan; and (iv) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

6.15 Report provided to Council

The Complaints Officer must provide a confidential report to Council no later than 1 month after receipt of the Complaint Report from the Complaints Assessor, which includes:

- a) A copy of the Complaint.
- b) The Complaint Report from the Complaints Assessor.

- c) Any submissions received or other communications from the Complainant and Respondent during the complaint assessment process.
- d) A recommendation on the question whether a behaviour breach has occurred.
- e) A recommendation as to whether any and if so, what further action is required.
- f) If further action is required, a recommendation must be provided to the Council on an action plan to address the behaviour of the person to the complaint relates.

7. Decision Making

7.1 Objectives and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy and in reference to Division 2 – General Principles of the Code of Conduct.

7.2 Dismissal of Complaint

The Council must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that:

- a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- b) either –
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire's Local Government (Meetings Procedure) Local Law 2021.

7.3. Council Finding

A finding that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur. This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct. The Council will have due regard to the findings of the Complaints Assessor, however, are not bound to adopt the recommendations provided within the Complaint Report. In determining whether an alleged breach has occurred, Council may resolve to:

- a) dismiss the Complaint in accordance with clause 7.2 of this Policy; or
- b) find that the alleged breach has not occurred and take no further action; or
- c) find that the alleged breach has occurred. The Council meeting's minutes will reflect the Council's finding and the reasons for the Council's finding.

7.4 Actions resulting from determining an Alleged Breach has occurred

If the Council makes a finding that the alleged breach has occurred, it must:

- a) resolve to take no further action; or
- b) resolve to prepare and implement an action plan to address the behaviour of the person to whom the complaint relates.

In determining whether to take no further action, or prepare and implement an Action Plan, the Council may consider:

- a) the nature and seriousness of the breach(es).
- b) the Respondent's submission in relation to the contravention.
- c) whether the Respondent has breached the Code of Conduct knowingly or carelessly.
- d) whether the Respondent has breached the Code of Conduct on previous occasions.
- e) likelihood or not of the Respondent committing further breaches of the Code of Conduct.
- f) personal circumstances at the time of conduct.

- g) need to protect the public through general deterrence and maintain public confidence in Local Government.
- h) any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

If the Council resolves to prepare and implement an action plan to address the behaviour of the person to whom the Complaint relates, the action plan can either be:

- a) The proposed action plan as recommended by the Complaints Assessor without modifications; or
- b) The proposed action plan as recommended by the Complaints Assessor with modifications; or
- c) An action plan determined by Council, in consideration of the requirements of clause 6.14 of this policy.

Prior to resolving to prepare and implement an action plan which is materially different from any proposed action plan recommended the Complaints Assessor (if any), the Council will provide an opportunity to the Respondent to make a submission on the Council's proposed action plan. In providing an opportunity for the Respondent to make a submission, Council may adjourn any further consideration on the matter for no more than 48 hours. The Council meeting's minutes will reflect the actions resolved by Council to address the behaviour of the person to whom the complaint relates, if it has resolved an alleged breach has occurred.

8. Implementing Council's Findings and Actions

8.1 Advice to Complainant and Respondent on Council's Findings

When the Council makes a finding in relation to a complaint, the Complaints Officer must give the Complainant and the Respondent written notice of –

- a) the finding and the reasons for the finding as determined under clause 7.3; and
- b) if the finding is that the alleged breach has occurred, Council's decision on the Actions determined under clause 7.4.

8.2 Compliance with Action Plan Requirement

The Complaints Officer is to monitor the actions and timeframes set out in the action plan resolved under clause 7.4.

Failure of the respondent to meet the requirement of the action plan is a breach of clause 23 of the Code of Conduct and as a breach of the Rules of Conduct is a minor breach under s5.105(1) of the Act that may be reportable to the Public Sector Commission.

15.10.21.05 APPOINTMENT OF COUNCIL REPRESENTATIVES TO STATEWIDE REGIONAL AND SHIRE BASED ORGANISATIONS FOR THE 2021-2023 TERM (2 YEARS)

File No:	ADM 0684
Date of Meeting:	21 October 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Danni Chard – Executive Governance Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	Nil

Summary of Item:

To appoint elected members as delegates to various committee/advisory groups/organisations run or managed by external organisations, or organisations where the Shire has a social, economic, or financial interest.

Description of Proposal:

As above.

Background:

Following the Local Government Elections on 16th October 2021 all previous Committee member and Council delegate positions have become vacant requiring nominations for the various position on the Committees:

- WALGA Central Country Zone - Wheatbelt
- WALGA AGM (Voting Delegate)
- MRWA Wheatbelt South Regional Road Group & Hotham-Dale Subgroup (RRG)
- Brookton District School Board
- Yenyenning Lakes Management Group
- Mid-West - Wheatbelt Development Assessment Panel (DAP)

Consultation:

Nil.

Statutory Environment:

Representation on external organisations or groups in an official Shire capacity is specifically reference under section 5.98(1)(b) of the *Local Government Act, 1995*, with the exception of a Development Assessment Panel where the appointment is conducted under Regulation 25 and 26 of the Planning and Development (Development Assessment Panels) Regulations, 2011.

Further, it should be noted that a Councillor appointed as delegate to an external Committee, Advisory Group or other organisation in an official capacity is required to:

1. Adhere to the record keeping requirements as set out in the *State Records Act 2000*; and
2. Report to Council on a regular basis about the activities of the Committee/Advisory Group/other organization.

Relevant Plans and Policy:

There are not relevant plans or policies in relation to this item.

Financial Implications:

Council presently pays in accordance to section 5.98 (2A) of the *Local Government Act, 1995* and regulation 30 (3A) of the *Local Government (Administration) Regulations, 1996* to Council appointed representatives or delegates (and appointed proxy where required) the following;

- a. WALGA Central Country Zone meeting - \$100 per attendance.
- b. Regional Road Group meeting - \$100 per attendance.
- c. External (not Council controlled or established) Committees, Working Groups, or similar meetings as long as they are minuted, which also confirms attendance - \$50 per attendance.

In addition, there may be minor financial implications in that travel costs may be incurred to attend various meetings held outside the Shire of Brookton.

Notwithstanding the above allowances for payment, Council may amend the allocated attendance payments providing the payments accord with the Salaries and Allowance Tribunal ruling under Part 6.3, outlined as follows (note applicable fees are highlighted in yellow):

6.3 COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES – PER MEETING

(1) *The ranges of fees in Table 6 and Table 7 apply where a local government or regional local government decides to pay a council member a fee referred to in –*

- a. *section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or*
- b. *section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.*

Table 6: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)		
Band	Minimum	Maximum
1	\$308	\$396
2	\$186	\$291
3	\$97	\$205
4	\$46	\$119

Risk Assessment:

Importantly, Council does need to establish a level of representation on external groups and Committees (or Panel). Specifically, Council is legally compelled to nominate four Elected Members for the Mid-West Wheatbelt Development Assessment Panel, and in not doing so, would be in breach of the Planning legislation. As for the other external Groups and Committees the Council does not have to maintain representation, although is beneficial for all parties if the Shire is appropriately represented.

Therefore, on assessment the risk is determined as 'Low' as reflected in the Matrix Table below.

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 generally aligns with the Corporate Compendium appended to the Shire of Brookton Corporate Business Plan 2018 – 2021. Specifically the nomination and appointment of Council representative on external groups and Committees accords with:

Business Function 1: Governance

Function 1.4 Convene Council meetings, prepare agendas, minutes

Comment

Councillors are advised that should they nominate to be a member of the Development Assessment Panel, be it a primary member or proxy, compulsory training in Perth is to be undertaken before participation on the Panel can occur.

OFFICER RECOMMENDATION

That Council, in accordance with Section 5.8 of the Local Government Act (1995), endorse participation in non-Council Committees and Groups, as listed in the table below, with the following elected members appointed:

	Name of Group/Organisation	Purpose	Representation	Member
1	WALGA Central Country Zone	To represent the Council's interests at meetings of the WALGA Central Country Zone where recommendations are formed for consideration by the WALGA Executive Committee	2 x Elected Members 1 x Elected Member (Proxy)	Cr Cr Cr (Proxy)
2	WALGA AGM (Voting)	To vote on behalf of Council on formal recommendations being presented the WALGA Annual General Meeting held in August/September each year	Shire President and Deputy Shire President by default	Cr Cr
3	MRWA Wheatbelt South Regional Road Group & Hotham-Dale Subgroup	To represent the Council's interests on Regional Road matters	1 x Elected Member 1 x Elected Member (Proxy)	Cr Cr (Proxy)
4	Brookton District School Board	To represent the Council's interests on educational matters	1 x Elected Member	Cr
5	Yenyenning Lakes Management Group	To represent the Council's interests on management of the Yenyenning Lakes	1 x Elected Member	Cr
6	Mid-West Wheatbelt Development Assessment Panel (DAP)	To vote on behalf of Council on Development Applications within the Brookton District where the value of the development is between \$2M - \$10M 'opt in' or over \$10M 'mandatory' – external training required	2 x Elected Members 2 x Proxy Members	Cr Cr Cr (Proxy) Cr (Proxy)

(Absolute majority vote required)

OCM 10.21-12**COUNCIL RESOLUTION****MOVED Cr Lilly SECONDED Cr Watts***That Council suspend standing orders to facilitate discussion on Item 15.10.21.05 at 6.19pm.***CARRIED BY SIMPLE MAJORITY VOTE 6/0****OCM 10.21-12****COUNCIL RESOLUTION****MOVED Cr Macnab SECONDED Cr Watts***That Council resume standing orders at 6.24pm***CARRIED BY SIMPLE MAJORITY VOTE 6/0****OCM 10.21-14****COUNCIL RESOLUTION****MOVED Cr Watts SECONDED Cr Hayden***That Council, in accordance with Section 5.8 of the Local Government Act (1995), endorse participation in non-Council Committees and Groups, as listed in the table below, with the following elected members appointed:*

	Name of Group/Organisation	Purpose	Representation	Member
1	WALGA Central Country Zone	<i>To represent the Council's interests at meetings of the WALGA Central Country Zone where recommendations are formed for consideration by the WALGA Executive Committee</i>	2 x Elected Members 1 x Elected Member (Proxy)	Cr Crute Cr Walker Cr Lilly (Proxy)
2	WALGA AGM (Voting)	<i>To vote on behalf of Council on formal recommendations being presented the WALGA Annual General Meeting held in August/September each year</i>	Shire President and Deputy Shire President by default	Cr Crute Cr Walker
3	MRWA Wheatbelt South Regional Road Group Hotham-Dale Subgroup	<i>To represent the Council's interests on Regional Road matters</i>	1 x Elected Member 1 x Elected Member (Proxy)	Cr Crute Cr Lilly (Proxy)
4	Brookton District School Board	<i>To represent the Council's interests on educational matters</i>	1 x Elected Member	Cr Lilly
5	Yenyenning Lakes Management Group	<i>To represent the Council's interests on management of the Yenyenning Lakes</i>	1 x Elected Member	Cr Macnab

6	<i>Mid-West Wheatbelt Development Assessment Panel (DAP)</i>	<i>To vote on behalf of Council on Development Applications within the Brookton District where the value of the development is between \$2M - \$10M 'opt in' or over \$10M 'mandatory' – external training required</i>	<i>2 x Elected Members</i> <i>2 x Proxy Members</i>	<i>Cr Walker</i> <i>Cr Lilly</i> <i>Cr Watts (Proxy)</i> <i>Cr Macnab (Proxy)</i>
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CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

15.10.21.06 APPOINTMENT OF MEMBERS TO COUNCIL COMMITTEES AND ADVISORY GROUPS FOR THE 2021-2022 COUNCIL TERM (2 YEARS)

File No:	ADM 0684
Date of Meeting:	21 October 2021
Location/Address:	14 White Street, Brookton WA 6306
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Danni Chard – Executive Governance Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	Nil

Summary of Item:

This report relates to the establishment and appoint of Elected Members to a number of Committees and Advisory Groups of Council for the two year term up until the Local Government Ordinary Elections in October 2023.

Description of Proposal:

As above.

Background:

Following the Local Government Elections on 16th October 2021 all previous Committee positions and Council delegates to Advisory Groups have been vacated, resulting in these positions now needing to be filled. In light of this, a summary of the Committees and Advisory Groups is presented below for Councillor's information.

- Audit and Risk Committee

The Audit and Risk Committee is authorised to oversee and make recommendations or representations to Council in respect to the organisation's fiscal and risk management, together with its governance and compliance through internal and external auditing. This Committee's function is to also imbed a culture of continuous improvement across the operations of the organisation.

Many of the key duties of this Committee are detailed in both the Local Government (Audit) Regulations and the recently endorsed Terms of Reference by Council.

- Employment Committee

The role of the Employment Committee is to:

- Recruit and review the performance and salary of the Chief Executive Officer; and
- Assist the Chief Executive Office in the recruitment and selection of Senior Employees.

Council also has a policy that nominates the Shire President to contribute the annual performance review process for nominated Senior Employee positions.

- Bush Fire Advisory Committee (BFAC)

The Bush Fire Advisory Committee advises Council on all matters relating to:

- the prevention, controlling and extinguishing of bush fires;
- prosecutions for breaches of the Bush Fires Act;
- the formation of Bush Fire Brigades;
- the co-ordination of the efforts and activities of the Bush Fire Brigades; and
- any other matter relating to bush fire control.

- Local Emergency Management Committee (LEMC)

The purpose of this Committee is to advise and assist the local government in ensuring that local emergency management arrangements are established for the Shire, and to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements, as well as carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or as prescribed by legislation and regulations.

The Local Emergency Management Committee is established in accordance with Section 38 of the *Emergency Management Act 2005*, which obligates local government to establish this Committee. The operational requirements for the Local Emergency Management Committee are prescribed within this legislation.

- Code of Conduct Behaviour Complaints Management

The purpose of this committee, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021, and the Shire of Brookton's Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3, of the Shire of Brookton Code of Conduct for Council Members, Committee Members and Candidates.

In line with Policy 1.26 – Code of Conduct Behaviour Complaints Management.

- Various Working/Advisory Groups

The Council has a number of Working/Advisory Groups that perform specific functions under the community banner. Three of the Groups form part of the Innovations Pathway process under the Integrated Planning and Reporting (IPR) Framework while other formed Groups provide support to the broader community. The respective Groups are summarised below:

- **Next Generation BROOKTON Community Enterprise Advisory Reference Group (CEARG) –**

This Group operates under the auspice of Council to co-ordinate and oversee community projects listed in the Shire of Brookton Corporate Business Plan, or arising from 'Innovations Pathway' and the BROOKTON Book of Initiatives. Such projects may include (but are not limited to) civic projects and initiatives that involve direct participation from key community representatives.

The Terms of Reference for this Advisory Group is subject to review by Council.

○ **Next Generation BROOKTON Business & Economic Advisory Reference Group (BEAR) –**

The purpose of this Group is to co-ordinate and oversee major projects of a commercial or economic nature for the betterment of the BROOKTON economy and community. Such projects are listed in the Shire of Brookton Corporate Business Plan, and may also be identified through the 'Innovations Pathway' and the BROOKTON Book of Initiatives.

The Terms of Reference for this Advisory Group is subject to review by Council.

○ **Brookton Recreation Advisory Group (BRAG) –**

The charter of this Group to ensure the WB Eva Pavilion and Brookton Oval is well maintained and accessible for all users, well utilised by a broad range of community and private users, and managed for the community to a large degree by the community. Accordingly, this Advisory Group acts as a self-sufficient unit, with some facilitative assistance from the Shire on an as needs basis. The Advisory Group will also act as the facilitator for any correspondence or collaboration between the various User Groups.

○ **Natural Resource Management Working Group (NRM) –**

This Group was initially formed under the banner of Regenerative Farming, but amended by Council to Natural Resource Management as a broader scope of function to investigate and make recommendations as well as co-ordinate and oversee environmental community projects, as endorsed by Council. Such projects may include (but are not limited to) civic projects and initiatives that involve direct participation from key stakeholders and community representatives.

In consideration of the above Council needs to progress the appointment of representatives on each Committee and Advisory Group, as part of resetting its support framework.

Consultation:

Nil.

Statutory Environment:

Committees

In accordance with Section 5.8 of the *Local Government Act 1995*, Council may establish a Committee of 3 or more persons for the purposes of assisting in the exercise of its powers and discharge of its duties.

The Council can also empower each Committee with a level of delegated authority to determine matters on its behalf. This is performed in accordance with Section 5.16 of the *Local Government Act, 1995*.

To this end, a Committee (other than the LEMC and BFAC), whilst established under Section 5.8, must also function in accordance with other relevant provisions and regulations in the:

- *Local Government Act 2005*;
- Local Government (Administration) Regulations 1996;
- Local Government (Rules of Conduct) Regulations 2007;
- Local Law: Standing Orders
- Shire of Brookton Code of Conduct June 2021

In regard to the LEMC and the BFAC, these Committees are advisory and operate under separate legislation, being *Emergency Management Act, 2005* and *Bushfires Act, 1957* respectively.

Advisory (Working) Groups

All Advisory Groups addressed in this report have been formed by and accordingly operate under the auspice of Council, usually with a defined Terms of Reference that is prepared and endorsed by Council. These groups do not have authority to make decisions, rather their primary function is to offer advice and form recommendations on matters to be presented to Council for consideration, and where necessary determination – see Policy Section below and also:

Attachment 15.10.21.06A – Community Enterprise Advisory Reference Group Terms of Reference; and
Attachment 15.10.21.06B – Business & Economic Advisory Group Terms of Reference.

Relevant Plans and Policy:

The following Policies apply to the establishment and operation of Council Committees:

- Policy 1.13 Council Committees – Terms of Reference
- Policy 1.12 CEO Performance and Salary Review
- Policy 1.26 Code of Conduct Behaviour Complaints Management

Financial Implications:

The following sitting fees apply to Committee meetings, listed as follows:

- *Councillor Meeting Fees* \$200.00
- *Committee Meeting Fees* \$100.00
- *President's Meeting Fees* \$400.00

Representation on internal Advisory Groups attracts a further payment of \$100 per meeting, while attendance at external Committees and Meetings in an official capacity is remunerated at \$50 per meeting.

Travel using own transport is only paid to the Shire boundary unless otherwise assessed by the CEO. This is calculated at 0.76 cents per km.

These costs are accommodated in the 2021/22 municipal budget.

Risk Assessment:

In not appointing members to the Audit and Risk Committee, LEMC and BFAC the Council would be in breach of the respective legislation. On assessment the risk is determined as 'Low' as reflected in the Matrix Table below.

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 appointment of representatives to Committees and Advisory Groups aligns to:

Business Function 1 – Governance

Action 1.4 - Convene Council meetings, prepare agendas, minutes

Comment:

The use of Committees to undertake Council functions and provide advice to Council is an important means of progressing projects and addressing issues without the need for full Council representation.

Council representation on Advisory Groups is also an important link for the awareness of the Council on issues that may impact the community or for that matter Council business. As such it is essential that all Council members contribute through participation on some of these groups.

Furthermore, it needs to be appreciated that Council may at any time exercise its authority under the legislation to:

- change the composition of an existing Committee or Advisory Group (including increase in members);
- create a new Committee or Advisory Group with a defined purpose; or
- delete an existing Committee or Advisory Group if there is no further a purpose or need.

OFFICER RECOMMENDATION

That Council:

1. In accordance with Section 5.8 of the Local Government Act (1995), endorse the following Committees and Advisory Groups of Council, as listed in the table below, with Elected Members appointed being:

	Council Committee	Purpose	Representation	Elected Member
a)	Audit and Risk Committee (Finance) Committee (Advisory)	Oversee Council's financial position, risk management and governance functions	Minimum of 4 Elected Members and 2 External Representatives*, one being a CPA.	Cr Cr Cr Cr * * Council to nominate/ appoint External Reps.
b)	Employment Committee (Delegated authority pursuant to Section 5.16 of the Local Government Act, 1995)	Recruit and review the performance and salary of the Chief Executive Officer; and assist the Chief Executive Office in the selection and review the performance of designated Senior Employees.	4 (minimum) x Elected Members 1 x independent person 1 x Human Resources consultant	Cr Cr Cr Cr
c)	Bushfire Advisory Committee (Advisory)	The prevention, controlling and extinguishing of bush fires; prosecutions for breaches of the Bush Fires Act; the formation of Bush Fire Brigades; the co-ordination of the efforts and activities of the Bush Fire Brigades; and any other matter relating to bush fire control.	1 x Elected Member (Chair) 1 x Elected Member Chief Bushfire Control Officer Deputy Chief Bushfire Control Officer Fire Control Officers (as nominated by each brigade)	Cr Cr
d)	Local Emergency Management Committee (Advisory)	Acts in accordance with the Emergency Management Act 2005 to manage the community's bush fire prevention and emergency response.	1 x Elected Member 1 x Elected Member Agencies: Police, St Johns, CBFCO, VFES Captain, Dept of Communities, Road Wise, Baptistcare, Brookton DHS	Cr Cr Organisations to nominate own Reps.

e)	Code of Conduct Behaviour Complaints Management	Allows for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Brookton Code of Conduct for Council Members, Committee Members and Candidates.	CEO 3 x Elected Members	Cr Cr Cr
Council Advisory Group		Purpose	Representation	Elected Member
e)	Community Enterprise Advisory Reference Group (Advisory)	To co-ordinate and oversee community projects listed in the Shire of Brookton Corporate Business Plan, or arising from 'Innovations Pathway' and the BROOKTON Book of Initiatives.	2 x Elected Members Seniors Rep. Youth Rep. Sport/Rec Rep. Arts Culture Rep. Other Rep.	Cr (Chair) Cr
f)	Business and Economic Advisory Reference Group	To provide advice and recommendations, as well as co-ordinate and oversee major projects of a commercial or economic nature for the betterment of the BROOKTON economy and community.	2 x Elected Members CBH Rep. Balco Rep. BaptistCare Rep. DHS Rep. UWA Rep. Seabrook Rep. Broad-acre Farming Rep.	Cr (Chair) Cr Business to nominate own Reps.
g)	Brookton Recreation Advisory Group	To ensure the WB Eva Pavilion and Brookton Oval is well maintained and accessible for all users, well utilised by a broad range of community and private users, and managed for the community to a large degree by the community	2 x Elected Members Brookton Family Playgroup Rep. Brookton Auskick Centre (Junior Football) Reop. Brookton Cricket Club Rep. Brookton Ladies Netball Club Rep. Brookton Pingelly Football Club Rep. Brookton Tennis Club Rep. Brookton Women's Hockey Club Rep. Seabrook Cricket Club Rep. Gym User Rep. Community Rep.	Cr (Chair) Cr

h)	Brookton Natural Resource Management Group	To investigate and make recommendations as well as co-ordinate and oversee environmental community projects, as endorsed by Council.	2 x Elected Members UWA Rep. DPIRD Rep. Brookton DHS Rep. Seabrook Rep. Community Rep.	Cr (Chair) Cr

2. Endorse the Terms of Reference for the following Advisory Groups (with amendment) as appended to this report:

- Brookton Community Enterprise Advisory Group (Attachment 15.10.21.06A); and
- Brookton Business and Economic Advisory Reference Group (Attachment 15.10.21.06B)

(Absolute majority vote required)

OCM 10.21-15**COUNCIL RESOLUTION**

MOVED Cr Watts SECONDED Cr Lilly

That Council suspend standing orders to facilitate discussion on Item 15.10.21.05 at 6.24pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 10.21-16**COUNCIL RESOLUTION**

MOVED Cr Macnab SECONDED Cr Watts

That Council resume standing orders at 6.42pm

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 10.21-17**COUNCIL RESOLUTION**

MOVED Cr Macnab SECONDED Cr Hayden

That Council:

- 1. In accordance with Section 5.8 of the Local Government Act (1995), endorse the following Committees and Advisory Groups of Council, as listed in the table below, with Elected Members appointed being:*

	Council Committee	Purpose	Representation	Elected Member
a)	Audit and Risk (Finance) Committee (Advisory)	Oversee Council's financial position, risk management and governance functions	Minimum of 3 Elected Members and 2 External Representatives*, one being a CPA.	Cr Crute Cr Walker Cr Macnab * E. Pech * B. Mitchell Council to nominate/ appoint External Reps. Pending acceptance by external representatives
b)	Employment Committee (Delegated authority pursuant to Section 5.16 of the Local Government Act, 1995)	Recruit and review the performance and salary of the Chief Executive Officer; and assist the Chief Executive Officer in the selection and review the performance of designated Senior Employees.	4 x Elected Members	Cr Crute Cr Walker Cr Watts Cr Hartl

c)	Bushfire Advisory Committee (Advisory)	<i>The prevention, controlling and extinguishing of bush fires; prosecutions for breaches of the Bush Fires Act; the formation of Bush Fire Brigades; the co-ordination of the efforts and activities of the Bush Fire Brigades; and any other matter relating to bush fire control.</i>	<i>1 x Shire President (Chair) 1 x Elected Member Chief Bushfire Control Officer Deputy Bushfire Control Officer Fire Control Officers Brigade Captains</i>	<i>Cr Katrina Crute (Chair) Cr Lilly Committee to nominate Brigade Captains Fire Control Officers</i>
d)	Local Emergency Management Committee (Advisory)	<i>Acts in accordance with the Emergency Management Act 2005 to manage the community's bush fire prevention and emergency response.</i>	<i>1 x Shire President (Chair) 1 x Elected Member Agencies: Police, St Johns, CBFCO, VFES Captain, Dept of Communities, Road Wise, Baptistcare, Brookton DHS</i>	<i>Cr Katrina Crute (Chair) Cr Macnab Organisations to nominate own Reps.</i>
e)	Code of Conduct Behaviour Complaints Management	<i>Allows for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Brookton Code of Conduct for Council Members, Committee Members and Candidates.</i>	<i>CEO 3 x Elected Members</i>	<i>Cr Crute Cr Walker Cr Cr (proxy) Cr (proxy) Cr (proxy) Cr (proxy)</i>
Council Advisory Group		Purpose	Representation	Elected Member
e)	Community Enterprise Advisory Reference Group (Advisory)	<i>To co-ordinate and oversee community projects listed in the Shire of Brookton Corporate Business Plan, or arising from 'Innovations Pathway' and the BROOKTON Book of Initiatives.</i>	<i>1 x Shire President (Chair) 3 x Elected Members (1 x Deputy Chair) 2 x Shire Staff 6 x Community Reps</i>	<i>Cr Katrina Crute (Chair) Cr Hartl (Deputy Chair) Cr Hayden Cr Watts</i>
f)	Business and Economic Advisory Reference Group	<i>To provide advice and recommendations, as well as co-ordinate and oversee major projects of a commercial or economic nature for the betterment of the BROOKTON economy and community.</i>	<i>1 x Shire President (Chair) 3 x Elected Members (1 x Deputy Chair) 2 x Shire Staff 1 x Baptistcare 1 x BALCO</i>	<i>Cr Katrina Crute (Chair) Cr Walker (Deputy Chair) Cr Lilly Cr Macnab Business to nominate own Reps.</i>

			1 x CBH 1 x BBRAG 1 x Seabrook 1 x Bendigo 1 x ARH	
g)	Brookton Recreation Advisory Group	To ensure the WB Eva Pavilion and Brookton Oval is well maintained and accessible for all users, well utilised by a broad range of community and private users, and managed for the community to a large degree by the community	2 x Elected Members Brookton Family Playgroup Rep. Brookton Auskick Centre (Junior Football) Reop. Brookton Cricket Club Rep. Brookton Ladies Netball Club Rep. Brookton Pingelly Football Club Rep. Brookton Tennis Club Rep. Brookton Women's Hockey Club Rep. Seabrook Cricket Club Rep. Gym User Rep. Community Rep.	Cr Hartl (Chair) Cr Watts
h)	Brookton Natural Resource Management Group	To investigate and make recommendations as well as co-ordinate and oversee environmental community projects, as endorsed by Council.	2 x Elected Members UWA Rep. DPIRD Rep. Brookton DHS Rep. Seabrook Rep. Community Rep.	Cr Lilly (Chair) Cr Hayden

2. Endorse the Terms of Reference for the following Advisory Groups (with amendment) as appended to this report:

- **Brookton Community Enterprise Advisory Group (Attachment 15.10.21.06A); and**
- **Brookton Business and Economic Advisory Reference Group (Attachment 15.10.21.06B)**

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Notes to minute: The below amendments were made to the Officer's recommendation

- Audit and Risk Committee, the inclusion of the wording "Pending acceptance by existing external members"*
- Employment Committee, deletion of the wording "; and assist the Chief Executive Officer in the selection and review the performance of designated Senior employees.*
- Code of Conduct Behaviour Complaints Management, deletion of this from the motion so further investigation can be undertaken by the Acting Chief Executive offer on the requirements of this committee under the Local Government Act 1995, Section 2.7, and the Shire's Code of Conduct.*

Attachments

15.10.21.06A - Community Enterprise Advisory Reference Group, Terms of Reference

15.10.21.06B - Business and Economic Advisory Group, Terms of Reference



Next Generation BROOKTON Community Enterprise Advisory Reference Group (CEARG)

Terms of Reference

Purpose

The Next Generation BROOKTON Community Enterprise Advisory Group has been formed to operate under the auspice of the Shire Council to co-ordinate and oversee community projects listed in the Shire of Brookton Corporate Business Plan, or arising from 'Innovations Pathway' and the BROOKTON Book of Initiatives. Such projects may include (but are not limited to) civic projects and initiatives that involve direct participation from key community representatives.

This Advisory Group is to consist of 12 members plus an *ex-officio*, with ability to co-opt others at the discretion of the Chairperson.

Representation

Membership of Next Generation BROOKTON Community Enterprise Advisory Group is to consist of representation from the Local Government and various other community stakeholders, as listed below.

Shire President (Chair)
3 x Elected Members (one Deputy Chair)
2 x Staff (1 ex officio)
6 x Community Reps

The Elected Members and Chair are nominated by the Shire President for endorsement by Council. The community representatives are selected by the Chair, Deputy Chair and CEO following a public nomination process.

The Chair may co-opt other members at his/her discretion as deemed appropriate.

The appointment of all positions is for period of (typically) 2 years aligned to the ordinary Local Government election cycle.

Meetings

The Community Enterprise Advisory Group meetings shall be conducted in an open and transparent manner, and consist of:

- The convening of 'open' meetings with the venue, day and time determined by the Chair to achieve the highest possible attendance.
- The meeting arrangements to be the responsibility of the *ex-officio*.
- The recording of notes to be presented to Council at its next available Corporate Briefing Forum (CBF).
- The conduct of the meeting to be performed generally in accordance with Shire meeting procedures detailed in *Council Policy 1.17 – Standing Orders and Meeting Protocol for Local Government*.
- Elected Members being eligible for payment of a sitting fee, as set by Council and amended from time to time.

Terms of Reference

The Community Enterprise Advisory Group:

- a) Is to first and foremost act in the best interest of the BROOKTON community.
- b) Does not constitute a Committee of Council pursuant to section 5.8 of the *Local Government Act 1995*.
- c) Shall act in an advisory capacity so as to facilitate communication and exchange information between members in relation to assessment and facilitation of community projects and initiatives, and thereby assist in the delivery of project outcomes.
- d) Is not authorised to make decisions in relation to projects or initiatives that may commit the Shire Council and/or other community groups or organisations financially or otherwise.
- e) Is to offer guidance and advice and ensure direction and progress of works holistically aligns to the BROOKTON 20 and the 'Live, Work and Visit' objectives as detailed in the Next Generation BROOKTON Strategic Community Plan.
- f) Is to consider projects or initiatives assessed and qualified by the Next Generation BROOKTON Innovations Advisory Group, unless otherwise determined by Council.
- g) Is to give consideration to and provide input, assistance and form recommendations towards specific project initiatives for consideration by Council.
- h) Is to offer direction on the formation of specific Project Management Working Groups (usually applies to Major Projects).
- i) Is to declare all financial and/or proximity interests within the scope of this Terms of Reference.
- j) Is to maintain a standard of professionalism and confidentiality applicable to any material or documentation of a sensitive nature either marked or declared confidential by the Chair of this Advisory Group, or any specifically formed project coordination working group as recommended by this Group and endorsed by Council.
- k) May through the Chair co-opt other Shire staff, elected members, government agency employees or other stakeholders. Such action is to involve consultation with the Chief Executive Officer.



Next Generation BROOKTON Business Enterprise Advisory Reference Group (BEAR)

Terms of Reference

Purpose

The Next Generation BROOKTON Strategic Business Advisory Group has been formed to operate under the auspice of the Shire Council to provide advice and recommendations, as well as co-ordinate and oversee major projects of a commercial or economic nature for the betterment of the BROOKTON economy and community.

Such projects are listed in the Shire of Brookton Corporate Business Plan or may arise through the 'Innovations Pathway' and the BROOKTON Book of Initiatives.

Principally, this Advisory Group is to encompass a number of strategic key partners and consist of no more than 13 regular members plus an *ex officio*, with ability to co-opt others at the discretion of the Chairperson.

Representation

Membership of Next Generation BROOKTON Strategic Business Advisory Group is to consist of representation from the Local Government and various other stakeholders.

The Elected Members and Chair are nominated by the Shire President for endorsement by Council.

The make-up of this Group is to include:

- Shire President (Chair)*
- 3 x Elected Members (one Deputy Chair)*
- 2 x Staff (1 ex officio)*
- 1 x Baptistcare*
- 1 x BALCO*
- 1 x CBH*
- 1 x BBAG*
- 1 X Seabrook*
- 1 x Bendigo*
- 1 x ARH*

The Chair may co-opt other members at his/her discretion as deemed appropriate.

The appointment of all positions is for period of typically 2 years to align with the Ordinary Local Government Election cycle.

Meetings

The Strategic Business Advisory Group meetings shall be conducted in an open and transparent manner, and consist of:

- The convening of 'open' meetings with the venue, day and time set by the Chair to achieve the highest possible attendance.
- The recording of notes to be presented to Council at its next available Corporate Business Forum (CBF).
- The meeting arrangements is to be the responsibility of the *ex-officio*.
- The conduct of the meeting to performed generally in accordance with Shire meeting procedures detailed in Council Policy 1.17 – Standing Orders and Meeting Protocol for Local Government.
- Elected Members being eligible for payment of a sitting fee, as set by Council.
- The Chairperson 'closing' the meeting for matters deemed 'commercially sensitive'.

Terms of Reference

The Strategic Business Advisory Group:

- a) Is to first and foremost act in the best interest of the BROOKTON community.
- b) Does not constitute a Committee of Council pursuant to section 5.8 of the *Local Government Act 1995*.
- c) Shall act in an advisory capacity so as to facilitate communication and exchange information between members in relation to assessment and facilitation of projects and other business or economic initiatives, and thereby assist in the delivery of project outcomes.
- d) Is not authorised to make decisions in relation to projects or initiatives that may commit the Shire Council and/or other Key Stakeholders or Partners financially or otherwise.
- e) Is to offer guidance and advice on projects and ensure direction and progress of works aligns to the BROOKTON 20 and the 'Live, Work and Visit' objectives, as detailed in the Next Generation BROOKTON Strategic Community Plan.
- f) Is to consider projects or initiatives initially assessed by the Next Generation Brookton Innovations Advisory Group, unless otherwise determined by Council.
- g) Is to provide input, assistance and form recommendations towards specific project initiatives for consideration by Council.
- h) Is to offer direction to specifically formed 'Project Management Teams' in formulating recommendations to Council.
- i) Is to declare all financial and/or proximity interests within the defined project areas.
- j) Is to maintain a standard of professionalism and confidentiality applicable to any material or documentation of a sensitive nature either marked or declared confidential by the Chair of this Advisory Group or any specifically formed project coordination working group as recommended by this Group and endorsed by Council.
- k) May through the Chair co-opt other Shire staff, elected members, government agency employees or other stakeholders. Such action is to involve consultation with the Chief Executive Officer.

16.10.21 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

18.10.21 CONFIDENTIAL REPORTS

Note to minute: Since the publication of the agenda, the Application for item 18.10.21.01, has since been withdrawn by the applicant, due to circumstances beyond their control.

18.10.21.01 APPLICATION TO KEEP MORE THAN TWO DOGS - CONFIDENTIAL

File No:	REG050F
Date of Meeting:	21 October 2021
Location/Address:	A395
Name of Applicant:	J. Sandstrom
Name of Owner:	N/A
Author/s:	Kylie Freeman – Community Development Officer
Authorising Officer:	Paul Sheedy – Acting Chief Executive Officer
Declaration of Interest:	The author does not have an interest in this matter
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This item seeks Council approval of a request received by the resident who will be occupying Lot 5, 99 Robinson Road, Brookton (Bedford Arms Hotel), Ms. Joanne Sandstrom, to keep 3 dogs at that premises.

19.10.21	NEXT MEETING & CLOSURE
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The next Ordinary meeting of the Council will be held on Thursday 18th November 2021 commencing at 6.00 pm.

There being no further business the meeting was closed at 6.43pm.