



MINUTES

Ordinary Council Meeting

26 October 2022

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.00pm

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 26 October 2022 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.00pm.

1.2 Announcements by Shire President

The Shire President reminded Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing and the meeting will be run in accordance with the Shire's *Meeting Procedures Law 2018*.

2. RECORD OF ATTENDANCE

Members present

Shire President – Cr P Bantock
Deputy Shire President - Cr N Clarke
Cr J Kelly
Cr S Woods
Cr G O" Brien
Cr D Lovelock
Cr S Penn – via teleconference.

Staff attending

Temporary CEO - Mr S Fletcher
Manager Finance Administration – Mr C Brenzi
Works and Services Manager – Mr S Brenzi
Council Meeting Officer – Ms J Klobas

Approved leave of absence

Nil

Visitors

Nil

Members of the public

Mr G Bookham

3. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

Type	Item	Person / Details
3.1	Financial	Cr S Penn declared a Financial Interest in 'Item 8.1, Accounts for September 2022' due to 'Legal – Regarding dispute on candidate eligibility. Penn awarded costs (Glenda Teede [2022] WA SAT 31.
3.2	Proximity	Nil
3.3	Impartiality	Nil

4. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

4.1 Public Questions With Notice

Public Question Time was opened to the floor at 2.02pm.

Mrs Naomi Purser, Piawaning**Question as Supplied to the Chief Executive Officer – 24 October 2022.**

Queries in relation to Item “8.4 - Notice of Motion 28 September 2022 re Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site) - 22 June 2022” of the 26 October 2022 agenda.

Temporary CEO Response to Questions by Naomi Purser 26 October 2022

The overall response to Mrs Purser is that the original item by the Town Planner (Item 8.6, 22 June 2022) sets out the steps that need to take place for the boundary realignment to occur re Reserves 18203 and 18204. The Shire has not started or completed any of these steps yet as there has been no Council resolution. The Town Planner’s report is initiating the process.

It should be noted that, if and when the recommended contour and feature survey is completed, the Shire will consult with the local community regarding the most appropriate location to realign the common boundary between the two reserves.

1. Could the Shire clarify the inclusion of the letter from Mr David Hall within the agenda which appears to suggest that once the two titles of the Reserves 18203 and 18204 were realigned to meet regulation that one would “be the Piawaning Expo Inc.”

The email from Mr Hall does not suggest that one party or another will have responsibility for either, or both reserves. It is a simple statement made to further back up what has already been included through the submission process conducted by the Town Planner.

At this point in time there are no formal arrangements (i.e. leases or licenses) in place with the Piawaning Progress Association or the Piawaning Expo Inc. regarding both reserves. Going forward, the Shire will continue to manage both reserves itself until such time as Council considers it appropriate to consider alternative formal arrangements regarding their future management and use.

However, an MOU is being prepared with the Piawaning Progress Association regarding the role of the Shire and this community group in the management of the hall on Reserve 18204. Similarly, an MOU may be prepared for any future proposed development and use of Reserve 18203 by the Piawaning Expo Inc. if deemed necessary.

2. Could the Shire please clarify what work is being done with the Shire to seek appropriate grant funding in relation to the site in question?

The Community Development Officer (CDO) assisted the Piawaning Expo Inc. with an application to secure a grant to erect a shed on Reserve 18203 to showcase old machinery, heritage farming equipment along with aboriginal history and art. The grant was unsuccessful. It should be noted the CDO is available to help any community group with applications for grant funding.

In terms of relevant information being available once the process is in train, yes this will happen when required so there is full awareness of what is proposed and why in terms of any future development, usage and associated funding arrangements. If any major changes are proposed in terms of the future use and management of the two reserves, the local community will be invited to provide feedback and comment before any final decisions are made.

3. If allowed a third question, I would like to ask Council how this resolution will be funded and in what financial year, should it be adopted, given the confirmed public minutes from the 22 June 2022 OCM show the following (FINANCIAL IMPLICATIONS):

1. The total cost of proceeding with the work needed to obtain the necessary approvals from the Minister for Planning and Minister for Lands is estimated to be in the order of \$20,350 excluding GST.
2. The total cost of establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves throughout the Shire's municipal district in a consistent and equitable manner for the benefit of, and in consultation with, the local community including administration of the Shire of Victoria Plains Public Places and Local Government Property Local Law 2018 is likely to be significant and will need to be investigated and confirmed if Council resolves to support this recommendation.
3. Council should note no specific allowance has been made in its annual budget for the 2022/23 financial year to accommodate any of the recommendations provided. As such, if no funding can be made available in 2022/23 financial year, the project will need to be delayed until 2023/24 financial year when funding can be considered and potentially made available.

This can be done simply by a budget adjustment at the appropriate time or when a budget review is held.

4.2 Public Questions Without Notice

Mr Graham Bookham,

Q1. There seems to be missing money and is there any possibility of it being recovered?

A1. The Temporary CEO requested further detail and noted the presentations conducted within the community for the deficit noted in the budget was due to a range of factors including unfunded works and legal costs.

Q2. South West Crossing – the job is not ideal and there is a big pot hole when coming from the South.

A2. The WSM noted he would speak with Mr Bookham further after the meeting.

Public question time closed at 2.12pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting Minutes

2210-01	Officer Recommendation / Council Resolution
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Moved: Cr N Clarke

Seconded: Cr G O' Brien

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 28 September 2022, and*
- *Special Council Meeting held 17 October 2022.*

as circulated, be **CONFIRMED** as a true and correct record,

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr Penn withdrew from the meeting, via teleconference, at 2.14pm, due to 'Legal – Regarding dispute on candidate eligibility. Penn awarded costs (Glenda Teede [2022] WA SAT 31.

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement – September 2022**

File reference	F1.8.4		
Report date	19 October 2022		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Senior Officer	Colin Ashe – Manager of Finance and Administration		
Authorised by	Sean Fletcher – Chief Executive Officer		
Attachments			
Attachment 1	Page	2	List of Accounts

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for September 2022.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month, the amount, payee, date and reason for payment.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction

(2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2210-02 Officer Recommendation / Council Resolution

Moved: Cr Woods

Seconded: Cr Lovelock

That the payments made for September 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be endorsed:

September 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	11308 – 11449	661,714.56
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD13608-DD13647	30,544.36
Salaries & Wages EFT	PE 17/08/22, PE 31/08/22	101,043.29
Credit Card–Bendigo Bank	DD13664.1	9,115.70
Credit Card–Bendigo Bank	DD13664.2	2,463.53
Fuel Card – Wright Express	DD13644.3	258.09
Trust Payments		0.00
	TOTAL	\$805,139.53

Local Spending	\$	%
Local Supplier	24,015.34	2.98
Payroll	101,043.29	12.55
Total	125,058.63	15.53

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr Penn re-joined the meeting via teleconference at 2.17pm.

CONFIRMED

8.2 Monthly Financial Statements – September 2022

File reference	F1.8.4		
Report date	20 Oct 2022		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Colin Ashe, MFA		
Authorised by	Sean Fletcher, Temporary CEO		
Attachments			
Attachment 1	Page	18	Monthly Financial Statements – 30 Sep 2022

PURPOSE

To receive the monthly financial statements for the period ending 30 Sep 2022.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

The Sep 2022 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2 and is primarily due to a combination of budget phasings and timing. Council will start to see a realignment as funding is received, enabling cashflow to commence capital acquisitions. Variations specifically are attributable to:

INCOME:

- a) Disaster Recovery Funding Arrangements WA (DRFA-WA) for AGRN 962 is unlikely to be received until early 2023 at the earliest. \$94K has been received in Grants commission funding in excess of anticipated phased funding.
- b) Reimbursements from DFES are yet to be received and will be followed up.

EXPENSE:

- c) Employee costs, primarily for CEO payout ahead of phasing and overall will need to be monitored.
- d) Major purchases in materials and contracts have yet to commence significantly as at 30 Sep 22 but will start to accelerate now that revenue has now been received.

Other activities of interest include;

- e) \$25k has been transferred to Building Maintenance Reserve as per the budget allocation.
- f) \$54k of sundry debtors in excess of 90 Days and is currently under review. Many are actually over 365 days and given it appears not to have been actioned, council should expect additional write offs after investigation and attempts to recover.
- g) 62% of rate have been paid in full with \$1.119m currently outstanding, mostly on instalments.
- h) \$1.881m in the Municipal fund bank account.

Capital purchases:

- i) Toyota RAV 4 Vehicle - \$36k
- j) Rotary Slasher - \$28k
- k) Out-Front 72" Mower - \$37k
- l) Depot Fuel Tank - \$29k
- m) Minor Road Construction - \$16.5k

Council should note the auditors visit has been scheduled for the week commencing 07 Nov 22 and will include an entry meeting with the audit committee.

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each months and details of what is to be included.

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2110-03 Officer Recommendation / Council Resolution
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Moved: Cr G O'Brien

Seconded: Cr N Clarke

That Council **RECIEVE** the 30 Sep 2022 Monthly Financial Reports as presented.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2110-04 Councillor Motion / Council Resolution**Moved: Cr G O'Brien****Seconded: Cr S Woods**That Council **BRING FORWARD** item 8.4 at 2.25pm.**CARRIED BY UNANIMOUS DECISION OF COUNCIL****8.4 Further Information – Item 8.8 Notice of Motion 28 September 2022 re Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site) - 22 June 2022**

File reference	18.4.2		
Report date	18 October 2022		
Applicant/proponent	Council		
Officer disclosure of interest	Nil		
Previous meeting references	Item 8.8 – 28/09/22:2206-12; Item 8.6 22/6/22:2206-12		
Prepared by	Mr Sean Fletcher, Temporary CEO		
Authorised by	Sean Fletcher, Temporary CEO		
Attachments			
Attachment 1	Page	51	Item 8.6 – 22 June 2022

PURPOSE

For Council to resolve the matter regarding the reconfiguration (boundary realignment) and change of purpose to Crown Reserves 18203 and 18204 (Piawaning).

BACKGROUND

At its meeting on 28 September 2022, Council resolved through Motion 2209-14 for Mr Fletcher to provide further information as follows:

That Council RECONVENE Item 8.6 from 22 June 2022 re the Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site) to be presented at the October 2022 Council Meeting and present additional information as presented to the CEO

COMMENT

As per Item 8.8 the Shire including the Town Planner, the Community Development Officer and the Temporary CEO received at least three phone enquiries, several face to face questions and a number of general enquires out of what would appear as pure interest. Further, a Piawaning based community group (Piawaning Expo) has certainly asked verbally for a resolution to this matter so that it can continue working with the Shire in its bid to seek appropriate grant funding in relation to the site in question.

After the council meeting on 28 September, Mr Graham Bookham on behalf of the Piawaning Expo spoke to the author regarding why the Piawaning Expo and others want the boundary realignment to proceed. The author subsequently advised Mr Bookham for a written submission.

The written submission was received from Mr David Hall on 5 October as follows:

To whom it may concern

In regards to the titles of the Piawaning grounds it was decided at a community meeting chaired by Robert Buscumb president of the Piawaning Progress Association at the time to retain both titles.

The Piawaning Community voted on retaining both titles which meant moving the surveyed line to enable the Piawaning Hall and toilet system to be on its own title and the second title would be the Piawaning Expo Inc.

Malcolm Palmer had a meeting the 4 new executives and president of the Piawaning Progress Association and the outcome was to have separate titles.

Any further communication please contact David Hall

Thanking you
Regards
David Hall

Mr Hall rang the author the next day to discuss his email.

In terms of the additional feedback received, this is in keeping with what was reflected in the consultant town planner's report submitted to Council on 22 June 2022.

CONSULTATION

Mr Graham Bookham – community member

Mr David Hall – community member

Mr Joe Douglas – consultant town planner

STATUTORY CONTEXT

As per Item 8.6 re OCM 22 June 2022.

- The reason as to why the matter is adjourned;
- What further information is required of the CEO or a Committee of Council;
- A time and date as to when that information is required to be provided back to Council.

CORPORATE CONTEXT

Strategic Community Plan

Advice by CEO

As per Item 8.6 and as per the new SCP as follows:

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
1. COMMUNITY	
1.2 Inclusive community activities, events and initiatives	Well attended local events and activities
	Volunteers and community groups feel supported
	Community Development Officer jointly plans and works with local groups
	We increase the number and diversity of sport, recreation, learning and cultural events
1.3 Recreational, social and heritage spaces are safe and are activated	Sport and recreation facilities are planned, maintained and developed in a coordinated manner, aligned with community need
	Shire owned community buildings and places of interest are well maintained and used

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.2 Shire communication is regular, clear and transparent	Residents and community groups believe they are being listened to and fairly treated
	Positive feedback through our customer survey
	Council and Staff work closely with the community to successfully achieve projects or outcomes that deliver upon priorities

FINANCIAL IMPLICATIONS

As per Item 8.6

VOTING REQUIREMENTS

Absolute majority required: No

Councillor Recommendation

That Council RESOLVE to proceed with the actions as set out in the Officer's Recommendation regarding Item 8.6 from the Ordinary Council Meeting held on 22 June 2022 (Attachment 1).

2110-05 Councillor Motion / Council Resolution

Moved: Cr D Lovelock**Seconder: Cr N Clarke**

That Council proceed to **AMALGAMATE** Crown Reserves 18203 and 18204 in Piawaning.

LOST For 2 / Against 5*Cr's Lovelock and Clarke voted for the motion.**Cr's Bantock, Wood, O'Brien, Kelly and Penn voted against the motion.*

2110-06 Councillor Motion / Council Resolution

Moved: Cr J Kelly**Seconder: Cr S Woods**

That Council **MOVE OUT** of Standing Orders under regulation 8.9 and 8.10 of the Shire's *Meeting Laws 2018* at 2.29pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2210-07 Foreshadowed Motion / Council Resolution

Moved: Cr P Bantock**Seconder: Cr J Kelly**

That Council **ENDORSE** the Officer's Recommendation of Item 8.6 of the 22nd June 2022 OCM Agenda.

CARRIED For 5 / Against 2*Cr's Lovelock and Clarke voted against the motion.**Cr's Bantock, Wood, O'Brien, Kelly and Penn voted for the motion.*

2110-08 Councillor Motion / Council Resolution

Moved: Cr N Clarke

Seconded: Cr G O'Brien

That Council **RESUME** standing orders at 2.59pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2110-009 Councillor Motion / Council Resolution
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Moved: Cr G O'Brien

Seconded : Cr S Woods

That Council **ADJOURN** until 5.00pm to allow for Council to consider item 8.3.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

This item was deferred to the conclusion of the submission period being 5pm on 26 October 2022.

The Presiding Member reconvened the Meeting at 5.03pm, with all Elected Members present.

8.3 Review of Wards and Representation – Finalisation

File reference	13.5.10		
Report date	18 October 2022		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	No interest to disclose		
Previous meeting references	Council Meeting 3 August 2022, item 8.10		
Prepared by	Niel Mitchell, Consultant		
Authorised by	Sean Fletcher, Temporary CEO		
Attachments			
Attachment 1	Page	48	Draft submission to Local Government Advisory Board

PURPOSE

To consider –

- the outcomes of public consultation of review of wards and representation; and
- response to the Minister for Local Government

BACKGROUND

Wards and representation were last reviewed in 2016 and were applicable for the 2017 ordinary local government elections.

At the Council meeting held on 24 August 2022, Council endorsed a draft Public Consultation Discussion Paper.

COMMENT

The endorsed Discussion Paper was given local public notice as per the requirements of the Local Government Act 1995 and the Administration Regulations.

The closing date was originally set for 5.00pm on 27 October 2022.

On 20 September 2022, the Minister advised, in summary –

- Band 4 local governments to have no wards as from the 2023 elections;
- option for Shire President to be elected at large or by Council.

The Minister requires a response by 28 October 2022 whether Council will implement changes voluntarily or whether the legislation that is yet to be presented and passed by Parliament, will need to be applied.

Accordingly, the closing date was brought forward one day to coincide with the Council Meeting, and allow time for correspondence to the Minister to be prepared and sent. Compliance with the 6 week statutory public submission time was maintained.

At date of writing, two submissions had been received –

- one expressing their strong preference for no wards, and retaining 7 councillors,
- the second noting the impending legislation and stating their preference to retain 7 councillors for a wide a distribution across the Shire as possible.

Any additional submissions will be advised at the meeting.

Given the Government's majority in Parliament, there is no doubt the legislation will be passed.

Accordingly, there is no decision to be made by Council as to wards or not – it has been taken out of Council's hands, and will be imposed by legislation.

The only matter that remains from the Public Discussion Paper is the number of elected members.

The legislation to be introduced in 2023 will stipulate a minimum of 5 and a maximum of 7 elected members, including President if elected at large, for local government with a population less than 5,000.

A side issue that is possible, is that the with the coming legislation requiring Band 1 and 2 local governments to be required to have the Mayor or President elected at large, that Band 3 and 4 local governments may also wishing to do the same. The current Local Government Act section 2.11 currently allows –

(2) A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

* Absolute majority required

The Discussion Paper is in error with the statement that a referendum is required. This only applies if the proposed change is from election at large, to election by the Council.

Election of the Shire President by the Council means that –

- (a) the incumbent and the Council have an opportunity to review the performance of the President every 2 years, rather than every 4 years;
- (b) there is a far greater assurance that the President will have an effective support base within the Council than if elected directly by the electors;
- (c) effectively, the President has a double selection process – first by the community to be a councillor, and then by the Council to take office as President;
- (d) has usually been a serving member of Council, and thus has a degree of familiarity and experience to draw on.

Election of the President at large –

- (i) does give the electors a direct say in who holds the primary political office;
- (ii) the incumbent hold term for 4 years, not 2 years;
- (iii) no certainty that the incumbent will have the support of the rest of Council;
- (iv) much longer period between opportunities to elect a different person should there be difficulties;
- (v) does not always have any prior local government experience.

Council's direction on the following matters is sought –

- receipt of the public submissions received;

- consideration of the draft submission to be made to the Local Government Advisory Board;
- response to be made to the Minister for Local Government by 28 October 2022.

CONSULTATION

Sean Fletcher, Temporary Chief Executive Officer

STATUTORY CONTEXT

Local Government Act 1995 –

- s.2.2 – District may be divided into wards
- s.2.18(3) – the Governor may make an order changing the number of offices of councillor or number within a ward
- Sch.2.2 –
 - cl.6 – Local Government with wards to review periodically, at least every 8 years, and such a review may be required by the LGAB
 - cl.7 – conduct of reviews
 - cl.8 – matters to be considered, including number of office of councillor for the ward
 - cl.9 – local government to make a report to the LGAB, and may propose changes by absolute majority
 - cl.10 – recommendation to Minister by LGAB
 - cl.11 – enquiry by LGAB
 - cl.12 – Minister may accept or reject LGAB recommendation

CORPORATE CONTEXT

Shire of Victoria Plains Strategic Community Plan

Goals of the Community

5. Civic leadership –

to better allocate scarce resources and effectively interact with the community

5.1. Implement measures to improve relationship and communication between Council and community

5.2. Improve elected member performance

5.3. Develop an advocacy and lobbying capacity

5.4. Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

Cost of –

- advertising for public comment
- to be confirmed, preparation of maps (if wards adopted after public comment period)

VOTING REQUIREMENTS

Absolute majority required: Yes

Officer Recommendation

That Council –

1. **NOTES** the public submissions received;
2. in accordance with Schedule 2.2(9) of the Local Government Act 1995, **RECOMMENDS** to the Local Government Advisory Board that an order be made under section 2.18(3)(a) of the Local Government Act 1995 to –
 - move to no wards;
 - number of elected members to remain at seven; and
 - Shire President to remain being elected by Council,
3. **ADVISE** the Minister for Local Government of the resolutions of item 2 above.

Councillor Motion

Moved: Cr D Lovelock

Seconded: Cr S Woods

That Council –

1. notes the public submissions received;
2. in accordance with Schedule 2.2(9) of the Local Government Act 1995, recommends to the Local Government Advisory Board that an order be made under section 2.18(3)(a) of the Local Government Act 1995 to –
 - move to no wards;
 - number of elected members is to reduce to 5 with a general spill at the next ordinary local government election in October 2023; and
 - Shire President to remain being elected by Council
3. Advise the Minister for Local Government of the resolutions of item 2 above.

Foreshadowed Motion

Moved: Cr S Penn

Seconded:

That Council RETURN to the The Officer's Recommendation should the alternative Councillor motion be lost.

2110-10 Councillor Motion / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr S Woods**

That Council –

1. notes the public submissions received;
2. in accordance with Schedule 2.2(9) of the Local Government Act 1995, recommends to the Local Government Advisory Board that an order be made under section 2.18(3)(a) of the Local Government Act 1995 to –
 - move to no wards;
 - number of elected members is to reduce to 5 with a general spill at the next ordinary local government election in October 2023; and
 - Shire President to remain being elected by Council
3. Advise the Minister for Local Government of the resolutions of item 2 above.

CARRIED BY ABSOLUTE MAJORITY For 4 / Against 3

Cr's Lovelock, Woods, Bantock and Clarke voted for the motion
Cr S Penn, Cr J Kelly and Cr O'Brien voted against the motion.

Reason for variation to officer's recommendation:

The reduction in the number of elected members is in keeping with demographic trends and the wider needs of the district as it moves to no wards.

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION**

Admitted by resolution of Council

11. MEETING CLOSED TO PUBLIC

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 5.27pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 23rd Nov 2022.

Signed JABantocke
(Presiding member at the meeting which confirmed the minutes)

Date 23rd Nov 2022

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

CONFIRMED