



MINUTES

Ordinary Council Meeting

28 June 2023

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

Commencing – 2.05pm

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 28 June 2023 commencing at 2.05pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.05pm.

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. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

Approval to Attend and Declaration of Confidentiality

NA

3. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr N Clarke – Deputy Shire President Cr J Kelly Cr D Lovelock Cr S Woods Cr S Penn Cr G O'Brien
Staff attending	CEO – Mr S Fletcher Manager Finance and Administration – Mr C Ashe Manager Works and Services - Mr S Brenzi Council Support Officer – Ms J Klobas
Apologies	N/A
Approved leave of absence	N/A
Members of the public	Mr M Stock

4. DISCLOSURES OF INTEREST

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

	Type	Item	Person / Details
4.1	Financial		Nil
4.2	Proximity		Nil
4.3	Impartiality		Nil

5. PUBLIC QUESTION TIME

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

5.1 Public Questions With Notice

Public Question Time was opened to the floor at 2.06pm

Mr M Stock, Bolgart

Q1. *With respect to my mother's \$1 million claim, why did the Shire put my mother, (Margaret stock) in a position to charge me for as many bonds as she wants to?*

A1. *The Shire President advised that she would not take that comment publicly.*

Q2 - . With respect of the April confirmed Minutes, did the CEO find the response allegedly previously provided to me and what is that response?

A2 The CEO advised that a response had been provided to Mr Stock, however the matter is still being pursued to locate previous correspondence . The CEO advised he will liaise further with Mr Stock.

5.2 Public Questions Without Notice

Public question time closed at 2.08pm

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

Nil

6.2 Deputations

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

N/A

8. MINUTES OF MEETINGS

8.1 Confirmation of Council Meeting Minutes

2306-01	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 24 May 2023
- Special Council Meeting held 19 June 2023

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

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9. REPORTS REQUIRING DECISION**9.1 Accounts for Endorsement – May 2023**

File reference	F1.8.4
Report date	14 June 2023
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 Attachments to Agenda

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for May 2023.

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.

Please note a serial column has been added to the payment listing for ease of referencing specific line payment queries raised by council.

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

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN	
4. CIVIC LEADERSHIP			
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance		
	We have sound financial management policies and attract external funding to help achieve our goals		
	Councilors attend training and feel supported in their role		
	Council is supported by a skilled team		

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2306-02 Officer Recommendation / Council Resolution**Moved: Cr G O'Brien****Seconded: Cr S Woods**

That the payments made for May 2023 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	12045 – 12124	492,893.34
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD14018-DD14086	57,079.73
Salaries & Wages EFT	PE 05/05/23, PE 24/05/23	116,014.99
Credit Card–Bendigo Bank-	DD14060.1	1,976.33
	DD14060.1	319.35
	DD14060.2	730.11
Fuel Card – Wright Express	DD14060.3	10.48
Trust Payments		0.00
	TOTAL	\$669,024.33

Local Spending	\$	%
Local Supplier	28,435.12	4.25
Payroll	116,014.99	17.34
Total	144,450.11	21.59

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9.2 Monthly Financial Statements – April 2023

File reference			12.8.1
Report date			20 Jun 2023
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Colin Ashe, MFA
Authorised by			Sean Fletcher, CEO
Attachments			
Attachment 1	Page		Monthly Financial Statements – 31 May 2023

PURPOSE

To receive the monthly financial statements for the period ending 31 May 2023.

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 May 2023 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2 and as forecast, since the budget review there are minimal variance to report on. Those that are listed have been left deliberately to continue to track and monitor.

The month of May 23 indicates a current actual deficit of (\$117,123), a slight increase from Apr 23. This is somewhat expected this time of the year noting management has tightened expenditure with a memo issued by the CEO to all staff advising that only procurement that is grant funded, normal operations or emergency is to be expended. Some further points note:

- The financial result can be best explained in the net current assets as shown on page 30 which differs from its cash position which is still positive with \$154,254 in unrestricted funds and then compared to 30 Jun 22 which was (\$214,424).
- The majority of the second half of LRCIP Phase 3 funding has been received in Jun 23 and as expenditure has exceeded the revenue received, \$87,001 can be transferred to the Municipal Fund.
- RTR funding received this FY and which has been quarantined can proportionally be transferred into the municipal fund based on capital expenditure incurred.

A summary of the variances is as follows;

INCOME:

- a) Grants, subsidies and contributions variance is due to Flood damage income (AGRN 962) which continued to be budget phased in Apr 23 in the expectation it would be resolved. This has not come to fruition and is unlikely to this FY.
- b) Other revenue variance is due to a misallocation but is a valid reimbursement of contributing funding from DFES and Shire of Moora for CESM costs.

EXPENSE:

- c) Employee costs variance has remained steady from Mar 23. This should flatten out as the financial year ends as this resource is finite. There has been over expenditure in road maintenance and an increase in the building employee on costs primarily due to accommodation which is to be expected.
- d) Materials and Contracts is duplication of the variance above for flood damage but on the expenditure side (positive variance). These offset each other.
- e) Other Expenses – debtor write off's have been consolidated in this category and as articulated remains for transparency.

Both Profit and Loss on disposal is still pending the accounting treatment noting that funds have now been received through the auction house (Pickles).

Other activities of interest include;

- f) Capital Infrastructure construction has increased from Apr 23 funded through RTR and LRCL and will continue during May 23. The expected projection is these will be completed before the end of financial year.

To summarise major capital expenditure in May 23:

Activity	Cost (\$)	Status
Chambers Carpeting	4,576	Complete
Culverts	84,117	In Progress
Bolgart Bridge	31,637	In Progress
Bolgart Caravan Park Toilet Block	103,006	In Progress

- g) Rates still outstanding is \$117,130, a further reduction of \$23,533 from the Apr 23 reported figure. This equates to 3.7% outstanding and a 0.07% improvement from last month.
- h) \$154,254 in the Municipal fund bank account with reduced operating expenditure.

- i) \$611,863 balance in Restricted Funding comprising \$420,166 for WSFN and \$190,515 for RTR. WSFN funding has been placed in a long term (4 months) term deposit and \$156,057 (as already expended) was transferred to the Municipal account.

CONSULTATION

Finance Coordinator

RSM

CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN	
4. CIVIC LEADERSHIP			
4.3 Proactive and well governed Shire		External audits and reviews confirm compliance	
		We have sound financial management policies and attract external funding to help achieve our goals	
		Councilors attend training and feel supported in their role	
		Council is supported by a skilled team	

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2306-03 Officer Recommendation / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr N Clarke**That Council **RECIEVE** the 31 May 2023 Monthly Financial Reports as presented:**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

9.3 Review of Delegation Register(s) 2022-2023

File reference			
Report date			
1 June 2023			
Applicant/proponent			
Council; CEO			
Officer disclosure of interest			
Nil			
Previous meeting references			
OCM June 2022			
Prepared by			
Sean Fletcher, CEO			
Authorised by			
CEO			
Attachments			
Attachment 1	Page	43	Explanatory Memorandum – Review of Delegations June 2023
Attachment 2	Page	55	Delegations Register 2022/2023 – Final Draft for Adoption

PURPOSE

The purpose of this report is to:

- Assist Council complete its 2022/2023 review of the delegations applicable to the CEO and the Committees of Council; and
- Confirm that the CEO has completed the review of the delegations he makes to others.

BACKGROUND

Under Section 5.42(2) of the Local Government Act, at least once every financial year, delegations are to be reviewed by the delegator. Regarding the Shire of Victoria Plains, this means that once each financial year:

- Council must review its delegations to the CEO and to the Committees of Council;
- The CEO must review their delegations to others. These delegations consist of two types:
 - On delegations from Council to the CEO and from the CEO to staff/others regarding the Local Government Act or other legislation; and
 - On delegations from the CEO regarding specific powers the CEO has under the Local Government Act or other legislation to staff/others.

The author has now completed the 2022/2023 review on behalf of Council the delegations from Council to CEO and delegations from the CEO to others.

COMMENT

The purpose of a delegation is to provide for administrative efficiencies including passing on to the CEO and the Committees of Council the Council's authority allowing certain matters of administration to occur as it cannot carry out the administration function itself. Both the Local Government Act and the Model Codes of Conduct Regulations along with the Shire's Code of Conduct for Elected Members, Committee Members and Candidates provide for this requirement.

The Shire of Victoria Plains, like many local governments, has a single delegation register to cover both Council and the CEO. Each delegation is set out so that:

- The Primary Delegation is mentioned first. This confirms that the Council is delegating its authority to the CEO or a Committee;

- The Sub-Delegation. This action confirms that the CEO is delegating the authority to another officer. Council has no say regarding who the CEO can on-delegate to;
- The rest of the delegation confirms how the delegated authority will be applied including any restrictions or limitations.

Although the had planned, to use the WALGA model to put all delegations into the new format regarding the current review, other matters have been more pressing.

Explanatory Memorandum – Council to CEO

Included with the Explanatory Memorandum are the current delegations from Council to the CEO that are recommended to be changed, revoked or deleted. The review has identified that the changes required are generally cosmetic in nature.

Delegation	Action	Explanation
1.1.1 Appointment of Authorised Persons	Delete reference to Building Regulations 2012 Remove Clause 5 Local Laws	This requirement is set out in Delegation 1.1.2 CEO has direct responsibility to appoint authorised persons re these matters
1.1.2 Building Regulations 2012	Text corrected to make description clear	Makes this delegation easier to read and understand
3.6 Write off of rate and sundry debts	Amend – Increase write-off amount from \$200 to \$500	Allows the administration to function more effectively. Council is required to deal with key decisions
4.2 Cat Act 2011	Delegation overhauled	Current delegation refers to matters of enforcement only i.e. prosecution/infringement. This power has been conferred on the CEO under the LG Act 1995 since 2019.
4.3 Dog Act 1976	Delegation overhauled	Current delegation refers to matters of enforcement only i.e. prosecution/infringement. This power has been conferred on the CEO under the LG Act 1995 since 2019. However, objections to a decision by the administration are dealt with by Council both in regard to the LG Act and the Shire's Dogs Local Law 2018.
4.4 Dogs Local Law 2018	Deleted	Current delegation refers to matters of enforcement (authorised officer) under the Shire's dog Local Law. This power regarding authorised officers concerning dogs has been conferred on the CEO under the LG Act 1995 since 2019.
4.6 Impounding of Cattle etc	General tidy up re spelling grammar and setting out	Delegation refers to all animals as listed in this Act, although the primary focus is on cattle
5.1	Tidy up re cross links to	Crosslinks to deleted (revoked) delegations removed: 1.1., 17.1 and 17.2

Bush Fires Act	revoked delegations	
6.1 Control of Environmental Health Matters	Correct cross link included i.e Delegation 6.4 instead of 18.1 Inclusion of information that clarifies how EHOs become authorised officers	Delegation 18.1 was deleted in 2018. It referred to the appointment of a qualified person. Additional information included to explain how the delegation operates regarding allowing the CEO to ensure various functions are carried out. The class of person designated by the CEO is an environmental health officer. This can either be an employee or a contract under services. EHO services are currently provided under contract by a suitably qualified person
6.4 Control of Food Matters	Incorrect Act references removed re re EHOs	This change to the Food Act occurred in 2016 Recognises that the CEO has delegation to appoint an authorised person so that they can perform enforcement matters under the Food Act

Explanatory Memorandum - Council to Committees

The review has identified that there are a number of delegations to committees of council that require implementation:

Delegation	Action	Explanation
19.3 CEO Recruitment Committee	Delegation revised to remove confusion re delegated responsibilities	<p>FUNCTION</p> <p>The precis has been changed from:</p> <p>The CEO Recruitment Committee has been delegated all powers necessary to enable the Committee to undertake relevant administrative aspects of the recruitment process. Refer to the list of Recruitment Tasks.</p> <p>To the following:</p> <p>The CEO Recruitment Committee is delegated the power to advertise the CEO position in accordance with the Local Government (Administration) Regulations 1996.</p> <p><u>Council Conditions on this Delegation</u></p> <p>Removed and changed to Nil. Description has been inserted into a new sub-section – Role of the CEO Recruitment Committee</p> <p><u>Role of the CEO Recruitment Committee</u></p> <p>New section lists what the CEO Recruitment Committee does:</p> <p>The CEO Recruitment Committee assists Council with the recruitment process by providing advice on the List of Recruitment Tasks:</p> <ol style="list-style-type: none"> 1. Determine the selection criteria for the position of CEO; 2. Approve by absolute majority, the job description form for the position of CEO, which sets out: <ol style="list-style-type: none"> a. The duties and responsibilities of the CEO; and b. The selection criteria as required in Point 1. 3. Advertise the CEO position in accordance with the Administration Regulations; 4. Appoint a CEO Selection Panel to conduct the recruitment

		<p>and selection process for the employment of a person in the position of CEO:</p> <ol style="list-style-type: none"> a. The facilitator would assist the CEO Selection Panel; b. Make recommendations on the job description form (Points 2a and 2b); c. Review applications received, undertake interviews and make recommendations regarding: suitability of the recommended applicant, the offer of employment, the proposed terms of contract. <p>5. Approve by absolute majority:</p> <ol style="list-style-type: none"> a. The making of the offer of employment to the applicant; and b. The proposed terms of the contract of employment, including any variations proposed to the contract. <p>Note: Task 3 highlighted above is performed directly by the Committee</p>
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Changes to Appendix One

Corrections made to incorrect titles for the Acts and local laws listed. Explains that the title Manager Finance and Administration is equivalent to the functions of Manager Finance, Deputy CEO and so on.

CEO to Officers (For Information)

By way of information, the CEO advises that he has revised his delegations to officers. These changes have been made through the Delegations Register provided in Attachment Two.

The Matter of Event Management

The author has investigated the requirements regarding managing an event in the Shire of Victoria Plains. In essence, there are two types of requirements:

1. An event on property managed by the Shire;
2. An event that will be held on private property.

Where an event is scheduled to be conducted on property managed by the Shire, the requirements of the Shire of Victoria Plains *Public Places and Local Government Property Local Law 2018* must be met. In this instance an authorised person can hire the property to any person or enter into an agreement regarding the use of any local government property.

As this local law sits under the *Local Government Act 1995*, and in accordance with clause 1.6 of this local law, an authorised person means a person appointed under s 9.10 of the Act by the CEO. Typically, in this case this would be the environmental health officer and/or the CEO or other suitably qualified staff.

In this instance, the process includes the satisfactory completion of an event management plan and the payment of an appropriate licence fee for any trading, conducting of a market, entertainment and food sales.

For an event on a private property, temporary development application is required or alternatively, development application (planning approval) for permanent use, depending on the situation. In this instance, an event management plan is required and is processed by the administration. However, any planning requirements must be considered by Council as these have not been delegated to the CEO.

CONSULTATION

- Cr Bantock, Shire President
- Mr Joe Douglas, Contract Town Planner
- Mr Gordon Houston, Contract Environmental Health Officer

STATUTORY CONTEXT

5.42. Delegation of some powers and duties to CEO

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

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

5.43. Limits on delegations to CEO – includes those matters that cannot be delegated to the CEO and hence other staff and committees of council e.g. any matter requires an absolute majority by council, appointing an auditor, borrowing money.

5.44. CEO may delegate powers and duties to other employees – CEO can undertake sub-delegations.

5.45. Other matters relevant to delegations under this Division – Confirmation of the Interpretation Act re time, amending or revoking delegations must be by absolute majority and the concept of acting through.

5.46. Register of, and records relevant to, delegations to CEO and employees - CEO is to keep a register of Council delegations to CEO and CEO delegations to employees. Delegator is to review the delegations made once every financial year.

CORPORATE CONTEXT

Corporate Business Plan

Civic Leadership		<i>to better allocate scarce resources and effectively interact with the community</i>
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> • <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	

5.4	Measures to improve organisational efficiency
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Under 5.4, correct delegations in place lead to overall improved efficiency of the organisation.

Risk Management (Risk Governance Framework)

Consequence: Compliance	Likelihood: Likely	Risk	Risk Acceptance	Outcome
Major (5) ie Imposed penalties to Shire/Officers Failure to delegate properly has been a key focus and finding in previous inquiries into councils and officers	At least once per year (4) A review of delegations must be completed once each financial year	E (20)	Council/CEO Controls are adequate at this point in time, although advising governance of new staff appointments requiring a delegation need to be improved (timing)	Council has successfully reviewed its delegations for the last three years and the CEO has implemented instruments of delegation, hence the risk is currently low.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: Yes

BY ABSOLUTE MAJORITY**2306-04 Officer Recommendation / Council Resolution****Moved: Cr S Woods****Seconded: Cr D Lovelock**

That Council

1. In accordance with s.5.46(2) of the *Local Government Act 1995* **CONFIRMS** it has completed the review for the 2022-2023 Financial Year regarding the delegations it has made under Division 4.
2. **CONFIRMS** by **absolute majority** the changes made to the delegations to the CEO as set out in Attachment 1 Explanatory Memorandum Review of Delegations June 2023 and Sections 1 – 18 in the Delegations Register 2022 – 2023 in Attachment Two. This includes:
 - a. Deleting, amending or revoking the following Delegations as follows:
 - i. amending Delegation 1.1.1 *Local Government Act 1995* – deleting the reference to the Building Regulations 2012 and Clause 5 – Local Laws;
 - ii. amending Delegation 1.1.2 – by including a full description of r.70(2) and improving the setting out of the text;
 - iii. increasing the amount approved for write-off from \$200 - \$500;
 - iv. amending Delegation 4.2 to include all matters that can be delegated regarding the *Cat Act 2011*;
 - v. amending Delegation 4.3 to include all matters that can be delegated regarding the *Dog Act 1976*;
 - vi. deleting Delegation 4.4 – Dogs Local Law 2018;
 - vii. minor amendments to Delegation 4.6 regarding spelling and grammar;
 - viii. removing incorrect delegation crosslinks re 1.1, 17.1 and 17.2 from Delegation 5.1;
 - ix. amending Delegation 6.1 to include correct delegation cross links and additional explanation how environmental health officers become authorised officers;
 - x. amending Delegation 6.4 to include the correct description regarding persons approved to do food inspections, .
3. **CONFIRMS** by absolute majority the correction to Delegation 21.1 CEO Recruitment Committee to remove the ambiguity regarding what can be delegated to the Committee.
4. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the CEO regarding Sections 1 – 18 of the Delegations Register. This includes the changes referred to in Point 2 of this resolution.
5. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the Committees of Council regarding Section 19 of the Delegations Register. This includes the changes referred to in Point 3 of this resolution.
6. **ACKNOWLEDGES** the CEO's advice that he has completed the review of his delegations to others:
 - a. In accordance with 5.46(2) of the *Local Government Act 1995* made under Division 4 for the 2022-2023 Financial Year.
 - b. In accordance with other legislation.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION

9.4 Voting Delegates – WALGA’s Annual General Meeting 18 September 2023

File reference	
Report date	19 June 2023
Applicant/proponent	WALGA
Officer disclosure of interest	Nil
Previous meeting references	Policy Briefing Session May 2023
Prepared by	Julie Klobas, Council Support Officer
Authorised by	
Attachments	
Attachment 1	Page Nil

PURPOSE

For Council to appoint **two** voting delegates AND **two** proxy delegates for the 2023 WALGA Annual General Meeting which will be held on **Monday, 18 September 2023**.

BACKGROUND

WALGA holds its Annual General Meeting each year as part of the Local Government Convention (Local Government Week).

COMMENT

The meeting will be held at Crown Perth.

The CEO has received Notice of the Annual General Meeting, together with general information on the meeting, guidelines for the preparation and submission of motions and the Voting Delegates Registration Form.

Key dates are as follows:

- **Friday, 4 August** – Deadline for Members to submit motions for the AGM Agenda.*
- **Friday, 8 September** – Registration of Voting Delegates closes.
- **Monday, 18 September** – Annual General Meeting, Crown Perth.

*If there are matters that Council wishes to raise in the form of a Notice of Motion, this must be done by Friday, 14 July 2023.

Council may wish to nominate its delegates in future after each local government ordinary election, as part of the list of delegates it confirms regarding other organisations.

CONSULTATION

CEO

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT**Strategic Community Plan**

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP		
4.1 Forward planning and implementation of plans to achieve community priorities	Performance against targets are regularly reported to the community	
	We attend meetings of key local and regional organisations to jointly plan for our community	
	Demonstrated progress towards achievement of the Corporate Business Plan	

Risk Management (Risk Governance Framework)

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance Not adopting and then following the Corporate Business Plan	Catastrophic (5) Non-compliance results in termination of services or imposed penalties to Shire/Officers	Possible (3) The event should occur at some time (20%)	High (15)	Senior Management Team Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring Control Rating: Effective	CEO reports on the effectiveness of the CBP to Council, the Audit Committee and all staff quarterly. The above keep the risk of non-compliance very low

Where possible, the Shire of Victoria Plains should be represented at the WALGA AGM each year. It is important that the Shire is part of the industry's key decision making process. However, the industry is generally well represented at the Convention and matters for inclusion in debate can be raised by others by way of example at the AGM. The Shire is also a member of the Zone and AROC.

FINANCIAL IMPLICATIONS

Travel and accommodation costs may be required for those who attend the WALGA AGM.

VOTING REQUIREMENTS

Absolute majority required: No

2306-05 Officer's Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr S Penn

That Council **APPOINTS** the following Voting Delegates for the 2023 WALGA Annual General Meeting:

1. Voting Delegates

- Cr P Bantock
- Cr N Clarke

2. Proxy Delegates

- Cr S Woods
- Cr G O'Brien

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

10. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

12. MEETING CLOSED TO PUBLIC

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.24PM.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 26 July 2023 2023.

Signed


(Presiding member at the meeting which confirmed the minutes)

Date 26 July 2023

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