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with access to modern services and infrastructure,
in a unique part of the world*

AGENDA

for the

Ordinary Meeting of Council

to be held

2PM, THURSDAY 21st AUGUST 2017

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

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1. DECLARATION OF OPENING:

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Mark Conley
Cr Eliza Dowling
Cr Scott Ballantyne
Cr Tim Haslam
Cr Roger Newman
Cr Dawson Bradford

President
Deputy President

Mr Gary Sherry
Ms Tonya Williams
Mr Bruce Brennan

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Works & Services

2.1.2 Apologies

Nil at this time.

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

OFFICER'S RECOMMENDATION:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil at this time.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil at this time

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Thursday 17 th August 2017

<p>OFFICER'S RECOMMENDATION:</p>

<p>That the minutes of the Ordinary Meeting of Council held on Thursday 17th August 2017 be confirmed as a true record of proceedings.</p>

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

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

Nil at this time.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1	List of Accounts Submitted for Council Approval and Payment – August 2017
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File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	8 th September 2017
Author:	Nichole Gould
Attachments:	9.1.1A List of August 2017 Trust Accounts 9.1.1B List of August 2017 Municipal Accounts

Summary

Council is to consider the August 2017 List of Accounts.

Background – Nil

Comment

Council is provided at Attachments 9.1.1A and 9.1.1B with a list of payments made from each of Council's bank accounts during the month of August 2017.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. to not note the list of accounts.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council receives the List of Accounts for August 2017 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

1. **Trust Fund in August 2017 totalling \$15,456.30 included at Attachment 9.1.1A; and**
2. **Municipal Fund in August 2017 totalling \$145,795.99 included at Attachment 9.1.1B.**

**LIST OF TRUST FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
AUGUST 2017**

Chq/EFT	Name	Description	Amount
01082017	Police Licensing	Police Licensing Payments	-157.50
17082017	Police Licensing	Police Licensing Payments	-318.55
18082017	Police Licensing	Police Licensing Payments	-16.40
21082017	Police Licensing	Police Licensing Payments	-1917.80
22082017	Police Licensing	Police Licensing Payments	-777.25
23082017	Police Licensing	Police Licensing Payments	-1371.95
24082017	Police Licensing	Police Licensing Payments	-460.60
25082017	Police Licensing	Police Licensing Payments	-46.80
25082017	Police Licensing	Police Licensing Payments	-46.80
28082017	Police Licensing	Police Licensing Payments	-904.35
29082017	Police Licensing	Police Licensing Payments	-3127.10
03082017	Police Licensing	Police Licensing Payments	-1367.00
30082017	Police Licensing	Police Licensing Payments	-988.35
31082017	Police Licensing	Police Licensing Payments	-1043.70
25082017	Police Licensing	Police Licensing Payments	46.80
04082017	Police Licensing	Police Licensing Payments	-867.00
07082017	Police Licensing	Police Licensing Payments	-469.70
08082017	Police Licensing	Police Licensing Payments	-24.80
09082017	Police Licensing	Police Licensing Payments	-448.80
14082017	Police Licensing	Police Licensing Payments	-496.60
15082017	Police Licensing	Police Licensing Payments	-176.65
16082017	Police Licensing	Police Licensing Payments	-475.40
			-15456.30

**LIST OF MUNICIPAL FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
AUGUST 2017**

Chq/EFT	Name	Description	Amount
09082017	15 - Rent For Grader Driver House	Rent For Grader Driver House	-360.00
21082017	14 - Rent On Forrest Street	Rent On Forrest Street	-600.00
21082017	13 - ATO Clearing Account Bas	ATO Clearing Account Bas	-20853.00
23082017	15 - Rent For Grader Driver House	Rent For Grader Driver House	-360.00
07082017	14 - Rent On Forrest Street	Rent On Forrest Street	-600.00
07082017	15 - Rent For Grader Driver House	Rent For Grader Driver House	-720.00
07082017	11 - Interest On Graders	Interest On Graders	-689.73
07082017	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders	-3024.55
EFT3025	Fuel Distributors Of Wa	July Account - Bulk Diesel	-8132.06
EFT3026	Afgri Equipment Australia Pty Ltd	Jd Hy-Gard Jdm J20c X 20litres Of Oil	-120.82
EFT3027	Agriparts & Repairs	Ultraguard 24v Red Dot Motor Carbon Filter For Spraying	-2046.00
EFT3028	Airborn Amusements Pty Ltd	Hire Of Merry Go Round, Ferris Wheel, Giant Slide, Bungee Dunk & Toddler Town For Healthways 2 & 5 Kids Day Event 27/09/17	-3000.00
EFT3029	Air Liquide Pty Ltd	Cylinder Fee Size G & E	-142.24
EFT3030	Ampac Debt Recovery	Legal Fees - Psso Bailiff Expense & Price Sierakowski General Professional Fees	-1793.44
EFT3031	Builders Registration Board Building Commission	July 2017 Building Forms	-169.95
EFT3032	Corsign (WA) Pty Ltd	Rural Road Number Plates x 4	-96.80
EFT3033	Cuby Roadhouse	CEO Fuel	-535.04
EFT3034	Dews Mini Excavations	Hire Of Excavator For Storm Water Pipe Installation To Dam 6hrs @ \$110 & Hire Of Bobcat To Backfill Trench After Installation 4hrs @ \$110	-1210.00
EFT3035	E Fire And Safety	Service Fire Extinguishers	-839.30
EFT3036	Earl Street Surgery	Pre-Employment Medical - Donald Barber	-132.00
EFT3037	Edge Planning & Property	Planning Work Motorcycle Park 16/06/17 To 31/07/17	-1753.12
EFT3038	Great Southern Fuel Supplies	July Account - Bulk Diesel	-7467.78
EFT3039	Great Southern Waste Disposal	Rubbish Removal 27/06/17 To 25/07/17 - Household Service X 256	-4871.48
EFT3040	Knightline Computers	Remove Password & Reset	-66.00

Chq/EFT	Name	Description	Amount
EFT3041	Komatsu Australia Pty Limited	Carry Out 4,000 Hour Service & Checks, Supply Engine V-Belts As Required	-14807.53
EFT3042	Landgate	Uv Schedule No R2017/4 Dated 4/07/17 To 07/07/17	-174.23
EFT3043	Local Government Professionals Australia WA	Finance Professionals Network - Pd Day 11/08/17	-80.00
EFT3044	Local Health Authorities Analytical Committee	2017/18 Analytical Services - Population 882	-388.85
EFT3045	Makit Narrogin Hardware	2 X Black 50l Storage Tubs With Lids	-96.00
EFT3046	Management Solutions (Qld) Pty Ltd	Sustainable Economic Growth For Regional Australia (Segra) Conference 25 & 26 October 17 - Mark Conley	-2987.25
EFT3047	Mechanical And Diesel Services	150,745km Service Nissan Ud Truck & Repair Headlights R & R Drive Train Oils & Idler Bearings	-2452.45
EFT3048	Midalia Steel	Steel Supplies For Drainage On New Horse Yard Shelter	-1138.61
EFT3049	Market Creations	Synergy Backup In The Cloud July 2017	-518.30
EFT3050	Mcdougall Weldments	Hydro Motor For The Broom	-1136.41
EFT3051	Narrogin Agricultural Repairs	Service Kit For Ride On Mower	-164.50
EFT3052	Narrogin Auto Electrics	Trailer Adaptors	-69.20
EFT3053	Narrogin Bearing Services	Trigger Grease Gun	-476.14
EFT3054	Narrogin Earthmoving And Concrete	Hire Of Roller Winter Shoulder Grading	-13761.00
EFT3055	Narrogin Smash Repairs	Tow Abandon Vehicle Ford Falcon From Great Southern Hwy Bus Stop To Depot	-198.00
EFT3056	Narrogin Toyota & Mazda	100,000kms Service Mazda Ute	-649.70
EFT3057	Narrogin Country Fresh Meats	Council Meeting - 12 X Beef Kebabs & 12 X Scotch Fillett Steaks	-102.86
EFT3058	Narrogin Guardian Pharmacy	Vaccinations Hep A & B - Darrel Marwick	-190.00
EFT3059	Narrogin Hire Service And Reticulation	Storm Water Supplies - 150mm Pipe, Elbows, Tees, Bend, Coupling, Priming Fluid, Sewer Pipe	-1912.75
EFT3060	Narrogin Packaging	Toilet Rolls & Towellettes	-357.10
EFT3061	Old Macdonald's Travelling Farms	3 Hour Walk-In Farm Visit - Healthways 2 & 5 Kids Day Event 27/09/17	-860.20
EFT3062	Ray White Real Estate	Water Consumption - 1 Forrest St Cuballing	-90.90
EFT3063	RSA Works	Complete 2018/19 Mca's For Stratherne Rd & Wandering-Narrogin Rd	-605.00

Chq/EFT	Name	Description	Amount
EFT3064	Shire Of Corrigin	2017 WBS RRG Chairperson Honorarium	-100.00
EFT3066	SOS Office Equipment	Photocopier Meter Reading Dcvc4475 24/06/17 To 26/07/17	-1122.56
EFT3067	Staples Australia Pty Ltd	Memory Card, Liquid Paper, 1 X Reem A3 Paper, Month File Dividers, 4 X Boxes A4 Paper, 5 X Note Pads	-182.70
EFT3068	Toll Ipec (Courier Australia)	Freight Charges - Tutt Bryant	-91.29
EFT3069	Tutt Bryant Equipment	Rubber Buffer	-2397.08
EFT3070	WA Local Government Association	Annual Membership Subscription 2017/18	-16654.64
EFT3071	Waterman Irrigation	WI-Sp-Support Option 1-Cuballing Standpipe - Remote Access Charge \$19 Per Month From 01/07/16 To 30/06/17	-752.40
EFT3072	Whitford Fertilisers Narrogin	Use Of Weighbridge - July 6 X Rubbish Truck Weighs	-33.00
DD1358.1	Hostplus Super	Superannuation Contributions	-216.77
DD1358.2	WA Local Government Super Plan	Payroll Deductions	-5347.45
DD1358.3	Hesta	Superannuation Contributions	-422.01
DD1358.4	Australian Super	Superannuation Contributions	-648.11
DD1358.5	Westscheme Superannuation	Superannuation Contributions	-256.31
DD1358.6	Matrix Superannuation	Superannuation Contributions	-93.47
DD1358.7	DJ Superannuation	Superannuation Contributions	-186.47
DD1364.1	Bigair Cloud Managed Services Pty Ltd	Internet Service August 2017	-137.90
DD1364.2	linet Limited	NBN Wireless Limitless Boost Internet Inc Lnm Calls	-90.29
DD1366.1	Hostplus Super	Superannuation Contributions	-216.77
DD1366.2	WA Local Government Super Plan	Payroll Deductions	-5403.20
DD1366.3	Hesta	Superannuation Contributions	-388.65
DD1366.4	Australian Super	Superannuation Contributions	-490.41
DD1366.5	Westscheme Superannuation	Superannuation Contributions	-256.31
DD1366.6	Matrix Superannuation	Superannuation Contributions	-104.73
DD1366.7	DJ Superannuation	Superannuation Contributions	-186.47
14569	Australia Post	General Traffic Infringement Notice - CN2 - Failed To Secure Load	-500.00
14570	Australian Institute Of Building Surveyors	WA Chapter Conference 2017 - 26 & 27 October - Darryle Baxter	-1050.00
14571	Cuby Tavern	1 X Carton Carlton Dry & Salads For Council Meeting 17/07/17, 1 X Carton Carlton Dry 19/07/17 Toolbox Meeting	-220.00
14572	Synergy	Electricity Charges - Street Lighting 25/06/17 To 24/07/17	-574.15

Chq/EFT	Name	Description	Amount
14573	Shire Of Cuballing	Building Services - July 2017 - Labour 10.5hrs @ \$110 & Travel 227kms @ \$0.95	-3370.65
14574	Telstra	Service Charges - Building Surveyor Mobile	-1017.27
14575	Water Corporation	Water Charges - House 10 Brundell St Cuballing	-484.64
			-145795.99

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	7 th September 2017
Author:	Tonya Williams, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity 9.1.2A

Summary

Council is to consider the Statement of Financial Activity for August 2017.

Background

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment

Governance

Purchase Order Module budgeted for purchase, not yet completed (\$5,000). Final expenses for Integrated Planning still ongoing (\$5,000). Members refreshments under budget and Audit expenses not yet received.

Law, Order & Public Safety

An advance was paid in June for the Quarter 1 payment of the Emergency Services Levy Grant (\$6,875).

Vehicle maintenance is under budget and depreciation is not yet run creating a timing difference.

Community Amenities

Local Planning Strategy has no expenditure recorded against it, though it was budgeted to have spent some. Tip maintenance costs are slightly under budget.

Transport

Permanent difference due to changes in Main Roads Direct Grant from budgeted \$99,902 to \$57,535. Budgeted to receive in July, not yet received.

Road maintenance is over budget. Depreciation journals have not yet been run, creating a timing difference on expenditure.

Economic Services

Building expenses are lower than budgeted.

Other Property and Services

Private Works income is under budget, balanced by expenditure also coming in under budget.

Capital Expenditure

Dryandra Regional Equestrian Shelter project will still has some funds to expend, contributions will be sought as the expenditure is completed.

Detailed breakdown of all variances provided in Note 2 of the Statement of Financial Activity.

Administration Allocations done to August 2017.

Depreciation expenses calculated to June 2017. No asset transaction will be run for 2017/18 until the Audit Report has been approved.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. not to receive the Statement of Financial Activity

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That the Statement of Financial Activity, as included at Attachment 9.1.2A, for the Shire of Cuballing for period ending 31st August 2017 be received.

SHIRE OF CUBALLING

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 31 August 2017

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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**Shire of Cuballing
Information Summary
For the Period Ended 31 August 2017**

Key Information

Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 31 August 2017 of \$1,931,619.

Items of Significance

The material variance adopted by the Shire of Cuballing for the 2016/17 year is \$5,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

Capital Expenditure

Land and Buildings	-\$	1,315	No material variance
Infrastructure - Roads	-\$	750	No material variance
Plant and Equipment	\$	-	No material variance

Capital Revenue

Grants, Subsidies and Contributions	▼	(\$26,368)	Final contributions to
Proceeds from Disposal of Assets		\$0	No material variance.

	Collected / Complete	Annual Budget	YTD Budget	YTD Actual
Significant Projects				
DREC Weather Shelter	106%	\$ 21,182	\$ 21,182	\$ 22,384
Cuballing Transfer Station	0%	\$ 28,711	\$ -	\$ 113
RRG - Wandering Narrogin Road 16/17	0%	\$ 140,072	\$ -	\$ 550
Grants, Subsidies and Contributions				
Operating Grants, Subsidies and Contributions	17%	\$ 588,375	\$ 99,902	\$ 101,924
Non-operating Grants, Subsidies and Contributions:	18%	\$ 686,271	\$ 121,851	\$ 126,275
	18%	\$ 1,274,646	\$ 221,753	\$ 228,199
Rates Levied	100%	\$ 1,070,995	\$ 1,070,994	\$ 1,072,296

% Compares current ytd actuals to annual budget

Financial Position

		Prior Year	Current Year
Adjusted Net Current Assets	145%	\$ 1,331,299	\$ 1,931,619
Cash and Equivalent - Unrestricted	136%	\$ 1,027,203	\$ 1,397,883
Cash and Equivalent - Restricted	99%	\$ 1,308,821	\$ 1,295,065
Receivables - Rates	98%	\$ 339,581	\$ 333,760
Receivables - Other	1524%	\$ 14,784	\$ 225,360
Payables	136%	\$ 36,751	\$ 50,081

% Compares current ytd actuals to prior year actuals at the same time

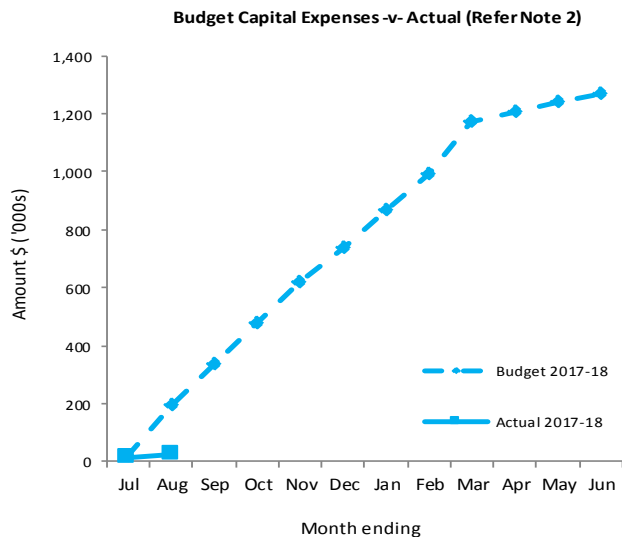
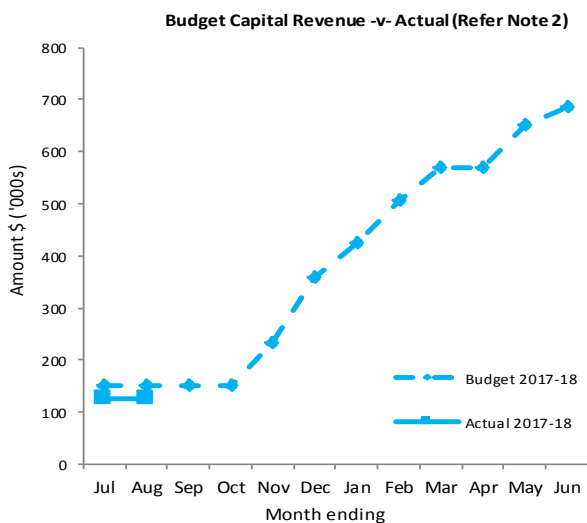
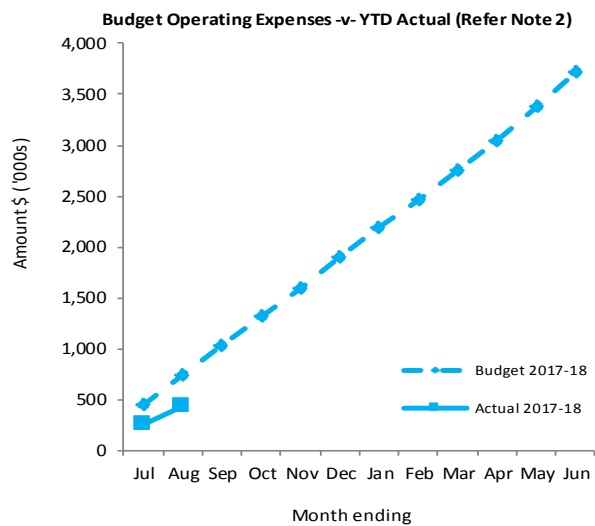
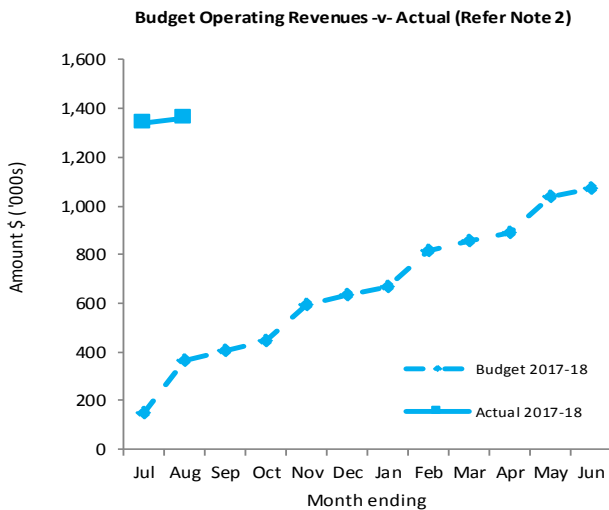
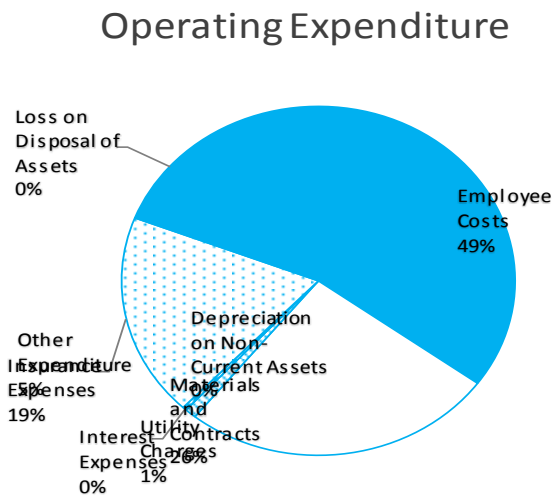
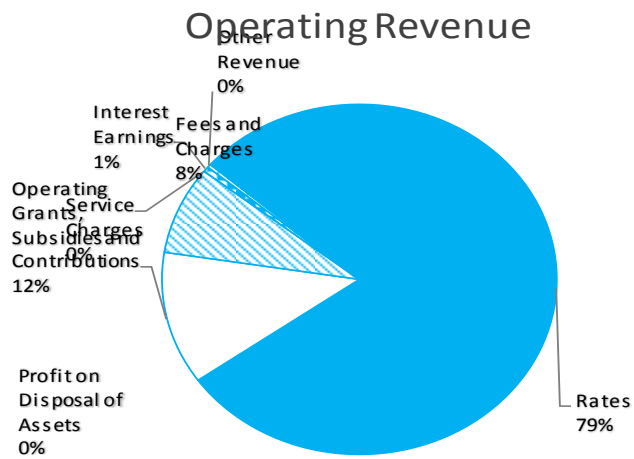
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of

Preparation

Prepared by: Tonya Williams, DCEO

Reviewed by: Gary Sherry, CEO

Shire of Cuballing
Information Summary
For the Period Ended 31 August 2017



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 August 2017

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus(Deficit)	3	916,109	916,109	907,867	(8,242)	(1%)	
Revenue from operating activities							
Governance		1,845	42	35	(6)	(15%)	
General Purpose Funding	9	1,397,106	1,151,417	1,144,649	(6,768)	(1%)	
Law, Order and Public Safety		35,000	6,875	300	(6,575)	(96%)	▼
Health		1,200	0	300	300		
Education and Welfare		0	0	0	0		
Housing		4,680	780	720	(60)	(8%)	
Community Amenities		59,100	58,950	60,075	1,125	2%	
Recreation and Culture		8,795	8,795	10,578	1,783	20%	
Transport		282,561	144,900	96,155	(48,745)	(34%)	▼
Economic Services		47,500	5,083	5,666	583	11%	
Other Property and Services		309,757	49,649	41,667	(7,982)	(16%)	▼
		2,147,545	1,426,491	1,360,146			
Expenditure from operating activities							
Governance		(134,068)	(53,634)	(39,158)	14,476	27%	▲
General Purpose Funding		(70,759)	(9,068)	(8,284)	784	9%	
Law, Order and Public Safety		(128,909)	(34,358)	(14,878)	19,480	57%	▲
Health		(48,935)	(8,614)	(6,002)	2,612	30%	▲
Education and Welfare		(53,073)	(2,095)	(1,851)	244	12%	▲
Housing		(55,115)	(9,186)	(6,780)	2,406	26%	▲
Community Amenities		(316,955)	(53,118)	(42,819)	10,298	19%	▲
Recreation and Culture		(278,481)	(45,493)	(31,170)	14,322	31%	▲
Transport		(2,219,575)	(369,846)	(222,586)	147,260	40%	▲
Economic Services		(167,639)	(27,978)	(19,798)	8,180	29%	▲
Other Property and Services		(251,711)	(103,449)	(37,478)	65,971	64%	▲
		(3,725,220)	(716,838)	(430,804)			
Operating activities excluded from budget							
Add back Depreciation		1,429,950	238,325	0	(238,325)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(11,863)	(11,863)	0	11,863	(100%)	
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		(159,587)	936,115	929,341			
Investing Activities							
Non-operating Grants, Subsidies and Contributions	11	686,271	152,643	126,275	(26,368)	(17%)	▼
Proceeds from Disposal of Assets	8	32,000	0	0	0		
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(241,131)	(21,182)	(22,497)	(1,315)	(6%)	
Infrastructure Assets	13	(864,211)	0	(750)	(750)		
Plant and Equipment	13	(170,000)	0	0	0		
Furniture and Equipment	13	0	0	0	0		
Amount attributable to investing activities		(557,071)	131,461	103,028			
Financing Activities							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	152,210	152,210	0	(152,210)	(100%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(71,146)	(6,060)	(6,060)	0	0%	
Transfer to Reserves	7	(280,515)	(2,556)	(2,556)	0	0%	
Amount attributable to financing activities		(199,451)	143,594	(8,616)			
Closing Funding Surplus(Deficit)	3	0	2,127,279	1,931,619			

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 August 2017

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	3	916,109	916,109	907,867	(8,242)	(1%)	
Revenue from operating activities							
Rates	9	1,070,995	1,070,994	1,072,296	1,302	0%	
Operating Grants, Subsidies and Contributions	11	611,525	225,102	166,680	(58,422)	(26%)	▼
Fees and Charges		394,161	118,895	110,386	(8,509)	(7%)	
Service Charges		0	0	0	0		
Interest Earnings		31,000	6,000	6,564	564	9%	
Other Revenue		28,000	5,500	4,219	(1,281)	(23%)	
Profit on Disposal of Assets	8	11,863	11,863	0			
		2,147,544	1,438,354	1,360,146			
Expenditure from operating activities							
Employee Costs		(902,102)	(156,690)	(209,386)	(52,695)	(34%)	▼
Materials and Contracts		(1,150,360)	(207,395)	(111,164)	96,231	46%	▲
Utility Charges		(40,508)	(6,718)	(4,109)	2,609	39%	▲
Depreciation on Non-Current Assets		(1,429,950)	(238,325)	0	238,325	100%	▲
Interest Expenses		(8,968)	(1,256)	(1,379)	(124)	(10%)	
Insurance Expenses		(118,762)	(100,009)	(81,011)	18,999	19%	▲
Other Expenditure		(74,570)	(18,308)	(23,756)	(5,448)	(30%)	▼
Loss on Disposal of Assets	8	0	0	0			
		(3,725,219)	(728,701)	(430,804)			
Operating activities excluded from budget							
Add back Depreciation		1,429,950	238,325	0	(238,325)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(11,863)	(11,863)	0	11,863	(100%)	
Amount attributable to operating activities		(159,588)	936,115	929,341			
Investing activities							
Grants, Subsidies and Contributions	11	686,271	152,643	126,275	(26,368)	(17%)	▼
Proceeds from Disposal of Assets	8	32,000	0	0	0		
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(241,131)	(21,182)	(22,497)	(1,315)	(6%)	
Infrastructure Assets	13	(864,211)	0	(750)	(750)		
Plant and Equipment	13	(170,000)	0	0	0		
Furniture and Equipment	13	0	0	0	0		
Amount attributable to investing activities		(557,071)	131,461	103,028			
Financing Activities							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	152,210	152,210	0	(152,210)	(100%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(71,146)	(6,060)	(6,060)	0	0%	
Transfer to Reserves	7	(280,515)	(2,556)	(2,556)	0	0%	
Amount attributable to financing activities		(199,451)	143,594	(8,616)			
Closing Funding Surplus (Deficit)	3	(0)	2,127,279	1,931,619	(195,660)	(9%)	

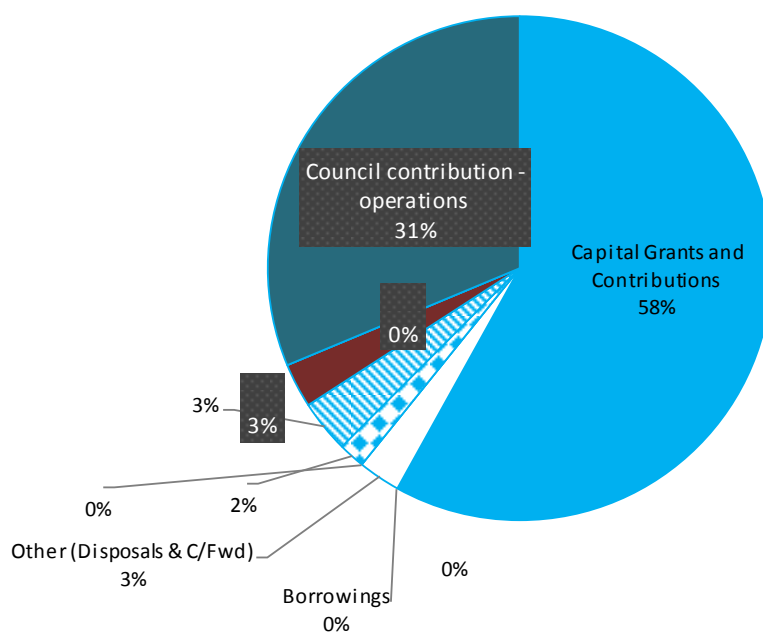
Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF CUBALLING
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 31 August 2017

Capital Acquisitions

	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Budget (d)	Annual Budget	YTD Actual Total (c) = (a)+(b)	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	0	21,182	241,131	22,497	1,315
Infrastructure Assets	13	0	0	0	864,211	750	750
Plant and Equipment	13	0	0	0	170,000	0	0
Capital Expenditure Totals		0	0	21,182	1,275,342	23,247	2,065
Capital acquisitions funded by:							
Capital Grants and Contributions				121,851	686,271	126,275	
Borrowings				0	0	0	
Other (Disposals & C/Fwd)				0	32,000	0	
Council contribution - Cash Backed Reserves				0	93,695	0	
Plant and Equipment Reserve				0	0	0	
Administration Building and Office Equipment Reserve				0	19,985	0	
Housing Reserve				0	40,000	0	
Recreation and Community Facility Reserve				0	0	0	
Refuse Site Reserve				0	33,710	0	
Grain Freight Reserve				0	0	0	
Equestrian Reserve				0	0	0	
Council contribution - operations				(100,669)	369,681	(103,028)	
Capital Funding Total				21,182	1,181,647	23,247	

Budgeted Capital Acquisitions Funding

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 1: Significant Accounting Policies**(a) Basis of Accounting**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

(c) Rounding Off Figures

All figures shown in this statement are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories**General**

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined

(j) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Asset	Years
Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
formation	not depreciated
pavement	50 years
seal	
bituminous seals	20 years
asphalt surfaces	25 years
Gravel Roads	
formation	not depreciated
pavement	50 years
gravel sheet	12 years
Formed roads	
formation	not depreciated
pavement	50 years
Footpaths - slab	20 years

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

(o) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for

(p) Nature or Type Classifications**Rates**

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on

Operating Grants, Subsidies and Contributions

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

Non-Operating Grants, Subsidies and Contributions

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies,

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under

Fees and Charges

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

Service Charges

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest

Interest Earnings

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Other Revenue / Income

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

Employee Costs

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax,

Materials and Contracts

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information

Utilities (Gas, Electricity, Water, etc.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

Insurance

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

(r) Program Classifications (Function/Activity)

City/Town/Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

GOVERNANCE**Objective:**

To provide a decision making process for the efficient allocation of scarce resources.

Activities:

Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern

GENERAL PURPOSE FUNDING**Objective:**

To collect revenue to allow for the provision of services.

Activities:

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY**Objective:**

To provide services to help ensure a safer and environmentally conscious community.

Activities:

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

HEALTH**Objective:**

To provide an operational framework for environmental and community health.

Activities:

Inspection of food outlets and their control, provision of meat inspection services,

EDUCATION AND WELFARE**Objective:**

To provide services to disadvantaged persons, the elderly, children and youth.

Activities:

Maintenance of child minding centre, playgroup centre, senior citizen centre and aged care centre. Provision and maintenance of home and community care programs and

HOUSING**Objective:**

To provide and maintain elderly residents housing.

Activities:

Provision and maintenance of elderly residents housing.

COMMUNITY AMENITIES**Objective:**

To provide services required by the community.

Activities:

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the

RECREATION AND CULTURE**Objective:**

To establish and effectively manage infrastructure and resource which will help the

Activities:

Maintenance of public halls, civic centres, aquatic centre, beaches, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and

TRANSPORT**Objective:**

To provide safe, effective and efficient transport services to the community.

Activities:

Construction and maintenance of roads, streets, footpaths, depots, cycle ways, parking facilities and traffic control. Cleaning of streets and maintenance of street

ECONOMIC SERVICES**Objective:**

To help promote the shire and its economic wellbeing.

Activities:

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes.

OTHER PROPERTY AND SERVICES**Objective:**

To monitor and control City/Town/Shire overheads operating accounts.

Activities:

Private works operation, plant repair and operation costs and engineering operation

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 2: Explanation of Material Variances

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

The material variance adopted by Council for the 2016/17 year is \$5,000 or 10% whichever is the greater.

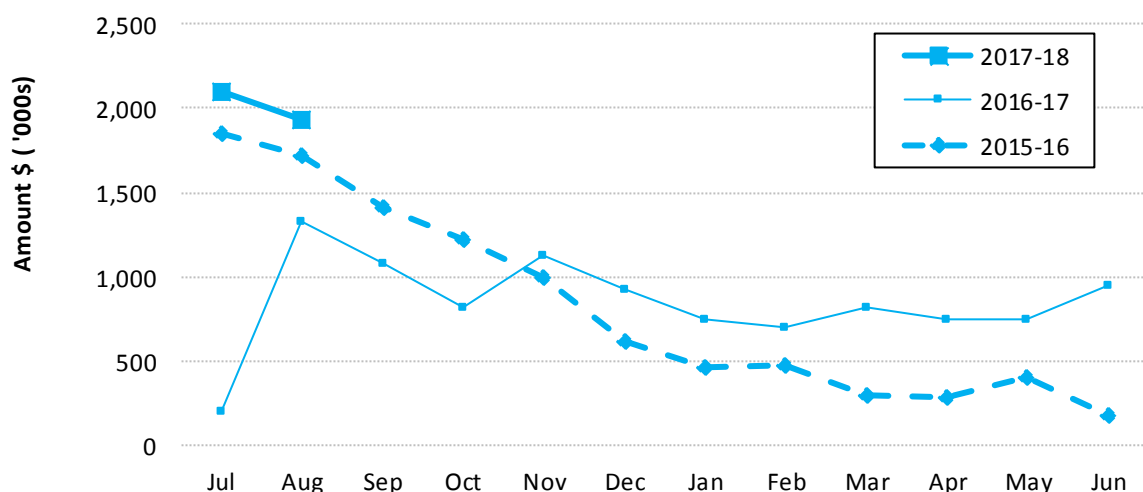
Reporting Program	Var. \$	Var. %	V	Timing/ Permane	Explanation of Variance
Operating Revenues	\$	%			
General Purpose Funding	(6,768)	(1%)		Timing	No material variance.
Governance	(6)	(15%)			No material variance.
Law, Order and Public Safety	(6,575)	(96%)		Timing	(\$6,875). Caravan and Kennel licence fees invoiced August, earlier than budgeted.
Health	300		▼	Timing	
Housing	(60)	(8%)			No material variance.
Community Amenities	1,125	2%		Timing	No material variance.
Recreation and Culture	1,783	20%			No material variance.
Transport	(48,745)	(34%)	▼		Permanent difference due to changes in Main Roads Direct Grant from budgetd \$99,902 to \$57,535. Budgeted to receive in July, not yet received.
Economic Services	583	11%		Permanent	LGIS Broking refund paid, not budgeted. Private Works income slightly under Budget, diesel fuel rebate not yet claimed. Roller expected to traded in August, done in September.
Other Property and Services	(7,982)	(16%)	▼	Timing	
Operating Expense					
General Purpose Funding	784	9%		Timing	Legal Fees invoice posted, not yet allocated out to Rates accounts.
Governance	14,476	27%	▲	Timing	Purchase Order Module budgeted for purchase, not yet completed (\$5,000). Final expenses for Integrated Planning still ongoing (\$5,000). Members refreshments under budget and Audit expenses not yet received.
Law, Order and Public Safety	19,480	57%	▲	Timing	Vehicle maintenance under budget, depreciation not yet run.
Health	2,612	30%	▲		EHO Salary under budget.
Education & Welfare	244	12%	▲		No material variance.
Housing	2,406	26%	▲	Timing	No maintenance work conducted at CEO house, depreciation not yet run. Local Planning strategy has not yet had any expenses against it (\$3,375 expected). Tip Maintenance costs slightly under budget. Depreciation not yet run.
Community Amenities	10,298	19%	▲	Timing	Road Maintenance is over budget. Depreciation not yet run (\$180,317).
Recreation and Culture	14,322	31%	▲	Timing	
Transport	147,260	40%	▲	Timing	
Economic Services	8,180	29%	▲	Timing	Building expenses less than budgeted. Private Works expenditure under budget, plant costs under budget with further expenditure expected as vehicle licences are corrected in the coming months. Protective clothing not yet expended (\$5,000) and depreciation not yet run.
Other Property and Services	65,971	64%	▲	Timing	
Capital Revenues					
Grants, Subsidies and Contributions	(26,368)	(17%)	▼	Timing	Final contributions to Dryandra Equestrian Centre Weather Shelter were expected to be invoiced by the end of July, this will happen in the coming months as the project is fully acquitted. Further contributions expected to be invoiced in coming months.
Proceeds from Disposal of Assets	0				No material variance.
Capital Expenses					
Land and Buildings	(1,315)	(6%)		Timing	No material variance
Infrastructure - Roads	(750)				No material variance
Plant and Equipment	0				No material variance
Furniture and Equipment	0				No material variance
Financing					
Loan Principal	0	0%			No material variance

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

		Last Years Closing	This Time Last Year	Current
	Note	30 June 2017	30 Aug 2016	31 Aug 2017
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	814,001	1,027,203	1,407,505
Cash Restricted	11	0	0	0
Cash Reserves	4	1,292,509	1,308,821	1,295,065
Receivables - Rates	6	65,448	339,581	333,760
Receivables - Other	6	57,907	14,784	225,360
Interest / ATO Receivable/Trust		0	23,112	7,812
Inventories		7,262	3,619	7,262
		2,237,126	2,717,120	3,276,765
Less: Current Liabilities				
Payables and Provisions		(36,751)	(77,000)	(50,081)
		(36,751)	(77,000)	(50,081)
Less: Cash Reserves	7	(1,292,509)	(1,308,821)	(1,295,065)
Net Current Funding Position		907,867	1,331,299	1,931,619

Note 3 - Liquidity Over the Year**Comments - Net Current Funding Position**

FAGS Allocation in 16/17 is paid in quarterly installments, in 15/16 there was an advance.
 FAGS Allocation in 16/17 there was a 50% Advance of 17/18 payments in June 2017

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 4: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	99,850			99,850	CBA	0.00%	At Call
Investment Account	1,297,333			1,297,333	CBA	1.25%	At Call
Trust Bank Account			21,831	21,831	CBA	0.00%	At Call
Cash On Hand	700			700	N/A	Nil	On Hand
Reserves Account		2,904		2,904	CBA	0.00%	At Call
(b) Term Deposits							
Reserves Term Deposit 1		430,721		430,721	CBA	2.08%	01-Nov-17
Reserves Term Deposit 2		430,721		430,721	CBA	2.01%	03-Oct-17
Reserves Term Deposit 3		430,721		430,721	CBA	1.77%	01-Sep-17
Total	1,397,883	1,295,065	21,831	2,714,780			

Comments/Notes - Investments

Reserve Funds are on a rolling maturity schedule to maximise interest, linked to a Reserve transaction account.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 5: Budget Amendments

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

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption						0
	Permanent Changes						0
							0
	Changes Due to Timing						0
							0
							0
				0	0	0	

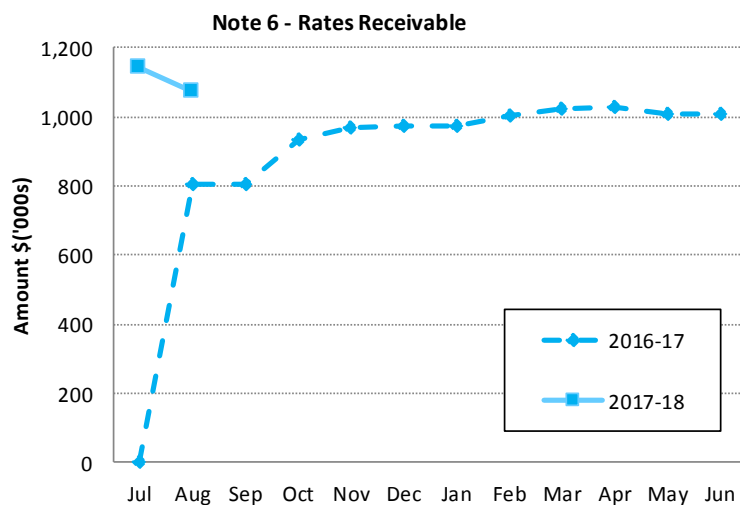
SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 31 August 2017

Note 6: Receivables

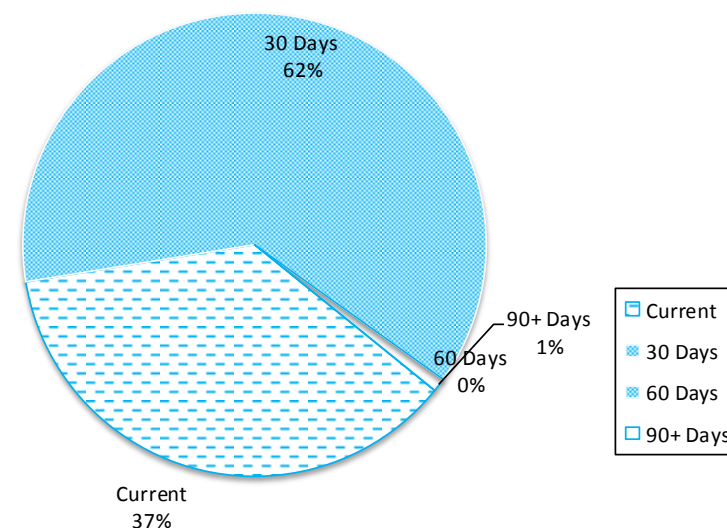
Receivables - Rates Receivable	31 Aug 2017	30 June 2017
	\$	\$
Opening Arrears Previous Years	70,590	47,139
Levied this year	1,072,259	1,031,115
Less Collections to date	(1,072,259)	(1,007,664)
Equals Current Outstanding	70,590	70,590
Net Rates Collectable	70,590	70,590
% Collected	93.82%	93.45%

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Receivables - General	82,495	140,685	0	2,180	225,360
Balance per Trial Balance					
Sundry Debtors					225,360
Receivables - Other					7,812
Total Receivables General Outstanding					233,172

Amounts shown above include GST (where applicable)



Note 6 - Accounts Receivable (non-rates)



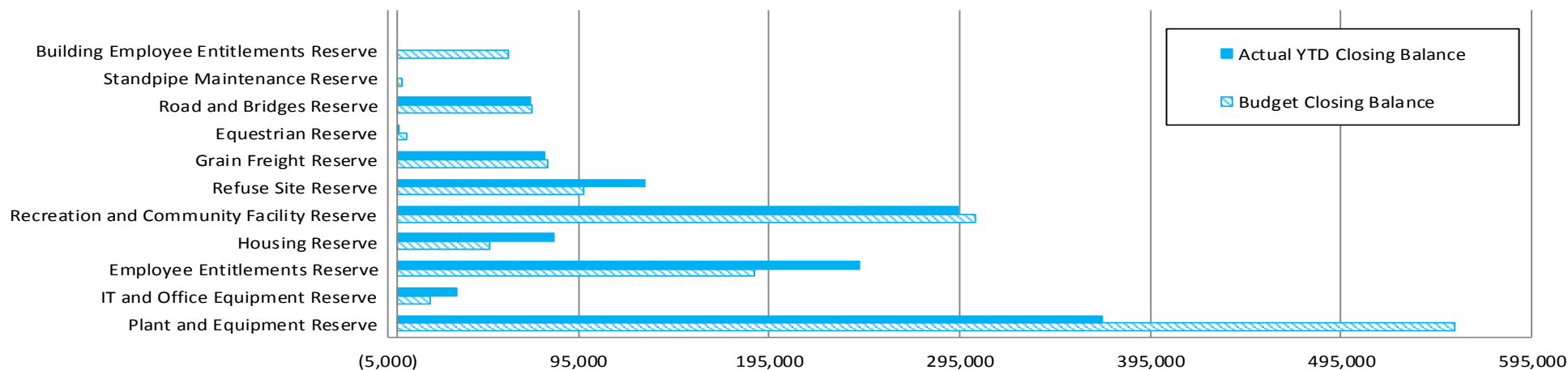
Comments/Notes - Receivables Rates

Rates Issue Date - 4 August 2016
 Discount Period Ends - 25 August 2016
 Rates Due - 8 September 2016

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 7: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Equipment Reserve	368,717	5,719	729	180,000	0	0	0	554,436	369,447
IT and Office Equipment Reserve	31,339	486	62	5,000	0	(19,985)	0	16,840	31,401
Employee Entitlements Reserve	241,665	3,750	478	0	0	(58,515)	0	186,900	242,143
Housing Reserve	81,720	1,267	162	5,000	0	(40,000)	0	47,987	81,882
Recreation and Community Facility Reserve	293,306	4,548	580	5,000	0	0	0	302,854	293,886
Refuse Site Reserve	129,255	1,952	256	0	0	(33,710)	0	97,497	129,511
Grain Freight Reserve	77,219	1,196	153	0	0	0	0	78,415	77,372
Equestrian Reserve	26	8	0	5,000	0	0	0	5,034	26
Road and Bridges Reserve	69,261	1,074	137	0	0	0	0	70,335	69,398
Standpipe Maintenance Reserve	0	0	0	2,000	0	0	0	2,000	0
Building Employee Entitlements Reserve	0	0	0	58,515	0	0	0	58,515	0
	1,292,509	20,000	2,556	260,515	0	(152,210)	0	1,420,814	1,295,065

Note 7 - Year To Date Reserve Balance to End of Year Estimate

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 8: Disposal of Assets

Asset Number	Asset Description	YTD Actual				Amended Budget			
		Net Book Value	Proceeds	Profit (Loss)		Net Book Value	Proceeds	Profit (Loss)	
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and Equipment								
10,054	CN151 Multipac Mutli Tyre Roller					20,137	32,000	11,863	
		0	0	0	0	20,137	32,000	11,863	0

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 9: Rating Information

	Rate in	Number of Properties	Rateable Value	YTD Actual			Amended Budget				
				Rate Revenue	Interim Rates	Back Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
RATE TYPE	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
GRV	7.0866	166	2,138,942	151,578	0	0	151,578	151,578	0	0	151,578
UV	0.7142	186	103,070,000	736,126	0	0	736,126	736,126	0	0	736,126
Sub-Totals		352	105,208,942	887,704	0	0	887,704	887,704	0	0	887,704
Minimum Payment	\$										
GRV	690.00	161	805,991	111,090	0	0	111,090	111,090	0	0	111,090
UV	900.00	158	14,017,700	142,200	0	0	142,200	142,200	0	0	142,200
Sub-Totals		319	14,823,691	253,290	0	0	253,290	253,290	0	0	253,290
		671	120,032,633	1,140,994	0	0	1,140,994	1,140,994	0	0	1,140,994
Discount							(68,727)				(70,000)
Write Off							(8)				0
Amount from General Rates							1,072,259				1,070,994
Ex-Gratia Rates							0				0
Specified Area Rates							0				0
Totals							1,072,259				1,070,994

Comments - Rating Information

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2016/17 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 10: Information on Borrowings

(a) Debenture Repayments

Particulars	Loan Date	Years	Principal at 1/07/2017	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual	Amended Budget	Actual	Amended Budget	Actual	Amended Budget
					\$	\$	\$	\$	\$	\$
Transport										
Loan 62 - Loader	11/08/2008	10	34,109		-	34,109	34,109	0	-	1,434
Loan 63 - Graders	7/02/2014	8	187,681		6,060	37,037	181,621	150,644	1,368	7,534
			221,790	0	6,060	71,146	215,730	150,644	1,368	8,968

All debenture repayments were financed by general purpose revenue.

(b) New Debentures

No new debentures were raised during the reporting period.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 11: Grants and Contributions

	Grant Provider	Type	Opening Balance (a)	Budget Operating	Capital	YTD Budget	Annual Budget (d)	Post Variations (e)	Expected (d)+(e)	YTD Actual Revenue	
				\$	\$	\$				\$	
General Purpose Funding											
	Grants Commission - General	WALGGC	Operating	0	292,191	0	0	292,191	292,191	65,009	
	Grants Commission - Roads	WALGGC	Operating	0	174,657	0	0	174,657	174,657	36,915	
Law, Order and Public Safety											
	DFES Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Operating	0	20,625	0	0	20,625	20,625	0	
Recreation and Culture											
	Grants - Kidsport	Dept. of Communities	Operating	0	0	0	0	0	0	0	
	DREC Weather Shelter	R4R, Lotterywest, Contributions	Non-operating	0	0	26,369	26,369	26,369	26,369	0	
	Yornaning Dam Upgrades		Non-operating	0	0	34,723	0	34,723	34,723	0	
Transport											
	Direct Grant - Main Roads	Main Roads WA	Operating	0	99,902	0	99,902	99,902	99,902	0	
	Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	243,253	0	243,253	243,253	0	
	RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	0	381,926	95,482	381,926	381,926	126,275	
Economic Services											
	Youth Day Grant	Dept. of Communities	Operating	0	1,000	0	0	1,000	1,000	0	
	Volunteer Day Grant	Dept. of Communities	Operating	0	1,000	0	0	1,000	1,000	0	
TOTALS				0	589,375	686,271	221,753	1,275,646	0	1,275,646	228,199
SUMMARY											
	Operating	Operating Grants, Subsidies and Contributions		0	588,375	0	99,902	588,375	0	588,375	101,924
	Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	0	0	0	0	0	0	
	Non-operating	Non-operating Grants, Subsidies and Contributions		0	0	686,271	121,851	686,271	0	686,271	126,275
TOTALS				0	588,375	686,271	221,753	1,274,646	0	1,274,646	228,199

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017








Note 12: 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 01 Jul 2016	Amount Received	Amount Paid	Closing Balance 31 Aug 2017
	\$	\$	\$	\$
Bonds - Building	14,389	0	0	14,389
Bonds - Hall Hire	1,050	900	(1,100)	850
Commodine Tennis Club	3,090	0	0	3,090
Cuballing Country Festival	1,099	0	0	1,099
Cuballing Cricket Club	200	0	0	200
Yornaning Dam	0	500	(500)	0
Cuballing Football Association	566	0	0	566
Environment and Townscape Trust Fund	5,713	0	0	5,713
Police Licensing	5,148	353,525	(355,082)	3,591
Swipe Cards	1,545	0	0	1,545
Reimbursements	0	27	(27)	0
	32,800	354,952	(356,709)	31,043










SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 August 2017

Note 13: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Strategic Reference / Comment
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance	
		\$	\$	\$	\$	\$	\$	
 Level of completion indicator, please see table at the end of this note for further detail.								
Land & Buildings								
Recreation And Culture								
 Building Renewal - Cuballing Town Hall	11048	0	0	0	(10,190)	0	0	C162
 Building Renewal - Cuballing CWA Hall	11048	0	0	0	(6,090)	0	0	C164
 Building Renewal - Cuballing Memorial Park	11230	0	0	0	(52,948)	0	0	C176
 Building Renewal - Cuballing Recreation Centre	11230	0	0	0	(9,985)	0	0	C165
 Building Renewal - Yornaning Dam	11230	0	0	0	(80,951)	0	0	C187
 DREC Weather Shelter	11310	(22,384)	0	(22,384)	(21,182)	(21,182)	(1,202)	Final works from 2016/17
Recreation And Culture Total		(22,384)	0	(22,384)	(181,346)	(21,182)	(1,202)	
Community Amenities								
Cuballing Transfer Station	10742	0	0	(113)	(28,711)	0	(113)	J601
Cuballing Transfer Station	10742	0	0	0	(31,074)	0	0	C158
Community Amenities Total		0	0	(113)	(59,785)	0	(113)	
Land & Buildings Total		(22,384)	0	(22,497)	(241,131)	(21,182)	(1,315)	
Other Infrastructure								
Economic Services								
Standpipe Upgrades	13605	0	0	0	(7,356)	0	0	
Economic Services Total		0	0	0	(7,356)	0	0	
Other Infrastructure Total		0	0	0	(7,356)	0	0	
Plant, Equip. & Vehicles								
Transport								
Multipac Roller	12405	0	0	0	(170,000)	0	0	Budget - purchase Aug
Transport Total		0	0	0	(170,000)	0	0	
Plant, Equip. & Vehicles Total		0	0	0	(170,000)	0	0	








Roads

Transport

	RRG - Wandering Narrogin Road 16/17	12115	0	0	(550)	(140,072)	0	(550)	J600
	RRG - Wandering Narrogin Road	12115	0	0	0	(324,865)	0	0	R129
	RRG - Stratherne Road	12115	0	0	0	(148,664)	0	0	R001
	R2R - Popanyinning West Road Widening	12120	0	0	(200)	(169,721)	0	(200)	R002
	R2R - Popanyinning West Road Reseal	12120	0	0	0	(40,418)	0	0	R002C
	R2R - Yornaning West Road Reseal	12120	0	0	0	(15,239)	0	0	R005A
	R2R - Cuballing East Road Reseals	12120	0	0	0	(5,080)	0	0	R006
	R2R - Victoria Road Reseal	12120	0	0	0	(12,796)	0	0	R122
Transport Total			0	0	(750)	(856,855)	0	(750)	
	Roads Total		0	0	(750)	(856,855)	0	(750)	

	Capital Expenditure Total		(22,384)	0	(23,247)	(1,267,986)	(21,182)	(2,065)	
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Level of Completion Indicators

-  0%
-  20%
-  40%
-  60%
-  80%
-  100%
-  Over 100%

Percentage YTD Actual to Annual Budget
Expenditure over budget highlighted in red.

9.1.3 Sundry Debtor Write Off

Applicant: Nil
File Ref. No: ADM19
Disclosure of Interest: Nil
Date: 4th September 2017
Author: Tonya Williams, Deputy Chief Executive Officer
Attachments: Nil

Summary

Council is to consider writing off a sundry debtor for Changeroom Hire for the Dryandra Equestrian Association and the Dryandra Pony Club.

Background

Council charges an annual fee for the hire of the changerooms to the Dryandra Equestrian Association and Dryandra Pony Club. This fee is passed each year as part of Fees and Charges and was raised as an invoice in July with the annual Equestrian Centre lease fees.

Comment

Shire staff have received a written request from the Dryandra Equestrian Association and the Dryandra Pony Club to write off the invoice for Changeroom Hire. The clubs would like to pay on a as used basis, rather than the \$510 annual fee. The daily hire fee for the changerooms is \$121.

Strategic Implications - Nil

Statutory Environment

Council's Delegation Register provides limited delegated authority for the Chief Executive Officer

F1: Outstanding Debtors

The Chief Executive Officer is delegated the authority to write off uncollectable, economically uncollectable or erroneously created debts, in the following manner:

1. Where a Sundry Debtor invoice has:
 - a. a value of less than two hundred and fifty dollars;
 - b. has been outstanding for at least 90 days; and
 - c. in the Chief Executive Officer's opinion, will not be economically practical to pursue payment of the account through the court system;
the Chief Executive Officer may approve that the invoice be written off.
2. Where a Sundry Debtor invoice, less than two hundred and fifty dollars in value, has been raised in error, the Chief Executive Officer may approve that the invoice be written off.
3. Where Rates Debtor accounts have a balance less than ten dollars and, in the Chief Executive Officer's opinion, it will not be economically practical to pursue payment of the account through the court system, the Chief Executive Officer may approve that the amount be written off.
4. Where a Rates debtor amount, less than ten dollars, was raised in error, the Chief Executive Officer may approve that the amount be written off.

Policy Implications – Nil

Financial Implications

The Officer's Recommendation suggests writing off income of \$510 per club.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations – Nil

Consultation - Nil

Options

The Council can resolve:

1. the Officer's Recommendation; or
2. an amended Officer's Recommendation

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council write off the change room hire fee portion of Invoice 3975 for Debtor 56 and Invoice 3974 for Debtor 163 being an amount of \$510.00 on each invoice.

9.1.4 Sundry Debtor Write Off

Applicant: Nil
File Ref. No: ADM19
Disclosure of Interest: Nil
Date: 4th September 2017
Author: Tonya Williams, Deputy Chief Executive Officer
Attachments: Nil

Summary

Council is to consider writing off a sundry debtor for Private Works conducted at the Dryandra Equestrian Centre and raised in error.

Background

The Equestrian Weather Shelter was a grant funded project done in conjunction with the Shire of Cuballing, Lotterywest, the Dryandra Equestrian Association and the Dryandra Pony Club. The project was for the construction of a shelter over the horse yards.

Comment

Shire staff have raised invoice 4000 in error as it was not Private Works but rather works conducted as part of the Equestrian Weather Shelter project. The Weather Shelter project is grant funded and managed by the Shire. Some additional works were to be carried out expending the final grant funds and to complete the project. The Private Works invoice was for sand and gravel to be distributed in the yards under the shelter.

Strategic Implications - Nil

Statutory Environment

Council's Delegation Register provides limited delegated authority for the Chief Executive Officer

F1: Outstanding Debtors

The Chief Executive Officer is delegated the authority to write off uncollectable, economically uncollectable or erroneously created debts, in the following manner:

1. Where a Sundry Debtor invoice has:
 - a. a value of less than two hundred and fifty dollars;
 - b. has been outstanding for at least 90 days; and
 - c. in the Chief Executive Officer's opinion, will not be economically practical to pursue payment of the account through the court system;the Chief Executive Officer may approve that the invoice be written off.
2. Where a Sundry Debtor invoice, less than two hundred and fifty dollars in value, has been raised in error, the Chief Executive Officer may approve that the invoice be written off.
3. Where Rates Debtor accounts have a balance less than ten dollars and, in the Chief Executive Officer's opinion, it will not be economically practical to pursue payment of the account through the court system, the Chief Executive Officer may approve that the amount be written off.

4. Where a Rates debtor amount, less than ten dollars, was raised in error, the Chief Executive Officer may approve that the amount be written off.

Policy Implications – Nil

Financial Implications

The Officer's Recommendation suggests writing off income of \$1,010.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations – Nil

Consultation - Nil

Options

The Council can resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation; or
3. to not write off any income.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council write off Invoice 4000 for Debtor 56 being an amount of \$1,010.00 for Private Works as it was raised in error.

9.1.5 Lease Agreement – Red Broadband

Applicant:	N/A
File Ref. No:	ADM249
Disclosure of Interest:	Nil
Date:	4 th September 2017
Author:	Tonya Williams
Attachments:	9.1.5A Draft Lease Red Broadband

Summary

Council is to consider entering into a 3 year lease with Red Broadband for the provision of internet services from the Shire Administration Building.

Background

Council entered into an informal arrangement with Ocean Broadband some time ago to provide wireless internet services to the Cuballing community. Ocean Broadband has since been bought out by Red Broadband.

Historically Council agreed to this arrangement in order to provide internet services to the community and received a free internet service in return. There are still some community members who cannot access the National Broadband Network (NBN) that are utilising this service.

During a review of lease documents with the Shire of Cuballing it came to staff attention that no formal agreement was in place for this arrangement. This lease is a formalisation of this agreement.

Comment

Red Broadband has prepared a draft lease that seeks to document the arrangement with the Shire of Cuballing. Shire staff have viewed the document. The draft lease document is included at Confidential Attachment 9.1.5A.

The lease document includes:

- Council's obligations under the lease are:
 - Grant the right for Red Broadband to mount its antenna equipment at the highest point on the Shire Administration Building roof, radio transmission equipment to be stored in the Shire network rack located inside the office;
 - Provide access to the equipment as listed above to Red Broadband or its subcontractors upon prior arrangement;
- Red Broadband's obligations include
 - The cost of the internet connection to supply internet services through the radio mast;
 - Provide a Certificate of Currency for insuring the equipment each year;
 - Red Broadband is responsible for insurance, ongoing maintenance and repairs to its equipment as necessary;
- The agreement can be terminated by:
 - Council giving three months' notice in writing to Red Broadband;

- The term of the lease is 3 years from 21st September 2017, expiring on 21st September 2020.
- The lease rental is the provision of a free internet service for the term of the agreement.

Strategic Implications

The free internet service provided for the Shire's use has historically been used for the Chief Executive Officer's house. In the future, Council can use this free service to provide internet services at a public building or space.

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications

The financial implications are explained in the comment section.

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Consultation

Red Broadband

Options

The Council can resolve:

1. The Officer's Recommendation;
2. to adopt an amended lease noting that negotiation will be required with Red Broadband;
or
3. defer this matter and request further consideration from staff.

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION:

That Council enter into the lease agreement, as included at Attachment 9.1.5A, with Red Broadband.

9.2.6 Rates Discount 2017/18 – van Oijen

Applicant: N/A
File Ref. No: A707
Disclosure of Interest: Nil
Date: 14th September 2017
Author: Gary Sherry
Attachments: Nil

Summary

Council is to consider providing Mr van Oijen the Early Payment Discount due to confusion on his 2017 Rates Notice.

Background

Mr Van Oijen is an eligible pensioner and is able to receive a 50% rebate on his Council rates and ESL payment.

In 2016 Mr van Oijen did not pay all of the required 50% portion of his Council rates and ESL payment in order to receive the 50% rebate.

As an eligible pensioner, the outstanding amount, \$530.36, is considered deferred rates and Council receives an annual payment calculated as 2.48% of the amount of deferred rates.

Outstanding local government rates charges and ESL for eligible pensioners are automatically deferred where the amount required to be paid on the rates and ESL is not paid by 30 June of a financial year. Deferred rates charges:

- remain as a debt on the property until paid;
- are not required to be paid until the pensioner entitlement to defer ceases such as when the applicant moves out or sells the property;
- may be paid at any time, but a rates rebate cannot be claimed when they are paid; and
- do not incur penalty interest charges

Comment

Mr van Oijen's 2017 rates notice was printed differently by Council's accounting software because of the presence of \$530.36 of deferred rates from 2016 Rates. Normally pensioners eligible for the Pensioner Rebate with deferred rates do not wish to access the early payment discount.

All other pensioners eligible for the Pensioner Rebate had a line printed on their Rates Notice that said "Note that the rebate will be \$XXX if the discount is claimed". For those rates assessments that have Deferred Rates, this line was not printed. Staff have never been alerted to this issue in the past.

On Mr van Oijen's rates notice this line should have read "Note that the rebate will be \$451.50 if the discount is claimed". Because this line was missing on his Rates notice Mr van Oijen completed his own calculation of the Early Payment Rates Discount amount, subtracted this from his 2017 Council Rates and ESL, and made the payment of \$448.50.

In completing this calculation, Mr van Oijen presumed that an Early Payment Discount was also applied to his ESL charge. It does not.

Therefore Mr van Oijen's payment was \$3.00 less than that required to be eligible for the Early Payment Discount.

In acknowledging the confusion caused by the printing on his Rates Notice, staff advised Mr van Oijen that if he paid the amount of \$3, staff would seek formal of Council approval to provide him with the early payment discount of \$72. Mr van Oijen has now completed this payment.

Strategic Implications - Nil

Statutory Environment

Rates and Charges (Rebates and Deferments) Act 1992

Policy Implications – Nil

Financial Implications

Council is recommended to provide an Early Payment Discount of \$72 to Mr van Oijen.

Should Council provide this Early Payment Discount, Council will be eligible to receive the Mr van Oijen's pensioner rebate of \$451.50.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation

Staff have had several communications with Mr van Oijen.

Options

Council may resolve:

1. the Officer's Recommendation;
2. to not grant Mr van Oijen an Early Payment Discount.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council grant Mr van Oijen an Early Payment Discount of \$72.00, in recognition that the Shire of Cuballing failed to provide adequate information on Mr van Oijen's rates notice to allow him to pay the correct amount required to receive the Early Payment Discount.

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Special Meeting of Council – Elect President, Deputy President and Committee positions

Applicant: N/A
File Ref. No: ADM239
Disclosure of Interest: Nil
Date: 4th September 2017
Author: Gary Sherry
Attachment: Nil

Summary

Council is to consider holding a Special Meeting of Council to elect Councillors to the Positions of Shire President, Deputy Shire President and to appoint Councillors to committees.

Background

It is a legislative requirement for Council to provide public notice of all meeting dates, place and starting times to facilitate attendance or participation in Council Meetings. Unforeseen circumstances may dictate a change to this schedule and local advertising will inform Electors accordingly.

At the December 2017 Ordinary Meeting the following meeting schedule for 2017 was adopted by Council.

Thursday 16 February 2017	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 16 March 2017	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 20 April 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 18 May 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 15 June 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 20 July 201	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 August 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 21 September 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 19 October 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 16 November 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 21 December 2017	Ordinary Meeting	3:00 PM	Council Chambers

This schedule has been amended to commence all Ordinary Meetings at 2pm.

This adopted and advertised schedule of Council meetings did not allow for holding a Special Meeting to conduct the election of Councillors to the Positions of Shire President, Deputy Shire President and to appoint Councillors to committees.

Comment

The term of the three retiring Councillors, being Councillors Ballantyne, Conley and Dowling expires on Saturday 21st October 2017. The terms of the President and Deputy President also expire on this day.

The next scheduled meeting after the Council election will be the November Ordinary Meeting of Council to be held on Thursday 16th November 2015. While it is possible for Council to not

elect a Shire President until this meeting, it is suggested that this period of a month is too long to be without a Shire President.

It is proposed to hold a Special Meeting of Council at 5.30pm on Monday 23rd October 2017 at the Shire of Cuballing Council Chambers to conduct the election of Councillors to the Positions of Shire President, Deputy Shire President and to appoint Councillors to committees.

It is expected that from 5 pm on Monday 23rd October 2017, prior to the meeting, a ceremony to swear in the three successful candidates of the Saturday 21st October 2015 election would also be held.

Strategic Implications - Nil

Statutory Environment

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

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

Policy Implications – Nil

Financial Implications

Local advertising in the Narrogin Observer will occur a relatively small charge that can be met with Council's budget allocation.

Economic Implications - Nil

Social Implications

Council has had a number of local residents and interested people attend Council's meetings. Council should encourage this to occur in 2017 by advertising Special Meetings in the local community.

Environmental Considerations – Nil at this time

Consultation - Nil

Options

The Council can resolve:

1. the Officer's Recommendation;
2. to conduct a Special Meeting at an alternative date or time prior to the next Ordinary Meeting of Council; or
3. to conduct the election of Councillors to the Positions of Shire President, Deputy Shire President and to appoint Councillors to committees as part of the next Ordinary Meeting of Council to be held on Thursday 16th November 2009, providing reasons for differing from the Officers Recommendation.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council conduct a Special Meeting of Council to be held at 5.30pm on Monday 23rd October 2017 at the Shire of Cuballing Council Chambers to conduct the election of Councillors to the Positions of Shire President, Deputy Shire President and to appoint Councillors to committees.

9.2.2 Firebreak Order 2017/18

Applicant:	N/A
File Ref. No:	ADM213
Disclosure of Interest:	Nil
Date:	7 th September 2017
Author:	Gary Sherry
Attachments:	9.2.2A Bush Fire Advisory Committee Minutes 9.2.2B draft Firebreak Notice 2017/18

Summary

That Council consider the recommendations of the Bushfire Advisory Committee to adopt the draft Firebreak Order 2017/18.

Background

The Shire of Cuballing's Bush Fire Advisory Committee held a meeting on Wednesday 6th September 2017. Unconfirmed minutes of that meeting are included at Attachment 9.2.2A. This meeting endorsed the contents of an extended Firebreak notice that will be made publicly available.

Comment

The Firebreak Notice 2017/18 is Council's declaration of the conditions required for compliance by landowners for this forthcoming fire season.

The draft Firebreak Notice 2017/18, included at Attachment 9.2.2B, is very similar to that from previous years.

The Bush Fire Advisory Committee, in considering the draft Firebreak Notice 2017/18, considered the difficulties in establishing fire breaks on Rural Land this year including:

- farmers spraying fire breaks have had a late start in being able to access wet areas. It is highly likely that sprayed breaks may have some remnant vegetation on the breaks because the breaks were sprayed later than optimal; and
- sections of land remain very wet and equipment to plough fire breaks may have trouble reasonably accessing these wet areas.

The Bush Fire Advisory Committee discussed:

- the requirement of the Council to authorise the Bush Fire Notice at a Council meeting. There is not the easy ability of staff to extend or alter dates to suit local conditions as there is with other provisions of the Bush Fire Act;
- key requirement of the Bush Fire Notice was to have local property owners consider fire risks on their property and take appropriate action to reduce or limit this risk.
- ability of land owners to seek exemption for areas where fire breaks are unable to be established. While this would normally mean rocky or other areas in a normal year, it may also be for extremely wet areas this year;
- the benefits of sprayed breaks without ripping fire breaks. Where sprayed breaks are continually implemented the ground under the break becomes hard and difficult for weeds/vegetation to grow in. If this ground is cultivated in putting in a break, the cultivation allows for increased weed growth during summer and next growing season.
- the difficulty in granting concessions to owners of Rural Land when enforcing provisions of the Bush Fire Notice on Townsites and Rural Residential Land. Historically compliance has been best with Rural Land, with most enforcement activity conducted with Townsites and Rural Residential Land properties to obtain compliance.

- in a similar situation another local government in the region, has advertised and amended the dates of inspection of fire breaks to allow increased time for landowners to obtain compliance. This would be possible in the Shire of Cuballing.

In agreeing to keeping dates and requirements of the draft 2017/18 Bush Fire Notice similar to previous years, the Bush Fire Advisory Committee felt that the publication and enforcement of the Notice by the Shire of Cuballing should reflect:

- the general desire for property owners to consider their fire risks;
- the ability to gain exemptions where the need could be reasonably justified;
- conducting fire break inspections at a time that allows property owners the opportunity to install suitable fire breaks.

Upon approval by Council the draft Firebreak Notice 2017/18 will be:

1. made publicly available on Council's website;
2. incorporated into a pamphlet with other fire prevention information. Council will provide this pamphlet:
 - a. to local residents by direct mail at Cuballing and Popanyinning Post Offices;
 - b. to absentee owners by addressed mail;
 - c. from the Shire Office counter.

The 2017/18 pamphlet will look very similar to the those issued in previous years.

Strategic Implications - Nil

Statutory Environment

Bush Fires Act 1954

33. Local government may require occupier of land to plough or clear fire break
 - (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,
 and the notice may require the owner or occupier to do so —
 - (c) as a separate operation, or in co ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
 - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
 - (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record

kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.

(2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the Interpretation Act 1984.

(3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.

Penalty: \$5 000.

(4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —

(a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and

(b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.

(5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —

(a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be prima facie evidence of the amount; and

(b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.

(5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 —

(a) requiring owners and occupiers of land in its district to clear fire breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;

(b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.

(5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply mutatis mutandis as if those requirements were the requisitions of a notice given under subsection (1).

(5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.

(5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.

(6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand,

may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.

- (7) Nothing in this section authorises a local government —
- (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
 - (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
- (a) a debt due from each subsequent owner in succession; and
 - (b) a charge against the land with the same consequences as if it were a charge under the Local Government Act 1995 for unpaid rates; and
 - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.
- (9) In this section —
- owner or occupier of land includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

Financial Implications

Council will print the Fire Break Notice into a pamphlet with other fire prevention information able to be distributed.

Policy Implications – Nil at this time.

Economic Implications - Nil

Environmental Considerations – Nil

Social Implications

Fire is a significant community risk for local communities.

Consultation

Shire of Cuballing Bush Fire Advisory Committee

Options

The Council can resolve:

1. the Officer's Recommendation;
2. an amended resolution with amended/altered conditions included in the draft Firebreak Notice 2017/18.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopt the draft Firebreak Order 2017/18 as included at Attachment 9.2.2B

Shire of Cuballing Bush Fire Advisory Committee

MINUTES

Meeting held at Shire of Cuballing Administration Office on
Wednesday 6th September 2017.

1. OPENING

The meeting commenced at 7:07pm.

2. ATTENDANCE AND APOLOGIES

Attendance

Rob Harris	Fire Control Officer
Mike Burges	Fire Control Officer
Craig Cousins	Fire Control Officer
Justin Page	Fire Control Officer
Gary Sherry	Chief Executive Officer – Shire of Cuballing
Bruce Brennan	Manager of Works & Services – Shire of Cuballing
Paul Blechynden	Department of Fire and Emergency Services

Apologies

Anthony Mort	Chief Bush Fire Control Officer
Graeme Dent	Deputy Chief Fire Control Officer
Nelson Young	Fire Control Officer
Fred Chapman	Fire Control Officer
Cr Tim Haslam	Councillor – Shire of Cuballing
Chris Stewart	Department of Parks & Wildlife

3. CONFIRMATION OF MINUTES

Moved: Rob Harris	Seconded: Bruce Brennan
That the minutes of the BFAC meeting held on 5th April 2017 are a true and correct record.	
Carried	

4. REPORTS

4.1 CHIEF BUSH FIRE CONTROL OFFICER

Nil

4.2 DEPUTY CHIEF BUSH FIRE CONTROL OFFICER

Nil

4.3 FIRE CONTROL OFFICER

Nil

4.6 DEPARTMENT OF PARKS AND WILDLIFE

Nil

4.7 DEPARTMENT OF FIRE AND EMERGENCY SERVICES

Mr Paul Blechynden reported on the following:

- DFES will be conducting a Ground Controller's course in Narrogin on Tuesday 12th September 2017. At the moment this course has not received the required number of registrations. This course will further familiarise attendees with the abilities of the air resources and the process of managing air resources at a fire. With a fire threatening key infrastructure or residences, there is a likelihood of Shire of Cuballing FCO's being able to obtain the air resources at a Shire of Cuballing fire. This was the case at the East Popanyinning fire in January 2017.
- DFES will be conducting pre-fire-season training/exercise to be held in Narrogin at 10am on 10th October 2017. The training/exercise will go for about 4 hours and be very similar to the exercise conducted in Cuballing in October 2016.
- the Shire of Cuballing has now received 2 fire units funded through the ESL grant system this year. In addition the ELS grant system has funded the \$70,000 addition of toilet facilities to the Cuballing Fire Station.
- DFES will be endeavouring to meet with the Popanyinning brigade to explain the features of the new light tanker. In particular the Automatic Vehicle Locator (AVL) system. This system needs to be monitored monthly.
- DFES are installing AVL systems in all BFB fire units. With access to the DFES computer system, FCO's will be able to access live positioning data of these units at a fire. The CBFCO and the CEO currently have access to this system.
- the Narrogin DFES staff, in conjunction with experienced regional CBFCO's, have produced a diagram of how communication should be implemented at a larger local fire. The key organising staff, including Incident Control (Shire Office), Operations Point (CBFCO on fire ground) and Sector Commanders, should communicate between each other using the VHF Hi Band radios on channel 275. Sector Commanders should communicate with the resources on their sector using a unique UHF(CB) channel. The first sector should commence with channel 5 and each new sector should choose a higher UHF (CB) channel. The Sector commander responsible for air resources will communicate with the Air Attack Supervisor on a different VHF Hi Band channel.

5. GENERAL BUSINESS

5.1 Review of the 2017/18 Bush Fire Notice

The CEO presented and explained the draft 2017/18 Bush Fire Notice.

Officers discussed the difficulties for installing fire breaks on Rural Land this year including:

- farmers spraying fire breaks have had a late start in being able to access wet areas. It is highly likely that sprayed breaks may have some remnant vegetation on the breaks because the breaks were sprayed later than optimal; and
- sections of land remain very wet and equipment to plough fire breaks may have trouble reasonably accessing these wet areas.

The meeting discussed:

- the requirement of the Council to authorise the Bush Fire Notice at a Council meeting. There is not the easy ability of staff to extend or alter dates to suit local conditions as there is with other provisions of the Bush Fire Act;
- key requirement of the Bush Fire Notice was to have local property owners consider fire risks on their property and take appropriate action to reduce or limit this risk.

Attachment 9.2.2A

- ability of land owners to seek exemption for areas where fire breaks are unable to be established. While this would normally mean rocky or other areas in a normal year, it may also be for extremely wet areas this year;
- the benefits of sprayed breaks without ripping fire breaks. Where sprayed breaks are continually implemented the ground under the break becomes hard and difficult for weeds/vegetation to grow in. If this ground is cultivated in putting in a break, the cultivation allows for increased weed growth during summer and next growing season.
- the difficulty in granting concessions to owners of Rural Land when enforcing provisions of the Bush Fire Notice on Townsites and Rural Residential Land. Historically compliance has been best with Rural Land, with most enforcement activity conducted with Townsites and Rural Residential Land properties to obtain compliance.
- in a similar situation another local government in the region, has advertised and amended the dates of inspection of fire breaks to allow increased time for landowners to obtain compliance. This would be possible in the Shire of Cuballing.

While the meeting agreed with keeping dates and requirements as included in the draft 2017/18 Bush Fire Notice, the meeting felt that the publication and enforcement of the Notice by the Shire of Cuballing should reflect:

- the general desire for property owners to consider their fire risks;
- the ability to gain exemptions where the need could be reasonably justified;
- conducting fire break inspections at a time that allows property owners the opportunity to install suitable fire breaks.

5.2 Restricted and Prohibited Burning Period Discussion

The meeting discussed the Restricted and Prohibited Burning Periods being:

Restricted

1st October 2017 to 31st October 2017
2nd March 2018 to 19th April 2018

Prohibited

1st November 2017 to 1st March 2018

In particular the meeting discussed:

- the reducing requirement for protection burns of farming properties;
- the ability of Shire staff, in conjunction with FCO's, to amend the restricted and prohibited dates by 14 days at a time; and
- the Bush Fire Act does allow some activities in the Restricted and Prohibited period including having a cooking fire and burning garden refuse in townsites at certain times. It is possible for local governments to introduce a Local Law to restrict these provisions. At the moment, this isn't an issue in the Shire of Cuballing that requires the introduction of a Local Law.

5.3 VHF Radio Repairs

Mike Burges has an issue with his radio. Shire staff can arrange VHF radio repairs through DFES preferred suppliers.

5.4 Preformed Teams

DFES has again sought to establish Pre-formed Teams to respond to larger fires within the region. Each Shire has provided a list of contacts to DFES and these contacts will be used in the event of large fire. While training hasn't been provided, generally the contacts are the more experienced/capable volunteers from a Shire.

5.5 Rural Fire Service

The meeting discussed the continuing political reform of DFES and the possible establishment of a Rural Fire Service. More information will be available with the handing down of the state budget later this week.

The state government is also conducting a review of the ESL levy and grant system.

5.6 Water Bombers

The meeting had an extended discussion on the provision and implementation of water bombers including:

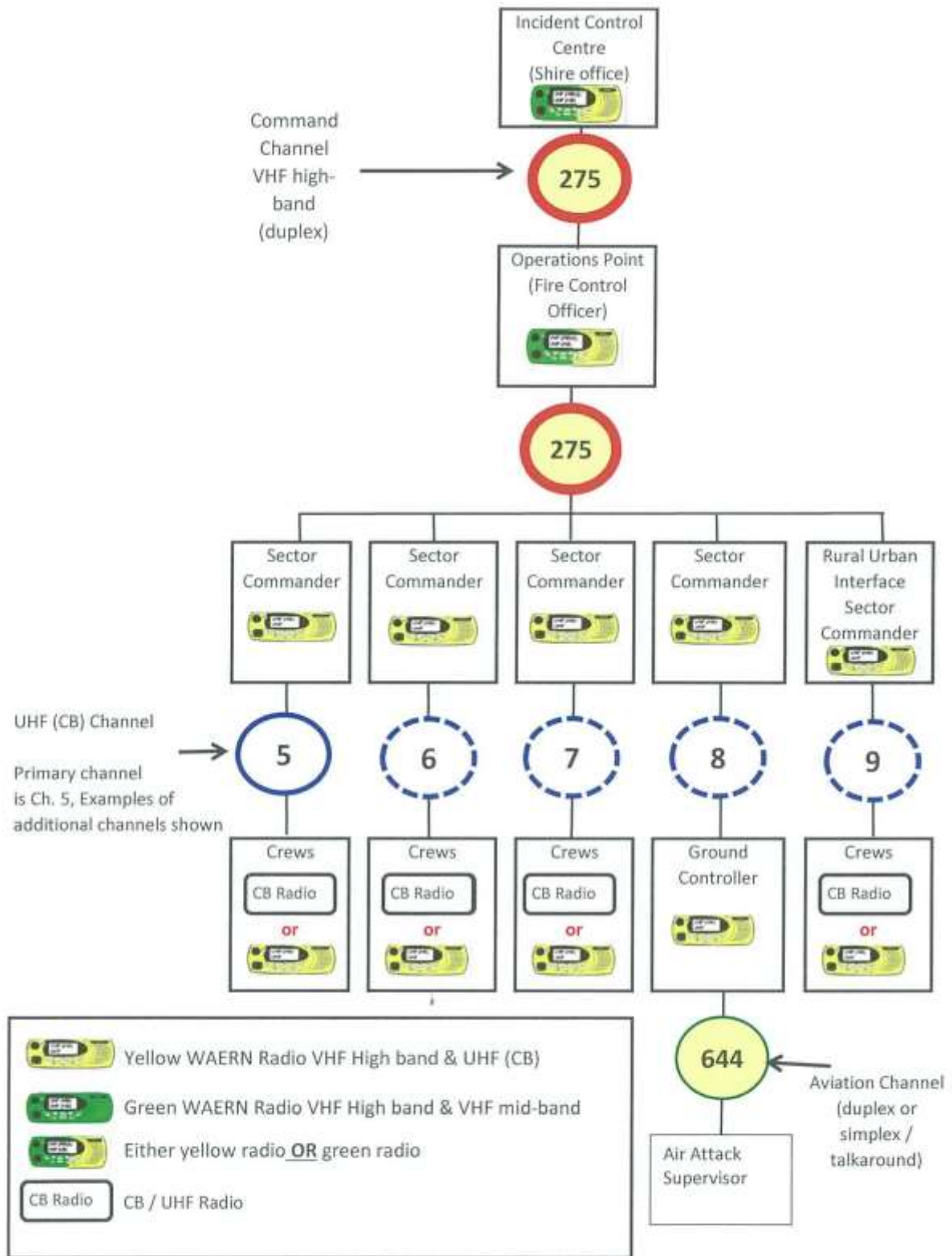
- Shire of Cuballing FCO's should ask for the resources where the FCO thinks they would be an asset. DFES and DPAW will make an assessment of such a request. While the request may be denied, if the request is not made it cannot be approved;
- at each event an Air Attack Supervisor is provided to provide the communication between Incident Control and the planes/helicopters;
- DPaW provide the plane resources and DFES the helicopter resources. The decision to send air resources to an incident is made jointly;

6. NEXT MEETING

The next meeting of the Shire of Cuballing Bush Fire Advisory Committee is to be held at the Shire Council Chambers on Wednesday 4th April 2018, commencing at 7:00 pm.

7. CLOSE

There being no further business, the meeting closed at 8:37 pm.



*Note: Radio communications to Air Attack Supervisor / Water Bombers may be Ch 644 (Perth), Ch 640 (Bunbury) or as specified

**SHIRE OF CUBALLING
Draft FIREBREAK ORDER 2017/18**

Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954 you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this Notice, to the satisfaction of Council or its duly authorised officers.

This work must be carried out by 31st October 2017 or within 14 days of becoming the owner or occupier, should this be after that date, and kept maintained throughout the summer months until 15 May 2018.

Persons who fail to comply with the requirements of this notice may be issued with an infringement notice or prosecuted. Where the owner fails to comply with the requisitions of the notice, council or its duly authorised officers will carry out the required work at the cost of the owner or occupier.

If it is considered for any reason to be impractical to clear firebreaks or remove flammable materials as required by this notice, or if natural features render firebreaks unnecessary, you may apply to the Council in writing not later than the 17th October for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by Council, you shall comply with the requirements of this notice.

A FIREBREAK is a strip of land that has been cleared of all trees, bushes and grasses and any other object or thing or flammable material leaving clear earth. This includes the trimming back of all overhanging trees, bushes, shrubs and any other object or thing over the fire break area to the satisfaction of the Fire Control Officer.

RURAL LANDS

Firebreak not less than 2.5 metres wide must be established along, inside and within 20 metres of the external boundary of each property (i.e. cleared/part cleared or uncleared land) and where the boundary is adjacent to or adjoins a used gazetted road.

In the interest of protection from soil erosion, firebreaks may be established on the land contours but only with prior approval of the Council or its duly authorised officer

An area 4 metres wide cleared of all flammable material shall be established immediately around the perimeter of all homesteads, buildings, haystacks and fuel storage areas.

BUILDING AND HAYSTACKS:

A firebreak of at least 4 metres wide and not more than 40 metres from the perimeter of all buildings (including temporary dwellings e.g. caravans) and/or haystacks or groups of buildings and/or haystacks so as to completely surround the buildings, haystacks and/or fuel dumps. Any fodder being stored within 100 metres of a building must have a 20 metre break around.

BULLDOZED BUSH:

A firebreak 20 metres wide shall be maintained immediately inside the external boundaries of all land which has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether it is intended to burn the bush or not).

STATIONARY PUMPS/MOTORS:

A firebreak 4 metres wide shall be cleared and maintained around all stationery pumps and motors.

HARVESTING OPERATIONS:

During the period when harvesting operations are being conducted, there shall be provided in the same paddock, or within 400 metres of that paddock, an operational independent mobile fire fighting unit having a water capacity of not less than 650 litres. The tank of the unit shall be kept full of water at all times during the harvest operations. The responsibility to supply the unit being that of the land owner.

HARVEST BANS AND OTHER BANS:

Permitted activity: Loading and offloading of grain and fertiliser is only permitted on sites which have been cleared of all inflammable material save live standing trees to a radius of at least 50 metres with a laneway access similarly cleared to a minimum of 4 metres. A mobile fire fighting unit should be in attendance at all times where possible.

OPERATION OF PLANT AND MACHINERY:

During the restricted and prohibited burning times, all harvesters and trucks carting grain shall not be operated on rural land unless fitted with a fire extinguisher.

PADDOCK BURNS:

At any time throughout the year, where a landowner intends to burn paddocks, the following must be provided to prevent the escape of fire:

1. Firebreak 2.5 metres wide, clear of all inflammable material, completely surrounding the area to be burnt;
2. An operational fire fighting unit having a capacity of not less than 650 litres; and
3. Permits to burn may be required. Contact your Fire Control Officer for details.

TOWNSITES AND RURAL RESIDENTIAL LAND

All town lots under 2024 square metres (1/2 acre) in area and all fuel depots within the Shire are required to be cleared of all debris and flammable material to a height not more than 50mm.

All lots or combination of lots that comprise of one holding and having an area of 2,024m² (½ acre) or greater shall be either clear of all inflammable material or have a firebreak 2.5 metres wide free of all inflammable material provided inside and along all external boundaries.

By order of the Council

GENERAL INFORMATION

Variations to Requirements: If it is considered impracticable or undesirable to provide firebreaks as required by this order, the approval of the Council must be obtained for any variation. Approval will only be granted up to or before the 17th day of October in any year, and will not be obtained unless the prior consent of the appropriate Fire Control Officer has been obtained.

Penalty for failure to comply: The penalty for failing to comply with this notice is a fine of up to \$1,000. If the owner or occupier fails to carry out the works required by this Firebreak Order the Shire of Cuballing may enter the land and prepare the firebreaks at the cost of the owner or occupier.

Prohibited and restricted burning times:

- | | |
|----------------------|---------------------------------------|
| Restricted Burning – | 1st October 2017 to 31st October 2017 |
| Prohibited Burning – | 1st November 2017 to 1st March 2018 |
| Restricted Burning – | 2nd March 2018 to 19th April 2018 |

9.2.3 Draft 2017 - 2027 Community Strategic Plan

Applicant:	N/A
File Ref. No:	ADM96
Disclosure of Interest:	Nil
Date:	11 th September 2017
Author:	Gary Sherry
Attachments:	9.2.3A Draft Shire of Cuballing 2017 - 2027 Community Strategic Plan 9.2.3B Results of Community Strategic Plan Survey

Summary

Council is to consider the adoption of the draft Shire of Cuballing 2017 - 2027 Community Strategic Plan.

Background

The Shire of Cuballing is required to comply with the Integrated Planning and Reporting Framework (IPRF).

The IPRF is designed to ensure more effective delivery of the local government's strategic intentions, and to provide a process to:

- Ensure community input is explicitly and reliably generated;
- Provide the capacity for location specific planning where appropriate;
- Inform the long term objectives of the local government with these inputs;
- Identify the resourcing required to deliver against the long term objectives; and
- Clearly articulate long term financial implications and strategies

The IPRF will deliver:

- A long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy;
- A corporate business plan that integrates resourcing plans and specific Council plans with the strategic plan; and
- A clearly stated vision for the future of the local government area.

The Strategic Community Plan is a strategy and planning document that has been developed to show the community vision, our strategic direction, and priorities for action over the next 10 years. It clearly links the community's aspirations with the Council's vision and long term strategy

At the July 2014 Ordinary Meeting, Council considered the Strategic Community plan and resolved:

The Strategic Community Plan is a strategy and planning document that has been developed to show the community vision, our strategic direction, and priorities for action over the next 10 years. It clearly links the community's aspirations with the Council's vision and long term strategy

At the July 2014 Ordinary Meeting, Council adopted the 2014-2024 Strategic Community Plan. In June 2015, Council reviewed and amended the Strategic Community Plan for 2014-2024.

Comment

The Strategic Community Plan is a strategy and planning document that has been developed to show the community vision, our strategic direction, and priorities for action over the next 10 years. It clearly links the community's aspirations with the Council's vision and long term strategy.

The draft Shire of Cuballing 2017 - 2027 Community Strategic Plan is included at Attachment 9.2.3A. The plan includes four broad themes of:

- Community - Our Community, Neighbourhoods, Recreation and Culture
- Environment - Our Environment, Resource Management and Services
- Economy - Our Economy, Infrastructure, Systems and Services
- Governance and Organisation - Our Council, Services, Policies and Engagement

Each of the four broad themes have goals and strategies for implementation. These strategies will be further developed with activities, including funding levels, in a Corporate Business Plan.

Council sought community input on the draft Shire of Cuballing 2017 - 2027 Community Strategic Plan through:

- direct comment on the Plan;
- a shorter completion of a survey focusing on key strategic goals.

While no direct comment on the draft Shire of Cuballing 2017 - 2027 Community Strategic Plan was received, 16 surveys were completed. The survey responses elicited a wide range of responses. Most responses were generally positive. A summary of the survey responses are included at Attachment 9.2.3B.

In general the survey responses identified:

- a strong preference for the small community lifestyle;
- support for the Shire involvement or providing community activities;
- identification of the provision and maintenance of roads being a key Shire activity;
- some support for development of community facilities other than the Dryandra Regional Equestrian Centre;

With regard to community facilities;

- children's playgrounds rated as very important, with high satisfaction rating;
- Yornaning Dam had the highest unsatisfied rating for a community facility;

The survey's rating of Council services saw:

- Bush fire management as the most important service. Emergency services, Road construction and road maintenance rated highly;
- a high level of importance for kerbside waste and recycling services and high levels of satisfaction with the service;
- environmental services with the highest unsatisfied rating

Strategic Implications

The Strategic Community Plan will be the foundation strategic document for Shire of Cuballing that articulates community long term vision, values, and aspirations. It will establish the community's vision for the Shire's future, and its aspirations and service expectations. It will drive the development of other informing strategies such as workforce, asset management, operations and service plans and supporting strategies.

Statutory Environment

Local Government Act (1995)

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations (1996)

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Policy Implications – Nil

Financial Implications

Formal adoption of the Strategic Community Plan will be the basis from which the Corporate Business Plan and the Long Term Financial Plan are developed, and from which the annual budget will be derived.

Economic Implication

The Strategic Community Plan establishes the community's vision for the Shire of Cuballing's future and articulate community aspirations and service expectations.

Environmental Considerations

The Strategic Community Plan establishes the community's vision for the Shire of Cuballing's role in preserving and protection the local environment.

Consultation

Council has completed community survey in July and August that is reported above. In addition, the extensive consultation in the past that remains relevant.

Options

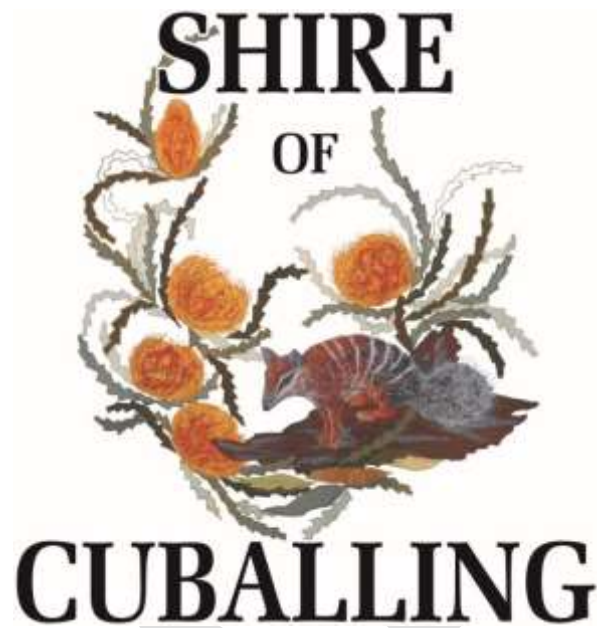
Council may resolve:

1. the Officer's Recommendation;
2. the Officer's Recommendation with an amendment to the Draft 2017 - 2027 Community Strategic Plan included at Attachment 9.2.5A; or
3. to defer a decision and seek further information from staff.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopts the Shire of Cuballing 2017-2017 Strategic Community Plan, included at Attachment 9.2.3A



Strategic Community Plan 2017-2027

A progressive, diverse and caring community, with access to modern services and infrastructure, in a unique part of the world

THE INTEGRATED PLANNING AND REPORTING FRAMEWORK

There has been a major paradigm shift in the way that Local Government will go about its business in the future. The Integrated Planning and Report Framework, legislated in late 2011, has been established to allow Local Governments to plan for the future and to equip their organisations to respond to short, medium and long term community requirements.

The three major components of this framework include the:

Strategic Community Plan

An overarching plan that will guide the future direction of Council's policies, plans, projects and decision making over the next ten years to 2027.

Corporate Business Plan

A plan for the Shire as an organisation to activate the strategies identified in the Strategic Community Plan and drive Shire operations to 2020.

Annual Budget

The allocation of resources required to deliver the Strategic Community Plan and the Corporate Business Plan. The annual budget will be derived from an annual review of the Corporate Business Plan.

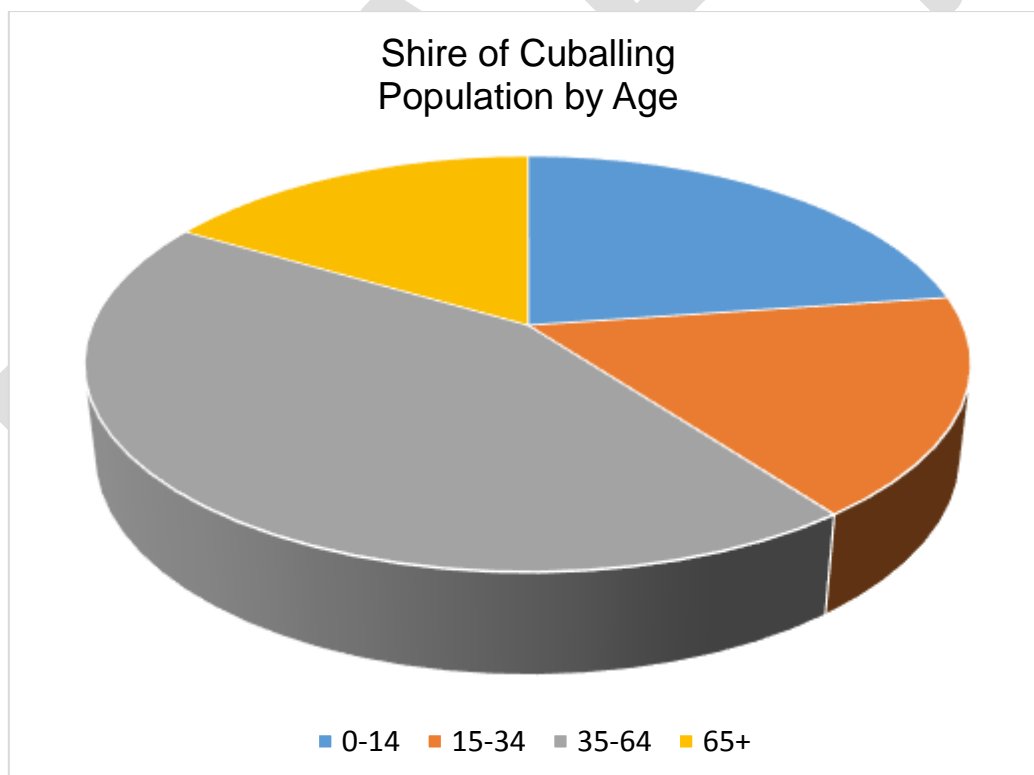
THE SHIRE OF CUBALLING COMMUNITY

The Shire of Cuballing is primarily an agricultural shire that incorporates the small towns sites of Popanyinning, Cuballing and Yornaning in the Wheatbelt Region of Western Australia.

The Shire of Cuballing has an estimated population of around 897 (ABS- 3218.0 Regional Population Growth, Australia) and is located 190 kilometres south east of Perth on the Great Southern Highway.

Differently to much of the wheatbelt, the Shire of Cuballing has consistently had a growing population (22% in the last decade) with an increasing number of people seek the benefits that a small, friendly community like the towns of Cuballing and Popanyinning offer. Cuballing, which has a population of about 350. Popanyinning has a smaller population of about 250. The remainder of the Shire population lives outside the townsite boundaries on farming and lifestyle properties.

The population of the Shire of Cuballing is largely families with children. The most numerous age demographics are people aged between 35 and 64 and under 20.



Living in Cuballing, there is access to a comprehensive suite of sporting facilities, community service organisations and amenities. The larger centres of Narrogin, to the south, and Pingelly, to the north, provide schools, shopping, banking and medical facilities.

OUR NATURAL LANDSCAPE

The Shire of Cuballing is in the Hotham River catchment. The Hotham joins the Williams River to form the Murray River which flows into the Peel Harvey Inlet. The Hotham River starts at the southern and eastern boundaries of the shire and provides its northern boundary.

Of the 28,000 ha of Dryandra State Forest, 17,500 ha is in the Shire of Cuballing. The Dryandra State Forest is a rare remnant of the open eucalyptus woodlands that covered the area before clearing for agriculture.

The Lions Village at Dryandra provides a great place for groups and families to explore the woodland and learn more about the unique wildlife of the area, with the endangered animals breeding centre at Barna Mia providing a great experience.

The Dryandra State Forest is linked through roadside vegetation and wildlife corridors on private property and to the Shire of Cuballing's Yornaning Dam. Yornaning Dam is a freshwater dam built to supply the steam engines with fresh water in the early 1900's. The Yornaning Dam is home to a large amount of bird life and has a recreation area and nature trails.

OUR ECONOMY

The economy of the Shire of Cuballing is based around the agricultural industry. In addition to the broad acre farming enterprises the main employers in the Shire of Cuballing are Birds Silos and Shelters, McDougall Weldments, Whitfords Fertilisers and Whangagin Grains. A number of more intensive agricultural enterprises, including cattle feedlots and piggeries, are developing in the Shire. The CBH Receival Site in Yornaning currently provides seasonal employment, but is expected to close by 2026.

Increasingly transport links are key economic driver of agricultural industries. The Shire of Cuballing has the tier 2 railway line and Great Southern Highway running north-south through the centre of the Shire. The Cuballing East Road has been identified as a Grain Freight Route linking grain growing areas to the east with the Great Southern Highway through to delivery centres in Brookton.

The close proximity of the towns of Narrogin and Pingelly allows local residents to work in these larger towns and enjoy the semi-rural lifestyle of the two towns of Cuballing and Popanyinning. Cuballing is served by the Cuballing Tavern and the Cuballing Road House. Popanyinning has the general store and café.

The potential for economic growth in Cuballing is good. Tourism is also a growing industry in Cuballing with the Dryandra State Forest and the Dryandra Regional Equestrian Centre as major draw cards. Nature and heritage trails in Popanyinning provide an avenue for tourists to experience the local history and wildflowers. Local accommodation includes Lazeaway Holiday Park, the Cuballing Tavern and the Lions Dryandra Village.

RECREATIONAL AND SPORTING FACILITIES

The major sporting venue in the Shire of Cuballing is the Dryandra Regional Equestrian Centre which is home to the local Dryandra Pony Club and Dryandra Regional Equestrian Association. The venue attracts large numbers of riders from around the state to its regular equestrian events.

Other recreational resources include the Cuballing Recreation Centre hosting Cricket and Tennis facilities, Cuballing Golf Course. Popanyinning Tennis Courts, the Cuballing Skateboard Park and playgrounds. New recreational activities in Popanyinning include a motorcross park and the Popanyinning Riding School.

RESOURCE CAPACITY

The table below highlights the trend in the population and resourcing position of the Shire of Cuballing over the 5 year period between the last two Census', 2006 and 2011 through to 2016.

Resource Profile	2006 (05/06 where applicable)	2011 (11/12 where applicable)	2016 (15/16 where applicable)
Population	817	891	897 (estimated)
Number of Electors		567	624
Employees			14 Full Time
			5 Part Time/Casual
	15 FTE	14 FTE	15.4 FTE
Rates	521,614	698,309	993,139
Other Grants	1,240,688	3,635,876	1,736,981
Capital Expenditure	905,889	1,914,767	1,500,980
Operational Expenditure	1,635,408	3,249,967	3,354,244
Value of Assets	15,556,439	19,548,195	50,388,085

The Shire continues to be in a strong financial position. In 2015 the Shire of Cuballing was ranked 2nd of all the 141 Western Australian local governments in the Financial Health Indicator published by the Department of Local Government.

The Shire of Cuballing's Corporate Business Plan 2016-2021 will detail the actions and projects aligned to the strategies of the Strategic Community Plan 2016-2027.

The associated operational and capital expenses have been identified over the 4 year period of the Corporate Business Plan and the 10 year period of the Long Term Financial Plan, and reconciled against the Shire's revenue streams for the same period.

This verifies that the Strategic Community Plan can be appropriately actioned and funded through the Corporate Business Plan and the Long Term Financial Plan. Both these Plans reference the Shire's Asset Management Plan and the Workforce Plan.

THE STRUCTURE OF THE PLAN

The Strategic Community Plan is structured around four themes. Each theme has associated goals, strategies and outcomes which success will be measured against.

Social:	Our community, neighbourhoods, recreation and culture
Environment:	Our environment, resource management and services
Economic:	Our economy, infrastructure, systems, services and management
Civic Leadership:	Our Council, services, policies and engagement

The Strategic Community Plan is set out in the following manner.

Vision	An overarching statement that describes the future desires of the community
Themes	Four key themes which underpin the development of goals and strategies
Goals	Statements that describe what the community wants to achieve
Strategies	What we will do to meet the goals
Actions	Activities and initiatives required to deliver the Strategies will be identified in the Corporate Business Plan
Outcomes	The end result for the community once the strategies have been implemented and goals achieved
Performance Indicators	The indicators of progress toward achieving implementation

VISION

A progressive, diverse and caring community, with access to modern services and infrastructure, in a unique part of the world

MISSION

To provide the leadership, facilities, infrastructure and services that will serve the needs of our community.

CORE VALUES

- Transparency – by being open and accountable.
- Honesty – by acting with integrity and building trust.
- Respect – by being tolerant, helpful and showing empathy and care for others.
- Dedication – in the continual pursuit of excellence.
- Proactivity – through forward thinking and being positive.
- Cohesiveness – through teamwork, unity and shared ownership.

STRATEGIC DRIVERS

The following key drivers of population, community and economic development for the 10 years to 2026 have been identified for the Shire of Cuballing:

- Agriculture – key employment and economic generation industry.
- Lifestyle – rural living is attractive to families and retirees.
- Recreation – access to a range of quality facilities and programs for children, youth and adults.
- Access – better transport links to accommodate increased economic and population growth.
- Tourism – need leverage off existing visitors to Dryandra and for local recreation events.
- Housing – availability and affordability of housing would attract more people to the Shire.
- Health – access to hospital, aged care, medical and specialist services.
- Education – access to primary and high school facilities, childcare services and further education programs.

STRATEGIC PLAN FRAMEWORK

The table below provides an overview of the Shire of Cuballing's Strategic Goals.

Community - Our Community, Neighbourhoods, Recreation and Culture			
A healthy and caring community which has strong support for all ages and abilities	A safe community where residents feel secure and comfortable at home, work and play	A healthy community engaging in positive and rewarding lifestyles with access to recreational and leisure opportunities	A vibrant community, enjoying access to a wide range of quality arts and cultural activities
Environment - Our Environment, Resource Management and Services			
Valuing our unique environment and ensuring the natural resources within the Shire are recognised as an important asset and managed in a sustainable manner	Recognising the environmental and recreational value of Council reserves, and managing them in a way that will preserve them for future generations to enjoy	Aiming for the equitable and sustainable development of land within the Shire of Cuballing that provides a genuinely desirable lifestyle	Managing waste and recycling in a manner that is environmentally sustainable and meets the expectations of the community
Economy - Our Economy, Infrastructure, Systems and Services			
Community infrastructure and services delivered in a timely manner, are well utilised, effective and meet the expectations of the community	Transport systems that are functional, efficient, economical and safe, coupled with continuous improvement to meet the safety and amenity needs of the community	Managing community assets in a whole of life and economically sustainable manner	Promoting sustainable and diverse economic development opportunities that make the Shire of Cuballing an attractive place to live, work and visit
Governance & Organisation - Our Council, Services, Policies and Engagement			
An independent Council that is supported by an excellent organisation	Governance structures that ensure accountable, transparent and ethical decision making	Building the organisation and managing its structure, finances and assets in a sustainable manner	A Council that proactively engages with all elements of its community in order to make decisions that reflect positively on the future of Cuballing

SOCIAL - Our Community, Neighbourhoods, Recreation and Culture.

Goals

- A healthy and caring community which has strong support for all ages and abilities
- A safe community where residents feel secure and comfortable at home, work and play
- A healthy community engaging in positive and rewarding lifestyles with access to recreational and leisure opportunities
- A vibrant community, enjoying access to a wide range of quality arts and cultural activities

	Strategy	Outcome
1.1	Create a vibrant social environment that is accessible and inclusive for all ages and abilities	The community feel welcome involved and connected to each other
1.2	Create a vibrant built environment that is accessible and inclusive and reflects the Shire's identity and local heritage	Active, attractive and affordable towns which the community are proud of and engaged in
1.3	Encourage and support volunteers and community groups	Active and growing volunteer and community groups
1.4	Facilitate improved access to health and welfare programs and education opportunities	The community has access to a broad range of improving health and welfare programs and education opportunities
1.5	Provide and promote sport, recreation and leisure facilities and programs	A variety of accessible sport and recreation opportunities and activities
1.6	Support local arts and cultural activities	A variety of arts and cultural activities can be pursued by locals
1.7	Create and maintain a safe environment for the community	A feeling of safety within our neighbourhoods and a sense of being looked out for
1.8	Manage environmental health risks in the Shire	A Shire which seeks to mitigate environmental health risks to ensure a healthy and safe community

Environment - Our Environment, Resource Management and Services

Goals

- Valuing our unique environment and ensuring the natural resources within the Shire are recognised as an important asset and managed in a sustainable manner
- Recognising the environmental and recreational value of Council reserves, and managing them in a way that will preserve them for future generations to enjoy
- Aiming for the equitable and sustainable development of land within the Shire of Cuballing that provides a genuinely desirable lifestyle
- Managing waste and recycling in a manner that is environmentally sustainable and meets the expectations of the community

	Strategy	Outcome
2.1	Protect, restore and enhance the Shire's natural assets	An environment which is effectively managed for future generations and for the intrinsic value of its biodiversity
2.2	Educate the community on ways to use our environment responsibly and build environmental awareness	A community which values and respects the environment
2.3	Provide equitable access for all users to our environment while balancing the protection of natural assets	A range of parks, reserves and trails which the broadest community can access
2.4	Sustainably manage our waste, water, energy use and facilities and investigate opportunities to reduce their impacts on our environment	A sustainable and progressive approach to managing the impacts of waste, water and energy use on the environment
2.5	Plan for and adapt to changes in our climate and the impacts of increased water and energy vulnerability	A Shire which address the challenges and opportunities presented by climate change and water and energy vulnerability

Economy - Our Economy, Infrastructure, Systems and Services.

Goals

- Community infrastructure and services delivered in a timely manner, are well utilised, effective and meet the expectations of the community
- Transport systems that are functional, efficient, economical and safe, coupled with continuous improvement to meet the safety and amenity needs of the community
- Managing community assets in a whole of life and economically sustainable manner
- Promoting sustainable and diverse economic development opportunities that make the Shire of Cuballing an attractive place to live, work and visit

	Strategy	Outcome
3.1	Deliver a diverse range of affordable services and infrastructure across the Shire	A range of services, facilities and programs that the broadest community can access
3.2	Ensure essential services and infrastructure are aligned to community needs now and in the future	Services and infrastructure which meets the needs of the broadest community and responds to changing priorities
3.3	Deliver and advocate for a diverse and safe transport system which is efficient and meets the needs of all users	A diverse and safe transport system that balances the needs of all users including pedestrians, cyclists, private vehicles, public transport and freight
3.4	Create and strengthen partnerships to advocate for and deliver community facilities, and services and major infrastructure	The community has access to a range of education, health, cultural, recreational and transport opportunities to maximise their potential
3.5	Maintain a robust asset management practices and maintenance programs	Assets which meet the expectations of the community
3.6	Facilitate and guide high quality and efficient building and development across the Shire	A community with high quality and efficient buildings and development
3.7	Advocate and plan for local economic development in a sustainable manner	A growing community supported by improved job opportunities and diversity in our industries, businesses and housing

Governance & Organisation - Our Council, Services, Policies and Engagement.

- An independent Council that is supported by an excellent organisation
- Governance structures that ensure accountable, transparent and ethical decision making
- Building the organisation and managing its structure, finances and assets in a sustainable manner
- A Council that proactively engages with all elements of its community to make decisions that reflect positively on the future of the Shire of Cuballing

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership	A clear direction for the future.
4.2	Maintain a clear, transparent and ethical decision making process	Openness and transparency in Council decisions
4.3	Ensure open and consistent communication between the Shire and the community	The community is aware of Council decisions and activities
4.4	Actively engage with the community to inform decision making and improve conversations within the community	The community have a variety of opportunities to be involved and are able to make meaningful contributions to decision making
4.5	Be innovative in the management of Shire operations, services, staff and resources to create a resilient and financially stable Shire	A Shire that is progressive, sustainable, resilient and adaptive to changes
4.6	Employees actively contribute to improved operational service delivery and ensure excellent customer service	Employees continually improve the operational service delivery and the community receives excellent customer service

PERFORMANCE MEASUREMENT

The following strategic measures or key performance indicators will be monitored and reported annually, to track the Shire's progress in achieving the outcomes identified in the Strategic Community Plan.

Strategy		Outcome	Performance Indicators
Community - Our Community, Neighbourhoods, Recreation and Culture			
1.1	Create a social environment that is accessible and inclusive for all ages and abilities	The community feel welcome involved and connected to each other	Completion of Disability Access and Inclusion Plan objectives
1.2	Create a vibrant built environment that is accessible and inclusive and reflects the Shire's identity and local heritage	Active, attractive and affordable towns which the community are proud of and engaged in	Community satisfaction with townscape streetscapes and appearances Community satisfaction with Council's conservation of heritage buildings and sites.
1.3	Create a vibrant social environment that is accessible and inclusive for all ages and abilities	Assist or conduct events that allow the community to come together.	Conduct four community events each year Community satisfaction with community events.
1.4	Encourage and support volunteers and community groups	Active and growing volunteer and community groups	Rate of community volunteering. Conduct one volunteer recognition event year
1.5	Facilitate improved access to health and welfare programs and education opportunities	The community has access to a broad range of improving health and welfare programs and education opportunities	Community satisfaction with access to adequate health and medical facilities. Construct four independent aged living units in Cuballing Operate at full capacity four independent aged living units in Cuballing Community satisfaction access to adequate educational facilities.

Strategy		Outcome	Performance Indicators
1.6	Provide and promote sport, recreation and leisure facilities and programs	A variety of accessible sport and recreation opportunities and activities	Complete KidsSport program
			Community satisfaction with recreation facilities.
			Community satisfaction with recreation pathways.
1.7	Support local arts and cultural activities	A variety of arts and cultural activities can be pursued by locals	Conduct a cultural event such as the Cuballing Music festival.
			Conduct a childrens cultural event such as the Cuballing Movie night.
			Support the Regional Library in Narrogin
1.8	Create and maintain a safe environment for the community	A feeling of safety within our neighbourhoods and a sense of being looked out for	Number of offences against public property.
			Community perception of safety and security in public places.
1.9	Manage environmental health risks in the Shire	A Shire which seeks to mitigate environmental health risks to ensure a healthy and safe community	Percentage of scheduled inspections of health food premises undertaken
Environment - Our Environment, Resource Management and Services			
2.1	Protect, restore and enhance the Shire's natural assets	An environment which is effectively managed for future generations and for the intrinsic value of its biodiversity	Community satisfaction with management of biodiversity of Shire reserves.
2.2	Educate the community on ways to use our environment responsibly and build environmental awareness	A community which values and respects the environment	Community satisfaction with Shire support of local community environmental initiatives
2.3	Provide equitable access for all users to our environment while balancing the protection of natural assets	A range of parks, reserves and trails which the broadest community can access	Community satisfaction with access to Shire Popanyinning walk trails and other Shire natural reserves

Strategy		Outcome	Performance Indicators
2.4	Sustainably manage our waste, water, energy use and facilities and investigate opportunities to reduce their impacts on our environment	A sustainable and progressive approach to managing the impacts of waste, water and energy use on the environment	Reduction of waste entering landfill. Community satisfaction with kerbside waste and recycling collection.
2.5	Plan for and adapt to changes in our climate and the impacts of increased water and energy vulnerability	A Shire which address the challenges and opportunities presented by climate change and water and energy vulnerability	Percentage change in the Shire's water consumption. Community satisfaction with the Shire's advocacy for water reuse projects.
Economic - Our Economy, Infrastructure, Systems and Services			
3.1	Deliver a diverse range of affordable services and infrastructure across the Shire	A range of services, facilities and programs that the broadest community can access	Community satisfaction with Cuballing and Popanyinning cemeteries. Community satisfaction with gravel road maintenance services
3.2	Ensure essential services and infrastructure are aligned to community needs now and in the future	Services and infrastructure which meets the needs of the broadest community and responds to changing priorities	Community satisfaction with road construction activities.
3.3	Deliver and advocate for a diverse and safe transport system which is efficient and meets the needs of all users	A diverse and safe transport system that balances the needs of all users including pedestrians, cyclists, private vehicles, public transport and freight	Completion of two road safety activities or initiatives each year
3.4	Create and strengthen partnerships to advocate for and deliver community facilities, and services and major infrastructure	The community has access to a range of education, health, cultural, recreational and transport opportunities to maximise their potential	Community satisfaction with parks, gardens and public spaces

Strategy		Outcome	Performance Indicators
3.5	Maintain a robust asset management practices and maintenance programs	Assets which meet the expectations of the community	Asset consumption ratio.
			Asset sustainability ratio.
			Asset renewal funding ratio.
3.6	Facilitate and guide high quality and efficient building and development across the Shire	A community with high quality and efficient buildings and development	Community satisfaction with public buildings.
3.7	Advocate and plan for local economic development in a sustainable manner	A growing community supported by improved job opportunities and diversity in our industries, businesses and housing	Support and participate in the Dryandra Regional Visitors Centre
			Community satisfaction with Council's tourism strategy
Governance & Organisation - Our Council, Services, Policies and Engagement			
4.1	Councillors provide strong and visionary leadership	A clear direction for the future.	Community satisfaction with Council's support and advocacy for the community.
4.2	Maintain a clear, transparent and ethical decision making process	Openness and transparency in Council decisions	Hold the Annual Electors Meeting before 31 st December each year.
4.3	Ensure open and consistent communication between the Shire and the community	The community is aware of Council decisions and activities	Community satisfaction with Council's communication with the community.
4.4	Actively engage with the community to inform decision making and improve conversations within the community	The community have a variety of opportunities to be involved and are able to make meaningful contributions to decision making	Community satisfaction with Council's engagement with the community.
4.5	Be innovative in the management of Shire operations, services, staff and		Improving Operating surplus/(debt) ratio.
			Improving Rates Coverage Ratio.

Strategy		Outcome	Performance Indicators
	resources to create a resilient and financially stable Shire	A Shire that is progressive, sustainable, resilient and adaptive to changes	Compliance with legislative requirements of Local Government Act Compliance with the State Records Act Increased revenue from the Shire's commercial services including Building Services and Private works. Improving performance in the Shire's OSH activities
4.6	Employees actively contribute to improved operational service delivery and ensure excellent customer service	Employees continually improve the operational service delivery and the community receives excellent customer service	Reduction in Staff turnover. Community satisfaction with customer services.

STRATEGIC PLAN IMPLEMENTATION AND REVIEW

The Strategic Community Plan drives the development of the Corporate Business Plan, both of which are integrated with and informed by the Council's Asset Management, Workforce and Long Term Financial Plans. Together they form the Local Government Integrated Planning and Reporting Framework.

The integration of strategic, business, asset, service and financial plans means the Shire's resources are aligned to the strategic directions and aspirations of the Shire of Cuballing and its community.

Implementation of this Strategic Plan is achieved through the corporate and service level actions and projects that are identified through the Corporate Business Planning process.

Key performance indicators at the strategic and operational levels provide valuable information on how efficiently the Shire is delivering its services, actions and projects and how successful it is in achieving its outcomes and goals set out in the Strategic Community Plan.

A strategic review of the Strategic Community Plan is scheduled for completion in June 2019 ie two years from adoption by Council.

A full review of the Strategic Community Plan with community consultation is scheduled for completion in June 2021 ie four years from adoption by Council.

**SHIRE OF CUBALLING
2017 COMMUNITY SURVEY RESULTS**

Question 1 - What do you like about living in the Shire of Cuballing?

- The closeness to the City, Bunbury, Rockingham, Albany. Small amount of crime.
- generally the peace and quite. Minimal disturbances. Congenial Shire Staff and operation.
- PEACEFUL, IDYLIC LIFESTYLE WITH LOVELY VIEWS, FRIENDLY PEOPLE AND SERVICES TO MATCH.
- The country atmosphere, the sense of community and the lack of crime.
- Small friendly community
- Nothing. Your decision making has ruined the place. The business of the Telstra Tower proved this. You do not listen , ever and ruined the lives of people re decision making.
- friendly people, stars at night, wood fire in winter.
- Quiet, small community
- LOCATION, PEOPLE & ATTITUDE OF SHIRE AND VOLLIES
- The community as a whole is great, the facilities are improving and its a lovely clean place to live.
- Great location, fabulous neighbourhood, block size, and great community
- Farming - proximity to major centre (Narrogin) - Proximity to Perth
- Quiet, peacefully, friendly community. A proactive & practical Shire
- Layed back lifestyle Small community
- Peaceful
- The community

Question 2 - What things that the Shire does now, should the Shire of Cuballing CONTINUE to focus on for the next 10 years?

- Encouraging fetes & swap meets. Tidy Town cleanups Walking
- Keep up the good management. Listen to your ratepayers. Minimal bureaucratic intrusion ie: affordable housing for undesirables.
- CONTINUE TOURISM AND BEAUTIFICATION OF SHIRE OF CUBALLING. & CARING FOR ITS CITIZENS. BUT PUT IN PROCEDURES TO CARRY OUT IN REGARDS TO NOISE POLLUTION RE: THUMPING LOUD MUSIC BEING PLAYED CAUSED BY BASE SOUND WOOFERS WHERE POLICE HAVE HAD TO BE CALLED OUT BECAUSE THIS SHIRE DOES NOT HAVE THE NECESSARY NOISE POLLUTION AGENDA. BEEN GOING ON FOR 2 YEARS NOW. ALL OTHER SHIRES HAVE PROCEDURES TO PUT IN PLACE. WHY SHOULD RESIDENTS WHO EXPECT TO LIVE THEIR RETIREMENT IN THESE LOVELY SURROUNDINGS HAVE TO ENDURE THESE ACTS OF HUMAN THOUGHTLESSNESS AND NASTINESS.
- The focus on community amenities such as sporting facilities and playgrounds is an important continued focus, as is effective waste management and recycling.
- Support local events and progressive infrastructure.
- Transparency, Accountability, equity, parity between rate payers, Honesty, access consultative processes.
- ANZAC Day, Australia Day Event, Market stalls, Farmers Market Days & Cuballing news
- Community Events, Road upgrades
- ROADS - TREES ON THE GRAVEL ROADS TOO CLOSE TO THE ROAD
- Upgrading some roads. Continue to update residents via Facebook or other means of social media. The Cuballing news is a great information source that does include all of the shire.
- Community activities, attractions and improvements

- Widen rural roads - clear trees from roadsides so that they don't grow up and out hindering trucks and oversize vehicles. Work alongside farmers to clear roadsides, grade and construct good spoon drains. Great simple sporting and children's playground facilities.
- Development of facilities & roads (community sporting premises - oval, equestrian, tennis club etc) Community engagement (kids day)
- Roads Community based activities
- Upgrade and maintenance of roads Improvement of Shire as a whole
- Community events and community areas

Question 3 - What things that the Shire does now, should the Shire of Cuballing REDUCE or CEASE over the next 10 years?

- Use of Shire of Vehicles for private use. Pay more so they can get there own cars.
- An organisation looking for ways to cease or reduce services is an organisation going backwards. Change nothing.
- I don't think the shire needs to be as involved with the equestrian centre. They are established and should now be self-supporting.
- CEASE! handing out licenses to inappropriate people which impact on lifestyle and quality of environment of other ratepayers. Failing to defend position at SAT. Cronyism. Practicing exclusivity. Failing to observe FOI.
- NA
- NIL
- Sealing country roads - simply re-sheet gravel roads properly.
- Dryandra equestrian facilities, they need to stand on own feet now.
- Reduce financial assistance to the equestrian park Amalgamation of works department with Shire of Narrogin to improve efficiency and offer a wider range of services - still maintaining a depot in Cuballing

Question 4 - What should be the priorities for the Shire of Cuballing for the next 10 years?

- Encourage sports Bike & Walking paths to Narrogin A shop that cooks food More activities at Yorny
- Maintain good governance, have a friendly town and peaceful environment and cost effective.
- TO ENSURE THE RESIDENTS HAVE THE RIGHT TO AN IDYLIC LIFESTYLE WHICH INCLUDES ENSURING THAT RESIDENTS ADHERE TO COMMONSENSE NOISE LEVELS AND DECENCY.
- Tree Planting, road quality, supporting SES and Volunteer Fire Department, waste management and recycling. Building capacity for us to survive financially as a small town. The Equestrian Centre was a good start towards this.
- Getting a 100% working communication line for everyone! It's BS that we can get NBN but can't make a mobile phone call.
- Stop piling negative priorities and environmental issues and privacy projection. Cut out unilateral decision making. Transparency in decision making. Accountability of councillors in the legal sense. Benchmark standards and mandatory orientation and training of incument councillors re fitness for position. Wide advertisement of considerations in relation to all council matters including election of councillors. Absence in stereotyping. The receipt of gifts.
- If possible more visual signs for cars and trucks to abide to the speed limit, whilst passing through Popanyinning and Cuballing.

- AN AGED FACILITY IN AS RETIREMENT OR AGED CARE ON A LEASE ARRANGEMENT OR RENTAL RUN BY THE SHIRE
- Residents, keeping them informed of any changes that may occur in the area. Making sure that the residents have a reason to stay, that may include more social agendas. I know there is an RV spot, but making that a little more enticing may make them stop and spend money here. Set up a call service to the elderly who may not have anyone to check up on them. Organise more markets that bring people into the area.
- Emergency management, sealing town site streets, maintenance of oval and facilities, foot paths and street lighting, renewable energy.
- Maintain low rates by focusing on the simple stuff - we don't need extra services.
- As above
- Roads Sporting facilities Community event Play grounds Picnic areas
- Improving relationship with ratepayers Proactive again, not reactive Improve communication with ALL ratepayers including those not with a Cuballing mailing address
- Getting more businesses and tourist attractions

Question 5 - In your opinion, what best describes the level of importance AND your current level of satisfaction with the Shire's Community Facilities as listed below?

Facility	Not Important	Important	Very Important	Not Satisfied	Satisfied	Very Satisfied	Total
Yornaning Dam Reserve	7.14%	50.00%	42.86%	21.43%	42.86%	7.14%	
	1	7	6	3	6	1	14
Dryandra Regional Equestrian Centre	21.43%	50.00%	21.43%	14.29%	50.00%	14.29%	
	3	7	3	2	7	2	14
Popanyinning Tennis Courts	41.67%	41.67%	16.67%	8.33%	33.33%	8.33%	
	5	5	2	1	4	1	12
Popanyinning Railway Station	16.67%	58.33%	25.00%	8.33%	41.67%	8.33%	
	2	7	3	1	5	1	12
Popanyinning Cemetery	0.00%	58.33%	41.67%	0.00%	41.67%	8.33%	
	0	7	5	0	5	1	12
Cuballing Cemetery	0.00%	57.14%	42.86%	14.29%	42.86%	14.29%	
	0	8	6	2	6	2	14
Children's Playgrounds	0.00%	14.29%	85.71%	7.14%	35.71%	35.71%	
	0	2	12	1	5	5	14
Parks, Gardens and Ovals	0.00%	40.00%	60.00%	6.67%	33.33%	40.00%	
	0	6	9	1	5	6	15
Public Toilets	0.00%	28.57%	71.43%	0.00%	50.00%	21.43%	
	0	4	10	0	7	3	14
Reserves and Public Open Spaces	14.29%	35.71%	50.00%	7.14%	50.00%	14.29%	
	2	5	7	1	7	2	14
Cuballing Skate Park	7.14%	28.57%	64.29%	7.14%	57.14%	14.29%	
	1	4	9	1	8	2	14
Cuballing Recreation Ground	0.00%	28.57%	71.43%	0.00%	28.57%	42.86%	
	0	4	10	0	4	6	14

Facility	Not Important	Important	Very Important	Not Satisfied	Satisfied	Very Satisfied	Total
Cuballing Town Hall	0.00%	57.14%	42.86%	7.14%	50.00%	14.29%	
	0	8	6	1	7	2	14
Popanyinning Town Hall	0.00%	54.55%	45.45%	0.00%	54.55%	0.00%	
	0	6	5	0	6	0	11
Popanyinning Old School	20.00%	40.00%	40.00%	0.00%	30.00%	10.00%	
	2	4	4	0	3	1	1

Question 6 - Would you like to make any comment on the facilities of the Shire of Cuballing?

- Hall needs modernising - tidy up and advertise as a venue. Cemetery needs sign of whose where.
- Gardens are well maintained, Shire workers are hard working and clearly look after our facilities.
- The office needs to be open at hours which working people can access. Perhaps an early morning 1 day a week for those who travel into Ngn for work.
- Rehabilitation and improvement of McGarrigal Park in Popanyinning.
- CUBY TOWN HALL NEED PROPER MAINTENANCE NOT PATCH UP JOBS
- Public facilities checked more regular.
- -children's facilities are excellent. - no need to improve Yornaning Dam any further - main streets of both towns are very tidy.
- Cuballing skatepark use to be utilised for a lot of events, however in its current state most people are going elsewhere. Needs a revamp and fortnightly maintenance.

Question 7 - In your opinion, what best describes the level of importance AND your current level of satisfaction with the Shire's Services as listed below?

Service	Not Important	Important	Very Important	Not Satisfied	Satisfied	Very Satisfied	Total
Building Control	7.14%	57.14%	35.71%	7.14%	50.00%	14.29%	
	1	8	5	1	7	2	14
Community Consultation	6.67%	13.33%	73.33%	20.00%	53.33%	13.33%	
	1	2	11	3	8	2	15
Customer Service and Payments	6.67%	20.00%	60.00%	13.33%	53.33%	13.33%	
	1	3	9	2	8	2	15
Economic Development	8.33%	50.00%	41.67%	8.33%	75.00%	0.00%	
	1	6	5	1	9	0	12
Environmental Initiatives	14.29%	35.71%	42.86%	28.57%	50.00%	7.14%	
	2	5	6	4	7	1	14
Cuballing Music Festival	7.14%	42.86%	50.00%	0.00%	57.14%	21.43%	
	1	6	7	0	8	3	14
Financial Management	0.00%	23.08%	76.92%	7.69%	46.15%	7.69%	
	0	3	10	1	6	1	13
Bush Fire Management	0.00%	6.67%	93.33%	20.00%	40.00%	20.00%	
	0	1	14	3	6	3	15
Emergency Management	7.14%	14.29%	78.57%	7.14%	64.29%	7.14%	
	1	2	11	1	9	1	14
Governance & Advocacy	6.67%	33.33%	60.00%	6.67%	66.67%	0.00%	
	1	5	9	1	10	0	15

Service	Not Important	Important	Very Important	Not Satisfied	Satisfied	Very Satisfied	Total
Public Health Inspections	7.14%	42.86%	50.00%	0.00%	71.43%	0.00%	
	1	6	7	0	10	0	14
Kerbside Waste & Recycling	13.33%	40.00%	46.67%	0.00%	46.67%	26.67%	
	2	6	7	0	7	4	15
Transfer Station & Rubbish Tip	6.67%	33.33%	60.00%	13.33%	33.33%	33.33%	
	1	5	9	2	5	5	15
Litter Control	7.14%	21.43%	71.43%	7.14%	42.86%	21.43%	
	1	3	10	1	6	3	14
Strategic Planning	6.67%	33.33%	60.00%	13.33%	40.00%	6.67%	
	1	5	9	2	6	1	15
Maintenance - Gravel Roads	0.00%	20.00%	80.00%	6.67%	60.00%	6.67%	
	0	3	12	1	9	1	15
Maintenance - Sealed Roads	0.00%	13.33%	86.67%	0.00%	60.00%	13.33%	
	0	2	13	0	9	2	15
Maintenance - Town Streets	0.00%	20.00%	80.00%	0.00%	60.00%	6.67%	
	0	3	12	0	9	1	15
Constructing more Sealed Roads	20.00%	33.33%	46.67%	13.33%	53.33%	6.67%	
	3	5	7	2	8	1	15
Constructing more Sealed Townsites	6.67%	46.67%	46.67%	20.00%	46.67%	13.33%	
	1	7	7	3	7	2	15
Natural Resource Management	7.14%	35.71%	57.14%	14.29%	50.00%	0.00%	
	1	5	8	2	7	0	14
Dog Control	13.33%	26.67%	60.00%	20.00%	46.67%	6.67%	
	2	4	9	3	7	1	15
Town streets and Gardens	6.67%	40.00%	60.00%	13.33%	46.67%	6.67%	
	1	6	9	2	7	1	15
Tourism	20.00%	26.67%	53.33%	13.33%	40.00%	0.00%	
	3	4	8	2	6	0	15
Town Planning	6.67%	33.33%	60.00%	13.33%	46.67%	0.00%	
	1	5	9	2	7	0	15
Transport Licensing	7.14%	35.71%	57.14%	0.00%	57.14%	14.29%	
	1	5	8	0	8	2	14
Water Standpipes in Cuballing	7.14%	35.71%	57.14%	7.14%	57.14%	7.14%	
	1	5	8	1	8	1	14
Water Standpipes in Popanyinning	8.33%	25.00%	66.67%	8.33%	58.33%	0.00%	
	1	3	8	1	7	0	12
Australia Day Event	21.43%	28.57%	50.00%	0.00%	64.29%	14.29%	
	3	4	7	0	9	2	14

Question 8 - Would you like to make any comment on the Services of the Shire of Cuballing?

- Put in a bike path between Cuballing & Narrogin for Bikes and walkers
- In general, we believe the Shire is well run.

- THERE ARE NO PROCEDURES TO PUT IN PLACE IN CONTROLLING NOISE POLLUTION. SO PEOPLE CAN MAKE AS MUCH NOISE AS THEY WANT AND GET AWAY WITH IT WITH ONLY THE POLICE TO HELP. THEY HAVE ENOUGH TO CONTEND WITH IN NARROGIN.
- Protect the quality of my environment
- ALL GOOD, KEEP UP THE GOOD WORK
- Focus on re-sheeting gravel roads not sealing extra roads.
- NA

Question 9 - Are you a

Answer Choice	Responses
Resident of the Shire of Cuballing	14
Owner of property in the Shire of Cuballing, but reside outside the Shire of Cuballing	1
Other	0
Total	15

Question 10 - Male Female

Answer Choice	Responses
Male	5
Female	10
Total	15

Question 11 - Post Code

Answer Choice	Responses
Cuballing - 6311	13
Popanyinning - 6309	2
Other	0
Total	15

Question 12 - Age Group

Answer Choice	Responses
0-15	0
16-24	0
25-49	9
50-70	6
71 and over	0
Total	15

Question 13 - Would you like the Shire of Cuballing to contact you for further details regarding your responses?

Answer Choice	Responses
Yes	3
No	10
Total	13

Question 14 - Would you like to be notified when the Strategic Community Plan is completed?

Answer Choice	Responses
Yes	4
No	7
Total	11

9.2.4 Deputy CEO Replacement Process

Applicant:	N/A
File Ref. No:	ADM138
Disclosure of Interest:	Nil
Date:	12 th September 2017
Author:	Gary Sherry
Attachments:	11.2.4A Draft DCEO Application Package

Summary

Council is to consider the process to replace the Deputy Chief Executive Officer (DCEO) and the salary package to be offered for this position.

Background

Council appointed Ms Tonya Williams to the position of DCEO at their November 2014 Ordinary Meeting.

Ms Williams employment contract expires on Thursday 14th December 2017 and Ms Williams has indicated her preference not extend this contract but to return to live in Esperance with her family.

Comment

The DCEO's primary responsibilities are largely financial, information technology and general administration. The incumbent, because of her abilities, has had an expanded role that included administration building refurbishment, community development and human resources roles.

The position will be marketed as an entry level senior position, attracting candidates with some local government administration experience, but seeking to step to new responsibilities extend their career.

A draft employment package is included at Attachment 9.2.124A. This package includes:

- Draft advertisement;
- Information on the employment process;
- A position description/duty statement;
- Information about the position;
- Draft employment contract;

- Individual aspects of the draft employment package that may be of interest to Councillors include:

- The position provides a salary depending on qualifications and experience of between \$75,000 and \$90,000;

- The salary package includes components of:
 - private use of a Toyota Corolla;
 - an element of private use of a dedicated mobile phone;
 - provision of home internet up to an agreed amount; and
 - relocation expenses;

- the subsidised rental of a residence in Cuballing provided by Council;

- An offer of a three to five year term. An offer of only a three year term could be an alternative;
- A police clearance and start up medical is required;
- Suggests that Council and the CEO would respond positively to study leave and professional development. This would be crucial in developing an employee in the role.
- The draft Employment Contract includes clauses that:
 - Council will commence discussions with the officer over a new contract 12 months from the expiry of this contract, with a decision to finalise the discussions made 9 months prior to the expiry (Clause 5)
 - work the reasonable hours need to carry out the duties. (Clause 6.4)
 - provide for an annual performance review (Clause 8)
 - allow suspension if under charge from a criminal offence (Clause 11); and
 - allow termination of the contract by Council with three months notice (clause 14.3).

Strategic Implications

The position of DCEO is a key position in the Shire of Cuballing's workforce structure. The role is a crucial one in meeting the increasing financial compliance required of local governments and as a member of the Executive Management Team including the Chief Executive Officer and Manager Works & Services.

Statutory Environment

The DCEO position is a senior staff member under sections 5.37 and 5.39 of the Local Government Act 1996.

Section 5.37 includes:

- The CEO is to inform the Council of each proposal to employ or dismiss a senior employee, and the Council may accept or reject the CEO's recommendation; and
- An advertisement for a senior employee it is to be advertised by the local government in a prescribed manner,

Section 5.39 requires that:

- the employment of the senior employee is to be governed by a written contract.
- a contract for an acting or temporary position, cannot be for a term exceeding one year and for permanent positions cannot be for a term exceeding 5 years.
- a contract must include the expiry date, performance criteria and any other prescribed requirements.

Policy Implications – Nil

Financial Implications

The draft employment package is included at Attachment 9.2.4A includes an estimate of upper and lower annual salary package of:

It is anticipated that this salary package can be accommodated within Council's 2017/18 Budget allocations.

Position	Deputy Chief Executive Officer			
Basis of Employment	Contract Staff - 3 Year Contract			
Component		From		To
Salary		75,000		90,000
Allowances		-		-
Total Salary		75,000		90,000
Superannuation	9.5%	7,125	9.5%	8,550
Superannuation	6%	4,500	6%	5,400
50% Subsidy of Electricity & Power	Yes	1,200	Yes	1,200
Uniform Allowance	Yes	500	Yes	500
Communications-Internet	Yes	850	Yes	850
Communications-Mobile Telephone	Yes	500	Yes	500
Relocation Expense	Yes	2,500	Yes	2,500
Private Use of Vehicle	Yes	10,000	Yes	10,000
Subsidised Housing	Yes	13,000	Yes	13,000
Total Package		115,175		132,500

Economic Implication – Nil

Environmental Considerations – Nil

Social Implications

The Officer will live in the subsidised residence rented by Council in Cuballing or privately obtain alternative residential accommodation outside the Shire.

Consultation – Nil

Options

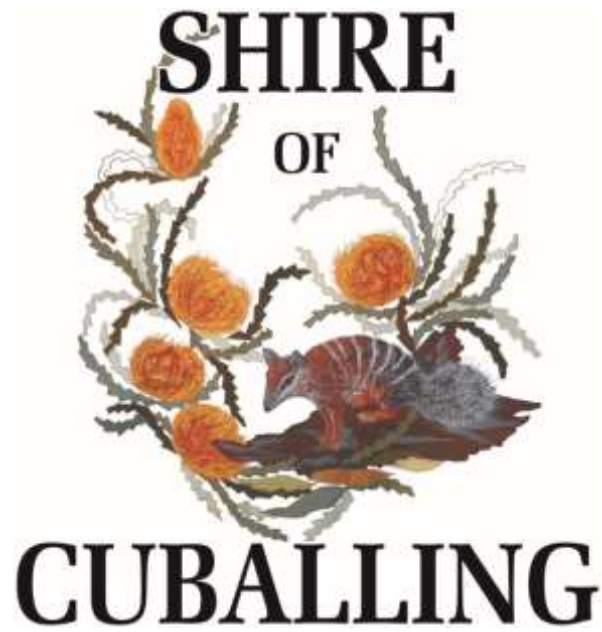
Council may resolve:

1. the Officer's Recommendation;
2. adopt the Officer's Recommendation with amendment;
3. to defer this matter and seek additional information from staff.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council endorse the Deputy Chief Executive Officer Employment Package as included at Attachment 9.2.4A.



SHIRE OF CUBALLING

Information Package

for the position of

Deputy Chief Executive Officer

Corporate Services Directorate

**Applications for this position must be received by
4:30PM on Thursday 19th October 2017**

SHIRE OF CUBALLING

Deputy Chief Executive Officer

Up to \$132,500 Salary Package

The Shire of Cuballing is a dynamic small rural community with a solid economic base in the established farming district with a growing population that takes advantage of the rural lifestyle.

The Shire of Cuballing is a small but progressive organisation with a strong strategic focus and a continuing emphasis on realising the potential of its people. It is expected that the successful applicant will be commencing a career in local government management and will be looking to grow their skills and experience in this role.

The Deputy CEO will be expected to guide and deliver the finance, IT and administrative functions of the Shire.

Our team values work-life balance with a flexible and a friendly working environment.

An attractive remuneration package has been offered, which includes a negotiated base salary of \$75,000 to \$90,000 per annum based on qualifications and experience.

Cuballing is located only 14 kilometres north of the regional town of Narrogin and within easy reach of the Perth metropolitan area.

An information package is available by contacting Ms Nicole Gould on 08 9883 6031 or at www.cuballing.wa.gov.au.

Further information regarding the position should be directed to Mr Gary Sherry on 08 9883 6031 or 0427 836 031. Applications close with the undersigned on Thursday 19th October 2017.

**Gary Sherry
Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311**

Information for Applicants

Thank you for your interest in the advertised vacancy.

This documentation provides information to assist you in preparing your written application and to plan for the selection interview. Also enclosed is a Job Description Form.

Selection involves a written application, an interview and reference checks. Shortlisted applicants will also undergo a medical examination. A national (Federal) police clearance certificate is also required.

The essential selection requirements (Selection Criteria) are described in the Position Description Form and please apply only if you meet the essential requirements for the position.

Please ensure the Shire of Cuballing receives your application by the closing date in the advertisement. Late applications will not be accepted unless prior arrangements have been made with the Chief Executive Officer.

Your application should comprise of the following documents.

1. **Covering Letter**

A summary of your background and suitability for the position should be addressed in the covering letter, without over emphasising or going into too much detail.

2. **Resume (Curriculum Vitae)**

A Resume/Curriculum Vitae should comprise at least:

- a. A summary of your employment history starting with the most recent position. Please include dates, name of employer, position title and give brief details of the tasks that were required in each position.
- b. Include any relevant training courses you have attended in the last 2 to 3 years.
- c. A photocopy of any relevant qualifications.
- d. Any activities you have undertaken outside of work which are relevant to the position you are applying for.

3. **Referees**

- a. Provide the names and contact details of two work related referees.
- b. Describe nature of working relationship with referee.
- c. Referees should be contacted for approval before nominating them.
- d. It is preferable that one of your referees is your current supervisor. (This is optional)
- e. Only referees who can comment on your work experience should be listed.

4. Preparing for the Interview

All interview questions will be work related - that is they will relate to the selection criteria for the position you have applied for.

The same questions will be asked for every interviewee.

To prepare yourself for the interview questions consider the following:

- Re-read the Position Description Form and the selection criteria.
- Focus on the Selection Criteria and think of examples of work situations where you applied the relevant skills and abilities.
- Focus on the duties of the position and think about how you would carry them out. Think about any problem you might encounter and how you would resolve them.
- If the position has a supervisory role, think about your special responsibilities as a supervisor.
- If you have any relevant reports or other work you have done which will provide examples of your skills and abilities, you should organise examples for presentation at the interview.

5. The Interview

The following points are recommended:

- Don't assume that panel members know your suitability for the job even though you may have worked with them or have previous experience in the position you have applied for.
- Answer questions fully without unnecessary details.
- Where possible, relate your answers to direct experiences you have had.
- Feel free to ask questions to the panel.

POSITION DESCRIPTION/DUTY STATEMENT

1. **TITLE:** Deputy Chief Executive Officer
2. **LEVEL:** Local Government Industry Award (1999)
– Salary Package Negotiable
3. **DEPARTMENT/SECTION:** Corporate Services

4. POSITION OBJECTIVES

- 4.1 Provide leadership, management, professional advice and support to the Executive Management Team and the Corporate Services Department.
- 4.2 Develop a team approach from all staff within the Corporate Services Department, and encourage the development of staff to reach their full potential whilst overseeing the activities of the Department in a co-ordinated manner
- 4.3 Establish best practice and quality management principles in the operations of the Corporate Services Department.
- 4.4 To ensure (in cooperation with the Administration Officer) that all documents relating to Corporate Services Department are registered and managed in accordance with the Record Management Plan approved by Council.
- 4.5 To provide high quality input to the Council's Annual report, operational plan, annual budget and long term financial planning in the Corporate Services Department.

5. REQUIREMENTS OF THE JOB

5.1 Skills

- Sound knowledge of Local Government accounting requirements, including AAS27 procedural skills.
- Good human resources management skills
- Sound knowledge of computer systems and the associated software
- Excellent communication skills, both written and verbal
- Good knowledge of the Local Government Act 1995

5.2 Knowledge

A sound knowledge and understanding of the following Local Government legislation/functions:

- Local Government Officers Award
- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- Rates & Charges (Rebates, Deferments) Act.
- Local Government Accounting Directions
- Australian Accounting Standard 27
- Municipal Employees Award
- Insurance & Workers Compensation Legislation
- Superannuation Legislation
- Taxation Legislation, including FBT & GST, as it applies to Local Government

5.3 Qualifications and/or Training

Accounting qualifications and/or training preferable.

6. KEY DUTIES/RESPONSIBILITIES

- 6.1 Development, implementation and control of Council's Record Management Plan;
- 6.2 Overall supervision and control of Council's Information Technology and Communication systems. This includes but is not limited to:
- 6.2.1 Maintenance and upgrading of Council's accounting database software;
 - 6.2.2 Maintenance and organisation of Council's website;
 - 6.2.3 Development and maintenance of appropriate policies for use of Council's Information Technology and Communication systems
- 6.3 Development, implementation and control of appropriate financial management systems in accordance with statutory requirements and Council policies including:
- 6.3.1 Preparation of the Annual Council Budget, Long Term Financial Plan and Corporate Business Plan in consultation with the Chief Executive Officer and Council;
 - 6.3.2 The compilation of annual and monthly financial reports;
 - 6.3.3 All financial activities for the shire including: debtors, creditors, payroll, rates, revenue collection, banking, cash flow, fund investments, job costings, grant claims, asset management, insurance, FBT and all day to day accounting matters; and
 - 6.3.4 Provide Council with sound advice and direction on all matters pertaining to Council's finances.

- 6.4 Manage Council's Risk Management activities including all matters pertaining to Council's insurance portfolio.
- 6.5 Development, implementation and control, in control of appropriate asset management systems in accordance with statutory requirements and Council policies:
- 6.6 Development, implementation and control of quality customer service operation within the Corporate Services Department.
- 6.10 Deputise for the Chief Executive Officer in his/her absence and have a working knowledge of the duties and responsibilities of the Chief Executive Officer
- 6.11 Other duties and tasks as assigned by the Chief Executive

7. ORGANISATION RELATIONSHIPS

7.1 **Responsible to:** Chief Executive Officer

7.2 **Responsible for:** 3 Administration Staff.

7.3 Internal & External Liaison

Internal	Chief Executive Officer Manager of Works & Services Administration Staff
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External	Shire President Councillors Residents Government Departments Local organisations Customers and stakeholders
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8. SELECTION CRITERIA

Essential

- 8.1 Highly developed verbal and written communication skills
- 8.2 Developed time management skills to ensure the achievement of outcomes and accountability.
- 8.3 Ability to successfully supervise staff and work within a team environment.

- 8.4 Qualifications and experience in finance or accounting.
- 8.5 Working knowledge of computer systems and software operations, including Microsoft Excel, Word and Outlook

Desirable

- 8.6 A sound knowledge of Local Government legislation and particularly relating to financial requirements.
- 8.7 Demonstrated experience in a finance environment, particularly as it applies within a Local Government.
- 8.8 Working knowledge of accounting systems, with experience of IT Vision Synergysoft an advantage.
- 8.9 A sound knowledge of tax legislation as it relates to Local Government.
- 8.10 Commitment to further training and professional development

SALARY PACKAGE
Deputy Chief Executive Officer

1 CONTRACT OF EMPLOYMENT:

A negotiated contract of employment of between 3 to 5 years is offered, with the possibility of an extension.

2 INITIAL PROBATIONARY PERIOD:

The negotiated contract of employment will be offered with an initial probationary period of six months in which time the Council may terminate this contract on 12 weeks written notice.

3 SALARY:

A salary will be negotiated up to \$90,000 per annum, depending on skills, experience and qualifications.

4 HOURS OF WORK:

Flexible working hours apply for this role. Normal office hours are from 8.30am to 5pm however the nature of the position will require an earlier start and/or a later finish on occasions.

5 LEAVE:

Provision of Annual, Sick and Carer's Leave will be in accordance with the Local Government Industry Award

6 LONG SERVICE LEAVE:

Thirteen weeks after ten years continuous Local Government service, transferable between Local Authorities within Western Australia.

7 MOTOR VEHICLE

A fully maintained motor vehicle will be supplied for unrestricted private use within Western Australia. The current Council vehicle allocated to this position is a Toyota Corolla or equivalent.

8 SUPERANNUATION:

The Council makes superannuation contributions of 9.5% of the base salary plus matching contributions of up to 6%, providing the employee makes voluntary contributions of 6% or more. The combined total of the Shire of Cuballing contribution is up to 15.5% of the specified salary.

9 RESIDENTIAL ACCOMMODATION

Council's strong preference is for the Officer to reside within the Shire of Cuballing.

Council offers subsidised rental of suitable accommodation in the town of Cuballing.

10 RELOCATION EXPENSES REIMBURSEMENT:

Council will meet the cost of the officer's relocation expenses up to \$2,500. Removal expenses are restricted to household goods, furniture and personal effects with receipts produced to claim reimbursement. The reimbursement is conditional upon repayment being required at 100% if the officer leaves within 12 months and 50% if the officer leaves within 24 months.

11 POLICE CLEARANCE:

Applicants are required to provide a National Police Clearance Certificate before commencing employment. Council will refund the expenses of obtaining this clearance.

12 MEDICAL EXAMINATION:

Applicants are required to attend a pre-employment medical prior to commencing employment. Council will refund the expenses of obtaining this medical.

13 TELEPHONE ALLOWANCE

A mobile phone is provided for the Officer's business use with some personal use permitted.

14 COMPUTER USAGE:

Internet and email provision is applicable subject to user requirements and in accordance with Council policy.

15 STUDY ASSISTANCE:

Employees who have enrolled for technical education relevant to their position may have a portion of enrolment fees paid upon successfully completing each nominated subject. Requests for study leave or fee reimbursements must be pre-approved by the CEO

16 SUMMARY OF SALARY PACKAGE:

Position	Deputy Chief Executive Officer			
Basis of Employment	Contract Staff - 3 Year Contract			
Component		From		To
Salary		75,000		90,000
Allowances		-		-
Total Salary		75,000		90,000
Superannuation	9.5%	7,125	9.5%	8,550
Superannuation	6%	4,500	6%	5,400
50% Subsidy of Electricity & Power	Yes	1,200	Yes	1,200
Uniform Allowance	Yes	500	Yes	500
Communications-Internet	Yes	850	Yes	850
Communications-Mobile Telephone	Yes	500	Yes	500
Relocation Expense	Yes	2,500	Yes	2,500
Private Use of Vehicle	Yes	10,000	Yes	10,000
Subsidised Housing	Yes	13,000	Yes	13,000
Total Package		115,175		132,500

**DRAFT
CONTRACT OF EMPLOYMENT**

SHIRE OF CUBALLING

&

DEPUTY CHIEF EXECUTIVE OFFICER

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THIS CONTRACT OF EMPLOYMENT

is made on the _____ day of _____

BETWEEN:

- 1. Shire of Cuballing (the Local Government)
Campbell Street (address for service of notices)
CUBALLING WA 6311

And

- 2. (the Officer)
..... (address for service of notices)
.....

1. POSITION

The position is that of Deputy Chief Executive Officer of the Local Government.

This contract relative to that position is made under and subject to the *Local Government Act 1995*.

2. DEFINITIONS

In this Contract:

- 2.1 "Act" means the *Local Government Act 1995*;
- 2.2 "CEO" means the Chief Executive Officer of the Local Government;
- 2.3 "Confidential Information" means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than an agreement or thing which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of the Council or any undertaking from time to time carried out by the Council.
- 2.4 "Council" means the Council of the Local Government;
- 2.5 "Long Service Leave Regulations" means the Local Government (Long Service Leave) Regulations.
- 2.6 "Mediation Service" as referred to in clause 17 means an individual or company contracted to mediate a dispute between the parties.
- 2.7 "Policies" means the policies adopted by Council.
- 2.8 "Position" means the office or position defined in Clause 1.
- 2.9 "Remuneration Package" means the total of the remuneration package specified in Clause 12.
- 2.10 "Term" means, the term specified in Clause 4.

3. CONSTRUCTION

Unless expressed to the contrary, words importing:

3.1 The singular include the plural and vice versa.

A reference to:

3.2 A person includes a firm, an unincorporated association, an incorporated association, a corporation and a government or statutory body or authority.

3.3 A person includes their legal personal representatives, successors and assigns.

3.4 A statute, ordinance, code, regulation, award or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

3.5 A right includes a benefit, remedy, discretion, authority or power.

3.6 An obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation.

3.7 Provisions or terms of this Contract, or another document, contract, understanding or arrangement include a reference to both express and implied provisions and terms.

3.8 This Contract or any other document includes this Contract or other document as varied or replaced and notwithstanding any change in the identity of the parties.

3.9 Writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions or other electronic mail or transmissions.

3.10 Anything (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them.

3.11 Headings are for convenience only and do not effect the interpretation of this Contract.

4. TERM OF EMPLOYMENT

Subject to the terms and conditions contained in this contract, the Local Government will employ the Officer for a term of years commencing on theth day of 2017 and expiring on theth day of 20.....

5. INITIAL PROBATIONARY PERIOD

The Officer's employment will be subject to an initial probationary period of six months. During the probationary period the Council may terminate this contract with 12 weeks written notice.

Before the end of the probationary period, the Council may terminate this Contract or extend the probationary period for a further three months, up to a total period of nine months. If the Officer's performance has met the Council's requirements, then the Officer's appointment will be confirmed.

6. FURTHER CONTRACTS

There is no compulsion on either the Council or the Officer to agree to a new Contract. The Council and/or the Officer shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the Council and the Officer agree to a new contract, a new contract will be executed.

7. OFFICER'S DUTIES AND FUNCTIONS

The Officer must carry out the duties and functions as are:

- 7.1 Set out in the Position Description and as varied from time to time by agreement between the parties.
- 7.2 Set out in the policies of the Local Government as adopted by the Local Government from time to time during the term of employment.
- 7.3 Imposed by the Act or in any other statute and associated regulations relevant to the position.

The Officer shall:

- 7.4 Work such reasonable hours as are necessary to carry out the duties and functions of the position.
- 7.5 Observe and carry out all lawful directions given by the CEO, in relation to the performance of the Officer's duties and functions under this Contract.
- 7.6 Disclose any financial or other interest relating to the business of the Local Government in accordance with the Act or which conflicts or may conflict with the discharge of the duties and functions of the office and comply with any reasonable direction given by the CEO in respect of that interest.
- 7.7 Devote the whole of their professional effort to their employment and will not hold any position or take on any activities which may in any way be seen to

conflict with the Officer' s obligations under this contract unless approved by the CEO.

8. PERFORMANCE CRITERIA

The following Responsibilities and Performance Measurement Criteria and the Key Responsibilities set out in Clause 6 of Appendix 1 apply to this contract:

Responsibility 1 - Provide leadership, management, professional advice and support to the Executive Management Team and the Corporate Services Department.

Authority Level - Full management authority as delegated by the CEO for operational management of the Corporate Services Department.

Measurement - 1 The Corporate Services Department is well run in accordance with relevant statute and associated guidelines and codes, Council's policies and administrative procedures, meeting operational targets and effectively meeting the needs of the Council and the community.

Measurement - 2 High standards are maintained with regard to the financial management of the Corporate Services Department.

Measurement - 3 No justifiable complaints are received from the CEO or external customers and stakeholders.

Responsibility 2 - Develop a team approach from all staff within the Corporate Services Department, and encourage the development of staff to reach their full potential whilst overseeing the activities of the Department in a co-ordinated manner.

Authority Level - Acts autonomously within the policies and guidelines established by the CEO and the Council.

Measurement - 1 Corporate Services Department staff are improving in the skill levels, confidence, abilities, initiative and teamwork.

Responsibility 3 - Establish best practice and quality management principles in the operations of the Corporate Services Department.

Authority Level - Acts autonomously within the legislation and policies and guidelines established by the CEO and the Council.

Measurement - 1 Planning and programming of all activities in the Corporate Services Department are of a high professional standard.

Responsibility 4 - To ensure (in cooperation with Administration Officer) that all documents relating to Corporate Services Department are registered and managed in accordance with the Records Management Plan approved Council.

Authority Level - The Officer is expected to work in cooperation with the Records Manager/Records Officer

Measurement – 1 High level of cooperation with records staff.

Measurement – 2 All Corporate Services Department related documents are managed appropriately in accordance with the Document Management Plan

Responsibility 5 - To provide high quality input to the Council's Annual report, operational plan, annual budget and long term financial planning in the Corporate Services Department.

Authority Level - The Officer is expected to work cooperatively with all other staff.

Measurement -1 High level of cooperation with all other staff

Measurement – 2 Quality input to corporate documents, corporate plans and corporate decision making.

These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this contract.

9. PERFORMANCE REVIEWS

The CEO will ensure that a review of the Officer's performance is conducted annually or more frequently if the CEO or the Officer perceives there is a need to do so.

The CEO shall give the Officer a minimum of ten working days notice in writing that a performance review is to be conducted to enable the Officer sufficient time to prepare.

Where an external facilitator is to be used, both parties must agree to the nominated facilitator.

The Officer will prepare and submit to the CEO and/or facilitator an assessment of his/her own performance prior to the assessment by the CEO.

The final report on the performance of the Officer is to be prepared by the CEO and/or facilitator in consultation with the officer.

10. CONFIDENTIAL INFORMATION

The Officer shall not divulge any confidential information about the Local Government both during and after their term of employment with the Local Government. Confidential information includes all information and intellectual property relating to the functions and operations of the Local Government which is not made available to the public.

In the event of termination, the Officer must deliver to the Local Government all confidential information relating to the local government in the Officer's possession and must not keep or make copies of such information.

11. CONDUCT

The Officer shall at all times carry out his/her duties and functions in the best interests of the Local Government, and ensure that the CEO's actions do not bring the Local Government into disrepute or cause the Local Government damage.

The Officer will comply with the Employee's Code of Conduct adopted by the Local Government pursuant to section 5.103 of the Act or as prescribed in Regulations under the Act.

12. SUSPENSION

The Council may, during a period which the Officer is under charge with any criminal offence, suspend the Officer from duty on full pay.

13. REMUNERATION

The Local Government will provide the Officer with the remuneration package detailed below:

13.1 Salary Package

The Officer shall be entitled to a total remuneration package of \$..... per annum, which takes into account:

- the requirement to attend Council meetings outside working hours;
- an acknowledgment that the position is measured on performance and not on the number of hours worked; and
- all additional loadings and allowances.

The components representing the remuneration package shall be:

13.2	Salary (cash component)	\$	per annum
13.3	Motor Vehicle	\$ 10,000	per annum
13.4	Superannuation	\$	per annum
13.7	Subsidised Residential Accommodation	\$ 13,000	per annum
13.8	Relocation Expenses	\$ 2,500	once off
13.9.1	Communications Allowance – Mobile Phone	\$ 500	per annum
12.9.2	Communications Allowance – Internet	\$ 850	per annum

13.2 Salary (Cash Component)

13.2.1 The remuneration package referred to in subclause 12.1 shall be reviewed annually by Council. A review shall not result in a decrease in the remuneration package.

13.2.2 The Officer's salary shall be payable fortnightly, in arrears to an account nominated by the Officer.

13.3 Motor Vehicle

13.3.1 The Local Government shall provide unlimited private use of a motor vehicle in accordance with policy as at the date of signing this contract, equivalent in value to a Toyota Carolla, for the use of the Officer.

13.3.2 The Local Government shall be responsible for all running costs of the motor vehicle including, but not limited to all registration, insurance, fuel and maintenance costs of the motor vehicle.

13.3.3 The Officer is responsible for organising for the motor vehicle to be maintained, serviced and cleaned in an appropriate manner.

13.3.4 Unlimited private use entitles the Officer and a driver designated by the Officer to use the motor vehicle for both business and private purposes in Western Australia.

13.4 Superannuation

13.4.1 The Local Government will make superannuation contributions during the term of the contract of 15.5% subject to the Officer making contributions equivalent to 6% of their salary. The Local Government's contribution includes the Superannuation Guarantee levy.

13.4.2 The Officer may elect to pay additional superannuation contributions as part of a salary sacrifice arrangement with the Local Government. Such an agreement will result in a lower cash component being paid to the Officer.

13.5 Fringe Benefits Tax

The Local Government shall pay any liability with respect to Fringe Benefits Tax incurred as a result of the benefits provided in this Contract, or the ordinary carrying out of Local Government business by way of functions or travelling.

13.6 Valuation

The value to be allocated to each component of the Officer's total remuneration shall be determined by the Local Government in accordance with such valuation principles as it may adopt from time to time to value benefits extended to its employees.

13.7 Housing

13.7.1 The Local Government will provide residential accommodation for the Officer at a subsidised rate.

13.7.2 At the commencement of the Term the rent is \$50 per week payable fortnightly in advance by the Officer.

13.7.3 The Officer must pay to the Local Government the rate specified in paragraph 13.7.2, as varied from time to time, pursuant to paragraph 13.7.2 in such manner as it from time to time agreed.

13.7.4 The Local Government will pay the water consumption costs provided that the gardens are kept in neat and tidy order.

13.8 Relocation Expenses

Council will meet the cost of the Officers relocation expenses up to \$2,500 with 50% of the reimbursement to be made on commencement and 50% paid after successful completion of six (6) months service. Receipts must be produced to claim reimbursement.

13.9 Other Benefits

13.9.1 The Officer will be permitted a level of private use of the Mobile Telephone provided for work purposes up to an amount agreed annually.

- 13.9.2 Council will provide and maintain an internet connection, for an amount agreed annually, at the Officer's residence for work purposes. The Officer is permitted private use of this connection.

14. LEAVE

This may include, but is not limited to:

14.1 Annual Leave

The Officer is entitled to four weeks' paid annual leave each year, to be taken during agreed periods.

14.2 Long Service Leave

Long service leave shall be in accordance with the Local Government (Long Service Leave) Regulations.

14.3 Personal Leave

- 14.3.1 The Officer is entitled to two weeks (cumulative) per annum paid personal leave when he/she is absent:

- due to personal illness or injury (sick leave); or
- for the purposes of caring for an immediate family or household member who is sick and requires the Officer's care and support (carer's leave);

- 14.3.2 The Officer is entitled to two days bereavement leave as non-cumulative leave on any occasion on which a member of the Officer's immediate family or household dies.

14.4 Parental Leave

Parental Leave encompasses Maternity Leave, Paternity Leave and Adoption Leave, and is available if the Officer has been employed for a 12 month period or more immediately preceding the commencement of the leave.

14.4.1 The leave is unpaid (including Public Holidays), and is available for a period of up to 52 weeks in one unbroken period. Personal leave is not available and no leave entitlements accrue during the period of Parental Leave.

14.4.2 The Officer may take any other forms of paid leave to which he/she are entitled, such as annual or long service leave, in substitution for some or all of this 52 week period. The maximum entitlement to Paternity Leave is reduced by any maternity leave taken by the Officer's spouse. Paternity Leave cannot normally be taken while the Officer's spouse is on maternity leave.

14.5 Public Holidays

The Officer shall be entitled to Western Australian Gazetted public holidays.

15. TERMINATION OF EMPLOYMENT

15.1 Effluxion of Time

The employment of the Officer shall, unless a new contract is negotiated, terminate on the expiry date specified in Clause 4 of this Contract.

15.2 Termination by Officer

The Officer may terminate this contract by giving six weeks written notice to the Council.

15.3 Termination by Council

The Council may terminate this contract by giving three months written notice to the Officer.

Council may approve a payment to the Officer of up to the value of one year's remuneration if the contract has one year or more to run, or, if the contract has less than one year to run, a payment not exceeding the value of remuneration the Officer would have received if the contract had been completed.

The Officer retains the right to recourse for unfair dismissal remedies if termination is harsh, unjust or unreasonable.

15.4 Summary Dismissal

The Council may terminate the employment of the Officer in writing for a period of less than three months if:

15.4.1 The Officer commits any wilful or serious misconduct or wilful neglect in the discharge of the Officer's responsibilities or obligations under this Contract.

15.4.2 The Officer wilfully disobeys any reasonable and lawful order or direction by the Council.

15.4.3 The Officer is convicted and under sentence for a crime or has been convicted of a serious Local Government offence within the meaning of Section 2.22 of the *Act*

A payment under sub-clause 15.3 does not apply where the termination is a result of an event identified under sub-clause 15.4.1, 15.4.2 or 15.4.3.

16. INCONSISTENCY AND SEVERANCE

This Contract shall be governed by and construed in accordance with the laws of the State of Western Australia.

If there is any inconsistency between this Contract and any Industrial Relations Law, the Industrial Relations Law prevails, but only to the extent of the inconsistency.

If there is any inconsistency between this Contract and the *Local Government Act 1995*, the Act prevails but only to the extent of the inconsistency.

Each provision of this document shall be read and construed independently of the other provisions of this document so that if one or more are held to be invalid for any reason whatsoever, then the remaining provisions shall be valid to the extent that they are not held to be so invalid.

If a provision of this document is found to be void or unenforceable but would be valid if some part hereof were deleted or the period of application reduced, such provision shall apply with such modification as may be necessary to make it valid and effective.

17. ALTERATIONS TO THIS CONTRACT

This contract may only be varied or replaced by agreement in writing signed by the parties.

18. DISPUTE RESOLUTION

In relation to any matter that may be in dispute between the Officer and the Council, the parties will:

17.1 Attempt to resolve the matter at workplace level by the Officer and the Council, or a person or a committee delegated by the Council for that purpose, meeting and conferring on the matter.

17.2 Agree to allow either party to refer the matter to mediation if the matter cannot be resolved at the workplace level.

17.3 Agree that if either party refers the matter to an independent mediator, both parties will participate in the mediation process in good faith.

17.4 Acknowledge the right of either party to appoint, in writing, another person to act on behalf of the party in relation to the mediation process. Such mediation shall operate in a manner as agreed by the parties

The cost of the mediation service will be met by the Local Government. Where an advisor is used by either party, that party will be responsible for meeting the cost of the advisor.

19. NOTICES

Any notice or other communication between the parties:

19.1 Must be in legible writing to the last recorded (or known) address;

19.2 Is regarded as being given to the sender and received by the addressee:

- if by person, when delivered;
- if by post, 3 business days from and including the date of postage; and
- if by facsimile transmission, whether or not legibly received, when transmitted to the addressee, but if the delivery or receipt is on a day which is not a business day or is after 4.00pm (addressee's time) it is regarded as received at 9.00am on the following business day.
- if by email, the date of receipt shown on the email.

19.3 If the sender is advised that a facsimile transmission is not legible within 2 hours after transmission, the facsimile transmission is not regarded as legible.

20. OTHER TERMS AND CONDITIONS

Subject to any express provision in this Contract to the contrary, each party shall bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its obligations arising out of this Contract.

21. EXECUTION BY THE PARTIES

THE COMMON SEAL of the
Shire of Cuballing was hereunto
affixed by authority of a resolution
of the Council in the presence of:

President

Name of President

Cr M Conley

Chief Executive Officer

Name of Chief Executive Officer

Mr G A Sherry

signed by:

in the presence of:

Name of Witness

9.2.5 Local Government Property Local Law

Applicant:	N/A
File Ref. No:	ADM81
Disclosure of Interest:	Nil
Date:	26 th May 2017
Author:	Gary Sherry
	9.2.5A Legislative Process for Adoption of a Local Law
Attachments:	9.2.5B Draft Proposed Shire of Cuballing Local Government Property Local Law 2017

Summary

Council is to consider allowing the Presiding Person to give notice to the meeting of the purpose and effect to the proposed Local Government Property Local Law, to adopt the proposed Local Law and to allow for advertising of the proposed local law for public comment.

Background

Council has never adopted a Local Government Property Local Law to provide control over the use of Local Government Property. Currently there is no legal framework for use of Council property or legal penalty for misuse. Most other local governments have a version of this Local Law.

Comment

A draft Shire of Cuballing Local Government Property Local Law is included at Attachment 9.2.5B. This proposed draft local law is based upon the Local Government Property Local Law template developed by the Western Australian Local Government Association (WALGA) in collaboration with the Joint Standing Committee on Delegated Legislation and the Department of Local Government and Communities.

The proposed purpose and effect of the proposed draft local law is to:

- Purpose: To regulate the care, control and management of all property of the local government except thoroughfares.
- Effect: To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

The draft Shire of Cuballing Local Government Property Local Law allows for:

- Council to make determinations in respect of local government property. The local law sets out a process to make a determination that sets enforceable rules regarding the use of local government property;
- a determination may allow activities on certain areas of local government property that could include flying or use a motorised model aircraft or practicing golf or archery. A determination may also prohibit such activities on certain areas of local government property.
- requiring conducting certain activities requiring a permit. Such activities requiring a permit include hiring local government property, planting plants or seeds on local

government property, parachute, hang glide, abseil or base jump from or onto local government property or depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property. The local law also sets out the conditions of duration, renewal and transfer of a permit;

- prohibits certain behaviours on local government property such interfering with others, vandalism, taking or injuring fauna or remaining on local government property when intoxicated;
- prevents camping on local government property without a permit to do so;
- makes it an offence to enter a public toilet assigned to another gender;
- permits charging fees to enter local government property and makes it an offence to enter without paying such a fee;
- lists the infringements for offences under the local law. Most infringements are \$125 with the failure to observe a notice given being \$250.

Strategic Implications

Implementation of clear governance around the use of local government property will enhance the security of the community and encourage the access and use of Council recreational and leisure opportunities within the Shire of Cuballing.

Statutory Environment

Local Government Act 1995

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
- (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

A diagram that summarises the process for formal adoption of the draft local law is included at Attachment 9.2.5A.

It is worth noting that the final stage is approval by the State Parliament's Joint Committee on Delegated Legislation. Should this committee not approve the local law, the entire process will need to be repeated.

Policy Implications – Nil

Financial Implications

Council has budgeted \$7,500 for the adoption of Local Laws in 2017/18.

Economic Implication – Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation; or
3. defer this matter and request that staff provide further information to allow Council to consider this matter.

Voting Requirements – Simple Majority

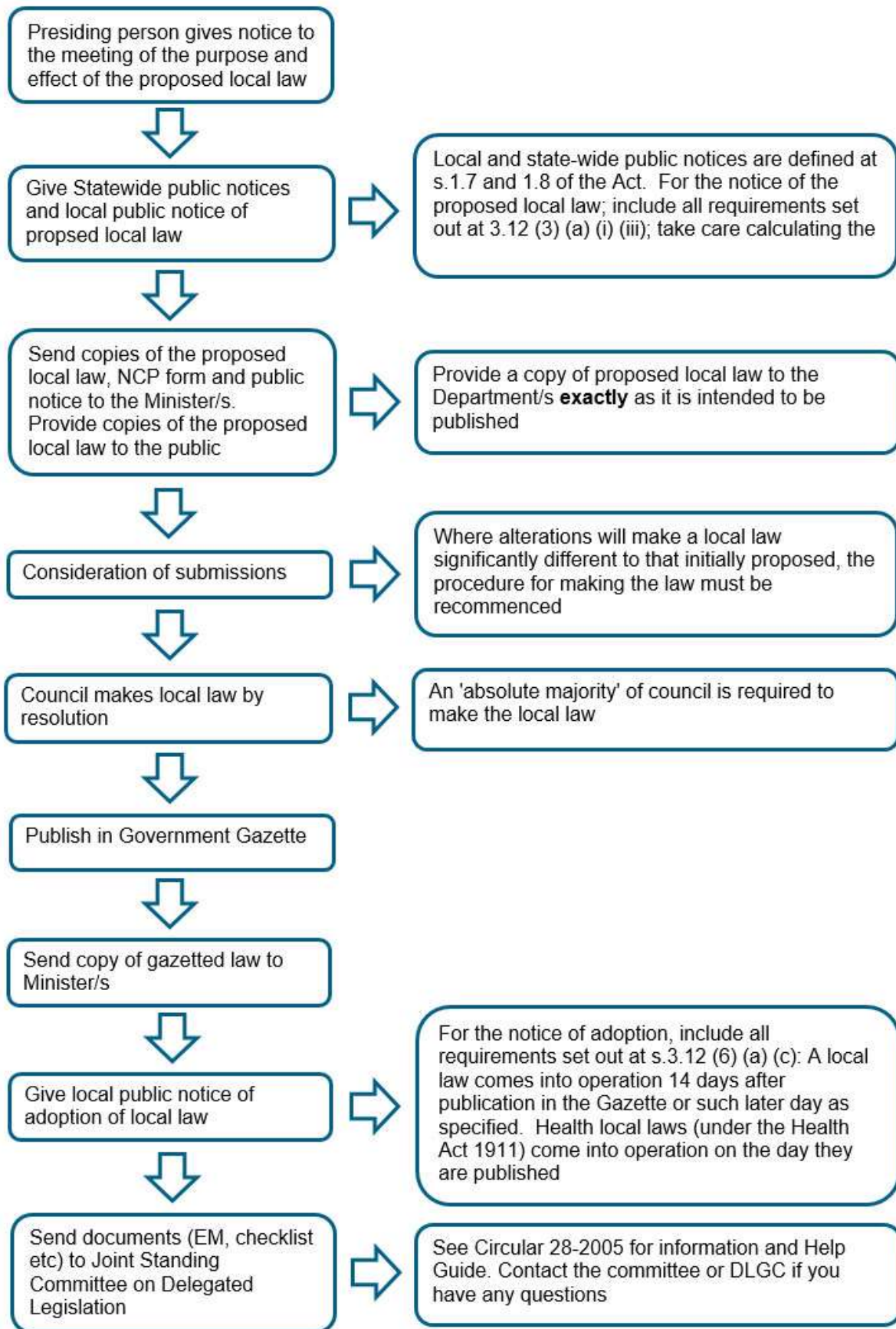
OFFICER'S RECOMMENDATION:

That Council:

- 1. adopt the proposed Shire of Cuballing Local Government Property Local Law 2017 included at Attachment 9.2.5B for the purpose of advertising; and**
- 2. pursuant to s.3.12 of the Local Government Act 1995, give local and state-wide public notice of its intention to make the Shire of Cuballing Local Government Property Local Law 2017 and within that notice advise of the following purpose and effect:**

Purpose: To regulate the care, control and management of all property of the local government except thoroughfares.

Effect: To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.



Local Government Act 1995

**LOCAL GOVERNMENT PROPERTY
LOCAL LAW**

Local Government Act 1995

LOCAL GOVERNMENT PROPERTY LOCAL LAW

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Local Government Act 1995

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Cuballing resolved on 21st September 2017 to make the following local law.

PART 1 - PRELIMINARY

Citation

1.1 This local law may be cited as the Shire of Cuballing Local Government Property Local Law.

Definitions

1.2 In this local law unless the context otherwise requires -

"**Act**" means the *Local Government Act 1995*;

"**aircraft**" has the meaning given to it in the *Civil Aviation Act 1988* (Cth)

"**applicant**" means a person who applies for a permit under clause 3.2;

"**authorized person**" means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

"**boat**" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

"**building**" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"**CEO**" means the chief executive officer of the local government;

"**commencement day**" means the day on which this local law comes into operation;

"**Council**" means the council of the local government;

"**date of publication**" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"**determination**" means a determination made under clause 2.1;

"**district**" means the district of the local government;

"function" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

"liquor" has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

"local government" means the Shire of Cuballing;

"local government property" means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- 5.
(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"Manager" means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

"permit" means a permit issued under this local law;

"permit holder" means a person who holds a valid permit;

"person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"trading" means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;

- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

Interpretation

- 1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

Application

- 1.4 (1) This local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.
- (2) Notwithstanding anything to the contrary in this local law, the local government may –
- (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

2. PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

Determinations as to use of local government property

- 2.1 (1) The local government may make a determination in accordance with clause 2.2 – 2.
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

- (2) The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

Procedure for making a determination

- 2.2 (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
- (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
- (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.

- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

Discretion to erect sign

- 2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

Determination to be complied with

- 2.4 A person shall comply with a determination.

Register of determinations

- 2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

- 2.6 (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

Activities which may be pursued on specified local government property

- 2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may –
- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aircraft;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;

- (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

Activities which may be prohibited on specified local government property

- 2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle or a particular class of vehicle on the property;

- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.
- (3) In this clause –

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

Signs taken to be determinations

- 2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - PERMITS

Division 1 - Preliminary

Application of Part

- 3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 - Applying for a permit

Application for permit

- 3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - 1 (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

Decision on application for permit

- 3.3 (1) The local government may –
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

Division 3 - Conditions

Conditions which may be imposed on a permit

- 3.4 (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to -
- (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
 - (i) whether or not the hire is for the exclusive use of the local government property;

- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

Imposing conditions under a policy

3.5 (1) In this clause –

"**policy**" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

Compliance with and variation of conditions

- 3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

Agreement for building

- 3.7 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

Duration of permit

3. 3.8

A permit is valid for one year from the date on which it is issued, unless it is –

4.

(a) otherwise stated in this local law or in the permit; or

5.

(b) cancelled under clause 3.12.

Renewal of permit

3.9 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a permit as though it were an application for a permit.

Transfer of permit

3.10 (1) An application for the transfer of a valid permit is to -

(a) be made in writing;

(b) be signed by the permit holder and the proposed transferee of the permit;

(c) provide such information as the local government may require to enable the application to be determined; and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

3.11 A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

Cancellation of permit

3.12 (1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder has not complied with a –

(a) condition of the permit; or

(b) determination or a provision of any written law which may relate to the activity regulated by the permit.

- (2) On the cancellation of a permit the permit holder -
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 - When a permit is required

Activities needing a permit

- 3.13 (1) A person shall not without a permit –
- (a) subject to subclause 3, hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted -
 - 4
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (h) conduct a function on local government property ;
 - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (j) light a fire on local government property except in a facility provided for that purpose;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) erect a building or a refuelling site on local government property;

- (m) make any excavation on or erect or remove any fence on local government property;
 - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
 - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

Permit required to camp outside a facility

3.14 (1) In this clause –

"facility" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit -
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Permit required for possession and consumption of liquor

- 3.15 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
- (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

Responsibilities of permit holder

- 3.16 A holder of a permit shall in respect of local government property to which the permit relates -
- (a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
 - (b) leave the local government property in a clean and tidy condition after its use;
 - (c) report any damage or defacement of the local government property to the local government; and
 - (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

Behaviour which interferes with others

- 4.1 A person shall not in or on any local government property behave in a manner which -
- (a) is likely to interfere with the enjoyment of a person who might use the property; or
 - (b) interferes with the enjoyment of a person using the property.

Behaviour detrimental to property

- 4.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
- 'detrimental to the property'** includes –
- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

Taking or injuring any fauna

- 4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorized under a written law to do so.
- (2) In this clause –
- "animal"** means any living thing that is not a human being or plant; and

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

Intoxicated persons not to enter local government property

4.4 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

No prohibited drugs

4.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 - Signs

Signs

- 4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
- (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Fenced or closed property

No entry to fenced or closed local government property

5.1 A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorized to do so by the local government.

Division 2 - Toilet blocks and change rooms

Only specified gender to use entry of toilet block or change room

5.2 (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
- (a) under the age of 8 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

No unauthorized entry to function

- 6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorized, except –
- (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - OBJECTIONS AND APPEALS

Application of Division 1, Part 9 of the Act

- 7.1 When the local government makes a decision as to whether it will -
- (a) grant a person a permit or consent under this local law; or
 - (b) renew, vary, or cancel a permit or consent that a person has under this local law,
- the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33 of the Regulations apply to that decision.

PART 8 - MISCELLANEOUS

Authorized person to be obeyed

- 8.1 A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

Persons may be directed to leave local government property

- 8.2 An authorized person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

Disposal of lost property

- 8.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

Liability for damage to local government property

- 8.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 9 - ENFORCEMENT

Division 1 - Notices given under this local law

Offence to fail to comply with notice

- 9.1 Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

Local government may undertake requirements of notice

- 9.2 Where a person fails to comply with a notice referred to in clause 11.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties

Subdivision 1 - General

Offences and general penalty

- 9.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 - Infringement notices and modified penalties

Prescribed offences

- 9.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that –
- (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of notices

- 9.5 (1) For the purposes of this local law -
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 – Evidence in legal proceedings

Evidence of a determination

- 9.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125
3.13(1)	Failure to obtain a permit	125
3.14(3)	Failure to obtain permit to camp outside a facility	125
3.15(1)	Failure to obtain permit for liquor	125
3.16	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	125
4.4	Under influence of liquor or prohibited drug	125
4.6(2)	Failure to comply with sign on local government property	125
5.1	Unauthorized entry to fenced or closed local government property	125
5.2	Gender not specified using entry of toilet block or change room	125
6.1(1)	Unauthorized entry to function on local government property	125
9.1	Failure to comply with notice	250

SCHEDULE 2

DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1 – PRELIMINARY

Definitions

1.1 In these determinations unless the context otherwise requires –

"**local law**" means the *Local Government Property Local Law* made by the local government;

Interpretation

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Dated _____ 20____

The Common Seal of the Shire of Cuballing)
was affixed by authority of a resolution)
of the Council in the presence of -)

Chief Executive Officer

Mayor/President

9.2.6 Appointment of Dual Fire Control Officers

Applicant: N/A
File Ref. No: ADM81
Disclosure of Interest: Nil
Date: 13th September 2017
Author: Gary Sherry
Attachments: Nil

Summary

Council is to consider the appointment of the Bush Fire Control Officers of neighbouring Shires to act as Bush Fire Control Officers in the Shire of Cuballing if required.

Background

The Shire of Cuballing considers annually the appointment of locally based Bush Fire Control Officers recommended by the Bush Fire Advisory Committee.

For the efficiency of bush fire responses in areas near to the boundary of local governments, Shires have in the past formally appoint as fire control officers of their neighbouring Shire to act in an emergency if local fire control officers are unavailable or delayed in attending an emergency.

Comment

The Shire of Pingelly has advised the Shire of Cuballing that:

- Rodney Leonard Shaddick
- Robert Alexander Kirk
- Alan William Parsons
- Anthony Turton; and
- Andrew Augustin Marshall;

are the Fire Control Officers of the Shire of Pingelly who could serve as Dual Fire Control Officers in the Shire of Cuballing.

The Shire of Wickepin has advised the Shire of Cuballing that:

- Steve Rose
- Trevor Leeson; and
- Roger Butler;

are the Fire Control Officers of the Shire of Wickepin who could serve as Dual Fire Control Officers in the Shire of Cuballing.

The Shire of Narrogin has advised the Shire of Cuballing that:

- Richard Chadwick; and
- Barry Hardie;

are the Fire Control Officers of the Shire of Narrogin who could serve as Dual Fire Control Officers in the Shire of Cuballing.

Strategic Implications - Nil

Statutory Environment

Bush Fires Act 1954

38. Local government may appoint Bush Fire Control Officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)
 - (a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
 - (b) *[deleted]*
 - (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
 - (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
 - (e) A bushfire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bushfire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for
 - (a) carrying out normal brigade activities;
 - (b) *[deleted]*
 - (c) *[deleted]*
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5)
 - (a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
 - (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
 - (c) The provisions of this subsection are not in derogation of those of subsection (4).

Policy Implications - Nil

Financial Implications – Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation

The Shires of Wickepin, Pingelly and Narrogin have provided their nominated Bush Fire Control Officers.

Options

Council may resolve:

1. the Officer's Recommendation;
2. an amended resolution with different appointments; or
3. to not appoint one or all proposed Dual Fire Control Officers.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council appoint the following persons as Fire Control Officers for the Shire of Cuballing for the 2017/18 bush fire season:

- | | |
|-----------------------|---------------------------|
| 1. Shire of Pingelly | Rodney Leonard Shaddick |
| 2. Shire of Pingelly | Robert Alexander Kirk |
| 3. Shire of Pingelly | Alan William Parsons |
| 4. Shire of Pingelly | Anthony Turton; |
| 5. Shire of Pingelly | Andrew Augustin Marshall; |
| 6. Shire of Wickepin | Steve Rose |
| 7. Shire of Wickepin | Trevor Leeson; |
| 8. Shire of Wickepin | Roger Butler; |
| 9. Shire of Narrogin | Richard Chadwick; and |
| 10. Shire of Narrogin | Barry Hardie. |

9.2.7 Review of the Local Government Act

Applicant: N/A
File Ref. No: ADM104
Disclosure of Interest: Nil
Date: 13th September 2017
Author: Gary Sherry
Attachments: 9.2.7A WALGA Discussion Paper on Local Government Act Review

Summary

Council is to consider positions in relation to aspects of the review of the Local Government Act about to be conducted by the Department of Local Government, Sport and Cultural Industries.

Background

The Minister for Local Government, Hon David Templeman has announced the commencement of the review of the Local Government Act 1995 (LGA).

In correspondence to the Western Australian Local Government Association (WALGA) the Minister has outlined:

Due to the scope of the likely amendments and my desire to see early progress, I have decided that the work will be undertaken in two phases:

The first will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. Key topics in this phase will be increasing elector participation, electronic disclosure (making information more readily available), simplifying the disclosure of gifts and some reducing red tape provisions.

The theme for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019. Key themes for this phase will be improving behaviour and relationships, increasing community participation, enabling local government enterprises, improving financial management and reducing red tape.

The Minister also expressed the Review's Principles and Vision thus:

Vision - The vision for local government in Western Australia is: Agile, Smart, Inclusive.

Principles - The review will deliver on this through application of the following principles:

- Transparent – providing easy access to meaningful, timely and accurate information about local governments (S, I);
- Participatory – strengthening local democracy through increased community engagement (I);
- Accountable – holding local governments accountable by strengthening integrity and good governance (S, I);
- Efficient – providing a framework for local governments to be more efficient by removing impediments to good practice (A, S); and
- Modern – embracing contemporary models for governance and public sector management (A, S, I)..

WALGA has completed a discussion paper on the LGA review that is included at Attachment 9.2.7A.

Comment

Councillors Shire staff representing Council on various regional groups will have the opportunity to put views on the review of the LGA. With the Council's limited administration resources, currently there is no intention for Council to complete a specific response to this review at this time.

However it is expected that Councillors and staff will participate in review activities conducted by other groups such as the Department of Local Government, Sport and Cultural Industries (DLGSCI) and WALGA. This report to Council seeks to establish an agreed position for Councillors and staff to argue at such events.

A summary of the potential positions for Council to argue is set out below.

Tiered Compliance

The current LGA provides the same compliance requirement on all local governments. In this way small local governments, such as the Shire of Cuballing, have the same governance requirement as very large local governments, such as the City of Stirling. While the Shire of Cuballing believes that this one-fit-all solution does not provide optimum regulation for the Shire of Cuballing, it would be expected that the City of Stirling has a similar, but reversed, point of view.

For some time the DLGSCI has classified local governments into four bands for the Salaries and Allowances Tribunal for the setting of remuneration for Elected Members and Chief Executive Officers.

It is expected that a range of compliance activities/requirements could be structured in to a reviewed local government act that could provide

Potential Council Position – That Council supports implementation of a tiered compliance system for local governments based on the four bands of local governments established through the Salaries and Allowances Tribunal process for implementing limits on the remuneration for Elected Members and Chief Executive Officers.

Valuations for UV land

Currently Council is required to purchase Unimproved Valuations (UV) annually for the purpose of rating all rural properties in the Shire. The Valuer Generals Office (VGO) prepares these valuations annually and there are generally small changes from year to year. Often these changes are insignificant. Council pays the VGO approximately \$6,500 for the annual UV valuations.

Council purchases Gross Rental Valuations (GRV) on a multiple year, revolving schedule for the purposes of rating townsite property. The process for the VGO preparing these valuations is much more complex, requiring an Officer to visit all properties to ensure that valuations are appropriate. There is the potential for more significant changes in these valuations, given the increased length of time between valuations and the potential for real changes in property valuations. Council pays the VGO approximately \$9,000 for GRV valuations every five years.

Council does purchase interim valuations from time to time, when property owners wish to change the structure of their property through subdivision or amalgamation or the like. At these times an GRV or UV valuation is provided at that time. Such valuations are valid at the time of issue and will reflect changes in values since the last general valuation.

Conducting valuations on a multi year schedule may give rise to significant variations in interim valuations where property valuations change significantly in a local government. One example is where after a Shire wide GRV valuation was completed, a mining boom doubled property valuations. Interim valuations completed after the mining boom, saw property owners completing subdivisions received GRV valuations that were double similar properties in the Shire. With valuations double similar properties the rates paid on these similar properties were double the other properties whose valuation was completed prior to the boom.

Potential Council Position – That Council supports amendments to the Local Government Act to allow Councils to purchase UV Valuations on a five year schedule rather than annually.

Election of Mayor or Shire President

A proposal exists to require the Direct Election of the Mayor or Shire President of a local government at an election. Currently this is an optional process and local governments can have a Mayor or Shire President elected by the Council.

Election of the Mayor or Shire President by the Council does ensure that the Council supports the Mayor or Shire President and reduces the politicking and infighting on the Council.

Potential Council Position – That Council supports retention of the current position where local governments can choose if they wish to directly elect the Mayor or Shire President of their local government.

Dismissal of Elected Member

A number of agencies have proposed that the LGA provide for the Minister to ‘stand down’ or dismiss an individual elected member from their role when they are under investigation, have been charged or when their continued presence prevents Council from properly discharging its functions or affects the Council’s reputation.

To provide the Minister with this ability effectively removes the natural justice of Elected Members to a hearing on any charges raised against them. Whilst the recent case of the City of Perth Lord Mayor took an inordinate amount of time, the Lord Mayor was granted a hearing at the State Administrative Tribunal where she could fight the charges against her.

Potential Council Position – That Council supports the current system of the SAT being able to suspend an individual Councillor rather than the Minister of Local Government being able to summarily disqualify an elected Councillor. Council would also support a modification of this system that speeds up the process to ensure a Councillor answers charges before the SAT in a timely manner.

Annual Electors Meetings

Section 5.27 of the Local Government Act 1995 could be amended so that Annual Electors’ Meetings are not compulsory. The Shire of Cuballing has very few electors attend this annual meeting and often has more electors attending Ordinary meetings.

The current LGA requires the provision of public question time at each Ordinary Meeting. It is the Shire of Cuballing’s experience that electors choose to make their political points through this forum rather than wait for an annual meeting later in the year.

The setting of the date of the Annual Electors’ Meeting depends on the completion of the Shire’s audit report. Therefore the date of the Annual Electors’ Meeting cannot be set in

advance and may be held in February or March of the following year, which make the Annual Electors' Meeting even less relevant.

Potential Council Position – That Council supports the making Annual Electors' Meetings not compulsory.

Strategic Implications - Nil

Statutory Environment

The LGA is the key legislation for local governments.

Policy Implications – Nil

Financial Implications

There is no financial cost involved in the taking a position on aspects of the review of the LGA.

There will be some, insignificant financial cost in participating in consultation of the review of the LGA, putting these positions.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Council has not completed any consultation at this time. This report will guide the content of future consultation.

Options

Council may resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation that includes either additional or less positions on the LGA review; or
3. to delay consideration of this Officer's Recommendation at this time and seek further information; or
4. to not have a position on the LGA review.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That, in relation to the current review of the Local Government Act, Council supports:

- 1. implementation of a tiered compliance system for local governments based on the four bands of local governments established through the Salaries and Allowances Tribunal process for implementing limits on the remuneration for Elected Members and Chief Executive Officers;**
- 2. amendments to the Local Government Act to allow Councils to purchase UV Valuations on a five year schedule rather than annually;**
- 3. retention of the current position where local governments can choose if they wish to directly elect the Mayor or Shire President of their local government**
- 4. the current system of the SAT being able to suspend an individual Councillor rather than the Minister of Local Government being able to summarily disqualify an elected Councillor. Council would also support a modification of this system that speeds up the process to ensure a Councillor answers charges before the SAT in a timely manner; and**
- 5. the making Annual Electors' Meetings not compulsory.**



**REVIEW OF
LOCAL GOVERNMENT ACT
1995**

DISCUSSION PAPER

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Executive Summary

The Minister for Local Government, Hon David Templeman wrote to the Association on 14 June 2017 to announce the commencement of the review of the *Local Government Act 1995*. The correspondence is outlined below:

Due to the scope of the likely amendments and my desire to see early progress, I have decided that the work will be undertaken in two phases:

The first will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. Key topics in this phase will be increasing elector participation, electronic disclosure (making information more readily available), simplifying the disclosure of gifts and some reducing red tape provisions.

The theme for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019. Key themes for this phase will be improving behaviour and relationships, increasing community participation, enabling local government enterprises, improving financial management and reducing red tape.

The following are the issues that the Minister's office has put forward:

Phase 1: 'Modernising local government' - 2017

- Increasing participation in local government elections
- Strengthening public confidence in local government elections
- Making information available online
- Restoring public confidence (includes the gift provisions)
- Reducing red tape
- Regional Subsidiaries

Phase 2: 'Services for the community' - 2018

- Increasing community participation
- Improving financial management
- Improving behaviour and relationships
- Reducing red tape

The Minister also expressed the Review's Principles and Vision thus:

Vision

The vision for local government in Western Australia is: Agile, Smart, Inclusive.

Principles

The review will deliver on this through application of the following principles:

- *Transparent – providing easy access to meaningful, timely and accurate information about local governments (S, I);*
- *Participatory – strengthening local democracy through increased community engagement (I);*
- *Accountable – holding local governments accountable by strengthening integrity and good governance (S, I);*

- *Efficient – providing a framework for local governments to be more efficient by removing impediments to good practice (A, S); and*
- *Modern – embracing contemporary models for governance and public sector management (A, S, I).*

The Minister has invited WALGA and Local Government Professionals WA to participate in a reference group on the review. The Minister's office has advised that there may be some flexibility as to what issues are to be considered in Phase 1 or Phase 2.

In July 2017, State Council considered and adopted the following Consultation Process:

- An infopage will be distributed to Local Governments including a Discussion Paper on issues that have been identified over the last 8 years including advocacy positions resolved by the sector. This will include a request for Local Governments to submit additional items for consideration in the Act review process. Councils can submit individually or collectively through their Zone.
- WALGA to hold Zone/regional group forums on the Act/Regulatory amendment suggestions. Can be held in-conjunction with a Zone meeting or separately.
- Finalise feedback and provide recommendations on legislative and regulatory change through a State Council agenda item that would go through the Zones.

It is expected that this process will be carried out between July and November 2017 with the State Council item being considered at the 6 December meeting.

Local Government Priorities

The following key issues have previously been brought to the attention of WALGA and identified as priorities, and will form part of the consultation process with the sector on Act amendments:

- a) Gifts
 - Exempt gifts received in a genuinely personal capacity
 - Gift declarations threshold to commence at \$500.00 with no upper limit
 - Gift provisions to apply to Elected Members and CEO only

- b) Regional Subsidiaries
 - Amend Regulations to permit borrowings
 - Amend Regulations to permit dealing in land transactions
 - Amend Regulations to permit trading undertakings

- c) Rating Exemptions:
 - Charitable Purposes provisions
 - Rate Equivalency Payments of Government Trading entities

- d) Financial Management Issues:
 - Borrowings
 - Investments*
 - Fees and Charges
 - Financial ratios

(* Regulation 19C(2)(b) of the Financial Management Regulations was amended on 12 May 2017 to permit fixed term deposits to be invested for up to 3 years.)

e) Administration:

- Electors' General Meetings to be optional
- Designated Senior Officer section to be reviewed
- Public Notices (modernisation of the Act to acknowledge electronic means)

f) Functions of Local Governments:

- Tender Thresholds
- Establish Council Controlled Organisations (Local Government Enterprises)
- Regional Council provisions (review of compliance requirements)

g) Poll Provisions relating to amalgamations and boundary adjustments.

- The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of electors.

Sector Principles

Key foundations of the Act, which the sector would like considered, relate to the retention of the 'general competence' principle and consideration of a size and scale compliance regime. The Act review will incorporate regulatory amendments.

Previous Amendments to the Local Government Act

The current *Local Government Act 1995* commenced on 1 July 1996, and has provided communities with an effective system of Local Government where locally governing Councils have general competence powers to determine the general functions and scope of services provided for the good government of people in their districts. Since 1996, the following major amendments have been promulgated:

- Local Government Amendment Act 1998	Assented to 26 March 1998
- Local Government Amendment Act (No 2) 1998	Assented to 12 January 1999
- Local Government Amendment Act 2004	Assented to 12 November 2004
- Local Government Amendment Act 2006	Assented to 8 December 2006
- Local Government Amendment Act 2007	Assented to 25 June 2007
- Local Government (Official Conduct) Amendment Act 2007	Assented to 28 March 2008
- Local Government Amendment (Elections) Act 2009	Assented to 17 August 2009
- Local Government Amendment Act 2009	Assented to 16 September 2009
- Local Government Amendment Act 2012	Assented to 4 April 2012
- City of Perth Act 2016	Assented to 3 March 2016
- Local Government Legislation Amendment Act 2016	Assented to 21 September 2016

About this Discussion Paper

This Discussion Paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

It is acknowledged that only formally adopted State Council advocacy positions can be truly regarded, for the purpose of this Discussion Paper, as representing the collective views of Local Government. Ultimately, this Discussion Paper aspires to honour all views on Local Government Act reform identified through research of the following resources:

- **WALGA Advocacy Positions:** A document representing a collation of WALGA's advocacy positions determined by formal State Council resolutions, inclusive of motions passed at the Association's Annual General Meeting.
- **WALGA Zone Proposals:** This Discussion Paper attempts to capture WALGA Zone resolutions requesting WALGA seek amendment to the Local Government Act.
- **Local Government Reform Steering Committee Report May 2010:** Proposals developed by the Legislative Reform Working Group. Some proposals have already been implemented through Local Government Act amendments since 2010, with the remaining recommendations presented in this Paper for consideration.

This Paper gathers the information from these sources and presents in order of the relevant Part of the Act and associated Regulation. The relationship between Parts of the Act and Regulations is shown in this Table:

LG Act	Regulation
Part 2 →	Constitution Regulations 1998
Part 3 →	Functions and General Regulations 1996 / Regional Subsidiaries Regulations 2017
Part 4 →	Elections Regulations 1996
Part 5 →	Administration Regulations 1996 / Rules of Conduct Regulations 2007
Part 6 →	Financial Management Regulations 1996
Part 7 →	Audit Regulations 1996
Part 8 →	No Regulations
Part 9 →	Uniform Local Provisions Regulations 1996
Schedules	Uniform Local Provisions Regulations 1996

LOCAL GOVERNMENT ACT AMENDMENT PROPOSALS

Part 1 – Introductory Matters

Local and Statewide Public Notice: Sections 1.7 and 1.8

The Association welcomes the opportunity to modernise the requirements of giving public notice of particular matters, as prescribed in the Local Government Act. The Minister for Local Government has indicated an intention to deal with this in Phase 1 of the Review process, by making information available online. It is already common practice within the Local Government sector to place statutory public notices on official websites, despite there being no legislated requirement to do so.

Part 2 – Constitution of Local Government

Method of Election of Mayor/President: Section 2.11

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
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State Council Resolution	March 2012 – 24.2/2012
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Elected Member Training: New Proposal

Position Statement	<p>WALGA opposes legislative change that would:</p> <ol style="list-style-type: none"> 1. Require candidates to undertake training prior to nominating for election; 2. Incentivise Elected Member training through the fees and allowances framework; or 3. Mandate Elected Member training.
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Further, if mandatory training becomes inevitable, WALGA will seek to ensure that it:

- a) Only applies to first time Elected Members;
- b) Utilises the Elected Member Skill Set as the appropriate content for mandatory training;
- c) Applies appropriate Recognition of Prior Learning (RPL);
- d) Requires training to be completed within the first 12 months of office; and
- e) Applies a penalty for non-completion of a reduction in fees and allowances payable.

State Council Resolution	December 2015 – 119.7/2015 October 2008 – 399.4/2008
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Stand Down when Contesting State or Federal Election: New Proposal

Amend the Act to require an Elected Member to stand down when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (a) that an Elected Member stand down from any decision making role and not attend Council and Committee meetings; or
- (b) that an Elected Member stand down from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

Background

The East Metropolitan Zone has identified that, under the *Local Government Act 1995*, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.

Part 3 – Functions of Local Government

Notification of Affected Owners: Section 3.51

Position Statement	<p>Section 3.51 of the <i>Local Government Act 1995</i> concerning "Affected owners to be notified of certain proposals" should be amended to achieve the following effects:</p> <ol style="list-style-type: none"> 1. to limit definition of "person having an interest" to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and 2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a).
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State Council Resolution February 2009 – 480.1/2009

Control of Certain Unvested Facilities: Section 3.53

The *Local Government Act 1995* includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former *Local Government Act 1960*. Former Section 300 stated:

300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.

Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: 'a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.'

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.

It is recommended Section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

Regional Local Governments: Part 3, Division 4

Position Statement	The compliance obligations of Regional Local Governments should be reviewed.
Background	<p>Currently, Regional Local Governments are treated by the <i>Local Government Act 1995</i> for the purposes of compliance, as if they were a Local Government.</p> <p>The Association believes that this places an overly large compliance burden on Regional Local Governments. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments.</p>
State Council Resolution	January 2012 – 9.1/2012

Council Controlled Organisations: Part 3, Division 4

Position Statement	The <i>Local Government Act 1995</i> should be amended to enable Local Governments to establish Council Controlled Organisations (CCO) - also referred to as 'Local Government Enterprises' i.e WALGA's Systemic Sustainability Study 2008.
Background	The CCO model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation. The Association has developed the amendments required for the CCO model to be implemented in Western Australia.
State Council Resolution	<p>October 2010 – 107.5/2010</p> <p>October 2010 – 114.5/2010</p>

Local Government (Functions and General) Regulations 1996

Tender Threshold: Regulation 11(1)

Position Statement	WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000).
Background	The tender threshold should be increased to allow Local Governments responsiveness when procuring relatively low value good and services.
State Council Resolution	July 2015 – 74.4/2015 September 2014 – 88.4/2014

Dispositions of Property: Regulation 30(3)

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

Local Government (Regional Subsidiaries) Regulations 2017

Regional Subsidiaries

Position Statement	That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to: <ol style="list-style-type: none"> 1. Borrow in their own right; 2. Enter into land transactions; and, 3. Undertake commercial activities.
Background	<p>The <i>Local Government Act 1995</i> was amended in late 2016 to enable Local Governments to establish regional subsidiaries, and this represents a significant advocacy achievement for the Local Government sector;</p> <p>The <i>Local Government (Regional Subsidiaries) Regulations 2017</i>, which were enacted in early 2017, contain significant restrictions that limit the flexibility and will reduce the benefits of the regional subsidiary model;</p> <p>In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent Local Government, entering into a land transaction, and commencing a trading undertaking; and,</p> <p>This item recommends legislative and/or regulatory amendments to remove these restrictions that unnecessarily</p>

prevent regional subsidiaries from becoming an effective and efficient collaborative service delivery mechanism.

State Council Resolution March 2017 – 5.1/2017

Part 4 – Elections and Other Polls

Conduct of Postal Elections: Sections 4.20 and 4.61

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	March 2012 – 24.2/2012

Voluntary Voting: Section 4.65

Position Statement	Voting in Local Government elections should remain voluntary.
State Council Resolution	427.5/2008 – October 2008

On-Line Voting

WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections.

A State Council item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.

Part 5 - Administration

Electors' General Meeting: Section 5.27

Position Statement	Section 5.27 of the <i>Local Government Act 1995</i> should be amended so that Electors' General Meetings are not compulsory.
Background	<p>There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.</p> <p><i>NOTE: The current Local Government Amendment (Auditing) Bill 2017 proposes that a Local Government's Annual Report is to be placed on its official website within 10 days of being received.</i></p>
State Council Resolution	February 2011 – 09.1/2011

Special Electors' Meeting: Section 5.28

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

Senior Employees: Section 5.37(2)

That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

Annual Review of Certain Employees Performance: Section 5.38

Section 5.41(g) of the Act prescribes the function of responsibility for all employees, including management supervision, to the Chief Executive Officer. Section 5.38 therefore creates unnecessary ambiguity; unnecessary in terms of the certainty that Section 5.41(g) already provides. It is recommended that Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.

Gifts and Contributions to Travel: Sections 5.82 and 5.83

The current Gift Provisions in the Local Government Act are very confusing and overly prescriptive. The Department of Local Government and Communities have established a Gift Working Group to look at completely reviewing the gift provisions for changes following the March 2017 State Election. WALGA is a participant in this working group. WALGA representatives have been advocating for the following:

- There be one section for declaring gifts. Delete declarations for Travel.
- No requirement to declare gifts received in a genuinely personal capacity.
- Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. So Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

Vexatious and Frivolous Complainants: New Provision

It is recommended that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant. Section 5.110(3a) of the Act was recently introduced in relation to the Local Government Standards Panel ruling on vexatious and frivolous Rules of Conduct Regulations breach allegations:

"...a standards panel can at any stage of its proceedings refuse to deal with a complaint if the standards panel is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance."

Given the extensive cost and diversion of administrative resources currently associated with vexatious and frivolous complainants across the Local Government sector, it is recommended that a more general mechanism, based on the principles associated with the introduction of Section 5.110(3A), be investigated.

Amendments to the legislation would need to cover the following points to implement the proposed arrangements:

- Create a head of power to determine whether a community member is vexatious (potentially establish a new body through legislation and give it this power of determination);
- Define vexatious behaviour broadly to include the extent and nature of communication between the alleged vexatious person and the Local Government (using words such as 'unreasonable', 'persistent', 'extensive', 'malicious' and 'abusive');
- Outline the restrictions to statutory rights which can be imposed on a person if he or she is declared by the Independent body to be vexatious;
- Establish a process, if necessary, to enable a Local Government to present its case for the alleged vexatious person to defend himself/herself;
- Determine what appeal rights are necessary.

Local Government (Administration) Regulations 1996

Revoking or Changing Decisions: Regulation 10

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.

Minutes, contents of: Regulation 11

Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council.

Repayment of Advance Annual Payments: New Regulation

The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates:

5.102AB. Repayment of advance annual payments if recipient ceases to hold office

(2) Regulations may be made —

(a) requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and

(b) providing for a local government to recover any amount repayable if it is not repaid.

Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.

Local Government (Rules of Conduct) Regulations 2007

Position Statement	<p>WALGA supports:</p> <ol style="list-style-type: none"> 1. Official Conduct legislation to govern the behaviour of Elected Members; 2. An efficient and effective Independent Standards Panel process; 3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and, 4. Confidentiality for all parties being a key component of the entire process. <p><i>NOTE: Point 3 achieved under the Local Government Legislation Amendment Act 2010</i></p>
State Council Resolution	<p>March 2016 – 10.1/2016 July 2012 – 55.3/2012 December 2008 – 454.6/2008</p>

Part 6 – Financial Management

Imposition of Fees and Charges: Section 6.16

Position Statement	That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services
Background	<p>Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.</p> <p>In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.</p> <p>Currently, fees and charges are determined according to three methods:</p> <ul style="list-style-type: none"> • By legislation • With an upper limit set by legislation • By the Local Government. <p>Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:</p>

- Lack of Indexation
- Lack of regular review (fees may remain at the same nominal levels for decades)
- Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.

When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.

Additionally, it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with the technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.

Power to Borrow: Section 6.20

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.

Restrictions on Borrowings: Section 6.21

Position Statement	Section 6.21 of the <i>Local Government Act 1995</i> should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.
Background	<p>Borrowing restrictions in the <i>Local Government Act 1995</i> act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.</p> <p>This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.</p> <p>This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.</p>
State Council Resolution	January 2012 – 8.1/2012

Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

Position Statement	<p>WALGA's policy position regarding charitable purposes is as follows:</p> <ol style="list-style-type: none"> 1. Amend the <i>Local Government Act</i> to clarify that Independent Living Units should only be exempt from rates where they qualify under the <i>Commonwealth Aged Care Act 1997</i>; 2. Either <ol style="list-style-type: none"> a) amend the charitable organisations section of the <i>Local Government Act 1995</i> to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
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- b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

Background

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth Aged Care Act 1997 and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.

State Council Resolution December 2015 – 118.7/2015
January 2012 – 5.1/2012

Basis of Rates: Section 6.28

1. That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives.

The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia.

Eastern State Local Governments can elect to rate on one of the following options:

- Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements;
- Capital Value - value of the land including improvements;
- Annual Value - rental value of a property (same as GRV).

Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.

2. Advocate for amendment to Section 6.28 to enable Differential Rating based on the time land remains undeveloped.

Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.

North Metropolitan Zone advocates an amendment to the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.

Differential General Rates: Section 6.33

This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner.

Service of Rates Notice: Section 6.41

That Section 6.41 be amended to:

- (a) permit the rates notice to be issued to electronically; and
- (b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notice.

Rates or Service Charges Recoverable in Court: Section 6.56

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

Rating Exemptions – Rate Equivalency Payments

Position Statement	Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.
Background	<p>A particular example is the exemption granted to LandCorp by the <i>Land Authority Act 1992</i>. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'.</p> <p>This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.</p>
State Council Resolution	January 2012 – 6.1/2012

Rating Restrictions – State Agreement Acts

Position Statement	Resource projects covered by State Agreement Acts should be liable for Local Government rates.
Background	<p>In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The Policy was extended in 2015 and remains in place. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.</p> <p>However, existing State Agreement Acts continue to restrict Local Government rating. Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.</p>
State Council Resolution	<p>September 2014 – 89.4/2014 March 2014 – 10.1/2014 October 2011 – 116.5/2011</p>

Local Government (Financial Management) Regulations 1996

Exemption from AASB 124: Regulation 4

Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.

A Zone has requested that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.

Part 7 – Audit

The Local Government Amendment (Auditing) Bill 2017, before Parliament at the time of writing, will substantially replace much of Part 7 to provide for the auditing of Local Governments by the Auditor General. New legislation will allow the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General. State Government will pay the cost for the conduct of performance audits.

Part 8 – Scrutiny of the Affairs of Local Government

Stand Down Provision: New Proposal

Position Statement	<p>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.</p> <p>Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:</p> <ol style="list-style-type: none"> 1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and 2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.
Background	<p>In 2008 a Discussion Paper was circulated seeking feedback regarding legislative amendments to suspend an Individual Elected Member, as follows:</p> <ul style="list-style-type: none"> • An elected member to have the ability to stand down where they are being investigated or have been charged; • An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest; • The Standards Panel to make the stand down decision;

- Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;
- Three to six months stand down periods with six month extensions;
- The elected member to remain entitled to meeting fees and allowances; and
- Inclusion of an offence for providing false information leading to a stand down.

State Council Resolution August 2008 – 400.4/2008

Part 9 – Miscellaneous Provisions

Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)

Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences

Background:

This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.

The *Litter Act 1979* was amended in 2012 to introduce the definition of 'responsible person' (as defined in *Road Traffic Act 1974*) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.

Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts

Poll Provisions: New Proposal

Position Statement	Schedule 2.1 of the <i>Local Government Act 1995</i> should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.
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State Council Resolution	December 2014 – 108.5/2014
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Number of Electors: Clause 2.1(1)(d)

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.

Schedule 2.2 – Provisions about Names, Wards and Representation

Who may make Submission: Clause 3(1)

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.

Schedule 4.1 – How to Count Votes and Ascertain Result of Election

Method of Voting

Position Statement	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
Background	The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	427.5/2008 – October 2008

This State Council resolution influenced amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional Representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.

Submission of Feedback

How to get involved

WALGA will conduct a comprehensive consultation process to provide Member Local Governments with as much opportunity as possible to contribute. This process will also assist WALGA determine its advocacy position on whether proposed changes should be dealt with in Phase 1 or Phase 2 (see Executive Summary).

During August and September 2017, WALGA will hold Zone and Regional Group forums on the Local Government Act Review. Local Governments can choose to contribute in conjunction with a Zone/Regional Group meeting, separately by lodging a Council endorsed submission, or both.

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

Council endorsed submission on the issues raised in this Discussion Paper, as well as any other relevant matters, can be forwarded by Friday 20th October 2017 to:

James McGovern, Manager Governance - jmccgovern@walga.asn.au
or 9213 2093

Should you have any questions or queries about any aspect of the Discussion Paper or review process, please contact James McGovern at the above contacts, or Tony Brown on 9213 2051 or tbrown@walga.asn.au

9.3 MANAGER OF WORKS & SERVICES:

Nil

9.4 ENVIRONMENTAL HEALTH OFFICER:

Nil

9.5 BUILDING OFFICER:

Nil

10. CONFIDENTIAL MATTERS:

Nil

11. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

12. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil at this time

13. NEXT MEETING

Ordinary Council Meeting, 2.00pm, Thursday 19th October 2017 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING: