

**Shire of Wongan-Ballidu**



## **AGENDA**

**ORDINARY MEETING OF COUNCIL**

**WEDNESDAY, 28 APRIL 2021**





# SHIRE OF WONGAN-BALLIDU

## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Elected Members

I advise that the Ordinary Meeting of the Shire of Wongan-Ballidu will be held on Wednesday, 28 April 2021 commencing at 3.00pm in Council Chambers, Administration Centre, Cnr Elphin Crescent and Quinlan Street, Wongan Hills.

Elected Members are advised that prior to the Council Meeting at **2.00pm**, a presentation and discussion with CBH Group representatives will be conducted. The CBH representatives attending are:

Mat Pullen – Network Planning,  
Lee Nilan – Network Planning, and  
Trevor Thornton – Acting Area Manager.

An invitation has been accepted by Dr Ajit and his wife Audrey to join Councillors and Executive staff for dinner at **7.00pm** at the Wongan Hills Hotel.

STUART TAYLOR  
**CHIEF EXECUTIVE OFFICER**

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### **Disclaimer**

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wongan-Ballidu warns that any person(s) who has an application lodged with Council should rely only on written confirmation of the decision made at the Council meeting. No responsibility whatsoever is implied or accepted by the Shire of Wongan-Ballidu for any act, omission, statement or intimation taking place during a Council meeting.

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

**1.1 ELECTION OF SHIRE PRESIDENT**

**Item 2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED**

**Item 3. PUBLIC QUESTION TIME**

**Item 4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**Item 5. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / PETITIONS**

**Item 6. APPLICATION/S FOR LEAVE OF ABSENCE**

**Item 7. CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 24 MARCH 2021:**

**OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday, 24 March 2021 be confirmed as a true and correct record of the proceedings.**

**Item 8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

## Item 9. REPORTS OF OFFICERS AND COMMITTEES

### 9.1 GOVERNANCE

#### 9.1.1 APPOINTMENT OF SHIRE PRESIDENT TO COMMITTEES AND GOVERNMENT / LOCAL GOVERNMENT ORGANISATIONS

FILE REFERENCE:	A1.2.1
REPORT DATE:	19 April 2021
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor, Chief Executive Officer
ATTACHMENTS:	Nil

#### PURPOSE OF REPORT:

That Council nominate its Shire President to Council Committees and Government/Local Government organisations.

#### BACKGROUND:

Following the election of the Shire President, Council is required to renominate the member to Council's standing Committees and to each of the organisations and Committees that it has representation on.

#### COMMENT:

Currently the Council has the following Committees:

- **Finance and Audit Review Committee**  
This Committee currently comprises five elected members with the Chief Executive Officer and the Deputy Chief Executive Officer attending the meetings in an advisory capacity only.
- **Bush Fire Advisory Committee**  
This Committee currently comprises one elected member, the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer, one representative from each Bush Fire Brigade and one representative from Wongan Hills with the Deputy Chief Executive Officer attending the meetings in an advisory capacity only. Council is therefore required to nominate one elected member to this Committee.
- **Local Emergency Management Committee**  
This Committee currently comprises one elected member with the Deputy Chief Executive Officer attending the meetings in an advisory capacity only.
- **Works Committee**  
This Committee currently comprises four elected members with the Chief Executive Officer attending the meetings in an advisory capacity only.

#### POLICY/LEGISLATIVE REQUIREMENTS:

Local Government Act Subdivision 2 – Committees and their meetings.  
Council may establish Committees of 3 or more persons being either:

- Council members only,
- Council members and employees,

- Council members, employees and other persons,
- Council members and other persons,
- Employees and other persons, or
- Other persons only.

At any given time, each Council Member is entitled to be a member of a least one Committee.

Council is to appoint the Shire President to a Committee (requiring Council Members) if he/she requests to be a member.

Other Local Government Organisations and Committees.

The following are organisations that the Shire President may wish to represent the Shire of Wongan Ballidu:

- Regional Road Group – Wheatbelt North Moora Subgroup
- Avon- Midland Country Zone

#### **STRATEGIC IMPLICATIONS:**

There are no strategic implications in relation to this item.

#### **SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**  
Nil

➤ **Economic**  
Nil

➤ **Social**  
Nil

#### **FINANCIAL IMPLICATIONS:**

Councillors attending Committee meetings are paid a sitting fee and travel allowance.

#### **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: Yes**

#### **OFFICER RECOMMENDATION**

**That Council APPOINT the Shire President to the Local Emergency Management Committee, the Works Committee and the Regional Road Group – Wheatbelt North Moora Subgroup:**

**ABSOLUTE MAJORITY REQUIRED**

## 9.1.2 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES, APPOINTMENT OF COMPLAINTS OFFICER AND ADOPTION OF COMPLAINTS FORM

### FILE REFERENCE:

<b>REPORT DATE:</b>	19 April 2021
<b>APPLICANT/PROPONENT:</b>	Shire of Wongan-Ballidu
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Stuart Taylor, Chief Executive Officer
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. SOWB Code of Conduct – November 2017</li> <li>2. Draft – SOWB Code of Conduct for Council Members, Committee Members and Candidates</li> <li>3. Complaints Alleged Breach Form</li> <li>4. Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates</li> <li>5. Local Government (Model Code of Conduct) Regulation s2021 - Explanatory Notes</li> </ol>

### PURPOSE OF REPORT:

For Council to consider actions required following the introduction of the *Local Government (Model Code of Conduct) Regulations 2021*.

### BACKGROUND:

The State Government has enacted new legislation requiring all local governments to adopt a new Code of Conduct for Council Members, Committee Members and Candidates for a local government Election.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates.

The Shire of Wongan-Ballidu currently has a single Code of Conduct for Elected Members and Employees.

Phase two of the *Local Government Legislation Amendment Act 2019* has now been finalised resulting in the *Local Government (Administration) Amendment Regulations 2021* and *Local Government (Model Code of Conduct) Regulations 2021* (new regulations) taking effect on the 3rd February 2021.

In accordance with the *Local Government Act 1995* (the Act) and the new regulations, local governments must adopt the following within a period of three months (by 3rd May 2021):

- 1) Model Code of Conduct for Elected Members, Committee Members and Candidates in accordance with section 5.104(1) of the Act;
- 2) Complaint Form in accordance with clause 11(2)(a) of the Local Government (Model Code of Conduct) Regulations 2021;
- 3) Authorise a person(s) to receive complaints or withdrawal of complaints in accordance with clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021; and
- 4) Adopt a Model Standards for CEO Recruitment, Performance and Termination in accordance with Section 5.39 (1) of the Act. (subject of a separate Officer's Report to Council).



Council is required to appoint a Complaints Officer for the Shire of Wongan-Ballidu to be able to receive complaints and withdrawal of complaints in accordance with cl. 11(3) of the Regulations, and to approve a standard form to be used by complainants in accordance with cl. 11(2)(a) of the Regulations.

In accordance with the Local Government (Model Code of Conduct) Regulations 2021, Council is also required to approve a standard form to lodge complaints of breaches of Division 3 of the Model Code of Conduct. It is recommended that Council adopts the attached Complaint - Alleged Breach Form.

### **Code of Conduct for Councillors, Committee Members and Candidates**

The Model Code of Conduct sets standards for the behaviour and conduct of Elected Members, Committee Members and Candidates. Each local government must adopt a Code of Conduct that reflects the Model. A local government may add to the Model if it considers further requirements are warranted, but any such additions are not to be inconsistent with the Principles of the Model Code.

The Model Code also applies standards of conduct to Candidates for local government elections. A complaint about a Candidate may only be dealt with if they are elected.

The adopted Code of Conduct must be published by the CEO on Council's website.

### **Code of Conduct for Employees**

The CEO is required to prepare and implement a code of conduct to be observed by all employees of the Shire of Wongan-Ballidu. The Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021, which amend the Local Government (Administration) Regulations 1996 also came into effect on the 3 February 2021. The CEO may amend the code of conduct at any time and is required to publish an up-to-date version of the code on Council's website.

The Local Government (Administration) Regulations prescribe the minimum requirements in relation to gifts, conflicts of interest and disclosure. These requirements are based on the Public Sector Commission's key integrity risks for public sector employees. The CEO must prepare and adopt a Code of Conduct for Employees in accordance with the Regulations as soon as practicable.

WALGA will be working with DLGSC to develop a Template for the Employees Code of Conduct for use by all Local Government CEO's.

In the interim the existing Code of Conduct will be modified to remove the reference of Councillor/s to ensure the organisation has a Code of Conduct for Employees.

### **COMMENT:**

An outline of the amendments to the Act and the new regulations and actions required by Council are set out below:

To enable the Shire to be compliant with the legislation changes and be able to process complaints made under Division 3 of the Model Code of Conduct the Shire must:

- appoint a person to receive and withdraw complaints and
- approve a form for complaints to be lodged.

The form that is proposed to be used (**Attachment 3**) has been created using a template provided by the Department of Local Government, Sport and Cultural Industries.

### ***Local Government (Model Code of Conduct) Regulations 2021***

On 3rd February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* introduced a mandatory code of conduct for council members, committee members and candidates. The *Local Government (Model Code of Conduct) Regulations 2021* repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007* and also replaces the previous statutory requirement to develop and implement an individual code of conduct for council members and committee members.

The *Local Government (Model Code of Conduct) Regulations 2021* are now in effect and Elected Members and Committee Members should familiarise themselves with the principles, behaviours and complaints required to be managed by Council and the rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

Further information and guidelines are available on the DLGSC website.

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/model-code-of-conduct>

Elected Members must comply with the provisions in the Model Code Regulations in fulfilling their roles and responsibilities in Council and on Council committees, as set out in the Act.

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in Council and on Council committees, and of candidates running for election as a Councillor. One of the key changes to the *Local Government (Model Code of Conduct) Regulations 2021* is their application to individuals who have nominated as a candidate in a local government election, as they are also required to demonstrate professional and ethical behaviour during their election campaign.

#### **POLICY/LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995*

*Local Government Legislation Amendment Act 2019*

Local Government (Administration) Amendment Regulations 2021

Local Government (Model Code of Conduct) Regulations 2021

#### **STRATEGIC IMPLICATIONS:**

The adoption of the new Code of Conduct will require the revocation of the previous Shire of Wongan-Ballidu Code of Conduct, as the new Code of Conduct is a statutory document under the Local Government Act and Regulations for Council Members, Committee Members and Candidates.

GOAL 5: Good governance and an efficient organisation that shows leadership and advocates on behalf of the Shire.

Outcome 5.1: Good governance and leadership.

#### **SUSTAINABILITY IMPLICATIONS:**

##### ➤ **Environment**

Nil

##### ➤ **Economic**

Nil

##### ➤ **Social**

Nil

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications identified.

**VOTING REQUIREMENTS:  
ABSOLUTE MAJORITY REQUIRED: Yes**

**OFFICER RECOMMENDATION**

**That with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a Local Government Election, Council:**

- 1. REPEAL the current Shire of Wongan-Ballidu's Code of Conduct dated November 2017 listed as Attachment 1;**
- 2. Pursuant to section 5.104 of the *Local Government Act 1995*, ADOPT the new Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections for the Shire of Wongan-Ballidu, listed as Attachment 2;**
- 3. Pursuant to the *Local Government (Model Code of Conduct) Regulations 2021*:**
  - (a) Clause 11(2), ADOPT the Complaint – Alleged Breach Form, listed as Attachment 3.**
  - (b) Clause 11(3), AUTHORISE the Chief Executive Officer to be the Shire's Complaints Officer in accordance with cl. 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.**
- 4. DELEGATE the power of appointment of additional complaints officer(s) to the Chief Executive Officer in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.**
- 5. Pursuant to section 5.104(7) of the *Local Government Act 1995*, REQUEST the Chief Executive Officer to ensure the approved Code of Conduct is published on the Shire's website as soon as practicable.**

**ABSOLUTE MAJORITY REQUIRED**



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### 3.1 Code of Conduct

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**Date of Issue:** 2007  
**Date of Last Review:** November 2017  
**Date of Last Amendment:**  
**Scheduled Review:**

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#### PREAMBLE

The Code of Conduct provides Council Members, Committee Members and staff in the Shire of Wongan-Ballidu with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in :-

- (a) better decision-making by the Shire;
- (b) greater community participation in the decisions and affairs of the Shire;
- (c) greater accountability of the Shire to our community; and
- (d) more efficient and effective local government.

The Code provides a guide and basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

#### STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

#### RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

#### 1. ROLES

##### 1.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows :  
"A Councillor —



- (a) Represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law."

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to create benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

## 1.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995 :-

*"The CEO's functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."

## 1.3 Role of Council

The role of the Council is in accordance with S 2.7 of the Local Government Act 1995 :



- “(1) The council —
- (a) directs and controls 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.”

### 1.3 Relationships between Council Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council’s corporate goals and implement the Council’s strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following :

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

## 2. CONFLICT AND DISCLOSURE OF INTEREST

### 2.1 Conflict of Interest

- (a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council’s functions (other than purchasing the principal place of residence).
- (d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- (e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual’s rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti- discriminatory legislation.

### 2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.



### 2.3 Disclosure of Interest

*Definition :*

*In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -*

*“interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

- (a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest-
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is discussed.
- (b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter –
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- (c) A requirement described under items (a) or (b) excludes an interest referred to in S 5.60 of the Local Government Act 1995.
- (d) A person is excused from a requirement to disclose under items (a) or (b) to disclose the nature of an interest if:
  - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
  - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then –
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.



- (f) If -
- (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

### 3. PERSONAL BENEFIT

#### 3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

#### 3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts or employment will be assigned to the Local Government upon creation unless otherwise agreed by separate contract.

#### 3.3 Improper or Unfair Influence

Council Members and staff will not take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

#### 3.4 Gifts

*Definitions :*

*In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -*

*“activity involving a local government discretion” means an activity -*

- (a) that cannot be undertaken without an authorisation from the local government; or*
- (b) by way of a commercial dealing with the local government;*

*“gift” has the meaning given to that term in S 5.82(4) except that it does not include -*

- (a) a gift from a relative as defined in S 5.74(1); or*
- (b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

*“notifiable gift”, in relation to a person who is an employee, means -*

- (a) a gift worth between \$50 and \$300; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

*“prohibited gift”, in relation to a person who is an employee, means -*

- (a) a gift worth \$300 or more; or*
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*





- (a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -
- (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (b) A person who is an employee and who accepts a notifiable gift from a person who -
- (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
  - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- (c) The notification of the acceptance of a notifiable gift must be in writing and include -
- (i) the name of the person who gave the gift; and
  - (ii) the date on which the gift was accepted; and
  - (iii) a description, and the estimated value, of the gift; and
  - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
  - (v) if the gift is a notifiable gift under paragraph (b) of the definition of "notifiable gift" (whether or not it is also a notifiable gift under paragraph (a) of that definition) -
    - (1) a description; and
    - (2) the estimated value; and
    - (3) the date of acceptance,of each other gift accepted within the 6 month period.
- (d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- (e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- (f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

#### 4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

##### 4.1 Personal Behaviour

- (a) Council Members, Committee Members and staff will:



- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  - (i) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
  - (ii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
  - (iii) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - (iv) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

#### 4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonest or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- (c) be frank and honest in their official dealings with each other.

#### 4.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

#### 4.4 Compliance with Lawful Orders

- (a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- (b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

#### 4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.



#### 4.6 Corporate Obligations

(a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly :

(i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.

(ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

(b) Communication and Public Relations

(i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

(ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

#### 4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members :

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.



**5. DEALING WITH COUNCIL PROPERTY**

**5.1 Use of Local Government Resources**

Council Members and staff will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

**5.2 Travelling and Sustenance Expenses**

Council Members, Committee Members and staff will only claim or accept travelling and sustenance expenses arising out of travel on a matter which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

**5.3 Access to Information**

- (a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- (b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

**REPEAL**

**STATEMENT OF UNDERSTANDING**

I confirm that I have received a full copy of the Shire of Wongan-Ballidu's Code of Conduct, and I understand that I must comply with the terms and conditions contained within it.

***Please do not sign this document unless you fully understand the contents and requirements.***

Person's Printed Full Name	
Person's Signature	Date

***Please forward signed copy to the Human Resources Team.***



**Shire of Wongan-Ballidu Code of Conduct  
For Council Members, Committee Members  
and Candidates 2021**

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# Using the Code

The Shire of Wongan-Ballidu is responsible for providing effective and high-quality government for residents, ratepayers and visitors, as mandated in the *Local Government Act 1995* (LG Act). This Code of Conduct (Code) establishes the standards and principles that outline expected behaviour and relevant legal responsibilities for each appointed and prospective elected member, committee member and candidate. It facilitates the delivery of good governance by Council and the Chief Executive Officer (CEO) by supporting:

- Decision making processes that are responsible, inclusive, participatory and representative and deliver outcomes which are in the best interests of community and our stakeholders.
- Developing and strengthening public trust in the integrity of the Shire and local government.
- Strong, effective relationships between Councillors, committee members, candidates, the CEO, and employees of the Shire based on clear roles and responsibilities and shared principles.

This Code focuses on principles and gives general guidance, rather than detailed policies and procedures. It does not describe every requirement of legislation, policies, and procedures, or all rights and obligations that would ordinarily apply under law. It is to be read in conjunction with the LG Act and its subsidiary legislation.

It is your responsibility to seek information if you are unclear on any area of conduct. Misunderstanding or being unaware of laws does not relieve a person from the obligation to comply.

This Code is subsidiary to (and informed by) personal responsibilities and compliance obligations under legislation. The laws that apply to your conduct include, but is not limited to:

- |  |  |
|--|--|
| • <i>Local Government Act 1995</i>                                 | • <i>Equal Opportunity Act 1984</i>              |
| ○ <i>Local Government (Rules of Conduct) Regulations 2007</i>      | • <i>Freedom of Information Act 1992</i>         |
| ○ <i>Local Government (Elections) Regulations 1997</i>             | • <i>Industrial Relations Act 1979</i>           |
| ○ <i>Local Government (Functions and General) Regulations 1996</i> | • <i>Public Interest Disclosure Act 2003</i>     |
| ○ <i>Local Government (Administration) Regulations 1996</i>        | • <i>Occupational Safety and Health Act 1984</i> |
| • <i>Corruption, Crime and Misconduct Act 2003</i>                 | • <i>State Records Act 2000</i>                  |
| • <i>Criminal Code</i>   | • <i>Racial Discrimination Act 1975</i>          |
| ○ Chapter XII - Corruption and abuse of office                     | • <i>Disability Discrimination Act 1992</i>      |
|  | • <i>Sex Discrimination Act 1984</i>             |
|  | • <i>Environmental Protection Act 1986</i>       |

# Our principles

## Accountability

As a Shire of Wongan-Ballidu Council Member, committee member, or candidate, I will –

- take personal responsibility for my decisions and actions.
- be open to scrutiny and understand the consequences that may occur from personal behaviour that does not align with the Code, and the actions that may be taken by the Shire should I breach the Code.
- fulfil my own and the Shire's statutory purposes and requirements
- manage Shire resources effectively, efficiently and respectfully to deliver clear benefits to the community and stakeholders.
- express any concerns to the CEO or other relevant authority about consultations, decisions or actions I believe may be contrary to the public duty of myself and the Shire.

## Personal integrity

As a Shire of Wongan-Ballidu Council Member, committee member, or candidate, I will –

- act reliably, professionally and ethically in conducting activities, decision making and in all dealings with others.
- actively learn and stay informed about:
  - the role and purpose of the statutory, regulatory and policy requirements that apply when carrying out public duties.
  - the political and social environment in which the Shire operates.
  - all relevant issues and activities affecting the Shire.
- exercise my powers and discharge my duties responsibly and in the best interests of the Shire.
- make decisions fairly, impartially and promptly and consider all available information, legislation, policies, procedures and advice.
- serve the community lawfully, with reasonable care and diligence and as efficiently and effectively as possible.
- diligently prepare for meetings by reading and considering papers circulated with the agenda.

## Effective working relationships with others

As a Shire of Wongan-Ballidu Council Member, committee member, or candidate, I will –

- treat members of the public, stakeholders, my fellow council members, committee members, candidates and the employees of the Shire with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare.
- maintain and contribute to a harmonious, safe and productive work environment and foster professional relationships

These principles are consistent with and complementary to the general principles prescribed by section 3 of the *Local Government (Rules of Conduct) Regulations 2007*.

# Living the Code

## 1. Personal conduct

### General conduct

As a current or prospective representative and leadership figure of the Shire of Wongan-Ballidu, you are a role model and your behaviours shape the culture of what is acceptable and expected at the Shire. By acting in accordance with our principles, you can foster a positive culture in the Shire and provide effective leadership to the organisation and community.

Your conduct at meetings is particularly important in effective, democratic, and ethical decision making. It is a statutory obligation of an elected member to vote on every item of business considered at a Council meeting, except where prevented from doing so by the *Local Government Act 1995* due to a conflict of interest.

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be responded to appropriately by the local government.

- 1.1. As a council member or committee member for the Shire of Wongan-Ballidu, I must –
  - a. not be impaired by alcohol or drugs in the performance of my official duties.
  - b. comply with all policies, procedures and resolutions of the Shire.
  - c. act in the best interests of the community, with reasonable care and diligence and with honesty, integrity and transparency, having regard to relevant and factually correct information.
- 1.2. As a council member or committee member for the Shire of Wongan-Ballidu, when attending a committee meeting, I must –
  - a. not act in an abusive or threatening manner towards another person.
  - b. not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading.
  - c. not repeatedly disrupt the meeting.
  - d. comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings.
  - e. comply with any reasonable direction given by the person presiding at the meeting.
  - f. immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I impartially exercise my responsibilities in the interests of the local community.</li> <li>• I do not engage in any fraudulent, corrupt or illegal behaviour, and I report any information about actual or potentially fraudulent, corrupt, or illegal activities to the CEO or, if necessary, the Corruption and Crime Commission where I suspect the conduct may meet the definition of serious misconduct under the <i>Corruption, Crime and Misconduct Act 2003</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Acting in accordance with the letter and intent of legislation such as the <i>Corruption, Crime and Misconduct Act 2003</i>, <i>Public Interest Disclosure Act 2003</i>, and <i>Local Government (Rules of Conduct) Regulations 2007</i>.</li> <li>• Understanding the different types of breaches and misconduct findings and sanctions that may be made against me should I fail to comply with applicable legislation and the Code.</li> </ul>



- I endeavour to foster a culture of good governance, risk awareness, health and safety, and equal opportunity within the Shire and the community.
- I act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person.
- I understand that ethical behaviour is an integral part of responsible, effective and accountable government.
- I am committed to ensuring that elections conducted by the Shire are conducted fairly and democratically and in accordance with the highest standards of governance.
- Taking all reasonable steps to become familiar with policies and protocols and participate in any reviews of these documents.
- Acting professionally, democratically, and respectfully at all meetings, briefings, forums, workshops, and training sessions.
- Using a good governance and risk management focused approach when making decisions and in all other official duties.

**Diversity and inclusion**

The Shire aims to foster within the community and the workplace an environment of trust, mutual respect and appreciation where everyone is treated fairly, with respect and can realise their full potential.

All individuals have a right to feel confident that the diversity of their experiences will be valued and supported, regardless of their gender, age, language, ethnicity, cultural background, ability, religious belief, identification as gay, lesbian, bisexual, transgender, intersex or queer (LGBTIQ), education, work and life experiences, socio-economic background, opinions, job function, geographical location, marital status and family.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I recognise and embrace the diversity each person brings to the Shire, and value and consider diversity in decision-making, program and policy development.</li> <li>• I recognise that there is no place for unlawful discrimination, harassment (sexual or otherwise), racial and religious vilification and victimisation of any individual.</li> <li>• I am committed to treating all people with dignity and respect, and have due regard to the opinions, identities, beliefs, rights and experiences of other elected members, Shire staff and other persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Acting in accordance with the letter and intent of legislation such as the <i>Equal Employment Opportunity Act 1984</i> and other anti-discrimination legislation.</li> <li>• Identifying my own needs and the needs of my colleagues to undertake training or activities to further develop awareness and understanding.</li> <li>• Valuing diversity and considering diversity in decision making, program and policy development.</li> <li>• Recognising the characteristics of the whole person and treating all individuals with fairness and respect.</li> </ul>

Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, race, religion, gender or gender expression, sexual orientation or some other attribute specified under anti-discrimination legislation. Bullying is repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety.

There is no place for bullying or harassment at the Shire, and it will not be tolerated. It is unlawful, breaches our policies, and goes against our values.

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute **a breach** and be responded to appropriately by the local government.

- 1.3. As a council member, committee member or candidate for the Shire of Wongan-Ballidu, I must –
  - a. not bully or harass another person in any way.
  - b. not use offensive or derogatory language when referring to another person.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I uphold the Shire's obligations to support a safe workplace and will not engage in unreasonable behaviour toward another Council member, committee member, the general public, the CEO or any Shire employee that creates a risk to the health and safety of that person.</li> <li>• I report harassment and bullying, and do not behave in a manner that may be perceived as intimidating, offensive, or inappropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Taking responsibility for personal health and safety and the health and safety of others and fulfilling my obligations under the <i>Occupational Health and Safety Act 1984</i> and <i>Fair Work Act 2009</i>.</li> </ul>

**Involvement in administration**

As an elected member, your prescribed role includes providing leadership and guidance to the community. The *Local Government (Rules of Conduct) Regulations 2007* prohibits your involvement in the administration of the Shire. This separation of duties between the representative decision makers (council and committee members) and the administrators responsible for implementing those decisions (local government employees) is a fundamental good governance principle.

The following rules of conduct as prescribed by the *Local Government (Rules of Conduct) Regulations 2007* apply to this area of conduct. Failure to comply with these rules may constitute **a minor breach** and dealt with by the Local Government Standards Panel.

- Regulation 9 – ‘Prohibition against involvement in administration’

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I accept that my role is to provide leadership, and not to interfere or involve myself in administrative matters.</li> <li>• I respect the role that each elected member, committee member and employee plays to achieve the Shire's objectives and deliver effective service to the community and our stakeholders.</li> <li>• I do not approach staff directly about matters unless given authority to do so, or make vexatious or inappropriate queries to the administration, as I understand and value the time spent by Shire employees in responding to requests and questions from elected and committee members.</li> </ul>	<ul style="list-style-type: none"> <li>• Adhering to the <i>Local Government Act 1995</i> and the Shire's Communication Protocol, and fulfilling my prescribed role and responsibilities without seeking to involve myself in the responsibilities of others.</li> <li>• Not undertaking tasks that contribute to the administration of the Shire.</li> <li>• Not directing (except as part of an established council or committee meeting process) or attempting to influence a local government employee in their capacity as a local government employee.</li> </ul>

Effective working relationships based on clear roles and responsibilities are crucial to the ability of the Shire to effectively serve the community and its stakeholders.

Given the open nature of local government and the absence of party-based political structures, elected members and committee members must work together to achieve outcomes. It is also critical to good governance to maintain an appropriate relationship between council members, committee members, the CEO and Shire administration. Working relationships should be characterized by mutual respect and an acknowledgement that, while all parties may not agree on all issues, they are all doing important, and often challenging work, and each have a clear role to play in serving the community.

The following rules of conduct as prescribed by the *Local Government (Rules of Conduct) Regulations 2007* apply to this area of conduct. Failure to comply with these rules may constitute a **minor breach** and dealt with by the Local Government Standards Panel.

- Regulation 10 – ‘Relations with local government employees’

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be responded to appropriately by the local government.

- 2.1. As a council member, committee member or candidate for the Shire of Wongan-Ballidu I must –
  - a. not disparage the character of another council member, committee member or candidate or a local government employee.
  - b. not impute dishonest or unethical motives to another council member, committee member, or candidate or local government employee in connection with the performance of their official duties.
  - c. direct to the CEO any request for a query or complaint to be dealt with, or other work or action to be undertaken, by a local government employee.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I communicate with my fellow council and committee members openly, equitably and without bias or favouritism.</li> <li>• I work constructively with my fellow council, committee members, candidates, the CEO and the Shire’s employees and respect their perspectives and input.</li> <li>• I do not seek to restrict or place undue influence on the ability of employees to give professional advice to Council.</li> <li>• I act according to legal requirements, policies and all other lawful directives regarding communication with my fellow council members, committee members, and candidates, the CEO, employees of the Shire, media, and community.</li> <li>• I express my disagreements with others in ways that are not personal attacks and do not cause detriment to individuals.</li> </ul>	<ul style="list-style-type: none"> <li>• Following all procedures and protocols which set out interaction between council members, committee members, candidates, the CEO and the Shire administration.</li> <li>• Ensuring I have effective working relationships with other council members, committee members, the CEO, and Shire employees to succeed individually and collectively.</li> <li>• Treating others with respect and courtesy.</li> <li>• Allowing others to freely express their opinions, and swiftly resolving any conflicts that may rise.</li> </ul>

As an appointed or prospective council or committee member, you are seen to be representing the Shire of Wongan-Ballidu in your interactions with the community and our stakeholders.

These expectations are applicable whenever you are speaking or communicating on behalf of the Shire, and when using channels such as:

- social media
- websites
- electronic direct mail (EDM)
- publications, such as local newspapers (print and electronic)
- advertising (print, electronic and digital)
- media communications and releases
- promotional items
- displays and exhibitions promotional items.

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute **a breach** and be responded to appropriately by the local government.

- 2.2. As a council member, committee member or candidate for the Shire of Wongan-Ballidu, I must –
  - a. ensure that my use of social media and other forms of communication complies with this code; and
  - b. only publish material that is factually correct.
  - c. deal with the media in a positive, informative and appropriate manner and in accordance with any relevant policy of the local government.
- 2.3. As a council member or committee member for the Shire of Wongan-Ballidu, I must –
  - a. clearly preface any personal opinions or views I express publicly as my own and not the Shire's, including when using social media.
  - b. not make any adverse reflection on council members, committee members, the CEO, employees, or decisions of Council and committees, **including when publicly expressing my own personal opinions or views.**

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I abide by the Communications Protocol.</li> <li>• I understand that the Shire President is the authorised spokesperson for the Shire, and do not make unauthorised public representations about the Shire, its activities or its views.</li> <li>• I only make public comment or representation on behalf of the Shire with appropriate prior approval.</li> <li>• Any comments or representations I make publicly will be factually correct and not cause detriment to my fellow Council members, committee members, candidates, the CEO, the Shire administration, the Shire as an entity, or any other person.</li> <li>• When expressing my personal views and opinions, I clearly identify them as my own and not the Shire's.</li> </ul>	<ul style="list-style-type: none"> <li>• Acting in accordance with the Communications Protocol, and respecting that the Shire President is the authorised spokesperson for the Shire.</li> <li>• Respecting decisions of Council and committees by not criticising or actively undermining any decisions which have been made.</li> <li>• Not bringing the Shire into disrepute through any of my words or actions</li> <li>• Not speaking on behalf of the Shire without prior approval.</li> <li>• Ensuring any personal opinions or views I express publicly are identified as my own and not the Shire's.</li> <li>• Ensuring any communications I make are not offensive, derogatory, insulting or otherwise damage the reputation of Council.</li> </ul>

#### Personal advantage or disadvantaging others

The position of council member or committee member is inherently a position of power. The community rightfully expects you to use your office to fairly and faithfully represent and act in their best interests, and properly dispel your duties. If you improperly use your office to gain a personal advantage for yourself or another person or to cause detriment to the Shire or any other person, community trust in the Shire and local government broadly is damaged.

Improperly using your office to gain a personal advantage for yourself or another person, or to cause detriment to the Shire or another person, may constitute corruption if it meets the definition of serious misconduct under the *Corruption, Crime and Misconduct Act 2003*.

The following rules of conduct as prescribed by the *Local Government (Rules of Conduct) Regulations 2007* apply to this area of conduct. Failure to comply with these rules may constitute **a minor breach** and dealt with by the Local Government Standards Panel.

- Regulation 7 – ‘Securing personal advantage or disadvantaging others’

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute **a breach** and be responded to appropriately by the local government.

- 3.1. As a council member for the Shire of Wongan-Ballidu, I must –
  - a. only use my Shire President or councillor title when fulfilling the official functions of my office.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I honour the trust placed in me by the community and our stakeholders to serve fairly and transparently, and do not seek to gain advantage directly or indirectly for myself or any other person.</li> <li>• I act equitably, without seeking to cause detriment to the Shire or any other person.</li> <li>• I do not make improper use of information obtained in the course of my official duties, or use it for direct or indirect, personal or commercial gain, or to do harm to others.</li> <li>• As a sitting council member, during an election period:                             <ul style="list-style-type: none"> <li>○ I will abide by the requirements of the applicable legislation and policies.</li> <li>○ whether or not I am standing for re-election, I will always act respectfully towards all candidates for the election.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Not making improper use of my position as a council or committee member to directly or indirectly gain an advantage for myself or any other person.</li> <li>• Not making improper use of my position as a council or committee member to cause detriment to the Shire or any other person.</li> </ul>

You have a responsibility to the community to ensure the Shire operates efficiently and effectively. This extends to your own behaviours, which means that you are expected to act only in the public interest, and without self-interest, and to use the Shire's resources carefully and transparently.

The following rules of conduct as prescribed by the *Local Government (Rules of Conduct) Regulations 2007* apply to this area of conduct. Failure to comply with these rules may constitute **a minor breach** and dealt with by the Local Government Standards Panel.

- Regulation 8 – ‘Misuse of local government resources’

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute **a breach** and be responded to appropriately by the local government.

- 3.2. As a council member or committee member for the Shire of Wongan-Ballidu, I must –
- a. not use Shire resources (including services and equipment) for purposes which are, or may be perceived to be, for election related purposes.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I use Shire resources, facilities, funds and equipment (including employee time) effectively and economically, and only for official duties.</li> <li>• I use these resources in the accordance with public interest, and not for personal gain.</li> <li>• I report any damage or loss of property or equipment immediately to the Shire.</li> <li>• I ensure requests by an external party, such as charitable organisations, to use Shire facilities are referred to the Shire for approval.</li> <li>• I ensure the Shire's resources are to be utilised only for authorised activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Understand and comply with the Shire's provisions for the reimbursement of expenses, including travel and accommodation.</li> <li>• Ensuring the responsible and efficient expenditure of ratepayer funds.</li> <li>• Using Council resources, which may include equipment, information, email address, premises, staff resources, property of any kind and other assets, which have been provided to me only for the purposes of my duties as a Councillor and not for private purposes unless properly authorised to do so.</li> <li>• Maintaining adequate security over Council property, facilities and resources in my possession or control.</li> <li>• Ensuring that any claim for expenses that I may make is in accordance with all legislative obligations and Council policies.</li> </ul>

**Record keeping**

All public officers, including council members and committee members, are responsible under the *State Records Act 2000* for creating and managing government records appropriately. Correspondence and documents created or received in the course of official business are official records.

The State Records Commission requires that records of council member communications and transactions which constitute evidence affecting the accountability of the Council and the discharge of its business be created and retained, regardless of the record’s format or where it was received. This includes messages sent via text or applications such as WhatsApp, Messenger, or WeChat.

Making and maintaining proper records assists with accountability and transparency by demonstrating the basis for decisions and the process used to make them. Documentation enables decisions to be reviewed, including by an independent person or authority. The *Freedom of Information Act 1992* gives members of the public the right to access the Shire's documents, subject to some limitations. All documents created by council members and the administration can be subject to a Freedom of Information request.

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute a **breach** and be responded to appropriately by the local government.

- 4.1 As a council member or committee member for the Shire of Wongan-Ballidu, I must –
  - a. Where information technology facilities are provided by the Shire, use those facilities for any matter relating to the business of the Shire or the performance of the duties or my office or appointment.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I follow meeting procedures and disclosure processes to facilitate the accurate recording of decision-making practices (including motions and questions), events, and activities.</li> <li>• I ensure information and records within my control are kept in a secure place.</li> <li>• I diligently handle Shire records and secure sensitive documents.</li> <li>• I dispose of duplicate copies of records and confidential waste in accordance with record keeping and archive procedures.</li> <li>• I do not falsify, destroy, alter or damage any public records or back-date information or remove information from files.</li> <li>• I respect and facilitate the rights of the public to gain access to documents and to check personal information in documents.</li> <li>• I allow prompt access and ensure personal information held is accurate, complete, up to date and not misleading.</li> <li>• I record salient facts in documents.</li> <li>• I avoid recording inappropriately disparaging remarks and unsubstantiated personal opinions about individuals on official documents.</li> </ul>	<ul style="list-style-type: none"> <li>• Complying with the letter and intent of the <i>State Records Act 2000</i>, <i>Freedom of Information Act 1992</i>, and the Shire's Recordkeeping Plan and practices.</li> <li>• Ensuring records are properly organised and securely stored.</li> <li>• Understanding and fulfilling my record keeping obligations, including by only using approved Shire systems to discuss official Council business and decision-making.</li> <li>• Ensuring that records I create or receive that relate to official Shire business be captured in the Shire's record keeping systems in accordance with the Shire’s Recordkeeping Plan.</li> </ul>



Council and committee members are privy to confidential and highly sensitive information such as information relating to commercial matters and legal issues, notably when considering meeting items deemed to be confidential under the *Local Government Act 1995*. The confidentiality of information must be maintained unless determined otherwise.

It is important that you do not inappropriately or unlawfully disclose information acquired in the course of your official duties or for personal, commercial, or political gain for yourself or others, or to the detriment of others. You should be particularly cautious when information to which you are privy could be seen to involve any conflict of interest you may have.

The following rules of conduct as prescribed by the *Local Government (Rules of Conduct) Regulations 2007* apply to this area of conduct. Failure to comply with these rules may constitute a **minor breach** and be dealt with by the Local Government Standards Panel.

- Regulation 6 – ‘Use of Information’

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I avoid discussing confidential matters in public places where there is a likelihood of being overheard.</li> <li>• I maintain and respect confidentiality and don't divulge information deemed confidential or sensitive, other than as required by law or where proper authorisation is given.</li> <li>• I don't make improper use of information obtained in the course of my official duties, or use for direct or indirect personal or commercial gain, or to do harm to others.</li> <li>• I respect the privacy of individuals, and the security of personal information.</li> <li>• I protect intellectual property.</li> <li>• I raise concerns of improper communications or use of information with the CEO or relevant authority.</li> </ul>	<ul style="list-style-type: none"> <li>• I will comply with any legislative provisions and Council policies concerning my access to, use of, or disclosure of Council information, whether confidential or otherwise.</li> </ul>

Decisions can arise that an elected member or committee member has an actual or perceived interest in a matter.

When decisions are made and there is the perception of a conflict of interest the community may doubt the integrity of the decision. The validity of decisions made with an actual or perceived conflict can be challenged. To ensure conflicts do not undermine public trust, it is important to transparently disclose them and leave meetings when required.

Sections 5.65 of the *Local Government Act 1995* requires elected members and committee members to disclose financial and proximity interests of themselves and people they are closely associated with. Council members must complete primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the *Local Government Act 1995*

The *Local Government (Rules of Conduct) Regulations 2007* requires the disclosure of any interest which could, or could reasonably be perceived to, adversely affect the impartiality of the elected member.

The following rules of conduct as prescribed by the *Local Government (Rules of Conduct) Regulations 2007* apply to this area of conduct. Failure to comply with these rules may constitute a **minor breach** and dealt with by the Local Government Standards Panel.

- Regulation 11 – ‘Disclosure of interest’

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I carefully identify and appropriately manage potential conflicts and keep my private commercial or political interests separate from my role.</li> <li>• I openly and transparently disclose interests in matters before Council or committee in accordance with the <i>Local Government Act 1995</i>.</li> <li>• I ensure there is no actual or perceived conflict of interest between my personal interests and the impartial fulfilment of my public duties and functions.</li> <li>• I ensure the details and extent of my interests and any conflicts are fully and faithfully recorded in any disclosures I make.</li> <li>• I diligently review meeting agendas and papers to identify and disclose any conflicts prior to meetings.</li> <li>• I understand that conflict and bias can arise from my personal and professional relationships, and this can potentially lead or be seen to lead to decisions I make as a Councillor being made for reasons other than the public interest.</li> </ul>	<ul style="list-style-type: none"> <li>• Disclosing interests in accordance with legislation at meetings and providing a written disclosure of interests to the CEO.</li> <li>• Ensuring I do not participate, even informally, in decisions where I have any interest unless my interest has been disclosed and my participation is authorised.</li> <li>• Wholly completing and lodging primary and annual returns and related party disclosures in a timely fashion and in accordance with legislation.</li> <li>• Familiarising myself with the different types of interests under legislation and the disclosure requirements that apply to them.</li> <li>• Seeking assistance if I am unsure about a possible conflict of interest.</li> </ul>

Elected members may be offered gifts from organisations and individuals as a result of their role. Gifts can include items such as goods, discounts, hospitality, attendance at events or contributions to travel.

The full definition of a gift is included under section 5.57 of the *Local Government Act 1995*.

Whenever an elected member accepts (or in some instances, is offered) a gift, there is a risk of real or perceived influence arising. Even though this might not be your intention, or the intention of the donor, impressions and perceptions are important.

Sections 5.87A and 5.87C of the *Local Government Act 1995* require declaration of any gift received in a **person’s capacity as an elected member** where the value of the gift (or the cumulative value of gifts from the same donor in a 12-month period) is over \$300. Gifts must be declared within ten days of receipt to the CEO.

Interests can arise from accepting a gift. This may require a disclosure of interest and affect voting.

The following are the enforceable provisions under this Code, and failure to act accordingly may constitute **a breach** and be responded to appropriately by the local government.

- 6.1. As a council member or committee member for the Shire of Wongan-Ballidu I must –
  - a. In addition to my obligations to declare gifts in accordance with the *Local Government Act 1995*, declare in full **any gift** that I receive from any person who entity who -
    - i. is a Shire of Wongan-Ballidu council member, committee member or employee;
    - ii. requires, or who it is reasonable to believe may require, a decision from the local government; and or
    - iii. has, or who it is reasonable to believe may have, directly or indirectly, commercial dealings or a commercial relationship with the Shire.

Expectations	Responsibilities
<ul style="list-style-type: none"> <li>• I strive to build and maintain public trust and understand that accepting gifts can give the impression that decisions could be influenced by the gift.</li> <li>• I openly and transparently declare gifts received and meet the requirements of the <i>Local Government Act 1995</i>.</li> <li>• I do not expect or seek gifts and benefits.</li> <li>• I consider the appropriateness of the gift, including its potential impact on future decision making and community perception before accepting.</li> <li>• I consider whether there is a benefit to the Shire when accepting a gift.</li> <li>• I commit to compliance with my statutory obligations in relation to gifts, benefits and hospitality.</li> </ul>	<ul style="list-style-type: none"> <li>• Refusing offers of gifts that could reasonably be perceived as influencing me or undermining the integrity of the Shire or myself.</li> <li>• Declaring relevant gifts within 10 days of receipt to the Chief Executive Officer.</li> <li>• When relevant gifts under \$300 are received either:                             <ul style="list-style-type: none"> <li>○ declaring relevant gifts under the threshold when received.</li> <li>○ keeping personal records and declaring when the threshold is reached.</li> </ul> </li> <li>• Complying with the relevant provisions of the <i>Local Government 1995</i>, <i>Local Government (Election) Regulations 1996</i>, <i>Criminal Code</i>, <i>State Records Act 2000</i> and <i>Corruption, Crime and Misconduct Act 2003</i>.</li> </ul>

- All electoral candidates must comply with the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* in disclosing electoral donations or 'gifts'. A candidate must disclose to the CEO information about any electoral or related gift with a value of \$200 or more that is promised or received within 6 months before election day.
- Requirements relating to the disclosure of electoral gifts are set out in the *Local Government (Elections) Regulations 1997*, particularly Part 5A.

# Enforcing the Code

## Breaches

You are encouraged to refer any suspected breaches of the Code or rules of conduct to the CEO in writing – this is your code, and you have a role in upholding it and ensuring others adhere to it.

### **Breaches of the Code**

If you or any other person has reason to believe a council member, committee member or candidate has breached the enforceable provisions of this Code, the matter is to be referred to the CEO and will be dealt with by, on behalf of, the local government.

### **Breaches of the rules of conduct**

Failure to act in accordance with the prescribed rules of conduct under the *Local Government (Rules of Conduct) Regulations 1996* may constitute a minor breach under the *Local Government Act 1995*.

If you or any other person has reason to believe a minor breach has occurred, the matter may be referred to the CEO by completing a minor breach form with all supporting evidence. Complaints of this nature may be forwarded to the Local Government Standards Panel (Standards Panel) for determination.

# Commitment to the Code

I, as an elected representative of the community charged with decision making for the Shire of Wongan-Ballidu, am committed to undertaking the duties and responsibilities of my office by working together with my fellow Councillors in a respectful and constructive manner to achieve the goals and vision for our Shire.

I recognise the importance of acting in the highest standards of governance, and that it is essential to honest, accountable and effective government. My behaviour towards my colleagues, the community and the Shire's administration is critical to the teamwork required to be a successful and highly functioning public authority.

I acknowledge that I have been elected by the community to a position of significant responsibility with the expectation that I will act in accordance with accepted values of our society.

I also acknowledge that Council is committed to our principles of accountability, personal integrity, and effective relationships with others. These principles and associated obligations are set out in this Code. The Code is supported by specified protocols, policies and procedures which underpin the values and provide guidance for the implementation and management of elected member conduct.

As an elected representative of the Shire of Wongan-Ballidu, I agree to:

- act in accordance with the principles of good governance and respectful conduct and associated obligations set out in the Code and legislation;
- provide civic leadership and contribute effectively to the interests and advancement of Council and its community;
- contribute to the strategic vision for Council;
- uphold the public trust in the office of Councillor by refraining from any action or behaviour that would bring Council into disrepute; and
- act in accordance with all my obligations to the best of my skill and judgment.

This Code sets out my commitment to my fellow elected members and the community to govern the Shire in a manner which accords with the expressed behaviours, standards and values.

This Code will be reviewed in accordance with relevant legislative obligations. Additionally, at least once every two years elected members will review this Code to ensure that it meets and continues to meet community standards and expectations.

By signing below, I declare to my fellow elected members and to the community that I have read, understood and will abide by this Code of Conduct.

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Shire President

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Deputy Shire President

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Councillor Sue Falconer

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Councillor Mandy Stephenson

---

Councillor Eion Ganzer

---

Councillor Stuart Boekeman

---

Councillor Andrew Tunstill

---

Councillor Brad West

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**Witnessed by:**

Chief Executive Officer, Stuart Taylor



**Complaint About Alleged Breach Form**  
**Code of conduct for Council Members, Committee Members and Candidates**

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

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

<b>Name of person who is making the complaint:</b>	
Given Name:	Family Name:
<b>Contact details of person making the complaint:</b>	
Address:	
Contact number:	Email:
<b>Name of the local government concerned:</b>	Shire of Wongan-Ballidu
<b>Name of council member, committee member, candidate alleged to have committed the breach:</b>	
<b>State the full details of the alleged breach. Attach any supporting evidence to your complaint form.</b>	
<b>Date of alleged breach:</b> /    /	
<b>SIGNED:</b>	
<b>Date:</b> /    /	<b>Complainant's Signature</b>

**Received by Authorised Officer:**



<b>Signature:</b>	  <b>Stuart Taylor, Chief Executive Officer</b>
<b>Date received:</b>	
<b>Forward to:-</b>	<a href="mailto:shire@wongan.wa.gov.au">shire@wongan.wa.gov.au</a>  Shire of Wongan-Ballidu PO Box 84 Wongan Hills WA 6603  <b>ATT: Chief Executive Officer</b>

**NOTE:**

1. A complaint about an alleged breach must be made:-
  - (a) in writing in the form approved by the local government;
  - (b) to an authorised person; and
  - (c) within one month after the occurrence of the alleged breach.
2. This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct.
3. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.



# **Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates**

March 2021

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# Model Code of Conduct

## Introduction

Local government is vital for the delivery of key services and infrastructure in the community. Individuals who are, or seek to be, members of local councils and council committees are entrusted by their community to represent local views, make sound decisions, and utilise public funds effectively to deliver services and amenities for their community. As such, a high standard of professional and ethical conduct is expected of council members and committee members in local governments, as well as candidates in local government elections.

A review of the *Local Government Act 1995* (Act), including consultation with community and sector stakeholders, led to the implementation of priority reforms under the *Local Government Amendment Act 2019* (Amendment Act).

The Amendment Act was developed in response to stakeholder feedback that there was a need for governance reforms, including a Code of Conduct for council members, committee members and candidates that clearly reflects community expectations of behaviour and supports consistency between local governments in relation to the overall process for managing alleged breaches of that Code.

As a result, key reforms under the Amendment Act include the introduction of a Model Code of Conduct (Model Code) that must be adopted by local governments and applied to council members, committee members and candidates; as well as a separate Code of Conduct for Employees.

The Model Code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees.

The *Model Code of Conduct Regulations 2021* (Regulations) have been developed to give effect to the Amendment Act, and provide for:

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

## Definitions

The Model Code defines key terms to aid understanding and compliance. Where a term is not defined in either the Regulations or the Act, then the generally accepted meaning of the term applies. Some additional guidance is provided as follows:

**Candidate:** an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the Act. The Model Code applies to the individual from that point. Any alleged breach of the Model Code may only be addressed if and when the individual is elected as a council member.

**Council member:** references to ‘council member’ in the Regulations mean an individual who has been elected as a council member under the Act. The requirements of the Regulations also apply to a council member who is a committee member on a council committee.

**Committee member:** under the Regulations, a ‘committee member’ includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.

**Evidence:** references to ‘evidence’ in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Model Code has occurred.

**Local government(s):** per the approach in the Act, references to ‘local government’ in the Regulations mean the body corporate that is the local governing body made up of the council, Chief Executive Officer (CEO) and administrative staff appointed and managed by the CEO.

Where a statutory function entails decision-making on governance matters, the council is responsible for making those decisions unless the matter is delegated. This includes decisions on complaints regarding the conduct of council members, committee members and candidates, as set out in the Regulations.

Further guidance on certain terms in the Model Code is provided in these Guidelines.

## **Purpose**

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

Members must comply with the provisions in the Model Code in fulfilling their role and responsibilities in council and on council committees, as set out in the Act.

An individual who has nominated as a candidate for election as a council member is also required to demonstrate professional and ethical behaviour during their election campaign. If elected, the individual must continue to comply with the Model Code in council and on council committees.

It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, these Guidelines and any relevant policies of their local government, and to follow the Code at all times.

Where the behaviour of a council member, committee member or candidate does not comply with the Code, it is intended that the local council address the behaviour through education and other remedial actions that the council considers appropriate, rather than formal sanctions.

Where an individual does not comply with any action required by the council, then the council may determine that the matter is to be referred to the Standards Panel as an

alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions regarding allegations of minor misconduct.

## **Adoption**

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021).

In accordance with section 5.104(4), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

While local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the Model Code of Conduct (section 5.104(3) of the Act).

In preparing the Code for adoption, local governments are encouraged to review their existing Code and consider incorporating any additional behaviour requirements that are not represented in the Model Code. This may include specific dress standards or the appropriate use of technology.

To adopt the Code, a resolution passed by an absolute majority of the council is required. Once the Code is adopted, it must be published on the local government's official website (section 5.104(7)).

## **Division 2 – General Principles**

This section of the Regulations set out the fundamental rules that council members, committee members and candidates are expected to adhere to, promote and support. Adhering to these rules will assist individuals to comply with the behaviours outlined in Division 3 and 4.

The principles outline the overarching approach that members and candidates should demonstrate in their role as public representatives, or potential public representatives. Individuals should consider all behaviours in light of these principles, including any behaviour and conduct that is not covered specifically in Division 3 and 4.

The principles are grouped into three key areas: Personal Integrity; Relationships with others and Accountability. Additional guidance on these areas is provided as follows:

### **Integrity and conflicts of interest**

Members and candidates are generally active in their local area which may lead to a conflict between the public interests of the community and the personal interests of the individual, their family members and associates.

It is the individual responsibility of members and candidates to disclose any such conflicts and ensure that they are managed appropriately to comply with the Model Code and serve their community as expected by the local electors.

Individuals should also consider perceived and potential conflicts of interest. While an individual may be confident of the integrity of their actions, it is important to reflect on how their actions may appear to others, and/or how an action taken now could lead to a conflict of interest in future. If an interest is identified, the individual should disclose and manage this to avoid a conflict with the public interest.

### **Avoidance of reputational damage**

Elected members and candidates may hold strong concerns in relation to actions, or a lack of action, by their local government on certain matters.

It is the individual responsibility of members to ensure that they comply with the Model Code by raising concerns in a respectful and constructive manner and working effectively with their colleagues for their community, as expected by the local electors.

During an election campaign, it is the individual responsibility of candidates to ensure that any concerns they raise regarding the current local government is based on accurate information and expressed in a respectful and constructive manner that demonstrates to local electors their suitability as a potential public representative.

### **Decision-making and accountability**

Council and committee members regularly make decisions that impact on their local area. The community expects that members will make council and committee decisions based on information that is relevant and factually correct. This will vary according to the decision to be made and the information available to the council members and committee members at that time.

In general, individuals are responsible for ensuring their decisions are based on information that is accurate and pertinent to the matter at hand; and can be reasonably considered accurate and relevant by others.

As part of being accountable to their community, council members and committee members should accept responsibility for the decisions they make in the performance of their role.

## **Division 3 – Behaviour**

This section of the Regulations sets the standards of behaviour which reflect the general principles outlined in Division 2.

It is the individual responsibility of members and candidates to demonstrate, promote and support professional and ethical behaviour as provided in the Model Code.

Complaints regarding alleged breaches of the Model Code in Division 3 are managed by the local council as the decision-making body of the local governments, unless this function has been delegated.

The division also provides a principles-based process for responding to alleged breaches. The emphasis is on education and development, rather than punitive sanctions, with the aim of establishing or restoring positive working relationships and avoiding further breaches.

Failure to comply with this Division may give rise to a complaint regarding the conduct of a council member, committee member or candidate, which may lead to the council making a formal finding of a breach and requiring remedial action by the individual.

It is recommended that local governments develop further guidance on dealing with complaints through the introduction of a complementary policy or procedure on complaints management to the extent it is not provided for in the Regulations. There are resources on effective complaints management available on the Ombudsman WA's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au).

## Complaints

### Process for making a complaint

Clause 11 of the Regulations provides that a person can make a complaint alleging a breach of Division 3 within one month of the alleged breach occurring.

Local governments should ensure that making a complaint is a simple and accessible process so that any member of the local community can raise concerns about the conduct of council members, committee members and candidates.

Local governments should make it clear that it is important a complainant provides details in their complaint, with supporting information where feasible to do so, because the complaint will form part of the evidence considered by the council when deciding whether a breach of the Model Code has occurred.

#### Action required

Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:

- President or Mayor,
- Deputy President or Mayor (especially for complaints about the President or Mayor),
- Chief Executive Officer, or
- External consultant

The Regulations also provide that complaints are to be made in writing in a form approved by the local government.

#### Action required

Local governments must determine whether there will be a specific template for complaints and process for how they are to be lodged.



Local governments may choose to:

- establish a specific email address for conduct complaints
- provide a name/position to whom complaints should be addressed
- prepare an online complaint form
- engage an independent person to support the resolution of a complaint. Local governments may consider sharing the services of an independent person.

The Department has prepared a template form for complaints to assist local governments. The template is available on the department's website at [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au).

The authorised person(s) should acknowledge the receipt of every written complaint in a timely manner. As part of the acknowledgment process, the complainant should be provided information on how the complaint will be progressed and an expected timeframe for the matter to be finalised. This may include providing the complainant with a copy of the complaint policy.

The local government may determine that the person who is authorised to receive complaints takes responsibility for the administrative process. This may include preparing the necessary report to the council or committee tasked with making a decision on the complaint.

The report should contain a summary of the alleged breach, including evidence provided by the complainant. It should also contain information from the person to whom the complaint relates.

### **Dealing with a complaint**

The Regulations do not specify a timeframe by when complaints should be dealt with, however, a timeframe could be included in a local government's policy.

In the interests of procedural fairness, all complaints should be dealt with in a timely manner and allow all parties the opportunity to provide information regarding the alleged conduct.

Clause 12 of the Regulations outlines the process for dealing with complaints regarding the conduct of elected members and candidates. The Model Code leaves it open to local governments to determine the most appropriate and effective process for how this is undertaken. Possible options could include:

#### Council considered

Under this option, all complaints received are considered by the council. This would require a report to be provided to the council – either with or without a recommendation (this is a matter for the Council to determine).

The council may choose to appoint an independent/external consultant to review complaints and provide a report to the council. If an independent consultant is tasked with reviewing complaints, it may be preferable that they also make a recommendation as to whether a breach has occurred.

If the person authorised to receive complaints prepares the report, it may be more appropriate that no recommendation is made, and council make a finding on the basis of the information they are provided.

#### Committee considered

Under this option, a committee is established to consider complaints. The makeup of the committee will depend on whether the power to make a finding can be delegated to the committee, or whether they are tasked with making a recommendation for council consideration.

In establishing a committee, local governments may like to consider forming a behaviour review committee that contains a member from some surrounding local governments and an independent person, to review all complaints for those local governments. The committee would prepare a recommendation which is submitted to the relevant council for consideration.

If the committee is tasked with making a recommendation for council consideration, and the council do not accept the recommendation, the reasons why it is not accepted should be noted in the minutes.

#### CEO considered

As with a number of functions in the Act, this function can be delegated to the CEO. Councils may choose to make it the responsibility of the CEO so as to remove council members from the decision-making process. However, consideration also needs to be given as to whether it is appropriate for the CEO to be responsible for making findings on council members' behaviour.

### **Triaging complaints**

Local governments should consider how they are going to respond to complaints, and whether complaints are going to be addressed based on seriousness or impact of the allegation or on the order in which complaints are received. This should be outlined in the complaint policy.

#### **Action required**

Local governments must determine who will be considering complaints received and how complaints will be prioritised and managed.

Clause 12(2) of the Regulations require that the person to whom the complaint relates is given a reasonable opportunity to be heard. This should include providing a copy of the complaint to that person in a timely manner and allowing them an opportunity to respond to the allegations in writing. The information provided by that person will assist the local government in forming a view as to whether a breach has occurred.

## **Mediation**

Local governments may choose to introduce mediation following the receipt of a complaint. This could be in the form of informal or formal mediation, conducted either internally or with an external mediator. Mediation may prove to be a valuable tool to resolve matters quickly, before they escalate. If mediation is successful, there is the ability for a complaint to be withdrawn.

## **Making a finding**

Clause 12(1) requires the local government (which could be the council or a committee) to consider whether the alleged matter which is the subject of a complaint, did occur and make a finding on whether the matter constituted a breach of the Code of Conduct.

The same approach should be used as the Standards Panel in their deliberations and decision-making; that is, based on the complaint and other evidence received by the council, the council must be satisfied that, on the balance of probabilities, it is more likely than not that a breach occurred.

At a minimum, the information used to make a finding will include the information provided by the complainant and the person to whom the complaint relates. While not mandatory, there is nothing that prohibits local governments seeking further evidence to assist in making a decision, such as statements from witnesses.

## **Conflicts of interest**

Members will be required to disclose an impartiality interest. This will include the complainant (if applicable) and person to who the alleged breach applies.

An impartiality interest does not require a member to leave the room for the debate or decision. By having both the complainant and accused in the room, it may also allow further input and clarification around the circumstances of the complaint.

The Presiding Member must keep control of the meeting and ensure everyone is provided with an opportunity to speak. Members should remain respectful and open-minded and make a decision on whether a breach has occurred or not using the information available.

## **Action Plans**

Clause 12(4) provides that if a finding that a breach of the Code of Conduct did occur, the local government may determine that no further action is required; or that an action plan must be prepared and implemented.

An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives.

The action plan does not need to be complex. The plan should outline:

- the behaviour(s) of concern;
- the actions to be taken to address the behaviour(s);
- who is responsible for the actions; and
- an agreed timeframe for the actions to be completed.

An action plan should not include measures that are intended to be a punishment, and instead should focus on mechanisms to encourage positive behaviour and prevent negative behaviour from occurring again in future.

The Code requires that in preparing the action plan, consultation must be undertaken with the elected member to whom the plan relates. This is designed to provide the member with the opportunity to be involved in matters such as the timing of meetings or training. Note: some members may not be willing to engage with the opportunity to participate in the process.

The council or a delegated person should monitor the actions and timeframes set out in the action plan. This is important because if the member does not comply with the action/s within the agreed timeframe, then under the Regulations it is considered a contravention of a rule of conduct.

### **Dismissal of complaints**

While local governments are required to consider all complaints, they can be dismissed if:

- the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that meeting (clause 13), or
- the complaint is withdrawn (clause 14).

Clause 13 allows a complaint to be dismissed if the behaviour occurred at a council or committee meeting, and that behaviour was addressed at the time. This could have been by the presiding member, or remedial action was taken in accordance with the local government's standing orders or local law.

### **Where agreement cannot be reached**

Circumstances may arise when a local council cannot agree on a finding, whether the complaint can be dismissed under clause 13, or an appropriate course of action following a finding of breach.

While the presiding member has the casting vote, in a divided situation, the local government may decide to engage an independent person/consultant to review the evidence and make a recommendation. If this occurs, the council (or committee) should give due consideration to the advice and recommendation, and if they don't accept the recommendation they should state the reasons why in the minutes.

### **Withdrawal of a complaint**

Clause 14 provides the option for a complaint to be withdrawn before it is considered by the council.

Local governments may elect to include in their complaints policy the option for mediation between the complainant and the member. Mediation may resolve any specific issues before the council is required to make a finding and may lead to the complainant withdrawing the complaint. Clause 14 requires a withdrawal to be made in writing and provided to the person(s) authorised to receive complaints.

## **Division 4 – Rules of Conduct**

Contraventions of rules of conduct are matters that:

- negatively affect the honest or impartial performance of an elected member;
- involve a breach of trust placed in the elected member; or
- involve the misuse of information or material.

Division 4 sets out rules of conduct for elected members and candidates that relate to the principles in Division 2 and the behaviours in Division 3. This Division also introduces a new rule of conduct to address situations where an elected member does not undertake the actions required by the local council following a breach of the Model Code. A contravention of this rule of conduct is considered a minor breach, as defined in the Act.

The process for complaints under Division 4 is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

A council may decide to refer an alleged contravention of Division 4 to the independent Standards Panel in accordance with the Act. As the Panel does not have investigative powers, decisions are made based on the information received by the Panel from the local government. The Standards Panel must be satisfied that, on the balance of probabilities, it is more likely than not that a breach has occurred for the Standards Panel to make a finding of breach.

Where the Standards Panel makes a finding against an elected member or candidate, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this Division removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

Further information on the Standards Panel process is available on the Department's website.

### **Further information**

The aim of the Model Code of Conduct is to foster a high standard of professional and ethical conduct by council members and candidates, and to support consistency across local governments in relation to their response to complaints regarding conduct.

Local governments are encouraged to seek guidance and advice on specific matters whenever necessary. For queries, please contact: [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au)

**LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021 – EXPLANATORY NOTES**

These regulations bring into effect **sections 48 to 51** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.102A, 5.103, 5.104 and 5.105.

	<b>Regulation</b>	<b>Explanation</b>
<b>3</b>	Model Code of Conduct	These regulations provide for the model code of conduct for council members, committee members and candidates in Schedule 1.
<b>4</b>	<i>Local Government (Rules of Conduct) Regulations 2007</i> repealed	This regulation repeals the <i>Local Government (Rules of Conduct) Regulations 2007</i> (Rules of Conduct Regulations) as they now form part of the Model Code regulations (Schedule 1, Division 4).
<b>5</b>	<i>Local Government (Administration) Regulations 1996</i> amended	<p>This regulation inserts new Part 9A – Minor breaches by council members - into the Model Code regulations. It replaces existing regulation 4 of the Rules of Conduct Regulations (Contravention of certain local laws) and instead inserts it into the Administration Regulations.</p> <p>Part 9A provides that a contravention of a local law that relates to the conduct of people at council or committee meetings is a minor breach for the purposes of section 5.105(1)(b) of the Act. This is not a rule of conduct, which is why it is separate to the provisions in the Model Code.</p>
<b>6</b>	<i>Local Government (Audit) Regulations 1996</i> amended	This regulation amends the statutory requirements for the compliance audit return to capture the adoption of the Model Code and deletes the reference to the Rules of Conduct Regulations.
<b>7</b>	<i>Local Government (Constitution) Regulations 1998</i> amended	This regulation amends Schedule 1 Form 7 (Declaration by elected member of council) of the Constitution Regulations to reference the code of conduct adopted by the relevant local government, rather than the Rules of Conduct Regulations.
	<b>Schedule 1 – Model code of conduct</b>	
<b>1</b>	Citation	New section 5.104 of the Local Government Act requires local governments to adopt the model code of conduct within three months of these Regulations coming into operation. Until the Model Code is adopted, in accordance with section 5.104(5), the model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.

	Regulation	Explanation
		<p>The Model Code, as drafted, provides a template for local governments to adopt the code as their own by inserting their local government name.</p> <p>In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.</p> <p>To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website.</p>
2	Terms Used	This clause defines "Act", "candidate", "complaint" and "publish". All other terms used have the same meaning as in the Act unless the contrary intention appears.
	<b>Division 2 – General principles</b>	
3	Overview of Division	As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.
4	Personal Integrity	<p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> <li>• act with reasonable care and diligence;</li> <li>• act with honesty and integrity;</li> <li>• act lawfully;</li> <li>• identify and appropriately manage any conflict of interest;</li> <li>• avoid damage to the reputation of the local government.</li> </ul>
5	Relationships with others	This clause outlines principles for relationships with others, including the need to treat others with respect, courtesy and fairness, and maintain and contribute to a harmonious, safe and productive work environment.
6	Accountability	This clause outlines principles for accountability, including that decisions should be based on relevant and factually correct information and that a council or committee member should be open and accountable to, and represent, the community in the district.
	<b>Division 3 - Behaviour</b>	
7	Overview of Division	<p>As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.</p> <p>This division sets the standards of behaviour which enable and empower members to meet the principles outlined in Division 2. Division 3 behaviour breaches are managed by local</p>



	Regulation	Explanation
		governments, and so the division also includes a mechanism to deal with alleged breaches. The emphasis is on an educative role to establish sound working relationships and avoid repeated breaches.
8	Personal Integrity	<p>This clause provides for behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.</p> <p>Behaviours include that a council member, committee member or candidate must ensure their use of social media and other forms of communication comply with the code. Members must also not be impaired by alcohol or drugs in the performance of their official duties.</p>
9	Relationships with others	<p>This clause provides for behaviours related to relationships with others, including the requirement to:</p> <ul style="list-style-type: none"> <li>• deal with the media in a positive and appropriate manner;</li> <li>• not use offensive or derogatory language when referring to another person;</li> <li>• not disparage the character of another council member, committee member, candidate or local government employee in connection with the performance of their official duties; and</li> <li>• not impute dishonest or unethical motives to another council member, committee member, candidate or local government employee in connection with the performance of their official duties.</li> </ul>
10	Council or committee meetings	<p>This clause provides for behaviours when attending a council or committee meeting. This includes that a council member, committee member or candidate must not:</p> <ul style="list-style-type: none"> <li>• act in an abusive or threatening manner towards another person;</li> <li>• repeatedly disrupt the meeting; or</li> <li>• make a statement that they know, or could reasonably be expected to know, is false or misleading.</li> </ul>
11	Complaints about alleged breach	<p>This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.</p> <p>The local government is to authorise at least one person to receive complaints and withdrawals of complaints.</p>

	<b>Regulation</b>	<b>Explanation</b>
<b>12</b>	Dealing with complaint	<p>This clause provides a process for dealing with complaints. Subclause (1) requires local governments to make a finding as to whether the breach occurred, unless the complaint is dismissed (clause 13), or withdrawn (clause 14).</p> <p>Before making a finding, the person to whom the complaint relates must be given a reasonable opportunity to be heard. A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.</p> <p>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This may include training, mediation, counselling or any other action considered appropriate. Subclause (5) requires that the local government must consult with the person to whom the complaint relates in preparing the plan.</p> <p>After a finding has been made, written notice of the outcome needs to be given to the complainant and the person to whom the complaint relates.</p>
<b>13</b>	Dismissal of complaint	This clause provides that a complaint must be dismissed if the behaviour occurred at a council or committee meeting, and the local government is satisfied that the behaviour has already been dealt with, or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.
<b>14</b>	Withdrawal of complaint	This clause provides that a complainant may withdraw a complaint at any time before a finding is made.
<b>15</b>	Other provisions about complaints	This clause provides that a complaint about a candidate cannot be dealt with unless the candidate is elected. It also allows local governments to determine the procedure for dealing with complaints to the extent it isn't already provided for.
	<b>Division 4 – Rules of conduct</b>	
<b>16</b>	Overview of Division	<p>As per section 5.103(2)(c) of the Amendment Act, the Model Code contains rules of conduct. The rules of conduct are specific rules for which alleged breaches (minor breaches) are referred to the Standards Panel. A reference to a council member in this division includes a council member acting as a committee member.</p> <p>The Rules of Conduct Regulations are being repealed (see regulation 4 above) and replaced by this Division.</p>

	<b>Regulation</b>	<b>Explanation</b>
<b>17</b>	Misuse of local government resources	This clause is based on regulation 8 of the Rules of Conduct Regulations. It provides that a council member must not misuse local government resources, which includes local government property or services.
<b>18</b>	Securing personal advantage or disadvantaging others	This is based on regulation 7 of the Rules of Conduct Regulations. It provides that a council member must not make improper use of their office to gain advantage or cause detriment to the local government or any other person.
<b>19</b>	Prohibition against involvement in administration	This is based on regulation 9 of the Rules of Conduct Regulations. It provides that a council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government (council) or CEO.
<b>20</b>	Relationship with local government employees	This is based on regulation 10 of the Rules of Conduct Regulations. It provides that a council member or candidate must not direct, influence, abuse or threaten a local government employee.
<b>21</b>	Disclosure of information	This is based on regulation 6 of the Rules of Conduct Regulations. It provides that a council member must not disclose information that is from a confidential document or was acquired at a closed meeting.
<b>22</b>	Disclosure of interests	This is based on regulation 11 of the Rules of Conduct Regulations. It provides that a council member must disclose impartiality interests, which includes interests arising from kinship, friendship or membership of an association.
<b>23</b>	Compliance with plan requirement	This is a new rule of conduct that provides for a minor breach if a council member does not comply with a plan requirement (see clause 12(4)(b)) imposed by the local government following a breach of a behaviour under Division 3.

### 9.1.3 MODEL STANDARDS FOR CEO RECRUITMENT AND SELECTION, PERFORMANCE AND TERMINATION

**FILE REFERENCE:**
**REPORT DATE:** 19 April 2021

**APPLICANT/PROPONENT:** N/A

**OFFICER DISCLOSURE OF INTEREST:** Stuart Taylor, Chief Executive Officer

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Stuart Taylor, Chief Executive Officer

**ATTACHMENTS:**

1. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
2. CEO Standards Explanatory Notes
3. Draft Standards for CEO Recruitment and Selection, Performance Review and Termination

**PURPOSE OF REPORT:**

For Council to consider the adoption of the Model Standards for CEO Recruitment and Selection, Performance and Termination.

**BACKGROUND:**

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards) bring into effect Section 22 of the Amendment Act by introducing mandatory minimum Standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The Model CEO Standards provide a framework for local governments to select a Chief Executive Officer in accordance with the principles of merit, probity, equity and transparency.

The Model Standards are to be adopted by the 3rd May 2021.

New legislation requires all local governments to adopt mandatory minimum Standards that cover the recruitment and selection, performance review and early termination of local government Chief Executive Officers.

These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

Local governments are now required to adopt a set of Standards within three (3) months after 3rd February 2021. Additional provisions, that are consistent with the model standards, can be included in Council's adopted model.

It is recommended that Council adopt the CEO Standards for Recruitment and Selection, Performance and Termination (Attachment 3) as taken in the Local Government (Administration) Amendment Regulations 2021 and at a later time consider any additional provisions that are consistent with the model standards.

**COMMENT:**

An overview of the Model standards for CEO recruitment, performance and termination as set out in Section 5.39A(1) of the Act and Schedule 2 of the regulations is below:

**Recruitment and Selection**

Council must consider and agree by Absolute Majority on the Job Description Form (JDF) for the CEO's position. The JDF to include Selection Criteria.

Council must also consider and determine the composition of the Selection Panel.

Division 2 sets out the process for establishing the selection criteria, position description and the advertising process. There are no major changes to the requirement for State-wide notice advertising of the vacancy and inviting applications.

Local governments are also required to convene a selection panel to conduct the recruitment and selection process. The Selection Panel must consist of Elected Members and the new requirement under clause 8, Division 2, is that the Selection Panel must include one independent person who is not a current Elected Member, human resources consultant, or employee of the local government. The DLGSC has recommended that the independent person should have experience in the recruitment and selection of CEO's and/or senior executives.

It is the role of the Selection Panel to recommend one or more suitable applicants based on the selection criteria. The selection panel provides an advisory role to Council; however, the ultimate decision-making authority on selecting and appointing the CEO remains with Council.

The DLGSC has recommended that local governments develop a policy or terms of reference to facilitate this process that incorporates Division 2 of the Admin Regulations including:

- The primary functions of the panel;
- Roles and responsibilities of panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

Another notable change is the requirement for local government to re-advertise the CEO position and undertake a recruitment and selection process after each instance where a person has occupied the position for ten consecutive years (2 x 5 Year Contracts).

Council is also required as soon as practicable after the person is employed in the position of CEO, to resolve by Absolute Majority that the person was employed in accordance with Council's adopted Standards for CEO Recruitment.

Council must provide a copy of the Resolution to the CEO of DLGSC within 14 days after the Resolution is passed by Council.

**Performance:** The Standards regarding the CEO performance review are based on the principles of fairness, integrity and impartiality. Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that Council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria, should also be discussed and agreed to, between Council and the CEO, as the matter arises. Council must ensure that the process for a performance review is documented.

**Termination:** The requirements in the CEO Standards regarding termination of employment are based on the principles of procedural fairness. Any decision to terminate a CEO's contract of employment must be compliant with the CEO Standards and consistent with employment and contract law.

The CEO Standards provide that before a decision is made to terminate the employment of a CEO, the Council must have conducted a CEO performance review within the preceding twelve months (in accordance with section 5.38 of the Act). As a part of that process, the performance review must have identified any relevant performance issues that needed to be addressed by the CEO, informed the CEO of the issues and provided the CEO with a reasonable opportunity to address those issues in accordance with a performance management plan.

Council is also required as soon as practicable after the person who is employed in the position of CEO has been terminated, to resolve by Absolute Majority that the person was terminated in accordance with Council's adopted Standards for CEO Termination.

Council must provide a copy of the Resolution to the CEO of DLGSC within 14 days after the Resolution is passed by Council.

### **Appointment of a Temporary CEO**

In accordance with Section 5.39C of the Act, Council is required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-makers for appointing an acting CEO.

This Draft Policy will be prepared and be the subject of an Officer's Report to a future Council Meeting.

### **POLICY/LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995*

#### **5.39A. Model standards for CEO recruitment, performance and termination**

- 1) Regulations must prescribe model standards for local governments in relation to the following —
  - a) the recruitment of CEOs;
  - b) the review of the performance of CEOs;
  - c) the termination of the employment of CEOs.
- 2) Regulations may amend the model standards.

*[Section 5.39A inserted: No. 16 of 2019 s. 22.]*

#### **5.39B. Adoption of model standards**

- 1) In this section —
 

**model standards** means the model standards prescribed under section 5.39A(1).
- 2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt\* standards to be observed by the local government that incorporate the model standards.

\* *Absolute majority required.*

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

\* *Absolute majority required.*

- 4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- 5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- 6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.
- 7) Regulations may provide for —
- a) the monitoring of compliance with adopted standards; and
  - b) the way in which contraventions of adopted standards are to be dealt with.

*Local Government (Administration) Amendment Regulations 2021*

*Local Government (Administration) Regulations 1996*

#### **STRATEGIC IMPLICATIONS:**

Nil – No current Policy.

New legislative requirement.

#### **SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

Nil

➤ **Economic**

Nil

➤ **Social**

Nil

#### **FINANCIAL IMPLICATIONS:**

CEO Standards will need to be followed by Council with the Recruitment, Performance Review and Termination of the CEO.

The CEO recommends that Council engage an independent HR Consultant to assist Council in the Recruitment and Appointment process for the new CEO.

#### **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: Yes**

#### **OFFICER RECOMMENDATION**

**That Council ADOPT the Model Standards for CEO Recruitment and Selection, Performance and Termination (Attachment 3) in accordance with Section 5.39B(2) of the *Local Government Act 1995*.**

**ABSOLUTE MAJORITY REQUIRED**



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# **Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination**

***Local Government (Administration) Amendment  
Regulations 2021***

**February 2021**



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## Preface

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

## Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

### Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act 1995 (Act)* lists a number of general principles of employment that apply to local governments.

#### Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

### **Recruitment and Selection Standard cont.**

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

## **Guidelines**

### **Recruitment and selection process**

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

## Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the *State Records Act 2000 (WA)*.

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered;
- details of the place where applications are to be submitted;
- the date and time applications close;
- the duration of the proposed contract;
- a web address where the JDF can be accessed;
- contact details for a person who can provide further information; and
- any other relevant information.

In order to attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

## Selection panel and independent person

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment of CEOs and senior executives.

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities of panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

### **Independent human resources consultant**

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- shortlisting;
- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;

- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the *Employment Agents Act 1976* (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

### **Council's responsibilities**

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

### **Creating Diversity**

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview



questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- "Similar-to-me" effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- "Halo" effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

### **Due Diligence**

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee,

such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

## **Selection**

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

## **Employment contract**

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
  - the value of one year's remuneration under the contract; or
  - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

## **Appointment**

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

### **Confidentiality**

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

### **CEO induction**

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

## Part 2 – Performance Review

### Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

#### Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

### Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

#### Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

### **Performance Criteria**

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criteria. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the

achievement of performance criteria.

### **Performance review panel**

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

### **Independent consultant**

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

### **Assessing performance**

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

### **Addressing performance issues**

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,



performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

### **Confidentiality**

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

## Part 3 – Termination

### Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

#### Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

### Guidelines

#### Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

### **Opportunity to improve and mediation**

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

### **Termination report**

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

### **Confidentiality**

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

### **Disclaimer**

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at [www.fwc.gov.au](http://www.fwc.gov.au), the Fair Work Ombudsman at [www.fairwork.gov.au](http://www.fairwork.gov.au) and the Western Australian Industrial Relations Commission at [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).

**LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS 2021 – EXPLANATORY NOTES**

**CEO Standards Explanatory Notes**

Section in Amendment Act	Explanation
<p><i>Local Government Legislation Amendment Act 2019.</i>  <b>Section 22 –</b>            Sections <b>5.39A</b>, <b>5.39B</b> &amp; <b>5.39C</b>.</p>	<p>The <i>Local Government (Administration) Amendment Regulations 2021</i> brings into effect <b>Section 22</b> of the <i>Local Government Legislation Amendment Act 2019</i> (the Amendment Act).</p> <p><b>5.39A</b> - Model standards for CEO recruitment, performance and termination.  <b>5.39B</b> - Adoption of Model Standards  <b>5.39C</b> - Policy for temporary employment or appointment of CEO.</p>

	Regulation	Explanation
<b>1</b>	<b>Citation</b>	This provision sets out the citation title of the instrument.
<b>2</b>	<b>Commencement</b>	These regulations come into effect as follows – <ul style="list-style-type: none"> <li>• Regulations 1 &amp; 2 – on the day on which they are published in the <i>Gazette</i> (2 February 2021);</li> <li>• The rest of the regulations – on the day on which the <i>Local Government Legislation Amendment Act 2019</i> section 22 comes into effect (3 February 2021).</li> </ul>
<b>3</b>	<b>Regulations amended</b>	These regulations amend the <i>Local Government (Administration) Regulations 1996</i> (Administration Regulations).

	Regulation	Explanation
4	<p><b>Regulation 18A amended</b></p> <p>Regulation 18A – Vacancy in position of CEO or senior employee to be advertised (Act s.5.36(4) and 5.37(3)).</p>	<p>Regulation 18A(1) is being amended to align with the new State-wide public notice provisions. If the position of CEO, or of a senior employee, becomes vacant the local government must give State-wide public notice of the position in accordance with the requirements of the Local Government Act (sections 5.36(4) and 5.37(3)).</p> <p>Regulation 18A(2)(da) provides that the State-wide public notice must include a website address where the job description form (JDF) for the position can be accessed.</p>
5	<p><b>Regulation 18C and 18D deleted</b></p> <p>Regulation 18C – Selection and appointment process for CEOs</p> <p>Regulation 18D – Performance review of CEO, local government’s duties as to</p>	<p>Regulation 18C is repealed. The prescribed model standards for CEO recruitment and appointment outlined at Schedule 2 (Clauses 3-14) of the <i>Local Government (Administration) Amendment Regulations 2021</i> replace 18C.</p> <p>Local governments are required to determine the selection criteria for the position of CEO prior to a recruitment process being undertaken. The local government must approve by a resolution of an absolute majority of council, a job description form which sets out the duties and responsibilities of the position (5(2)(a)) and details the selection criteria (5(2)(b)).</p> <p>A position vacancy must be advertised in accordance with 5.36(4) of the <i>Local Government Act</i> and 18A of the <i>Local Government (Administration) Regulations 1996</i>. A JDF form must also be made available on the local government’s official website.</p> <p>As part of the process of selection, a panel must be established to conduct the recruitment and selection for appointment to CEO. The selection panel must be</p>

	Regulation	Explanation
		<p>made up of council members and at least one independent person who is not a current councillor, human resources consultant, or employee of the local government. The independent person should have experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.</p> <p>A final decision to make an offer of appointment to the position of CEO must be made by an absolute majority of council. The resolution must also approve the proposed terms of the contract.</p> <p>Regulation 18D is repealed. The prescribed model standards for performance review outlined at Division 3 of the of the <i>Local Government (Administration) Amendment Regulations 2021</i> (clauses 15-19) replace 18D.</p> <p>Local governments are required to review the performance of a CEO annually in accordance with section 5.38 of the Act. Division 3 sets out the process for performance review, including establishing the performance criteria upon which to base the review and the requirement to endorse the performance review assessment by absolute majority on its completion.</p> <p>The CEO must be notified of the results of the performance review, including any issues identified in relation to the performance of the CEO, and how the local government proposes to address and manage those issues.</p>
6	Regulations 18FA to 18FC inserted	Regulation 18FA sets out the model standards for local governments in relation to the recruitment, performance review and termination of employment of a local government CEO.

	<b>Regulation</b>	<b>Explanation</b>
	<p>Regulation 18FA – Prescribed model standards for CEO recruitment, performance and termination (Act s.5.39A(1)).</p> <p>Regulation 18FB – Certification of compliance with adopted standards for CEO recruitment (Act s.5.39B(7))</p> <p>Regulation 18FC – Certification of compliance with adopted standards for CEO termination (Act s.5.39B(7)).</p>	<p>Regulation 18FB requires local governments to certify that they have complied with the adopted standards under section 5.39B(7)(a) of the Act. 18FB applies in relation to the recruitment and appointment of a local government CEO. As soon as practicable after a person is employed as CEO, the local government (council), must by resolution of an absolute majority, certify the appointment was made in accordance with the adopted standards.</p> <p>A copy of the resolution to appoint the CEO must be provided to the Department of Local Government, Sport and Cultural Industries (DLGSC) within 14 days of the resolution being passed.</p> <p>Regulation 18FC requires a local government to certify that they have complied with the adopted the standards under section 5.39B(7)(a) of the Act. 18FC applies in relation to the termination of a CEO’s employment contract.</p> <p>If a local government makes the decision to terminate the employment of the CEO, they must certify that the termination was carried out in accordance with the adopted standards for termination by a resolution of an absolute majority. A copy of the resolution must be provided to DLGSC within 14 days of the resolution being passed.</p>
<b>7</b>	<b>Schedule 2 inserted – Model Standards for CEO recruitment, performance and termination</b>	Schedule 2 inserts the model standards for CEO recruitment, performance and termination of employment.
	<b>Division 1 – Preliminary provisions</b>	



	Regulation	Explanation
1.	<b>Citation</b>	<p>New section 5.39B of the Amendment Act requires local governments to adopt the Model Standards within three months of these Regulations coming into operation. The Model Standards, as drafted, provide a template for local governments to adopt the Standards as their own by inserting their local government name.</p> <p>In accordance with section 5.39B, local governments can include additional provisions provided they are consistent with the model standards.</p> <p>To adopt the standards, a resolution needs to be passed by an absolute majority. Once the standards are adopted, it must be published on the local government's website.</p>
2.	<b>Terms used</b>	<p>This clause defines <i>Act, additional performance criteria, applicant, contract of employment, contractual performance criteria, job description form, local government, selection criteria</i> and <i>selection panel</i>. All other terms used have the same meaning as in the Act unless the contrary intention appears.</p>
	<b>Division 2 – Standards for recruitment of CEO's</b>	
3.	<b>Overview of Division</b>	<p>Clause 3 sets out the standards to be observed by the local government in relation to the recruitment of CEOs.</p>
4.	<b>Application of Division</b>	<p>Regulation 18C of the <i>Local Government (Administration) Regulations 1996</i> is repealed. Instead, clause 4 applies in relation to Division 2 - the recruitment and selection process for a local government CEO.</p>

	Regulation	Explanation
		<p>Division 2 does not apply in the event that the position of CEO is to be filled by a person in a prescribed class or in relation to the renewal of the CEO's contract, unless the CEO has been employed for a period of 10 or more consecutive years and a period of 10 or more years has elapsed since a selection and recruitment process was carried out.</p> <p>For the purposes of 5.36(5)(a), a person in a prescribed class includes a person who is and will continue to be employed by another local government and is contracted for a period of less than five years, or the person will be acting in the position of CEO for a period of less than one year.</p>
5.	<p><b>Determination of selection criteria and approval of job description form</b></p>	<p>Clause 5 deals with determining the selection criteria for the position of CEO. It is a requirement that the local government base the selection criteria on the necessary skills, knowledge, experience and qualifications necessary to effectively perform the role and responsibilities associated with the position.</p> <p>The local government must approve (by absolute majority) a job description form (JDF) that sets out the duties and responsibilities of the position and the selection criteria.</p>
6.	<p><b>Advertising requirements</b></p>	<p>Clause 6 deals with advertising the position of CEO where the position becomes vacant or the incumbent has held the position for 10 or more consecutive years. It is a requirement of the Local Government Act (s 5.36(4)) that upon the position of CEO becoming vacant, it must be advertised in a manner prescribed. Regulation 18A of the <i>Local Government (Administration) Regulations 1996</i> sets out the requirements for State-wide advertising.</p>

	<b>Regulation</b>	<b>Explanation</b>
<b>7.</b>	<b>Job description form to be made available by local government</b>	<p>Clause 7 requires a local government to provide a copy of the JDF to a person upon request. The local government must either provide the web address where the JDF can be downloaded, or alternatively if the person is unable to access the website, email a copy, or send a hard copy in the post.</p>
<b>8.</b>	<b>Establishment of selection panel for employment of CEO</b>	<p>Clause 8 requires a local government to establish a selection panel to conduct the selection and recruitment process for appointment of a person to the position of CEO.</p> <p>The selection panel must be comprised of council members and at least one independent person. The independent person (or persons) must not be:</p> <ul style="list-style-type: none"> <li>• a councillor;</li> <li>• a human resources consultant; or</li> <li>• an employee of the local government;</li> </ul> <p>It is recommended that an independent person have relevant experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.</p> <p>It is at the discretion of the local government to determine the number of people on the selection panel.</p>
<b>9.</b>	<b>Recommendation by selection panel</b>	<p>It is the role of the selection panel to recommend a preferred applicant, or applicants, for appointment to the position of CEO. Clause 9 requires an assessment to be made of each applicant's ability to perform the role of CEO</p>

	<b>Regulation</b>	<b>Explanation</b>
		<p>based on their knowledge, experience, qualifications and skills as measured against the selection criteria outlined in the JDF.</p> <p>The selection panel is required to provide a summary of assessment of each applicant, along with the panel's recommendation as to which applicant, or applicants, are suitable to be employed in the position of CEO.</p> <p>If the selection panel considers none of the applicants suitable for appointment, they must recommend to the local government that a new recruitment and selection process be carried out. The selection panel may also recommend changes be made to the duties and responsibilities of the position, or the selection criteria.</p> <p>The selection panel must act in an impartial and transparent manner and in accordance with the principles set out in section 5.40 of the Act.</p> <p>The selection panel is responsible for ensuring that any applicant, or applicants, they recommend for appointment have demonstrated they meet the selection criteria and have had their qualifications verified. The selection panel must exercise due diligence in verifying referees, work history, skills and any other claims made by the applicant.</p> <p>The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel.</p>
<b>10.</b>	<b>Application of clause 5 where new process carried out</b>	<p>If the selection panel finds that none of the applicants are suitable to be appointed to the position of CEO, they must advise the local government in accordance with 9(3)(a).</p>

	<b>Regulation</b>	<b>Explanation</b>
		<p>Clause 10 requires the recruitment and selection process to be undertaken again if the selection panel advises the local government it considers none of the applicants to be suitable for appointment to the position of CEO.</p> <p>Unless the selection panel recommends changes be made to the duties and responsibilities of the position, or the selection criteria, clause 5 does not apply. In this instance, the original JDF previously approved by the local government (under clause 5) is the JDF form for the purposes of the new recruitment and selection process.</p>
11.	<b>Offer of employment in position of CEO</b>	<p>Clause 11 requires the decision to make an offer of employment to an applicant to the position of CEO is made by an absolute majority of council.</p> <p>The council must approve making the offer of employment to the preferred applicant and the proposed terms of the contract to be entered into.</p>
12.	<b>Variations to proposed terms of contract of employment</b>	<p>Clause 12 applies where the contract terms of the CEO's employment are amended from the original contract offer as a result of negotiations between the successful applicant and the local government.</p> <p>It is a requirement that council approve the terms of the negotiated contract by an absolute majority decision.</p>
13.	<b>Recruitment to be undertaken on expiry of certain CEO contracts</b>	<p>Clause 13 applies if a local government CEO has held the position for a period of 10 or more consecutive years upon expiry of the CEO's contract. Regulation</p>

	<b>Regulation</b>	<b>Explanation</b>
		<p>13 also applies if a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position has occurred and the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.</p> <p>Subclause 13(2)(a)(ii) is drafted to allow for the possibility that a CEO who has, for example, held office for 10 years and has their contract renewed for another 5-year term following the recruitment and selection process. In this instance, clause 13(2)(a)(ii) will operate to ensure that another 10 years can pass before another recruitment process is required. In the absence of clause 13(2)(a)(ii), when the renewed term came to an end, the CEO would have held the position for 15 consecutive years and clause 13(2)(a)(i) would operate to require a new process be undertaken.</p> <p>The local government must carry out the recruitment and selection process before expiry of the incumbent CEO's contract.</p> <p>The incumbent CEO may have their contract of employment renewed upon expiry if they are selected in accordance with the recruitment and selection process at subclause (3).</p>
<b>14.</b>	<b>Confidentiality of information</b>	<p>Clause 14 requires confidentiality to be observed by the local government as part of the process of recruitment and selection. Information obtained as part of this process must only be used for, or in connection with, recruitment and selection.</p>

	<b>Regulation</b>	<b>Explanation</b>
	<b>Division 3 – Standards for review of performance of CEOs</b>	
<b>15.</b>	<b>Overview of Division</b>	<p>Regulation 18D is repealed. Division 3 effectively deals with the requirement to consider the performance review of the CEO in accordance with section 5.38 of the Act.</p> <p>Division 3 sets out the standards to be observed by the local government in relation to the review of the performance of the CEO.</p>
<b>16.</b>	<b>Performance review process to be agreed between local government and CEO</b>	<p>Clause 16 requires the local government and the CEO to agree on the process for performance review and any performance criteria that are additional to those specified in the contract. For example, the local government and the CEO may wish to include additional performance criteria after 1 or 2 years into a contract term as circumstances and priorities change.</p> <p>The process for performance review must be consistent with clauses 17 (Carrying out a performance review), 18 (Endorsement of the performance review) and 19 (CEO to be notified of the results of the performance review).</p> <p>The process for performance review and the selection criteria upon which the review will be based must be set out in a written document.</p>
<b>17.</b>	<b>Carrying out a performance review</b>	Clause 17 deals with how a review of a CEO's performance must be carried out.

	<b>Regulation</b>	<b>Explanation</b>
		A performance review must be carried out in an impartial and transparent manner. It must also be comprehensive, and evidence based. The CEO's performance must be measured against the performance criteria as specified in the CEO's contract and any other performance criteria as agreed to and set out in the documented process for performance review.
18.	<b>Endorsement of performance review by local government</b>	Clause 18 requires that a performance review is endorsed by an absolute majority of council upon completion.
19.	<b>CEO to be notified of results of performance review</b>	<p>Clause 19(a) requires a local government to notify the CEO of the results of the performance review in writing. If the review identifies any performance issues, the local government must outline how it proposes to address and manage those issues.</p> <p>The local government must notify the CEO of the results of the performance review after it has been endorsed by an absolute majority of council.</p>
	<b>Division 4 – Standards for termination of employment of CEO's</b>	
20.	<b>Overview of Division</b>	Clause 20 sets out the standards to be observed by the local government in relation to the termination of employment of a CEO.
21.	<b>General principles applying to any termination</b>	Clause 21 outlines the general principles that must apply to any termination of a CEO's employment contract. Decisions relating to termination of employment must be made in an impartial and transparent manner.



	Regulation	Explanation
		<p>A CEO must be afforded procedural fairness in relation to the process for termination of employment, this includes:</p> <ul style="list-style-type: none"> <li>a) being informed of their rights, entitlements and responsibilities;</li> <li>b) notification of any allegations against the CEO;</li> <li>c) being given a reasonable opportunity to respond to the allegations;</li> <li>d) and genuinely considering any response provided by the CEO to the allegations.</li> </ul>
22.	<p><b>Additional principles applying to termination for performance-related reasons</b></p>	<p>Clause 22(1) applies if the local government proposes to terminate the employment of a CEO based on the CEO's work-related performance.</p> <p>Subclauses 22(2)(a)-(d) and 22(3) require that a CEO's employment must not be terminated unless the local government has:</p> <ul style="list-style-type: none"> <li>• previously identified any issues with the CEO's performance as part of the performance review process;</li> <li>• informed the CEO of the performance issues;</li> <li>• given the CEO reasonable opportunity to address and implement a plan to remedy the performance issues;</li> <li>• determined that the CEO has not remedied the performance issues to the satisfaction of the local government; and</li> <li>• 22(3) reviewed the performance of the CEO within the preceding 12 months in accordance with 5.38(1) of the Local Government Act.</li> </ul>
23.	<p><b>Decision to terminate</b></p>	<p>Clause 23 requires that a decision to terminate the employment of a CEO must be made by an absolute majority of council.</p>

	<b>Regulation</b>	<b>Explanation</b>
<b>24.</b>	<b>Notice of termination of employment</b>	Clause 24 requires that a local government must provide notice in writing of the decision to terminate the employment of a CEO. Written notice must include the local government's reasons for termination.



***Standards for CEO Recruitment,  
Performance and Termination***

***Local Government (Administration) Regulations 1996***

***(Reg 18FA & Schedule 2)***

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## Division 1 — Preliminary provisions

### 1. Citation

These are the Shire of Wongan-Ballidu *Standards for CEO Recruitment, Performance and Termination*.

### 2. Terms used

- (1) In these standards —
  - Act* means the *Local Government Act 1995*;
  - additional performance criteria* means performance criteria agreed by the local government and the CEO under clause 16(1)(b);
  - applicant* means a person who submits an application to the local government for the position of CEO;
  - contract of employment* means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;
  - contractual performance criteria* means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;
  - job description form* means the job description form for the position of CEO approved by the local government under clause 5(2);
  - local government* means the Shire of Wongan-Ballidu;
  - selection criteria* means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;
  - selection panel* means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.
- (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

## Division 2 — Standards for recruitment of CEOs

### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

### 4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
  - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

### 5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

### 6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

### 7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

## 8. Establishment of selection panel for employment of CEO

- (1) In this clause —  
*independent person* means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

## 9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

#### 10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
- (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

#### 11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

#### 12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

#### 13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
- commencement day* means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
- (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —
    - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
- and



- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

#### **14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

### **Division 3 — Standards for review of performance of CEOs**

#### **15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

#### **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

#### **17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

#### **18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

#### **19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

## Division 4 — Standards for termination of employment of CEOs

### 20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

### 21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

### 22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

### 23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

### 24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

**9.1.4 COMMUNITY DEVELOPMENT FUND - WONGAN HILLS GOLF CLUB**

<b>FILE REFERENCE:</b>	
<b>REPORT DATE:</b>	19 April 2021
<b>APPLICANT/PROPONENT:</b>	Teresa Macpherson, President, Wongan Hills Golf Club
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Stuart Taylor, Chief Executive Officer
<b>ATTACHMENTS:</b>	Nil

**PURPOSE OF REPORT:**

To consider a request from the Wongan Hills Golf Club for a contribution towards the 'Golf WA Ladies Provincial Event' to be held 10 and 11 July 2021.

**BACKGROUND:**

The Shire of Wongan-Ballidu sets aside \$20,000.00 per annum to assist in funding Community Group activities through the Wongan-Ballidu Small Community Grants Program.

The grant process requires applicants to complete an application form, provide information including the purpose of the funding, the applicant's contribution and the financial position of the applicant.

**COMMENT:**

Council sets its budget in July each year. In the current process, groups apply for funding and Council evaluates each application based on the contribution, the value of the event to the community and the available funds that Council may be able to contribute to the funding request.

Over the last few years Council has moved some of the annually requested CDF funding to its community events budget, and also considered and funded programs, events and other requests that have been requested outside of the CDF grant process.

In this particular instance the event is to be held before or just as Council adopts its budget for the forthcoming financial year. To enable the Golf Club to plan for the event it would be prudent for Council to consider the funding application prior to the budget. This would provide certainty to the Golf Club of Council's support and enable them to plan and organise the event.

**POLICY REQUIREMENTS:**

Policy 2.3 Wongan-Ballidu Small Community Grants Program applies to this item.

**LEGISLATIVE REQUIREMENTS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known sustainability implications associated with this proposal.
- **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

The Golf Club will be undertaking the event, with a significant amount of volunteer hours being provided for this one-off event, as well as a successful grant to assist in funding the event with a contribution from the Shire of Wongan-Ballidu.

This grant of funding will not affect this year's budget; it will however provide the Golf Club with certainty that the Shire is financially supporting the event which will allow the Golf Club to plan accordingly.

This decision will allow the release of Shire funds to the Golf Club after 1 July 2021.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

**OFFICER RECOMMENDATION**

**That Council include in the 2021/2022 budget the amount of \$4,400.00 to the Wongan Hills Golf Club for the 'Golf WA Ladies Provincial Event' to be held on 10 and 11 July 2021.**

## 9.2 ADMINISTRATION & FINANCIAL SERVICES

### 9.2.1 ACCOUNTS SUBMITTED FOR MARCH 2021

<b>FILE REFERENCE:</b>	F1.4
<b>REPORT DATE:</b>	19 April 2021
<b>APPLICANT/PROPONENT:</b>	N/A
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Alan Hart, Deputy Chief Executive Officer
<b>ATTACHMENTS:</b>	Accounts March 2021

#### PURPOSE OF REPORT:

That the accounts as submitted be received.

#### BACKGROUND:

This information is provided to the Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996.

#### COMMENT:

Refer to attachment.

#### POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

#### LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996 Sections 12 & 13 require the attached reports to be presented to Council.

#### Lists of Accounts

Section 6.10 of the *Local Government Act 1995* regulation 12 of the Financial Management Regulations (FMR's) requires a list of accounts paid for the month, and where the Council has delegated the payment of these accounts to the CEO under regulation 13 there must be a list of accounts paid, and the listing shall disclose the following:

- The payee's name
- The amount of the payment
- The date of the payment
- The fund from which it is paid; and
- Sufficient information to identify the transaction.

#### STRATEGIC IMPLICATIONS:

There are no strategic implications in relation to this item.

#### SUSTAINABILITY IMPLICATIONS:

##### ➤ Environment

There are no known environmental impacts associated with this proposal.

➤ **Economic**

There are no known economic impacts associated with this proposal.

➤ **Social**

There are no known social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

All payments are within the confines of Councils adopted budget. There have been no other material outstanding creditors since the cheques were prepared.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

**OFFICER RECOMMENDATION**

That the accounts submitted from 1 to 31 March 2021 totalling \$1,044,449.85 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 1ST TO 31ST MARCH 2021				
Chq/EFT	Date	Name	Description	Amount
EFT20911	04/03/2021	BOEKEMAN NOMINEES PTY LTD	SERVICE OF PBUS3, 50,000KM AS PER HANDBOOK	-445.62
EFT20912	04/03/2021	JASON SIGNMAKERS	RURAL ROAD SIGN - BALJEU PROPERTY	-44.98
EFT20913	04/03/2021	NUTRIEN AG SOLUTIONS LTD	SUPPLY OF 25 TIMBER BOLLARDS 1.5M DOMED	-969.38
EFT20914	04/03/2021	STAR TRACK EXPRESS PTY LTD	FREIGHT EX BELMONT TO WH	-81.83
EFT20915	04/03/2021	WATER CORPORATION		-32011.38
	12/01/2021	WATER CORPORATION	WATER CONSUMPTION DAVIES ROAD STANDPIPE	5422.49
	12/01/2021	WATER CORPORATION	WATER CONSUMPTION KONDUT WEST RD STANDPIPE,	7.99
	12/01/2021	WATER CORPORATION	WATER CONSUMPTION ALPHA PARK TOILETS	830.54
	12/01/2021	WATER CORPORATION	WATER CONSUMPTION BUNYIP PARK	228.93
	12/01/2021	WATER CORPORATION	FIRE SERVICE FEE BALLIDU HALL,	45.07
	12/01/2021	WATER CORPORATION	SERVICE CHARGE AIRSTRIP	45.07
	12/01/2021	WATER CORPORATION	WATER CONSUMPTION KONDUT WEST RD	5.32
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION SUMMERS EAST ROAD STANDPIPE, FIRE SERVICE CHARGE SUMMERS EAST ROAD STANDPIPE	53.06
	13/01/2021	WATER CORPORATION	FIRE SERVICE CHARGE COMMERCIAL STREET	45.07
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION FENTON STREET, SEWERAGE CHARGE FENTON STREET, FIRE SERVICE CHARGE FENTON STREET	359.67
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION NINAN ST ENTRY STATEMENT	183.68
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION MITCHELL ST, SEWERAGE SERVICE CHARGE MITCHELL ST	233.17
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION RAILWAYS	10.80
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION MEDIAN STRIP	1860.74
	13/01/2021	WATER CORPORATION	SERVICE CHARGE 49 QUINLAN ST, SEWERAGE CHARGE 49 QUINLAN ST	236.51
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION ELLIS ST, SERVICE CHARGE ELLIS ST, SEWERAGE CHARGE ELLIS ST	424.62
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION 14 ELLIS ST, SERVICE CHARGE 14 ELLIS ST, SEWERAGE CHARGE 14 ELLIS ST	488.55
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION 42 MITCHELL ST, SERVICE CHARGE 42 MITCHELL ST	236.51
	13/01/2021	WATER CORPORATION	SERVICE CHARGE MOORE ST, SEWERAGE CHARGE MOORE ST	226.13
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION ROGERS ST	125.11
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION SWIMMING POOL	4104.80
	13/01/2021	WATER CORPORATION	WATER CONSUMPTION MEDICAL CENTRE, SEWERAGE CHARGE MEDICAL CENTRE	299.79
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION - DEPOT ROAD STANDPIPE, WATER SERVICE CHARGES - DEPOT ROAD STANDPIPE	3757.03
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION JAMES STREET STANDPIPE, WATER SUPPLY CHARGE JAMES STREET STANDPIPE	308.05
	14/01/2021	WATER CORPORATION	WATER SERVICE CHARGE NINAN ST	42.73
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION DEPOT ROAD, WATER SERVICE CHARGE DEPOT ROAD, FIRE SERVICE CHARGE DEPOT ROAD	802.65
	14/01/2021	WATER CORPORATION	SEWERAGE CHARGE COMMERCIAL STREET	105.46
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION FENTON ST, SEWERAGE CHARGE FENTON ST	156.11
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION FENTON ST	1448.13
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION ADMIN, SEWERAGE CHARGE ADMIN	2185.70
	14/01/2021	WATER CORPORATION	SEWERAGE CHARGE CUBBYHOUSE	145.46
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION CIVIC CENTRE, SEWERAGE CHARGE CIVIC CENTRE	2702.56
	14/01/2021	WATER CORPORATION	SEWERAGE CHARGE ELIZABETH TELFER	85.46
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION STICKLAND ST, SERVICE CHARGE STICKLAND ST, SEWERAGE CHARGE STICKLAND ST	637.90
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION 11 WANDOO, SERVICE CHARGE 11 WANDOO, SEWERAGE CHARGE 11 WANDOO	531.73
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION 7 WANDOO, SERVICE CHARGE 7 WANDOO, SEWERAGE CHARGE 7 WANDOO	329.69
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION 30 WANDOO, SERVICE CHARGE 30 WANDOO, SEWERAGE CHARGE 30 WANDOO	456.85
	14/01/2021	WATER CORPORATION	SERVICE CHARGE 14 SHIELDS, SEWERAGE CHARGE 14 SHIELDS	236.51
	14/01/2021	WATER CORPORATION	SERVICE CHARGE DANUBIN ST	42.73
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION CEMETERY	61.23
	14/01/2021	WATER CORPORATION	SERVICE CHARGE PATTERSON ST, SEWERAGE CHARGE PATTERSON ST	236.51
	14/01/2021	WATER CORPORATION	SERVICE CHARGE PATTERSON ST2B, SEWERAGE CHARGE PATTERSON ST 2B	236.51
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION QUINLAN UNITS, SERVICE CHARGE QUINLAN UNITS, SEWERAGE CHARGE QUINLAN UNITS	326.03
	14/01/2021	WATER CORPORATION	SERVICE CHARGE 27B QUINLAN ST, SEWERAGE CHARGE 27B QUINLAN ST	236.51
	14/01/2021	WATER CORPORATION	SERVICE CHARGE 27C QUINLAN ST, SEWERAGE CHARGE 27C QUINLAN ST	235.65
	14/01/2021	WATER CORPORATION	SERVICE CHARGE 27D QUINLAN ST, SEWERAGE CHARGE 27D QUINLAN ST	236.51
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION QUINLAN ST UNITS, ADDITIONAL SERVICE CHARGE QUINLAN ST UNITS	268.04
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION CADOUX TOILETS	125.11
	14/01/2021	WATER CORPORATION	SERVICE CHARGE 31A QUINLAN ST, SEWERAGE CHARGE 31A QUINLAN ST	236.51
	14/01/2021	WATER CORPORATION	WATER CONSUMPTION 31B QUINLAN ST, SERVICE CHARGE 31B QUINLAN ST, SEWERAGE CHARGE 31B QUINLAN ST	364.40
EFT20916	04/03/2021	WONGAN HILLS COMMUNITY RESOURCE CENTRE	AUSTRALIA DAY INVITATION PRINTING	-444.00
EFT20917	04/03/2021	MOORA GLASS SERVICE	REGLAZE WINDOW/TRAVEL FOR 27D QUINLAN STREET WH	-299.75
EFT20918	04/03/2021	IXOM OPERATIONS PTY LTD	CHLORINE GAS SERVICE FEE	-295.99
EFT20919	04/03/2021	ADVANCED AUTOLOGIC PTY LTD	IBC ADBLUE	-700.00
EFT20920	04/03/2021	RBC RURAL	ADMIN PHOTOCOPIER METER READINGS	-1145.58



LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 1ST TO 31ST MARCH 2021				
Chq/EFT	Date	Name	Description	Amount
EFT20921	04/03/2021	HILLS FIRE EQUIPMENT SERVICE	NEW GYM AREA - 1x 5.0kg CO2 EXTINGUISHER @\$185+GST REAR OUTSIDE BBQ AREA - 1x 4.5kg DCP EXTINGUISHER /1x METAL LOCKABLE CABINET@ \$209+GST	-433.40
EFT20922	04/03/2021	A & B CANVAS AUSTRALIA	WHITE WINDSOCKS 3600mm x 900mm DIAMETER	-1322.48
EFT20923	04/03/2021	LOCK, STOCK & FARRELL	3x SD-2 KEYS/ 3x SD-3 KEYS AND POSTAGE	-128.00
EFT20924	04/03/2021	SIGMA CHEMICALS	16 DRUMS CI2, 2BAGS OF STABILIZER AND 2 DRUMS OF WINTERISER, QUOTE # 145310	-849.42
EFT20925	04/03/2021	WREN OIL	ADMIN & COMPLIANCE FEES OIL WASTE DISPOSAL	-33.00
EFT20926	04/03/2021	KLEEN WEST DISTRIBUTORS	CLEANING PRODUCTS	-533.28
EFT20927	04/03/2021	BUDGET CASH REGISTER CO.	REPLACEMENT KIOSK CASH REGISTER \$834.90, SHARP XEA207, INSURANCE	-834.90
EFT20928	04/03/2021	ALLWEST RAPID HIRE PTY LTD	DELIVERY	-3247.75
EFT20929	04/03/2021	VERMEER (WA & NT)	VM 296299772 FUEL FILTER	-486.09
EFT20930	04/03/2021	NEWINS FAMILY TRUST		-6051.00
	08/02/2021	NEWINS FAMILY TRUST	CALL OUT FEE - 10/02/2021	100.00
	18/02/2021	NEWINS FAMILY TRUST	MANAGEMENT OF WONGAN HILLS WASTE FACILITY FEBRUARY 2021	5951.00
EFT20931	04/03/2021	RURAL RANGER SERVICES	RANGER SERVICES 9 - 19 FEBRUARY 2021	-825.00
EFT20932	04/03/2021	KYLIE NEAVES	EHO AND PUBLIC HEALTH SERVICES 12/02/2021 AND 15/02/2021	-1125.00
EFT20933	04/03/2021	GLEEMAN TRUCK PARTS P/L		-900.24
	04/02/2021	GLEEMAN TRUCK PARTS P/L	PARTS FOR JCB BACKHOE, FILTER FOR MACK, BUG DEFLECTOR FOR MACK TIP TRUCK	613.84
	04/02/2021	GLEEMAN TRUCK PARTS P/L	COUPLINGS AND NIPPLE HEX FOR TANDEM TRAILER	286.40
EFT20934	04/03/2021	AC HEALTHCARE PTY LTD	PRE-EMPLOYMENT MEDICAL - MICHAEL HENDERSON	-250.00
EFT20935	04/03/2021	TRACTUS AUSTRALIA		-4259.00
	08/01/2021	TRACTUS AUSTRALIA	SUPPLY AND FIT TYRES TO WATER TANKER, SUPPLY AND FIT TYRE TO MACK PRIME MOVER	1821.00
	08/01/2021	TRACTUS AUSTRALIA	SUPPLY AND FIT 4 X TYRES TO RANGER HILUX	938.80
	13/01/2021	TRACTUS AUSTRALIA	SUPPLY AND FIT 2 TYRES TO DOLLY	756.00
	13/01/2021	TRACTUS AUSTRALIA	SUPPLY OF 2 X BATTERIES FOR LOADER	346.00
	18/01/2021	TRACTUS AUSTRALIA	SUPPLY AND FIT 1 X TYRE FOR HILUX SINGLE CAB	236.70
	29/01/2021	TRACTUS AUSTRALIA	CALL OUT FEE AND SUPPLY OF O-RING SEAL FOR WHEEL LOADER	160.50
EFT20936	04/03/2021	CARLEY TRINDALL	GRATUITY PAYMENT	-75.00
EFT20937	04/03/2021	SERMAC CONTRACTING	INSURANCE - REMOVAL OF INFORMATION BAY AND PICNIC STRUCTURE AT LAKE NINAN	-2500.00
EFT20938	04/03/2021	NCSYSTEMS	WH SPORTS PAVILION ACCESS CONTROL MODEM SIM CARDS	-825.00
EFT20939	04/03/2021	CLARKSON FREIGHTLINES		-1379.94
	05/02/2021	CLARKSON FREIGHTLINES	TRANSPORT OF EMPTY GAS BOTTLE FROM WH TO IXOM, TRANSPORT OF CHLORINE GAS BOTTLE FROM IXOM TO WH	719.00
	12/02/2021	CLARKSON FREIGHTLINES	FREIGHT FROM BORAL TO WH, FREIGHT FROM ITR REDCLIFFE TO WH	660.94
EFT20940	04/03/2021	KALANNIE SPORTING AND RECREATION CLUB INC	WHEATSTOCK 2021 SPONSORSHIP	-1000.00
EFT20941	05/03/2021	LANDGATE	CUSTOM MAP CHARGE WITH LAMINATING	-709.35
EFT20942	05/03/2021	ARROW BRONZE	Supply and delivery of bronze plaque - R/E Barret	-237.88
EFT20943	05/03/2021	MARIAN SCHINDLER	Bond refund for 27C Quinlan Street	-1108.00
EFT20944	05/03/2021	KLEEN WEST DISTRIBUTORS	P2 Valve Respirator 30124	-272.25
EFT20945	05/03/2021	RE EWEN	Supply labour and material to remove ceiling and replace with new ceiling and paint in the changeroom at Wongan Sports Pavilion, supply and install manhole	-5346.00
EFT20946	05/03/2021	KYLIE NEAVES	EHO and Public Health Services 19/02/2021 - 26/02/2021	-1500.00
EFT20947	05/03/2021	SEEK LIMITED	SEEK online advertisement for Asset Management Officer role.	-313.50
EFT20948	10/03/2021	WESTERN AUSTRALIAN TREASURY CORPORATION		-34607.94
	10/03/2021	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan No. 152 Principal payment -, Loan No. 152 Interest payment	30537.35
	10/03/2021	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan No. 153 Principal payment -, Loan No. 153 Interest payment	4070.59
EFT20949	10/03/2021	ANZ BANK (NETT WAGES)	Wages PPE 09.03.2021	-69207.26
EFT20950	10/03/2021	AUSTRALIAN SERVICES UNION	Payroll deductions	-25.90
EFT20951	10/03/2021	IOU SOCIAL CLUB	Payroll deductions	-240.00
EFT20995	16/03/2021	AVON WASTE	Domestic Collection Wongan Hills and Ballidu	-10314.45
EFT20996	16/03/2021	WONGAN HILLS IGA	REFRESHMENTS	-41.94
EFT20997	16/03/2021	DEPARTMENT OF FIRE & EMERGENCY SERVICES	2020/21 ESL Contribution - QUARTER 3	-28207.33
EFT20998	16/03/2021	NUTRIEN AG SOLUTIONS LTD	BARM THIRAM 20L FOR OVAL	-287.10
EFT20999	16/03/2021	STAR TRACK EXPRESS PTY LTD	FREIGHT OF PPE TO WH	-38.09
EFT21000	16/03/2021	OFFICEWORKS BUSINESS DIRECT		-498.71
	07/02/2021	OFFICEWORKS BUSINESS DIRECT	Stationery Order, Freight	228.16
	11/02/2021	OFFICEWORKS BUSINESS DIRECT	Office supplies	239.60
	16/02/2021	OFFICEWORKS BUSINESS DIRECT	50 pack of printed business cards 300gsm linen finish double sided	30.95
EFT21001	16/03/2021	WONGAN HILLS COMMUNITY RESOURCE CENTRE		-1036.80
	26/11/2020	WONGAN HILLS COMMUNITY RESOURCE CENTRE	3 x A4 Colour Boomer Adverts, Function Room Hire - Bike Breakfast	511.00
	19/02/2021	WONGAN HILLS COMMUNITY RESOURCE CENTRE	BOOMER ADVERTISING - PATHWAYS AND ELECTORS MEETING, BOOMER ADVERTISING - GRADER OPERATOR POSITION	525.80
EFT21002	16/03/2021	WONGAN NEWSAGENCY		-224.39
	28/02/2021	WONGAN NEWSAGENCY	The supply of goods and services from February 2021	34.65
	01/03/2021	WONGAN NEWSAGENCY	The supply of goods and services FEBRUARY 2021	189.74
EFT21003	16/03/2021	BALLIDU CONTEMPORARY ARTS SOCIETY	1st Prize - Ballidu Business	-100.00
EFT21004	16/03/2021	STEWART & HEATON CLOTHING CO PTY LTD	Supply PPE as per quote SQN-1011240	-383.02
EFT21005	16/03/2021	BORAL CONSTRUCTION MATERIALS GROUP LIMITED	Bitumen Tender VP194829 (Product C170) 10mm reseal Final seal	-196914.53
EFT21006	16/03/2021	HYMARK TRADING PTY LTD	Shire uniforms, polos and hi-vis with embroidery as per invoice	-930.27
EFT21007	16/03/2021	WONGAN HILLS DISTRICT HIGH SCHOOL	Refund of Civic Centre bond for 30 November 2020 and 14-16 December 2020	-300.00
EFT21008	16/03/2021	THE POINT DOCTOR		-122.00
	07/03/2021	THE POINT DOCTOR	4mm STEEL PLATE FOR CREW CAB	22.00
	11/03/2021	THE POINT DOCTOR	1st Prize - Wongan Hills Business	100.00

LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 1ST TO 31ST MARCH 2021				
Chq/EFT	Date	Name	Description	Amount
EFT21009	16/03/2021	ARROW BRONZE		-693.56
	18/02/2021	ARROW BRONZE	8 LINE NICHE PLATE - R/E BELL including FREIGHT	455.68
	19/02/2021	ARROW BRONZE	8 Line Nice plate - R/E Ellis & Freight	237.88
EFT21010	16/03/2021	SHIRE OF WONGAN-BALLIDU		-48.00
	05/02/2021	SHIRE OF WONGAN-BALLIDU	CRC A3 laminating of bus routes	12.00
	19/02/2021	SHIRE OF WONGAN-BALLIDU	CRC A3 laminating of bus routes	36.00
EFT21011	16/03/2021	METAL ARTWORK CREATIONS	Remake of brass plates for Community Service Awards 2021	-83.00
EFT21012	16/03/2021	TRUCK CENTRE (WA) PTY LTD	Parts as per quote 0076260	-438.46
EFT21013	16/03/2021	WONGAN HILLS SPORT & RECREATION COUNCIL INC	Hire of the Pavilion facility on Friday 18 December 2020 for Shire Staff Christmas Party	-120.00
EFT21014	16/03/2021	SHIRE OF DOWERIN	We are Rural Women Day event held by Shire of Dowerin attendance approved by Stuart	-70.00
EFT21015	16/03/2021	WONGAN MAIL SERVICE	Supply goods and services JANUARY 2021	-20.90
EFT21016	16/03/2021	PUBLIC TRANSPORT AUTHORITY OF WA	JANUARY 2021	-57.28
EFT21017	16/03/2021	KLEEN WEST DISTRIBUTORS	CLEANING PRODUCTS	-384.12
EFT21018	16/03/2021	Wongan Hills Hotel		-639.88
	18/02/2021	Wongan Hills Hotel	Councillor Dinner 17/02/2021	281.00
	25/02/2021	Wongan Hills Hotel	Supply goods and services - Councillor Dinner	113.88
	02/03/2021	Wongan Hills Hotel	Councillor Dinner 24/02/2021	245.00
EFT21019	16/03/2021	TKB MECHANICAL	WHEEL ALIGNMENT FOR WORKS COORDINATOR VEHICLE	-134.75
EFT21020	16/03/2021	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	BSL Reconciliation December 2020	-113.30
EFT21021	16/03/2021	TIGER FENCING		-5534.00
	09/03/2021	TIGER FENCING	Remove and Install, External and Internal fence at Stickland St Units.	3197.00
	09/03/2021	TIGER FENCING	Remove and Install, External and Internal fence at Stickland St Units.	2337.00
EFT21022	16/03/2021	PAUL AND WENDYS CLEANING SERVICE	Carpet cleaning of 3/20 Stickland St, Wongan Hills. Exit clean	-88.00
EFT21023	16/03/2021	VERMEER (WA & NT)	Blade sharpening	-231.00
EFT21024	16/03/2021	HENDOS PLUMBING & GAS SERVICES		-630.25
	24/02/2021	HENDOS PLUMBING & GAS SERVICES	42 Mitchell street - Replace water Filters	347.72
	24/02/2021	HENDOS PLUMBING & GAS SERVICES	30 Wandoo crescent - Replace water filter	282.53
EFT21025	16/03/2021	RURAL RANGER SERVICES	RANGER SERVICES FEBRUARY 23/25/27 AND MARCH 02/04/05 2021	-850.00
EFT21026	16/03/2021	KRISTIE FREARSON	UNIFORM REIMBURSEMENT	-59.99
EFT21027	16/03/2021	FIVE STAR BUSINESS & INNOVATION	CRC PHOTOCOPIER READINGS	-1590.31
EFT21028	16/03/2021	GLEEMAN TRUCK PARTS P/L	PRESSURE SENSOR FOR MACK	-365.03
EFT21029	16/03/2021	CLEANTECH ENERGY PTY LTD	Wongan Hills Sports Ground / Pavilion	-5058.48
EFT21030	16/03/2021	AC HEALTHCARE PTY LTD	Medical Centre Operating Subsidy February 2021	-21083.33
EFT21031	16/03/2021	TOLL TRANSPORT Pty Ltd	FRIGHT FROM LISWA TO WH	-31.19
EFT21032	16/03/2021	MARSH PTY LTD		-5690.30
	23/02/2021	MARSH PTY LTD	CSO Team Members' and Leaders' Development Workshop	3088.80
	24/02/2021	MARSH PTY LTD	Leadership Assessment & Development Workshop	2601.50
EFT21033	16/03/2021	CLARKSON FREIGHTLINES	FREIGHT OF EMPTY CHLORINE CYLINDERS TO PERTH AND FULL CYLINDERS TO P&G	-719.17
EFT21034	16/03/2021	SONYA THOMAS	1st Prize - Wongan Hills Residence	-100.00
EFT21035	16/03/2021	MASON ANSPACH	HOUSING BOND REFUND	-568.67
EFT21036	16/03/2021	TE & AJ LEETE	1st Prize - Ballidu Residence	-100.00
EFT21037	16/03/2021	AUDRA BURTON	3rd Prize - Wongan Hills Residence	-50.00
EFT21039	22/03/2021	CJD EQUIPMENT PTY LTD	BOLT ON EDGE FOR VOLVO LOADER	-669.42
EFT21040	22/03/2021	NUTRIEN AG SOLUTIONS LTD	ROUNDUP AND ATRIZON FOR VERGE SPRAYING	-1208.02
EFT21041	22/03/2021	WONGAN RETRAVISION & COMFORTSTYLE FURNITURE	2 x ANZAC wreaths	-260.00
EFT21042	22/03/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	WALGA Financial Fundamentals - Budgeting Course February 22 & 23 2021	-1045.00
EFT21043	22/03/2021	WALLIS COMPUTER SOLUTIONS	Ongoing IT Support	-1969.00
EFT21044	22/03/2021	WATER CORPORATION		-3377.51
	03/03/2021	WATER CORPORATION	SEWERAGE CHARGE - RECREATION COMPLEX	67.68
	08/03/2021	WATER CORPORATION	WATER CONSUMPTION - MANMANNING ROAD STANDPIPE,	95.83
	09/03/2021	WATER CORPORATION	WATER CONSUMPTION - DAVIES ROAD STANDPIPE,	1751.60
	10/03/2021	WATER CORPORATION	WATER CONSUMPTION - BALLIDU SOUTH EAST STANDPIPE, , WATER SUPPLY CHARGE - BALLIDU SOUTH EAST STANDPIPE,	212.75
	10/03/2021	WATER CORPORATION	WATER CONSUMPTION - KOORDA EAST ROAD STANDPIPE	953.00
	10/03/2021	WATER CORPORATION	WATER CONSUMPTION - KONDUW WEST ROAD STANDPIPE, , WATER SUPPLY CHARGE - KONDUW WEST ROAD STANDPIPE,	10.65
	11/03/2021	WATER CORPORATION	WATER CONSUMPTION - SUMMERS EAST RD STANDPIPE, , WATER SERVICE CHARGE - SUMMERS EAST RD STANDPIPE, , FIRE SERVICE CHARGE - SUMMERS EAST RD STANDPIPE,	286.00
EFT21045	22/03/2021	STEWART & HEATON CLOTHING CO PTY LTD	Supply PPE as per quote SQN-1011240	-286.63
EFT21046	22/03/2021	AUSTRALIAN TAXATION OFFICE	BAS FEBRUARY 2021	-50044.00
EFT21047	22/03/2021	WONGAN HILLS PHARMACY	ALCOHOL WIPES FOR ADMIN	-5.98

LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 1ST TO 31ST MARCH 2021				
Chq/EFT	Date	Name	Description	Amount
EFT21048	22/03/2021	SYNERGY		-9744.29
	02/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - 27C QUINLAN ST, ELECTRICITY SERVICE CHARGE - 27C QUINLAN ST	74.12
	04/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - STREET LIGHTING	4202.89
	09/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - CADOUX TOILETS, ELECTRICITY SUPPLY CHARGE - CADOUX TOILETS	124.09
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - COMMUNITY GARDEN, ELECTRICITY SUPPLY CHARGE - COMMUNITY GARDEN	229.74
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - AERODROME, ELECTRICITY SUPPLY CHARGE - AERODROME	124.47
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - DEPOT, ELECTRICITY SUPPLY CHARGE - DEPOT	529.43
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - ALPHA TOILETS, ELECTRICITY SUPPLY CHARGE - ALPHA TOILETS	215.38
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - 30 WANDOO, ELECTRICITY SUPPLY CHARGE - 30 WANDOO	444.56
	11/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - FENTON PLACE, ELECTRICITY SERVICE CHARGE - FENTON PLACE	142.21
	11/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - TV RETRANSMISSION, ELECTRICITY SUPPLY CHARGE - TV RETRANSMISSION	1107.33
	11/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - COMMUNITY PARK, ELECTRICITY SUPPLY CHARGE - COMMUNITY PARK	698.73
	11/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - ADMIN, ELECTRICITY SUPPLY CHARGE - ADMIN	533.78
	11/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - CIVIC CENTRE, , ELECTRICITY SUPPLY CHARGE - CIVIC CENTRE,	456.84
	12/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - RAILWAYS, ELECTRICITY SUPPLY CHARGE - RAILWAYS	518.65
	12/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - MUSEUM, ELECTRICITY SUPPLY CHARGE - MUSEUM	225.98
	12/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - CRC, ELECTRICITY SUPPLY CHARGE - CRC	116.09
EFT21049	22/03/2021	BR & DE CLARKE	Purchase of 1854m3 Gravel @ \$1+gst per m3	-2039.40
EFT21050	22/03/2021	GLENVAR PASTORAL CO.	Purchase of 6480m3 Gravel @ \$1+gst per m3	-7128.00
EFT21051	22/03/2021	MARKETFORCE PRODUCTIONS	Advertisement in "The West Australian" newspaper for Wednesday, 3 February 2021 in the Government Public Notices section advertising the Annual Electors Meeting.	-371.78
EFT21052	22/03/2021	METAL ARTWORK CREATIONS	Desk plaque for Jack McNulty and 2 x name badges	-79.20
EFT21053	22/03/2021	WONGAN CUBBYHOUSE INC.	2020/2021 Community Development Fund Allocation	-3066.00
EFT21054	22/03/2021	TKB MECHANICAL		-1489.15
	10/03/2021	TKB MECHANICAL	SUPPLY AND INSTALL BALL JOINT AND RACK END ASSEMBLIES, 4 X WHEEL ALIGNMENT AND LABOUR FOR RANGER EXTRA CAB	721.15
	10/03/2021	TKB MECHANICAL	SUPPLY MIRROR FOR PUT71	768.00
EFT21055	22/03/2021	GR & NL MCGILL	Purchase of 54m3 gravel @ \$1.10 per m3	-59.40
EFT21056	22/03/2021	AIR & POWER Pty Ltd	AIR COMPRESSOR INSPECTION - INCL WORKSAFE FEE AND LABOUR	-809.38
EFT21057	22/03/2021	PTE GROUP PTY LTD	P&G TRAILER	-6578.00
EFT21058	22/03/2021	AC HEALTHCARE PTY LTD	MARCH 2021 DOCTORS SUBSIDY	-21083.33
EFT21059	22/03/2021	TRACTUS AUSTRALIA		-7637.80
	12/02/2021	TRACTUS AUSTRALIA	4 X TYRES SUPPLY AND INSTALL FOR MACK TRIDENT	2354.00
	24/02/2021	TRACTUS AUSTRALIA	SUPPLY AND INSTALL 2 X TYRES FOR WATER TANKER	756.00
	24/02/2021	TRACTUS AUSTRALIA	SUPPLY AND INSTALL 4 X TYRES FOR HILUX	982.80
	24/02/2021	TRACTUS AUSTRALIA	SUPPLY AND INSTALL 1 X TYRE AND O-RING FOR VOLVO LOADER	2316.00
	26/02/2021	TRACTUS AUSTRALIA	500ML NEVERFLAT FOR SUNDRY PLANT	20.00
	26/02/2021	TRACTUS AUSTRALIA	SUPPLY AND INSTALL 1 X TYRE FOR MACK, SUPPLY AND INSTALL 2 X TYRES FOR PIG TRAILER	1209.00
EFT21060	22/03/2021	SUSAN DEW	UNIFORM REIMBURSEMENT - WORK WEAR GROUP	-109.00
EFT21061	22/03/2021	ALLSTRONG OUTDOORS	REPLACEMENT ROLLER DOOR - INSURANCE	-2850.00
EFT21062	22/03/2021	TURNER FARMS & CO	Purchase of 876m3 of gravel @ \$1+gst per m3	-963.60
EFT21063	22/03/2021	P & WM KELLY	Purchase of 912m3 gravel @ \$1+gst per m3	-1003.20
EFT21064	24/03/2021	ANZ BANK (NETT WAGES)	WAGES PPE 23.03.2021	-65697.70
EFT21065	24/03/2021	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	-25.90
EFT21066	24/03/2021	IOU SOCIAL CLUB	PAYROLL DEDUCTIONS	-240.00
EFT21067	29/03/2021	LANDGATE		-147.40
	02/02/2021	LANDGATE	COPY OF LAND TRANSFER DOCUMENT	26.70
	24/02/2021	LANDGATE	MINING TENEMENTS CHARGE - MINIMUM CHARGE	40.60
	02/03/2021	LANDGATE	3 X DLI ENQUIRY INVOICES	80.10
EFT21068	29/03/2021	WONGAN HILLS IGA		-448.38
EFT21069	29/03/2021	JR & A HERSEY PTY LTD	450mm Reflective Road Cones	-462.00
EFT21070	29/03/2021	MCINTOSH & SON		-2955.60
	08/02/2021	MCINTOSH & SON	SPRAY, POWER TRANSFORMER, PLUG AND CAP FOR MULCHER	81.08
	16/02/2021	MCINTOSH & SON	REMOTE O-RING FOR PIG TRAILER	13.20
	19/02/2021	MCINTOSH & SON	HYDRAULIC HOSE AND CRIMPS FOR BROOM	282.57
	25/02/2021	MCINTOSH & SON	DOUBLE ROW BEARING, WEAR RING, SEAL, BEARING SLEEVE AND LOCK WASHER FOR ROLLER	1949.57
	25/02/2021	MCINTOSH & SON	SLTEEL STUD, LUBE, CRIMP ELBOW AND MANUAL NOZZLE FOR GRADER	597.59
	26/02/2021	MCINTOSH & SON	BLADE FUSE HOLDER AND 40AMP FUSE FOR CONSTRUCTION TRUCK	31.59
EFT21071	29/03/2021	OFFICEWORKS BUSINESS DIRECT		-967.72
	25/02/2021	OFFICEWORKS BUSINESS DIRECT	Reflex A3 copy paper 3 ream carton, J. Burrows A4 copy paper carton, Laser clean pressurised air duster, postage	91.42
	05/03/2021	OFFICEWORKS BUSINESS DIRECT	Stationary for Admin	876.30

LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 1ST TO 31ST MARCH 2021				
Chq/EFT	Date	Name	Description	Amount
EFT21072	29/03/2021	WCS CONCRETE		-83598.90
	18/01/2021	WCS CONCRETE	N25 concrete for Wilding and Patterson St	50470.20
	21/01/2021	WCS CONCRETE	450mm Headwall	715.00
	11/02/2021	WCS CONCRETE	Stabilised Sand	1874.40
	24/02/2021	WCS CONCRETE	N25 concrete for Wilding and Patterson St	24788.50
	25/02/2021	WCS CONCRETE	450mm Headwall, Stabilised Sand	5750.80
EFT21073	29/03/2021	IXOM OPERATIONS PTY LTD		-2015.38
	01/02/2021	IXOM OPERATIONS PTY LTD	2x 70kg of Chlorine Gas Cylinders, Quote # 200970296	1007.69
	24/02/2021	IXOM OPERATIONS PTY LTD	2 x 70kg gas cylinders	1007.69
EFT21074	29/03/2021	WESTERN STABILISERS	Wet Mixing - Waddington Road	-39230.42
EFT21075	29/03/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	Alan Hart Attendance at Finance Professionals Conference 2021	-1155.00
EFT21076	29/03/2021	SYNERGY		-223.14
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION - CWA HALL, ELECTRICITY SUPPLY CHARGES - CWA HALL	127.29
	10/03/2021	SYNERGY	ELECTRICITY CONSUMPTION- 3/20 STICKLAND ST, ELECTRICITY SUPPLY CHARGES- 3/20 STICKLAND ST	95.85
EFT21077	29/03/2021	GILBERT MAURICE PHILLIPS	REPLACE MEMORIAL PLAQUES ON BALLIDU WALL - BRADFORD (#3), WHYTE (#42) AND KIMBER (#71)	-60.00
EFT21078	29/03/2021	RBC RURAL	PHOTOCOPIER METERPLAN CHARGES	-546.01
EFT21079	29/03/2021	WONGAN HILLS HARDWARE		-3569.58
	28/02/2021	WONGAN HILLS HARDWARE	HARDWARE ITEMS - BUILDING DEPARTMENT	894.60
	28/02/2021	WONGAN HILLS HARDWARE	HARDWARE ITEMS - WORKS DEPARTMENT	2674.98
EFT21080	29/03/2021	ABBOTT AUTO ELECTRICS		-3801.82
	24/02/2021	ABBOTT AUTO ELECTRICS	EVACUATE A/C SYSTEM, REMOVE AND REPLACE FAULTY COMPRESSOR AND DRIER. PRESSURE TEST, VAC AND GAS SYSTEM FOR GRADER	1923.24
	24/02/2021	ABBOTT AUTO ELECTRICS	CHECK A/C SYSTEM. REPLACE COIL. REMOVE AND REPLACE FAULTY COMPRESSOR FOR LOADER	1878.58
EFT21081	29/03/2021	KANYANYA	Bags of Rags	-15.00
EFT21082	29/03/2021	WURTH AUSTRALIA PTY LTD	workshop paper towels and rack as per quote.	-234.69
EFT21083	29/03/2021	TUTT BRYANT EQUIPMENT PTY LTD	BW55E Walk behind single drum roller for PTK37	-9625.00
EFT21084	29/03/2021	BULLIVANTS HANDLING SAFETY	Quote 700279820, Lifting chains and lifting eyes.	-1299.07
EFT21085	29/03/2021	WONGAN MAIL SERVICE		-280.51
	28/02/2021	WONGAN MAIL SERVICE	Supply goods and services FEBRUARY 2021	257.41
	28/02/2021	WONGAN MAIL SERVICE	Supply goods and services from 1st February to 28 February 2021	23.10
EFT21086	29/03/2021	PUBLIC TRANSPORT AUTHORITY OF WA	FEBRUARY 2021	-91.60
EFT21087	29/03/2021	DUN DIRECT PTY LTD	DEPOT DIESEL DELIVERY	-16076.47
EFT21088	29/03/2021	FORRESTFIELD MOWER AND CHAINSAW CENTRE	Husqvarna Z242E parts	-368.07
EFT21089	29/03/2021	MARKET CREATIONS PTY LTD		-2100.58
	26/02/2021	MARKET CREATIONS PTY LTD	OFFICE 365	159.50
	26/02/2021	MARKET CREATIONS PTY LTD	MANAGED BACK UP OF VMWARE LICENSES	720.72
	26/02/2021	MARKET CREATIONS PTY LTD	PROJECT ONLINE PREMIUM. OFFICE 365	1220.36
EFT21090	29/03/2021	NEWINS FAMILY TRUST	Standing Order for the Managing of Wongan Hills Refuse Site from 1st March 2021 to 31 March 2021	-5951.00
EFT21091	29/03/2021	HENDOS PLUMBING & GAS SERVICES		-1242.02
	15/03/2021	HENDOS PLUMBING & GAS SERVICES	Repair of Davey and Hospital Road leaking Standpipes	991.08
	17/03/2021	HENDOS PLUMBING & GAS SERVICES	18 Moore Street - Inspect Solarhart hot water system	250.94
EFT21092	29/03/2021	MELISSA MARCON	UNIFORM REIMBURSEMENT	-109.98
EFT21093	29/03/2021	FEGAN BUILDING SURVEYING	Building Surveying paperwork check - 34 Shields Cres	-220.00
EFT21094	29/03/2021	RURAL RANGER SERVICES	RANGER SERVICES - MARCH 8,10,12,17 AND 21 2021	-625.00
EFT21095	29/03/2021	SAFE AVON VALLEY INC.	Cat Impounding Services FEBRUARY 2021	-540.00
EFT21096	29/03/2021	KYLIE NEAVES	EHO AND PUBLIC HEALTH SERVICES 18/03/2021	-525.00
EFT21097	29/03/2021	RICOH FINANCE	Shire Office Photocopier Goods and Services from 27/03/2021 TO 26/04/2021	-276.96
EFT21098	29/03/2021	GOUGH TRANSPORT SOLUTIONS	As per quote QWS111513 cartridge and coils	-397.76
EFT21099	29/03/2021	GLEEMAN TRUCK PARTS P/L		-2018.10
	19/02/2021	GLEEMAN TRUCK PARTS P/L	BRITAX BEACON	792.00
	25/02/2021	GLEEMAN TRUCK PARTS P/L	STROBE AMBER FOR MWS VEHICLE	601.92
	26/02/2021	GLEEMAN TRUCK PARTS P/L	expansion tank, coolant and silencer for mack	624.18
EFT21100	29/03/2021	CONPLANT PTY LTD	5000183841 carburetor	-286.61
EFT21101	29/03/2021	ITR PACIFIC PTY LTD	5D9553B grader blades	-1540.00
EFT21102	29/03/2021	QPC GROUP	K5224C Cyan toner	-575.66
EFT21103	29/03/2021	SEEK LIMITED	Advertisement on SEEK for Business Trainee	-220.00
EFT21104	29/03/2021	DATA SIGNS PTY LTD	C5 Trailer	-54298.00
EFT21105	29/03/2021	ELIZABETH BRENNAN	BOND REFUND FOR CIVIC CENTRE CHAIR HIRE 15/03/2021	-100.00
EFT21106	29/03/2021	TREVOR THORNTON	2nd Prize - Wongan Hills Residence	-75.00
EFT21107	31/03/2021	WESTNET PTY LTD	WESTNET ACCOUNT FOR MARCH 2021	-609.90
EFT21108	18/03/2021	DE LAGE LANDEN PTY LTD	MARCH 2021 CRC PHOTOCOPIER	-557.70
EFT21126	31/03/2021	DEPARTMENT OF TRANSPORT	DPI PAYMENTS FOR MARCH 2021	-108130.25
EFT21127	11/03/2021	TELSTRA CORPORATION LIMITED	TELSTRA ACCOUNT - MEDICAL CENTRE 0689132900	-706.13
EFT21128	11/03/2021	TELSTRA CORPORATION LIMITED	TELSTRA - HARVEST BAN LINE 4456931163	-1402.94
EFT21129	19/03/2021	TELSTRA CORPORATION LIMITED	TELSTRA ACCOUNT - WONGAN HILLS SPORT AND RECREATION COUNCIL	-110.00
EFT21130	19/03/2021	TELSTRA CORPORATION LIMITED	TELSTRA ACCOUNT - MEDICAL CENTRE	-706.13
EFT21131	19/03/2021	TELSTRA CORPORATION LIMITED	TELSTRA ACCOUNT - HARVEST BAN LINE	-1402.94
EFT21132	11/03/2021	ANZ CORPORATE CREDIT CARD		-5270.41
EFT21038		REBECCA JOHNSON	REIMBURSEMENT FOR SWIMMING LESSONS	-90.00
EFT21109		BOEKEMAN NOMINEES	30K SERVICE CEO VEHICLE	-468.28
EFT21118	30/03/2021	WONGAN HILLS CRICKET CLUB	ANNUAL DONATION	-750.00
EFT21119	26/03/2021	WATERMAN IRRIGATION	STANDPIPE OPERATION COSTS	-1517.45
EFT21120	17/02/2021	WONGAN HILLS BAKERY AND CAFÉ	WORKSHOP CATERING 17-18 FEBRUARY 2021	-199.80
EFT21121	23/03/2021	LYNETTE HOOD	LAUNDERING SERVICES	-140.00
EFT21122	25/03/2021	SACHA LUPTON	POOL NOODLES FOR BIKE BREAKFAST	-30.00

LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 1ST TO 31ST MARCH 2021				
Chq/EFT	Date	Name	Description	Amount
EFT21123	23/03/2021	AC HEALTHCARE	PRE-EMPLOYMENT MEDICAL - JACK MCNULTY	-500.00
EFT21124	29/01/2021	CLINIPATH PATHOLOGY	DRUG/ALCOHOL SCREENING - DONNA DONNELLY	-120.00
EFT21125	34/03/2021	SEK LIMITED	ADVERTISING FOR BUILDING MAINTENANCE OFFICER	-302.50
EFT21110	28/02/2021	WONGAN HILLS IGA	REFRESHMENTS	-3473.79
EFT21111	15/03/2021	WESTRAC EQUIPMENT PTY LTD	BIT AS CUTTE FOR SUNDRY PLANT	-184.14
EFT21112	02/02/2021	BALLIDU TRADING POST	60 x POSTAGE OF PATHWAYS TO 2031 FLYER, 60 X POSTAGE OF ANNUAL ELECTORS MEETING FLYERS	-22.80
EFT21113	17/03/2021	SHIRE OF WONGAN BALLIDU	VERGE SIDE COLLECTION ADVERTISING	-114.00
EFT21114	03/11/2020	WONGAN HILLS CARAVAN PARK	ACCOMMODATION - FOR AUDITORS	-660.00
EFT21115	18/03/2021	THE HONDA SHOP	PARTS PER QUOTE Q14991	-302.21
EFT21116	23/03/2021	TOLL IPEC PTY LTD	FREIGHT OF PRINTER TONERS FROM RBC RURAL - WH	-11.55
EFT21117	17/03/2021	ROYAL LIFE SAVING (WA BRANCH)	10 SWIMMING LESSON CERTIFICATES	-11.60
DD10442.1	09/03/2021	AWARE SUPER ACCUMULATION	PAYROLL DEDUCTIONS	-7613.91
DD10442.2	09/03/2021	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-734.99
DD10442.3	09/03/2021	HESTA SUPER FUND	PAYROLL DEDUCTIONS	-324.88
DD10442.4	09/03/2021	IOOF PURSUIT FOCUS SUPER FUND	PAYROLL DEDUCTIONS	-936.51
DD10442.5	09/03/2021	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	-47.48
DD10442.6	09/03/2021	CBUS SUPER	PAYROLL DEDUCTIONS	-592.05
DD10442.7	09/03/2021	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	-187.98
DD10442.8	09/03/2021	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	-835.88
DD10442.9	09/03/2021	REST SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-1128.61
DD10468.1	23/03/2021	AWARE SUPER ACCUMULATION	PAYROLL DEDUCTIONS	-7597.13
DD10468.2	23/03/2021	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-723.46
DD10468.3	23/03/2021	HESTA SUPER FUND	PAYROLL DEDUCTIONS	-168.85
DD10468.4	23/03/2021	IOOF PURSUIT FOCUS SUPER FUND	PAYROLL DEDUCTIONS	-936.51
DD10468.5	23/03/2021	CBUS SUPER	PAYROLL DEDUCTIONS	-783.12
DD10468.6	23/03/2021	ING SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-43.09
DD10468.7	23/03/2021	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	-187.98
DD10468.8	23/03/2021	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	-836.31
DD10468.9	23/03/2021	REST SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-1201.96
DD10442.10	09/03/2021	AMP SUPERANNUATION LTD.	SUPERANNUATION CONTRIBUTIONS	-275.89
DD10442.11	09/03/2021	AXA Retirement Security Plan	SUPERANNUATION CONTRIBUTIONS	-227.28
DD10442.12	09/03/2021	HSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-142.32
DD10468.10	23/03/2021	AMP SUPERANNUATION LTD.	SUPERANNUATION CONTRIBUTIONS	-283.99
DD10468.11	23/03/2021	AXA Retirement Security Plan	SUPERANNUATION CONTRIBUTIONS	-227.28
DD10468.12	23/03/2021	HSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-133.01
		Municipal Bank		936,319.60
		Trust Bank		108,130.25
		TOTAL		1,044,449.85
		Recoverable		19,509.25
		Partially Recoverable		7,042.80

## 9.2.2 FINANCIAL REPORTS FOR MARCH 2021

<b>FILE REFERENCE:</b>	F1.4
<b>REPORT DATE:</b>	19 April 2021
<b>APPLICANT/PROPONENT:</b>	N/A
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Nil
<b>AUTHOR:</b>	Alan Hart, Deputy Chief Executive Officer
<b>ATTACHMENTS:</b>	9.2.2a Financial Reports

### PURPOSE OF REPORT:

That the following statements and reports for the month ended March 2021 be received.

### BACKGROUND:

Under the Local Government (Financial Management) Regulations 1996 ('FMR') the Council is to prepare financial reports outlining the financial operations at the previous month end date.

Listed below is a compilation of the reports that will meet compliance, these are listed under Sections and the relevant regulations below.

### Financial Activity Statement Report

Section 6.4 of the *Local Government Act 1995* regulation 34.1 of the FMR requires a local government to prepare each month a statement of financial activity reporting on the sources and application of funds, as set out in the annual budget containing the following detail:

- Annual budget estimates;
- Budget estimates to the end of the month to which the statement relates (known as YTD Budget);
- Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates (known as YTD Actuals);
- Material variances between the comparatives of Budget v's Actuals; and
- The net current assets (NCA) at the end of the month to which the statement relates.

Regulation 34.2 - Each statement of financial activity must be accompanied by documents containing:

- An explanation of the composition of the net current assets of the month to which it relates, less committed assets and restricted assets containing the following detail:
  - An explanation of each of the material variances; and
  - Such other supporting information as is considered relevant by the local government.

Regulation 34.3 - The information in a statement of financial activity may be shown:

- According to nature and type classification;
- By program; or
- By business unit.

Each financial year a local government is to adopt a % value, calculation in accordance with AAS5, to be used in reporting material variances.

### COMMENT:

Refer to attachment.

#### **POLICY REQUIREMENTS:**

Council Policy 4.8 - Monthly Financial Reporting Requirements.

#### **LEGISLATIVE REQUIREMENTS:**

- *Local Government Act 1995*
- Local Government (Financial Management) Regulations 1996

#### **STRATEGIC IMPLICATIONS:**

There are no Strategic Implications relating to this item.

#### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known environmental impacts associated with this proposal.
- **Economic**  
There are no known economic impacts associated with this proposal.
- **Social**  
There are no known social implications associated with this proposal.

#### **FINANCIAL IMPLICATIONS:**

The financial reports for the period ending March 2021 are attached to the Council Agenda.

#### **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

#### **OFFICER RECOMMENDATION**

**That the following Statements and Reports for the month ended March 2021 be received:**

- **Monthly Statements as follows:-**

a)	<b>Statement of Financial Activity (by Nature and Type)</b>	<b>FM Regs 34</b>
b)	<b>Statement of Operating Activities by Programme/Activity (Summary)</b>	<b>FM Regs 34</b>
c)	<b>Statement of Net Current Assets (NCA)</b>	<b>FM Regs 34</b>
d)	<b>Rate setting statement</b>	<b>Discretionary</b>
e)	<b>Disposal of Assets</b>	<b>Discretionary</b>
f)	<b>Rates Outstanding Report</b>	<b>Discretionary</b>
g)	<b>Debtors Outstanding Report</b>	<b>Discretionary</b>
h)	<b>Bank Reconciliation Report</b>	<b>Discretionary</b>
i)	<b>Investment Report</b>	<b>Discretionary</b>
j)	<b>Reserve Account Balances Report</b>	<b>Discretionary</b>
k)	<b>Loans Schedule</b>	<b>Discretionary</b>

SHIRE OF WONGAN-BALLIDU							
STATEMENT OF FINANCIAL ACTIVITY (N&T) FOR 31 MARCH 2021							
	Approved Budget 2020-2021	Current Budget 2020-2021	YTD Budget	YTD Actual	Page	Variance Over or Under	10%
<b>INCOME</b>							
Rates	(2,968,741)	(2,968,741)	(2,968,740)	(2,967,356)		0.0%	✓
Grants Operating, Subsidies & Contributions	(1,382,019)	(1,382,019)	(995,103)	(1,080,692)		(8.6%)	✓
Non Operating Grants, Subsidies & Contributions	(2,624,633)	(2,624,633)	(1,536,632)	(635,210)		58.7%	x
Fees & Charges & Service Charges	(526,878)	(526,878)	(403,675)	(370,590)		8.2%	✓
Other Revenue	(132,354)	(132,354)	(102,631)	(119,202)		(16.1%)	x
Interest	(56,333)	(56,333)	(42,237)	(36,149)		14.4%	x
Profit on sale of Assets	-	-	-	(92,498)		0.0%	✓
<b>a: TOTAL INCOME</b>	<b>(7,690,957)</b>	<b>(7,690,957)</b>	<b>(6,049,017)</b>	<b>(5,301,696)</b>			
<b>OPERATING EXPENSES</b>							
Employee Costs	2,732,616	2,732,616	1,942,312	1,678,950		13.6%	x
Materials & Contracts	2,080,569	2,086,239	1,162,036	937,351		19.3%	x
Utilities (Gas, Electricity) etc.	342,406	342,406	256,547	239,880		6.5%	✓
Interest	52,020	52,020	36,169	39,780	11	(10.0%)	✓
Insurance	255,470	255,470	254,287	261,330		(2.8%)	✓
Other General	248,213	251,393	179,491	169,257		5.7%	✓
Loss on Asset Disposals	234,180	234,180	234,180	167,034		28.7%	x
Depreciation	2,434,945	2,434,945	1,826,028	1,894,846		(3.8%)	✓
<b>b: TOTAL OPERATING EXPENSES</b>	<b>8,380,419</b>	<b>8,389,269</b>	<b>5,891,049</b>	<b>5,388,428</b>			
<b>c: NET OPERATING (SURPLUS) / DEFICIT</b>	<b>689,462</b>	<b>698,311</b>	<b>(157,968)</b>	<b>86,732</b>			
<b>CAPITAL EXPENSES</b>							
Land & Buildings	965,992	954,992	875,870	411,781		53.0%	x
Furniture & Equipment	25,496	25,496	-	11,977		0.0%	✓
Motor Vehicles	132,000	132,000	132,000	101,670		23.0%	x
Plant	678,000	499,000	459,000	268,278		41.6%	x
Infrastructure Other	561,730	561,730	561,730	14,441		97.4%	x
Infrastructure Roads	2,052,135	2,052,135	1,481,017	1,465,104		1.1%	✓
<b>d: TOTAL CAPITAL</b>	<b>4,415,353</b>	<b>4,225,353</b>	<b>3,509,617</b>	<b>2,273,252</b>			
<b>e: TOTAL OPERATING &amp; CAPITAL</b>	<b>5,104,814</b>	<b>4,923,664</b>	<b>3,351,649</b>	<b>2,359,984</b>			
<b>ADJUST - NON CASH ITEMS</b>							
Depreciation	(2,434,945)	(2,434,945)	(1,826,028)	(1,894,846)			
Accruals and Adjustments	-	-	-	-			
Profit on sale of assets	-	-	-	92,498	6		
Loss on sale of assets	(234,180)	(234,180)	(234,180)	(167,034)	6		
<b>FINANCING ACTIVITIES</b>							
Proceeds from Sale of Assets	(208,500)	(134,500)	(130,872)	(215,945)	6		
Transfer from reserves	(764,851)	(934,851)	(934,851)	-	10		
Transfer to reserves	298,950	298,950	298,950	-	10		
Interest paid to reserves	19,810	19,810	14,967	9,183	10		
Net Movement in LSL Reserve	-	-	-	(225)			
LSL Provision in reserves	-	-	-	-			
Loan proceeds	(57,000)	(57,000)	(57,000)	(40,000)			
Loan principal repayment	118,705	118,705	118,705	83,346	11		
Loan to SSL Parties	57,000	57,000	57,000	40,000			
SSL Principal Reimbursements	(36,089)	(36,089)	(36,089)	(21,543)	11		
Less (Surplus)/deficit B/Fwd	(1,863,714)	(1,588,714)	(1,588,714)	(1,504,373)	5		
<b>ADJUSTED CLOSING (SURPLUS) / DEFICIT</b>	<b>0</b>	<b>(2,150)</b>	<b>(966,463)</b>	<b>(1,258,956)</b>			
** This sheet illustrates the variance analysis. For variance explanation refer to applicable note.			<b>Key</b>	Within budget tolerance of 10%			✓
				Over budget tolerance of 10%			x
				Under budget tolerance of 10%			⚠



Shire of Wongan-Ballidu Variance Report 31 March 2021				
<p>The Local Government (Financial Management) Regulations 1996 require that financial statements are presented monthly to council. Council has adopted 10% as its threshold for line items on the nature and type report shown on page 1. This report uses a traffic light system to flag those items that are within tolerance and others that fall out of the range. Variances are calculated using a comparison of year to date actual against year to date budget. It needs also to be noted that the early months of the financial year are a period when variance percentages are volatile and extremely sensitive to small movements in actual income and expense.</p>				
Code	Variance Actual to YTD Budget	Variance reason	Report Section	Comments
Operating Income				
✓	1,383	Within Threshold	Rates	Within Council variance reporting threshold.
✓	(85,589)	Within Threshold	Grants Operating, Subsidies & Contributions	Within Council variance reporting threshold.
✗	901,422	Timing	Non Operating Grants, Subsidies & Contributions	This is a timing variance and will resolve itself during the financial year
✓	33,085	Within Threshold	Fees & Charges & Service Charges	Within Council variance reporting threshold.
✗	(16,571)	Permanent	Other Revenue	Reimbursements for Insurance Claims is the reason for this variance. Council do not budget for claims or reimbursements because at the time of budget the amount of claims is not known.
✗	6,088	Permanent	Interest	Interest Rates are lower than anticipated at Budget adoption. Income from Interest earnings will be lower than budget. This will mainly affect the Reserve Account as most of the Shire's interest earnings are Reserve Funds.
✓	(92,498)	Within Threshold	Profit on sale of Assets	Within Council variance reporting threshold.
Operating Expenditure				
✗	(263,362)	Timing	Employee Costs	Timing Variances can occur based on payperiods during the year.
✗	(224,685)	Timing	Materials & Contracts	Variances occur based on expenditure levels. The majority of Materials and Contracts budgets are spread evenly throughout the year.
✓	(16,667)	Within Threshold	Utilities (Gas, Electricity) etc.	Within Council variance reporting threshold.
✓	3,611	Within Threshold	Interest	Within Council variance reporting threshold.
✓	7,043	Within Threshold	Insurance	Within Council variance reporting threshold.
✓	(10,234)	Within Threshold	Other General	Within Council variance reporting threshold.
✗	(67,146)	Permanent	Loss on Asset Disposals	Loss on Disposal of Assets is mainly the disposal of the Masonic Lodge. This is a non-cash transaction and does not affect the Municipal Surplus at Year-End
✓	68,818	Within Threshold	Depreciation	Within Council variance reporting threshold.
Capital				
✗	(464,089)	Timing	Land & Buildings	This is a timing variance and will resolve itself during the financial year
✓	11,977	Within Threshold	Furniture & Equipment	Within Council variance reporting threshold.
✗	(30,330)	Timing	Motor Vehicles	The acquisition of Motory Vehicles is proceeding as planned. This is a timing issue only.
✗	(190,722)	Timing	Plant	The acquisition of Plant and Equipment is proceeding as planned. This is a timing issue only.
✗	(547,289)	Timing	Infrastructure Other	This is a timing variance and will resolve itself during the financial year
✓	(15,913)	Within Threshold	Infrastructure Roads	Within Council variance reporting threshold.

**SHIRE OF WONGAN-BALLIDU**  
**STATEMENT OF FINANCIAL ACTIVITY (PRG) FOR 31 MARCH 2021**

	Approved Budget	Current Budget	YTD BUDGET *	YTD Actual
<b>INCOME</b>				
General Purpose Funding	(4,028,599)	(4,028,599)	(3,671,498)	(3,750,362)
Governance	(53,021)	(53,021)	(43,159)	(51,385)
Law, Order & Public Safety	(35,500)	(35,500)	(26,613)	(27,760)
Health	(29,100)	(29,100)	(21,816)	(9,201)
Education & Welfare	(13,883)	(13,883)	(10,413)	(3,464)
Housing	(64,500)	(64,500)	(48,357)	(41,954)
Community Amenities	(196,736)	(196,736)	(148,693)	(152,058)
Recreation & Culture	(938,723)	(938,723)	(390,418)	(270,019)
Transport	(1,937,745)	(1,937,745)	(1,391,991)	(611,094)
Economic Services	(37,950)	(37,950)	(28,440)	(18,847)
Other Property & Services	(355,201)	(355,201)	(267,620)	(365,553)
<b>a: TOTAL INCOME</b>	<b>(7,690,957)</b>	<b>(7,690,957)</b>	<b>(6,049,017)</b>	<b>(5,301,696)</b>
<b>OPERATING EXPENSES</b>				
General Purpose Funding	121,385	124,565	93,411	87,149
Governance	307,375	307,375	213,058	226,833
Law, Order & Public Safety	161,509	161,509	126,545	133,972
Health	406,067	414,917	314,449	283,885
Education & Welfare	176,764	176,764	136,082	100,507
Housing	191,444	191,444	144,594	126,698
Community Amenities	504,271	504,271	378,083	369,030
Recreation & Culture	1,847,292	1,847,292	1,435,558	1,341,512
Transport	3,479,405	3,479,405	2,141,504	2,069,331
Economic Services	239,099	235,919	184,828	138,256
Other Property & Services	945,807	945,807	722,946	511,253
<b>b: TOTAL OPERATING EXPENSES</b>	<b>8,380,419</b>	<b>8,389,269</b>	<b>5,891,058</b>	<b>5,388,428</b>
<b>c: NET OPERATING (SURPLUS)/DEFICIT</b>	<b>689,461</b>	<b>698,312</b>	<b>(157,959)</b>	<b>86,732</b>
<b>CAPITAL EXPENSES</b>				
General Purpose Funding	-	-	-	-
Governance	67,000	67,000	67,000	65,031
Law, Order & Public Safety	-	-	-	-
Health	23,800	12,800	12,800	7,158
Education & Welfare	-	-	-	-
Housing	55,671	55,671	41,715	-
Community Amenities	14,500	14,500	14,500	-
Recreation & Culture	1,394,637	1,394,637	1,338,445	384,513
Transport	2,813,365	2,634,365	2,023,247	1,796,440
Economic Services	-	-	-	-
Other Property & Services	46,379	46,379	37,406	20,110
<b>d: TOTAL CAPITAL EXPENSES</b>	<b>4,415,353</b>	<b>4,225,353</b>	<b>3,535,113</b>	<b>2,273,252</b>
<b>e: TOTAL OPERATING &amp; CAPITAL</b>	<b>5,104,814</b>	<b>4,923,664</b>	<b>3,377,154</b>	<b>2,359,984</b>

<b>SHIRE OF WONGAN-BALLIDU</b>			
<b>ANALYSIS OF NET CURRENT ASSETS AS AT 31 MARCH 2021</b>			
<b>NOTE 1A: INFORMATION ON OPENING SURPLUS / (DEFICIT).</b>	<b>2019-2020</b>	<b>Original Budget</b>	<b>2020-2021</b>
SURPLUS / (DEFICIT)	1,504,373	0	1,258,956
<b>COMPRISES</b>			
Cash (including reserves)	3,972,716	1,425,747	3,720,649
Current rates	151,090	144,760	204,198
Sundry debtors	51,477	44,564	83,969
Tax receivables	136,587	23,264	93,389
Other debtors	13,200	22,723	11,342
A: SSL debtors (are excluded see D: adj)	26,072	39,089	4,529
Inventories	6,610	10,541	(3,080)
<b>Less:</b>			
Reserves	(1,840,666)	(1,396,857)	(1,849,850)
Sundry creditors	(565,704)	(29,564)	(563,711)
Accrued interest	(5,317)	-	(0)
ESL Levy Owed	(90,869)	-	(51,359)
PAYG/GST Due To ATO	(3,371)	-	19,846
B: Other - (are excluded see D: adj)		(5,000)	
LSL Cash backed Reserve	41,498	41,896	41,724
Tax liabilities	(967)		(93,267)
Other - Trust	88		88
C: Loan liability (are excluded see D: adj)	(114,486)	(125,470)	(71,140)
Current employee benefits provisions	(362,000)	(287,074)	(354,982)
D: Adjustments (see above A to C)	88,414	91,381	66,611
Surplus / (Deficit) Variance	1,504,373	0	1,258,956
<b>NOTE 1B: CLOSING FUNDS alternate format to Note 1 above</b>	<b>2019-2020</b>	<b>Original Budget</b>	<b>2020-2021</b>
<b>Current assets</b>			
Cash & cash equivalents	3,972,716	1,425,747	3,720,649
Sundry debtors	378,425	274,400	397,428
Inventories	6,610	10,541	(3,080)
<b>Total current assets</b>	<b>4,357,752</b>	<b>1,710,688</b>	<b>4,114,997</b>
<b>Current liabilities</b>			
Creditors and accounts payable	(666,227)	(29,564)	(688,492)
Current loan liability	(114,486)	(125,470)	(71,140)
Provisions	(362,000)	(287,074)	(354,982)
<b>Total current liability</b>	<b>(1,142,713)</b>	<b>(442,108)</b>	<b>(1,114,614)</b>
<b>Net current assets</b>	<b>3,215,039</b>	<b>1,268,580</b>	<b>3,000,383</b>
Less: restricted reserves	(1,840,666)	(1,396,857)	(1,849,850)
Less: SSL principal repayments	(26,072)	(39,089)	(4,529)
Add back: Current loan liability	114,486	125,470	71,140
Add back: LSL Cash backed Reserve	41,498	41,896	41,724
Add back: Movement in provisions between current and non-current			
Other - Trust	88	-	88
Surplus / (Deficit) Variance	1,504,373	0	1,258,956

<b>SHIRE OF WONGAN-BALLIDU</b>			
<b>RATE SETTING STATEMENT AS AT 31 MARCH 2021</b>			
	2020-2021 Approved Budget	2020-2021 Current Budget	2020-2021 Year-to-Date Actual
<b><u>OPERATING INCOME</u></b>			
General Purpose Funding	(1,059,858)	(1,059,858)	(783,006)
Governance	(53,021)	(53,021)	(51,385)
Law, Order & Public Safety	(35,500)	(35,500)	(27,760)
Health	(29,100)	(29,100)	(9,201)
Education & Welfare	(13,883)	(13,883)	(3,464)
Housing	(64,500)	(64,500)	(41,954)
Community Amenities	(196,736)	(196,736)	(152,058)
Recreation & Culture	(938,722)	(938,722)	(270,019)
Transport	(1,937,745)	(1,937,745)	(611,094)
Economic Services	(37,950)	(37,950)	(18,847)
Other Property & Services	(355,201)	(355,201)	(365,553)
<b>A</b>	<b>(4,722,216)</b>	<b>(4,722,216)</b>	<b>(2,334,340)</b>
<b><u>OPERATING EXPENSES</u></b>			
General Purpose Funding	121,385	124,565	87,149
Governance	307,375	307,375	226,833
Law, Order & Public Safety	161,509	161,509	133,972
Health	406,067	414,917	283,885
Education & Welfare	176,764	176,764	100,507
Housing	191,444	191,444	126,698
Community Amenities	504,271	504,271	369,030
Recreation & Culture	1,847,292	1,847,292	1,341,512
Transport	3,479,405	3,479,405	2,069,331
Economic Services	239,099	235,919	138,256
Other Property & Services	945,807	945,807	511,253
<b>B</b>	<b>8,380,418</b>	<b>8,389,268</b>	<b>5,388,428</b>
<b>C= A and B</b>	<b>3,658,202</b>	<b>3,667,052</b>	<b>3,054,088</b>
<b><u>ADJUST FOR CASH BUDGET REQUIREMENTS</u></b>			
<b><u>Non-Cash Expenditure and Income</u></b>			
Depreciation on Assets	(2,434,945)	(2,434,945)	(1,894,846)
Accruals and Adjustments			-
Profit/(Loss) on Asset Sales	(234,180)	(234,180)	(74,536)
<b><u>Capital Expenditure &amp; Income</u></b>			
Purchase of land & buildings	965,992	954,992	411,781
Purchase of furniture & equipment	25,496	25,496	11,977
Purchase of motor vehicles	132,000	132,000	101,670
Purchase of plant & machinery	678,000	499,000	268,278
Purchase of other infrastructure	561,730	561,730	14,441
Purchase of roads infrastructure	2,052,135	2,052,135	1,465,104
Proceeds from sale of assets	(208,500)	(134,500)	(215,945)
<b><u>Financing Activities</u></b>			
Repayment of Loan Principal	118,705	118,705	83,346
Loan proceeds / refinancing CL to NCL adj	(57,000)	(57,000)	(40,000)
Loans paid to SSL parties	57,000	57,000	40,000
Self Supporting Loan Income	(36,089)	(36,089)	(21,543)
<b><u>Reserve Movements</u></b>			
Transfers to Reserves	298,950	298,950	-
Interest paid to Reserves	19,810	19,810	9,183
Transfer from Reserves	(764,851)	(934,851)	-
Net Movement in LSL Reserve			(225)
LSL Provision in reserves	-	-	-
Estimated Muni (Surplus)/Deficit July 1 B/Fwd.	(1,863,714)	(1,588,714)	(1,504,373)
Estimated Muni (Surplus)/Deficit June 30 C/Fwd.	-	-	<b>(1,258,956)</b>
<b>AMOUNT REQUIRED TO BE RAISED FROM RATES</b>	<b>2,968,741</b>	<b>2,966,591</b>	<b>2,967,356</b>
<b>TOTAL RATES RAISED</b>	<b>2,968,741</b>	<b>2,968,741</b>	<b>2,967,356</b>
(Surplus) / Deficit Variance	0	(2,150)	0

**SHIRE OF WONGAN-BALLIDU**  
**ANALYSIS OF DISPOSED ASSETS AS AT 31 MARCH 2021**

Asset No	Budget Net Book Value	Current Budget Sale Proceeds	Budget (Profit) / Loss	Actual Net Book Value	Actual Sale Proceeds	Actual (Profit) / Loss	
<b>By Class</b>							
<b>Land &amp; Buildings</b>							
Masonic Lodge	L0077 & B0120	189,150	27,000	162,150	188,740	25,000	163,740
34 Shields Crescent	L0094				11,860	31,818	(19,958)
1 Danubin Street	L0040				-	57,127	(57,127)
6 Shields Crescent	L0094				11,860	27,273	(15,413)
<b>Motor Vehicles</b>							
Nissan Pathfinder	1505	21,183	14,500	6,683	22,970	22,727	242
Toyota Hilux 4x2 Tipper Utility (P&G)	1499	17,640	8,000	9,640			
Holden Colorado 4x4 dual cab-WS	1503	21,056	14,000	7,056	21,090	20,000	1,090
<b>Plant &amp; Equipment</b>							
Izuzu NPR300 Dual Cab - Construction	1445	39,114	20,000	19,114			
Patching Truck	1395	34,971	31,000	3,971	33,961	32,000	1,961
Case MXU115 Tractor (Maintenance)	1404	31,500	15,000	16,500			
Dual Pig Trailer (Howard Porter)	1403	14,066	5,000	9,066			
				-			-
<b>TOTAL</b>		<b>368,680</b>	<b>134,500</b>	<b>234,180</b>	<b>290,481</b>	<b>215,945</b>	<b>74,536</b>
<b>By Program</b>							
<b>Governance</b>							
Nissan Pathfinder	1505	21,183	14,500	6,683	22,970	22,727	242
<b>Recreation &amp; Culture</b>							
Masonic Lodge	L0077 & B0120	189,150	27,000	162,150	188,740	25,000	163,740
<b>Transport</b>							
Toyota Hilux 4x2 Tipper Utility (P&G)	1499	17,640	8,000	9,640			
Holden Colorado 4x4 dual cab-WS	1503	21,056	14,000	7,056	21,090	20,000	1,090
				-	-	-	-
<b>Other Property &amp; Services</b>							
Izuzu NPR300 Dual Cab - Construction	1445	39,114	20,000	19,114			
Patching Truck	1395	34,971	31,000	3,971	33,961	32,000	1,961
Case MXU115 Tractor (Maintenance)	1404	31,500	15,000	16,500			
Dual Pig Trailer (Howard Porter)	1403	14,066	5,000	9,066			
34 Shields Crescent	L0094				11,860	31,818	(19,958)
1 Danubin Street	L0040				-	57,127	(57,127)
6 Shields Crescent	L0094				11,860	27,273	(15,413)
<b>TOTAL</b>		<b>368,680</b>	<b>134,500</b>	<b>234,180</b>	<b>290,481</b>	<b>215,945</b>	<b>74,536</b>
<b>Motor Vehicle and Plant &amp; Equipment Change Over</b>							
	Current Budget Purchase Price	Current Budget Sale	Current Change-Over Budget	Actual Purchase	Actual Sale	Change-Over	
<b>Motor Vehicles</b>							
Toyota Fortuner	52,000	14,500	37,500	53,053	22,727	30,326	
Toyota Hilux 4x2 Tipper Utility (P&G)	37,000	8,000	29,000			-	
Ford Ranger	43,000	14,000	29,000	48,617	20,000	28,617	
<b>Sub-total</b>	<b>132,000</b>	<b>36,500</b>	<b>95,500</b>	<b>101,670</b>	<b>42,727</b>	<b>58,943</b>	
<b>Plant &amp; Equipment</b>							
Izuzu NPR300 Dual Cab - Construction	85,000	20,000	65,000			-	
Patching Truck	201,000	31,000	170,000	201,064	32,000	169,064	
Case MX115 Tractor (Maintenance)	75,000	15,000	60,000			-	
Dual Pig Trailer (Howard Porter) TK34	50,000	5,000	45,000	-		-	
Data Signs (2)	48,000		48,000	-		-	
Various Trailer Replacements	40,000		40,000	-		-	
<b>Sub-total</b>	<b>499,000</b>	<b>71,000</b>	<b>428,000</b>	<b>201,064</b>	<b>32,000</b>	<b>169,064</b>	
	<b>631,000</b>	<b>107,500</b>	<b>523,500</b>	<b>302,734</b>	<b>74,727</b>	<b>228,007</b>	

**SHIRE OF WONGAN - BALLIDU**  
**REPORT ON BORROWINGS AS AT 31 MARCH 2021**

Existing Loans \* Denotes (SSL) Self Supporting Loan

Loan No.	Particulars	Recipient	Maturity Date	Proposed Borrowings	Amount Borrowed	Loan Principal Paid in Mar 21	Accrued Int. Due	YTD Interest Paid	Loan Balance @ 30 June 2020	Refinancing	Principal Repayments YTD	Loan Balance @ 31 Mar 21
147	Aged Persons	Ninan House*	Jul-2022		100,000	-	-	(1,144)	24,440	-	(9,282)	15,158
151A	Aged Persons	Ninan House*	Oct-2032		300,000	-	-	(4,364)	260,588	-	(8,319)	252,269
152	Co-Location Construction	Shire	Dec-2039		2,000,000	(20,706)	-	(34,012)	1,959,321	-	(61,803)	1,897,518
153	Wongan Hills Community Store	Wongan Hills Community Store	Jul-2025	57,000	40,000	(3,942)	-	(259)	-	-	(3,942)	36,058
<b>TOTAL EXISTING LOANS</b>				<b>57,000</b>	<b>2,440,000</b>	<b>(24,648)</b>	<b>-</b>	<b>(39,780)</b>	<b>2,244,349</b>	<b>-</b>	<b>(83,346)</b>	<b>2,201,003</b>

Shire Loan Summary  
Self Supporting Loan Summary

-	2,000,000	(20,706)	-	(34,012)	1,959,321	-	(61,803)	1,897,518
57,000	440,000	(3,942)	-	(5,768)	285,028	-	(21,543)	303,485

Current loan liability  
Non current liability  
**Total Loan Liability**

Loan Balance @ 30 June 2020	SSL	Shire	Total
(82,616)	(14,546)	15,276	730
(2,161,733)	(288,939)	(1,912,794)	(2,201,733)
<b>(2,244,349)</b>	<b>(303,485)</b>	<b>(1,897,518)</b>	<b>(2,201,003)</b>

SHIRE OF WONGAN - BALLIDU															
ANALYSIS OF RESERVE ACCOUNTS AS AT 31 MARCH 2021															
Reserve Description	GL Acct.	ADOPTED FULL YEAR'S BUDGET						CURRENT FULL YEAR'S BUDGET				ACTUAL YTD AT 31 MARCH 2021			
		Budget Opening Balance	Actual Opening Balance	Transfer in / Interest	Transfer to Muni	Transfer from Muni	EOY Balance	Transfer in / Interest	Transfer to Muni	Transfer from Muni	EOY Balance	Transfer from / Interest	Transfer to Muni/ Transfer from Reserve	Transfer from Muni/ Transfer to Reserve	Actual Balance
Community Resource Centre Reserve	01989	(32,617)	(32,504)	(278)	15,296	(19,950)	(37,436)	(278)	15,296	(19,950)	(37,436)	(177)	-	-	(32,681)
Depot Improvement Reserve	01940	(10,500)	(10,486)	(64)	-	-	(10,550)	(64)	-	-	(10,550)	(57)	-	-	(10,543)
Historical Publications Reserve	01965	(7,077)	(7,067)	(69)	-	-	(7,136)	(69)	-	-	(7,136)	(38)	-	-	(7,106)
Housing Reserve	01955	(1,854)	(1,851)	(18)	-	-	(1,869)	(18)	-	-	(1,869)	(10)	-	-	(1,861)
LSL Reserve	01935	(41,486)	(41,498)	(398)	-	-	(41,896)	(398)	-	-	(41,896)	(225)	-	-	(41,724)
Medical Facilities & R4R Special Projects Reserve	01975	(349,376)	(348,906)	(3,736)	30,000	(40,000)	(362,642)	(3,736)	30,000	(40,000)	(362,642)	(1,895)	-	-	(350,801)
Patterson Street JV Housing Reserve	01988	(44,039)	(43,980)	(383)	-	(5,000)	(49,363)	(383)	-	(5,000)	(49,363)	(239)	-	-	(44,219)
Plant Reserve	01945	(660,989)	(660,098)	(9,048)	244,000	(224,000)	(649,146)	(9,048)	414,000	(224,000)	(479,146)	(3,586)	-	-	(663,683)
Quinlan Street JV Housing Reserve	01987	(44,594)	(44,533)	(389)	-	(5,000)	(49,922)	(389)	-	(5,000)	(49,922)	(242)	-	-	(44,775)
Stickland JV Housing Reserve	01986	(53,214)	(53,142)	(473)	-	-	(53,615)	(473)	-	-	(53,615)	(289)	-	-	(53,431)
Swimming Pool Reserve	01970	(114,921)	(114,767)	(1,361)	86,500	-	(29,628)	(1,361)	86,500	-	(29,628)	(623)	-	-	(115,390)
Waste Management Reserve	01920	(45,042)	(44,981)	(393)	-	(5,000)	(50,374)	(393)	-	(5,000)	(50,374)	(244)	-	-	(45,226)
Sporting Co-Location Reserve	01990	(287,239)	(286,851)	(2,204)	289,055	-	(0)	(2,204)	289,055	-	(0)	(1,558)	-	-	(288,410)
Doctors Subsidy Reserve	01991	(150,000)	(150,000)	(996)	100,000	-	(50,996)	(996)	100,000	-	(50,996)	-	-	-	(150,000)
<b>TOTALS</b>		<b>(1,842,948)</b>	<b>(1,840,666)</b>	<b>(19,810)</b>	<b>764,851</b>	<b>(298,950)</b>	<b>(1,394,575)</b>	<b>(19,810)</b>	<b>934,851</b>	<b>(298,950)</b>	<b>(1,224,575)</b>	<b>(9,183)</b>	<b>-</b>	<b>-</b>	<b>(1,849,850)</b>

SHIRE OF WONGAN-BALLIDU					
BANK RECONCILIATIONS FOR 31 MARCH 2021					
	Total	Municipal (01100+01102)	Trust (21100)	Reserve (01105)	Cash On Hand (01101)
<b>Opening Balance</b>	4,404,935.08	2,488,843.71	70,032.32	1,845,209.05	850.00
<b>Add:</b> Receipts	428,620.19	318,010.39	105,969.22	4,640.58	
Adjustment	-				
Transfers In/(Out)	-				
<b>Less:</b> Payments - EFT & Cheques	(1,044,449.85)	(936,319.60)	(108,130.25)		
Payments - Bank Fees	(584.80)	(584.80)			
Investment - Transfers In/Out	(0.01)			(0.01)	
	-				
<b>Balance as per General Ledger</b>	<b>3,788,520.61</b>	<b>1,869,949.70</b>	<b>67,871.29</b>	<b>1,849,849.62</b>	<b>850.00</b>
<b>Balance as per Bank Statements</b>	163,860.09	106,106.90	57,753.19		
<b>Balance as per Bank Deposit Certificates</b>	2,852,728.79	1,002,879.17		1,849,849.62	
<b>Balance as per Holder Certificates</b>	777,201.12	776,351.12			850.00
<b>Add:</b> Outstanding Deposits	12,575.73	2,457.63	10,118.10	-	
Adjustments -	-				
<b>Less:</b> Unpresented Payments	(13,771.12)	(13,771.12)			
	-				
Adjustments & Transfers	(4,074.00)	(4,074.00)			
	-				
<b>Balance as per Cash Book</b>	<b>3,788,520.61</b>	<b>1,869,949.70</b>	<b>67,871.29</b>	<b>1,849,849.62</b>	<b>850.00</b>



**SHIRE OF WONGAN - BALLIDU  
INVESTMENT REPORT FOR 31 MARCH 2021**

**MUNICIPAL INVESTMENTS**

**Matured Municipal Investments**

Invest No.	Name	Maturity date	Particulars	From	To	Days	Opening Investment	Transfers in/out	YTD Interest	Closing Balance	Interest Realised
9155-84868	Term Deposit	29.12.20	T/F to Muni				\$ 500,000.00	\$ (501,314.24)	\$ 1,314.24	\$ 0.00	\$ 1,314.24
<b>Total of matured municipal investments</b>							<b>\$ 500,000.00</b>	<b>\$ (501,314.24)</b>	<b>\$ 1,314.24</b>	<b>\$ 0.00</b>	<b>\$ 1,314.24</b>

**Current Municipal Investments**

Invest No.	Name	Maturity	From	To	Days	Interest Rate	Opening Investment	Transfers in/out	YTD Interest	Closing Balance	Interest Realised
9155-84606	Term Deposit		27/11/2020	27/05/2021	183	0.20%	\$ 500,000.00		\$ 945.20	\$ 500,945.20	\$ 945.20
9155-85086	Term Deposit		27/08/2020	1/03/2021	186	0.81%	\$ 500,000.00	\$ (502,063.83)	\$ 2,063.83	\$ (0.00)	\$ 2,063.83
9117-01465	Term Deposit		8/03/2021	8/04/2021	30	0.10%	\$ 500,000.00		\$ 1,933.97	\$ 501,933.97	\$ 1,933.97
4705-91546	Online Saver Account		7/11/2018				\$ 1,673,973.69	\$ (897,936.17)	\$ 313.60	\$ 776,351.12	\$ 313.60
<b>Total of current municipal investments</b>							<b>\$ 3,173,973.69</b>	<b>\$ (1,400,000.00)</b>	<b>\$ 5,256.60</b>	<b>\$ 1,779,230.29</b>	<b>\$ 5,256.60</b>

**RESERVE INVESTMENTS**

**Matured Reserve Investments**

Invest No.	Name	Maturity	Particulars	From	To	Days	Interest Rate	Investment last Placed	Interest/Transfer Realised	Closing Balance	BANK TO INVESTMENT
<b>Total of matured reserve investments</b>									<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Current Reserve Investments**

Invest No.	Name	Maturity	From	To	Days	Interest Rate	Opening Investment	Transfers in/out	YTD Interest	Closing Balance	Interest Realised
9788-42609	Term Deposit		6/03/2021	6/04/2021	30	0.10%	\$ 557,558.44	\$ -	\$ 3,285.23	\$ 560,843.67	\$ 3,285.23
9788-42596	Term Deposit		6/03/2021	6/04/2021	30	0.10%	\$ 556,737.36	\$ -	\$ 3,280.39	\$ 560,017.75	\$ 3,280.39
9789-82644	Term Deposit		3/10/2020	3/04/2021	182	0.50%	\$ 87,434.23	\$ -	\$ 438.37	\$ 87,872.60	\$ 438.37
9202-06415	Term Deposit		31/12/2020	31/03/2021	90	0.20%	\$ 500,000.00	\$ -	\$ 2,075.19	\$ 502,075.19	\$ 2,075.19
2527-63397	Reserve Saver						\$ 138,936.28	\$ -	\$ 104.13	\$ 139,040.41	\$ 104.13
<b>Total of reserve investments and cash</b>							<b>\$ 1,840,666.31</b>	<b>\$ -</b>	<b>\$ 9,183.31</b>	<b>\$ 1,849,849.62</b>	<b>\$ 9,183.31</b>

<b>Total of matured municipal and reserve investment</b>							<b>\$ (501,314.24)</b>	<b>\$ 1,314.24</b>	<b>\$ 0.00</b>	<b>\$ 1,314.24</b>	
<b>Total of current municipal and reserve investment and cash</b>							<b>\$ 5,014,640.00</b>	<b>\$ (1,400,000.00)</b>	<b>\$ 14,439.91</b>	<b>\$ 3,629,079.91</b>	<b>\$ 14,439.91</b>

SHIRE OF WONGAN - BALLIDU RATES OUTSTANDING 31 MARCH 2021				
		Rates Raised for 2020/2021	\$ 3,230,325.81	Rates and service charges
<b>Rates Outstanding Breakdown</b>				
Total Amount Outstanding		31.3.21	\$ 212,606.18	7%
Outstanding same time last year		31.3.20	\$ 208,732.80	6%
SUNDRY DEBTORS OUTSTANDING 31 MARCH 2021				
<b>Debtors Ageing Summary</b>				
Current			\$ 80,672.16	
30 Days			\$ 2,850.77	
60 Days			\$ 3,104.15	
90 Days & Over			\$ 2,182.58	
Credit Balance			\$ (4,840.20)	
<b>Total Outstanding</b>			<b>\$ 83,969.46</b>	
<b>Accounts 90 Days &amp; Over:</b>				
<b>Date</b>	<b>Dr No.</b>	<b>Comments</b>	<b>Amount</b>	
17/05/2019	1370	Standpipe Fees	\$ 1,328.25	Company in Liquidation
12/11/2020	1322	Artwork	\$ 61.88	Copy of invoice sent requesting attention
10/07/2020	298	Water Consumption	\$ 307.25	
22/12/2020	287	Pool Inspection	\$ 58.45	Copy of invoice sent requesting attention
17/12/2020	132	Colour Printing	\$ 150.00	Copies of invocias sent requesting attention
17/12/2020	57	Water Consumption	\$ 156.75	Copy of invoice sent
10/08/2020	32	Food Licence	\$ 120.00	
<b>Total</b>			<b>\$ 2,182.58</b>	

**9.2.3 AMENDED COMPLIANCE AUDIT RETURN 2020 (CAR)**

<b>FILE REFERENCE:</b>	F1.7.1
<b>REPORT DATE:</b>	25 March 2021
<b>APPLICANT/PROPONENT:</b>	N/A
<b>OFFICER DISCLOSURE OF INTEREST:</b>	Nil
<b>PREVIOUS MEETING REFERENCES:</b>	Finance, Audit and Review Committee Meeting held 24 February 2021
<b>AUTHOR:</b>	Alan Hart – Deputy Chief Executive Officer
<b>ATTACHMENTS:</b>	2020 Compliance Audit Return

**PURPOSE OF REPORT:**

To consider and adopt the Revised 2020 Compliance Audit Return ('CAR').

**BACKGROUND:**

Council is required to carry out a Compliance Audit Return for the period 1 January 2020 to 31 December 2020 against the requirements included in the 2020 Compliance Audit Return.

The Compliance Audit Return is to be:-

- a) presented to Council at a meeting of the Council;
- b) adopted by the Council; and
- c) the adoption recorded in the Minutes of the meeting at which it is adopted.

The adopted Compliance Audit Return was to be submitted to the Director General, Department of Local Government and Communities by 31 March 2021.

**COMMENT:**

Regulation 14 requires that the local government's Audit Committee review the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

When signing the return, it was noted that there were two incorrect answers on the return in relation to disposal of Property. The return adopted by Council had the answers as "N/A" and these should have been "Yes"

**POLICY REQUIREMENTS:**

There are no known policy requirements related to this item.

**LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995* Section 7.13(i).  
Local Government (Audit) Regulations Regulation 13, 14 and 15.

**STRATEGIC IMPLICATIONS:**

There are no strategic implications in relation to this item.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known environmental impacts associated with this proposal.
- **Economic**  
There are no known economic impacts associated with this proposal.
- **Social**  
There are no known social implications associated with this proposal.
- **Financial Implications:**  
There are no financial implications in relation to this item.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** Yes

**COMMITTEE RECOMMENDATION**

**That Council ADOPT the Amended 2020 Compliance Audit Return as presented.**

***ABSOLUTE MAJORITY REQUIRED***



## Wongan-Ballidu - Compliance Audit Return 2020

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of the relevant minutes.

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2020?	N/A		Alan Hart
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	N/A		Alan Hart
3	s3.59(2)(c) F&G Regs 7,8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2020?	N/A		Alan Hart
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2020?	N/A		Alan Hart
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Alan Hart



<b>Delegation of Power/Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A	There are no delegations to Committees	Alan Hart
2	s5.16	Were all delegations to committees in writing?	N/A	There are no delegations to Committees	Alan Hart
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	N/A	There are no delegations to Committees	Alan Hart
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	There are no delegations to Committees	Alan Hart
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	N/A	There are no delegations to Committees	Alan Hart
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes		Alan Hart
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	Resolution 020320 OCM 25 March 2020	Alan Hart
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	Resolution 020320 OCM 25 March 2020	Alan Hart
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Alan Hart
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	N/A		Alan Hart
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes		Alan Hart
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	Yes		Alan Hart
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes		Alan Hart

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	OCM 23/09/20 OCM 28/10/20 OCM 25/11/20	Alan Hart



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
2	s5.68(2) & s5.69 (5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes	OCM 25/11/20	Alan Hart
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes	OCM 23/09/20 OCM 28/10/20 OCM 5/11/20	Alan Hart
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	N/A		Alan Hart
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	Yes		Alan Hart
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes		Alan Hart
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes		Alan Hart
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes		Alan Hart
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	N/A		Alan Hart
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes		Alan Hart
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes		Alan Hart
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes		Alan Hart
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes		Alan Hart



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Alan Hart
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	Yes	OCM 25/11/20	Alan Hart
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11 (2) was the nature of the interest recorded in the minutes?	Yes	OCM 25/11/20	Alan Hart
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	OCM 24/06/20 OCM 26/08/20	Alan Hart
18	s5.71A & s5.71B (5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		Alan Hart
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		Alan Hart
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?	Yes		Alan Hart
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes		Alan Hart

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	Yes		Alan Hart
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes		Alan Hart





<b>Elections</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	Yes		Alan Hart
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	N/A	No declarations were received	Alan Hart
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes		Alan Hart

<b>Finance</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes		Alan Hart
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Alan Hart
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	N/A		Alan Hart
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	N/A		Alan Hart
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	No	Letter From Auditor to department Local Government, Sport and Cultural Industries Dated 22 December 2020.	Alan Hart
6	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A	There were no matters raised in the Auditors Report.	Alan Hart



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No	Reference	Question	Response	Comments	Respondent
7	s7.12A(4)(a)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?	N/A	There were no matters raised in the Auditors Report.	Alan Hart
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A		Alan Hart
9	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	N/A		Alan Hart
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	Yes		Alan Hart
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes		Alan Hart

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	OCM 26/6/17 Resolution 090617	Alan Hart
2	Admin Reg 19DA (1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	OCM 26/6/17 Resolution 090617	Alan Hart
3	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Alan Hart



<b>Local Government Employees</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Alan Hart
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A		Alan Hart
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A		Alan Hart
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A		Alan Hart
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A		Alan Hart
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A		Alan Hart

<b>Official Conduct</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	Yes	The CEO is the Complaints Officer	Alan Hart
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)?	Yes		Alan Hart
3	s5.121(2)	Does the complaints register include all information required by section 5.121 (2)?	Yes		Alan Hart
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	N/A	The Shire has not received any Complaints.	Alan Hart

<b>Optional Questions</b>					



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No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	N/A		Alan Hart
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.	N/A		Alan Hart
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	N/A		Alan Hart
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	N/A		Alan Hart
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	Yes	Policy 5.22 Adopted OCM 26/08/20 Resolution 020820	Alan Hart
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	Yes		Alan Hart
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Alan Hart
8	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Policy 5.23 Adopted OCM 23/09/20 Resolution 020920	Alan Hart
9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	Yes		Alan Hart
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	Yes		Alan Hart



<b>Tenders for Providing Goods and Services</b>						
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>	
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Alan Hart	
2	F&G Reg 11A(1)	Did the local government comply with its current purchasing policy in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Alan Hart	
3	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart	
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart	
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart	
6	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart	
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Alan Hart	
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart	
9	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart	



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No	Reference	Question	Response	Comments	Respondent
10	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart
11	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	N/A	The Council did not invite Tenders for contracts for the supply of goods or services in 2020.	Alan Hart
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	N/A	The Council did not invite Expressions of interest in 2020	Alan Hart
13	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	The Council did not invite Expressions of interest in 2020	Alan Hart
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	N/A	The Council did not invite Expressions of interest in 2020	Alan Hart
15	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services as an acceptable tenderer?	N/A	The Council did not invite Expressions of interest in 2020	Alan Hart
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	N/A	The Council did not invite Expressions of interest in 2020	Alan Hart
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart
19	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart
20	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart



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No	Reference	Question	Response	Comments	Respondent
21	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart
22	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	The Council does not have a panel of pre-qualified Suppliers	Alan Hart
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	N/A		Alan Hart

I certify this Compliance Audit Return has been adopted by council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor/President, Wongan-Ballidu

\_\_\_\_\_  
Signed CEO, Wongan-Ballidu

**9.2.4 BUDGET REVIEW 2020-2021**

FILE REFERENCE:	F1.3.2
REPORT DATE:	12 April 2021
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST	NIL
PREVIOUS MEETING REFERENCES:	Budget 2020-2021
AUTHOR:	Alan Hart – Deputy Chief Executive Officer
ATTACHMENTS:	Separate Attachment - Budget Review 2020-2021

**PURPOSE OF REPORT:**

To consider and adopt the Budget Review for the period of 1 July 2020 to 31 March 2021.

**BACKGROUND:**

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

The budget review is a comparison of the year to date actual results with the adopted or amended budget. The original budget was adopted in July 2020. The purpose of the budget review in accordance with the legislation is to:

1. Consider the financial performance of the Council for the 2020/21 financial year to-date;
2. Consider the Council's financial position at the date of review and
3. Review the estimated financial position at the end of the financial year.

**COMMENT:**

There is no statutory format to present the budget review to Council, the report together with the standard monthly financial report, with another column added detailing the amended budget forms the budget review. The use of the standard monthly reports is to ensure consistency in reporting to Council in a format that is familiar to the Council.

The 2020/21 budget remains within overall original estimates. Management forecasts an end of year surplus to remain the same as the adopted budget. A summary of changes to the annual budget are as follows:

1. Surplus funds carried forward from the 2020/21 financial year was \$84,339 lower than budget forecasts.
2. Operating Income will increase by \$1,105,296
3. Operating Expenditure will decrease by \$562,617
4. Capital/Infrastructure Expenditure will increase by \$931,432
5. Transfers to Reserves will increase by \$644,250
6. Increase the Operational Surplus at 30 June 2020 to \$10,042

A copy of the review and Council decision is to be provided to the Department of Local Government and Regional Development within 30 days of the decision by Council.

**POLICY REQUIREMENTS:**

There are no policy requirements in relation to this item.



**LEGISLATIVE REQUIREMENTS:**

Regulation 33A Local Government (Financial Management) Regulations 1996.

**STRATEGIC IMPLICATIONS:**

The budget review helps determine and document any significant variations to the adopted annual budget.

This is necessary to facilitate appropriate financial control and to ensure that Council's financial resources are allocated in the most effective manner.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
The Budget review process provides a timely indication of ability of the local government to achieve the budget performance for the year and timing allows corrective actions if required prior to 30 June.
- **Social**  
There are no known social implications associated with this item.

**FINANCIAL IMPLICATIONS:**

The purpose of the budget review is to ensure that the Income and Expenditure for the current year is monitored in line with the adopted budget and to make amendments to the budget or scope of works as required.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: Yes**

**OFFICER RECOMMENDATION:**

**That Council ACCEPT the attached 2020-2021 Budget Review Report, Amended Rate Setting Statement and Reserve Transfers Budget as presented.**

**ABSOLUTE MAJORITY REQUIRED**

**Shire of Wongan-Ballidu  
2020-2021 Budget Review Report**

The Local Government (Financial Management) Regulations requires Council to review the annual budget between 1<sup>st</sup> January to the 31<sup>st</sup> March each year and the outcome of the review must be presented to Council within 30 days of the review being undertaken. The date of this review will be the 31<sup>st</sup> March and will be presented to the Ordinary Meeting in April 2021. The budget review is to assess if there have been material changes in the activities of Council that will alter the budgeted outcome at the 30<sup>th</sup> June.

A comprehensive assessment of the 2020/21 Budget has been undertaken as part of this review and amendments detailed in the budget review document are considered necessary to ensure Council is able to achieve its corporate objectives and maintain a sound financial position as at 30 June 2021.

This report has been split into a number of components, which are detailed below. In addition, a revised Rate Setting Statement and Analysis of Reserve Accounts has been prepared incorporating the budget adjustments below.

### **Current Year Opening Balance**

The adopted budget for 2020/21 was a balanced budget at the 30<sup>th</sup> June 2021. This was based on an estimated surplus brought forward of \$1,863,714 and was revised down to \$1,588,714 in August 2020. The end of year result in the audited financial statements reported a surplus of \$1,504,375. This is a decrease of \$84,339 from the revised budget.

### **Budget Amendments this year**

#### **Income**

Income is being received as expected for the 2020/21 financial year. The review has not highlighted any significant variances to income for programs or services that will affect the final outcome at the 30<sup>th</sup> June 2021.

The review has identified additional sources of income that were not identified in the budget and the following items will amend the budget as detailed below;

<b>Item</b>	<b>Description</b>	<b>Amount</b>
Planning Application Fees (Increase in Income)	This financial year has seen an increase in development activity during the year resulting in higher than expected development application fee income for the year.	(\$7,000)
Swimming Pool Inspection Fees (Increase in Income)	This income was not budgeted for in the preparation of the 2020/21 budget.	(\$1,700)
Rental Income – Staff Housing (Increase in Income)	This income was not budgeted for in the preparation of the 2020/21 budget.	(\$4,160)
Airport Miscellaneous Income (Increase in Income)	This income was not budgeted for in the preparation of the 2020/21 budget and in the contribution from a lease of a hanger towards the installation of new hanger	(\$13,750)

	doors and new concrete apron outside the hanger (this is offset by an increase in expenditure.)	
Regional Road Group Funding (Increase in Income)	When the 2020/21 Budget was adopted an incorrect amount was entered as the amount of funding to be received. Expenditure on Roads was the correct amount	(\$171,836)
Commodity Freight Funding (Decrease in Income)	When the 2020/21 Budget was adopted this budget was incorrectly entered as income. This needs to be reduced to \$0	\$225,000
ESL Operational Grants (Increase in Income)	The shire requested additional funding for PPE for volunteers as was approved by DFES. (this is offset by an increase in expenditure.)	(\$12,000)
Wheatbelt Secondary Freight Network (Increase in Income)	This is a new funding program for road upgrades within the Shire. (this is offset by an increase in expenditure.)	(\$409,100)
CRC Adhoc Grant Income (Increase in Income)	The CRC has been successful in attracting funding for IT hardware	(\$13,000)
Co-Location contribution Income (Increase in Income)	Contribution from Tennis West (Received in 20/21 year)	(\$30,000)
Co-Location contribution Income (Increase in Income)	Contribution from Bowling Club towards the construction of the Bowling Green	(\$40,000)
Co-Location contribution Income (Increase in Income)	Contribution from Bowling Club towards the construction of the ground level toilets and office (25% of construction cost)	(\$25,000)
Economic Stimulus Funding -Phase 2 (Increase in Income)	Additional funding from the Federal Government Economic Stimulus Funding Program (To be used for the construction of Staff Accommodation.)	(\$380,000)
Proceeds from Sale of Land (Increase in Proceeds from Sale of Land)	Proceeds from the sale of 1 Danubin Street and Shields Crescent Blocks of Land	(\$116,000)
Co-Location Reimbursement	Refund from Firm Construction for Uncompleted Works	(\$106,750)
<b>SUB-TOTAL</b>		<b>(\$1,105,296)</b>

### Operating Expenditure

Operating Expenditure is in-line with the annual budget. The review has not highlighted any significant variances to expenditure on programs or services in the 2020/21 financial year that will affect the final outcome at the 30<sup>th</sup> June 2021.

The following items of expenditure will amend the 2019/20 Budget as detailed below.

Item	Description	Amount
PCYC Building Maintenance (Increase in Expenditure)	Expenditure to undertake urgent repairs on Toilet Cisterns.	\$4,500
ESL Operating Expenditure (Increase in Expenditure)	Expenditure for PPE for Volunteers as approved by DFES	\$12,000

Lot 151 Ninan Street - Depot House Operating expenditure. (Increase in Expenditure)	Installation of Security Screens for Depot House. (Originally budgeted as a capital item, it is under the threshold for capital items so it is treated as an operating expense.)	\$4,900
Planning consultants (Increase in Expenditure)	Due to the number of Planning Applications received it is necessary to provide a budget to obtain specialist advise if needed.	\$2,000
Swimming Pool - Salaries and Wages (Decrease in Expenditure)	The 2020/21 budget included provision for a casual swimming pool attendant. These funds were no used this pool season	(\$19,017)
SOWB Wireless Network Project (Increase in Expenditure)	Planning and commencement of installing wireless network infrastructure to communicate between buildings without the reliance on external service providers. (Will provide long term savings in networking costs.)	\$20,000
Fair Value Costs (Decrease in Expenditure)	Recent changes to Local Government regulations no longer requires the shire to undertake fair value valuations for plant and equipment. Savings used to fund SOWB Wireless Network Project	(\$15,000)
Staff Training and Accreditation (Decrease in Expenditure)	Expected Savings for 2020/21 used to fund SOWB Wireless Network Project.	(\$5,000)
CRC Adhoc Grant Expenditure (Increase in Expenditure)	Expenditure related to grant income received by the CRC for IT hardware	\$13,000
Economic Stimulus Funding (Decrease in Expenditure)	In the 2020/21 Budget this expenditure was included as operating expenditure as the project that would be funded under this program was unknown, this funding will be used to fund the construction of the Bowling Green and part of the ground level toilets and office	(\$544,000)
Demolish 30 Wilson Street (Decrease in Expenditure)	Funds no longer required due to sale of property (Transfer balance of funds to Plant Replacement Reserve)	(\$46,000)
Airport Runway Lighting (Increase in Expenditure)	Replace damaged airport runway lighting	\$7,000
Road Maintenance Materials and Contracts (Decrease in Expenditure)	Reduce expenditure to fund the replacement of the damaged airport runway lighting	(\$7,000)
Plant Operating Costs	Implement Navman Vehicle Management System	\$10,000
<b>SUB-TOTAL</b>		<b>(\$562,617)</b>

### Capital/Infrastructure Expenditure

Capital/Infrastructure Expenditure programming is proceeding as planned. The review has not highlighted any significant variances to expenditure on programs or services in the 2020/21 financial year that will affect the final outcome at the 30<sup>th</sup> June 2021.

The following items of expenditure will amend the 2020/21 Budget as detailed below.

### Capital/Infrastructure Items

Item	Description	Amount
Wongan Hills Airport Infrastructure (Increase in Expenditure)	Cost of Installing Hanger Doors and Apron outside hanger (Funded by leasee contribution)	\$13,750
CRC Capital Expenditure (Decrease in Expenditure)	Expenditure to Paint the External of the CRC is lower than budgeted in the 2020/21 Budget	(\$10,000)
Civic Centre Capital Expenditure (Increase in Expenditure)	Expenditure on the storage shed for community groups is higher than budgeted for in the 2020/21 Budget	\$10,000
Mobile CCTV Capital Expenditure (Increase in Expenditure)	The trailer as it is, is no longer operational without regular charging by a generator, this upgrade will replace the existing solar panels and other infrastructure to make the unit operational again without the need of a generator	\$11,500
Lot 151 Ninan Street - Depot House Capital Expenditure. (Decrease in Expenditure)	Installation of Security Screens for Depot House. It is under the threshold for capital items so it is treated as an operating expense.	(\$5,883)
Wheatbelt Secondary Freight Network Projects (Various) (Increase in Expenditure)	This is a new funding program for road upgrades within the Shire. (this is offset by an increase in income.)	\$409,100
Co-Location Construction Project (Decrease in Budget)	Reduce 20/21 Budget due to projected expenditure in 19/20 being higher than Anticipated when Budget was adopted	(\$160,555)
Co-Location Bowling Green Construction (Increase in Expenditure)	Additional funding to Co-Location Project for the Upgrade of the Changerooms (Balance of Funds after current year expenditure \$159,500. Total project cost \$229,720 balance funded Economic Stimulus Funding.)	\$70,220
Co-Location Bowling Green Construction (Increase in Expenditure)	Co-Location Project for the Construction of Bowling Green (Funded from Contribution from Bowling Club \$40,000 and part of Economic Stimulus Funding \$463,300.)	\$503,300
Co-Location Bowling Green Construction-Ground Level Toilets and Office (Increase in Expenditure)	Funding for the construction of Toilets and Office at ground level of Bowling Green (Subject to 25% funding from Bowling Club)	\$100,000

Council Funded Roadworks-Hospital Road	Reduce budget to fund the implementation of Navman Vehicle Management System	(\$10,000)
<b>SUB-TOTAL</b>		<b>\$931,432</b>

### Reserve Transfers

The following are changes to the transfers to/from Reserves budget for the 2020/21 year;

Item	Description	Amount
Transfer to Plant Replacement Reserve	This transfer is the balance of funding after Exp on PCYC building	\$41,500
Transfer to Housing Reserve	This transfer to reserve is to fund the construction of Staff Accommodation. (Funded from Economic Stimulus Funding-Phase 2.)	\$380,000
Transfer to Sporting Co-Location Reserve	This transfer is the refund from Firm Construction for the uncompleted works at the Co-Location Project (Squash Courts)	\$106,750
Transfer to Housing Reserve	This transfer is the proceeds from the sale of land to be used to fund the construction of staff accommodation	\$116,000
<b>SUB-TOTAL</b>		<b>\$644,250</b>

Taking the above into account, the effect on the Annual Budget will be as follows

Current Budget Surplus	(\$2,150)
Decrease in Opening Balance (Surplus 1/7/20)	\$84,339
Increase in Operating Income	(\$1,105,296)
Decrease in Operating Expenditure	(\$562,617)
Increase in Capital Expenditure	\$931,432
Adjustments to Reserve Transfers	\$644,250
<b>Amendment to the estimated Closing Balance 30/6/21</b>	<b>(\$10,042)</b>

As a result of the above amendments to the Annual Budget, there will an amendment to the closing balance at the 30<sup>th</sup> June 2021 of \$10,042 (Surplus). This can be considered an 'unallocated surplus' and is available to fund on other projects.

<b>SHIRE OF WONGAN-BALLIDU</b>					
<b>RATE SETTING STATEMENT (PROG) FOR 31 MARCH 2021</b>					
	Approved Budget 2019-2020	Revised Budget 2019-2020	2020/21 Amendments to Budget	2020/21 Amended Budget	YTD Actual
<b><u>INCOME</u></b>					
General Purpose Income	(1,059,858)	(1,059,858)		(1,059,858)	(772,968)
Governance	(53,021)	(53,021)		(53,021)	(50,658)
Law Order and Public Safety	(35,500)	(35,500)	(12,000)	(47,500)	(26,937)
Education and Welfare	(13,883)	(13,883)		(13,883)	(3,464)
Health	(29,100)	(29,100)		(29,100)	(6,721)
Housing	(64,500)	(64,500)	(384,160)	(448,660)	(35,697)
Community Amenities	(196,736)	(196,736)	(8,700)	(205,436)	(134,689)
Recreation and Culture	(938,723)	(938,723)	(201,750)	(1,140,473)	(266,089)
Transport	(1,937,745)	(1,937,745)	(369,686)	(2,307,431)	(566,527)
Economic Services	(37,950)	(37,950)		(37,950)	(14,096)
Other Property and Services	(355,201)	(355,201)	(129,000)	(484,201)	(337,039)
<b>TOTAL INCOME</b>	<b>(4,722,217)</b>	<b>(4,722,217)</b>	<b>(1,105,296)</b>	<b>(5,827,513)</b>	<b>(2,214,884)</b>
<b><u>OPERATING EXPENSES</u></b>					
General Purpose Income	121,385	124,565		124,565	81,197
Governance	307,375	307,375	-	307,375	196,774
Law Order and Public Safety	161,509	161,509	12,000	173,509	124,443
Education and Welfare	176,764	176,764		176,764	94,360
Health	406,067	414,917		414,917	233,844
Housing	191,444	191,444		191,444	117,467
Community Amenities	504,271	504,271	2,000	506,271	330,256
Recreation and Culture	1,847,292	1,847,292	(14,516)	1,832,776	1,238,033
Transport	3,479,405	3,479,405	(539,100)	2,940,305	1,851,854
Economic Services	239,100	235,919	(46,000)	189,919	125,525
Other Property and Services	945,806	945,806	23,000	968,806	477,128
<b>TOTAL OPERATING EXPENSES</b>	<b>8,380,419</b>	<b>8,389,268</b>	<b>(562,616)</b>	<b>7,826,652</b>	<b>4,870,880</b>
<b>NET OPERATING (SURPLUS) / DEFICIT</b>	<b>3,658,202</b>	<b>3,667,051</b>	<b>(1,667,912)</b>	<b>1,999,139</b>	<b>2,655,996</b>
<b><u>CAPITAL EXPENSES</u></b>					
Land & Buildings	965,992	954,992	520,832	1,475,824	394,671
Furniture & Equipment	25,496	25,496		25,496	12,055
Motor Vehicles	132,000	132,000		132,000	113,648
Plant	678,000	499,000	11,500	510,500	204,728
Infrastructure Other	561,730	561,730		561,730	14,441
Infrastructure Roads	2,052,135	2,052,135	399,100	2,451,235	1,064,713
<b>TOTAL CAPITAL</b>	<b>4,415,353</b>	<b>4,225,353</b>	<b>931,432</b>	<b>5,156,785</b>	<b>1,804,255</b>
<b>TOTAL OPERATING &amp; CAPITAL</b>	<b>8,073,555</b>	<b>7,892,404</b>	<b>(736,480)</b>	<b>7,155,924</b>	<b>4,460,252</b>
<b><u>ADJUST - NON CASH ITEMS</u></b>					
Depreciation	(2,434,945)	(2,434,945)		(2,434,945)	(1,678,978)
Profit on sale of assets	-	-		-	92,498
Loss on sale of assets	(234,180)	(234,180)		(234,180)	(167,034)
Proceeds from Sale of Assets	(208,500)	(134,500)		(134,500)	(215,945)
	-	-		-	-
Transfer from reserves	(764,851)	(934,851)		(934,851)	-
Transfer to reserves	298,950	298,950	644,250	943,200	-
Interest paid to reserves	19,810	19,810		19,810	4,543
Net Movement in LSL Reserve	-	-		-	(112)
LSL Provision in reserves	-	-		-	-
Loan proceeds	(57,000)	(57,000)		(57,000)	(40,000)
Loan principal repayment	118,705	118,705		118,705	58,697
Loan to SSL Parties	57,000	57,000		57,000	40,000
SSL Principal Reimbursements	(36,089)	(36,089)		(36,089)	(17,601)
Less (Surplus)/deficit B/Fwd	(1,863,714)	(1,588,713)	84,338	(1,504,375)	(1,504,375)
Add Estimated Closing Balance	(0)	(2,150)	(7,892)	(10,042)	(1,935,190)
<b>AMOUNT REQUIRED FROM RATES*</b>	<b>2,968,741</b>	<b>2,968,741</b>		<b>2,968,741</b>	<b>2,967,135</b>

**SHIRE OF WONGAN - BALLIDU**  
**2020/2021 RESERVE BUDGET**

Reserve Description	ADOPTED FULL YEAR'S BUDGET					2020/21 REVISED YEAR'S BUDGET				ACTUAL YTD AT 31 MARCH 2021			
	Budget Opening Balance 1/7/20	Transfer in / Interest	Transfer to Muni	Transfer from Muni	EOY Balance 30/6/21	Transfer in / Interest	Transfer to Muni	Transfer from Muni	Closing Balance 30/6/21	Transfer in / Interest	Transfer to Muni	Transfer from Muni	Actual Balance
Centenary Celebrations Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Resource Centre Reserve	(32,504)	(278)	15,296	(19,950)	(37,436)	(278)	15,296	(19,950)	(37,436)	(87.36)	-	-	(32,592)
Depot Improvement Reserve	(10,486)	(64)	-	-	(10,550)	(64)	-	-	(10,550)	(28.17)	-	-	(10,514)
Historical Publications Reserve	(7,067)	(69)	-	-	(7,136)	(69)	-	-	(7,136)	(18.98)	-	-	(7,086)
Housing Reserve	(1,851)	(18)	-	-	(1,869)	(18)	-	(496,000)	(497,869)	(4.95)	-	-	(1,856)
LSL Reserve	(41,498)	(398)	-	-	(41,896)	(398)	-	-	(41,896)	(111.51)	-	-	(41,610)
Medical Facilities & R4R Special Projects Reserve	(348,906)	(3,736)	30,000	(40,000)	(362,642)	(3,736)	30,000	(40,000)	(362,642)	(937.49)	-	-	(349,843)
Patterson Street JV Housing Reserve	(43,980)	(383)	-	(5,000)	(49,363)	(383)	-	(5,000)	(49,363)	(118.20)	-	-	(44,099)
Plant Reserve	(660,098)	(9,048)	244,000	(224,000)	(649,146)	(9,048)	414,000	(265,500)	(520,646)	(1,773.66)	-	-	(661,871)
Quinlan Street JV Housing Reserve	(44,533)	(389)	-	(5,000)	(49,922)	(389)	-	(5,000)	(49,922)	(119.66)	-	-	(44,653)
Stickland JV Housing Reserve	(53,142)	(473)	-	-	(53,615)	(473)	-	-	(53,615)	(142.79)	-	-	(53,285)
Swimming Pool Reserve	(114,767)	(1,361)	86,500	-	(29,628)	(1,361)	86,500	-	(29,628)	(308.37)	-	-	(115,075)
Waste Management Reserve	(44,981)	(393)	-	(5,000)	(50,374)	(393)	-	(5,000)	(50,374)	(120.84)	-	-	(45,102)
Sporting Co-Location Reserve	(286,851)	(2,204)	289,055	-	(0)	(2,204)	289,055	(106,750)	(106,750)	(770.77)	-	-	(287,622)
Doctor Subsidy Reserve	(150,000)	(996)	100,000	-	(50,996)	(996)	100,000	-	(50,996)	-	-	-	(150,000)
<b>TOTALS</b>	<b>(1,840,666)</b>	<b>(19,810)</b>	<b>764,851</b>	<b>(298,950)</b>	<b>(1,394,575)</b>	<b>(19,810)</b>	<b>934,851</b>	<b>(943,200)</b>	<b>(1,868,825)</b>	<b>(4,543)</b>	<b>-</b>	<b>-</b>	<b>(1,845,209.02)</b>



**9.3 WORKS AND SERVICES**

No items.

## 9.4 HEALTH, BUILDING AND PLANNING

### 9.4.1 WONGAN HILLS ROTARY CLUB MANAGEMENT AGREEMENT – WONGAN HILLS CIVIC CENTRE AND COMMUNITY SHED, 2 PARKER PLACE, WONGAN HILLS

FILE REFERENCE:	A443
REPORT DATE:	14 April 2021
APPLICANT/PROPONENT:	Wongan Hills Rotary Club
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon, Manager Regulatory Services
ATTACHMENTS:	Management Agreement

#### PURPOSE OF REPORT:

To consider a request from Wongan Hills Rotary Club (WHRC) to enter into a five (5) year Management Agreement with a five (5) year review for the use of the Wongan Hills Civic Centre stage toilets, kitchen and one community shed (western two roller doors), located at 2 Parker Place, Wongan Hills.

#### BACKGROUND:

The WHRC were previously using the shed at the Old Masonic Lodge, Lots 57 and 58 Mitchell Street, Wongan Hills for storage.

In a letter dated August 2019, WHRC were notified by the Shire that the Old Masonic Lodge would be sold, with the plan was to build community sheds on the western side of the Wongan Hills Civic Centre for use by the club. The shed would be like for like and as an addition have power connected.

The community sheds were completed in November 2020.

#### COMMENT:

Melissa Marcon, Manager Regulatory Services contacted the President of the WHRC to discuss a new Management Agreement for the use of the stage toilets, kitchen and one community shed. The President was provided with a copy of a draft Management Agreement to discuss with the WHRC Committee Members for their approval.

A meeting was held with the Shire Chief Executive Officer, Stuart Taylor and three Committee Members of the WHRC to discuss items in the draft Agreement, which were clarified by the CEO. The WHRC have agreed to accept the attached lease on final approval of Council.

#### POLICY REQUIREMENTS:

There are no known policy requirements in relation to this item.

#### LEGISLATIVE REQUIREMENTS:

*Local Government Act 1995 Section 3.58 (1) (5c)*

#### **3.58. Disposing of property**

- (1) *In this section — dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*property includes the whole or any part of the interest of a local government in property but does not include money.*

(5) *This section does not apply to —*

*(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

*(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

*(d) any other disposition that is excluded by regulations from the application of this section.*

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic requirements in relation to this item.

#### **SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

There are no known economic implications associated with this item.

➤ **Social**

There is significant social value in providing a space and opportunity for community.

#### **FINANCIAL IMPLICATIONS:**

No cost will be incurred by the Shire.

#### **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

#### **OFFICER RECOMMENDATION**

**That Council AGREE to a (5) five-year Management Agreement with an option of a further (5) five-years, with the Wongan Hills Rotary Club for the use of the stage toilets, kitchen and one community shed (western two roller doors) at the Wongan Hills Civic Centre, Parker Place, Wongan Hills for the sum of \$1.00 per annum, payable upon demand, for the period from 1 May 2021 to 1 April 2026.**



## MANAGEMENT AGREEMENT

SHIRE OF WONGAN BALLIDU

AND

*Rotary Club of Wongan Hills*

*Wongan Hills Civic Centre  
Stage Toilets and Kitchen  
1 Shed (Western two roller doors) (A443)*

*COMMENCING*

*1<sup>st</sup> May 2021*

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## 1.0 AGREEMENT

This document represents a 'Management Agreement' made BETWEEN THE **SHIRE OF Wongan Ballidu** of Post Office Box 84, Wongan Hills, Western Australia, 6603 ("the Shire")

AND ("the **Organisation**") Rotary Club of Wongan Hills

Addressing the proportioned responsibility for the '**day-to-day management**' of the Premises and the **equipment** of the Shire (located at the premises) to the Organisation for a period, subject to the agreed terms contained in this Agreement.

## 2.0 INTERPRETATION

Definition used in this Agreement,

"**Equipment**" means the items of equipment listed in Schedule 10.8 and each of them;

"**Organisation**" means the community body who by this Agreement undertakes to utilise the facilities as provided below;

"**Premises**" means the land described in Schedule 10.1, together with all buildings and improvements thereon or hereafter erected thereon;

"**Shire**" includes its successors and the reversioner for the time being immediately expectant upon the term created by this Agreement;

"**Plan**" means any plan annexed to this Agreement;

"**Reserve**" means where the Premises or portion thereof are on a Reserve or portion of a Reserve with a 'Management Order' vested in the Shire, under and by virtue of legislation, for the Reserve; and

"Schedules" **The included Schedules form part of this Agreement.**

## 3.0 PREMISES USAGE

### 3.1 PERMITTED USE

By this Agreement the Organisation is permitted to;

- ❖ use the Stage Toilets and Kitchen at the premises. The organisation is to provide the Shire with a list of dates they require access to the kitchen. If there is a booked function at the Civic Centre, there shall be no access to stage toilets or kitchen without the express agreement of the Hirer.
- ❖ use of the shed section at the western side of the premises to store equipment. Shed has two roller doors.

### 3.2 NOT PERMITTED USE

The Organisation is not permitted to;

- ❖ Use the premises or to permit them to be used for any purpose whatsoever other than for the purposes and objects for which this agreement
- ❖ The Organization shall not effect any structural alterations, improvements or additions to the premises without the prior written consent of the Shire.
- ❖ The Organization will not permit to exhibit or affix to or upon any part of the premises, any placard, poster, sign, board or other advertisement unless first obtaining the written approval of the Shire
- ❖ Not to sell or dispense alcohol from the premises without a current licence obtained and the prior written consent of the Shire's Chief Executive Officer and Director of Liquor Licensing and compliance with all terms and conditions imposed.
- ❖ Not to permit any person to live on the premises or use the premises as living accommodation.

- ❖ The Organisation **is not to assign**, mortgage, or part with management of the premises or any part thereof.

## **4.0 SHIRE TERMS**

Under the terms of this Agreement the Shire agrees to;

### **4.1 Quiet Enjoyment**

Grant the Organisation the peaceable enjoyment of the Premises without unreasonable interruption by the Shire or authorised officer, subject to the Organisation observing the rights the Shire.

### **4.2 Building Insurance**

The Shire will keep insured all buildings and improvements, of an insurable nature, erected with the approval of the Shire on the Premises, under its 'Asset Register', against loss or damage by fire, storm, tempest, earthquake and any other normal insurable risks.

### **4.3 Insurance of Equipment**

Similarly, The Shire will insure and keep insured all equipment that is set out in the schedule, as amended, as being on the 'Asset Register' of the shire.

WORKS THAT ARE THE RESPONSIBILITY OF THE SHIRE MUST BE ORGANISED THROUGH THE SHIRE AND A PURCHASE ORDER OR WORK ORDER IS TO BE ISSUED BY THE SHIRE PRIOR TO ANY WORKS COMMENCING.

## **5.0 ORGANISATIONS TERMS**

By the terms of this Agreement, the Organisation will undertake;

### **5.1 Public Liability**

The Organisation is responsible for any 'Public Liability Claim' deriving from the use of the Premises and are therefore to insure and keep insured, with an insurance office approved by the Shire, a public risk policy for an amount of TWENTY MILLION DOLLARS (\$20,000,000).

Insurance shall include coverage for Volunteers of the Wongan Hills Rotary Club.

The Organisation will deposit with the Shire, a renewed copy of the policy of insurance, within seven (7) days of the renewal and payment of premiums.

### **5.2 Indemnity**

The Organisation on behalf of itself, any separate entity (Business or non incorporated body) or affiliated group, will indemnify and keep indemnified the Shire against any claim, demand, action, suit or proceeding that may be made or brought by any person, volunteer employee, contractor, sub-contractor, against the Shire, any staff member of the Shire or any agent of the Shire in respect of personal injury to, or the death of, any person whom-so-ever or loss or damage to any property whatsoever arising out of, or as a consequence of, the activities of the Organisation under this Agreement, and also from any costs and expenses that may be incurred in connection with any such claim, demand, action, suit or proceeding;

### **5.3 Alterations and Additions**

The Organisation will not erect or alter any building or structure, including internal alterations, on the Premises without prior written consent of the Shire. Page 160 of 171

Any consent granted for alterations and/or additions will be under the direct supervision and to the satisfaction of the Shire's Manager Regulatory Services.

#### **5.4 Insurance of Assets of the Organisation**

Any assets / equipment of the Organisation kept at the premises that are not included in schedule 10.8 will not be insured by the Shire. It is recommended therefore the Organisation insure and keep insured the assets against loss or damage by fire, storm, tempest, earthquake and any other risks. The organisation will be responsible for any excess as a result of a claim on insurances.

#### **5.5 Cleaning**

The Organisation will undertake to keep and maintain the Premises, improvements and fixtures thereon orderly, clean, tidy and free from dirt, in good order and tenable to the satisfaction of the Shire (fair wear and tear excepted).

The Organisation will undertake to remove loose or blown rubbish from the immediate surrounds.

#### **5.6 Maintenance and Repair**

The Organisation agrees to undertake building maintenance tasks, including;

- ❖ Repair/replace defective light globes and fittings (eg. covers)

The Organisation is not liable to effect any structural repairs rendered unless the same are necessary by the act, neglect, default or misconduct of the organisation or sub user (hirer, business or affiliated group);

#### **5.7 Emergency Exits and Procedures**

The Organisation is to ensure all users of the Premises are made aware of the location of fire fighting equipment, emergency exits and assembly areas and of the need to ensure these emergency facilities are not obstructed.

#### **5.8 Use of Stage Toilets and Kitchen**

The Organisation is to ensure that the Shire is contacted, and a booking is made for the use of the stage toilets and kitchen before use, to ensure no conflict arises between a booked hirer and the organisation.

It is acknowledged that the use of the kitchen is for minor use and of limited time potentially only an hour at most. As such this may not impact the use of the facility by other hirers. If agreement is made between the organisation and the booked hirer in these instances the organisation may use the stage toilets and the kitchen facilities

The kitchen facilities must be left in a clean and tidy state for the booked hirer on their day.

There will be no charge for the above bookings.

All other functions that require use of the facility are to follow the booking process for the Civic Centre and will be charged as per Councils fees and charges.

#### **5.9 Keys**



## **6.0 NOTICES**

Any notice between the parties to this Agreement, shall be sufficiently served if sent to it by post to the address hereinbefore mentioned or last known and shall be deemed to have been served on the day on which it would in the ordinary course of post reach the address to which it was sent.

## **7.0 FINANCIAL CONSIDERATION**

Any proposed application for improvements to the Premises and for new or replacement of existing Equipment must first be approved in writing by the Shire

The Organisation is advised that any **budget requests** to the Shire for financial assistance with the provision of improvements to the Premises and for new or replacement of existing Equipment should be **made prior to March each year**, for consideration inline with the budget.

## **8.0 TERMINATION OF AGREEMENT**

Reflecting the nature of this Agreement, this agreement will expire on the date as provided for within the schedules.

If the organization seeks to renew the term the organization will give the Shire notice in writing not earlier than six months but no later than three months prior to the expiration of this agreement.

Accordingly, should the Shire wish to terminate this agreement for any reason whatsoever the Shire will give notice in writing not earlier than 6 months but no later than three months prior to the expiration of this agreement.

## **9.0 DISPUTES**

Given the nature of this agreement, dispute or difference between the parties, shall be addressed through consultation between the parties.

## **10.0 SCHEDULES**

**Schedule 10.1 – Description of Premises**

**Schedule 10.2 – Purpose for which Premises are to be used**

**Schedule 10.3 – Term**

**Schedule 10.4 – Rent**

**Schedule 10.5 – Business Name**

**Schedule 10.6 – Public Risk Insurance**

**Schedule 10.7 – Address for Service**

**Schedule 10.8 – Equipment**

## **SCHEDULES**

### **10.1 – Description of Premises**

Wongan Hills Civic Centre  
2 Parker Place, Wongan Hills

### **10.2 – Purpose for which Premises to be used**

Stage Toilets and Kitchen  
Community Sheds (Western side) end two roller doors.

### **10.3 – Term**

5 years

Date of Commencement – 1st May 2021

Date of Expiry – 30 April 2026

### **10.4 – Rent**

Rent payable shall be \$1.00pa payable on demand by the Shire

### **10.5 – Business Name**

Wongan Hills Rotary Club

### **10.6 – Public Risk Insurance**

Minimum \$20,000,000

### **10.7 – Address for Service**

Shire of Wongan Ballidu  
P.O. Box 84  
Wongan Hills WA 6603

Fax 08 96712500  
Email [shire@wongan.wa.gov.au](mailto:shire@wongan.wa.gov.au)

Wongan Hills Rotary Club  
PO Box 155  
WONGAN HILLS WA 6603

### **10.8 – Equipment**

Not applicable

The Signatures of the Shire of  
Wongan Ballidu's President and Chief  
Executive Officer were hereunto affixed  
by authority of a resolution of the Council:

.....

.....  
*Chief Executive Officer*

Mr Stuart Taylor  
*Name of Chief Executive Officer*

The Signatures of the Organisations  
office bearers were hereunto affixed  
pursuant to a resolution of the Committee:

.....  
*President (Organisation)*

.....  
*Name of President (print)*

.....  
*Secretary (Organisation)*

.....  
*Name of Secretary (print)*

## 9.4.2 WONGAN HILLS ROTARY CLUB – PERSONAL ACCESS DOOR – COMMUNITY SHED AT WONGAN HILLS CIVIC CENTRE, 2 PARKER PLACE, WONGAN HILLS

FILE REFERENCE:	A443
REPORT DATE:	14 April 2021
APPLICANT/PROPONENT:	Wongan Hills Rotary Club
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon, Manager Regulatory Services
ATTACHMENTS:	Nil

### PURPOSE OF REPORT:

To consider a request from Wongan Hills Rotary Club (WHRC) to install a personal access door to the community shed (western two roller doors) at Wongan Hills Civic Centre, 2 Parker Place, Wongan Hills.

It is proposed that the Shire will incur the cost of purchasing the personal access door and WHRC will incur the cost of the installation.

### BACKGROUND:

The WHRC were previously using a shed located at the Masonic Lodge, Mitchell Street, Wongan Hills for storage.

In a letter dated August 2019, WHRC were notified by the Shire that the Masonic Lodge would be sold, and the plan was to build community sheds on the western side of the Wongan Hills Civic Centre for use by Rotary and Apex. The shed would be like for like and as an addition have power connected.

Melissa Marcon, Manager Regulatory Services met with Apex (Colin Fowler) and Rotary (Gary McCagh) and discussed plans prior to ordering the shed. Both agreed on the design which did not include a PA door. The community sheds were completed in November 2020.

### COMMENT:

Under the WHRC Management Order, the applicant must obtain written consent from the Shire before proceeding with any alterations to the building.

WHRC Management Order – Clause 5 Organisations Terms

#### **5.3 Alterations and Additions**

*The Organisation will not erect or alter any building or structure, including internal alterations, on the Premises without prior written consent of the Shire.*

*Any consent granted for alterations and/or additions will be under the direct supervision and to the satisfaction of the Shire's Manager Regulatory Services.*

The WHRC had been previously advised by the Shire that if they were wanting to install a personal access door, the WHRC would have to incur all costs associated with this.

A meeting with Stuart Taylor, CEO, was held in April with three committee members from WHRC.

At the meeting it was discussed that the Shire would purchase the PA door and WHRC will install.

**POLICY REQUIREMENTS:**

There are no known policy requirements in relation to this item

**LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements in relation to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic requirements in relation to this item.

**SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known environmental implications associated with this item.
- **Economic**  
There are no known economic implications associated with this item.
- **Social**  
There are no known economic implications associated with this item.

**FINANCIAL IMPLICATIONS:**

All costs for the supply of the personal access door will be incurred by the Shire. The approximate amount for the PA door will be \$800.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:** No

**OFFICER RECOMMENDATION:****That Council APPROVE:-**

- (a) the request from Wongan Hills Rotary Club to install a personal access door to the community shed (western two roller doors); and
- (b) the Shire of Wongan-Ballidu incur the cost of the supply of a personal access door to the community shed (western two roller doors) at the Wongan Hills Civic Centre, Parker Place, Wongan Hills; and
- (c) the Wongan Hills Rotary Club agree to install the personal access door to the community shed (western two roller doors) at the Wongan Hills Civic Centre, Parker Place, Wongan Hills.

### 9.4.3 WONGAN HILLS GOLF CLUB – REQUEST FOR OUTBUILDING on RESERVE 16588, LOT 156 SADLER ROAD, WONGAN HILLS

FILE REFERENCE:	A225
REPORT DATE:	22 April 2021
APPLICANT/PROPONENT:	Wongan Hills Golf Club
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon, Manager Regulatory Services
ATTACHMENTS:	Nil

#### PURPOSE OF REPORT:

To consider a request from the applicant to erect an outbuilding (shed) at the Wongan Hills Golf Club (WHGC), Reserve 16588, Lot 156 Sadler Road, Wongan Hills.

#### BACKGROUND:

The applicant would like to erect a new shed measuring 9m x 6m x 3m next to the existing club house for the purpose of a junior buggy shed on Reserve 16588, Lot 156 Sadler Road, Wongan Hills.

The applicant currently has a Management Agreement with the Shire of Wongan-Ballidu for 21 years.



*Google Maps 22/04/2021*

#### COMMENT:

A letter was received from the applicant requesting permission to erect a new shed at the Wongan Hills golf course next to the existing clubhouse.

As per the current Management Agreement WHGC holds with the Shire, they must seek approval from Council before erecting any structures upon the land.

### 5.3 Alterations and Additions

*The Organisation is permitted to erect or alter any building or structure, including internal alterations, on the Premises without prior written consent of the Shire subject to the normal Statutory Approval processes.*

*The Organisation shall seek Shire approval to erect any structure upon the Land, of which the Shire will not unreasonably withhold consent.*

#### **POLICY REQUIREMENTS:**

There are no known policy requirements in relation to this item

#### **LEGISLATIVE REQUIREMENTS:**

There are no known legislative requirements in relation to this item.

#### **STRATEGIC IMPLICATIONS:**

There are no known strategic requirements in relation to this item.

#### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known environmental implications associated with this item.
- **Economic**  
There are no known economic implications associated with this item.
- **Social**  
There is significant social value in providing a space and opportunity for community.

#### **FINANCIAL IMPLICATIONS:**

There is no financial implication to the Shire associated with this item.

#### **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: No**

#### **OFFICER RECOMMENDATION**

**That Council APPROVE the erection a new shed measuring 9m x 6m x3m adjacent to the Club Rooms at the Wongan Hills Golf Course, situated at Lot 103 Sadler Road, Wongan Hills.**

**9.4.4 REMOVAL OF CROWN GRANT PROVISO – 21 FENTON PLACE, WONGAN HILLS**

FILE REFERENCE:	A960
REPORT DATE:	7 April 2021
APPLICANT/PROPONENT:	Philippa Wickens and Alan Flanders
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon, Manager Regulatory Services
ATTACHMENTS:	Separate Attachment - Confidential

**PURPOSE OF REPORT:**

To consider a request from the applicant to remove a 'Crown Grant' for 21 Fenton Place, Wongan Hills. The 'Crown Grant' contains a proviso against the sale of intoxicating liquor.

**BACKGROUND:**

On 17 February 2021 the applicants purchased the property at 21 Fenton Place, Wongan Hills and have since opened a café and are seeking a liquor licence to serve alcohol.

Listed on the Certificate of Title is a 'Crown Grant which contains a proviso against the sale of intoxicating liquor see volume 545 folio 45. This means that the applicant cannot sell liquor at this address unless this proviso is removed. The 'Crown Grant' was placed on the title in 1913 for reasons unknown.

**COMMENT:**

As part of setting up the café, the applicant made enquiries with liquor licencing in relation to the process of obtaining a liquor licence for the café.

Liquor licencing have advised the applicant that the 'Crown Grant' needs to be removed from the Certificate of Title prior to lodging an application for a liquor licence.

The Shire has contacted the Department of Planning, Lands and Heritage (DPLH), regarding the process to remove the 'Crown Grant' and whilst most of the process involves the DPLH, to commence the process, Council approval is required to remove the 'Crown Grant'.

If Council approves this request, DPLH estimate that the entire process will take 6 months to complete and the process involves returning the land to the Crown and then re-issuing the title to the property owners. This is all done by DPLH.

It is recommended that Council approve the removal of this 'Crown Grant'.

**POLICY REQUIREMENTS:**

There are no known policy requirements in relation to this item.

**LEGISLATIVE REQUIREMENTS:**

There are no known policy requirements in relation to this item.

**STRATEGIC IMPLICATIONS:**

There are no known strategic requirements in relation to this item.

**SUSTAINABILITY IMPLICATIONS:**



➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

There are no known economic implications associated with this item.

➤ **Social**

There is significant social value in providing a space and opportunity for community.

**FINANCIAL IMPLICATIONS:**

There are no financial implications in relation to this matter.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: No**

**OFFICER RECOMMENDATION**

**That Council AGREE to remove from the Certificate of Title (Volume 1642 Folio 876) the 'Crown Grant' containing a proviso against the sale of intoxicating liquor at 21 Fenton Place, Wongan Hills.**

**9.5 COMMUNITY SERVICES**

No items.

**Item 10. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**Item 11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

**Item 12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**Item 13. CLOSURE**