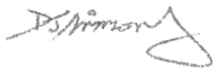


# Shire of Koorda

# AGENDA

**Notice is hereby given that an Ordinary Meeting of Council will be held in Council Chambers, 10 Haig Street, Koorda commencing at 5.00pm on Tuesday, 18 February 2020.**

**PLEASE NOTE: CHANGE OF DATE**



Darren Simmons  
Chief Executive Officer



# DISCLOSURE OF INTEREST

## ✦ WRITTEN

- Prior to meeting
- CEO to advise Presiding Person
- Reported to meeting immediately before item discussed
- Standard form may be used

## ✦ VERBAL

- No round robin at start of meeting
- Advise immediately before item discussed

## ✦ TO BE DISCLOSED

- Nature of interest
- Extent if vote on participation held.



## SHIRE OF KOORDA

# DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed

DJ Simmons  
**CHIEF EXECUTIVE OFFICER**

# CONTENTS

1	DECLARATION OF OPENING .....	5
2	ANNOUNCEMENT OF VISITORS .....	5
3	RECORD OF ATTENDANCE .....	5
	3.1 <i>Record of Attendance:</i> .....	5
	3.2 <i>Apologies:</i> .....	5
	3.3 <i>Approved Leave of Absence:</i> .....	5
4	QUESTION TIME FOR THE PUBLIC .....	5
	4.1 <i>Response to Previous Public Questions Taken on Notice</i> .....	5
	4.2 <i>Public Question Time</i> .....	5
5	APPLICATIONS FOR LEAVE OF ABSENCE .....	5
6	DECLARATIONS OF INTEREST .....	5
7	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS .....	5
8	CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS .....	5
	8.1 <i>ORDINARY MEETING HELD 18 December 2019</i> .....	5
9	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	5
10	REPORTS OF COMMITTEES .....	6
	11.1 <i>Governance and Administration</i> .....	6
	11.1.1 NEWROC COUNCIL MEETING AND PROPOSED SHIRE OF DOWERIN MEMBERSHIP .....	6
	11.1.2 LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN 2019 .....	10
	11.2 <i>Finance</i> .....	12
	11.2.1 MONTHLY FINANCIAL STATEMENTS – DECEMBER 2019 .....	12
	11.2.2 MONTHLY FINANCIAL STATEMENTS – JANUARY 2020.....	14
	11.2.3 ACCOUNTS PAID AS LISTED .....	16
	11.2.4 MONTHLY FINANCIAL POSITION .....	18
	11.2.5 INVESTMENT OF COUNCIL FUNDS.....	20
	11.3 <i>Law, Order &amp; Public Safety</i> .....	22
	11.3.1 PROPOSED DELEGATION OF AUTHORITY TO CEO – POWERS UNDER THE DOG ACT 1976 AND CAT ACT 2011 .....	22
	11.4 <i>Health and Building</i> .....	25
	11.5 <i>Education &amp; Welfare</i> .....	25
	11.6 <i>Housing</i> .....	25
	11.7 <i>Community Amenities</i> .....	25
	11.8 <i>Recreation and Culture</i> .....	25
	11.9 <i>Transport</i> .....	25
	11.10 <i>Economic Services</i> .....	25
	11.11 <i>Other Property &amp; Services</i> .....	25
	11.12 <i>Reserves</i> .....	25
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	25
13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	25
14	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	25
15	DATE OF NEXT MEETING.....	26
16	CLOSURE.....	26

**1 DECLARATION OF OPENING**

**2 ANNOUNCEMENT OF VISITORS**

**3 RECORD OF ATTENDANCE**

- 3.1 *Record of Attendance:*
- 3.2 *Apologies:*
- 3.3 *Approved Leave of Absence:*

**PRESIDENT TO DRAW THE DISCLAIMER TO THE PUBLIC'S ATTENTION  
(If members of the public present)**

**4 QUESTION TIME FOR THE PUBLIC**

- 4.1 *Response to Previous Public Questions Taken on Notice*
- 4.2 *Public Question Time*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**6 DECLARATIONS OF INTEREST**

**7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

**8.1 ORDINARY MEETING HELD 18 December 2019**

**COUNCIL DECISION**

**Moved Cr**

**Seconded Cr**

**That the Minutes of the Koorda Shire Council Ordinary Meeting held on the 18 December 2020, as circulated be confirmed and certified as a true and accurate record.**

**PUT AND CARRIED:  
RESOLUTION NO:**

**9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

WALGA Quarterly Report for October to December 2019

Annual Summary for 2019 – Wheatbelt Ag Care Family Counselling & Support Service

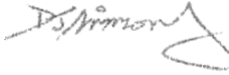
**10 REPORTS OF COMMITTEES**

**11 CHIEF EXECUTIVE OFFICERS REPORT**

**11.1 Governance and Administration**

**11.1.1 NEWROC COUNCIL MEETING AND PROPOSED SHIRE OF DOWERIN MEMBERSHIP  
Tuesday 10 December 2019**

**Section 5.23 – Applicability**

**Location:** NEWROC Regions  
**Portfolio:** Governance, Administration and Finance  
Cr JM Stratford  
**File Reference:** ADM 0105  
**Disclosure of Interest:** No Interest declared by CEO  
**Author:** Darren Simmons, Chief Executive Officer  
**Signature of CEO**   
**Attachment:** Minutes (Attachments Page 2 - 22)

**Background:**

Minutes of the NEWROC Council Meeting held on 10 December 2019 at Wyalkatchem.

**Comment:**

The following issues were discussed:

- Item 5.1 Minutes – Executive Meeting 26 November 2019
- Item 5.3 Minutes – Council Meeting 22 October 2019
- Item 6.1 Income, Expenditure & Profit & Loss
- Item 6.2 NEWROC Audit
- Item 7.3 NEWROC End of Year Review
- Item 9.1 Elected Members Training
- Item 9.2 Local Business Programs
- Item 9.3 Grant Guru
- Item 9.4 Telstra
- Item 9.5 NEWROC Health Forum Update
- Item 10 2020 Meeting Schedule

In addition, and subsequent to NEWROC’s December 2019 meeting, the Shire is in receipt of an associated report from the NEWROC Executive Officer which states:

*In late 2019, the Shire of Dowerin informally approached the NEWROC CEO and EO to consider moving from AROC to the NEWROC. This then followed with a meeting between the NEWROC Chair, CEO and EO and the Shire of Dowerin President, Vice President and CEO.*

The discussions at the meeting of representatives was then shared at the December 2019 NEWROC Council meeting and members discussed the proposal. Key points of discussion included:

- Strategic direction of the NEWROC and the Shire of Dowerin’s alignment with this
- Community sizes across the NEWROC and the ‘fit’ with the Shire of Dowerin
- Participation in NEWTravel and the Wheatbelt Way (they already contribute the same financial amount as NEWROC members to both groups)
- Joining fee (membership fee plus contribution to the NEWROC “investment fund” which currently is approximately Term Deposit \$151K, Operational Funds \$182K)
- Minimum time that the Shire of Dowerin must commit to the NEWROC
- Exit fees from AROC
- AROC response, risk and anticipated response

The Shire of Dowerin is exceptionally keen to join the NEWROC and to this end has officially communicated this to NEWROC and to AROC.

Members are asked to consider the following options, as starting points for discussion at the next Executive meeting:

	OPTION 1	OPTION 2	OPTION 3
<i>Annual Membership Fee</i>	Pro rata if they participate in NEWROC meetings until the EOFY Voting rights	Participation in NEWROC meetings until the EOFY No fee No voting rights	Participation only in the strategic planning sessions, then official membership, attendance and voting in new FY
	Membership fee paid in one amount	Membership fee paid in instalments over the first year only	
<i>Contribution to the NEWROC Investment Fund</i>	Currently 6 members – equal amount \$55,500	AROC exit fee plus a % or \$amount	‘Indicative’ amount \$35K to \$40K
	Paid immediately upon membership	Paid over two years	Paid over three years
	Project specific contributions		
	Identification of existing projects that the Shire of Dowerin can and cannot participate in e.g. Telco project without a contribution to the data centre		

	<b>OPTION 1</b>	<b>OPTION 2</b>	<b>OPTION 3</b>
<i>Possible amendments to the NEWROC MoU</i>	Minimum term of commitment five years	Minimum term of commitment three years	
	Stipulated exit fees	Exit fees appropriate to the length of membership	
	If NEWROC Council agrees, including the Shire of Dowerin as a member		
	MoU re-signed July 2020 if the Shire of Dowerin joins		

Presented below are recommendations based on the Shire of Mt Marshall's resolved position as the Chief Executive Officer's agrees that this represents an efficient and effective way of facilitating this change. It is of course open to Council to change any of the options or present an alternative option.

**Consultation**

Shire President  
NEWROC Executive Officer

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil to the Shire of Koorda immediately

**Strategic Implications:**

Shire of Koorda Strategic Community Plan  
4.1.7 - Develop successful and collaborative partnerships  
4.2.2 - Facilitate resource sharing on a regional basis

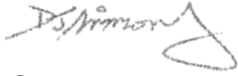


**OFFICER RECOMMENDATION**

**That Council**

- 1. Note and endorse the recommendations of the NEWROC Council meeting held at Wyalkatchem on 10 December 2019;**
- 2. Advises the NEWROC Executive Officer that the Shire of Koorda is in favour of the Shire of Dowerin joining the NEWROC organisation as of 1 July 2020 subject to:**
  - (a) any decision by NEWROC to admit the Shire of Dowerin being decided by an absolute majority vote of NEWROC Council;**
  - (b) Annual Membership Fee in accordance with Option 2**
  - (c) Contribution to Investment Fund follow Option 1 (but with the ability to pay of 2 years); and**
  - (d) MOU amendments – Option 1**

**Section 5.23 – Applicability**

<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0121
<b>Disclosure Of Interest:</b>	No interest declared by the CEO
<b>Author:</b>	Lana Foote, Deputy Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Compliance Audit 2019 (Attachments page 23 – 34)

**Background:**

Each local government is to carry out a Compliance Audit return for the period 1 January to 31 December against certain requirements included within a Compliance Audit Return (CAR) provided by the Department of Local Government.

The CAR, once completed, is to be presented to the Audit Committee and then a report is to be presented to Council for adoption of the return. A copy of the completed CAR is included as an attachment for this item.

The Audit Committee has been requested to review the CAR for 2019 at a meeting immediately preceding Council's February 2020 Ordinary Meeting and, if so resolved, present to Council for adoption so the CAR may be submitted prior to 31 March 2020.

**Comment:**

The Compliance Audit Return for 2019 has been completed as required;

- Care was taken when completing the Compliance Audit Return to endeavour to ensure all items were adequately addressed in accordance with the 'Audit of Compliance' per Section 7.13(i) of the Local Government Act 1995.

The Compliance Audit Return is:-

- Now presented to Council for adoption,
- Should be received by the Department of Local Government by 31 March 2020.

The Compliance Audit Return has endeavoured to cover various aspects of Statutory Compliance as required by the Local Government Act and various regulations, to include statutory requirements listed in the Local Government (Audit) Regulations in the return.

There is a possible interpretation on completion of the "Compliance Audit" and the requirement that a Local Government is to complete this Compliance Audit Return. These are matters that still remain the responsibility of the Auditor to verify compliance. It is noted that the Compliance Audit Return does not contain a number of the provisions of the Local Government (Financial Management) Regulations 1996.

**Consultation:**

Darren Simmons, Chief Executive Officer

**Statutory Environment:**

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

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

4.2.4 - Operate in a financially sustainable manner (ongoing)

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner (short term, in progress)

**Voting Requirement:**

Absolute majority

**COMMITTEE RECOMMENDATION**

**That the Compliance Audit Return for the 2019 calendar year, as presented, be adopted.**

## 11.2.1

**MONTHLY FINANCIAL STATEMENTS – DECEMBER 2019**  
As at 31 December 2019

**Section 5.23 – Applicability**

Location:	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO or DCEO
<b>Author:</b>	Lana Foote, Deputy Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Monthly Financial Statement (Attachments Page 35 - 58)

**Background:**

Submission of monthly Financial Statements for period ended 31 December 2019.

**Comment:**

Monthly Financial Statements for the period ended 31 December 2019 for Council's information and acceptance. The variances are mentioned on Note 14 of Statement of Financial Activity.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996 34.1(2) as amended 2005

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

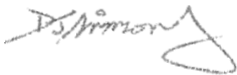
Voting Requirement:

Simple majority

**OFFICER RECOMMENDATION**

**That the monthly Financial Statements for the period ended 31 December 2019, as presented, be received and adopted.**

**MONTHLY FINANCIAL STATEMENTS – JANUARY 2020**  
As at 31 January 2020

<b>Section 5.23 – Applicability</b>	
Location:	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO or DCEO
<b>Author:</b>	Lana Foote, Deputy Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Monthly Financial Statement (Attachments Page 59 - 82)

**Background:**

Submission of monthly Financial Statements for period ended 31 January 2020.

**Comment:**

Monthly Financial Statements for the period ended 31 January 2020 for Council's information and acceptance. The variances are mentioned on Note 14 of Statement of Financial Activity.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996 34.1(2) as amended 2005

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

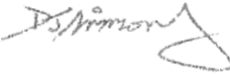
Voting Requirement:

Simple majority

**OFFICER RECOMMENDATION**

**That the monthly Financial Statements for the period ended 31 January 2020, as presented, be received and adopted.**

**ACCOUNTS PAID AS LISTED**  
As at 20<sup>th</sup> February 2019

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO or DCEO
<b>Author:</b>	Lana Foote, Deputy Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Monthly Report Lists (Attachments Page 83 - 85)

**Background:**

Regulatory requirement to advise Council of payments made, since the previous meeting.

**Comment:**

The payments on the attached schedules have been made for the period from 13 December 2019 to 13 February 2020 and are generally within budget guidelines and are of an operational nature. Payments for capital assets expenditure are:

V453	PM & CJ Cooke	\$1,841.40
V472	Western Rural Earthmoving	\$12,127.50
V476	Colas WA	\$255,418.85
V525	Lawn Doctor Turf Farm	\$841.50
V535	Credit Card: Dawsons Garden World	\$378.50
V541	Benara Nurseries	\$99.00
V555	Overland Freight	\$880.00
V557	Quality Builders	\$28,361.09
V561	The Watershed Water Systems	\$1,728.08

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Section 5.42

Local Government (Financial Management) Regulations 1996 12(1) (a), 13(1), 13(3).

**Policy Implications:**

Nil



**Financial Implications:**

Budget guidelines and constraints

Need to authorise unbudgeted expenditure (if any)

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That accounts as listed being for period 13 December 2019 to 29 January 2020.**

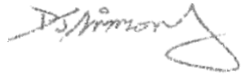
<b>Municipal Vouchers</b>	<b>Totalling</b>	<b>\$</b>	<b>573,836.98</b>
<b>Credit Card Transactions (V486)</b>	<b>Totalling</b>	<b>\$</b>	<b>535.96</b>
	<b>Total</b>	<b>\$</b>	<b>574,372.94</b>

**That accounts as listed being for period 30 January 2020 to 13 February 2020.**

<b>Municipal Vouchers</b>	<b>Totalling</b>	<b>\$</b>	<b>175,967.62</b>
<b>Credit Card Transactions (V535)</b>	<b>Totalling</b>	<b>\$</b>	<b>1,866.10</b>
	<b>Total</b>	<b>\$</b>	<b>177,833.72</b>

**To be endorsed or passed for payment**

**MONTHLY FINANCIAL POSITION**  
As at 13 February 2020

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO or DCEO
<b>Author:</b>	Lana Foote, Deputy Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Financial Position (Attachments Page 86)

**Background:**

Current Monthly Financial position as at 13 February 2020 on various accounts.

**Comment:**

The Municipal Account's financial position as at 13 February 2020 indicated at this time.

Monthly Financial Position	Municipal Account	\$461,530.99
	Reserve Account	\$5,675,428.37
	Trust Account	\$5,604.46

**Consultation:**

Monthly advice

**Statutory Environment:**

Local Government Act 1995, Section 6.4

**Policy Implications:**

Regulation

**Financial Implications:**

Shows current financial position

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

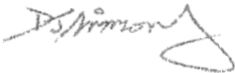
4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That the Financial Position, as at 13 February 2020, as presented, be noted, received and adopted.**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO or DCEO
<b>Author:</b>	Lana Foote, Deputy Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Quarterly Report (Attachments Page 87 - 88)

**Background:**

Quarterly Report for the period ended 31 December 2019.

The Quarterly Report to Council gives details of all current investments showing place of investment, term of investment, interest rate, name of funds invested and transactions for the period.

**Comment:**

The attached breakdown is for your information and the position as at 31 December 2019.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996- 34.1(2) as amended 2005

**Policy Implications:**

Finance Policy No. 1

**Financial Implications:**

Budgetary considerations, amendments and cash flow requirements.

**Strategic Implications:**

Will assist in Councils longer term financial planning strategies and meet 'compliance' issues as required.

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

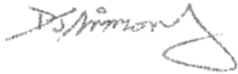
Voting Requirement

Simple majority

**OFFICER RECOMMENDATION**

**That the Quarterly Report to Council on all current investments to 31 December 2019, as presented, be received and adopted.**

**PROPOSED DELEGATION OF AUTHORITY TO CEO – POWERS UNDER THE DOG ACT 1976 AND CAT ACT 2011****Section 5.23 – Applicability**

<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Law, Order and Public Safety</b> Cr BG Cooper
<b>File Reference:</b>	ADM 0119
<b>Disclosure Of Interest:</b>	No interest declared by the CEO
<b>Author:</b>	Darren Simmons, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Nil

**Background:**

Under the *Dog Act 1976 and Cat Act 2011*, the Shire has numerous duties and responsibilities associated with domestic animal management within the district.

It is suggested that in a contemporary context these duties and responsibilities may be considered more operational in nature as decisions are usually required on an urgent, as needed, day-to-day basis and thus not fit within Council meeting schedules or processes.

In effect, officers and contract rangers exercise their powers, authorities and duties under the relevant legislation to ensure appropriate animal management and community safety in the districts for which their appointments may relate.

Section 5.42 of the *Local Government Act 1995* prescribes that Council may delegate its powers or duties to the Chief Executive Officer (CEO), Section 5.43 outlines the limitations on such delegations. Delegations to the CEO is also prescribed within other legislation.

In this respect, under section 10AA of the *Dog Act 1976* and section 44 the *Cat Act 2011*, local governments may, in writing, delegate its powers to its CEO the performance of any of its functions under these Acts.

**Comment:**

As domestic animal management has become specialised and operational in nature, it is considered prudent and appropriate for Council to delegate its powers and the discharge of its duties to its CEO in accordance with section 10AA of the *Dog Act 1976* and section 44 the *Cat Act 2011*.

**Consultation**

Deputy Chief Executive Officer

**Statutory Environment:**

Section 5.42 of the *Local Government Act 1995*:

#### **5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* *Absolute majority required.*

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

#### **Section 10AA of the Dog Act 1976:**

##### 10AA.Delegation of local government powers and duties

- (1) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.
- (2) The delegation must be in writing.
- (3) The delegation may expressly authorise the delegate to further delegate the power or duty.
- (4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.

*[Section 10AA inserted: No. 18 of 2013 s. 8.]*

#### **Section 44 of the Cat Act 2011:**

##### 44.Delegation by local government

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) A decision to delegate under this section is to be made by an absolute majority.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Nil

#### **Strategic Implications:**

Shire of Koorda Strategic Community Plan 2018

Outcome 4.1 – To provide accountable and transparent leadership

Voting Requirement:

Absolute majority

**OFFICER RECOMMENDATION**

**That Council, by an absolute majority vote, delegates its powers and the discharge of any of its duties under any provision of the *Dog Act 1976 and the Cat Act 2011* to the Chief Executive Officer (CEO) of the Shire of Koorda, including the power to further delegate such powers and duties according to law.**



11.4 Health and Building

*No items this month*

11.5 Education & Welfare

*No items this month*

11.6 Housing

*No items this month*

11.7 Community Amenities

*No items this month*

11.8 Recreation and Culture

*No items this month*

11.9 Transport

*No items this month*

11.10 Economic Services

**No items this month**

11.11 Other Property & Services

**No items this month**

11.12 Reserves

**No items this month**

12 **ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

13 **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

14 **MATTERS FOR WHICH MEETING MAY BE CLOSED**

**15**

**DATE OF NEXT MEETING**

Wednesday 18 March 2020 @ 5.00pm

**16**

**CLOSURE**