

*A progressive, diverse and caring community,
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 16th DECEMBER 2021

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “Confidential Matters”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Cuballing for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Cuballing disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s or legal entity’s own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

1.	DECLARATION OF OPENING:	2
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	2
2.1.1	Attendance	2
2.1.2	Apologies	2
2.1.3	Leave of Absence	2
3.	STANDING ORDERS:	2
4.	PUBLIC QUESTION TIME:	2
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:	2
4.2	WRITTEN QUESTIONS PROVIDED IN ADVANCE:	2
4.3	PUBLIC QUESTIONS FROM THE GALLERY:	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE:	3
6.	CONFIRMATION OF MINUTES:	3
6.1.1	Ordinary Meeting of Council held on Wednesday 17 th November 2021	3
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	3
8.	DISCLOSURE OF FINANCIAL INTEREST:	3
9.	REPORTS OF OFFICERS AND COMMITTEES:	4
9.1	DEPUTY CHIEF EXECUTIVE OFFICER:	4
9.1.1	List of Payments – November 2021	4
9.1.2	Statement of Financial Activity – November 2021	13
9.1.3	Sale of Property – Outstanding Rates – Lot 38 Carton Street, Cuballing	35
9.1.4	Expenditure Outside of Council Policy guidelines	40
9.2	CHIEF EXECUTIVE OFFICER:	42
9.2.1	Council Meeting Schedule 2022	42
9.2.2	Support for Shared Community Emergency Services Manager	45
9.2.3	Code of Conduct for Council Members, Committee Members and Candidates	49
9.2.4	Complaints Policy for Elected Members, Committee Members and Candidates	62
9.2.5	Application for Development Approval of Piggery Expansion - Lots 6595 Pauley Road, Commodine	75
9.2.6	Local Government Reform Initiatives – Council Policy Position	92
9.3	MANAGER OF WORKS AND SERVICES:	155
10.	ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	155
11.	URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:	155
12.	CONFIDENTIAL MATTERS:	155
12.1.1	2022 Australia Day Citizenship Awards	155
12.1.2	Appointment of Acting/Temporary Chief Executive Officers	156
13.	NEXT MEETING:	157
14.	CLOSURE OF MEETING:	157

1. DECLARATION OF OPENING:

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Eliza Dowling
Cr Robert Harris
Cr Dawson Bradford
Cr Julie Christensen
Cr Adrian Kowald
Cr Pete Dowdell

President
Deputy President

Mr Gary Sherry
Ms Bronwyn Dew
Mr Bruce Brennan

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Works and 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 Wednesday 17 th November 2021

OFFICER'S RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 17th November 2021 be confirmed as a true record of proceedings.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil at this time.

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.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Payments – November 2021

File Ref. No: NA
Disclosure of Interest: Nil
Date: 8th December 2021
Author: Nichole Gould
Attachments: 9.1.1A List of November Municipal Accounts
9.1.1B Credit Card Transactions
9.1.1C Coles & Petty Cash Transactions

Summary

Council is to review payments made under delegation in November 2021.

Background – Nil

Comment

Council is provided at Attachments 9.1.1A with a list of payments made from Council's bank account during the month of November 2021.

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:

- 1. the List of Accounts paid in October 2021 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, including payments from Council's Municipal Fund totalling \$194,044.62 included at Attachment 9.1.1A; and**
- 2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 31st October included at Attachment 9.1.1B.**
- 3. a summary of transactions completed on Coles Cards by Council Staff for the period ending 28th October 2021 included at Attachment 9.1.1C.**
- 4. a summary of transactions completed with Petty Cash by Council Staff for the period ending 28th October 2021 included at Attachment 9.1.1C.**

LIST OF NOVEMBER 2021 MUNICIPAL FUND ACCOUNTS

Chq/EFT	Name	Description	Amount
1112021	Police Licensing	Police Licensing Payments	56.95
2112021	Police Licensing	Police Licensing Payments	212.70
3112021	Police Licensing	Police Licensing Payments	791.05
4112021	Police Licensing	Police Licensing Payments	180.90
5112021	Police Licensing	Police Licensing Payments	29.20
8112021	Police Licensing	Police Licensing Payments	605.25
8112021	Interest on Graders	Interest on Graders	54.10
8112021	Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders	3,660.18
9112021	Police Licensing	Police Licensing Payments	30.50
10112021	Police Licensing	Police Licensing Payments	2,391.80
11112021	Police Licensing	Police Licensing Payments	2,417.50
12112021	Police Licensing	Police Licensing Payments	398.65
15112021	Police Licensing	Police Licensing Payments	133.80
15112021	Interest on Loan No. 64 Land	Interest on Loan No. 64 Land	1,418.11
15112021	Loan Repayment No. 64 Land	Loan Repayment No. 64 Land	7,524.41
16112021	Police Licensing	Police Licensing Payments	- 682.45
16112021	Police Licensing	Police Licensing Payments	682.45
16112021	Police Licensing	Police Licensing Payments	882.45
17112021	Police Licensing	Police Licensing Payments	474.10
18112021	Police Licensing	Police Licensing Payments	102.50
19112021	Police Licensing	Police Licensing Payments	502.65
22112021	Police Licensing	Police Licensing Payments	394.75
24112021	ATO Clearing Account BAS	ATO Clearing Account BAS	-15,564.00
24112021	Police Licensing	Police Licensing Payments	29.90
25112021	Police Licensing	Police Licensing Payments	30.50
26112021	Police Licensing	Police Licensing Payments	60.15
29112021	Police Licensing	Police Licensing Payments	75.95
30112021	Police Licensing	Police Licensing Payments	662.45
EFT6534	Adrian James Kowald	Return of Nomination Fee	80.00
EFT6535	Elisa Alice Dowling	Refund of Nomination Fee	80.00
EFT6536	Julie A Christensen	Refund of Nomination Fee	80.00
EFT6537	Peter John Dowdell	Refund of Nomination Fee	80.00
EFT6538	Peter Scott Ballantyne	Council Sitting Fees July - September 2021	545.00
EFT6539	Afgri Equipment Australia Pty Ltd	Service 4720 John Deer tractor Install new selecta cable for transmission	1,629.50
EFT6540	Allans Auto Electrics and Air Conditioning	Inspection off air con failure on Grader Komatsu	198.00

Chq/EFT	Name	Description	Amount
EFT6541	Ashley Blyth Tree Lopping	Tree Pruning Near power lines for Western Power	1,650.00
EFT6542	BMR Mechanical Pty Ltd	Replace brake booster Isuzu Giga	876.21
EFT6543	Builders Registration Board Building Commission	October 21 Building Forms	474.50
EFT6544	Building & Construction Industry Training	BCITF Forms October 2021	691.75
EFT6545	Best Office Systems	Monthly Copier Charges	683.48
EFT6546	Bronwyn Dew	Reimbursement of internet service	55.00
EFT6547	Cloud Payment Group	Debt Collection	643.00
EFT6548	Corsign (WA) Pty Ltd	2x bicycle signs and post	244.20
EFT6549	Cuby Roadhouse	Monthly Account	980.74
EFT6550	Cuby Tavern	Retiring Councillors Function	1,226.10
EFT6551	Down to Earth Training & Assessing	Training Fees - Trainee	541.50
EFT6552	Edge Planning & Property	Town Planning Service	1,724.80
EFT6553	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery - 5,500 Litres of Diesel	16,833.60
EFT6554	Geoff Perkins Farm Machinery Centre	3 x hydraulic hoses for side tip operations	401.90
EFT6555	Indigenous Workabout	Spray of Bridal Creeper Yornaning Dam	3,256.00
EFT6556	Kalexpress & Quality Transport	Freight Charges	198.77
EFT6557	Kelyn Training Services	Traffic Management Training	1,300.00
EFT6558	Kirby Freight	Collect Office Furniture	330.00
EFT6559	Komatsu Australia Pty Limited	7,000hr service on Komatsu Grader CN 387	4,406.62
EFT6560	Landgate	Annual SLIP subscription Oct 21 - Oct 22	2,679.51
EFT6561	LG Corporate Solutions Pty Ltd	Assist with 2021 Audit	1,452.00
EFT6562	Lawn Doctor	Verti Drain and Smudge, Supply and spread Granular slow release Fertiliser NPK Supply 1 ton slow release Granular Fertiliser NPK Top dress approx 30m ³ of sand into low spots.	6,319.50
EFT6563	Major Motors Pty Ltd	Return gear box to supplier for rebuild Labour only to rebuild	5,500.00
EFT6564	Makit Narrogin Hardware	Monthly Account	245.10
EFT6565	Marketforce	Advertising - Narrogin Observer. Administration Trainee	298.63
EFT6566	Melchiorre Plumbing and Gas	Repairs to solar hot water unit New heater element	480.39
EFT6567	Narrogin Agricultural Repairs	16 x mower blades and bolts for Howard Mower	360.00

Chq/EFT	Name	Description	Amount
EFT6568	Narrogin Bearing Services	1 x 41 piece socket set	608.78
EFT6569	Narrogin Earthmoving and Concrete	Excavator hire with grab	6,662.15
EFT6570	Narrogin Observer	Bushfire Advertising 2021/22	200.00
EFT6571	Narrogin Packaging and Motorcycles & Accessories	1 x 20lt Revive disinfectant	63.50
EFT6572	Narrogin Quarry Operations	33.98 ton of 300mm - 400mm stone	1,121.34
EFT6573	NEAT (Narrogin Electrical Appliance Testing)	Test and tag all electrical appliances in all Shire Buildings - October 21	907.50
EFT6574	Narrogin Hire Service and Reticulation	Assorted retic parts to repair water pipe	66.50
EFT6575	Pingelly Tyre Service	8 x 11r22.5 trailer tyres	2,332.00
EFT6576	R Munns Engineering Consulting Services	Pavement assessment number 2, on-going budget reviews, Additional geo tech investigation and report.	13,385.32
EFT6577	Reinforced Concrete Pipes	12 x 300mm pipes class 2 10x 300mm Headwalls	4,743.31
EFT6578	Shire of Narrogin	800lt of Emulsion	1,415.00
EFT6579	Sheridan's	Desk Name Stands & magnetic name bars – New Councillors	479.88
EFT6580	Toll Ipec (Courier Australia)	Freight Charges - Komatsu Pty Ltd	11.07
EFT6581	Total Undercar	Repair Tyre	29.75
EFT6582	WA Local Government Association	Local Government Week Attendance	462.00
EFT6583	Whitney Consulting	Prepare BBRF Business case	687.50
EFT6584	Whitford Fertilisers Narrogin	Weighbridge - Waste Management - October 2021	49.50
EFT6585	Zircodate Pty Ltd	Monthly Archive Storage Fees - 26/09/21 to 25/10/21	16.55
EFT6586	Allan's Bobcat & Truck Hire	Excavator Hire	1,573.00
EFT6587	BMR Mechanical Pty Ltd	Service Isuzu Giga 30,000km	1,788.46
EFT6588	Bruce Brennan	50% Reimbursement Synergy	274.24
EFT6589	Corsign (WA) Pty Ltd	Phase 4 signs for walk trail bollards	484.00
EFT6590	Dews Mini Excavations	Excavator hire install culvert	2,722.50
EFT6591	Farmworks Narrogin	1 x Garner 750WG 1kg Chlorsulfuron 1 x 5lt Pulse 1 x 1lt Envirodye red	748.00
EFT6592	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery	10,168.11
EFT6593	Great Southern Waste Disposal	Rubbish Removal - Recycling Service x 258 @ \$3.42 each	5,670.16

Chq/EFT	Name	Description	Amount
EFT6594	Hoist Sales & Hydraulic Repairs Pty Ltd	1 x cooling fan for Hydraulic oil on UD Truck	753.50
EFT6595	Indigenous Workabout	Bridal creeper spraying	8,019.00
EFT6596	Lo-go Appointments	Contract HR Services to facilitate the employment of CEO.	3,169.65
EFT6597	Mark Conley	Mark Conley President Allowance July to September 2021	2,963.33
EFT6598	Narrogin Bearing Services	2 x safe case for thermal image cameras	531.63
EFT6599	Narrogin Quarry Operations	21 ton Cracker Dust	348.35
EFT6600	Narrogin Valley Stockfeed & Gas	1 x 45kg liquid withdrawal gas bottle	165.00
EFT6601	Narrogin Ceilings	Remove and replace all ceilings at Cuballing rec change rooms	6,595.05
EFT6602	Popanyinning General Store	Rates Incentive Prize 2021/22 - Gift Voucher redeemed	50.00
EFT6603	Reinforced Concrete Pipes	12 x 300mm pipes class 2 10x 300mm Headwalls	1,801.69
EFT6604	Shire of Narrogin	Disposal of kerbside collection waste - September 2021	1,477.64
EFT6605	WA Local Government Association	The Role of Mayors & Presidents Event.	2,635.00
EFT6606	Wilson's Sign Solutions	Honour Board Name Plates	204.60
EFT6607	Winc Australia Pty Limited	Stationery	21.14
20100	Synergy	Monthly Electricity Charge Street Lightning	806.53
20101	Shire of Cuballing	Petty Cash & Coles card recoup	701.05
20102	Water Corporation	Water Charges - Standpipe Francis Street	936.23
20103	Synergy	Electricity Charge - Lot 124 Campbell St Cuballing	947.41
DD2782.1	Western Power	Aged Persons Accommodation - Power Connection	21,738.00
DD2797.1	Hostplus Super	Superannuation contributions	300.96
DD2797.2	Aware Super Pty Ltd	Payroll deductions	6,055.92
DD2797.3	Matrix Superannuation	Superannuation contributions	139.49
DD2797.4	Australian Super	Superannuation contributions	699.46
DD2797.5	CBUS	Superannuation contributions	490.41
DD2797.6	Colonial First State	Superannuation contributions	218.58
DD2803.1	National Australia Bank	Credit Card	3,322.40
DD2805.1	Telstra	Mobile Phones Charge	305.72
DD2816.1	Hostplus Super	Superannuation contributions	308.82
DD2816.2	Aware Super Pty Ltd	Payroll deductions	5,863.25
DD2816.3	Matrix Superannuation	Superannuation contributions	230.46
DD2816.4	Australian Super	Superannuation contributions	699.46
DD2816.5	CBUS	Superannuation contributions	553.89

Chq/EFT	Name	Description	Amount
DD2816.6	Colonial First State	Superannuation contributions	218.58
			194,044.62

CREDIT CARD TRANSACTIONS

Supplier	DETAIL OF PURCHASE	TOTAL
Wattle Grove Motel	Traffic Management Course - Accommodation Jason Crossley	472.00
J & K Hopkins	Office Furniture	2,365.00
Patient Handling	Tripsafe cover for CDO desk area	48.35
Aussie Broadband	Monthly NBN Internet Subscription	79.00
Telstra	Power adaptor for mobile phone	30.00
Home Hardware	Key Cutting X 4	16.00
Home Hardware	Double sided tape	13.25
Bunnings	Trolley	75.00
Bunnings	Shovel & rake	223.80
	TOTALS	3,322.40

COLES CARD

Item details	Refreshments	Office Main	Stationary	Event	Event	GST10%	Total
	04105	J4114	1042310	J132S	J132E		
Groceries	184.00			14.20	48.75	7.59	246.95
Misc (Cleaning supplies)		129.90				11.81	129.90
Stationery/Postage			11.00			1.00	11.00
Licensing							0.00
	184.00	129.90	11.00	14.20	48.75	20.40	387.85

PETTY CASH

Item details	Refreshments	Stationary	Staff Expenses	Event	Vehicle Maintenance	GST10%	Total
	04105	04231	1042390	J132P	P204		
Groceries	114.60			6.00		10.97	120.60
Misc (Cleaning supplies)							0.00
Stationery/Postage		56.00				5.09	56.00
Staff			94.20			7.41	94.20
Licensing					42.40		42.40
	114.60	56.00	94.20	6.00	42.40	23.47	313.20

9.1.2 Statement of Financial Activity – November 2021

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	6 th November 2021
Author:	Bronwyn Dew, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity

Summary

Council is to consider the Statement of Financial Activity for November 2021.

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

Operating Revenue key points include.

- General Purpose Funding – Rates were raised on 28th July 2021;
- Transport – MRWA Direct Grant amount received \$87,145;
- Transport – First 40% of Regional Road Group claims have been received;
- Transport – 100% of Roads to Recovery funding for 2021/22 has been received;
- Financial Assistance Grants – second quarterly payment has been received;
- FESA – ESL grant funding – second quarterly payment has been received;
- Fire Mitigation – 2nd claim has been submitted; and
- Youth Traineeship Grant Funding for 2021/22 has been refunded.

Operating Expenses – The key items of variance include:

- Plant repairs overbudget due to repairs to fire vehicles annual service;
- Road maintenance overbudget due to repairs to roads damaged by rain;
- Administration salaries underbudget due to not engaging Trainee or Project Officer;
- Capital acquisitions are underbudget – due to timing of major projects.

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

Administration Allocations have been calculated to 30th November 2021.

Depreciation expense is calculated to 30th November 2021.

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 30th November 2021 be received.

SHIRE OF CUBALLING

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 November 2021

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

TABLE OF CONTENTS

Monthly Summary Information	2-4
Statement of Financial Activity by Program	5
Statement of Financial Activity by Nature or Type	7
Note 1 Net Current Assets	9
Note 2 Explanation of Material Variances	10
Note 3 Cash and Investments	11
Note 4 Receivables	12
Note 5 Rating Revenue	13
Note 6 Disposal of Assets	14
Note 7 Capital Acquisitions	15-17
Note 8 Borrowings	18
Note 9 Reserves	19
Note 10 Grants and Contributions	20
Note 11 Trust Fund	21
Note 12 Budget Amendments	22

MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2021

INFORMATION

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 November 2021.

Prepared by: Bronwyn Dew, Deputy Chief Executive Officer

Reviewed by: Gary Sherry, Chief Executive Officer

BASIS OF PREPARATION

REPORT PURPOSE

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

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 non-current assets, financial assets and liabilities.

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.

SIGNIFICANT ACCOUNTING POLICES

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 presented as operating cash flows.

CRITICAL ACCOUNTING ESTIMATES

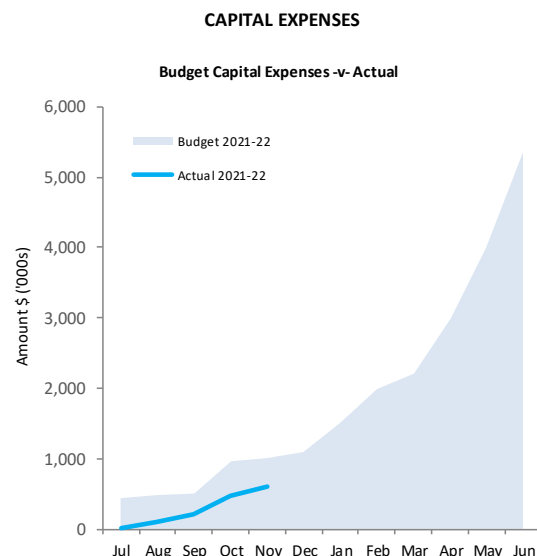
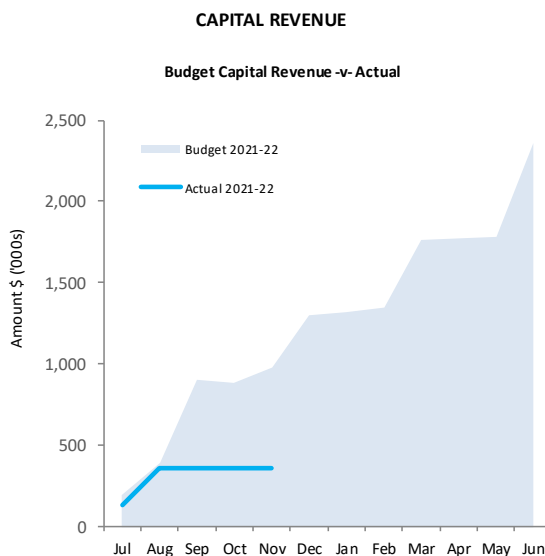
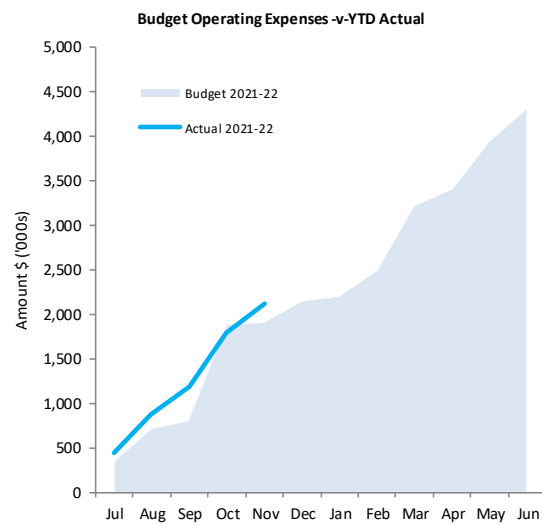
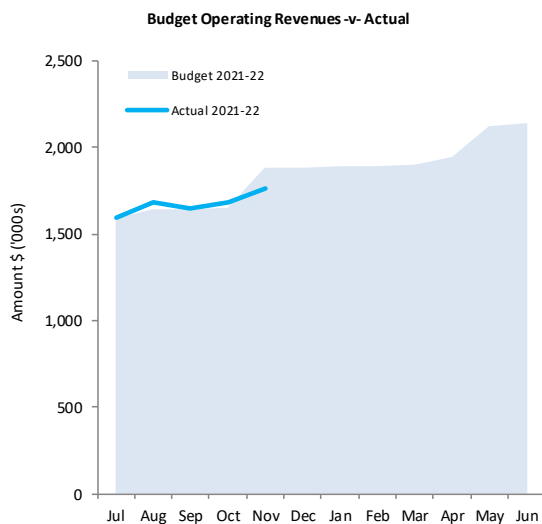
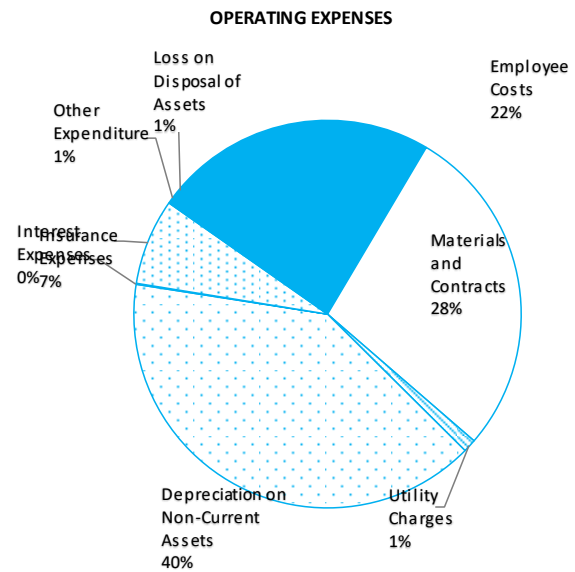
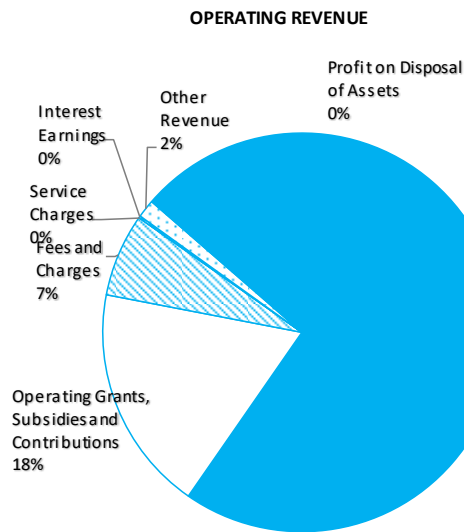
The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions 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.

ROUNDING OFF FIGURES

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

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

SUMMARY GRAPHS



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

KEY TERMS AND DESCRIPTIONS**FOR THE PERIOD ENDED 30 NOVEMBER 2021****STATUTORY REPORTING PROGRAMS**

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

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GOVERNANCE	Administration and operation of facilities and services to members of council, other costs that relate to tasks of elected members and ratepayers on matters which do not concern specific council activities	Complete Council meetings, Complete all Administration activities, Lobby other levels of government to support the aims of the Shire of Cuballing
GENERAL PURPOSE FUNDING	Rates, general purpose government grants and interest revenue	Manage Rates and collection. Maintain Property Data
LAW, ORDER, PUBLIC SAFETY	Supervision of various local laws, fire prevention, emergency services and animal control.	Provide ranger service, bush fire and emergency management
HEALTH	Inspections of septs and food control	Inspect food premises.
EDUCATION AND WELFARE	Support school activities	Provide activities of support of local schools
HOUSING	Provision and maintenance of staff housing	Provide staff & other housing
COMMUNITY AMENITIES	Operation of refuse sites, noise control and administration of Town Planning Scheme	Provision of waste & recycling services including the operation of the Cuballing & Popanyinning transfer stations. Also includes the provision of town planning services.
RECREATION AND CULTURE	Maintenance of halls, recreation centre and various reserves. Support library services in Narrogin.	Maintain halls & Civic buildings, parks and gardens and recreational facilities including managing the Dryandra Equestrian Centre lease.
TRANSPORT	Construction and maintenance of streets, roads, bridges, footpaths, drainage works, traffic signs, bus shelters and depot maintenance.	Maintain and protect local environmentally significant areas including the maintenance of Council roads and footpaths. Also includes the provision of vehicle licensing services.
ECONOMIC SERVICES	The regulation and provision of tourism, area promotion, building control, noxious weeds, vermin control and standpipes.	Control of noxious weeds on council property, DrumMuster and provision of building registration services. Includes tourism and promotion and supporting the Dryandra Country Visitors Centre.
OTHER PROPERTY AND SERVICES	Private works operation, plant repairs and operation costs.	Includes private works, overhead and plant allocations and the provision of building surveying services.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

STATUTORY REPORTING PROGRAMS

	Ref Note	Annual Budget	YTD Budget	YTD Actual	Variance (\$)	Variance (%)	
		\$	\$	\$	\$	%	
Opening Funding Surplus(Deficit)	1(b)	1,904,205	1,904,205	1,934,871	30,666	2%	
Revenue from operating activities							
General Purpose Funding	5	1,539,977	1,434,282	1,440,922	6,640	0%	
Governance		44,950	39,140	12,169	(26,971)	(69%)	▼
Law, Order and Public Safety		133,112	107,257	17,542	(89,715)	(84%)	▼
Health		800	330	731	401	122%	
Education and Welfare		2,500	0	0	0		
Housing		0	0	0	0		
Community Amenities		75,516	74,756	80,199	5,443	7%	
Recreation and Culture		12,773	9,978	8,462	(1,516)	(15%)	
Transport		249,755	167,590	183,719	16,129	10%	
Economic Services		38,700	6,085	9,005	2,920	48%	
Other Property and Services		45,000	14,580	13,102	(1,478)	(10%)	
		2,143,083	1,853,998	1,765,853			
Expenditure from operating activities							
General Purpose Funding		(88,500)	(30,370)	(27,865)	2,505	8%	
Governance		(138,957)	(169,261)	(121,844)	47,417	28%	▲
Law, Order and Public Safety		(298,263)	(165,377)	(210,502)	(45,126)	(27%)	▼
Health		(45,907)	(19,115)	(18,186)	930	5%	
Education and Welfare		(45,708)	(18,360)	(8,066)	10,294	56%	▲
Housing		(40,711)	(17,850)	(12,859)	4,991	28%	
Community Amenities		(353,068)	(141,996)	(133,029)	8,967	6%	
Recreation and Culture		(378,844)	(182,132)	(189,682)	(7,550)	(4%)	
Transport		(2,715,046)	(1,300,663)	(1,301,995)	(1,332)	(0%)	
Economic Services		(162,367)	(74,500)	(66,507)	7,993	11%	▲
Other Property and Services		(34,500)	(35,111)	(33,346)	1,765	5%	
		(4,301,871)	(2,154,734)	(2,123,881)			
Operating activities excluded from budget							
Add Back Depreciation		2,060,628	858,545	850,162	(8,384)	(1%)	
Adjust (Profit)/Loss on Asset Disposal	6	42,073	11,037	12,633	1,596	14%	
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		(56,086)	568,846	504,766			
Investing Activities							
Non-operating Grants, Subsidies and Contributions	10	2,360,758	881,753	362,772	(518,981)	(59%)	▼
Proceeds from Disposal of Assets	6	115,000	115,000	26,518	(88,482)	(77%)	▼
Land Held for Resale		0	0	0	0		
Capital Acquisitions	7	(5,353,726)	(1,179,417)	(597,404)	582,013	49%	▲
Amount attributable to investing activities		(2,877,968)	(182,664)	(208,114)			
Financing Activities							
Proceeds from New Debentures		850,000	850,000	0	(850,000)	(100%)	▼
Repayment of Debentures	8	(77,812)	(25,692)	(25,692)	0	0%	
Transfer from Reserves	9	353,507	83,139	83,139	0	0%	
Transfer to Reserves	9	(93,911)	(83,189)	(83,189)	0	0%	
Amount attributable to financing activities		1,031,784	824,259	(25,741)			
Closing Funding Surplus(Deficit)	1(b)	1,935	3,114,645	2,205,781			

KEY INFORMATION

▲ ▼ 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.

The material variance adopted by Council for the 2021/22 year is \$5,000 or 10% whichever is the greater.

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

KEY TERMS AND DESCRIPTIONS**FOR THE PERIOD ENDED 30 NOVEMBER 2021****NATURE OR TYPE DESCRIPTIONS****REVENUE****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 instalments, interest on arrears and service charges.

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, contributions or donations.

PROFIT ON ASSET DISPOSAL

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

FEES AND CHARGEES

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 on rate arrears and interest on debtors.

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.

EXPENSES**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, etc.

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 technology, rental or lease expenditures.

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.

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

BY NATURE OR TYPE

	Ref Note	Annual Budget	YTD Budget	YTD Actual	Variance (\$)	Variance (%)	
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	1(b)	1,904,205	1,904,205	1,934,871	30,666	2%	
Revenue from operating activities							
Rates	5	1,241,412	1,286,022	1,293,799	7,777	1%	
Operating Grants, Subsidies and Contributions	10	702,067	449,377	324,388	(124,989)	(28%)	▼
Fees and Charges		143,279	94,274	118,823	24,549	26%	▲
Interest Earnings		10,575	4,395	2,887	(1,508)	(34%)	
Other Revenue		45,750	19,930	25,955	6,025	30%	▲
Profit on Disposal of Assets	6	0	0	0	0		
		2,143,083	1,853,998	1,765,853			
Expenditure from operating activities							
Employee Costs		(1,027,922)	(478,910)	(470,022)	8,888	2%	
Materials and Contracts		(865,829)	(599,926)	(590,961)	8,965	1%	
Utility Charges		(62,565)	(25,985)	(23,114)	2,871	11%	
Depreciation on Non-Current Assets		(2,060,628)	(858,545)	(850,162)	8,384	1%	
Interest Expenses		(23,708)	(9,870)	(1,822)	8,048	82%	▲
Insurance Expenses		(159,902)	(149,796)	(152,491)	(2,695)	(2%)	
Other Expenditure		(59,245)	(20,666)	(22,676)	(2,010)	(10%)	
Loss on Disposal of Assets	6	(42,073)	(11,037)	(12,633)	(1,596)		
		(4,301,871)	(2,154,734)	(2,123,881)			
Operating activities excluded from budget							
Add back Depreciation		2,060,628	858,545	850,162	(8,384)	(1%)	
Adjust (Profit)/Loss on Asset Disposal	6	42,073	11,037	12,633	1,596	14%	
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		(56,086)	568,846	504,766			
Investing activities							
Non-operating grants, subsidies and contributions	10	2,360,758	881,753	362,772	(518,981)	(59%)	▼
Proceeds from Disposal of Assets	6	115,000	115,000	26,518	(88,482)	(77%)	▼
Land held for resale		0	0	0	0		
Capital acquisitions	7	(5,353,726)	(1,179,417)	(597,404)	582,013	49%	▲
Amount attributable to investing activities		(2,877,968)	(182,664)	(208,114)			
Financing Activities							
Proceeds from New Debentures		850,000	850,000	0	(850,000)	(100%)	▼
Repayment of Debentures	8	(77,812)	(25,692)	(25,692)	0	0%	
Transfer from Reserves	9	353,507	83,139	83,139	0	0%	
Transfer to Reserves	9	(93,911)	(83,189)	(83,189)	0	0%	
Amount attributable to financing activities		1,031,784	824,259	(25,741)			
Closing Funding Surplus (Deficit)	1(b)	1,935	3,114,645	2,205,781			

KEY INFORMATION

▲ ▼ 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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

**NOTE 1(a)
NET CURRENT ASSETS**

SIGNIFICANT ACCOUNTING POLICIES

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 resale where it is held as non current based on Council's intentions to release for sale.

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 City 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 City 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 City does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

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.

INVENTORIES

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 necessary to make the sale.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 1(b)
ADJUSTED NET CURRENT ASSETS

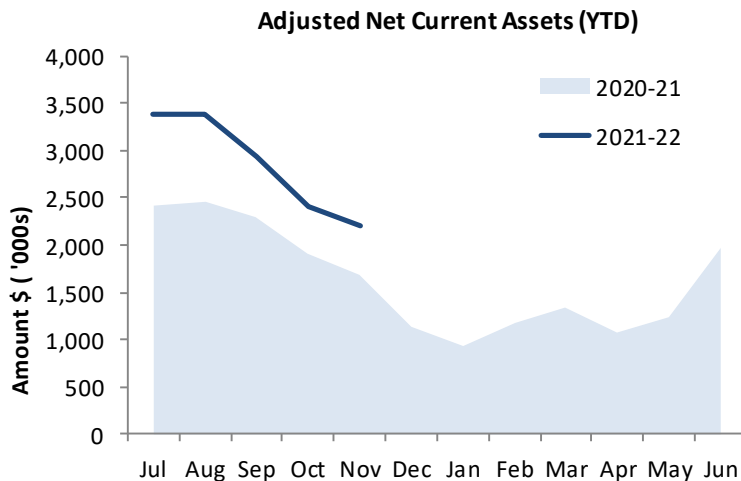
		Last Years Closing 30 June 2021	This Time Last Year 30 Nov 2020	Year to Date Actual 30 Nov 2021
	Re Note			
Adjusted Net Current Assets				
		\$	\$	\$
Current Assets				
Cash Unrestricted	3	1,831,039	1,496,991	2,076,346
Cash Restricted	3	1,076,895	1,319,714	1,076,945
Receivables - Rates	4	122,255	182,209	235,057
Receivables - Other	4	92,407	11,573	7,075
Loans receivable		0	0	0
ATO Receivable		0	0	20,340
Inventories		5,613	6,061	5,613
		3,128,210	3,016,548	3,421,377
Less: Current Liabilities				
Payables		(116,110)	3,978	(112,148)
ATO Payables		0	0	(20,127)
Provisions - employee		(260,765)	(196,543)	(260,765)
Long term borrowings		(44,358)	(32,324)	(18,666)
Bonds & Deposits		(334)	(4,804)	(6,376)
		(421,566)	(224,889)	(418,082)
Unadjusted Net Current Assets		2,706,643	2,791,659	3,003,295
Adjustments and exclusions permitted by FM Reg 32				
Less: Cash reserves	3	(1,076,895)	(1,319,714)	(1,076,945)
Less: Loans receivable		0	0	0
Add: Provisions - employee		260,765	196,543	260,765
Add: Long term borrowings		44,358	32,324	18,666
Adjusted Net Current Assets		1,934,871	1,700,812	2,205,781

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.



This Year YTD

Surplus(Deficit)

\$2.21 M

Last Year YTD

Surplus(Deficit)

\$1.7 M

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

EXPLANATION OF MATERIAL VARIANCES

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

The material variance adopted by Council for the 2021/22 year is \$5,000 or 10% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	(26,971)	(69%)	Permanent	Refund of traineeship grant funding
General Purpose Funding	6,640	0%	Permanent	Received CBH Grass Roots grant (unbudgeted)
Law, Order and Public Safety	(89,715)	(84%)	Timing	Timing of fire mitigation grant payments
Health	401	122%	Timing	Not Material
Education and Welfare	0		Timing	Not Material
Housing	0		Timing	Not Material
Community Amenities	5,443	7%	Permanent	Cemetery income & waste income higher than budgeted
Recreation and Culture	(1,516)	(15%)	Timing	Not Material
Transport	16,129	10%	Permanent	Local road grant higher than budgeted & sale of scrap
Economic Services	2,920	48%	Timing	Local building fees higher than budgeted
Other Property and Services	(1,478)	(10%)	Timing	Private works income lower than budgeted
Expenditure from operating activities				
Governance	47,417	28%	Timing	Administration salaries lower than budgeted.
General Purpose Funding	2,505	8%	Timing	Not Material
Law, Order and Public Safety	(45,126)	(27%)	Permanent	Repairs to fire vehicles overbudget (recoverable cost)
Health	930	5%	Timing	Not Material
Education and Welfare	10,294	56%	Permanent	Aged persons accommodation loan not drawn down so no repayments made for 2021/22.
Housing	4,991	28%	Timing	CEO housing maintenance
Community Amenities	8,967	6%	Timing	Refuse site & public toilet maintenance expenses below budget
Recreation and Culture	(7,550)	(4%)	Timing	Oval maintenance
Transport	(1,332)	(0%)	Timing	Not Material
Economic Services	7,993	11%	Timing	Standpipe costs underbudget
Other Property and Services	1,765	5%	Timing	Not Material
Investing Activities				
Non-operating Grants, Subsidies and Contributions	(518,981)	(59%)	Timing	Timing of project progress - unable to claim grants as per Note 10
Proceeds from Disposal of Assets	(88,482)	(77%)	Timing	Timing on sale of assets
Land Held for Resale	0			
Capital Acquisitions	582,013	49%	Timing	Timing of capital works program
Financing Activities				
Proceeds from New Debentures	(850,000)	(100%)	Timing	Aged Persons Accommodation
Transfer from Reserves	0	0%	Timing	Not material
Repayment of Debentures	0	0%	Timing	Not material
Transfer to Reserves	0	0%	Timing	Not material

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

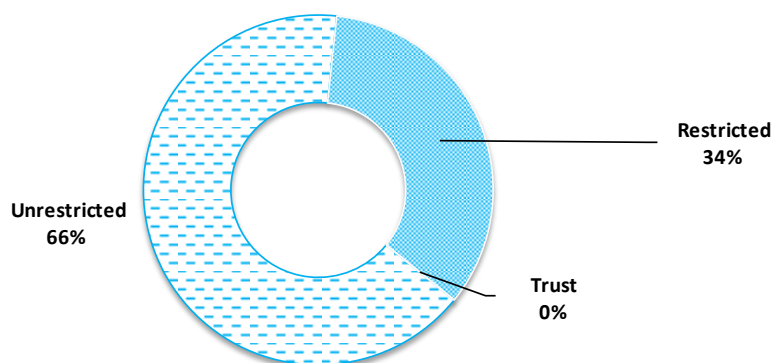
Cash and Investments	Unrestricted	Restricted	Trust	Total YTD Actual	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
Cash on Hand							
Petty Cash and Floats	700			700	NAB	0.00%	At Call
At Call Deposits							
Municipal Fund	2,075,646			2,075,646	NAB	0.00%	At Call
Term Deposits							
Reserve Funds		1,076,945		1,076,945	NAB	0.20%	08-Feb-22
Total	2,076,346	1,076,945	0	3,153,291			

SIGNIFICANT ACCOUNTING POLICIES

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.

KEY INFORMATION

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.



Total Cash	Unrestricted
\$3.15 M	\$2.08 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 4
RECEIVABLES

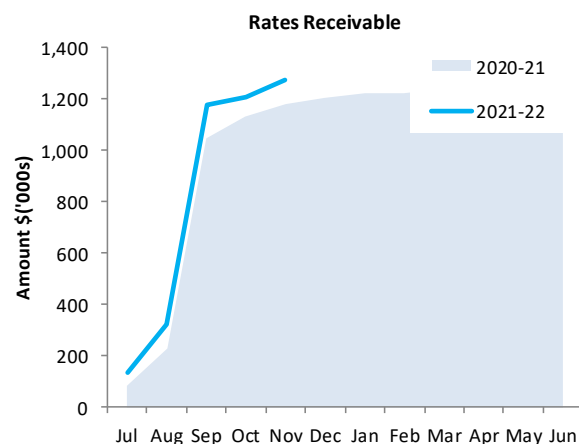
Rates Receivable	30 June 2020	30 Nov 21	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Year	84,880	122,255	Receivables - General	1,497	11	0	5,567	7,075
Levied this year	1,258,745	1,386,062	Percentage	21%	0%	0%	79%	
Less Collections to date	(1,221,370)	1,273,260	Balance per Trial Balance					
Equals Current Outstanding	122,255	235,057	Sundry debtors					7,075
			GST receivable					20,340
Net Rates Collectable	122,255	235,057	Total Receivables General Outstanding					27,415
% Collected	90.29%	83.04%	Amounts shown above include GST (where applicable)					

KEY INFORMATION

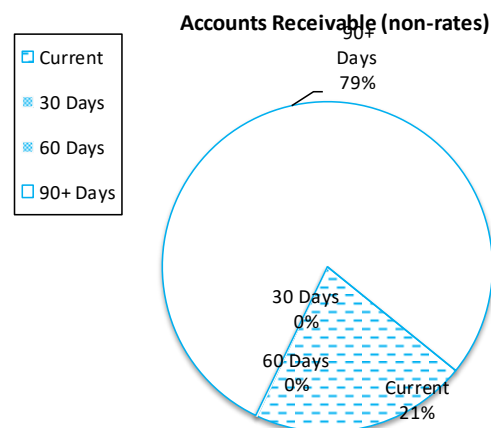
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

SIGNIFICANT ACCOUNTING POLICIES

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.



Collected	Rates Due
83%	\$235,057



Debtors Due
\$27,415
Over 30 Days
79%
Over 90 Days
79%

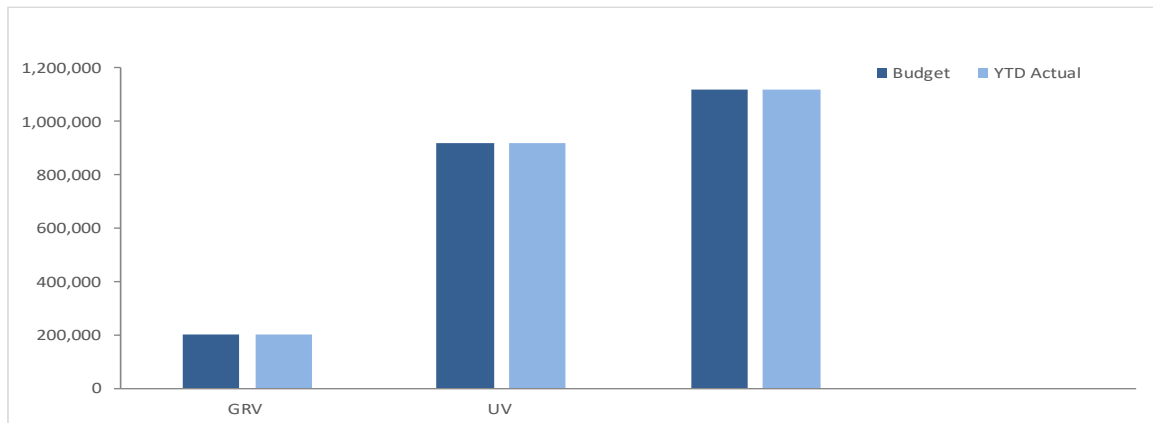
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 5
RATE REVENUE

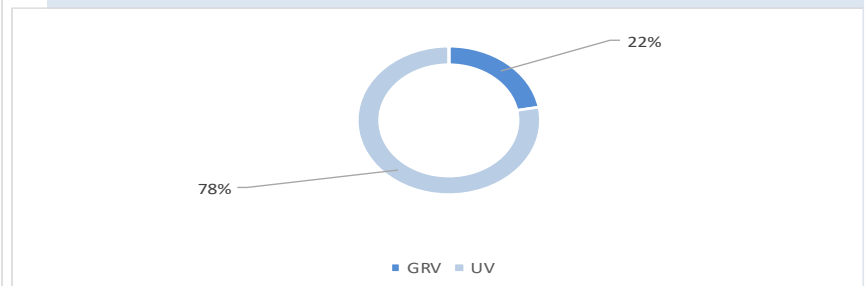
General Rate Revenue					Annual Budget			YTD Actual			
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE	\$			\$	\$	\$	\$	\$			
Differential General Rate											
GRV	0.083965	188	2,369,718	198,973	0	0	198,973	198,973	0	0	198,973
UV	0.006846	182	134,494,000	920,746	0	0	920,746	920,746	0	0	920,746
Sub-total		370	136,863,718	1,119,719	0	0	1,119,719	1,119,719	0	0	1,119,719
	Minimum										
	\$										0
GRV	759	142		107,778	0	0	107,778	107,778	0	0	107,778
UV	1,023.00	155		158,565	0	0	158,565	158,565	0	0	158,565
		297	0	266,343	0	0	266,343	266,343	0	0	266,343
Sub-Totals		667	136,863,718	1,386,062	0	0	1,386,062	1,386,062	0	0	1,386,062
Discount							(85,000)				(90,799)
Concession / Write Offs							(58,900)				(44)
COVID Subsidy							(1,000)				(409)
Interim Rates							250				(1,011)
Ex-Gratia Rates							490				0
Amount from General Rates							1,241,412				1,293,799
Ex-Gratia Rates											0
Total General Rates							1,241,412				1,293,799

SIGNIFICANT ACCOUNTING POLICIES

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.



General Rates		
Budget	YTD Actual	%
\$1.24 M	\$1.29 M	104%

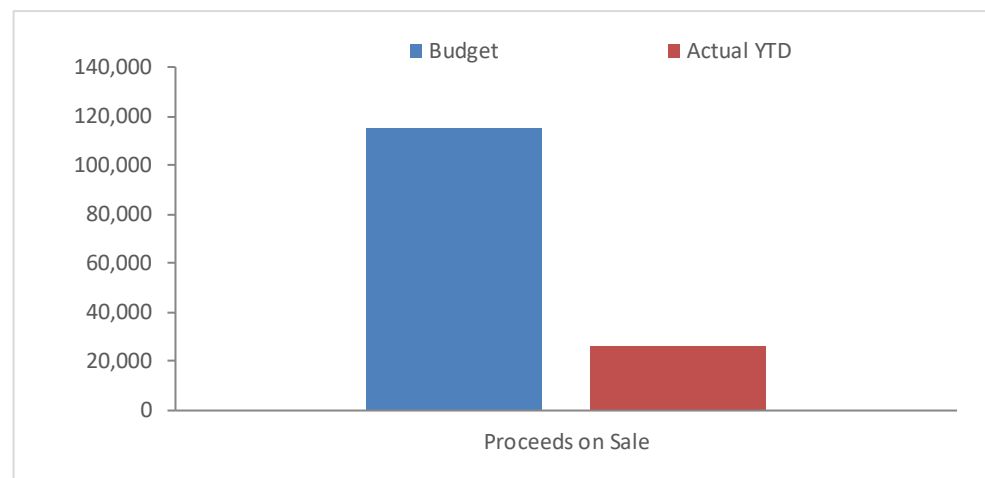


**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

**OPERATING ACTIVITIES
NOTE 6
DISPOSAL OF ASSETS**

Asset Ref.	Asset Description	Amended Budget				YTD Actual		
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit (Loss)
		\$	\$	\$	\$	\$	\$	\$
10089	Isuzu Giga	60,000	35,000		(25,000)			
10051	Bomag Roller	40,000	30,000		(10,000)	39,151	26,518	(12,633)
16	CN0 Dual Cab Utility	27,058	25,000		(2,058)			
103	CN1 Dual Cab Utility	30,015	25,000		(5,015)			
		157,073	115,000	0	(42,073)	39,151	26,518	0 (12,633)

KEY INFORMATION



Proceeds on Sale			
Budget		YTD Actual	%
\$115,000		\$26,518	23%

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

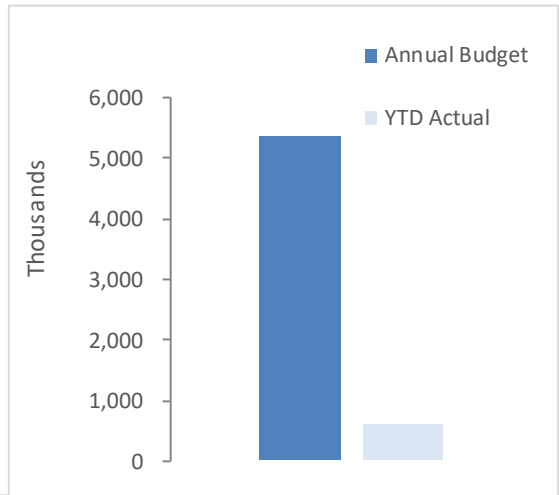
**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS**

Capital Acquisitions	Amended		YTD Actual Total	YTD Budget Variance
	Annual Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	2,549,561	224,007	197,190	26,817
Plant & Equipment	486,000	0	159,490	(159,490)
Furniture & Equipment	0	0	0	0
Roads	2,190,879	912,810	166,621	746,189
Recreation	0	0	0	0
Parks, Gardens, Recreation Facilities	72,286	30,105	71,443	(41,338)
Other Infrastructure	55,000	12,495	2,659	9,836
Capital Expenditure Totals	5,353,726	1,179,417	597,404	582,013
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	2,360,758	881,753	362,772	(518,981)
Borrowings	850,000	850,000	0	(850,000)
Other (Disposals & C/Fwd)	115,000	115,000	26,518	(88,482)
Cash Backed Reserves				
Infrastructure Reserve	121,000	0	0	0
Pensioner Unit Maintenance Reserve	0	0	0	0
Plant Replacement Reserve	40,000	0	0	0
Contribution - operations	1,866,968	(667,336)	208,114	875,450
Capital Funding Total	5,353,726	1,179,417	597,404	(582,013)

SIGNIFICANT ACCOUNTING POLICIES

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 using fair value at reporting date.

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$5.35 M	\$0.6 M	11%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$2.36 M	\$0.36 M	15%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

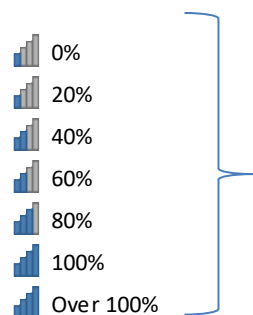
INVESTING ACTIVITIES

NOTE 7

CAPITAL ACQUISITIONS (CONTINUED)

Capital Expenditure Total





















Level of Completion Indicators



Percentage YTD Actual to Annual Budget

Expenditure over budget highlighted in red.

Level of completion indicator					
	Acc / Job	Annual Budget	YTD Budget	YTD Actual	Variance
Capital Expenditure					
Land					
Cuballing Railway Reserve Business Case	C201	35,000	14,580	625	13,955
Buildings					
Administration Building Disabled Access	J4114C	62,833	62,833	67,844	(5,011)
Building Renewal - Cuballing Memorial Park	C203	85,368	28,444	2,488	25,956
Cuballing Transfer Station Shed Floor	C160	9,960	4,140	0	4,140
Administration Building Refurbishment	J4114D	73,211	30,500	41,473	(10,973)
Popanyinning Main Street Refurbishment	C204	200,465	83,510	11,227	72,283
Aged Persons Accommodation	C084	1,587,188	0	73,533	(73,533)
LRCI Phase 3 Projects	C300	495,536	0	0	0
Total Land & Buildings		2,549,561	224,007	197,190	26,817

Plant & Equipment						
	Prime Mover	12407	200,000	0	0	0
	Bomag Roller	12426	170,000	0	159,490	(159,490)
	Two Way System	12411	15,000	0	0	0
	MWS Vehicle	12406	53,000	0	0	0
	WS Vehicle	12417	48,000	0	0	0
Total Plant & Equipment						
			486,000	0	159,490	(159,490)
Furniture & Equipment						
	Nil		0	0	0	0
Total Furniture & Equipment						
			0	0	0	0
Infrastructure - Roads						
	RRG - Narrogin Wandering Road	R129E	352,151	146,725	13,584	133,141
	RRG - Stratherne Road 20/21	R001C	103,604	43,165	61,782	(18,617)
	RRG - Wandering Narrogin Road	R001D	160,343	66,800	64,469	2,331
	RTR - Popanyinning East Road Gravel Sheeting	RTR004	35,113	14,620	1,483	13,138
	RTR - Popanyinning West Widening	RTR002	215,044	89,585	0	89,585
	BS - Narrogin Wandering Road Black Spot	BS129	7,000	2,915	0	2,915
	WSFN - Cuballing East Road	WSF006	1,317,624	549,000	25,304	523,696
Total Road Infrastructure						
			2,190,879	912,810	166,621	222,493
Recreation						
	Nil		0	0	0	0
Total Recreation						
			0	0	0	0
Parks, Ovals & Playgrounds						
	Yornaning Dam - Stage 3	C189	66,079	27,530	62,612	(35,082)
	Yornaning Dam - Stage 4	C186	0	0	6,094	(6,094)
	Yornaning Dam - Mountain Bike Track	C197	6,207	2,575	2,737	(162)
Total Parks, Ovals & Playgrounds						
			72,286	30,105	71,443	(41,338)
Other Infrastructure						
	Bridge Improvements - Capital Upgrade	11214	30,000	12,495	0	12,495
	Transfer Station Bin Lids	C163	0	0	2,659	(2,659)
	Depot Fencing & Gates - Eastern Boundary	10744	25,000	10,415	0	10,415
Total Other Infrastructure						
			55,000	12,495	2,659	12,495
	TOTAL CAPITAL EXPENDITURE		5,353,726	1,179,417	597,404	60,977

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

**FINANCING ACTIVITIES
NOTE 8
BORROWINGS**

Information on Borrowings		New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	2020/21	Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Transport									
Loan 63 - Graders	29,228	0	0	18,167	29,228	11,061	29,228	404	485
							0		
Economic Services									
Loan 64 - Lot 74 Austral St	130,702			7,524	15,130	123,178	130,702	1,418	2,755
Education and Welfare									
Loan 65 - Aged Persons Housing			850,000	0	33,454	0	850,000	0	20,468
Total	159,930	0	850,000	25,692	77,812	134,238	1,009,930	1,822	23,708

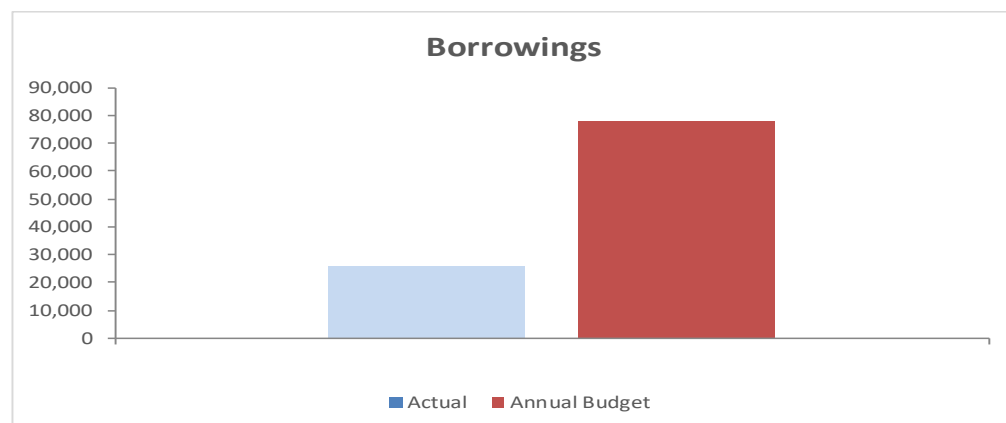
All debenture repayments were financed by general purpose revenue.

SIGNIFICANT ACCOUNTING POLICIES

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.

KEY INFORMATION

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.



Principal Repayments	\$25,692
Interest Earned	\$2,887
Interest Expense	\$1,822
Reserves Bal	\$1.08 M
Loans Due	\$0.13 M

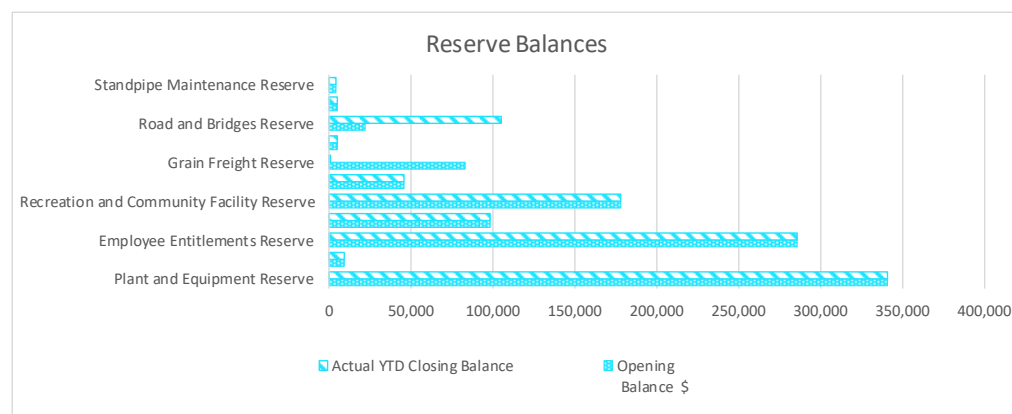
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021

OPERATING ACTIVITIES
NOTE 9
CASH AND INVESTMENTS

Cash Backed Reserve

Reserve Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Equipment Reserve	340,654	1,960	16		16	(121,000)	0	221,614	340,670
IT and Office Equipment Reserve	9,149	32	0		0	0	0	9,181	9,149
Employee Entitlements Reserve	286,072	1,067	13		13	(20,000)	0	267,139	286,085
Housing Reserve	98,208	367	5		5	(40,000)	0	58,575	98,213
Recreation and Community Facility Reserve	178,046	792	8		8	(85,368)	0	93,470	178,054
Refuse Site Reserve	45,422	205	2		2		0	45,627	45,424
Grain Freight Reserve	83,139	0	0		0	(83,139)	(83,139)	0	0
Equestrian Reserve	4,910	50	0	4,772	0	0	0	9,732	4,910
Road and Bridges Reserve	21,883	486	5	83,139	83,143		0	188,651	105,026
Community & Sporting Club Reserve	5,316	21	0	1,000	0	(4,000)	0	2,337	5,316
Standpipe Maintenance Reserve	4,096	20	0		0	0	0	4,116	4,096
	1,076,895	5,000	50	88,911	83,189	(353,507)	(83,139)	900,442	1,076,945

KEY INFORMATION



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2021**

**NOTE 10
GRANTS AND CONTRIBUTIONS**

Grants and Contributions

Description	Annual Budget	YTD Budget	YTD Actual	Variance
Operating grants, subsidies and contributions				
General Purpose Funding				
Grants Commission - General Purpose	276,000	138,000	127,148	(10,853)
CBH - Grass Roots Funding	0	0	5,000	5,000
Governance				
Insurance & Other Reimbursements	0	0	0	0
Department Primary Industries & Regional Development	35,000	35,000	0	(35,000)
Law, Order & Public Safety				
DFES - Bush Fire Brigades	31,547	7,887	14,516	6,629
Fire Mitigation Grant	84,825	84,825	0	(84,825)
Fire Prevention	12,990	12,990	0	(12,990)
Education & Welfare				
Stay on your feet	2,500	0	0	0
Community Amenities				
Other Income - Reimbursements	0	0	0	0
Recreation & Culture				
Mountain Bike Track Income	4,000	2,000	444	(1,556)
Youth Week Funding	1,000	500	0	(500)
Transport				
Main Roads - Direct Grant	87,145	87,145	87,145	0
Grants Commission - Roads Component	152,360	76,180	86,631	10,451
Economic Services				
Community Events	4,700	2,350	3,500	1,150
Other Property & Services				
Workers Compensation	10,000	2,500	5	(2,495)
Operating grants, subsidies and contributions Total	702,067	449,377	324,388	(124,989)
Non-operating grants, subsidies and contributions				
Education & Welfare				
Recreation & Culture				
Yornaning Dam Stage 4	15,156	15,156	15,156	0
Transport				
Main Roads - RRG	361,790	144,716	136,664	(8,052)
Roads to Recovery (RTR)	210,951	210,951	210,952	1
Black Spot (BS)	0	0	0	0
Wheatbelt Secondary Freight Network	1,171,254	468,502	0	(468,502)
Other Infrastructure				
Community Infrastructure Grants	49,815	19,926	0	(19,926)
Community Infrastructure Grants Phase 2	56,256	22,502	0	(22,502)
Community Infrastructure Grants Phase 3	495,536	0	0	0
Non-operating grants, subsidies and contributions Total	2,360,758	881,753	362,772	(496,479)
Grand Total	3,062,825	1,331,130	687,160	(621,468)

KEY INFORMATION

Some reclassification between Operating & Capital grants, contributions & reimbursements is required

9.1.3 Sale of Property – Outstanding Rates – Lot 38 Carton Street, Cuballing

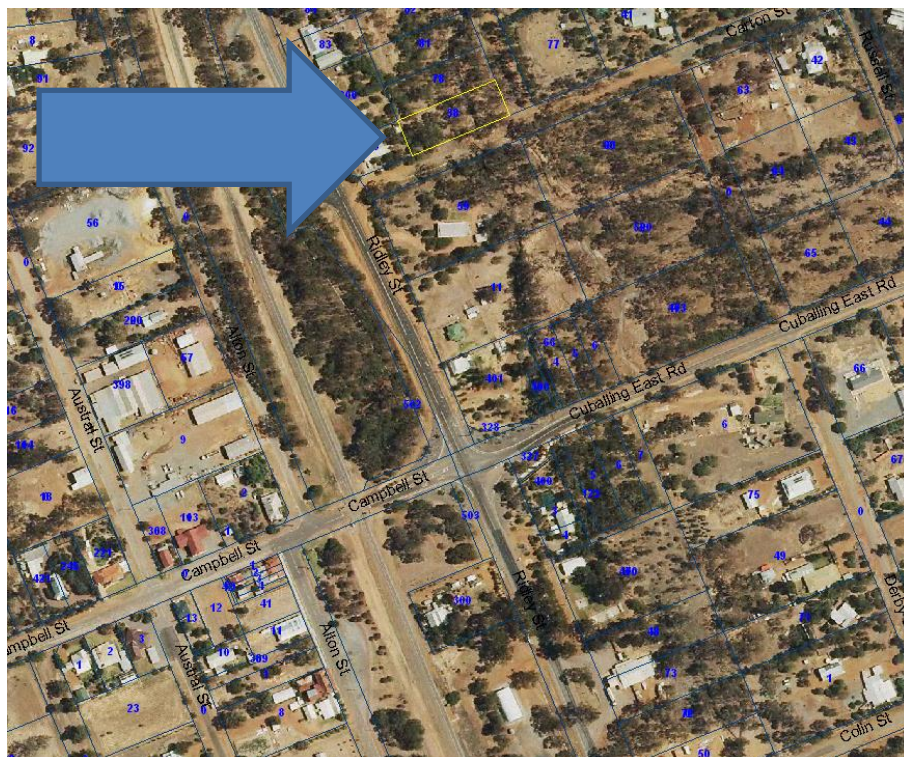
Applicant:	N/A
File Ref. No:	ADM132
Disclosure of Interest:	Nil
Date:	6 th December 2021
Author:	Bronwyn Dew, Deputy Chief Executive Officer
Attachments:	Nil

Summary

Council is to consider the sale of property to recover the costs for unpaid rates and recovery fees that have been outstanding for more than three years.

Background

Rates for A944 at Lot 38 Carton Street, Cuballing have not been paid in full since September 2010.



Payments of \$488.62 in September 2011 and \$500 in August 2015 are the only payments made since the property was purchased.

Every year the Shire has issued a Rate Notice, Overdue Notice, Final Notice, a Notice of Intent Letter (demand letter) to the last known address, completed countless telephone calls and messages and completed a Summons and Court Judgement. The notices and letters haven't been returned to the Shire Office.

The listed owner of 5 (Lot 38) Carton Street, Cuballing (Vacant Land) has been located residing outside the Shire of Cuballing. He advised that he had tried to sell the property for some considerable time without success.

The owner made contact with the Shire in 2017 and offered to hand over ownership of the property to the Shire of Cuballing in order to clear the total debt outstanding.

In April 2018 council resolved to utilise section 6.64(1)(b) of the Local Government Act 1995 to proceed to a public auction for the property located at 5 (Lot 38) Carton Street, Cuballing. This did not proceed to auction.

At the 2019 December Ordinary Council Meeting, Council resolved;

COUNCIL DECISION – 2019/142 :

That Council:

1. offer to purchase 5 (Lot 38) Carton Street an amount equal to outstanding rates and charges; and
2. delegate Council authority to the Chief Executive Officer to finalise this transaction.

Moved: Cr Bradford

Seconded: Cr Dowling

Carried 6/0

As the ratepayer agreed to Council's offer, Council's debt recovery agent, Cloud Payment Group, proceeded to prepare a deed of settlement for the transfer of the land.

Cloud Payment Group sent the deed of Settlement to the owners lawyers in July 2020 for the owner to sign. Since that time despite Cloud Payment Group consistently requesting the document to be signed and returned to them this has not been done. The owner is no longer responding to his lawyers' requests to sign the deed of settlement.

Therefore the Officer's Recommendation proposes that Council utilise section 6.64(1)(b) of the Local Government Act 1995 to proceed to a public auction for the property located at 5 (Lot 38) Carton Street, Cuballing. This action will incur additional cost of approximately \$5,000 and it is unlikely that Council will obtain a purchase price that covers the outstanding rates and the new legal costs.

Total outstanding as at 2nd December 2021 is \$32,867.82, this amount is made up of:

Rates 2021/22	\$759.00
Rates Previous Years	\$5,700.94
ESL Current	\$88.00
ESL Arrears	\$464.00
ESL Interest Current	\$8.45
ESL Interest Arrears	\$168.49
Penalty Interest	\$9,231.76
Legal Fees	\$16,447.18

A summary account of the recent collection activities on record over this property includes:

22 nd May 2015	Issued Summons
6 th November 2015	Proceed with Judgement
29 th January 2016	Bailiff unable to seize property
11 th April 2016	Investigation into Property Sale or Seize Order (PSSO) on the Land
20 th October 2016	Council resolved to pursue Land PSSO
21 st February 2017	Land PSSO issued
16 th January 2018	Advice that there was insufficient equity in the property to complete an auction.
29 th January 2018	Advice to move to Land seizure under Local Government Act.

April 2018
December 2019

Council resolved to proceed to public auction
Council resolved to offer to purchase the land for an amount equal to outstanding rates and charges

Comment

The sale of any property to recover unpaid rates and service charges is a course of action that the Shire normally wishes not to pursue. However, other legal proceedings haven't been successful in this case. Ample opportunity will continue to exist for the ratepayer to pay outstanding in full or offered a suitable payment plan to stop the transfer of land.

5 (Lot 38) Carton Street, Cuballing is low lying land, has no decent road access and does not have utilities connected.

Strategic Implications – Nil

Statutory Environment

Local Government Act 1995

Section 6.55 – Recovery of rates and service charges

- (1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —
 - (i) the owner at the time of the compilation of the rate record; or
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.
- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

* Absolute majority required.

Section 6.56 – Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

Section 6.64 – Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.
- * Absolute majority required.

Section 6.68 – Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —
- (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

Policy Implications – Nil

Financial Implications

The successful sale of this property would settle debts owed to the Shire for outstanding Rates and recovery processes. Any costs incurred as a result of this process can be claimed back through the land sale, if applicable.

It is unlikely that Council will obtain a purchase price that covers the outstanding rates and the new legal costs.

Economic Implication – Nil

Environmental Considerations – Nil

Consultation

Cloud Payment Group

Options

Council may resolve:

1. the Officer's Recommendation; or
2. defer this matter and seek further information.

Voting Requirements – Absolute Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1 because:**
 - a. rates or service charges which are due to Council in respect of any Assessment A944 have been unpaid for at least 3 years;**
 - b. Council has at least once attempted under section 6.56 of the Local Government Act 1995 to recover rates or service charges which are due to Council in respect of any Assessment A944;**

exercise the power of sale under section 6.64(1)(b) of the Local Government Act 1995 on Rates Assessment A944 at Lot 38 Carton Street, Cuballing; and
- 2. delegate Council authority to the Chief Executive Officer to finalise this transaction.**

9.1.4 Expenditure Outside of Council Policy guidelines

Applicant: N/A
File Ref. No: ADM118
Disclosure of Interest: Nil
Date: 7th December 2021
Author: Bronwyn Dew
Attachments: Nil

Summary

Council is to approve additional expenditure that falls outside Council's Policy guidelines for the gift and function to farewell the outgoing Chief Executive Officer.

Background

Council has in place Policy 4.16 – Staff Presentations on Resignation, that outlines the contribution Council may make towards the purchase of a gift for any employee voluntarily leaving the employ of Council in accordance with the following table.

Years of Service	Council Contribution
0<5 years	Nil
Each subsequent year	\$50 per year

The Shire of Cuballing may upon termination provide light refreshments and drinks up to the value listed within the following table. Wherever possible every effort will be made to combine two or more staff members functions for cost effectiveness.

Years of Service	Council Contribution
0<2 years	Nil
2<5 years	\$100
5<10 years	\$400
10<20 years	\$1,000
>20 years	\$2,000

Comment

Council's outgoing Chief Executive Officer, Gary Sherry, has been employed by Council for seven years. As such Council's policy would allow for a farewell gift to the value of \$100 and a farewell function to the value of \$400.

Council's 2021/22 Budget has an allocation of \$9,500 for Members Refreshments and Civic Functions. The year-to-date expenditure is \$3,066.79, which includes refreshments for Council meetings for the year to date, a function to recognise the service of retiring Councillors.

The author proposes allocating an amount of \$1,500 for the outgoing CEO's farewell function and an amount of \$250 for the outgoing CEO farewell gift to this budget allocation. This would still leave sufficient funds in this allocation account for the remainder of the financial year.

Strategic Implications – Nil

Statutory Environment

Local Government Act (1995)

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

* Absolute majority required.

Policy Implications – Nil

Financial Implications

Should Council adopt the Officer's Recommendation the cost to Council for the Chief Executive Officer farewell function and gift is \$1,750.

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation

Cr Eliza Dowling, Shire President

Options

Council may resolve:

1. the Officer's Recommendation; or
2. an amended Officer's Recommendation where the values of the proposed gift and function are altered; or
3. to not authorise the expenditure outside of council's Policy.

Voting Requirements – Absolute Majority

OFFICER'S RECOMMENDATION:

That Council, in recognition of the excellent service provided to Council by the outgoing Chief Executive Officer, approve expenditure outside of Council's Policy to the value of:

- 1. \$250 for a farewell gift (GST Exclusive); and**
- 2. \$1,500 for a farewell function (GST Exclusive).**

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Council Meeting Schedule 2022

Applicant:	N/A
File Ref. No:	ADM238
Disclosure of Interest:	Nil
Date:	15 th November 2021
Author:	Nichole Gould
Attachments:	Nil

Summary

Council is to consider Council Meeting dates, locations and starting time for 2022.

Background

It is a legislative requirement for the public in general to be advised in advance 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.

Comment

This current meeting schedule has Council's Ordinary meetings held on a regular monthly interval with no meeting held in January.

For some considerable time Council has held their Ordinary Meetings on the Thursday of the third week of each month, to fit with public holidays. The day on which the meeting would be held can be altered, but the draft schedule continues with Thursday as the Ordinary Meeting day for Council.

During 2018 Council amended the day of Council's Ordinary meetings from the third Thursday of the month, to the third Wednesday of the month. This timing was seen to better allow the Councillors to complete other activities and roles.

Council currently holds all its meetings at the Council Chambers at the Cuballing Administration Centre. It would be relatively easy to hold a Council meeting in a different location as a one-off event if Council thought there was benefit in such a move.

This proposed schedule includes 11 Ordinary Council Meetings. This schedule includes:

- most meetings are held four weeks after the preceding meeting with the exceptions of April 2022, July 2022, September 2022 and December 2022 which are held five weeks after the preceding meeting;
- meetings starting at 2pm. This time could be separately altered to allow Council to make Council meetings more accessible to electors;
- holding a meeting in Popanyinning. Council held their May 2020 meeting at the Popanyinning Hall. This meeting was rescheduled after the April 2020 Meeting was held by Teleconference. The May 2020 was not well attended by Popanyinning residents, but the April 2019 Meeting held in Popanyinning was. These residents are considered less likely to have attended a Council meeting in Cuballing.

The proposed schedule does not include dates for:

- An Annual Electors Meeting. The timing of this meeting is dependent on actions of Council's auditors and outside the direct control of Council;
- A Special Council Meeting to consider the Draft 2022/23 Budget. At this meeting, normally held in the last week of June each year, Council traditionally discuss and set priorities for consideration in the 2022/23 financial year. Staff will have Council consider the timing of this meeting in a separate report to Council closer to the date;
- Meetings of Committees of Council including Council's Audit Committee; and
- occasions where Councillors informally gather for Elected Member development or to inspect, review or workshop individual matters.

The proposed meeting schedule is included below:

No	Date	Type	Time
1	Wednesday 16 February 2022	Ordinary Meeting	2:00 PM
2	Wednesday 16 March 2022	Ordinary Meeting	2:00 PM
3	Wednesday 20 April 2022	Ordinary Meeting	2:00 PM
4	Wednesday 18 May 2022	Ordinary Meeting	2:00 PM
5	Wednesday 15 June 2022	Ordinary Meeting	2:00 PM
6	Wednesday 20 July 2022	Ordinary Meeting	2:00 PM
7	Wednesday 17 August 2022	Ordinary Meeting	2:00 PM
8	Wednesday 21 September 2022	Ordinary Meeting	2:00 PM
9	Wednesday 19 October 2022	Ordinary Meeting	2:00 PM
10	Wednesday 16 November 2022	Ordinary Meeting	2:00 PM
11	Wednesday 21 December 2022	Ordinary Meeting	2:00 PM

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.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (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 Implication – Nil

Social Implications

Council has had a number of local residents and interested people attend Council's meetings in 2021. Council should allow for this to occur in 2022 if there is community interest in a matter before Council.

Environmental Considerations – Nil

Consultation – Nil

Options

The Council can resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments to times or venues; or
3. a different schedule of meetings, giving reasons for not accepting the Officer's Recommendation.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopt the following Schedule of Council Meetings for 2022:

1	Wednesday 16 February 2022	Ordinary Meeting	2:00 PM	Council Chambers
2	Wednesday 16 March 2022	Ordinary Meeting	2:00 PM	Council Chambers
3	Wednesday 20 April 2022	Ordinary Meeting	2:00 PM	Popanyinning Hall
4	Wednesday 18 May 2022	Ordinary Meeting	2:00 PM	Council Chambers
5	Wednesday 15 June 2022	Ordinary Meeting	2:00 PM	Council Chambers
6	Wednesday 20 July 2022	Ordinary Meeting	2:00 PM	Council Chambers
7	Wednesday 17 August 2022	Ordinary Meeting	2:00 PM	Council Chambers
8	Wednesday 21 September 2022	Ordinary Meeting	2:00 PM	Council Chambers
9	Wednesday 19 October 2022	Ordinary Meeting	2:00 PM	Council Chambers
10	Wednesday 16 November 2022	Ordinary Meeting	2:00 PM	Council Chambers
11	Wednesday 21 December 2022	Ordinary Meeting	2:00 PM	Council Chambers

9.2.2 Support for Shared Community Emergency Services Manager

Applicant:	N/A
File Ref. No:	ADM213
Disclosure of Interest:	Nil
Date:	1 st December 2021
Author:	Gary Sherry
Attachments:	Nil

Summary

Council is to consider supporting participation in a joint Community Emergency Services Manager (CESM) in partnership with the Department of Fire and Emergency Services (DFES) and the Shires of Narrogin, Wandering, Boddington and Williams.

Background

Additional demands are continuing to emerge in the emergency services field with respect to increased planning and mitigation requirements resulting from the Ferguson and Keelty reports, and also the heightened awareness of bushfire risk across Australia.

CESMs are a recognised way to resource the management of risks, through their involvement in brigade personnel training and development needs, recruitment, succession planning for emergency management leadership roles, emergency risk management, infrastructure planning, resource planning and grants administration.

The Shire of Cuballing's organisational structure and capacity in respect to emergency management is limited, with this impacting on the ability to proactively address emergency related risks.

It is difficult for the vast majority of local governments to resource strategic planning priorities in addition to preparedness, prevention and response priorities to keep the community safe.

Partnerships with DFES, in conjunction with other local governments, is a very common approach to address this gap.

The Shire of Cuballing has a very strong brigade capability which has been established over a number of decades. This has benefited from a strong culture of volunteerism and community capacity in the space of bushfire response. There is an ongoing need for further support of the brigades to work towards succession planning and ensuring volunteer attraction and retention programs.

Comment

Representatives from the Shires of Cuballing, Boddington, Narrogin, Wandering and Williams have discussed the potential of entering into an agreement with DFES to support a CESM to provide services to these Shires.

This opportunity of a partnership between five local governments and DFES to deliver emergency services functions, is a logical approach, with the Shires involved all having similar landscapes, resourcing needs, and being in relatively close proximity.

The CESM role will provide a number of benefits, with a particular focus to:

- Deliver coordinated prevention programs to reduce the incidence of emergencies and improve the level of safety in the community;

- Provide efficient systems of communication between organisations at all levels to improve service delivery outcomes;
- Promote and support volunteer organisational arrangements that combine the spirit of volunteerism to attract and retain members;
- Provide and or coordinate the level of training to personnel, to ensure the competencies are appropriate to the risk level of emergencies to which volunteers will be required to respond;
- Develop a partnership that will see a best practice approach to emergency service delivery implemented between the Shire and DFES; and
- Enhance community ownership of fire prevention and preparedness programs and activities.

These functions have an alignment to the implementation of preparedness, prevention, response and recovery. The role is also focussed on forming a closer relationship between Local Government and DFES. Some of the specific areas that a CESM may be allocated to include:

Preparedness:

- Manage volunteer bush fire brigade training coordination;
- Support bushfire brigade incident management capacity/capability;
- Monitor and manage the provision and replacement of volunteer personal protective equipment;
- Manage Local Emergency Management Committee;
- Manage Bushfire Advisory Committee participation and planning;
- Organise and implement community emergency service forums
- Respond to incidents as requested by DFES

Prevention:

- Maintain the Shire of Cuballing's Bushfire Risk Management Plan (BRMP);
- Develop and implement bushfire management and mitigation programs for Unallocated Crown Land and Unmanaged Reserves;
- Develop practices for bushfire management on local government lands in the Shire developed in accordance with the BRMP priorities.
- Support community engagement and awareness programs as identified;
- Complete emergency services strategic planning; and
- Manage administration of capital and operational grant processes through the Local Government Grant Scheme.

Collaboration:

- Complete practical land use planning in relation to bushfire management;
- Ensure emergency water supply;
- Review and report suspicious and deliberately lit fires; and
- Ensure appropriate support and counselling available to Emergency Service volunteers as required

Special Projects:

- Practically manage the Bushfire vehicle fleet maintenance program;
- Manage the administration of relevant regulations, policies and local laws; and
- Respond to emergency incidents that impact on communities, infrastructure and assets in the Shire.

The CESM will be an experienced administration resource available to support the Shire administration and the Shire of Cuballing's bushfire volunteers. The CESM is not expected to play an active role in the Shire of Cuballing's bushfire response unless requested by an FCO.

Currently the role of the CESM is being completed by a range of Shire staff, including:

- the Works Supervisor, who also serves as Chief Bushfire Control Officer, completes basic administration duties supervising the volunteer fire brigades including purchasing, vehicle management, volunteer training and the like;
- the CEO manages the day to day operations of Local Emergency Management and Bushfire Advisory Committee;
- the Deputy CEO manages the submission and acquittal of DFES grants;

These tasks would be undertaken by the CESM, freeing up these Council resources for other tasks.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

SOCIAL - Our Community, Neighbourhoods, Recreation and Culture.

Goals

- A safe community where residents feel secure and comfortable at home, work and play.

	Strategy	Outcome
1.3	Encourage and support volunteers and community groups.	Active and growing volunteer and community groups.
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.

Statutory Environment – Nil at this time

The Officer's Recommendation seeks to give staff justification to negotiate and articulate Council's position to participate in a joint CESM scheme. However prior to participation in any scheme, Council will need to formally resolve to enter into a scheme agreement which will included the full, final details of the contributions by every party to that agreement.

Policy Implications – Nil at this time

Financial Implications

There a no direct financial implications arising from the officer recommendation at this time.

The program could be expected to cost in the region of \$150,000 per annum. An additional start up cost may be required as part of a vehicle purchase.

DFES would be expected to contribute around 50% of the total cost of the CESM. Other local shared arrangements DFES contributes a higher percentage.

It should be anticipated that the participating local governments would contribute financially to the CESM in a pro-rata contribution based on the level of service to each participation local government. A 5% contribution by the Shire of Cuballing would be in the region of \$7500 per annum.

Economic Implication

The risk of fire is a significant economic risk for local rural producers.

Social Implication

Fire is a significant community risk for local communities.

Environmental Considerations

Fire is a significant risk for the local environment.

Consultation

The Chief Bushfire Control Officer has been informally consulted and is supportive of the CESM resource for the Shire of Cuballing.

Options

Council may resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments; or
3. to not support a CESM in the Shire of Cuballing and continue the current emergency management procedures.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council support participation in a joint Community Emergency Services Manager scheme in partnership with the Department of Fire and Emergency Services and the Shires of Narrogin, Wandering, Boddington and Williams.

9.2.3 Code of Conduct for Council Members, Committee Members and Candidates

Applicant: N/A
File Ref. No: ADM58
Disclosure of Interest: Nil
Date: 9th December 2021
Author: Gary Sherry
Attachments: 9.2.3A Draft Code of Conduct for Council Members, Committee Members and Candidates

Summary

Council is to confirm the Shire of Cuballing's Code of Conduct for Council Members, Committee Members and Candidates after the recent local government elections.

Background

The Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (collectively the New Regulations) were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021. New sections of the Local Government Act 1995 (LGA) that provided for the New Regulations were proclaimed concurrently and are also now in effect.

Council adopted a compliant Code of Conduct for Council Members, Committee Members and Candidates in February 2021 with the following decision:

COUNCIL DECISION – 2021/013:

That Council:

1. repeal the Code of Conduct for Councillors, Committee Members and Staff;
2. note that pursuant to section 5.51A of the Local Government Act 1995, the Chief Executive Officer will be preparing an interim Code of Conduct for all employees of the Shire, including the Chief Executive Officer based on the repealed version;
3. adopt the draft Code of Conduct for Council Members, Committee Members and Candidates included at Attachment 11.1.2A;
4. appoint the following persons to receive Division 3 complaints and withdrawals of same relating to Council Members, Committee Members and Candidates:
 - a. complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;
 - b. complaints made by the Shire President excluding those made by about the Deputy Shire President – the Deputy Shire President;
 - c. complaints about the Shire President – the Deputy Shire President; and
 - d. complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members; and
5. approve the draft Complaint About Alleged Breach Form - Code of Conduct for Council Members, Committee Members and Candidates included at Attachment 11.1.2B.

Moved: Cr Ballantyne

Seconded: Cr Bradford

Carried 4/1

Cr Hopper requested that her vote against be recorded

Comment

While Local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct) of the Model Code of Conduct, Council can include additional behaviour requirements in Division 3 (Behaviours), such as specific dress standards or the appropriate use of technology for example, if deemed appropriate by Council.

The Officer has recommended adopting the model code of conduct included in the Local Government (Model Code of Conduct) Regulations 2021.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

GOVERNANCE & ORGANISATION – Our Council, Services, Policies and Engagement. Goals

- Governance structures that ensure accountable, transparent and ethical decision making.

	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.

Statutory Environment

Local Government Act 1995

5.51A. Code of conduct for employees

- (1) The CEO must prepare and implement a code of conduct to be observed by employees of the local government.
- (2) The CEO may amend the code of conduct.
- (3) The CEO must publish an up to date version of the code of conduct on the local government's official website.
- (4) Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.
- (5) A code of conduct under this section is of no effect to the extent that it is inconsistent with regulations made for the purposes of subsection (4).

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

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.
- (2) The model code of conduct must include —
 - (a) general principles to guide behaviour; and
 - (b) requirements relating to behaviour; and
 - (c) provisions specified to be rules of conduct.
- (3) The model code of conduct may include provisions about how the following are to be dealt with —
 - (a) alleged breaches of the requirements referred to in subsection (2)(b);
 - (b) alleged breaches of the rules of conduct by committee members.
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).
- (5) Regulations may amend the model code of conduct.
[Section 5.103 inserted: No. 16 of 2019 s. 50.]

5.104. Adoption of model code of conduct

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

* Absolute majority required.

- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.

* Absolute majority required.

- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —
- (a) can only be expressed to apply to council members or committee members; and
 - (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.
- (6) An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up to date version of a local government's adopted code of conduct on the local government's official website.

[Section 5.104 inserted: No. 16 of 2019 s. 50.]

Policy Implications

While Clause 12 of the Code outlines a process for dealing with complaints regarding the conduct of elected members and candidates, the Code leaves it open to local governments to determine the most appropriate and effective process for how this is undertaken.

Options could include:

- the Shire President or Deputy considering all complaints;
- delegation of complaints to the CEO to prepare a report for the Council;
- appointment of an independent/external consultant to review complaints and provide a report to the Council; or
- establish a committee to review complaints and report to the Council. The Committee may include independent members.

How Council chooses to respond to complaints will be decided in future consideration that will be included in policy.

Financial Implications

There are no financial implications at this time.

Economic Implication – Nil

Social Implication

An effective Code of Conduct that results in Councillor behaviour that meets community expectations will enhance the community perception of Council.

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments in terms of appointment of an authorised person; or
3. to defer consideration of a Code of Conduct at this time request staff to provide further information prior to future consideration. This decision has the approved Code of Conduct remaining in force until at least that future consideration by Council.

Voting Requirements – Absolute Majority

OFFICER'S RECOMMENDATION:

That Council adopt the draft Code of Conduct for Council Members, Committee Members and Candidates included at Attachment 9.2.3A.

Code of Conduct

for

Council Members, Committee Members and Candidates



Division 1 — Preliminary provisions

1. Citation

This is the Shire of Cuballing Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive working environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
- (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and

- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- 1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- 2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

- (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

- (1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

- (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Complaint About Alleged Breach Form - Code of Conduct for Council Members, Committee Members and Candidates

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

NOTE: A complaint about an alleged breach must be made —

- (a) in writing in the form approved by the local government
- (b) to an authorised person
- (c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:

Name: _____
Given Name(s)
Family Name

Contact details of person making the complaint:

Address: _____

Email: _____

Contact number: _____

Name of the local government concerned:

Shire of Cuballing

Name of Council Member, Committee Member, Candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

Date of alleged breach:

_____ / _____ / 20_____

SIGNED:

Complainant's signature:

Date of signing: _____ / _____ / 20_____

Received by Authorised Officer

Authorised Officer's Name:

Authorised Officer's Signature:

Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to ceo@cuballing.wa.gov.au

9.2.4 Complaints Policy for Elected Members, Committee Members and Candidates

Applicant:	N/A
File Ref. No:	ADM118
Disclosure of Interest:	Nil
Date:	9 th December 2021
Author:	Gary Sherry
Attachments:	9.2.4A Draft Complaints Policy for Elected Members, Committee Members and Candidates

Summary

Council is to consider policy for dealing with complaints about alleged breaches of the behaviour requirements included in the Shire of Cuballing Code of Conduct for Council Members, Committee Members and Candidates.

Background

A review of the Local Government Act 1995 led by the Department of Local Government, Sport and Cultural Industries (DLGSC), including consultation with the community and sector stakeholders, led to the implementation of priority reforms under the Local Government Amendment Act 2019 (Amendment Act).

The Amendment Act was developed in response to stakeholder feedback that there was a need for governance reforms, including a Code of Conduct for Elected Members, Committee Members and Candidates that reflects community expectations of behaviour. The Model Code of Conduct Regulations 2021 have been developed to give effect to the Amendment Act and provide for:

- overarching principles to guide behaviour;
- behaviours and complaints, which are managed by local governments; and
- rules of conduct, contraventions considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

Provisions under Division 3 are new and deal with alleged behaviour complaints on Councillors, Committee members' and Candidates who are elected Councillors. Complaints regarding alleged breaches of the Code in Division 3 are to be managed by the Council as the Shire's decision-making body.

Council adopted the new Code at its Meeting on 25th February 2021. The new Code is silent on the detail of the Complaint handling process. This process is at the discretion of each Council.

Council was required to authorise an officer for the purposes of receiving complaints and withdrawals of complaints, in accordance with cl. 11(3) of the Model Code of Conduct.

Regulations require that the Local Government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints, but they do not specify who that person(s) will be. The Complaints Officer could be:

- the Shire President;
- the Deputy Shire President, especially for complaints about the President;
- the Chief Executive Officer or delegated staff representative; or
- External Consultant.

In February 2021 Council appointed the following persons to receive Division 3 complaints and withdrawals of same relating to Council Members, Committee Members and Candidates:

1. complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;

2. complaints made by the Shire President excluding those made by about the Deputy Shire President – the Deputy Shire President;
3. complaints about the Shire President – the Deputy Shire President; and
4. complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members.

Comment

To allow Council to deal with complaints made in accordance with Division 3 of the Code, staff have developed a draft Complaints Policy for Elected Members, Committee Members and Candidates, as shown in Attachment 9.2.4A. The draft Policy based on a template policy developed by WALGA.

This Draft Policy would provide a comprehensive framework for the handling of a complaint. The Draft policy includes:

- the CEO being appointed as the Complaints Officer. The Complaints Officer is not an advocate for the complainant or the respondent but rather provides procedural information and assistance to both Complainant and Respondent. The Complaints Officer will also liaise with and provide administrative support to a Complaint Assessor appointed under this Policy. The Complaints Officer will monitor any requirements determined by Council dealing with a complaint.

The implementation of this policy clarifies the role of the Complaints Officer and provides support to an employee in implementing the role that was not present prior.

- The use of an independent Complaint Assessor. Appointed by the CEO the Complaint Assessor will investigate and prepare a report on the complaint. This report will be provided to Council for review. While the Complaints Officer may act as the Complaint Assessor for the smaller, simpler complaints, it should be expected that an independent Complaint Assessor would be appointed for most complaints.
- A Complaint Report will be considered as a confidential matter by Council at its next available ordinary meeting. All Councillors (including the Complainant and Respondent) are required to disclose an Impartiality Interest before debate commences.
- Council will make a finding as to whether the alleged breach has occurred resulting from their review of a complaint. From this finding the
- Council may adopt a Plan that will be prepared and implemented to address the behaviour of the person to whom a complaint relates, if a Finding has been made that a Breach has occurred

Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

GOVERNANCE & ORGANISATION – Our Council, Services, Policies and Engagement.
Goals

- Governance structures that ensure accountable, transparent and ethical decision making.

	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.
-----	--	---

Statutory Environment

Local Government Act 1995

5.105. Breaches by council members

- (1) A council member commits a minor breach if the council member —
 - (a) contravenes a rule of conduct; or
 - (b) contravenes a local law under this Act, contravention of which the regulations specify to be a minor breach.
- (1A) Subsection (1) extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- (1B) Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under subsection (1), also be a serious breach under subsection (3).
- (2) A minor breach is a recurrent breach if it occurs after the council member has been found under this Division to have committed 2 or more other minor breaches.
- (3) A council member who commits any offence under a written law, other than a local law made under this Act, of which it is an element that the offender is a council member or is a person of a description that specifically includes a council member commits a serious breach.

Policy Implications

New Policy. The draft policy is to provide affected parties, Council and the CEO, a process to be used to resolve complaints regarding alleged breaches of Division 3, of the Shire's adopted Code of Conduct for Elected Members, Committee Members and Candidates.

Financial Implications

Unable to assess at the time of preparing this Report. Should the Complaints Officer need to investigate a complaint regarding the Code of Conduct, the procurement of a Complaints Mediator or Assessor will need to be funded by Council. At the time of writing this report, the cost is unknown, and most likely would be different per investigation.

Subject to the frequency of receiving Complaints and their complexity, it is considered that the cost of an independent Complaint Assessor will be able to be accommodated within Council's existing Governance operational budget.

Economic Implication – Nil

Social Implication

The effective management of complaints will enhance the community perception of Council.

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

Council may resolve:

1. the Officer's Recommendation; or
2. to defer consideration of de of Conduct Behaviour Complaints Management Policy at this time request staff to provide further information prior to future consideration. This

decision has the approved Code of Conduct remaining in force until at least that future consideration by Council.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council

- 1. adopt the Code of Conduct Behaviour Complaints Management Policy included at Attachment 9.2.4A; and**
- 2. appoint the Chief Executive Officer as the Complaints Officer under the Code of Conduct Behaviour Complaints Management Policy.**

3.18 Code of Conduct Behaviour Complaints Management Policy

POLICY OBJECTIVE

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

To give effect to the Shire of Cuballing's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

POLICY SCOPE

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

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

DEFINITIONS

Act means the *Local Government Act 1995*.

Complaints Officer means a person authorised in writing by Council resolution or by the CEO exercising delegated authority under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in Part 2.1 of this Policy.

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

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

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

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

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

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

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

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

Complaint Assessor means a person appointed by the Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

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

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

Council means the Council of the Shire of Cuballing.

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

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

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

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

POLICY STATEMENT

1 Principles

1.1 Procedural fairness

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

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

1.2 Consistency

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

1.3 Confidentiality

The Shire of Cuballing will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4 Accessibility

The Shire of Cuballing will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Cuballing's Administration Building and on the Shire of Cuballing's website. The Shire of Cuballing will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1 Behaviour Complaints Officer

The Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Complaints Officer is not an advocate for the complainant or the respondent. The Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Complaints Officer will facilitate the calling and convening of Council meetings if required.

In undertaking their functions, the Complaints Officer will apply the Principles of this Policy.

2.2 Complaint Assessor

The Complaint Assessor is appointed by the Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaints Officer may elect to perform the role of Complaint Assessor, or alternatively to appoint a third party Complaint Assessor who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

If a third party Complaint Assessor is appointed, then the Complaint Assessor will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

3 Procedure

3.1 Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct - clause 11(1) of the Code of Conduct.

A Complaint must be made within one (1) month after the alleged Breach - clause 11(2)(c) of the Code of Conduct.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Complaints Officer will give the Complainant written notice that the Complaint cannot be made - clause 11(2)(c) of the Code of Conduct.

3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

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

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with - clause 15(1) of the Code of Conduct.

3.3 Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint - clause 14 of the Code of Conduct.

A Complainant may withdraw a Complaint by advising the Complaints Officer in writing that they wish to do so.

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

3.4 Notice to Complainant

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

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5 Notice to Respondent

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

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6 Alternative Dispute Resolution

The Shire of Cuballing recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence

of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Complaints Officer will resume the formal process required under this Policy.

3.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Complaints Officer may decide to progress those Complaints concurrently.

3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Cuballing's Purchasing Policy.

The Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9 Search of Local Government Records

The Complaint Assessor may request the Complaints Officer to search for any relevant records in the Shire of Cuballing's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting;
- the behaviour was dealt with by the person presiding at the meeting; and/or
- the Respondent has taken remedial action in accordance with the Shire of Cuballing Standing Orders Local Law 2014.

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

3.10 Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11 Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Respondent will be provided with a draft copy of the Complaint Report and provided with an opportunity to make submissions prior to the Complaint Report being finalised for presentation to Council.

The Complaint Assessor will liaise with the Complaints Officer to include the Complaint Report in the Agenda for a Council meeting. The Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12 Consideration by Council

Complaint Reports will be considered by Council at its next available ordinary meeting.

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

In accordance with the Department of Local Government, Sport and Cultural Industries' Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, all council members (including the Complainant and Respondent) are required to disclose an Impartiality Interest before debate commences.

The Council will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Council will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Council dismisses a Complaint, the Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Council will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Council finds that the alleged Breach **did not** occur, the Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Council finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Council decides to take no further action, the Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Council decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Council will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13 Compliance with Plan Requirement

The Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1 Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2 Dismissal

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

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Cuballing Standing Orders Local Law 2014.

4.3 Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur - *clause 12(3) of the Code of Conduct*.

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5 Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Council considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the behaviours of concern;
- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

9.2.5	Application for Development Approval of Piggery Expansion - Lots 6595 Pauley Road, Commodine
-------	--

Applicant:	N/A
File Ref. No:	A435
Disclosure of Interest:	Nil
Date:	8 th May 2020
Author:	Gary Sherry
	9.2.5A Information from applicant
Attachments:	9.2.5B Location plan
	9.2.5C Submissions

Summary

Development approval is recommended for the expansion of a piggery operational footprint.

Background

1. The application

In December 2015 Council approved a retrospective Planning Application for a piggery and associated expansion of the piggery (animal husbandry – intensive) including new sheds at Lots 6595 Pauley Road, Commodine in accordance with Clause 10.3 of the Shire of Cuballing Town Planning Scheme No. 2, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. the number of pigs to be housed in the piggery (animal husbandry – intensive) operation on Lots 6595 Pauley Road, Commodine is not to exceed 7,500 at any one time.
4. The operator will comply with setbacks included in the National Environmental Guidelines for Piggeries (May 2010) when spent bedding material is spread on the property owned by the applicant. In particular the operator will not spread bedding material within 300 metres from residences on adjoining properties without the immediate incorporation of that bedding material into the soil.
5. The operator to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis.

Council has now received an application, included at Attachment 9.2.5A that seeks to add three additional shelters to the existing piggery operation without any increase in pig numbers to allow maintenance to be carried within the existing operation footprint.

2. Application site

The site's location is outlined in Attachment 9.2.5B which is approximately 10 kilometres east of the Cuballing townsite. Attachment 9.2.5B also shows a map of the site in relation to surrounding properties and dwellings.

The piggery is located on one title which has an area of around 64.7 hectares. The applicant also owns a number of adjoining/nearby titles as shown in Attachment 9.2.5B. The applicant utilises only a small percentage of his landholding for the piggery with the predominant use being broad acre cropping.

The site is largely cleared with some isolated pockets of remnant native vegetation. No clearing of remnant vegetation is proposed. The site is gently sloping and the piggery is well setback from watercourses.

Vehicular access to and from the site is from Pauley Road which is a sealed Shire managed road from the Cuballing East Road to the applicants property access. Pauley Road is a Restricted Access Vehicle (RAV) route for vehicles up to RAV level 4, with a local access condition. .

3. The current operation

The applicant currently operates a deep litter piggery with 21 sheds housing pigs and 1 shed used for weighing and out loading. The applicants proposed three new piggery sheds will be deep litter sheds.

Deep litter piggeries typically accommodate pigs within a series of hooped metal frames covered in a waterproof fabric, similar to the plastic greenhouses used in horticulture. Deep litter housing is established on a concrete base or a compacted earth floor with the Pigs bedded on straw or similar loose material that absorbs manure and eliminating the need to use water for cleaning. The used bedding is generally removed and replaced when the batch of pigs is removed, or on a regular basis.

For deep litter piggery operations on a property that also has a broad acre grain growing program, the used litter and manure is collected and stored in the open air throughout the year and spread onto the other parts of the farming operation in March and April prior to the sowing of the annual grain crop.

The applicant purchases young pigs from a local breeder and then houses them in the deep litter piggery sheds to grow the pigs to a marketable size.

The applicant is connected to scheme water for all piggery operations.

4. Public consultation

The Shire administration sent letters to 5 adjoining/nearby landowners and 1 relevant State Government land management authority seeking comment on the application for 28 days. Advertising was included in *The Cuby News* and on Council's social media and website. Advertising was also located at the premises.

Submissions were sought until Monday 13th December 2021. The Shire received has two submissions to date which are included at Attachment 9.2.5C. The submission from government agencies raised no objection to the application. The submission from a neighbour raises no objection to this application, but expresses concern over Council's ongoing management of the previous approval.

5. Planning and environmental context

There are a range of planning and environmental legislation, strategies, policies and guidelines relevant to the application. Some of these are outlined below with others listed under Statutory Environment.

5A) Shire of Cuballing Local Planning Scheme No. 2

The site is zoned 'General Agriculture' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2).

The piggery use is defined in LPS2 as 'animal husbandry-intensive' which means 'premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.'

Animal husbandry-intensive is an 'A' use in the General Agriculture Zone. This means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice (seeking comment) in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5B) Shire of Cuballing Local Planning Strategy

The application is consistent with the Strategy for reasons including:

- 'Support animal premises and rural industries where relevant site specific matters are addressed and appropriate buffers are provided' (Strategy 38);
- the site is allocated as 'Rural' on the Strategy Plan and is distant from townsites and rural living areas; and
- it supports diversifying and growing the local economy.

5C) Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses

This Environmental Protection Authority document provides generic buffer (separation) distances for a range of activities. In relation to piggeries, it sets out a buffer of 5000 metres for piggery-intensive (premises on which pigs are fed, watered and housed in indoor pens) for piggeries with more than 5000 pigs. For piggery – extensive, premises on which pigs are fed, watered and housed in outside paddocks or enclosures, the buffer is 1000 metres.

5D) Piggery Manure and Effluent Management and Reuse Guidelines (2015)

This document completed by Australian Pork Limited is an industry prepared guideline that provides a nationally agreed approach to management information for size, site, design, management and reuse of piggery manure and effluent. This document considers separation distances from areas of by-product use to relevant receptors and features.

5E) National Environmental Guidelines for Indoor Piggeries (2018)

This document completed by Australian Pork Limited is an industry prepared guideline that provides a nationally agreed approach to sustainable and effective indoor piggery management.

Comment

It is recommended that Council conditionally approve the Development Application for a piggery (animal husbandry-intensive) expansion. This follows assessment against LPS2, the Local Planning Strategy, other relevant planning and environmental documents, information provided by the applicant, considering the views of the submitters and site characteristics. Conditional approval is recommended for reasons including:

- it assists a long established use to continue operating while completing maintenance;
- the application is consistent with the planning framework including that there are appropriate buffers to off-site dwellings and there are no identified adverse off-site impacts to broadscale agriculture;

- the expansion will not add additional number of pigs to the operation and should therefore have limited additional impact implications;
- there are no additional traffic impact implications;
- it supports a local business; and
- no objections were received on the Development Application. Accordingly, it can only be assumed that adjoining/surrounding landowners and other stakeholders have no objections.

The Officer's Recommendation incorporates updated approval conditions that have been developed by Council on approvals for other piggery operations since 2015.

Strategic Implications

Agriculture is the key industry within the Shire of Cuballing.

Statutory Environment

There is a range of legislation and regulations relevant to the application including:

- *Planning and Development Act 2005* and LPS2;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection Act 1986* and the *Environmental Protection Regulations 1987*;
- *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* - a piggery is defined as an offensive trade and must be registered with the local government on an annual basis;
- *Shire of Cuballing Health Local Laws 2007*;
- *Soil and Land Conservation Act 1945*; and
- *Biosecurity and Agriculture Management Act 2007* and *Biosecurity and Agriculture Management Regulations 2013*.

There are also a range of policies, strategies and publications including:

- *EPA Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*;
- *EPA Guidance Statement No. 33 - Environmental Guidance for Planning and Development*;
- *State Planning Policy 2 Environment and Natural Resources Policy*;
- *State Planning Policy 2.5 Rural Planning* – objectives include to promote regional development through the provision of ongoing economic opportunities on rural land, to protect and improve environmental and landscape assets and to minimise land use conflicts;
- *State Planning Policy 2.9 Water Resources*;
- *National Environmental Guidelines for Indoor Piggeries (2018)*;
- *Piggery Manure and Effluent Management and Reuse Guidelines (2015)*; and
- *DER Guidance Statement: Separation Distances (draft) – August 2015* – sets a generic buffer of 1000 metres for noise impacts, with odour buffers determined through the criteria set out in the *National Environmental Guidelines for Piggeries*.

Policy Implications

It is suggested that Council may wish to clarify its approach to animal husbandry-intensive uses and possibly also for rural industries through preparing an associated Local Planning Policy.

Financial Implications

All costs associated with the development will be borne by the applicant/operator. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

Economic Implications

Approval of this application will assist the existing economic use, assist to increase monies spent locally and assist with job creation.

Social Implications

No objections were received from adjoining/nearby landowners. Provided the landowner effectively manages the operation, the piggery should have manageable off-site impacts.

Environmental Considerations

It is suggested that the operator can suitably manage environmental impacts. At this stage, a key consideration is ensuring there are no impacts on a Threatened Ecological Community. There is a separate requirement for the operator to be registered for an offensive trade and to maintain accreditation, along with gaining a works approval and licence from DWER.

Consultation

Adjoining/nearby landowners, relevant State Government agency and the community were invited to make comment on the Development Application.

Options

Council may resolve:

1. approve the Development Application with no conditions;
2. approve the Development Application with conditions;
3. refuse the Development Application (providing reasons); or
4. defer and seek additional information.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council approve the Planning Application for the expansion of the piggery (animal husbandry – intensive) being three new sheds at Lots 6595 Pauley Road, Commodine in accordance with Clause 10.3 of the Shire of Cuballing Town Planning Scheme No. 2, subject to the following conditions:

- 1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 2. the number of pigs to be housed in the piggery (animal husbandry – intensive) operation on Lots 6595 Pauley Road, Commodine is not to exceed 7,500 at any one time.**

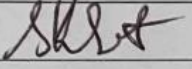
3. The operator will comply with setbacks included in the Piggery Manure and Effluent Management and Reuse Guidelines (2015) when spent bedding material is spread on the property owned by the applicant. In particular the operator will only spread bedding material:
 - a. within 300 metres from residences on adjoining properties with the immediate incorporation of that bedding material into the soil;
 - b. at least 50 metres from waterways and made roads;
 - c. at least 20 metres from property boundaries to neighbours;
 - d. in a way that minimises amenity impact on the locality and is to the satisfaction of the local government.
4. The operator to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis.

Advice

- A) The proponent is advised that the piggery must comply with other statutory requirements including the Health Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- B) The applicant is advised that the piggery must comply with other statutory requirements including the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- C) The applicant is advised that the piggery may be required to gain a Works Approval and a licence from the Department of Water and Environmental Regulation (DWER). The applicant is encouraged to contact DWER to confirm regulatory requirements under the Environment Protection Act 1986 and the Environmental Protection Regulations 1987.
- D) Council encourages the applicant to:
 - (i) comply with the National Environmental Guidelines for Indoor Piggeries (2018) or any updates;
 - (ii) be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;
 - (iii) undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding;
 - (iv) establish and maintain a complaints management system; and
 - (v) report any environmental incident promptly to the Department of Water and Environmental Regulation and to the local government.
- E) It is the responsibility of the applicant to advise the local government when all conditions relating to the development have been satisfied.

- F) The application site is located within the Murray Surface Water Area as proclaimed under the Rights in Water and Irrigation Act 1914.**
- G) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

APPLICATION FOR DEVELOPMENT APPROVAL

Owner Details		
Name: STEVEN KEVIN SEXTON		
ABN (if applicable): 29 114 697 035		
Address: 49 Pauley Rd Cuballing Postcode: 6311		
Phone:	Fax:	Email: Sextonsk@westnet.com.au.
Work: .....	.....	.....
Home: .....	.....	.....
Mobile: 0427 836063	.....	.....
Contact person for correspondence: Steve		
Signature: 		Date: 18-10-21
Signature:		Date:
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		
Applicant Details (if different from owner)		
Name: AS ABOVE		
Address:		
Postcode:		
Phone:	Fax:	Email:
Work: .....	.....	.....
Home: .....	.....	.....
Mobile: .....	.....	.....
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
Signature:		Date:

Property Details		
Lot No:	House/Street No:	Location No: 6595
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:	Suburb:	
Nearest street intersection: Cuballing East Rd, Pauley Rd.		
Proposed Development		
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input checked="" type="checkbox"/> Works and use	
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: 12m x 28m Shelters x3 Concrete floor + walls + laneways.		
Description of exemption claimed (if relevant):		
Nature of any existing buildings and/or land use: SEE MAP ATTACHED - PIGGERY SITE.		
Approximate cost of proposed development: \$50,000		
Estimated time of completion: MARCH / APRIL 2022		
<div style="text-align: right;">OFFICE USE ONLY</div> Acceptance Officer's initials: _____ Date received: _____ Local government reference No: _____		

Glenark Farm and Piggery

'Excellence in Farming'

Steve and Prema Sexton
49 Pauley Road
Cuballing 6311
Western Australia

ABN: 29114697035
Mob: 0427 836 043
Email: sextonsp@westnet.com.au



8 November 2021

Dear Gary

I am writing in regards to my attached application containing my submission amendment for your consideration.

The proposal does not request any increase in pig numbers on farm, feed or water consumption, effluent nor increased traffic levels. We simply request for the addition of three more shelters to be constructed within the current piggery site to maintain our current arrangements. These shelters will be used to carry out maintenance within our existing piggery footprint.

Should you require any additional information, please do not hesitate to contact me to clarify any of the attached information.

Yours sincerely

Steve Sexton

Glenark Farm and Piggery

'Excellence in Farming'



Existing



Proposed

Key

Green = already approved

Yellow = newly requested

MODEL CODE COMPLIANCE PLAN

GLENARK PIGGERY

DESCRIPTION OF CURRENT FACILITIES

This piggery has 22 eco shelters in total. 21 shelters house pigs and 1 shelter is reserved for weighing and out loading.

Cuballing Shire approval has been granted (21st December 2015) for another 12m x 28m shelter, yet to be constructed.

12 of the shelters are 10m wide x 28m long.

The remaining 9 shelters are 12m wide x 28m long. 5 are weaner shelters, and are divided in half so that each weaner space is 6m x 28m.

There are 4 finisher shelters that are 12m wide x 28m long

Each shelter has a 5m stepped apron at the front where feeders and drinkers are located. Each shelter has an 8 tonne feeder in it. Grower shelters have 12 wall mounted Drink-o-mat drinkers and the weaner shelters have 15 Drink-o-mat drinkers mounted on a welded frame.

All grower shelters have spray mist sprinklers that run along the inside of the shelter roof and are activated when necessary.

Each grower shelter has a rear blind to prevent excess wind and or sunlight. Blinds are raised or lowered as necessary. Straw bales act as wind breaks at the front and rear of weaner shelters.

MANAGEMENT SYSTEM

Weaners are sexed male/female on arrival from Approved Supplier (within our approved supplier list) at 3 weeks of age. Pigs are of a similar size and target weight of 7kg on arrival. Pigs are tail and teeth clipped prior to arrival.

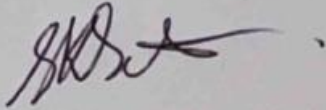
Weaners will spend 8 weeks in weaner shelter and are then move ,as entire group to a clean grower shed. Pigs will spend a maximum of 6 weeks in grower sheds, then 4 weeks in the finishing sheds before being weighed and selected for slaughter.

Currently piggery aims to produce bacon pigs, but carcase weights may vary at request of abattoir.

Each weaner shelter has maximum capacity of 360 pigs. This is allowing for 0.47m² / pig up to 40kg. (MCOP REQUIRES 0.494M²/PIG AT 45kg.)

Each grower shelter has a maximum capacity of 411 pigs (target 360). This is allowing for 0.68m²/pig up to 70kg. (MCOP REQUIRES 0.66M²/PIG AT 100kg.)

Each Finisher shelter has a maximum capacity of 377 pigs (target 360). This is allowing for 0.89m/pig up to 105kg. (MCOP REQUIRES 0.91m/pig at 110kg).



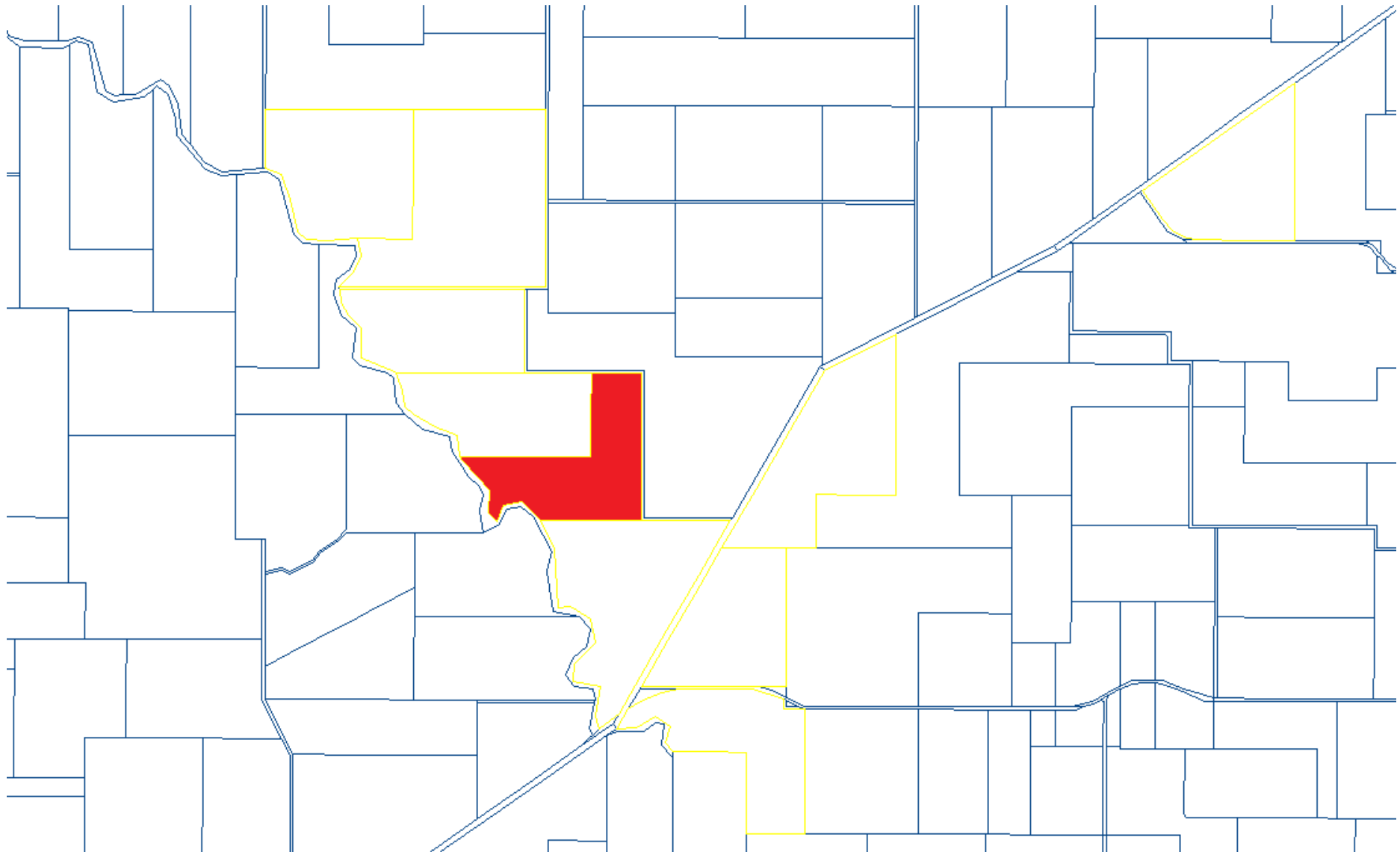
Owner signature

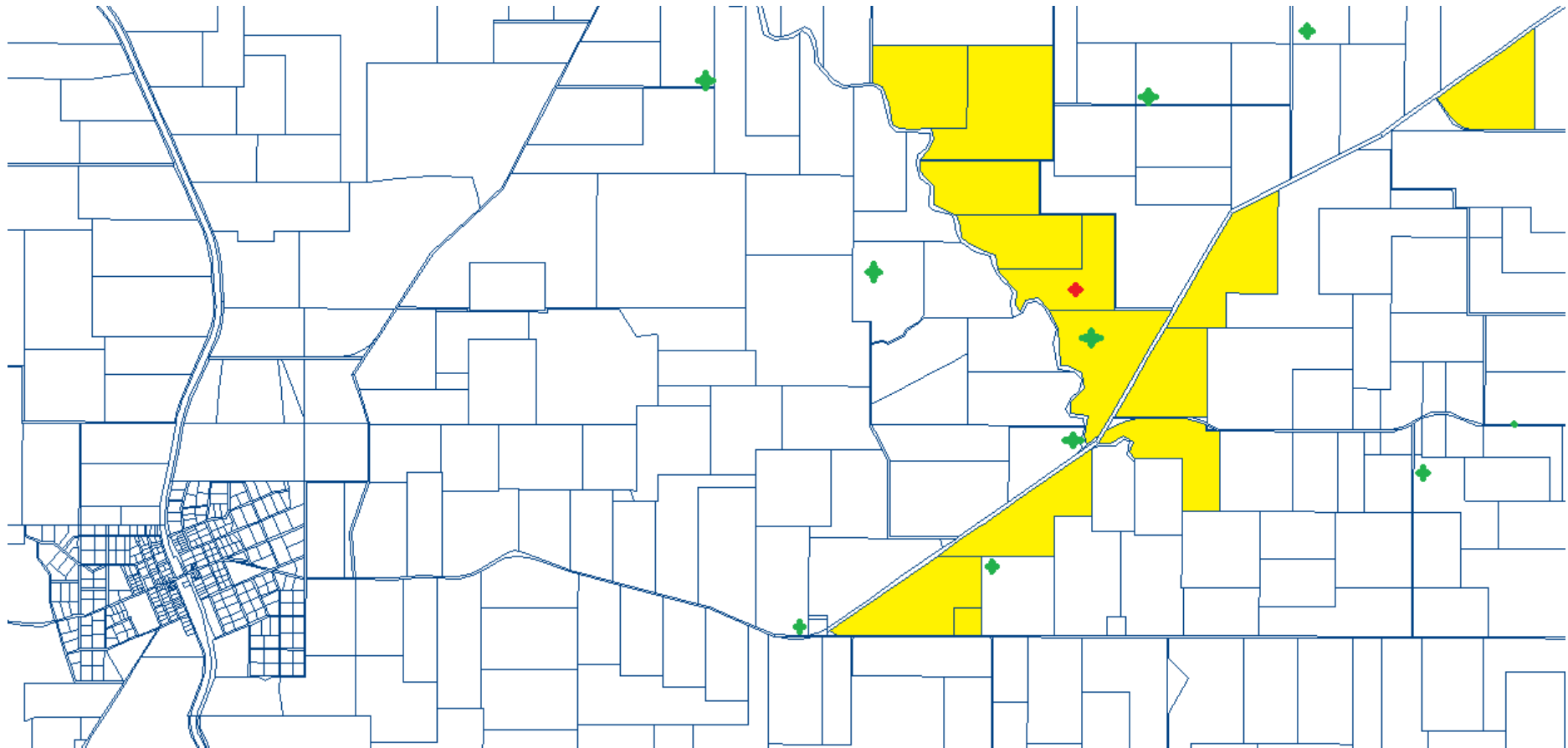
STEVE SEXTON

Printed name

Date 15/3/20







Red - Applicants Piggery
Green - Residences

Nicole Gould

A435

From: Mike Fitzgerald <mike.fitzgerald@dbca.wa.gov.au>
Sent: Wednesday, 17 November 2021 11:29 AM
To: Shire of Cuballing Enquiries
Cc: Greg Durell; Peter Lacey
Subject: Development application - Pauley Road - Piggery Buildings

Attention: Chief executive Officer

The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions advises that, based on currently available information, this development application is unlikely to cause any impact to known significant biodiversity values.

Please contact Mike Fitzgerald on (08) 9881 9223 (mike.fitzgerald@dbca.wa.gov.au) if you require clarification or further information.

Additional information:

The application concerns an additional 3 piggery shelters without any net increase in pig numbers. Within 5 km of the application area there are two recent threatened fauna records (*Phascogale calura*), one DBCA managed reserves (R 21056) and numerous Wheatbelt Woodland TEC occurrences. However none of these assets are likely to be impacted by the addition of the three additional structures.

Mike Fitzgerald

Land Use Planning Officer | Wheatbelt Region

Parks and Wildlife Service

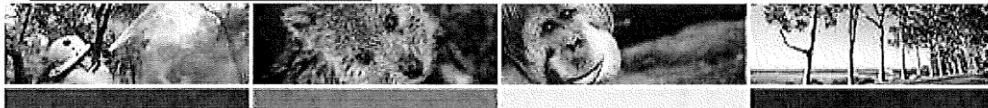
Department of Biodiversity, Conservation and Attractions

Hough Street, Narrogin

PO Box 100 Narrogin WA 6312

P (08) 9881 9223 | M 0477 308 921

E: mike.fitzgerald@dbca.wa.gov.au



We're the people and places you know, but with new-look email addresses

From early July 2017 we'll be moving to an updated IT system as part of the new Department of Biodiversity, Conservation and Attractions (DBCA). This means email addresses for staff at Kings Park and Botanic Garden, Bold Park, Rottnest Island, Perth Zoo and the former Department of Parks and Wildlife will now carry the domain @dbca.wa.gov.au

This message is confidential and is intended for the recipient named above. If you are not the intended recipient, you must not disclose, use or copy the message or any part of it. If you received this message in error, please notify the sender immediately by replying to this message, then delete it from your system.

10 DEC 2021
A435

Commodine Farm
81 Walsh Rd
Cuballing 6311

Attention Gary Sherry CEO – Cuballing Shire Council
Re Development Application Location 6596 49 Pauley Road Sextons.

Dear Garry,

As a neighbour and landholder immediately next to the proposed piggery expansion, I have some comments to make with regard to the application.

We (partners and owners of Commodine Farms) do not object for the Applicant to build the new structures on the property, provided that some conditions to the existing piggery are considered.

Our concern with the Application relates to 4 issues that are of a concern to us.

The **first** is, that if by default, because of the availability of new structures, that pig numbers or pig sizes may be increased in the future without the need for any further building applications or licence approvals. I understand that the Applicant would need to apply for permission to increase numbers, but who would be counting if numbers were to be incrementally increased over time?

The **second** is the current heavy reliance on scheme water during the summer period to service the piggery. The increase in Piggery numbers, approved in retrospective planning and expansion on 17th December 2015, and the run of dry seasons leading up to the summer of 2020/21, has resulted in the Applicant installing a larger poly pipe take off from the Government Scheme Water system without any consultation with ourselves. This has, in the last 2 summers, resulted in the disruption to the scheme water supply to our property during the summer period. As has been the case with 5 other users of the scheme system along the Cuballing East Road.

The cost of extra infrastructure installed by ourselves and some of those other users, for extra water storage and emergency water carting, has in our view, been incurred because of the increase in water consumed by the Applicants piggery. We have had to install an extra 250kl storage tank and have carted 150kl last summer to guarantee our water supply, at an estimated cost of \$18000, a cost that cannot be recovered by any form of on farm production.

The **third** is current disposal of carcasses from the piggery. The current method of carcass removal is the dumping of carcasses in an open pit right on our boundary. This results in a major increase in sheep blow fly activity during the spring months and has resulted in severe blow fly body strike in merino weaner lambs in the paddocks adjacent to the pit. Jetting of lambs and not running that sheep class adjacent to the pit has been part of our management strategy to minimise the impact of the disposal area.

The **fourth** is the increase in odour from piggery waste disposal. This is of lesser concern than the above 3 issues, but as piggery numbers have increased, and the amount of waste to be disposed has increased, then there has been an increase in odour from waste spreading.

We therefore would raise no objection to the Application if the following considerations were made by the Applicant.

1.0 There be in place strictly regulated control of the maximum number of pigs run on the property and the current approval of 7500 pigs maximum be clarified in terms of SPU (Standard Pig Units), as per definition. Reference <https://www.wa.gov.au/government/publications/planning-fact-sheet-piggeries>. Any increase above the numbers on the property as of Jan -Mar 2021 will have a direct impact on the following 3 considerations.

2.0 We would request that extra water storage to be installed by the Applicant, to provide a buffer of 1 month's supply of water (30 days x 40kl/day = 1200 kl of storage so as not to impact users of the Government Scheme Water during summer months

3.0 We would request that the method of carcase disposal be modified to reduce the incidence of sheep blowfly breeding during the period September 1- December 1, as per National Environmental Guidelines for Piggeries 2010

4.0 We would also encourage the Applicant to continue to manage the piggery bedding waste disposal system to minimise any offensive odours that may blow onto any neighbouring properties, including ours. We would encourage the use of a system, that incorporates any waste into the soil immediately following spreading.

We understand that none of the above concerns relate directly to stated proposed development by the Applicant. We do however observe that as the piggery operation has increased in size, then issues that we have raised above, have become more concerning and we strongly believe that our concerns need to be addressed, otherwise we will object to the Application.

I would be agreeable to any further discussions or inputs requested as part of this submission.

Regards

Mike Burges

0427836045

commodine@bigpond.com

9.2.6 Local Government Reform Initiatives – Council Policy Position

Applicant:	N/A
File Ref. No:	ADM118
Disclosure of Interest:	Nil
Date:	9 th December 2021
Author:	Gary Sherry
Attachments:	Nil
	9.2.6A Draft Policy Position on Local Government Reform Initiatives

Summary

Council is to consider adopting a policy position on local government reform initiatives announced by the Local Government Minister on Wednesday 10 November 2021 and making submissions based on this position.

Background

The Minister for Local Government, the Hon John Carey, MLA announced Local Government legislative reform initiatives on Wednesday 10 November 2021.

The reform proposals are based on the following six major themes:

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

The reform proposals are based on consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is inviting comments from local governments and the wider community to inform implementation of the proposed reforms. The feedback received will inform the drafting of legislation.

The purpose of this report is for Council to establish a position on the reform proposals to be provided to the DLGSC, but also inform submissions to WALGA and the Central Country Zone of WALGA.

The Minister has extended the close of the consultation period from 4th February 2022 to 25th February 2022.

Many of the initiatives outlined as a part of this package have been informed by engagement between WALGA, Local Governments and the Minister for Local Government over recent years. Some aspects have already been implemented.

The Local Government sector will welcome the tiered approach to many requirements according to the differing size and scale of Local Governments.

The Local Government sector has been advocating for the following reform initiatives including:

- introduction of a contemporary intervention framework
- greater clarity of roles and responsibilities of Elected Members and Chief Executive Officers
- tiered compliance approach to financial reporting requirements according to size and scale of Local Governments
- model financial statements and fit for purpose financial ratios
- improved processes relating to regional subsidiaries to facilitate collaborative service delivery
- reducing unnecessary red-tape and a more flexible approach to enable resource sharing
- retention of current election cycle for Elected Members, and
- simplification of strategic planning processes and community engagement models.

WALGA are preparing to provide a detailed member response to the proposals. The WALGA process will include:

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

Comment

In assessing a possible Council position staff have offered the following positions to each proposal:

- Strongly Support – significant, ongoing benefits to the Shire of Cuballing;
- Support – practical benefits to the Shire of Cuballing or local government as a whole;
- Generally Supportive – aspects of the proposal have general benefit to local government as a whole. This response is often used where there is little if any direct impact from the proposal on the Shire of Cuballing;
- Generally Not Support – aspects of the proposal have general detriment to the Shire of Cuballing or local government as a whole. This response is often used where there is little if any direct impact from the proposal on the Shire of Cuballing
- Not Support – aspects of the proposal will have detriment to the Shire of Cuballing or local government as a whole

Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.
Goals

- An independent Council that is supported by an excellent organisation.

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership.	A clear direction for the future.

Statutory Environment

Nil at this time. The implementation of the local government reform initiatives will have a statutory impact on Council.

Policy Implications – Nil

Financial Implications

There are no financial implications at this time. The implementation of the local government reform initiatives will have a financial impact on Council.

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with amendments to the recommended policy position on individual reform initiatives; or
3. to not take a policy position or make a submission to the DLGSC or WALGA on this local government reform initiatives.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

1. **adopt the policy position on the Local Government legislative reform initiatives announced on Wednesday 10 November 2021 included at Attachment 9.2.6A; and**
2. **Submit that policy position to the:**
 - a. **Department of Local Government, Sport and Cultural Industries**
 - b. **the WALGA; and**
 - c. **Western Australian politicians representing a region including the Shire of Cuballing.**

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
Theme 1: Early Intervention, Effective Regulation and Stronger Penalties			
1.1 Early Intervention Powers			
<p>The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to:</p> <ul style="list-style-type: none"> • Suspend or dismiss councils • Appoint Commissioners • Suspend or, order remedial action (such as training) for individual councillors. <p>The Act also provides the Director General with the power to:</p> <ul style="list-style-type: none"> • Conduct Authorised Inquiries • Refer allegations of serious or recurrent breaches to the State Administrative Tribunal • Commence prosecution for an offence under the Act. <p>Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government.</p> <p>The Panel Report, City of Perth Inquiry, and the Select Committee</p>	<p>It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate).</p> <p>The Inspector would receive minor and serious complaints about elected members.</p> <p>The Inspector would oversee complaints relating to local government CEOs.</p> <p>Local Governments would still be responsible for dealing with minor behavioural complaints.</p> <p>The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified.</p> <p>The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act</i></p>	<p><u>Current Local Government Position</u></p> <p>Items 1.1, 1.2 and 1.3 <u>generally align</u> with WALGA Advocacy Position 2.6.8 - 'Establish Office of Independent Assessor'</p> <p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against Elected Members and undertake inquiries. 2. Remove the CEO from being involved in processing complaints. 3. That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government. 4. An external oversight model for local level behavioural complaints made under Council Member, Committee 	<p>Generally Supportive</p> <p>The proposal to create a system of early intervention should assist in reducing disruptive or dysfunctional behaviour.</p> <p>The system of Inspector and Monitors has aspects of previous oversight by a resourced, knowledgeable and respected Local Government Department.</p> <p>That the system would be funded by local government appears to transfer funding of the Department's oversight role to local governments. For local governments who don't require the oversight, this is not an issue. However regular oversight for a vexatious type complainant in a small, somewhat remote local government could have significant financial implications for that local government, particularly given the wide scope of issues able to be investigated.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>Report made various recommendations related to the establishment of a specific office for local government oversight.</p>	<p><i>1984, the Building Act 2011</i>, and other legislation.</p> <p>The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism.</p> <p>The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations.</p> <p>The Inspector would be supported by a panel of Local Government Monitors (see item 1.2).</p> <p>The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3).</p> <p>Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4).</p> <p>These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6).</p>	<p>Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.</p> <p>Comment</p> <p>The Local Government sector is in favour of early intervention and a swift response to potentially disruptive or dysfunctional behaviours. The Proposed Reforms state 'Local Governments would still be responsible for dealing with minor behavioural complaints' and therefore do not go as far as the Sector's recent request for an external oversight model for the independent assessment of local level complaints (State Council Res: 264.5/2021 – September 2021). However this will be mitigated with the Inspector able to respond to a Local Government having unresolved matters by appointing a monitor to assist the Local Government.</p> <p>It is expected the Local Government Inspector would be funded by the State Government, however it is noted that the cost of the Local Government</p>	<p>A requirement for the Department to provide technical oversight to local government may have practical difficulties in providing services.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>Monitors and the Conduct Panel would be borne by the Local Government concerned.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Support the proposed reforms as they align with the sectors position on external oversight and support. 2. Request the Minister to explore alternate mechanisms for resolving local level complaints. 	
1.2 Local Government Monitors			
<p>There are currently no legislative powers for the provision of monitors/ temporary advisors.</p> <p>The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases.</p>	<p>A panel of Local Government Monitors would be established.</p> <p>Monitors could be appointed by the Inspector to go into a local government and try to resolve problems.</p> <p>The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence.</p> <p>Monitors would be qualified specialists, such as:</p> <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators 	As above	As Above

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<ul style="list-style-type: none"> • Dispute resolution experts - to address the breakdown of professional working relationships • Certified Practising Accountants and other financial specialists - to assist with financial management and reporting issues • Governance specialists and lawyers - to assist councils resolve legal issues • HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. <p>Only the Inspector would have the power to appoint Monitors.</p> <p>Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose.</p> <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a</p>		

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the</p>		

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.		
1.3 Conduct Panel			
<p>The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour.</p> <p>Currently, the Panel makes findings about alleged breaches based on written submissions.</p> <p>The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed.</p>	<p>The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel.</p> <p>The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel.</p> <p>The Inspector would provide evidence to the Conduct Panel for adjudication.</p> <p>The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism.</p> <p>For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts.</p> <p>Any person who is subject to a complaint before the Conduct Panel</p>	As above	As Above

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	would have the right to address the Conduct Panel before the Panel makes a decision.		
1.4 Review of Penalties			
There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act.	<p>Penalties for breaching the Local Government Act are proposed to be strengthened.</p> <p>It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion.</p> <p>Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address).</p> <p>It is proposed that a councillor who is suspended multiple times may become disqualified from office.</p> <p>Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.</p>	<p><u>Current Local Government Position</u></p> <p>Items 1.4 and 1.5 <u>expand upon</u> Advocacy Position 2.6.9 - 'Stand Down Proposal'</p> <p>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</p> <ol style="list-style-type: none"> 1. That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are 	<p>Generally Supportive</p> <p>Stronger penalties, particularly for disruptive individual Councillors or community members, may have a positive impact on disruptive or dysfunctional behaviours.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>embodied in all aspects of the proposed Stand Down Provisions; and</p> <p>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.</p> <p>Comment</p> <p>The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members.</p> <p>Recommendation Supported</p>	
1.5 Rapid Red Card Resolutions			

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws.</p> <p>Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings.</p> <p>Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings.</p>	<p>It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1).</p> <p>It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would:</p> <ul style="list-style-type: none"> • Require the Presiding Member to issue a clear first warning • If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions • If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. <p>Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector.</p> <p>Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be</p>	As above	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector.		
1.6 Vexatious Complaint Referrals			
<p>No current provisions.</p> <p>The Act already provides a requirement for Public Question Time at council meetings.</p>	<p>Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner.</p> <p>Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query.</p> <p>It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts</p>	<p><u>Current Local Government Position</u></p> <p>Item 1.6 expands upon Advocacy Position 2.6.11 – 'Vexatious complainants in relation to FOI applications'.</p> <p>WALGA advocates for the Freedom of Information Act 1992 (WA) to be reviewed, including consideration of:</p> <p>Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD);</p> <p>1. Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn; and</p>	<p>Generally Supportive</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	may then rule the complaint vexatious.	<p>2. Modernisation to address the use of electronic communications and information.</p> <p>Comment</p> <p>The Act has been expanded significantly in recent years to permit an increased level of public involvement, scrutiny and access to information relating to the decisions, operations and affairs of Local Government in WA. Introducing a means to limit capacity for unreasonable complainants to negatively impact Local Governments will provide a necessary balance between the openness and transparency of the sector and the reasonable entitlement of citizens to interact with their Local Government.</p> <p>Recommendation Supported</p>	
1.7 Minor Other Reforms			
<p>Other minor reforms are being considered to enhance the oversight of local government.</p> <p>Ministerial Circulars have traditionally been used to provide</p>	<p>Potential other reforms to strengthen guidance for local governments are being considered.</p> <p>For example, one option being considered is the potential use of sector-wide guidance notices.</p>	<p><u>Current Local Government Position</u></p> <p>Item 1.7 aligns with Advocacy Position 2.6 - 'Support DLGSC as service provider / capacity builder'</p>	<p>Generally Supportive</p> <p>The use of sector-wide guidance notices by the DLGSC is strongly supported.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
guidance to the local government sector.	<p>Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed.</p> <p>It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.</p>	<p><i>WALGA supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, WALGA calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.</i></p> <p>Comment</p> <p>Operational guidance from the Department of Local Government, Sport and Cultural Industries leads to consistent understanding and application of statutory provisions by Local Government. The proposed reform that the Inspector issue non-compliance notices appears to replicate the Minister's powers under Section 9.14A – 'Notice to prevent continuing contravention'</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		Recommendation Supported	
Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity			
2.1 Resource Sharing			
<p>The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs.</p> <p>Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.</p>	<p>Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees.</p> <p>Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1.</p>	<p><u>Current Local Government Position</u></p> <p>Item 2.1 aligns with Advocacy Position 2.6 – Local Government Legislation – ‘Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act’ and Advocacy Position 2.3.1 - ‘Regional Collaboration’.</p> <p>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</p> <p><u>Comment</u></p> <p>The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p>	<p>Generally Supportive</p> <p>Any improved ability to resource share is supported.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		Recommendation Supported	
2.2 Standardisation of Crossovers			
<p>Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences.</p> <p>This can create confusion and complexity for homeowners and small businesses in the construction sector.</p>	<p>It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads.</p> <p>A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this.</p> <p>The DLGSC will work with the sector to develop standardised design and construction standards.</p>	<p><u>Current Local Government Position</u></p> <p>Comment</p> <p>WALGA developed the Template Crossover Guideline and Specification resource in 2017 and have been part of the Minister's working group on red tape reduction that has been looking at standardisation of crossovers</p> <p>Recommendation Supported</p>	<p>Generally Supportive</p> <p>It is possible that a standardised approach to crossovers will be difficult to implement across the range of local governments. What is required in a City Council may not be suitable in Cuballing and vice versa.</p>
2.3 Introduce Innovation Provisions			
<p>The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket).</p>	<p>New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for:</p> <ul style="list-style-type: none"> • Short-term trials and pilot projects • Urgent responses to emergencies. 	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 2.3.</p> <p>Comment</p> <p>It is arguable communities expect all levels of Government will apply innovative solutions to complex and emerging issues difficult to resolve by traditional means. Exemptions constructed with appropriate checks and</p>	<p>Support</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>balances, particularly where expenditure of public funds are concerned, has potential to facilitate efficient and effective outcomes.</p> <p>Recommendation Supported</p>	
2.4 Streamline Local Laws			
<p>Local laws are required to be reviewed every eight years.</p> <p>The review of local laws (especially when they are standard) has been identified as a burden for the sector.</p> <p>Inconsistency between local laws is frustrating for residents and business stakeholders.</p>	<p>It is proposed that local laws would only need to be reviewed by the local government every 15 years.</p> <p>Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable.</p> <p>Local governments adopting Model Local Laws will have reduced advertising requirements.</p>	<p><u>Current Local Government Position</u></p> <p>Items 2.4, 2.5 and 2.6 <u>expand upon</u> Advocacy Position 2.6.35 - 'Local law-making process should be simplified'.</p> <p>The Local Law making process should be simplified as follows:</p> <ul style="list-style-type: none"> • The requirement to give state-wide notice should be reviewed, with consideration given to Local Governments only being required to provide local public notice; • Eliminate the requirement to consult on local laws when a model is used; • Consider deleting the requirement to review local laws periodically. Local Governments, by administering local laws, will determine when it is 	<p>Support</p> <p>Reductions in compliance for the adoption of Model Local Laws is Strongly Supported</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>necessary to amend or revoke a local law; and</p> <ul style="list-style-type: none"> • Introduce certification of local laws by a legal practitioner in place of scrutiny by Parliament's Delegated Legislation Committee. <p>Comment</p> <p>Proposed reforms meet the Sector's preference for simplified local law-making processes. Model local laws are supported, whilst recognising the models themselves will require review by State Government departments with the relevant head of power. For example, the Model Local Law (Standing Orders) 1998 formed the basis of many Local Government meeting procedures local laws but no review was completed. This model was superseded by individual local laws with added contemporary provisions. This pattern will repeat itself if model local laws are not reviewed to remain contemporary to the Sector's requirements.</p> <p>Recommendation Supported</p>	
2.5 Simplifying Approvals for Small Business and Community Events			

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities.</p>	<p>Proposed reforms would introduce greater consistency for approvals for:</p> <ul style="list-style-type: none"> • alfresco and outdoor dining • minor small business signage rules • running community events. 	<p>As above</p>	<p>Generally Supportive</p> <p>It is possible that a standardised approach to approvals for small business and community events will be difficult to successfully implement across the range of local governments. The Shire of Cuballing is generally much more supportive of small local business than any City Council.</p>
2.6 Standardised Meeting Procedures, Including Public Question Time			
<p>Local governments currently prepare individual standing order local laws.</p> <p>The Local Government Act 1995 and regulations require local governments to allocate time at meetings for questions from the public.</p> <p>Inconsistency among the meeting procedures between local governments is a common source of complaints.</p>	<p>To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State.</p> <p>Regulations would introduce standard requirements for public question time, and the procedures for meetings generally.</p> <p>Members of the public across all local governments would have the same opportunities to address council and ask questions.</p>	<p>As above</p>	<p>Generally Supportive</p> <p>Standardised Standing Orders may be difficult to implement across the range of local governments. What is required in a City Council may not be suitable in the Shire of Cuballing and vice versa.</p>
2.7 Regional Subsidiaries			

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal “organisations of councils”, such as NEWROC and WESROC.</p> <p>These initiatives typically have to be managed by a lead local government.</p> <p>In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the Local Government (Regional Subsidiaries) Regulations 2017.</p> <p>So far, no Regional Subsidiary has been formed.</p>	<p>Work is continuing to consider how Regional Subsidiaries can be best established to:</p> <ul style="list-style-type: none"> • Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments • Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds • Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk • Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p><u>Current Local Government Position</u></p> <p>Item 2.7 aligns with Advocacy Position 2.3.1 - ‘Regional Collaboration’</p> <p>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</p> <p><u>Comment</u></p> <p>Under the Regional Subsidiary model, two or more Local Governments are able to establish a regional subsidiary to undertake a shared service function on behalf of its constituent Local Governments. The model provides increased flexibility when compared to the Regional Local Government model because regional subsidiaries are primarily governed and regulated by a charter rather than legislation. While the regional subsidiary model’s governance structure is primarily representative, the model also allows independent</p>	<p>Support</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>and commercially focussed directors to be appointed to the board of management.</p> <p>A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.</p> <p>Recommendation Supported</p>	
Theme 3: Greater Transparency & Accountability			
3.1 Recordings and Live-Streaming of All Council Meetings			
<p>Currently, local governments are only required to make written minutes of meetings.</p> <p>While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings.</p> <p>Complaints relating to behaviours and decisions at meetings</p>	<p>It is proposed that all local governments will be required to record meetings.</p> <p>Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.</p> <p>Band 1 and 2 are larger local governments are generally located</p>	<p><u>Current Local Government Position</u></p> <p>Item 3.1 <u>expands upon</u> Advocacy Position 2.6 – ‘Promote a size and scale compliance regime’ and Advocacy Position 2.6.31 - ‘Attendance at Council Meetings by Technology’</p>	<p>Not Support</p> <p>While supportive of the idea of recording and live streaming, a cost benefit analysis would be unlikely to support such an idea for the Shire of Cuballing.</p> <p>The implementation of recording of Council meetings will have a significant capital cost to the Shire of Cuballing.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>constitute a large proportion of complaints about local governments.</p> <p>Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors[1] such as:</p> <ul style="list-style-type: none"> • Growth and development • Strategic planning issues • Demands and diversity of services provided to the community • Total expenditure • Population • Staffing levels. 	<p>in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment.</p> <p>Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.</p> <p>Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings.</p> <p>Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used.</p> <p>Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings.</p> <p>All council meeting recordings would need to be published at the same time as the meeting minutes.</p>	<p>A review of the ability of Elected Members to log into Council meetings should be undertaken.</p> <p>Comment</p> <p>Local Governments introducing electronic meeting procedures and the means for remote public attendance in response to the COVID-19 pandemic led to a swift uptake of streaming Council meetings. The proposed reform that Band 1 and 2 Local Governments will only be problematic where technical capability such as reliable bandwidth impact the district.</p> <p>Recommendation Supported</p>	<p>Council will need to install capacity to record (or livestream) meetings.</p> <p>The ongoing cost to ensure the capability to maintain and operate a system in a compliant manner will also be significant. Council will need to maintain a capacity to edit the digital recording to remove debate on confidential matters.</p> <p>The requirement for recording will limit the Shire of Cuballing's ability to hold Council Meetings outside of a single location. To increase transparency, Council has held meetings in the satellite community of Popanyinning. To continue this Council will need to move the recording facilities which will, if possible, have a cost.</p> <p>For a small Council, without the history of combative political relationships of a large city Council, the requirement for recording may have a negative impact on debate and Council meetings.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	Recordings of all confidential items would also need to be submitted to the DLGSC for archiving.		
3.2 Recording All Votes in Council Minutes			
<p>A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting.</p> <p>The existing provision does not mandate transparency</p>	<p>To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber.</p> <p>Regulations would prescribe how votes are to be consistently minuted</p>	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 3.2.</p> <p>Comment</p> <p>There is an evolving common practice that Council Minutes record the vote of each Council Member present at a meeting.</p> <p>Recommendation Supported</p>	Support.
3.3 Clearer Guidance for Meeting Items that may be Confidential			
<p>The Act currently provides broad definitions of what type of matters may be discussed as a confidential item.</p> <p>There is limited potential for review of issues managed as confidential items under the current legislation.</p>	<p>Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances.</p> <p>It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public.</p> <p>Items not prescribed as being confidential could still be held as</p>	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 3.3.</p> <p>Comment</p> <p>Clarifying the provisions of the Act has broad support within the sector. New reforms requiring Local Governments to video or audio record Council meetings (Item 3.1) will add to the formal record of proceedings that</p>	Support

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>confidential items only with the prior written consent of the Inspector.</p> <p>All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC.</p>	<p>includes written Minutes. While being supported, the requirement to provide audio recordings of confidential matters to the DLGSC is queried on the basis that written and audio records can be readily accessed from a Local Government if required.</p> <p>Recommendation Supported</p>	
3.4 Additional Online Registers			
<p>Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online.</p> <p>Consistent online publication of information can substitute for certain material in annual reports.</p> <p>Consistency in online reporting across the sector will provide ratepayers with better information.</p> <p>These registers supplement the simplification of financial statements in Theme 6.</p>	<p>It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included.</p> <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> • Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) • Community Grants Register to outline all grants and funding provided by the local government • Interests Disclosure Register which collates all disclosures made by elected members 	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 3.4.</p> <p>Comment</p> <p>This proposal follows recent Act amendments that ensure a range of information is published on Local Government websites. WALGA has sought clarity that the contracts register excludes contracts of employment.</p> <p>Recommendation Supported</p>	<p>Generally Not Supportive</p> <p>While supportive of a transparent and accountable approach to all aspects of local government, the compliance costs for smaller local governments some of the online registers may outweigh their value to our community.</p> <p>What is required in a City Council may not be suitable in Cuballing and vice versa.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>about their interests related to matters considered by council</p> <ul style="list-style-type: none"> • Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking • Contracts Register that discloses all contracts above \$100,000. 		
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published			
<p>It is a requirement of the Local Government Act 1995 that CEO performance reviews are conducted annually.</p> <p>The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria.</p> <p>Additional performance criteria can be used for performance review by agreement between both parties.</p>	<p>To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:</p> <ul style="list-style-type: none"> • Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) • The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) • The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have 	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 3.5.</p> <p><u>Comment</u></p> <p>In principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and</p>	<p>Not Support</p> <p>While supportive of a transparent and accountable approach to all aspects of local government, publicising the CEO performance process may have unintended consequences.</p> <p>In rural LG's in smaller communities, where the CEO and their family reside within the local government and are known in the community, the CEO's job security/job performance is often the subject of local gossip. At such times there a considerable personal impact on the CEO and in particular on the CEO's partner and children.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	influenced the results against KPIs).	<p>operational function of the Local Government.</p> <p>In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.</p> <p>The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence</p>	<p>It should be expected that the proposed reforms will have an increased negative impact on CEO retention where a Council is working through a divisive community issue. It is more likely that CEOs will be reluctant to live within the LG that they are employed by.</p> <p>Currently the Shire of Cuballing hasn't used an independent HR professional to assist in undertaking CEO performance reviews. Council should expect their CEO to at least require this independent assistance to facilitate the completion of the CEO KPIs.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.</p> <p>The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.</p> <p>Recommendation</p> <p>1. Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature;</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		2. Do not support the results of performance reviews being published.	
Theme 4: Stronger Local Democracy and Community Engagement			
4.1 Community and Stakeholder Engagement Charters			
<p>There is currently no requirement for local governments to have a specific engagement charter or policy.</p> <p>Many local governments have introduced charters or policies for how they will engage with their community.</p> <p>Other States have introduced a specific requirement for engagement charters.</p>	<p>It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community.</p> <p>A model Charter would be published to assist local governments who wish to adopt a standard form.</p>	<p><u>Current Local Government Position</u></p> <p>Items 4.1 and 4.2 generally align with Advocacy Position 2.6.34 - 'Support responsive, aspirational and innovative community engagement principles'</p> <p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Responsive, aspirational and innovative community engagement principles 2. Encapsulation of aims and principles in a community engagement policy, and 3. The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans. <p><u>Comment</u></p> <p>As indicated in Item 4.1 commentary, many Local Governments have already developed stakeholder engagement charters, or similar</p>	Generally Supportive.

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>engagement strategies, that reflect their unique communities of interest. The development of guidance by the DLGSC, based on standards such as the International Standard for Public Participation practice, is supported in favour of taking a prescriptive approach or conducting a survey for the sake of a survey.</p> <p>Item 4.2 has potential to provide benchmarking of community satisfaction levels across Band 1 and 2 Local Governments.</p> <p>Recommendation Supported</p>	
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)			
<p>Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers.</p> <p>These surveys provide valuable data on the performance of local governments.</p>	<p>It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey.</p> <p>Results would be required to be reported publicly at a council meeting and published on the local government's website.</p> <p>All local governments would be required to publish a response to the results.</p>	As above	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
4.3 Introduction of Preferential Voting			
<p>The current voting method for local government elections is first past the post.</p> <p>The existing first-past-the-post does not allow for electors to express more than one preference.</p> <p>The candidate with the most votes wins, even if that candidate does not have a majority.</p> <p>Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice</p>	<p>Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections.</p> <p>In preferential voting, voters number candidates in order of their preferences.</p> <p>Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect.</p> <p>All other states use a form of preferential voting for local government.</p>	<p><u>Current Local Government Position</u></p> <p>Item 4.3 does not align with Advocacy Position 2.5.1 – ‘First Past the Post voting system’</p> <p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p><u>Comment</u></p> <p>It should be noted that the sector’s advocacy against compulsory voting and “All in All out” 4 year terms has been successful and these items are not included in the reform proposals.</p>	<p>Support</p> <p>First past the post (FPP) and preferential voting are the same thing when there is a small difference in the number of vacancies and number of candidates.</p> <p>In FPP elections, where there is only a few vacancies and many more candidates, there is a likelihood that an extreme candidate that represents the views of a minority of the community may prevail when the votes of the community majority of the community are shared over a number of candidates.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>The introduction of preferential voting will be a return to the system of voting prior to the Local Government Act 1995. The Local Government Advisory Board reported on voting systems in 2006 ('Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities') and provided the following comments in support of both first past the post voting and preferential voting:</p> <p>Comments in support of retaining first past the post include:</p> <ul style="list-style-type: none"> • Quick to count. Preferential voting is time consuming to count. • Easily understood. • Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government. • Preferential voting allows election rigging through alliances or 'dummy' candidates. • In a preferential system, the person that receives the 	

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>highest number of first preference votes does not necessarily get elected.'</p> <p>Comments in support of replacing first past the post include:</p> <ul style="list-style-type: none"> • Preferential voting is more democratic and removes an area of confusion. • Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters. • Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place. • FPP does not adequately reflect the wishes of electors when there are three candidates or more. • FPP is unsuitable when there is more than one vacancy. • Allows for a greater representation from a range of interest groups and prevents domination of 	

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>elections by mainstream party politics.'</p> <p>The Sector supports first past the post voting for its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported.</p> <p>Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.</p> <p>Recommendation</p> <p>Not currently supported - Local Government feedback requested</p>	
4.4 Public Vote to Elect the Mayor and President			
<p>The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either:</p> <ul style="list-style-type: none"> by the electors of the district through a public vote; or by the council as a resolution at a council meeting. 	<p>Mayors and Presidents of all local governments perform an important public leadership role within their local communities.</p> <p>Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.</p> <p>Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.</p>	<p><u>Current Local Government Position</u></p> <p>Item 4.4 <u>does not align</u> with Advocacy Position 2.5.2 - 'Election of Mayors and Presidents be at the discretion of Local Government.'</p> <p>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</p> <p>Comment</p>	<p>Generally Not Supportive.</p> <p>Where a Mayor or President is elected by the Council, they have by definition, the support of the Council. A popularly elected Mayor or President may not always have the support of the Council, that can contribute to ongoing Council disruption.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham.	<p>There are 43 Band 1 and 2 Local Governments with 22 popularly electing the Mayor or President:</p> <ul style="list-style-type: none"> • Band 1 - 15 • Band 2 - 7 <p>The remaining 21 Local Governments have a Council-elected Mayor or President. The cited examples of the City of Rockingham and City of Stirling electors determining by referendum to change the process for electing the Mayor are examples of the current system working as intended. There is no evidence of elector support for uniform direct election of Mayors.</p> <p>Recommendation</p> <p>Not currently supported - Local Government feedback requested</p>	
4.5 Tiered Limits on the Number of Councillors			
The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister.	<p>It is proposed to limit the number of councillors based on the population of the entire local government.</p> <p>Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.</p>	<p><u>Current Local Government Position</u></p> <p>Item 4.5 <u>does not align</u> with Advocacy Position 2.5.1 – ‘Councils consist of between six and 15 (including the Mayor/President)’</p>	<p>Not Support.</p> <p>The Shire of Cuballing has six Councillors with a comparatively low level of remuneration/ reimbursement of meeting fees/expenses.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>The Panel Report recommended electoral reforms to improve representativeness.</p>	<p>The Local Government Panel Report proposed:</p> <ul style="list-style-type: none"> • For a population of up to 5,000 – five councillors (including the President) • population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) • population of above 75,000 – nine to fifteen councillors (including Mayor). 	<p><i>Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)</i></p> <p>Comment</p> <p>The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjarraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater number of Councillors to effectively share the representative role that Council</p>	<p>Currently with 6 Councillors, the Shire of Cuballing has difficulty having Elected Members available to meet the relatively small range of Council's representative activities. If the number of Councillors was reduced this difficulty would increase.</p> <p>Currently the Shire of Cuballing's Councillors are actively involved in their communities and a majority are actively involved in employment or the operation of their own businesses. A requirement to increase their participation in Council activities result in their reducing their community involvement or stepping back from Council. There would also be pressure to increase the remuneration to cover the increased negative impact on employment or their business.</p> <p>Reducing the number of Councillor would also increase the corporate loss with the retirement of an individual Councillor and may reduce the diversity of the Council.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>Members play within their communities.</p> <p>The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.</p> <p>Recommendation</p> <p>Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.</p>	
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)			
<p>A local government can make an application to be divided into wards, with councillors elected to those wards.</p> <p>Only about 10% of band 3 and 4 local governments currently have wards.</p>	<p>It is proposed that the use of wards for councils in bands 3 and 4 is abolished.</p> <p>Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election.</p> <p>In smaller local governments, the population of wards can be very small.</p> <p>These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes.</p>	<p><u>Current Local Government Position</u></p> <p>There are no advocacy positions in relation to Items 4.6, 4.7, 4.8 or 4.9.</p> <p>Comment</p> <p>The proposed reform to discontinue wards in Band 3 and 4 Local Governments brings alignment with the majority and provides that affected Local Governments will no longer have to conduct 8 year ward reviews or make representation to the Local Government Advisory Board to revert to a no wards system.</p>	<p>Support</p> <p>The "One Vote, One Value" policy requirements make wards for smaller local governments extremely difficult to manage and expensive to maintain.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.</p>	<p>Remaining proposed reforms will improve and clarify election processes.</p> <p>Recommendation Supported</p>	
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility			
<p>A person with a lease in a local government district is eligible to nominate as a candidate in that district.</p> <p>A person with a lease in a local government district is eligible to apply to vote in that district.</p> <p>The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors.</p>	<p>Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate</p> <p>The City of Perth Inquiry Report identified sham leases as an issue for council.</p> <p>Electoral rules are proposed to be strengthened:</p> <ul style="list-style-type: none"> • A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. • Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. • Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. <p>The reforms would include minimum lease periods to qualify as a registered business (minimum of</p>	<p>As above</p>	<p>Support</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases.</p> <p>The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors.</p>		
4.8 Reform of Candidate Profiles			
Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.	<p>Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. Longer candidate profiles would provide more information to electors, potentially through publishing profiles online.</p> <p>It is important to have sufficient information available to assist electors make informed decisions when casting their vote.</p>	As above	<p>Not Support.</p> <p>While not significant, the move to 800 characters rather than 150 words will reduce the length of candidate profiles. However counting 800 characters and spaces is very difficult and time consuming to complete with any degree of accuracy without automatic software.</p>
4.9 Minor Other Electoral Reforms			
Other minor reforms are proposed to improve local government elections.	<p>Minor other electoral reforms are proposed to include:</p> <ul style="list-style-type: none"> The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) 	As above	Support

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<ul style="list-style-type: none"> the introduction of more specific rules concerning local government council candidates' use of electoral rolls. 		
Theme 5: Clear Roles and Responsibilities			
5.1 Introduce Principles in the Act			
<p>The Act does not currently outline specific principles.</p> <p>The Act contains a short "Content and Intent" section only.</p> <p>The Panel Report recommended greater articulation of principles</p>	<p>It is proposed to include new principles in the Act, including:</p> <ul style="list-style-type: none"> The recognition of Aboriginal Western Australians Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) Community Engagement Financial Management. 	<p>Current Local Government Position</p> <p>Item 5.1 <u>generally aligns</u> with Advocacy Position 2.6 - Legislative Intent</p> <p><i>Provide flexible, principles-based legislative framework</i></p> <p>Recommendation Supported</p>	Support
5.2 Greater Role Clarity			
<p>The Act provides for the role of council, councillor, mayor or president and CEO.</p> <p>The role of the council is to:</p> <ul style="list-style-type: none"> govern the local government's affairs be responsible for the performance of the local government's functions. 	<p>The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law.</p> <p>It is proposed that these roles and responsibilities are further defined in the legislation.</p> <p>These proposed roles will be open to further consultation and input.</p> <p>These roles would be further strengthened through Council</p>	<p>Current Local Government Position</p> <p>Item 5.2 aligns with Advocacy Position 2.6.36 - 'Roles and Responsibilities'</p> <p>That clarification of roles and responsibilities for Mayors/ Presidents, Councillors and CEOs be reviewed to ensure that there is no ambiguity.</p> <p>Recommendation Supported</p>	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	Communications Agreements (see item 5.3).		
5.2.1 - Mayor or President Role			
	<p>It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.</p> <p>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for:</p> <ul style="list-style-type: none"> • Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council • Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act • Developing and maintaining professional working relationships between councillors and the CEO • Performing civic and ceremonial duties on behalf of the local government • Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives 	As above	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	and functions of the local government.		
5.2.2 - Council Role			
	<p>It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President.</p> <p>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for:</p> <ul style="list-style-type: none"> • Making significant decisions and determining policies through democratic deliberation at council meetings • Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council • Providing a safe working environment for the CEO; • Providing strategic direction to the CEO; • Monitoring and reviewing the performance of the local government. 	As above	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
5.2.3 - Elected Member (Councillor) Role			
	<p>It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors.</p> <p>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for:</p> <ul style="list-style-type: none"> • Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) • Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council • Applying relevant law and policy in contributing to the decision-making of the council • Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions 	As above	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<ul style="list-style-type: none"> Communicating the decisions and resolutions of council to stakeholders and the public Developing and maintaining professional working relationships with all other councillors and the CEO Maintaining and developing their knowledge and skills relevant to local government Facilitating public engagement with local government. <p>It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity.</p>		
5.2.4 - CEO Role			
	<p>The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council.</p> <p>To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs.</p>	As above	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for:</p> <ul style="list-style-type: none"> • Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions • Facilitating the implementation of council decisions • Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council • Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council • Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) • Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council 		

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<ul style="list-style-type: none"> Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 		
5.3 Council Communication Agreements			
<p>The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions.</p> <p>The availability of information is sometimes a source of conflict within local governments</p>	<p>In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.</p> <p>It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO.</p> <p>These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided.</p> <p>A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election.</p>	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.3.</p> <p><u>Comment</u></p> <p>The availability of information not already in the public domain to Councillors under Section 5.92 of the Act can become contentious in the absence of a clear statement in support of the function the Council Member is performing. This can place CEO's in the invidious position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to 'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'.</p> <p>Consistent availability of information motivates this</p>	Support

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>proposed reform and it does not appear that individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement, in much the same way that the Communication Agreements between Ministers and agencies are based on provisions of the Public Sector Management Act 1994.</p> <p>Recommendation</p> <p>Support a consistent, regulated Communications Agreement.</p>	
5.4 Local Governments May Pay Superannuation Contributions for Elected Members			
<p>Elected members are eligible to receive sitting fees or an annual allowance.</p> <p>Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund.</p> <p>Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers</p>	<p>It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances.</p> <p>Superannuation is widely recognised as an important entitlement to provide long term financial security.</p> <p>Other states have already moved to allow councils to make</p>	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.4.</p> <p>Comment</p> <p>WALGA was in the process of consulting with the sector when this reform was announced. The feedback to date from Local Governments varied. The proposed discretionary approach will permit Local Governments to</p>	<p>Not Support.</p> <p>Proposal will increase the cost to Council of elected members and increase the perception that elected members are paid employees.</p> <p>An Elected Member can currently choose to pay superannuation if they wish.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
to the participation of gender and age diverse people on councils.	<p>superannuation contributions for councillors.</p> <p>Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people.</p> <p>Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions.</p>	<p>exercise general competence powers to make their own determination on paying superannuation to Council Members.</p> <p>Recommendation Supported</p>	
5.5 Local Governments May Establish Education Allowances			
<p>Local government elected members must complete mandatory training.</p> <p>There is no specific allowance for undertaking further education.</p>	<p>Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council.</p> <p>Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members.</p> <p>Any allowance would only be able to be used for tuition fees for courses, such as training programs,</p>	<p><u>Current Local Government Position</u></p> <p>Item 5.5 <u>generally aligns</u> with Advocacy Position 2.8 - Elected Member Training</p> <p><i>Support Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members;</i></p> <p>Comment</p> <p>The proposal augments recent Act amendments that require Local Governments to adopt a</p>	Generally Supportive.

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>diplomas, and university studies, which relate to local government.</p> <p>Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors.</p>	<p>professional development policy for Council Members. Many Local Governments now budget for training requirements that align with the policy statement.</p> <p>Recommendation Supported</p>	
5.6 Standardised Election Caretaker period			
<p>There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures.</p> <p>This is commonly a point of public confusion.</p>	<p>A state-wide caretaker period for local governments is proposed.</p> <p>All local governments across the State would have the same clearly defined election period, during which:</p> <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. There are consistent election conduct rules for all candidates. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.6</p> <p>Comment</p> <p>WALGA developed a template Caretaker Policy in 2017 on request for a consistent approach. There are no known instances where Caretaker Policy have led to unforeseen or unmanageable consequences impacting on decision-making functions.</p> <p>Recommendation Supported</p>	<p>Generally Not Supportive</p> <p>Councillors are elected for the entirety of their term and should have the responsibility and opportunity to complete it.</p> <p>While the Caretaker Period is only a short time, major decisions often have a considerable lead time. The possibility of such a lead time extending into the caretaker period may delay commencement of the whole project, resulting in a delay greater than just the caretaker period.</p>
5.7 Remove WALGA from the Act			

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>.</p> <p>The Local Government Panel Report and the Select Committee Report included this recommendation.</p>	<p>The Local Government Panel Report recommended that WALGA not be constituted under the Local Government Act 1995.</p> <p>Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.</p>	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.7.</p> <p>Comment</p> <p>WALGA is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector.</p> <p>Recommendation</p> <p>WALGA to undertake its due diligence on this proposal and advise the sector accordingly.</p>	<p>Generally Supportive</p> <p>While agreeing that it is not appropriate to incorporate the WALGA in the LG Act, the retention of WALGA's current preferred supplier program and mutual insurance coverage has significant benefit to the Shire of Cuballing. These WALGA programs reduce the Shire of Cuballing's financial and compliance costs significantly.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
5.8 CEO Recruitment			
<p>Recent amendments introduced provisions to standardise CEO recruitment.</p> <p>The recruitment of a CEO is a very important decision by a local government.</p>	<p>It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels.</p> <p>Councils will be able to select an independent person from the approved list.</p> <p>Councils will still be able to appoint people outside of the panel with the approval of the Inspector.</p>	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.8.</p> <p>Comment</p> <p>The proposed reform augments the CEO Standards in relation to recruitment introduced in February 2021.</p> <p>Recommendation Supported</p>	<p>Generally Not Supportive</p> <p>Caution needs to be maintained to ensure that a Council is satisfied in the appointment decision of their CEO. If there is any lingering dissatisfaction in the appointment - whether from the independent person or otherwise - the appointment is unlikely to be successful in the longer term and have negative impacts on Council and the appointed CEO personally.</p> <p>The introduction of a required independent person will have a financial cost.</p>
Theme 6: Improved Financial Management and Reporting			
6.1 Model Financial Statements and Tiered Financial Reporting			
<p>The financial statements published in the Annual Report is the main financial reporting currently published by local governments.</p> <p>Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity.</p>	<p>The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government.</p> <p>It is critically important that clear information about the financial position of local governments is openly available to ratepayers.</p>	<p><u>Current Local Government Position</u></p> <p>Items 6.1 and 6.2 <u>generally align</u> with Advocacy Position 2.6 – Support a size and scale compliance regime and Advocacy Position 2.6.24 – Financial Management and Procurement.</p> <p><i>The Local Government sector:</i></p>	<p>Support.</p> <p>The standardised templates for statutory financial reports are Strongly Supported.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information.</p>	<p>Financial information also supports community decision-making about local government services and projects.</p> <p>Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments.</p> <p>The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity.</p> <p>Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments.</p> <p>It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4.</p>	<ol style="list-style-type: none"> <i>1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General.</i> <i>2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.</i> <p>Comment</p> <p>The Sector has a long-standing position for a broad review of the financial management and reporting provisions of the Act, which remain largely unchanged since commencing in 1996.</p> <p>Recommendation Supported</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments.</p> <p>Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process.</p>		
6.2 Simplify Strategic and Financial Planning			
<p>Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations.</p> <p>There is also the Integrated Planning and Reporting (IPR) framework.</p> <p>While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.</p>	<p>Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making.</p> <p>The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public.</p> <p>In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers.</p>	As above	Generally Supportive.

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments.</p> <p>It is proposed that the plans that are required are:</p> <ul style="list-style-type: none"> • Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC • Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape • Simplified Long Term Financial Plans will outline any long term financial management 		

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	<p>and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years</p> <ul style="list-style-type: none"> • A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) • The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 		
6.3 Rates and Revenue Policy			

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>Local governments are not required to have a rates and revenue policy.</p> <p>Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure.</p>	<p>The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure.</p> <p>A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services.</p> <p>The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs.</p> <p>A template would be published for use or adaption by all local governments.</p> <p>The Local Government Panel Report included this recommendation.</p>	<p><u>Current Local Government Position</u></p> <p><i>Item 6.3 generally aligns with Advocacy Position 2.1.6 - Rate Setting and WALGA's Rate Setting Policy Statement.</i></p> <p><i>Councils' deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community's willingness and capacity to pay.</i></p> <p>Recommendation Supported</p>	<p>Generally Supportive.</p>
6.4 Monthly Reporting of Credit Card Statements			
<p>No legislative requirement.</p> <p>Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.</p>	<p>The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis.</p>	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 6.4.</p> <p>Comment</p>	<p>Support.</p> <p>This activity has been occurring in the Shire of Cuballing for some considerable time.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
	This provides oversight of incidental local government spending.	This proposed reform reflects widespread common practice for credit card transactions to be included in monthly financial reports and lists of accounts paid. Recommendation Supported	
6.5 Amended Financial Ratios			
Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government.	Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.	<u>Current Local Government Position</u> Item 6.5 <u>aligns</u> with Advocacy Position 2.6.25 - Review and reduce financial ratios. <i>Advocate to the Minister for Local Government to amend the Local Government (Financial Management) Regulations 1996 to prescribe the following ratios:</i> <i>a. Operating Surplus Ratio,</i> <i>b. Net Financial Liabilities Ratio,</i> <i>c. Debt Service Coverage Ratio, and</i> <i>d. Current Ratio.</i> Recommendation Supported	Generally Supportive. The use of any ratio is only relevant at one time and may be impacted by circumstances that require additional explanation. The Department could more strongly advise that ratios are only indicative comparisons.
6.6 Audit Committees			
Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members.	To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on	<u>Current Local Government Position</u>	Generally Not Supportive. LG Audit Committees are a key oversight body and

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
<p>The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act.</p> <p>The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management.</p>	<p>council or an employee of the local government.</p> <p>Audit Committees would also need to consider proactive risk management.</p> <p>To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees.</p> <p>The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.</p>	<p>Item 6.6 <u>does not align</u> with Advocacy Position 2.2.4 – Accountability and Audit</p> <p><i>That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.</i></p> <p>Comment</p> <p>The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.</p> <p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not</p>	<p>Elected Members involvement is good development and oversight measure.</p> <p>Currently the Shire of Cuballing has all Councillors participating in Audit Committee. This appears to staff to work well and establishes the role of the Audit Committee with all not just a few Councillors.</p> <p>The involvement of independent members who are professional may be difficult for some communities to locate and expensive to complete their participation.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p> <p>It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet separately with each Local Government within the region?</p> <p>There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to also consider proactive risk management is supported.</p> <p>Recommendation</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<ol style="list-style-type: none"> 1. Do not support majority independent members of the Audit Committee 2. Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues. 	
6.7 Building Upgrade Finance			
<p>The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements.</p> <p>This is not currently provided for under the Act.</p> <p>The Local Government Panel Report included this recommendation.</p>	<p>Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures.</p> <p>This would allow local governments to lend funds to improve buildings within their district.</p> <p>Limits and checks and balances would be established to ensure that financial risks are proactively managed.</p>	<p><u>Current Local Government Position</u></p> <p>Item 6.7 aligns with Advocacy Position 2.6.26 - Building Upgrade Finance.</p> <p>The Local Government Act 1995 should be amended to enable a Building Upgrade Finance mechanism in Western Australia.</p> <p><u>Comment</u></p> <p>Building Upgrade Finance would enable Local Governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, Local Governments have identified an opportunity to use this approach to finance general upgrades to</p>	Generally Supportive

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA COMMENT	SHIRE OF CUBALLING POSITION
		<p>increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market and achieve economic growth.</p> <p>Recommendation Supported</p>	
6.8 Cost of Waste Service to be Specified on Rates Notices			
<p>No requirement for separation of waste charges on rates notice.</p> <p>Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation.</p>	<p>It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers.</p>	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 6.8.</p> <p>Comment</p> <p>This proposed reform will require a relatively simple calculation.</p> <p>Recommendation Supported</p>	<p>Support.</p> <p>The Shire of Cuballing currently does this.</p> <p>This proposal will have financial impacts on LG's who currently don't separate their waste service costs. These LG's will need to accept this cost or pass the cost onto eligible pensioners.</p>

9.3 MANAGER OF WORKS AND SERVICES:

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil

12. CONFIDENTIAL MATTERS:

12.1.1	2022 Australia Day Citizenship Awards
--------	---------------------------------------

Applicant:	N/A
File Ref. No:	ADM6
Disclosure of Interest:	Nil
Date:	10th December 2020
Author:	Gary Sherry
Confidential Attachment:	12.1.1A Citizenship Award Nomination Form

OFFICER'S RECOMMENDATION:

That Council embargo the publication of the 2022 Citizen of the Year until after the Shire of Cuballing's 2022 Australia Day event where the 2022 Citizen of the Year award will be announced.

12.1.2	Appointment of Acting/Temporary Chief Executive Officers
--------	--

Applicant:	N/A
File Ref. No:	Personal
Disclosure of Interest:	Nil
Date:	The Author is the incumbent in the position of CEO and completes employment with the Shire of Cuballing on 15 th January 2021
Author:	Gary Sherry
Attachments:	Nil
	Confidential Attachment 12.1.2A Employment Terms for Acting CEO

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm, Wednesday 16th February 2021 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING: