



# Shire of Pingelly

## Minutes

Ordinary Council Meeting  
20 November 2019

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	3
1.1	Election of President.....	3
1.2	Election of Deputy President.....	4
1.3	Seating Arrangements .....	5
2.	ACKNOWLEDGEMENT OF COUNTRY .....	5
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	5
3.1	Council Agenda Reports.....	5
4.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
6.	PUBLIC QUESTION TIME .....	6
7.	APPLICATIONS FOR LEAVE OF ABSENCE .....	6
8.	DISCLOSURES OF INTEREST .....	6
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
9.1	Ordinary Meeting – 16 October 2019.....	6
10.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....	6
11.	REPORTS OF COMMITTEES OF COUNCIL .....	6
12.	REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES.....	7
13.	REPORTS FROM COUNCILLORS .....	8
14.	OFFICE OF THE CHIEF EXECUTIVE OFFICER .....	9
14.1	Council Delegates to Committees.....	9
14.2	Leasing of Residential Properties .....	16
14.3	Review of Policy 10.3 Senior Staff Designation and Appointment.....	19
14.4	Local Government Insurance Services – 2018/19 Surplus Distribution .....	21
14.5	Application for Waiving of Community Bus Hire Fees .....	23
14.6	Amendment to Schedule of Fees and Charges .....	25
15.	DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES.....	27
15.1	Monthly Statement of Financial Activity – September 2019 .....	27
15.2	Monthly Statement of Financial Activity – October 2019 .....	30
15.3	Accounts Paid by Authority – October 2019.....	33
16.	DIRECTORATE OF TECHNICAL SERVICES .....	35
16.1	Application for Waiving Food Business Fees .....	35
16.2	Bush Fire Advisory Committee Minutes .....	37
17.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	39
18.	NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING	39
19.	CLOSURE OF MEETING .....	39

## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chairman declared the meeting open at 2pm.

### **1.1 Election of President**

#### **Background**

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for two (2) years (until the next ordinary election).

#### **Comment**

The process of election is the same *mutatis mutandis* as the process for election of that of a Councillor.

The CEO is to preside at the meeting until the Office of President is filled. Once a Councillor has been elected and completed the declaration, the President is to assume the Chair.

#### **Statutory Implications**

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of President:

- (1) The office is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

- (1) the Council is to elect a councillor to fill the office.
- (2) the election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) if a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) the councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

In relation to the role of the President Section 2.8 provides that:

- (1) The president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
- (b) the President is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

**One nomination was received from Cr Mulroney therefore Cr Mulroney was elected as Shire President and sworn in.**

## **1.2 Election of Deputy President**

### **Background**

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

### **Comment**

The process of election is the same as the process for election of that of President.

### **Statutory Implications**

In relation to the Office of Deputy President, Section 7 provides:

- (2) If the local government has a councillor president the office of deputy president is to be filled —
  - (a) as the next matter dealt with after the president is elected at the first meeting of the council after an ordinary elections day;

In relation to the role of the Deputy President Section 2.9 provides that the deputy President performs the functions of the President when authorised to do so under section 5.34.

Regulation 13 of the *Local Government (Constitution) Regulations* provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

**Three nominations were received – Cr Freebairn, Cr Hastings and Cr McBurney.**

Lisa Boddy left the room at 2.06pm and returned at 2.08pm.

**A draw was carried out and Cr McBurney was elected as Deputy President and sworn in.**

### **1.3 Seating Arrangements**

The CEO to conduct draw of seating arrangements in the Shire Chambers.

**A draw was carried out and the seating order from right to left – Deputy President (Cr Jackie McBurney), Cr David Freebairn, Cr Peter Wood, Cr Bryan Hotham, Cr Anthony Oliveri, Cr Kacey Hastings.**

**The Shire President acknowledged Cr Freebairn’s contribution as Deputy President over the past two years and for the many years prior to that supporting Council and supporting Cr Mulroney as President.**

## **2. ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past and present.

## **3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

### **3.1 Council Agenda Reports**

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today’s Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

## **4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

### **MEMBERS PRESENT**

Cr WV Mulroney (President)  
Cr J McBurney (Deputy President)  
Cr DI Freebairn  
Cr K Hastings  
Cr B Hotham  
Cr A Oliveri  
Cr PJ Wood

### **STAFF IN ATTENDANCE**

Ms J Burton Chief Executive Officer  
Mr D Watkins Director Technical Services  
Mr S Billingham Director Corporate and Community Services  
Mrs L Boddy Executive Assistant

### **APOLOGIES**

Nil

### **OBSERVERS & VISITORS**

Nil

## **5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.



## **12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES**

Central Country Zone of WALGA	Delegate – Shire President Delegate – Deputy President Deputy – Cr Wood
Hotham-Dale Regional Road Sub-Group	Delegate – Shire President Deputy – Cr McBurney
Development Assessment Panel	Delegate – Cr Mulroney Delegate – Cr Freebairn  Deputy – Cr Hodges Deputy – Cr Wood
Pingelly Tourism Group	Delegate – Cr McBurney Deputy – Cr Freebairn
Regional Waste Group	Delegate – Cr Mulroney Deputy – Cr Wood
Shires of Pingelly and Wandering Joint Local Emergency Management Committee	Delegate – Shire President Deputy – Cr Hodges
Youth Focus Group	Delegate – Cr Walton-Hassell Delegate – Cr Hastings Deputy – Cr McBurney
Pingelly Somerset Alliance	Delegate – Shire President Deputy – Cr McBurney
Pingelly Early Years Network	Delegate – Cr Hastings
Pingelly Community Wellbeing Group	Delegate – Cr Walton-Hassell

### **13. REPORTS FROM COUNCILLORS**

#### **Cr William Mulronev (President)**

##### **Meetings attended October**

22<sup>nd</sup> President and CEO meeting

28<sup>th</sup> President and CEO meeting re Doctors Contract

##### **Meetings attended November**

4<sup>th</sup> President and CEO meeting

6<sup>th</sup> LEMC - Welfare Centre Management Course

12<sup>th</sup> LEMC Meeting – Pingelly / Wandering joint LEMC Plan and future plan to 2029

13<sup>th</sup> Seniors Luncheon

13<sup>th</sup> Agenda Briefing for November OCM

13<sup>th</sup> Councillors Dinner- Farewell retiring councillors and welcome new Councillor

14<sup>th</sup> PRACC Board Meeting for November 2019

14<sup>th</sup> Pingelly Somerset Alliance monthly meeting

15<sup>th</sup> New Councillors forum Exhibition Centre Perth

20<sup>th</sup> November Ordinary Council Meeting

## **14 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **14.1 Council Delegates to Committees**

**File Reference:** 0000  
**Location:** Shire of Pingelly  
**Applicant:** Shire of Pingelly  
**Author:** Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Attachments:** Nil  
**Previous Reference:** Ordinary Meeting held on 18 July 2018 item 14.3

#### **Summary:**

Council to consider reviewing and appointing members, delegates and deputies to Committees (internal and external).

#### **Background:**

Council has the following Committees:

- Audit Committee Full Council  
**Charter:**  
To:
  - assist the auditor and ensure that audits are conducted successfully and timely;
  - meet with the auditor at least once a year;
  - examine the auditor's report and ensure appropriate action is taken; and
  - report on actions taken in respect of any issues raised by the auditor to council.
  
- Recreation and Cultural Committee  
**Charter:**
  - To provide recommendations to the Shire of Pingelly on sport and recreation matters
  
- Bushfire Advisory Committee  
**Charter:**  
To advise Council on all matters relating to:
  - the prevention, controlling and extinguishing of bush fires;
  - prosecutions for breaches of the Bush Fire Act;
  - the formation and de-formation of bush fire brigades;
  - the co-ordination of the efforts and activities of the bush fire brigades; and
  - any other matter relating to bush fire control
  
- Medical and Aged Care Services Committee  
**Charter:** To investigate health issues relevant to Pingelly
  
- Chief Executive Officer Performance Review Committee  
**Charter:** To complete the Annual Performance Review of the Chief Executive Officer

Current committees and their members/delegates are detailed below:

- Audit Committee Full Council
- Pingelly Recreation & Cultural Centre Committee Member – Shire President  
Member – Deputy President
- Bushfire Advisory Committee Member – Cr Freebairn  
Deputy – Cr Hotham
- Chief Executive Officer Performance Review Committee Member – Shire President  
Member – Deputy President  
Member – Cr Hodges

Council has previously appointed delegates to the following external committees:

- Central Country Zone of WALGA Delegate – Shire President  
Delegate – Deputy President  
Deputy – Cr Wood
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President  
Deputy – Cr McBurney
- Development Assessment Panel Delegate – Cr Mulrone  
Delegate – Cr Freebairn  
Deputy – Cr Hodges  
Deputy – Cr Wood
- Pingelly Tourism Group Delegate – Cr McBurney  
Deputy – Cr Freebairn
- Regional Waste Group Delegate – Cr Mulrone  
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President  
Deputy – Cr Hodges
- Youth Focus Group Delegate – Cr Walton-Hassell  
Delegate – Cr Hastings  
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President  
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Hastings
- Pingelly Community Wellbeing Group Delegate – Cr Walton-Hassell

**Comment:**

With the recent retirement of two Councillors and appointment of one Councillor, it is necessary to review delegations to external committees.

**Consultation:**

Chief Executive Officer and Councillors.

**Statutory Environment:**

Section 5.8 of the *Local Government Act* (Establishment of committees) provides that a local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

- \*Absolute majority required.

Section 5.9 (Types of committees) provides that:

- (1) In this section **other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
  - (a) council members only;
  - (b) council members and employees;
  - (c) council members, employees and other persons;
  - (d) council members and other persons;
  - (e) employees and other persons; or
  - (f) other persons only.

Section 5.10 (Appointment of committee members) provides that:

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
  - \*Absolute majority required.
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Section 5.11A (Deputy committee members) provides:

- (1) The local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.
  - *\*Absolute majority required.*
- (2) A person who is appointed as a deputy of a member of a committee is to be —
  - (a) if the member of the committee is a council member — a council member; or
  - (b) if the member of the committee is an employee — an employee; or
  - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
  - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

Section 5.11 (Tenure of committee membership)

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.

Section 5.12 (Election of presiding members and deputies)

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
  - (a) to "office" were references to "office of presiding member";
  - (b) to "council" were references to "committee"; and
  - (c) to "councillors" were references to "committee members".
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
  - (a) to "office" were references to "office of deputy presiding member";
  - (b) to "council" were references to "committee";
  - (c) to "councillors" were references to "committee members"; and
  - (d) to "mayor or president" were references to "presiding member".

Section 5.15 (Reduction of quorum) provides that the local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

- *\*Absolute majority required.*

Section 5.16 (Delegation of some powers and duties to certain committees) provides that:

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.
  - *\*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.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

Section 5.17 (Limits on delegation of powers and duties to certain committees)

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

Section 5.19 (Quorum for meetings) provides that the quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

Section 7.1A (Audit committee) provides that:

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed \* by the local government and at least 3 of the members, and the majority of the members are to be council members.
  - *\*Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Section 67 of the *Bush Fires Act* provides that:

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.

- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
- (a) make rules for the guidance of the committee;
  - (b) accept the resignation in writing of, or remove, any member of the committee; and
  - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
- (a) may from time to time meet and adjourn as the committee thinks fit;
  - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
  - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Section 5.8 of the *Local Government Act 1995* and section 38 of the *Emergency Management Act 2005*, establishes the Shires of Pingelly and Wandering Joint Local Emergency Management Committee;

1. In accordance with provisions of Section 5.9 of the *Local Government Act 1995* resolves that the Local Emergency Management Committees are to comprise of Councillors, Staff and Other Persons;

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

N/A

**Voting Requirements:**

Absolute Majority

**12769 Moved: Cr Hotham                      Seconded: Cr Hastings**

**Recommendation and Council Decision:**

**That Council appoints the following delegates to Committees of Council and External Committees:**

- |                                                               |                                                                                        |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------|
| • <b>Audit Committee</b>                                      | <b>Full Council</b>                                                                    |
| • <b>Pingelly Recreation &amp; Cultural Committee</b>         | <b>Member – Shire President<br/>Deputy – Deputy President</b>                          |
| • <b>Bushfire Advisory Committee</b>                          | <b>Member – Cr Freebairn<br/>Deputy – Cr Hotham</b>                                    |
| • <b>Chief Executive Officer Performance Review Committee</b> | <b>Member – Shire President<br/>Member – Deputy President<br/>Member – Cr Hastings</b> |

- **Central Country Zone of WALGA**  
Delegate – Shire President  
Delegate – Deputy President  
Deputy – Cr Wood
  
- **Hotham-Dale Regional Road Sub-Group**  
Delegate – Shire President  
Deputy – Cr Oliveri
  
- **Development Assessment Panel**  
Delegate – Shire President  
Delegate – Cr Wood  
  
Deputy – Cr McBurney  
Deputy – Cr Hotham
  
- **Pingelly Tourism Group**  
Delegate – Cr Hotham  
Deputy – Cr Oliveri
  
- **Regional Waste Group**  
Delegate – Cr Mulronev  
Deputy – Cr Wood
  
- **Shires of Pingelly and Wandering Joint  
Local Emergency Management Committee**  
Delegate – Shire President  
Deputy – Cr Freebairn
  
- **Youth Focus Group**  
Delegate – Cr Hastings  
Deputy – Cr McBurney
  
- **Pingelly Somerset Alliance**  
Delegate – Shire President  
Deputy – Cr McBurney
  
- **Pingelly Early Years Network**  
Delegate – Cr Hastings
  
- **Pingelly Community Wellbeing Group**  
Delegate – Cr McBurney  
Deputy – Cr Hastings

Carried 7:0

## **14.2 Leasing of Residential Properties**

<b>File Reference:</b>	<b>ADM0297</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council is requested to endorse the leasing of two residential properties, previously used for staff housing, until the need arises to transition the use back to employee purposes.

### **Background**

The Shire owns four residential properties in Webb Street Pingelly, which were built through Royalties for Regions funding. One of these properties is currently leased as a part of the Swimming Pool Management contract, with two previously being used for staff housing, and the remaining unit being used for short term accommodation for contractors or other Shire purposes. Through recent staff turnover, and subsequent alternative recruitment arrangements, the two units for staff housing are not currently required for this purpose.

In addition to the units in Webb Street, 4 Shire Street and 17 Eliot Street are also owned by the Shire, and have been historically used for staff housing.

### **Comment**

The Shire of Pingelly has previously been in a situation where there was a need to provide staff housing for a number of key roles. Recent appointments have been made whereby staff already reside within the region, and the accommodation has not been required.

It is important to maximise the resources of the Shire, while at the same time balancing the risk of a shortage of staff housing if the need arises. It is therefore proposed to structure the future use of the units as follows:

<b>Address</b>	<b>Current Use</b>	<b>Proposed Use</b>
7A Webb Street	Staff accommodation – vacant	Residential accommodation – fixed term lease of 6 months, or periodic lease
7B Webb Street	Staff accommodation – vacant	Residential accommodation – fixed term lease of 6 months, or periodic lease
9A Webb Street	Short term accommodation – contractors, or other Shire purposes as determined on a case by case basis by the CEO	Short term accommodation – contractors, or other Shire purposes as determined on a case by case basis by the CEO (no change)
9B Webb Street	Housing relevant to the pool management contract	Housing relevant to the pool management contract (no change)

Market rental has been determined at a range of \$280 – \$340 for the Webb Street units.

### **Consultation**

Real Estate Agent  
Western Australian Local Government Association

### Statutory Environment

Property is to be disposed of in accordance with the provisions of Section 3.58 of the Local Government Act 1995; i.e. either by;

- a) Public auction
- b) Public tender, or
- c) Local public notice of intention to dispose (including details and consideration of submissions thereon)

Under Regulation 30 of the Local Government (Functions and General) Regulations, an exemption applies where land is disposed of:

- a) To an owner of adjoining land (subject to value less than \$5,000);
- b) To a charitable or not for profit body;
- c) To the Crown;
- d) Is leased to an employee of the local government for use as the employee’s residence; or
- e) Is residential property leased to a person.

### Policy Implications

Nil

### Financial Implications

The 2019/20 Budget contains \$10,000 in income from these properties. If two properties are both able to be rented for 5 months of the 2019/20 year at a net rental of \$200 per week, the total rental paid will equate to \$10,800.

### Strategic Implications

Strategic Community Plan Goal 5: Innovation, Leadership and Governance.

The Shire of Pingelly is an innovative, responsive partner to its community, an effective advocate, and a trusted steward of community assets. The organisation achieves good practice in all that it undertakes.

### Risk Implications

Risk	The primary risk is the inability to provide appropriate housing for staff, should the need arise through staff turnover or where existing staff circumstances change.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Operational
Risk Action Plan (Controls or Treatment Proposed)	The option of periodic or fixed term leases, will ensure that this risk can be managed by having a maximum of 60 days’ notice required to gain access to the accommodation. Where there is a short term need, the Unit at 9A Webb Street can be utilised.

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Simple Majority

**12770 Moved: Cr Oliveri                      Seconded: Cr McBurney**

**Recommendation and Council Decision**

**That Council approves the use of the Shire of Pingelly’s residential housing stock as:**

<b>Address</b>	<b>Approved Use</b>
<b>7A Webb Street</b>	<b>Staff or residential accommodation. Where residential, a fixed term lease of up to 6 months, or periodic lease at market rates.</b>
<b>7B Webb Street</b>	<b>Staff or residential accommodation. Where residential, a fixed term lease of up to 6 months, or periodic lease at market rates.</b>
<b>9A Webb Street</b>	<b>Short term accommodation – contractors, or other Shire purposes as determined on a case by case basis by the CEO (no change).</b>
<b>9B Webb Street</b>	<b>Housing relevant to the pool management contract (no change).</b>

Carried 7:0

### **14.3 Review of Policy 10.3 Senior Staff Designation and Appointment**

<b>File Reference:</b>	<b>ADM0000</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Attachment 1 (following red sheet in separate Attachment Booklet)</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

Council is requested to adopt changes to the Senior Staff Designation and Appointment Policy, in order to facilitate the efficient appointment of an Acting Chief Executive Officer during periods of leave.

#### **Background**

The Shire of Pingelly currently has a Senior Staff Designation Policy, which defines senior staff in accordance with the Local Government Act 1995. There is no current restriction on who can be appointed as Acting Chief Executive Officer (A/CEO).

The appointment of an A/CEO is required to be determined by Council, except where a policy exists which provides for the Chief Executive Officer (CEO) to appoint. Such policies are common practice throughout the local government industry, in order to provide an efficient way of carrying out the Shire business.

#### **Comment**

The recommendation to increase the scope of the Policy is based on increasing efficiency within the Shire, and eliminating the requirement to prepare an item for Council each time leave is taken by the CEO. Adequate control is still maintained by restricting the appointment of A/CEO to the two designated senior positions.

The Policy provides guidance on the provisions that apply to the appointment of a person as A/CEO, and allows for the approval of the CEO on extended sick leave, long service leave, or annual leave, by the Shire President.

It is intended that the Directors will carry out the role of A/CEO during periods of absence of the CEO. A senior employee will only be appointed as A/CEO under the terms of this Policy if in the opinion of the CEO and the employee, the employee has the capacity to perform the duties of A/CEO along with their current duties satisfactorily.

There are numerous benefits to appointing both Directors to the acting role, including improved business continuity, and skill development.

The proposed Policy amendments are in line with the current practice of the Shire of Pingelly, whereby the Directors are ordinarily appointed as A/CEO during period of leave.

#### **Consultation**

Senior Staff  
Shire President

## Statutory Environment

Local Government Act 1995 - Section 2.7 Role of council

(1) The council:

- a) governs the local government's affairs; and
- b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to:

- a) oversee the allocation of the local government's finances and resources; and
- b) determine the local government's policies.

## Policy Implications

Amendments to policies must be determined by an absolute majority of Council.

## Financial Implications

Nil

## Strategic Implications

Strategic Community Plan Goal 5: Innovation, Leadership and Governance

## Risk Implications

Risk	
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Operational Impact
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

## Voting Requirements

Absolute Majority

## Recommendation

**That Council adopts the draft Senior Staff Designation and Appointment of Acting Chief Executive Officer Policy, as included in Attachment 1.**

Cr Hastings left the room at 2.52pm and returned at 2.53pm.

**12771 Moved: Cr Hastings**

**Seconded: Cr McBurney**

## Council Decision:

**That Council adopts the draft Senior Staff Designation and Appointment of Acting Chief Executive Officer Policy, as included in Attachment 1 with the addition of the words 'in writing' at point 4.6 "approved by the Shire president in writing....", and amending section 4.7 b. to read "in the event that the Chief Executive Officer is incapacitated or otherwise unable to make an appointment under paragraph 4.6."**

Carried 7:0

#### **14.4 Local Government Insurance Services – 2018/19 Surplus Distribution**

<b>File Reference:</b>	<b>ADM0138</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

##### **Summary**

Council is requested to consider the distribution of the 2018/19 surplus from Local Government Insurance Services (LGIS).

##### **Background**

The LGIS Scheme is a WALGA service started in 1995, and extends to offer cover for liability, WorkCare, Property and Bushfire Volunteers. For all other insurance needs, WALGA offers a broking service to Local Governments on a case by case basis.

As a mutual scheme limited to Local Governments, the performance of LGIS is underwritten by the annual contributions of its member Councils. The capacity to return any surplus to members is one of the main advantages of LGIS being a mutual scheme.

This year, due to a lower than anticipated number of claims in Property and WorkCare, a better than expected performance in investments, and a reduced requirement of the capital needed to be carried by the Scheme, the contributions were in excess to that which was ultimately required.

It was the decision of the LGIS board, that each Local Government should be given the opportunity to decide on how they wished to apply any surplus share by determination of an ordinary Council meeting to ensure all Elected Members are involved in the process.

Council has the option of receiving the surplus distribution as an immediate refund, opt for LGIS to retain the funds to offset the contribution next year, or for LGIS to hold the amounts in trust for risk mitigation activities.

The decision to immediately take the refund would likely be the preferred decision for a Council that has significant operating surplus, or has a project that has been on hold due to a lack of current funding. A Council with no immediate need for the additional funds may wish to opt for the surplus share to be retained by LGIS to offset the next year's contribution.

##### **Comment**

LGIS has advised that the Shire of Pingelly's share of the surplus is \$15,928. It is recommended that Council takes the option of receiving the surplus distribution as an immediate refund. This will facilitate control of the funds, and a decision around potential allocation of this additional income to be made at Budget Review in February 2020 when the Shire's financial position is reviewed.

##### **Consultation**

WALGA  
LGIS

##### **Statutory Environment**

Not applicable

##### **Policy Implications**

Nil

**Financial Implications**

The surplus distribution will have a positive effect on the budget of \$15,928 if the officer recommendation is accepted.

**Strategic Implications**

Strategic Community Plan Goal 5: Innovation, Leadership and Governance

**Risk Implications**

Risk	As there were no funds budgeted, there is very little risk in relation to this item. The risk more relates to the loss of opportunity to utilise the funds as desired by Council in the short to medium term, if a decision not to take the immediate refund is made.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements**

Simple Majority

**12772 Moved: Cr Wood**

**Seconded: Cr Oliveri**

**Recommendation and Council Decision**

**That Council resolves to accept the surplus distribution from the LGIS Scheme of \$15,928, as an immediate refund.**

Carried 7:0

## **14.5 Application for Waiving of Community Bus Hire Fees**

<b>File Reference:</b>	<b>ADM0504</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>PRACC Inc</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council is requested to consider a request from the Pingelly Recreation and Cultural Centre Inc., for the waiver of the community bus hire fees.

### **Background**

The Pingelly Recreation and Cultural Centre Inc., (PRACC), is a community cultural and sporting group, the profits of which are reinvested back into the community groups that form PRACC Inc. The PRACC is proposing to run a lunch for seniors on a monthly basis, and involve the Pingelly Primary School in the activity.

The Shire has in the past waived fees for certain groups that run on a not for profit basis, to serve the community.

The Pingelly Recreation and Cultural Centre Inc., has requested a waiver of the community bus hire fees on two occasions, to facilitate the transport of the Pingelly Primary School students to the Pingelly Recreation and Cultural Centre.

### **Comment**

The PRACC management is trialling a new event to generate activity and to support a healthy and inclusive community. This will involve a Seniors Luncheon, and interaction with students from the Pingelly Primary School.

From a community development perspective, participation in intergenerational programs and meaningful cross-age relationships has been shown to decrease social isolation and increase older adults' sense of belonging, self-esteem, and well-being, while also improving social and emotional skills of children and youth participants.

Supporting this concept in its early stages is important to allow the potential of a sustainable activity to be pursued. Once established, it may no longer be appropriate to offer the community bus on a free basis, due to the precedent being set. A determination on this can be made in due course.

### **Consultation**

Nil

### **Statutory Environment**

Section 6.12 of the Local Government Act, grants a local government the power to waive or grant concessions, by absolute majority.

### **Policy Implications**

Delegation C24 provides authority for the Chief Executive Officer to write off debts up to \$50, however, no authority currently exists to authorise a waiver of a fee or charge.

### **Financial Implications**

The total amount of income not realised as a result of this recommendation is \$70 plus fuel costs from the Pingelly Primary School to the PRACC.

## Strategic Implications

Nil

## Risk Implications

Risk	The risk of creating a precedent exists, whereby other community groups may also expect a fully subsidised service.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

## Voting Requirements

Absolute majority.

**12773 Moved: Cr McBurney**

**Seconded: Cr Oliveri**

## Recommendation and Council Decision

**That Council approves the request from PRACC Inc. for the waiver of \$70 plus fuel costs, being for the use of the community bus on two occasions, for the purposes of transporting students to the Seniors luncheons.**

Carried 6:1

Cr Hastings asked for her vote against to be recorded

## **14.6 Amendment to Schedule of Fees and Charges**

<b>File Reference:</b>	<b>ADM0504</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Chief Executive Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

Council is requested to amend the 2019/20 Schedule of Fees and Charges, to accommodate the increase to the price for water from publicly available standpipes.

### **Background**

In accordance with Section 6.16(1) of the Local Government Act 1995, Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed. Fees and Charges are required to be adopted annually through the budget process. In accordance with the Local Government Act and associated Regulations, there is a requirement to give notice to the public of the intent to change, or introduce, new fees and charges.

Late last year Water Corporation notified local government authorities (LGA's) who own a fixed standpipe, that the pricing structure for those standpipes that are publicly available, would transition to being charged based on the size of the meter for that standpipe.

As from July 1 2019 the price per kilolitre has increased from the concession rate of \$2.53 per kilolitre to the commercial rate of \$8.562 per kilolitre. LGA's remain still entitled to concessional water pricing for their own purposes.

### **Comment**

The water usage costs from the standpipe on Sharow Street for the months of September and October was \$2,131.94. This was charged out at \$2.75 per kilolitre, totalling \$684.75. A similar situation occurred in the July and August months, with approximately \$3,000 being undercharged from water sales from the standpipe this financial year to date.

It is proposed to amend the Schedule of Fees and Charges for the current financial year, to reflect the increase. A fee or charge should be based on the full costs of providing a service, with an active decision made whether to the extent to which they are subsidised. The financial implications of provision of the standpipe include the capital infrastructure and associated maintenance and operational costs. Currently, the difference between the concessional rate of \$2.53 per kilolitre, and the charge out rate of \$2.75 per kilolitre, is \$0.22. It is proposed to leave this margin for cost recovery consistent with regard to the new commercial rate of \$8.5620, and impose a total charge of \$8.782 per kilolitre.

### **Consultation**

A minimum of 7 days public notice is required prior to the amended charge taking effect.

### **Statutory Environment**

Sections 6.16 and 6.17 of the Local Government Act 1995 and Regulation 25 of the Local Government (Financial Management) Regulations 1996 relate to the imposition of fees and charges. Regulation 25 of the Local Government (Financial Management) Regulations 1996 provides that the annual budget is to include an estimate of the total revenue from the fees or charges from each program. Section 6.16(1) of the Local Government Act 1995 allows a local government to impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

**Policy Implications**

Nil

**Financial Implications**

The financial implication of not amending the fees and charges is a significant. Based on the averages for the first 4 months of the financial year, this is likely to be in the vicinity of \$9,000 for 2019/20 if the situation is not rectified.

**Strategic Implications**

Nil

**Risk Implications**

Risk	There are several risks that need to be considered when amending the annual Schedule of Fees and Charges. Firstly, in an effort to assist in recovering costs associated with the provision of services, it is important that, where applicable, fees and charges are increased to ensure the provision of those services is not required to be increasingly subsidised by other funding sources. Secondary risks relate to the appropriate authorisation of the new fee structure, which must be in accordance with legislation and include local public notice, and an adverse reaction from the community with regard to any increase.
Risk Rating (Prior to Treatment or Control)	Medium (8)
Principal Risk Theme	Financial
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements**

Absolute majority

**12774 Moved: Cr McBurney**

**Seconded: Cr Hotham**

**Recommendation and Council Decision**

**That Council approves an amendment to the 2019/20 Schedule of Fees and Charges, from 1 December 2019, being that Standpipe Water Charges will be charged at \$8.782 per kilolitre (GST Free).**

Carried 7:0

## **15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

### **15.1 Monthly Statement of Financial Activity – September 2019**

<b>File Reference:</b>	<b>ADM0075</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Statements of Financial Activity for the period 1 July 2019 to 30 September 2019 (Attachment 2 following orange sheet in separate attachments booklet)</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

In Accordance with the *Local Government Act 1995* Section 5.25 (1) and *Local Government (Financial Management) Regulations 1996*, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of September 2019 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

#### **Background**

In order to prepare the monthly statements, the following reconciliations have been completed and verified:

- Reconciliation of assets, payroll and taxation services;
- Reconciliation of all shire's bank accounts, including term deposits;
- Reconciliation of Rates, including outstanding debtors;
- Reconciliation of Sundry Creditors and Debtors;

#### **Consultation**

Nil

#### **Statutory Environment**

*Local Government Act 1995*;

*Local Government (Financial Management) Regulations 1996*

Section 34: Financial Reports to be Prepared

(1) A 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 in the following detail -

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of the month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) The net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
  - (c) Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) According to nature and type classification;
  - (b) By program; or
  - (c) By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -
- (a) Presented to the council -
    - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

#### Policy Implications

There are no policy implications.

#### Financial Implications

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2019/2020.

#### Strategic Implications

There are no known significant strategic implications.

#### Risk Implications

Risk	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements**

Simple Majority

**12775 Moved: Cr McBurney**

**Seconded: Cr Wood**

**Recommendation and Council Decision**

**That with respect to the Monthly Statements of Financial Activity for the month ending 30 September 2019 be accepted and material variances be noted.**

Carried 7:0

## **15.2 Monthly Statement of Financial Activity – October 2019**

<b>File Reference:</b>	<b>ADM0075</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Director Corporate &amp; Community Services</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Statements of Financial Activity for the period 1 July 2019 to 31 October 2019 (Attachment 3 following yellow sheet in separate attachments booklet)</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary**

In Accordance with the *Local Government Act 1995* Section 5.25 (1) and *Local Government (Financial Management) Regulations 1996*, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of October 2019 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

### **Background**

In order to prepare the monthly statements, the following reconciliations have been completed and verified:

- Reconciliation of assets, payroll and taxation services;
- Reconciliation of all shire's bank accounts, including term deposits;
- Reconciliation of Rates, including outstanding debtors;
- Reconciliation of Sundry Creditors and Debtors;

### **Consultation**

Nil

### **Statutory Environment**

*Local Government Act 1995*;

*Local Government (Financial Management) Regulations 1996*

Section 34: Financial Reports to be Prepared

(1) A 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 in the following detail -

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of the month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) The net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
  - (c) Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) According to nature and type classification;
  - (b) By program; or
  - (c) By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -
- (a) Presented to the council -
    - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**Policy Implications**

There are no policy implications.

**Financial Implications**

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council’s adopted Budget 2019/2020.

**Strategic Implications**

There are no known significant strategic implications.

**Risk Implications**

Risk	Failure to monitor the Shire’s ongoing financial performance would increase the risk of a negative impact on the Shire’s financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements**

Simple Majority

**12776 Moved: Cr Hastings**

**Seconded: Cr Hotham**

**Recommendation and Council Decision**

**That with respect to the Monthly Statements of Financial Activity for the month ending 31 October 2019 be accepted and material variances be noted.**

Carried 7:0

### **15.3 Accounts Paid by Authority – October 2019**

<b>File Reference:</b>	<b>ADM0066</b>
<b>Location:</b>	<b>Not Applicable</b>
<b>Applicant:</b>	<b>Not Applicable</b>
<b>Author:</b>	<b>Senior Finance Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>List of Accounts (Attachment 4 following green sheet in separate attachments booklet)</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

Council endorsement is required for accounts made by authority for the month of October 2019.

#### **Comment**

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2019/20 Budget.

#### **Consultation**

Nil

#### **Statutory Environment**

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name;
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
  - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Policy Implications**

There are no policy implications arising from this amendment.

**Financial Implications**

There are no known financial implications upon either the Council’s current budget or long term financial plan.

**Strategic Implications**

There are no known significant strategic implications relating to the report.

**Risk Implications**

Risk	Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements**

Simple Majority

**12777 Moved: Cr McBurney**

**Seconded: Cr Oliveri**

**Recommendation and Council Decision**

**That Council endorse the Accounts for Payments for October 2019 as presented:**

<b>OCTOBER 2019</b>	
<b>MUNI - 117984856</b>	
EFT 6385 - 6472	\$411,501.65
CHEQUE 24710 - 24719	\$67,697.30
<b>TRUST ACCOUNTS</b>	
DEPT OF TRANSPORT – DD10856.1 – DD10915.1	\$31,624.20
TRUST FUND – NIL	N/A
<b>DIRECT DEBIT -</b>	
DD10842.1 – DD10896.5 & EFT6402 – EFT6474 – Pay and Super	\$26,787.88
<b>CREDIT CARDS</b>	
DD10880.1 – DD10880.1	\$4,848.98
<b>GRAND TOTAL</b>	<b>\$542,460.01</b>
<b>Notification</b>	<b>Explanation</b>
Nil	N/A

Carried 7:0

## **16. DIRECTORATE OF TECHNICAL SERVICES**

### **16.1 Application for Waiving Food Business Fees**

<b>File Reference:</b>	<b>ADM0108</b>
<b>Location:</b>	<b>Somerset Street, Pingelly</b>
<b>Applicant:</b>	<b>PRACC Inc</b>
<b>Author:</b>	<b>Environmental Health Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary**

Council is requested to consider the request from the Pingelly Recreation and Cultural Centre Inc., for the waiver of food registration and annual food premise inspection fees.

#### **Background**

The Pingelly Recreation and Cultural Centre Inc., (PRACC Inc.), is a community cultural and sporting group, the profits of which are reinvested back into the community. In this instance it is considered that PRACC Inc. is effectively a not for profit community group.

The Shire has in the past waived fees for certain groups that run on a not for profit basis, to serve the community. This has included the non-State Government Building Permit fees for a communications tower at the Pingelly State Emergency Service (SES) building, which were waived to the benefit of the Pingelly SES.

#### **Comment**

Waiving the food registration and inspection fees for the PRACC Inc., would be consistent with the Shire of Pingelly's approach in the past, in assisting community groups with their operating expenses that operate to benefit the broader general community.

There may be some food businesses that perceive the PRACC Inc. as a business competitor, and that a waiving of fees could be assisting a competitor's viability over their own viability in the current marketplace. Though there is potential for this to occur, the community groups involved would have traditionally frequented their own group clubhouse in attending related events and would have been less likely to utilise other businesses or food providers in town at that time.

The operations and patronage of the PRACC Inc. would be reflective of those traditional operations, but now are in a combined club environment.

In addition, the events run at the PRACC attract additional visitors to the town, (usually later in the day), that otherwise would not have come to Pingelly. These visitors are more likely to choose to stay overnight in the town, at accommodation provided by other Pingelly businesses, to the net benefit of those businesses. Subsequently the visitors are also likely to obtain food the next day from those or other food businesses within Pingelly.

#### **Consultation**

Chief Executive Officer  
Director Technical Services

#### **Statutory Environment**

Food Act 2008

#### **Policy Implications**

Nil

### Financial Implications

There will be no impact to the Budget if the recommendation is approved. The revenue from the fees, being a registration fee of \$140.00 and the annual food business inspection fee of \$114, are not included in the 2019/20 Budget revenue.

### Strategic Implications

Nil

### Risk Implications

Risk	A possibility exists that other groups or businesses may also expect the same concession for fees and charges set by Council.
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Reputational
Risk Action Plan (Controls or Treatment Proposed)	By only approving this waiver for the first year, the Council has an opportunity to review this decision in the future, allowing an assessment of the financial viability of the PRACC to be considered.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

### Voting Requirements

Absolute majority.

Cr Freebairn left the room at 3.53pm.

**12778 Moved: Cr McBurney**

**Seconded: Cr Oliveri**

### Recommendation and Council Decision

**That Council approves the request from the Pingelly Recreation and Cultural Centre Inc. for the waiver of the food registration fee of \$140, and the food premise inspection fee of \$114, for the 2019/20 financial year.**

Cr Freebairn returned to the room at 3.55pm.

Carried 5:2

Cr Hastings requested that her vote against be recorded

## **16.2 Bush Fire Advisory Committee Minutes**

**File Reference:** ADM0057  
**Location:** Not Applicable  
**Applicant:** Not Applicable  
**Author:** Administration Officer Technical  
**Disclosure of Interest:** Nil  
**Attachments:** Bush Fire Advisory Committee Minutes 8 October 2019  
 (Attachment 5 following blue sheet in separate attachments booklet)

### **Summary:**

Council is requested to consider the recommendations from the Bush Fire Advisory Committee Meeting held on 8 October 2019.

### **Background:**

The BFAC meet before and after the fire season to review the actions for the coming season and to review the Shire Fire Break information.

### **Comment:**

The purpose of the meeting was to discuss the up and coming bush fire season and to go over any issues that may need to be dealt with.

### **Consultation:**

BFAC Committee

### **Statutory Environment:**

Bushfires Act 1954  
 Local Government Act 1995

### **Financial Implications:**

No known financial implications.

### **Strategic Implications:**

No known strategic implications.

### **Risk Implications:**

Risk	The key risk in relation to this decision lies around the governance of the BFAC, and the need to accept and consider the minutes as a Committee of Council.
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Legislative
Risk Action Plan (Controls or Treatment Proposed)	Nil

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

**Voting Requirements:**

Simple Majority

**12779 Moved: Cr Freebairn**

**Seconded: Cr Hotham**

**Recommendation and Council Decision:**

**That Council receive the Minutes of the Bushfire Advisory Committee Meeting of the Shire of Pingelly held in the Council Chambers on 8 October 2019;**

Carried 7:0

**17. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**18. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

**19. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 4.02pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 December 2019.

Signed.....  
Presiding Person at the meeting at which the minutes were confirmed.