



Shire of
Koorda

Drive in, stay awhile

MINUTES

Ordinary Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 13 September 2023

Commencing 5.00pm

NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Wednesday, 13 September 2023 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda. The format of the day will be:

5.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Lana Foote
Acting Chief Executive Officer
8 September 2023

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



Lana Foote
Acting Chief Executive Officer

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**Shire of Koorda
Ordinary Council Meeting
5.00pm, Wednesday 13 September 2023**



1. Declaration of Opening

The Presiding person welcomes those in attendance and declares the meeting open at 5.00pm.

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr BG Cooper	Deputy President
Cr GW Greaves	
Cr GL Boyne	
Cr LC Smith	

Staff:

Miss L Foote	Acting Chief Executive Officer
Mrs K Harrap	Governance Officer
Mr D West	Works Supervisor

Members of the Public:

Apologies:

Cr NJ Chandler

Visitors:

Mrs K Burrell Councillor Elect

Approved Leave of Absence:

3. Public Question Time

Nil.

4. Disclosure of Interest

Nil.

5. Applications for Leave of Absence

Nil.

6. Petitions and Presentations

Nil.

7. Confirmation of Minutes from Previous Meetings

7.1. Special Council Meeting held on 28 July 2023

[Click here to view the previous minutes](#)

Voting Requirements ☒ Simple Majority ☐ Absolute Majority

Officer Recommendation RESOLUTION 010923

Moved Cr GW Greaves

Seconded Cr GL Boyne

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Special Council Meeting held 28 July 2023, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

8. Minutes of Committee Meetings to be Received

8.1. LEMC Meeting Minutes for meeting held 29 June 2023

[Click here to view](#)

Voting Requirements ☒ Simple Majority ☐ Absolute Majority

Officer Recommendation RESOLUTION 020923

Moved Cr GW Greaves

Seconded Cr LC Smith

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the LEMC meeting held 29 June 2023, as tabled.

CARRIED 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

8.2. Audit Meeting Minutes for meeting held 28 July 2023

[Click here to view](#)

Voting Requirements

☒ Simple Majority

☐ Absolute Majority

**Officer Recommendation
RESOLUTION 030923**

Moved Cr BG Cooper

Seconded Cr GW Greaves

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Audit meeting held 28 July 2023, as tabled.

CARRIED

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

5.03pm Mr D West entered the chambers.

9. Recommendations from Committee Meetings for Council Consideration

Nil.

10. Announcements by the President without Discussion

The President acknowledges and expresses condolences to the Shire of Kellerberrin, community and families for the tragic event that occurred last week.

Congratulations to the Koorda Ladies Hockey Club on their premiership win.

The President expressed condolences to the Johnson family on the passing of John.

11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

11.1. Monthly Financial Statements

Corporate and Community		
Date	6 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	July 2023 Financial Activity Statement	

Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 July 2023.

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

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

Comment:

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

Consultation:

LG Best Practices

Statutory Implications:

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Implications:

Finances have been managed in accordance with the Shire of Koorda policies.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

Financial Implications:

Nil

Officer Recommendation
RESOLUTION 040923

Moved Cr LC Smith


Seconded Cr GL Boyne

That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 31 July 2023, as presented.

CARRIED 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

11.2. Monthly Financial Statements

Corporate and Community		
Date	7 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	August 2023 Financial Activity Statement	

Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 August 2023.

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

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

Comment:

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

Consultation:

LG Best Practices

Statutory Implications:

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Implications:

Finances have been managed in accordance with the Shire of Koorda policies.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

Financial Implications:

Nil

Officer Recommendation

RESOLUTION 050923

Moved Cr GW Greaves

Seconded Cr GL Boyne


That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 31 August 2023, as presented.

CARRIED 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

UNCONFIRMED

11.3. List of Accounts Paid

Corporate and Community		
Date	14 July 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	List of Accounts Paid (01/07/2023 - 11/08/2023) List of Accounts Paid (12/08/2023 - 07/09/2023)	

Background:

This item presents the List of Accounts Paid, paid under delegated authority, for the period 1 July 2023 to 7 September 2023.

Comment:

The List of Accounts Paid as presented has been reviewed by the Acting Chief Executive Officer.

Consultation:

Finance Team

Statutory Implications:

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

Policy Implications:

Finances have been managed in accordance with the Shire of Koorda policies. Payments have been made under delegated authority.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:

Funds expended are in accordance with Council's adopted 2023/2024 Budget.

Officer Recommendation
RESOLUTION 060923

Seconded Cr BG Cooper

For the period 1 July 2023 to 11 August 2023.

Totaling \$ 369,555.24
Totaling \$ 1,243.46
Total \$ 703,935.15

For the period 12 August 2023 to 7 September 2023.

Totaling \$ 313,644.31
Totaling \$ 1,364.14
Total \$ 315,008.45

CARRIED 5/0


FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

Nil.

13. OFFICER'S REPORTS – WORKS & ASSETS

13.1. Purchase of New Grader and Amendment to 2023/2024 Plant Replacement Program

Works and Assets		
Date	8 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Confidential Report – document provided to Councillors under separate email cover	

Background:

As part of the 2023/2024 Budget considerations, Council approved the replacement P19 Volvo G930 Grader (P019) for the 2023/2024 financial year.

The current P19 grader was manufactured in 2012 and has travelled 10,000 hours.

Comment:

The purchase quotes were called using the WALGA's eQuotes system, which has a list of preferred suppliers. Quotes were received from the below suppliers and a confidential pricing report has been provided to Councillors under separate email cover;

- Afagri Equipment,
- Komatsu, and
- WesTrac

As Council already own two Caterpillar graders, the Works Supervisor has preference over the WesTrac Cat Grader.

The allocation for new grader as per the 2023/2024 Plant Program was \$325,000, with a budgeted trade in amount of \$100,000, leaving \$225,000 change over costings.

The preferred grader came in over budget, being \$455,000, which working off the \$100,000 trade in, requires a \$355,000, which is an increase of \$130,000.

It is recommended that the budgeted P009 Semi Side Tipper changeover allocation of \$100,000 be transferred to the purchase of the new grader, and an additional transfer of \$30,000 from the Plant Reserve is made to cover the cost of the new Grader.

It is also recommended that the P009 Semi Side Tipper changeover is pushed back to the 2025/2026 year.

The Works Supervisor is confident that we will receive more than the budgeted \$100,000 for the sale of the old 2012 Volvo Grader, however a transfer of funds is suggested to ensure the purchase is covered in case a higher sale price isn't achieved.

Consultation:

Darren West, Works Supervisor

Statutory Implications:

Local Government Act 1995 S.3.57

Local Government (Functions and General) Regulations 1996. Division 2 of the Regulations details in the tender requirements for the provision of goods and services.

Policy Implications:

The Purchasing Policy has been followed.

As per the Shire Purchasing Policy; for purchases over \$250,000 the purchasing requirement is listed; *Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under F&G Reg.11(2)) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in the prior section.*

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

3.1.1 - Manage Shire Assets sustainably using the Strategic Resourcing Plan.

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:

It is recommended that funds be transferred from P009 Purchase to increase P019 budget and that an additional \$30,000 is allocated from the Plant Reserve to cover the additional change over funds.

Voting Requirements: ☐ Simple Majority ☒ Absolute Majority

Officer Recommendation
RESOLUTION 070923

Moved Cr GW Greaves

Seconded Cr GL Boyne

That Council, by absolute majority,


- 1. Note the quotations received for the new Grader,**
- 2. Award the E-Quote VP372405 to Westrac Equipment for a Caterpillar 140 Grader at the quoted price of \$455,000 (exc GST),**
- 3. Transfer the budget changeover allocation of \$100,000 for the replacement of P009 Side Tipper to P019 Grader replacement,**
- 4. Increase the Plant Reserve transfers by \$30,000 to cover the additional change over cost for P019 Grade, and**
- 5. Authorise the Acting Chief Executive Officer to dispose of P019 2012 Volvo G930 Grader to the highest and best price through Auction and advise Council of the price received.**

CARRIED BY ABSOLUTE MAJORITY 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

14. Urgent Business Approved by the Person Presiding or by Decision

14.1. Fourth Quarterly Reporting of Integrated Strategic Plan and Workforce Plan

Governance and Compliance		
Date	7 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Administration) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Fourth Quarterly Scorecard July to September 2023	

Background:

This report is to inform the Committee and Council of its obligations in relation to the integrated planning and reporting (IPR) requirements under the Local Government Act 1995, the Local Government (Administration) Regulations 1996.

Following the Committee's recommendation of 28 September 2022, the quarterly scorecard reporting document approach was adopted by Council on 26 October 2022.

Comment:

Council adopted its Integrated Strategic Plan and Workforce Plan at its meeting held on 20 April 2022.

To assist Council to meet its IPR requirements under the Local Government Act 1995, the Local Government (Administration) Regulations 1996, Shire staff have prepared draft quarterly reporting documents (provided as confidential attachment) for the Committee to consider and, if appropriate, recommend to Council that the fourth quarterly scorecard be adopted and the Integrated Strategic Plan and Workforce Plan components be endorsed for publication.

Consultation:

Nil.

Statutory Implications:

Local Government Act 1995 and relevant subsidiary legislation.

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:

Nil

Voting Requirements: ☒ Simple Majority ☐ Absolute Majority

Officer Recommendation
RESOLUTION 080923

Moved Cr GL Boyne

Seconded Cr BG Cooper

That the Audit Committee recommends:

That Council:


- 1. Adopts the fourth quarterly reporting documents (July to September 2023) as presented to the Audit Committee meeting held on 13 September 2023; and**
- 2. Endorses the publication of the Integrated Strategic Plan and Workforce Plan components for community information.**

CARRIED 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

UNCONFIRMED

14.2. Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

Governance and Compliance		
Date	7 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995 Section 7.13 (i)</i> <i>Local Government (Audit) Regulations 1996 – Reg 13, 14 and 15</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	FMR Action Plan - September 2023	

Background:

The Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance.

At the May 2023 Audit Committee Meeting, the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls was presented for consideration with the below committee recommendation being resolved at the May 2023 Council Meeting.

Committee Recommendation RESOLUTION 050523

Moved CR GW Greaves

Seconded CR BG Cooper

That Council:

1. Receives Moore's Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls report, dated April 2023 (Attachment A);
2. Directs the CEO to provide a report, on a quarterly basis, to the Audit Committee to enable the Committee to monitor the Shire's progress in addressing the recommendations, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996; and
3. Directs the CEO at the first quarterly review to provide proposed actions, including expected completion dates, to the recommendations identified in the report.

CARRIED BY ABSOLUTE MAJORITY 6/0

Comment:

This report has been presented to the audit committee as the committee has a role in supporting Council in fulfilling its governance and oversight responsibilities and provide the audit committee with the opportunity to raise any issues that the document has identified or ask any other questions, they may have in relation to our risk management and compliance activities.

An initial report was tabled at the June 2023 Audit Committee Meeting and the attached Action Plan is an update on actions that have been taken within the past quarter to align with the quarterly reporting on the Integrated Strategic Plan.

Consultation:

Administration Staff

Statutory Implications:

Regulation 16 of the Local Government (Audit) Regulations 1996 prescribes the functions of an Audit Committee which includes;

“16 (c) to review a report given to it by the CEO under regulation 17(3) and is to –

- (i) Report to the council the results of that review; and*
- (ii) Give a copy of the CEO’s report to the council.”*

“16 (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under –

- (i) Regulations 17 (1); and*
- (ii) The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).”*

Regulation 17 of the Local Government (Audit) Regulations 1996 reads as follows;

“(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —

- a) risk management; and*
- b) internal control; and*
- c) legislative compliance.*

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.”

Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 states that -

“the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.”

Policy Implications:

The review recommended some potential improvement opportunities to some of the Council’s policy. These will be considered separately by the Policy Review Committee and Council at the completion of the review process. Comments made in the FM Review relating to specific Policies and Procedures will be taken on-board as part of the review process.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

4.1.2 - Identify business improvement opportunities to enhance operational effectiveness.

Financial Implications:

Nil.

Officer Recommendation
RESOLUTION 090923

Moved Cr BG Cooper

Seconded Cr LC Smith

That the Audit Committee recommends;

That Council as per the quarterly report document (to September 2023) as attached to this item, notes and endorses the actions taken to the identified improvements highlighted in the Financial Management, Risk Management, Legislative Compliance and Internal Controls review.

CARRIED 5/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne and Cr LC Smith

15. Elected Members' Motions

Nil.

16. Matters Behind Closed Doors

Nil.

17. Closure

The Presiding Person thanked those present for their attendance and declared the meeting closed at 5.32pm.

Signed: _____

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

Date: 18 October 2023



Shire of
Koorda

Drive in, stay awhile

MINUTES

Special Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Monday 9 October 2023

Commencing 4.30pm

Meeting Purpose: To appoint a CEO Recruitment Committee and CEO Recruitment Consultant.

NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that a Special Meeting of Council of the Shire of Koorda will be held on Monday 9 October 2023 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda, commencing at 4.30pm.

The purpose of the meeting is to appoint a CEO Recruitment Committee and CEO Recruitment Consultant.

Lana Foote
Acting Chief Executive Officer
6 October 2023

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



Lana Foote
Acting Chief Executive Officer

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UNCONFIRMED

**Shire of Koorda
Special Council Meeting
4.30pm, Monday, 9 October 2023**



1. Declaration of Opening

The Presiding person welcomes those in attendance and declares the meeting open at 4.30pm.

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr BG Cooper	Deputy President
Cr GL Boyne	
Cr GW Greaves	
Cr LC Smith	
Cr NJ Chandler	

Staff:

Miss C West	Administration Officer
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Members of the Public:

Mrs K Burrell	Councillor Elect
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Apologies:

Miss L Foote	Acting Chief Executive Officer
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Approved Leave of Absence:

3. Public Question Time

(Please note: Being a special meeting of Council, any questions must relate to the purpose of the meeting being to appoint a CEO Recruitment Committee and CEO Recruitment Consultant).

Nil.

4. Disclosure of Interest

Nil.

5. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

4.31pm - SUSPEND STANDING ORDERS

Resolution 011023

Moved CR GW Greaves

Seconded CR NJ Chandler

That standing orders be suspended to discuss item 5.1 *Appointment of CEO Recruitment Consultant*.

CARRIED 6/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne, Cr LC Smith and Cr NJ Chandler

4.53pm - RESUMPTION OF STANDING ORDERS

Resolution 021023

Moved CR GW Greaves


Seconded CR GL Boyne

That standing orders be resumed as per the attendance register.

CARRIED 6/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne, Cr LC Smith and Cr NJ Chandler

5.1. Appointment of CEO Recruitment Consultant

Corporate and Community		
Date	6 October 2023	
Location	Not Applicable	
Responsible Officer	Cr Jannah Stratford, President	
Author	As above	
Legislation	Local Government Act 1995	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	CONFIDENTIAL - CEO Recruitment Consultant Proposals (sent under separate cover)	

Background:

Mr. Darren Simmons, CEO Shire of Koorda resigned on the 12th of July 2023, effective 11th of August 2023.

Following the resignation of a CEO, it is recommended that the Council consider the appointment of an external recruitment consultant to coordinate the recruitment process.

It is also noted in a separate report, the requirement for Council to establish a CEO Selection Committee/Panel.

Comment:

As per July Meeting of Council - confidential item 16.1 *CEO Resignation* Council resolved:

5. *Engages WALGA to conduct an in-person CEO recruitment training session for Council.*
6. *Investigates potential consultants to assist with the recruitment process.*

On the 25th of August 6 Councillors completed the WALGA facilitated CEO Recruitment Training

The Shire President has requested quotes from CEO Recruitment Consultants providing the following scope of services within the request.

- Develop Terms of Reference for CEO Recruitment Committee and Selection Panel including criteria for the independent panel member.
- Assist in developing the draft position description.
- Assist in developing the selection and performance criteria.
- Assist in developing an employment contract for the position.
- Draft the advertisement.
- Facilitate the preliminary assessment of applications by the panel.
- Facilitate the final shortlisting of applicants for interviews.
- Assist in drafting the questions for interviews.
- Coordinate and attend interviews.
- Facilitate discussion to decide upon the preferred applicant.
- Conduct referee checks
- Drafting/writing reports for the council's consideration
- Communicate outcomes to unsuccessful candidates.
- Communicate with preferred applicant on contract matters.
- Assist in preparation of Key Performance Indicators to be considered by Council.

Quotes were received from six consultant agencies and forwarded to councillors under confidential cover – 'commercial in confidence'.

Consultation:

WALGA Chief Executive Officer Recruitment Guide.

Statutory Implications:

Local Government Act 1995

Section 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

Policy Implications:

Shire of Koorda "F - Purchasing Policy V1.0" to be followed.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1. Open and Transparent Leadership

4.1.1. Ensure the use of resources is effective, efficient and reported regularly.

Financial Implications:

Funding for the recruitment process will be identified in the mid-year budget review process.

Voting Requirements: ☒ Simple Majority ☐ Absolute Majority

Officer Recommendation
RESOLUTION 031023

Moved CR GW Greaves

Seconded CR BG Cooper


That Council;

- 1. Appoints consultant Lydia Highfield at \$6850.00 (exc GST) to support Council with CEO Recruitment; and**
- 2. Notes there may be additional costs for incidentals such as pre-employment testing, travel, accommodation.**

CARRIED 6/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne, Cr LC Smith and Cr NJ Chandler

5.2. Establishment of CEO Recruitment Committee/Panel

Corporate and Community		
Date	6 October 2023	
Location	Not Applicable	
Responsible Officer	Cr Jannah Stratford, President	
Author	As above	
Legislation	Local Government Act 1995	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	CEO Recruitment Standard and Guidelines Model Standards for CEO Recruitment, Performance and Termination	

Background:

Local governments are required to establish a Selection Panel ('the Panel') to conduct and facilitate CEO recruitment and selection process. The Panel is a requirement of the Model Standards and must comprise of Elected Members and include at least one independent person.

The independent person cannot be a current elected member, human resources consultant or a staff member of the local Government. Examples of who the independent person could be include:

- Prominent and highly regarded members of the community including past Elected members and CEO's
- Respected and experienced former Elected Members and current and former CEO's from other Local Governments; and
- Experienced board members with AICD accreditation and qualifications.

Comment:

It is noted that the CEO Recruitment Committee/Panel will not appoint a new CEO. The Panel is responsible for assessing applicants and making recommendations to the Council regarding the most suitable applicant or applicants. The role of an independent panel member is to bring an impartial perspective to the process.

As per previous agenda item, a CEO Recruitment Consultant is to be engaged to assist with the CEO recruitment process.

The Consultant will be preparing a 'Terms of Reference' for the Panel which will include;

- the roles and responsibilities of the panel members,
- the composition of the panel
- duration of term
- the criteria for appointment of the independent panel member; and
- the requirement of panel members to sign a confidentiality agreement.

Consultation:

WALGA Chief Executive Officer Recruitment Guide.

Statutory Implications:

Local Government Act 1995

Section 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*

Local Government Act 1995

Section 5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

Policy Implications:

Nil.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1. Open and Transparent Leadership

4.1.1. Ensure the use of resources is effective, efficient and reported regularly.

Financial Implications:

Any funding for the recruitment process in relation to the Independent Panel member will be identified in the mid-year budget review process.

Voting Requirements: ☐ Simple Majority ☒ Absolute Majority

Officer Recommendation
RESOLUTION 041023

Moved CR GL Boyne

Seconded CR NJ Chandler

That Council, by Absolute Majority;

1. Establishes the CEO Recruitment Committee, comprising of the following members;

- i. Cr NJ Chandler**
- ii. Cr GL Boyne**
- iii. Cr GW Greaves**
- iv. Cr JM Stratford**

2. Authorises Shire President and Deputy Shire President to appoint the Independent Person to the CEO Recruitment Committee/Panel.

CARRIED BY ABSOLUTE MAJORITY 6/0

FOR: Cr JM Stratford, Cr BG Cooper, Cr GW Greaves, Cr GL Boyne, Cr LC Smith and Cr NJ Chandler

6. Closure

The Presiding Person thanked those present for their attendance and declared the meeting closed at 5.08pm.

Signed: _____

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

Date: 18 October 2023

UNCONFIRMED

Great Eastern Country Zone

MINUTES

Monday, 21 August 2023
Commenced at 9:31am

Shire of Merredin

Merredin Regional Community & Leisure Centre
Bates Street, Merredin Western Australia 6415

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1. Opening and Welcome

The Chair declared the meeting open at 9.31am.

1.1 Acknowledgement of Country

We, the Great Eastern Country Zone of WALGA acknowledge the Traditional Custodians of this land, and pay our respects to their Elders past, present and future.

2. Attendance and Apologies

Shire of Bruce Rock	President Cr Stephen Strange
Shire of Cunderdin	President Cr Alison Harris Mr Stuart Hobley, Chief Executive Officer, non-voting
Shire of Dowerin	President Cr Robert Trepp
Shire of Kellerberrin	Mr Raymond Griffiths, Chief Executive Officer, non-voting
Shire of Koorda	President Cr Jannah Stratford Ms Lana Foote, Acting Chief Executive Officer, non-voting
Shire of Merredin	President Cr Mark McKenzie Ms Lisa Clack, Chief Executive Officer, non-voting
Shire of Mount Marshall	President Cr Tony Sachse (Chair) Deputy President Cr Nick Gillett Mr Ben McKay, Chief Executive Officer, non-voting
Shire of Mukinbudin	President Cr Gary Shadbolt Mr Dirk Sellenger, Chief Executive Officer, non-voting
Shire of Narembeen	President Cr Kellie Mortimore Deputy President Cr Scott Stirrat Mr Paul Sheedy, A/Chief Executive Officer, non-voting
Shire of Nungarin	Deputy President Cr Gary Coumbe Mr John Merrick, A/Chief Executive Officer, non-voting
Shire of Tammin	President Cr Glenice Batchelor
Shire of Trayning	President Cr Melanie Brown Ms Leanne Parola, Chief Executive Officer, non-voting
Shire of Westonia	Cr Ross Della Bosca Mrs Jasmine Geier, D/Chief Executive Officer, non-voting
Shire of Wyalkatchem	President Cr Quentin Davies (Deputy Chair)

Shire of Yilgarn

Mr Peter Klein, Chief Executive Officer, non-voting

President Cr Wayne Della Bosca

Mr Nic Warren, Chief Executive Officer, non-voting

Guests

WA Country Health Service

Rachele Ferrari, Executive Director- Wheatbelt

Lesley Watson, Clinical Practise Improvement Officer,
Aged Care - Wheatbelt

Jacinta Herbert, Operations Manager Eastern Wheatbelt

Nancy Bineham, Director Strategy, Change & Service
Development - Wheatbelt

Peter Barratt, Director Medical Services - Wheatbelt

Rural Health West

Tim Shackleton, Chief Executive Officer

Kelli Porter, Deputy Chief Executive Officer

Department of Fire and Emergency Services

Main Roads WA

Water Corporation

Regional Development Australia WA

Craig Smith, DFES Superintendent

Mohammad Siddiqui, Regional Manager Wheatbelt

Rebecca Bowler, Manager, Customer & Stakeholder

Mandy Walker, Director Regional Development

Members of Parliament

Rick Wilson MP, Federal Member for O'Connor

Hon Mia Davies MLA, Member for Central Wheatbelt

Hon Steve Martin, Member for the Agricultural Region

WALGA

Cr Paul Kelly, WALGA Deputy President

James McGovern, Manager Governance & Procurement

Naoimh Donaghy, Governance & Organisational Services
Officer

Apologies

Shire of Bruce Rock

Deputy President Cr Tony Crooks

Shire of Cunderdin

Mr Darren Mollenoyux, Chief Executive Officer, non-voting

Shire of Dowerin

Deputy President Cr Tony Smith

Cr Darrel Hudson

Shire of Nungarin

Ms Rebecca McCall, Chief Executive Officer, non-voting

Shire of Mukinbudin

President Cr Pippa de Lacy

Shire of Trayning

Deputy President Romina Nicoletti

Shire of Tammin

Deputy President Cr Geoff Waters

Deputy President Cr Tanya Nicholls

Shire of Kondinin

Ms Joanne Soderlund, Chief Executive Officer, non-voting

President Kent Mouritz

Deputy President Cr Beverley Gangell

Mr David Burton, Chief Executive Officer, non-voting

Shire of Kellerberrin

President Cr Matt Steber

Shire of Koorda

Deputy President Cr Emily Ryan

Shire of Merredin

Deputy President Cr Buster Cooper

Shire of Mukinbudin

Cr Donna Crook

Shire of Westonia

Deputy President Romina Nicoletti

President Cr Mark Crees

Shire of Wyalkatchem

Mr Bill Price, Chief Executive Officer, non-voting

Shire of Yilgarn

Deputy President Cr Owen Garner

Deputy President Cr Bryan Close

Department of Local Government, Sport, &
Cultural Industries

Samantha Cornwaithe, Regional Manager Wheatbelt

Wheatbelt Development Commission

Renee Manning, Principal Regional Development Officer

Pip Gooding, Regional Development Officer Wheatbelt South

Hon Colin de Grussa MLC, Member for Agricultural Region

Hon Peter Rundle MLA, Member for Roe

Hon Martin Aldridge MLC, Member for Agricultural Region

Hon Shelley Payne MLC, Member for Agricultural Region

Hon Darren West MLC, Member for Agricultural Region

Hon Sandra Carr MLC, Member for Agricultural Region

WALGA

Cliff Simpson, Regional Road Safety Advisor

Attachments

The following are provided as attachments to the Minutes:

1. Item 6.1.1 WA Country Health presentation
2. Item 8.4 Mainroads presentation

4. Declarations of Interest

NIL

5. Announcements

With the upcoming Local Government Elections, the Chair wishes to thank all Elected Members who are not running for re-election. Your time and efforts are appreciated by your peers and your communities.

Good luck is wished to those running for re-election.

NOTED

6. Guest Speakers / Deputations

Water Corporations Rebecca Bowler, Manager, Customer & Stakeholder gave a verbal report in advance of welcoming the guest speakers.

6.1 Speakers for the August Zone Meeting

6.1.1 WA Country Health Services

The Zone welcomed a panel of representatives from WA Country Health Services and Rural Health West;

Rachele Ferrari, Executive Director, WA Country Health Service - Wheatbelt

Tim Shackleton, Chief Executive Officer, Rural Health West

Kelli Porter, Deputy Chief Executive Officer, Rural Health West

Lesley Watson, Clinical Practise Improvement Officer, Aged Care, WA Country Health Service - Wheatbelt

Jacinta Herbert, Operations Manager Eastern Wheatbelt, WA Country Health Service

Nancy Bineham, Director Strategy, Change & Service Development, WA Country Health Service - Wheatbelt

Peter Barratt, Director Medical Services, WA Country Health Service - Wheatbelt

The presentation is now attached to the Minutes – **Attachment 1**.

The panel took the floor for 20 Minutes of well received question time.

Questions are welcomed for the panel, through the Executive Officer.

The meeting took a break at 11.19am for morning tea and recommenced at 11.26am.

6.1.2 Department of Fire and Emergency Services

DFES Superintendent Craig Smith presented to the Zone, providing a verbal update on preparedness for the upcoming fire season and will take questions from the floor.

Zone Delegates are reminded that a presentation was provided by DFES in August 2022 in relation to road works being conducted during Total Fire Bans. Item 7.2 of the current State Council Agenda proposes that adoption of the following advocacy position:

That WALGA endorse the following principles in relation to the exemptions and conditions under which road works may be undertaken during a Total Fire Ban:

- 1. Road Activity Tiers: That there be a tiered risk approach for road work activities and associated controls, based on the proposed activities and fire danger forecast.*
- 2. Local Government operations: That any controls specified in regulations to provide effective risk mitigation and response be able to be implemented within the works crew deployed for the task.*

3. *Reduce Red Tape: That the processes where repeated notification to DFES for the same task at the same location is required be streamlined.*

Superintendent Smith advised that Fire Season Readiness and Preparedness Workshops are planned for Northam on 30 October and Kalgoorlie on 1 November. Information to be sent to Local Governments.

NOTED

7. Members of Parliament

Any Members of Federal and State Government in attendance are invited to provide a brief update on matters relevant to the Zone.

- Hon Mia Davies MLA, Member for Central Wheatbelt
- Hon Steve Martin, Member for the Agricultural Region
- Rick Wilson MP, Federal Member for O'Connor will be late joining the meeting

NOTED

8. Agency Reports

8.1 Department of Local Government, Sport, and Cultural Industries

Samantha Cornthwaite, Regional Director Wheatbelt was an apology. The August 2023 report was attached.

NOTED

8.2 Wheatbelt Development Commission

Renee Manning, Principal Regional Development Officer was an apology.

NOTED

8.3 Regional Development Australia Wheatbelt

Mandy Walker, Director Regional Development, provided a report.

Mandy highlighted the web links on her report as advantageous to review

NOTED

8.4 Main Roads Western Australia

Mohammad Siddiqui, Regional Manager Wheatbelt tabled a report (**Attachment 2**) in advance of the meeting.

NOTED

8.5 Water Corporation

Rebecca Bowler, Manager Customer & Stakeholder provided a verbal report at the beginning of the meeting.

NOTED

9. Minutes

9.1 Confirmation of Minutes from the Great Eastern Country Zone meeting held on Tuesday 20 June 2023

The Minutes of the Great Eastern Country Zone meeting held on Tuesday, 20 June 2023 have previously been circulated to Member Councils.

RESOLUTION :

**Moved: Shire of Yilgarn
Seconded: Shire of Koorda**

That the minutes of the Great Eastern Country Zone meeting held on Tuesday, 20 June 2023 be confirmed as a true and accurate record of the proceedings.

CARRIED

9.2 Business Arising from the Minutes from the Great Eastern Country Zone Meeting held on Tuesday, 20 June 2023

NIL

9.3 Minutes of the Great Eastern Country Executive Committee Meeting held on Tuesday, 8 August 2023

The Minutes of the Great Eastern Country Zone Executive Committee meeting held on Tuesday, 8 August 2023 are attached.

RESOLUTION

**Moved: Shire of Wyalkatchem
Seconded: Shire of Narembeen**

That the Minutes of the Great Eastern Country Zone Executive Committee Meeting held on Tuesday, 8 August 2023 be endorsed.

CARRIED

9.4 Business arising from the Great Eastern Country Executive Committee Meeting held on Tuesday, 8 August 2023

The recommendations from the Executive Committee meeting that require Zone consideration have been extracted for the Zones consideration.

9.4.1 Speakers for the November 2023 Zone Meeting (Item 5.5)

Item 5.5 – DFES will be represented at the August Zone meeting.

Item 7.3.2 - The Executive Committee want to assess the Members appetite for inviting the Deputy Auditor General, Grant Richardson, to an upcoming meeting. The Audit process is a continual issue which needs further attention.

An alternative to inviting the Deputy to a meeting is for a delegation to be established and a meeting arranged in Perth.

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Trayning

That the Great Eastern Country Zone invite the Deputy Auditor General to the November meeting. Should the Deputy be unavailable to attend, a Delegation will be established and a meeting requested with the Deputy Auditor General.

CARRIED

10. Zone Business

10.1 Minutes on a Page

At the April meeting of the Zone, it was resolved that the Executive would establish a 'Minutes on a page' document to be distributed to all Elected Members and CEO's of the Great Eastern Country Zone. The purpose of the document is to brief all Elected Members on what happens at a Zone meeting. A draft was provided for the meeting to discuss.

NOTED

10.2 Auditor Experience and Survey Results

At the State Council meeting of July 2023, the following advocacy position was adopted in relation to the survey of Local Government Audit Experience:

That:

1. *State Council note the Audit Experience Survey Results Summary; and*
2. *WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking*
 - a. *Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.*
 - b. *That the OAG review the requirements for preaudit information with a view to reducing the need for additional information where possible;*
 - c. *That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;*
 - d. *That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;*
 - e. *That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided or that is publicly available;*
 - f. *That Local Governments only be required to communicate with contract Auditors (unless the OAG is directly auditing the Local Government) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government;*
 - g. *In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit; and*
 - h. *Seek an opportunity for Local Government to make representations in relation to any adverse findings prior to the publication of the report.*

RESOLUTION 464.3/2023

A letter has been sent to the Auditor General outlining WALGA's advocacy positions and suggested reforms to the audit process for Local Governments.

In respect to item g, the Minister for Local Government, Hon David Michael has advised that he will make a regulation change to the Financial Management regulations to only require Local Governments to revalue assets once every five years. This will occur with the next instalment of regulatory reforms as part of the current legislative reform process.

This is very good news and an advocacy success for the Local Government sector and the Minister and Department of Local Government assistance on this matter has been appreciated.

The meeting discussed the Audit Readiness Guide released by OAG in July 2023, with WALGA inviting any comments arising from the content to be provided to assist with future communications and advocacy.

NOTED

10.3 The Aboriginal Heritage Cultural Act

On 8 August the State Government announced it will repeal the *Aboriginal Heritage Act 2021* that came into effect on 1 July 2023 and restore the original *Aboriginal Heritage Act 1972*, with amendments, notably:

- The newly formed Aboriginal Cultural Heritage Council will take on the role of the Committee established under the 1972 Act to make recommendations on Section 18 Notices to the Minister.
- Proponents and Native Title parties will have the same right of review for Section 18 decisions via the State Administrative Tribunal, with clear timeframes and an ability for the Premier to calling a decision of 'State significance', to act in the interests of all Western Australians.
- When a Section 18 has been approved, a new requirement for the owner to notify the Minister of any new information about an Aboriginal site – an important reform to help prevent another Juukan Gorge.

The [*Aboriginal Heritage Legislation Amendment and Repeal Bill 2023*](#) was introduced to Parliament on 9 August 2023. WALGA was not consulted on this decision, but the Premier has indicated that the Implementation Group on which WALGA is a participant will continue and that the group will work on the transition to the renewed 1972 legislation.

From a Local Government perspective, the following additional points are relevant:

- Local Aboriginal Cultural Heritage Services (LACHS) will not continue. Support will be provided to existing relevant Native Title groups, including the relevant Prescribed Body Corporations, registered claimants or native title representative bodies.
- There will be no requirement for landowners to conduct their own heritage survey.
- The Section 18 process will be strengthened, with these changes mainly impacting miners and Government, whose work most impacts cultural heritage.
- The Government will commence a 10-year plan to undertake heritage surveys of unsurveyed areas in "high priority" areas of the State.

The sector will be kept informed of progress and engaged where appropriate in the coming months.

NOTED

10.4 Proposed Boundaries for the 2025 State General Election

Item 9.4 of the State Council Agenda summarises the Flying Minute that was distributed to the Zone on 10 August 2023.

WALGA advise Members that the close date for submissions was 21 August 2023 and encourage Local Governments to reply to meet the deadline. WALGA has submitted a submission.

Executive Officer Comment:

The Commissioners' proposal to reduce the number of non-metropolitan districts by one is open for objections until Friday 21 August. Whilst WALGA is submitting an Objection Paper on behalf of the sector, a submission has been prepared on behalf of the Great Eastern Country Zone. This is in response to the widespread objection within the Zone to the boundaries proposal to reduce the number of non-metropolitan districts by one as the reduction in political representation will negatively impact rural and regional communities.

The Zone Submission is under development at the time of writing and will be distributed to Zone delegates prior to the meeting.

RESOLUTION

Moved: Shire of Yilgarn

Seconded: Shire of Merredin

That the Great Eastern Country Zone endorse the Objection to the Proposed Boundaries for the 2025 State General Election.

CARRIED

10.5 2023 Local Government Elections – Zone Office Bearer Elections

By Chantelle O'Brien, Governance Support Officer

BACKGROUND

With the bi annual Local Government elections being held on Saturday, 21 October 2023, Zones will also be required to hold an election process for State Council representatives.

A chronological overview of the process is detailed below:

- Local Government elections occur on Saturday, 21 October 2023.
- Member Councils to elect/appoint their Zone Delegates and to advise the Zone Executive Officer, as soon as possible but preferably by 3 November 2023.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, the Zones are required to hold these elections at their November 2023 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2023 November Zone meeting.
- A State Councillor Induction Session will be held for all State Council representatives and deputy representatives before the first meeting in December.
- The new State Council will take office at the Ordinary Meeting of State Council on **6 December 2023**.

In relation to the nominations and election process to be followed by each Zone in electing a representative and deputy representative to the WALGA State Council, the below process has been instituted by State Council:

1. Zone Executive Officer to write to all Member Councils *no later than 1 month prior to the Zone meeting at which the election is to be held calling for nominations from Delegates to the Zone for the positions of representative and deputy representative to State Council. The correspondence is to state that all nominations are to be made in writing to the Zone Executive Officer, and only Elected Members who are a nominated Zone Delegates are eligible to nominate. The time period for the receipt of nominations is preferably to be one week prior to the Zone meeting at which the election will be held. However, nominations will be accepted from the floor at the Zone meeting.*
2. Zone Executive Officer to receive written nominations from Zone Delegates for the positions of representative and deputy representative to State Council and then provide written confirmation to Member Councils of the nominations received.
3. Elections are to be held at the next Zone meeting as the first item of business. Nominations will be permitted from the floor at the Zone meeting. Where there is more than one nomination for each vacant position, an election will be conducted using a secret ballot, with the Zone Executive Officer to represent WALGA as the returning officer for the election. Prior to the ballot, nominees for each position are to be extended the opportunity to provide a 2 minute election bid to Delegates.
4. All voting Delegates to the Zone are entitled to cast one (1) vote in the ballot process. The candidate with the greater or greatest number of votes is elected to the office.
5. **Tied vote** – in the event of a tied vote, election will be determined by drawing names from a box. The Secretariat will put the names of the candidates concerned in a box and the first name drawn is the Elected Member.
6. Zone Executive Officer to advise WALGA in writing immediately following the Zone meeting of the outcome of their elections.

If you have any questions or require further information in relation to the above mentioned process, please contact Tony Brown, Executive Director Member Services on 9213 2051 or email tbrown@walga.asn.au.

RESOLUTION

Moved: Shire of Trayning

Seconded: Shire of Koorda

That the Great Eastern Country Zone note the process for election of Zone Representative and Deputy Representative to the WALGA State Council.

CARRIED

11. Zone Reports

11.1 Zone President Report

President Tony Sachse

Today's meeting mark's the last meeting in the current term of the WALGA GECZ Delegates, Office bearers and Executive given the upcoming Local Government elections in October 2023. Thank you everyone for your contribution over the last two years. The regular attendance and input by Delegates, CEO's, WALGA, Politicians, Agency Representatives and Guest Speakers have all combined in making for a very relevant and active Zone, with flow on benefits for all our communities and constituents. Thanks especially to the WALGA staff for their contribution, especially James McGovern, Tony Brown, Naoimh Donaghy and Janine Neugebauer.

Some of our Delegates and Executive members are not intending re-standing in October. We wish you all the best for the future. Your input and enthusiasm have been greatly appreciated. A job well done.

RESOLUTION

Moved: Shire of Trayning

Seconded: Shire of Yilgarn

That the Zone President's Report be received.

CARRIED

11.2 Local Government Agricultural Freight Group (LGAFG)

President Tony Sachse

The LGAFG meeting last met on 13th July 2022. A meeting in 2023 has so far not been scheduled. There is nothing else to report.

RESOLUTION

Moved: Shire of Cunderdin

Seconded: Shire of Nungarin

That the Local Government Agricultural Freight Groups Report be received.

CARRIED

11.3 Wheatbelt District Emergency Management Committee (DEMC)

President Tony Sachse

Wheatbelt District Emergency Management Committee (Wheatbelt DEMC) Report August, 2023.

The last Wheatbelt DEMC met on 17th May 2023. The next DEMC meeting isn't scheduled until October, the DEMC endorsement of the LEMC Handbook as required by the SEMC Policy Unit is being conducted out of session.

Attached are the following:

- The final draft of the LEMC Handbook
- The DEMC Agenda item with full recommendations and background for your information.
- The proposed communication and marketing plan for your information and noting.

If you have any comments on this final draft of the Handbook, could you please return to me no later than the 25 August 2023.

The Wheatbelt Operational Area Support Group (OASG)/ISG is now only meeting as needed. There have not been any meetings over recent months.

The Wheatbelt Human Services Managers Forum last met on Tuesday, 6th June 2023. The minutes of this meeting were attached.

RESOLUTION

Moved: Shire of Narmbeen
Seconded: Shire of Dowerin

That the Wheatbelt District Emergency Management Committee Report be received.

CARRIED

11.4 Regional Health Advocacy Group

Cr Alison Harris referred this update to Nancy Bineham, WACHS Chair for the Wheatbelt.

RESOLUTION

Moved: Shire of Wyalkatchem
Seconded: Shire of Tammin

That the Regional Health Advocacy Report be received.

CARRIED

11.5 WALGA RoadWise

Cliff Simpson, Road Safety Advisor, was an apology.

NOTED

12. Western Australian Local Government Association (WALGA) Business

12.1 State Councillor Report

Cr Stephen Strange

Cr Strange referenced our guest speakers and encouraged Members to engage with and stay involved with these valuable services.

It is of utmost importance for Zone Local Government delegates to attend the AGM occurring on Monday 18 September 2023 in order to vote on WALGA's governance review. Cr Strange encouraged Members to consider the new model proposed which, in his opinion, will encourage more agility resulting in more being done for the Zones and a more modern WALGA.

Cr Strange also highlighted a trend of dangerous truck driver behaviour, potentially exacerbated by inadequate training and driver's on work visas being unfamiliar with rural road environments. More discussions are needed on common issues and what can be done, with this proposed as a future Executive Committee matter of business..

RESOLUTION

Moved: Shire of Mukinbudin
Seconded: Shire of Cunderdin

That the State Councillor Report be received with the transport issues relating to poor driver behaviour be presented to the incoming Executive Committee as a priority area for advocacy.

CARRIED

12.2.1 State Council Agenda Items – 13 September 2023

Background

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The full State Council Agenda can be found via link: [State Council Agenda 13 September 2023](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

Matters for Decision

7.1 Local Emergency Management Arrangements (LEMA) Advocacy Position

That WALGA endorse the following position on Local Emergency Management Arrangements (LEMA):

1. *The State Government should fund the implementation of the Local Emergency Management Arrangements (LEMA) Improvement Plan endorsed by the State Emergency Management Committee (SEMC).*
2. *A reformed LEMA system should:*
 - a) *Clearly articulate the roles and responsibilities of Local Governments in emergency management;*
 - b) *Simplify the reporting processes and reduce the administrative burden of maintaining compliance;*
 - c) *Provide a suite of scalable tools and guidance materials that are accessible through an online knowledge hub;*
 - d) *Build the emergency management capacity and capability of Local Governments through the provision of targeted training, exercising support, human resources and sustainable funding;*
 - e) *Assist Local Governments to continue to deliver their core business activities and provide public information during an emergency event;*
 - f) *Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach; and*
 - g) *Enable resource sharing and collaboration across the Local Government sector.*

7.2 Advocacy Position on Road Works during Total Fire Ban

That WALGA endorse the following principles in relation to the exemptions and conditions under which road works may be undertaken during a Total Fire Ban:

1. Road Activity Tiers: That there be a tiered risk approach for road work activities and associated controls, based on the proposed activities and fire danger forecast.
2. Local Government operations: That any controls specified in regulations to provide effective risk mitigation and response be able to be implemented within the works crew deployed for the task.
3. Reduce Red Tape: That the processes where repeated notification to DFES for the same task at the same location is required be streamlined.

Policy Team And Committee Reports

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Trayning

That the Great Eastern Country Zone:

1. Supports all Matters for Decision as listed above in the September 2023 State Council Agenda; and
2. Notes all Matters for Noting, Policy Team and Committee Reports and Organisational Reports as listed in the September 2023 State Council Agenda.

CARRIED

12.3 WALGA President's Report – September 2023

The WALGA President's Report was attached to the agenda.

WALGA Deputy President Cr Paul Kelly was in attendance took the report as read.

RESOLUTION

Moved: Shire of Trayning

Seconded: Shire of Merredin

That the Great Eastern Country Zone notes the WALGA President's Report.

CARRIED

13. Emerging Issues

13.1 Road Usage Agreement

Shire of Yilgarn

Cr Della Bosca discussed the Shire's frustration with completing negotiations with a heavy road user company for 113km of roads within the Shire. WALGA's guidelines are not reflective of current economic status or considerate of smaller Local Governments with lower ratepayer income. The Shire have estimated a cost of \$84-90million over a 40 year period to ratepayers based in WALGA's guide. This cost and risk cannot be imposed on ratepayers.

ACTION: The Great Eastern Country Zone agreed to receive information on road use agreements through the WALGA Executive for the November Agenda.

13.2 NEWROC workshop

NEWROC are hosting a workshop in Nungarin on Thursday 7 September on empowering producers to provide better land access. Registration can be completed through Caroline, caroline@newroc.com.au

13.3 Thanks for outgoing Councillors of the Zone

Cr Davies, Cr Mortimore, Cr Forsyth and Cr Waters were thanked for their contribution to the Zone and Executive Committee.

Cr Davies took the opportunity to say a few words, highlighting how the Zone has added value to member communities. The Zone has a valuable voice assisted by the Executive Officer and WALGA. The collaboration between Local Governments has been great and is the best way to succeed. Cr Davies thanked State Councillor Stephen Strange for all he does for the Zone. Cr Davies mentioned Country Councillors are so valuable as they truly have their community in mind and encouraged new Councillors to come on board. A special thanks was given to Chair President Cr Tony Sachse for his leadership and his willingness to go above and beyond for the Great Eastern Country Zone.

NOTED

14. Date, Time, and Place of Next Meetings

The next Executive Committee meeting will be held following the November elections.

The next Great Eastern Country Zone meeting will be held on Monday, **20** November 2023 commencing at 9.30am. This meeting will be hosted by the Shire of Kellerberrin.

15. Closure

There being no further business the Chair declared the meeting closed at 1.18pm.

Council Meeting

Monday 21 August 2023

MRCLC

MINUTES

Immediately after GECZ Meeting

www.newroc.com.au

E caroline@newroc.com.au

ANNUAL CALENDAR OF ACTIVITIES

MONTH	ACTIVITY	MEETING
January		Executive
February	<ul style="list-style-type: none"> Council refreshes itself on NEWROC Vision, Mission, Values (review Vision and Mission every other year) Council reviews NEWROC project priorities / strategic plan 	Council
March	<ul style="list-style-type: none"> WDC attendance to respond to NEWROC project priorities Submit priority projects to WDC, Regional Development and WA Planning 	Executive
April	NEWROC Budget Preparation	Council
May	<ul style="list-style-type: none"> NEWROC Draft Budget Presented NEWROC Executive Officer Contract/Hourly Rate Review (current contract expires June 2027) Local Government Week agenda to be discussed at Executive meeting to determine if EA should attend 	Executive
June	NEWROC Budget Adopted	Council
July		Executive
August	<ul style="list-style-type: none"> Information for Councillors pre-election NEWROC Audit 	Council
September		Executive
October	<ul style="list-style-type: none"> NEWROC CEO and President Handover (every 2yrs) NEWROC Dinner 	Council
November	<ul style="list-style-type: none"> NEWROC Induction of new Council representatives (every other year) Review NEWROC MoU (every other year) 	Executive
December	NEWROC Christmas / End of Year Drinks	Council

ONGOING ACTIVITIES

Compliance

Media Releases

NEWROC Rotation

Shire of Mt Marshall

Shire of Nungarin

Shire of Wyalkatchem

Shire of Koorda

Shire of Mukinbudin (Oct 2021 – Oct 2023)

Shire of Trayning

Shire of Dowerin

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NORTH EASTERN WHEATBELT REGIONAL ORGANISATION OF COUNCILS

Minutes for the Council Meeting held at the Merredin Recreation and Leisure Centre, commencing at 1.30pm on 21 August 2023.

MINUTES

1. OPENING AND ANNOUNCEMENTS

Cr Shadbolt, NEWROC President welcomed everyone and opened the meeting at 1.30pm.

2. RECORD OF ATTENDANCE AND APOLOGIES

2.1. Attendance

Cr Gary Shadbolt	President, Shire of Mukinbudin, NEWROC Chair
Cr Jannah Stratford	President Shire of Koorda
Cr Gary Coumbe	Councillor, Shire of Nungarin
Cr Melanie Brown	President, Shire of Trayning
Cr Tony Sachse	President, Shire of Mt Marshall
Cr Robert Trepp	President, Shire of Dowerin
Cr Quentin Davies	President, Shire of Wyalkatchem
Dirk Sellenger	CEO NEWROC, CEO Shire of Mukinbudin
Lana Foote	A/CEO Shire of Koorda
Ben McKay	CEO, Shire of Mt Marshall
John Merrick	A/CEO, Shire of Nungarin
Leanne Parola	CEO, Shire of Trayning
Peter Klein	CEO, Shire of Wyalkatchem

NEWROC Officer

Caroline Robinson Executive Officer, NEWROC

2.2. Apologies

Brian Jones	CEO, Shire of Wyalkatchem
Cr De Lacy	President, Shire of Nungarin

2.3. Guests

Tony Brown WALGA (via TEAMS)

2.4. Leave of Absence Approvals / Approved

Nil

3. Declarations of Interest and Delegations Register

Nil

3.1. Delegation Register

Please find below a delegations register as per the new policy adopted in March 2017:

Description of Delegations	Delegatee	Delegated to	Approval
Records Management	CEO	NEWROC EO	Council

NEWROC Council Meeting 21 August 2023 - MINUTES

NEWROC Financial Management	CEO	NEWROC EO	Council Dec 2017
Bendigo Bank Signatory (NEWROC)	CEO	NEWROC EO	Council Dec 2017
Bendigo Bank Signatory (Shire of Mukinbudin)	Council	CEO	Council Dec 2017
NEWROC Website	CEO	NEWROC EO	Council June 2017

4. Presentations

Tony Brown, presented an update on WALGA's regional subsidiary charter.

Attached #1 is an updated Template for a Charter, with the following **comments from Tony**:

We have updated the charter following advice from the Office of the Minister for Local Government.

We have made the following adjustments to the Draft Model Regional Subsidiaries Charter, noting that the additions are identified in *green* in the Charter:

- Regulation 9(e) - the consequences of a failure to comply with a direction from the participants should be provided for in the charter.

Inserted clause 6.5.5 'Any failure by the Subsidiary to comply with a direction of the participants within 21 days will be treated as a dispute for the purpose of clause 6.8.'

- Regulation 9(o) - the way in which money may be invested by the regional subsidiary. If a regional subsidiary is to be able to invest funds, the "way" should be provided for in the charter.

Inserted clause 5.2.7 'Investment of surplus funds will be made in accordance with the provisions of Regulation 22 of the Local Government (Regional Subsidiaries) Regulations 2017 and in accordance with an Investments Policy to be adopted by the Regional Subsidiary'

- Regulation 9(p) - procedures for the disposal of property should be provided for in the charter.

Inserted clause 4.5.10 – 'ensuring that assets deemed surplus to the needs of the Subsidiary are disposed of in accordance with an adopted Asset Disposal Policy'

- Regulation 9(q) - a means of developing a code of conduct (if any). While having a code of conduct is optional, the charter does need to specify if one is or is not to be developed and, if so, the means of development.

Inserted clause 4.5.15 – 'developing an Employee Code of Conduct which broadly aligns with the requirements of Section 5.51A of the Local Government Act 1995 and associated regulations'

Inserted clause 3.3.8 – 'Developing a Code of Conduct to be observed by Board Members and Committee Member which broadly aligns with the requirements of Section 5.103 of the Local Government Act 1995 and the Local Government (Model Code of Conduct) Regulations 2021'

ACTION

NEWROC Executive to discuss the purpose of the regional subsidiary at the next meeting.

Seek a meeting with the Minister for Local Government.

NEWROC EO meet with Tony Brown to review updated Charter

5. MINUTES OF MEETINGS

Minutes of the Executive Meeting held on 25 July 2023 have previously been circulated.

RESOLUTION

That the Minutes of the Executive Meeting held on 25 July 2023 be received.

Moved Cr Trepp

Seconded Cr Sachse

CARRIED 7/0

Minutes of the Council Meeting held on 27 June 2023 have previously been circulated.

RESOLUTION

That the Minutes of the Council Meeting held on 27 June 2023 be received as a true and correct record of proceedings.

Moved Cr Trepp

Seconded Cr Stratford

CARRIED 7/0

5.1. Business Arising

6. SUB COMMITTEE MEETINGS

Minutes of the NEWROC Economic Development Sub Committee held on 10 August 2023 are attached #2.

RESOLUTION

That the Minutes of the NEWROC Economic Development Sub Committee held on 10 August 2023 be received.

Moved Cr Trepp

Seconded Cr Davies

CARRIED 7/0

6.1. Business Arising

Nil

7. FINANCIAL MATTERS

7.1. Income, Expenditure and Profit and Loss

FILE REFERENCE:	42-2 Finance Audit and Compliance
REPORTING OFFICER:	Caroline Robinson
DISCLOSURE OF INTEREST:	Nil
DATE:	18 August 2023
ATTACHMENT NUMBER:	#3P and L
CONSULTATION:	
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

Account transactions for the period 1 June – 31 July 2023.

Date	Description	Reference	Credit	Debit	Running Balance
BB NEWROC Funds-5557					
Opening Balance			117,877.69	0.00	117,877.69
01 Jun 2023	Bendigo Bank		0.00	0.80	117,876.89
01 Jun 2023	Xero Australia	XERO	0.00	56.05	117,820.84
07 Jun 2023	Payment: Alyce Ventris	2049	0.00	3,920.05	113,900.79
07 Jun 2023	Payment: 150Square	INV-0225	0.00	4,090.63	109,810.16
19 Jun 2023	Payment: Nungarin Community Resource Centre	Literary Lunch	0.00	600.00	109,210.16
28 Jun 2023	Payment: Shire Of Nungarin	INV-0103	33,000.00	0.00	142,210.16
28 Jun 2023	Payment: Shire Of Nungarin	INV-0102	33,000.00	0.00	175,210.16
01 Jul 2023	Bendigo Bank		0.00	1.20	175,208.96
03 Jul 2023	Payment: Alyce Ventris	2051	0.00	4,203.19	171,005.77
03 Jul 2023	Xero Australia	XERO	0.00	56.05	170,949.72
03 Jul 2023	Payment: Newroc Arena Submission	Inv 23	0.00	16,500.00	154,449.72
05 Jul 2023	Payment: Ethical Fields	INV-0155	0.00	9,900.00	144,549.72
05 Jul 2023	Payment: 150Square	INV-0228	0.00	4,098.13	140,451.59
Total BB NEWROC Funds-5557			66,000.00	43,426.10	140,451.59
Closing Balance			140,451.59	0.00	140,451.59
Total			66,000.00	43,426.10	22,573.90

Balance Sheet

North Eastern Wheatbelt Regional Organisation of Councils As at 31 July 2023

	31 JUL 2023	30 JUN 2023	31 MAY 2023
Assets			
Bank			
BB NEWROC Funds-5557	140,451.59	175,210.16	117,877.69
BB Term Deposit Account-1388	299,025.69	299,025.69	299,025.69
Total Bank	439,477.28	474,235.85	416,903.38
Total Assets	439,477.28	474,235.85	416,903.38
Liabilities			
Current Liabilities			
GST	(1,242.89)	1,882.11	(611.54)
Rounding	0.05	0.04	0.03
Unpaid ATO Liabilities	2,752.00	2,752.00	-
Total Current Liabilities	1,509.16	4,634.15	(611.51)
Total Liabilities	1,509.16	4,634.15	(611.51)
Net Assets	437,968.12	469,601.70	417,514.89
Equity			
Current Year Earnings	(31,633.58)	116,639.17	64,552.36
Retained Earnings	469,601.70	352,962.53	352,962.53
Total Equity	437,968.12	469,601.70	417,514.89

RESOLUTION

That the income and expenditure from 1 June 2023 to 31 July 2023, P and L and balance sheet be received.

Moved Cr Stratford

Seconded Cr Sachse

CARRIED 7/0

8. MATTERS FOR CONSIDERATION

8.1. WASTE MANAGEMENT

FILE REFERENCE:	
REPORTING OFFICER:	Caroline Robinson
DISCLOSURE OF INTEREST:	Nil
DATE:	22 June 2023
ATTACHMENT NUMBER:	#4 Ask Waste Mgt Report (to be supplied)
CONSULTATION:	Peter Klein Economic Development Sub Committee
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

Regional Landfill

Ask Waste Management has completed their Landfill Site Identification report into possible greenfield sites. They have identified 4 potential areas.

Identification of the landowners in each of the areas is currently underway.

OFFICER RECOMMENDATION

NEWROC receives the Landfill Site Identification report

Council asks the Executive to prepare a response for the next Council meeting identifying the landowners and a preferred site.

RESOLUTION

Council asks the Executive to prepare a response for the next Council meeting identifying the landowners and a preferred site.

Moved Cr Trepp

Seconded Cr Coombe

CARRIED 7/0

Discussion:

- Shire of Wyalkatchem will establish a sub committee to discuss waste management and the report site plus four new locations
- CEOs to review the report and provide comment on the locations or suggest more suitable sites

8.2. LIVE SHEEP BY SEA

FILE REFERENCE:	
REPORTING OFFICER:	Caroline Robinson
DISCLOSURE OF INTEREST:	Nil
DATE:	17 July 2023
ATTACHMENT NUMBER:	#4 WEROC letter to Minister Watt #5 Minister Watt response to WEROC #6 Econisis Quote
CONSULTATION:	
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

Actions since the last meeting:

- Contacted ROCs in the south west land division regarding our letter to Minister Watt and requests to meet, so too an interim report. Since this, WEROC have sent the attached letter
- NEWROC EO has spoken to ACIL Allen regarding their 2021 report and whether a NEWROC specific report could be an extension. Different methodology unfortunately but they were keen to see where our work eventuated.
- Quotes requested from three economists. One is attached for consideration.
 - o Econisis is recommending three approaches – apportioning the state results down to the NEWROC area, using expenditure based economic impact assessment multipliers and running a cost benefit analysis style net community benefit. The idea is that none are going to give the full answer but together the results from the three different approaches will help to cross validate each other and also give you different evidence and information formats for different audiences.

The NEWROC EO also recommends accompanying the above work with a survey to producers in the NEWROC area to gather specific data and that may assist the preferred economist.

Action since the July Executive Meeting:

- Cr Sachse, Cr De Lacy, Cr Davies, Peter Klein and the NEWROC EO attended a 60minute TEAMS meeting with the four members of the Panel (as well as Department staff)
- Summary of the meeting below:

Our letter to Minister Watt was tabled and the Panel was aware of our correspondence.

Each of us brought a different opinion and perspective to the Panel, under the common theme that the policy should not be pursued, and the industry should remain.

The Panel provided an update on their process. They have received and read the submissions and are now in the 'solutions' stage.

- *The Panel has commissioned some of their own work to assess the impact of a closure of the trade*
- *They indicated they will push solutions that will maintain the current flock numbers (without live sheep trade) and seek to provide confidence to producers*
- *They are interested in solutions to address supply chain issues, how to support business and communities and whether we had witnessed any successful 'support' programs*

We agreed we would put today's meeting on the next NEWROC agenda and discuss further correspondence to the Panel.

Their work is due to the Minister at the end of September.

Thank you to the four members for making themselves available to present to the Panel.

The Panel requested the NEWROC consider what support is required to transition the industry. **Members are asked for their input into what may be required for the NEWROC communities.**

RESOLUTION

NEWROC accept the quotation and approach proposed by Econosis as attached.

NEWROC asks the NEWROC EO to defer consideration of a survey until after the release of the Government report.

NEWROC writes to the Federal Labor Party President outlining our position on the policy.

Moved Cr Stratford

Seconded Cr Davies

CARRIED 7/0

Discussion:

- NEWROC was invited to the National Farmers Federation delegation to Parliament House in September but will approach members of Parliament individually, following the report outcomes
- Report to be available by the October Council meeting
- Report to focus on the implication of the policy on the NEWROC communities

8.3. EMERGENCY SERVICES FUNDING

FILE REFERENCE:
REPORTING OFFICER: Caroline Robinson
DISCLOSURE OF INTEREST:
DATE: 18 August 2023
ATTACHMENT NUMBER:
CONSULTATION:
STATUTORY ENVIRONMENT: Nil
VOTING REQUIREMENT: Simple Majority

COMMENT

AWARE funding is currently open and is aimed at eligible West Australian Local Governments. Local governments are encouraged to collaborate and submit joint applications.

The 2023-24 AWARE program will distribute \$238,000 to local governments via competitive grants to projects that build emergency management capability.

Local level risk assessments can request a maximum of \$6,000 (no GST is applied).

All other applications must be requesting a minimum of \$2,500 and a maximum of \$35,000 (no GST is applied).

Applicants must contribute at least 25 percent of the total cost of the project as combination of cash and in-kind. In-kind contributions must be expressed in monetary terms.

The AWARE targets projects of up to 12 months duration.

Furthering the emergency risk management process

- Local level risk assessment final report and risk register
 - \$6,000 subsidy available
 - The final report and risk register must be completed using the process outlined in the WA Emergency Risk Management Local Government Handbook, and in consultation with your District Emergency Management Advisor (DEMA) Facilitating capability-based exercises
- To help identify and assess the skills, resources, infrastructure, equipment, systems and plans necessary for response and recovery
 - Includes field, workshop, and desktop settings Assistance in reviewing Local Emergency Management Arrangements (LEMA)
- To enhance the knowledge, capacity and/or awareness of:
 - Community members
 - Emergency services personnel
 - Agencies supporting emergency management activities
- To support the development of contemporary and updated LEMA Delivering emergency management training
- To enhance the knowledge, capacity and/or awareness of personnel involved in emergency management

NEWROC Council Meeting 21 August 2023 - MINUTES

- Includes professional development Hosting or facilitating emergency management events or forums
- To host or facilitate emergency management events or forums that may include:
 - Knowledge sharing
 - Best practice
 - Community engagement/education

OFFICER RECOMMENDATION

Members indicate whether they will be applying for the funding (individually).

Members indicate whether a NEWROC application should be made.

RESOLUTION

Item is discussed

Moved Cr Trepp

Seconded Cr Davies

CARRIED 7/0

Action

NEWROC EO discuss with DFES on their progress in mapping water points.

8.4. EVENTS SUPPORT OFFICER

FILE REFERENCE:	132-1 NEWTravel
REPORTING OFFICER:	Caroline Robinson
DISCLOSURE OF INTEREST:	
DATE:	18 August 2023
ATTACHMENT NUMBER:	#7 NEWTravel Minutes #8 Events Support Officer Position Description Draft
CONSULTATION:	Linda Vernon
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

NEWTravel has been successful in securing approx. \$60K from FRRR's Future Drought Fund's Helping Regional Communities Prepare for Drought Program for an Events Support Officer.

See attached job description.

The initial application was for \$80K but was reduced by FRRR.

NEWTravel member Councils will be asked to contribute \$1000 each year for 2yrs towards the position.

NEWTravel is requesting \$10,000 each year for 2yrs towards the position.

There is an opportunity to see this position work closely with Dowerin Events Management.

The following resolutions were passed at the NEWTravel 27 July 2023 meeting:

RESOLUTION:

To approach NEWROC to fund the project funding gap of \$20,000 over two years.

Moved: Rebecca McCall

Seconded: Cr Megan Beagley

CARRIED

RESOLUTION:

Approach and initiate a meeting between NEWTRAVEL, Dowerin Events Management, and NEWROC, with the purpose of exploring collaborative opportunities for the joint execution of the Event Support Officer Project over the next two years and beyond.

Moved: Rebecca McCall

Seconded: Stacey Geier

CARRIED

OFFICER RECOMMENDATION

NEWROC contribute \$10,000 towards the position in the 23/24 financial year and review the support when preparing the 24/25 budget.

RESOLUTION**Item lay on the table****Moved Cr Brown****Seconded Cr Coombe****CARRIED 7/0****Discussion:**

- NEWROC EO to meet with MADFIG to discuss their FRRR project and if there is alignment
- NEWROC EO to meet with NEWTravel to discuss the request and how to work with Dowerin Events Management
- Further information on additional individual Shire financial commitments

9. MATTERS FOR INFORMATION

9.1. PLACE BASED CAPITAL PROGRAM

FILE REFERENCE:
REPORTING OFFICER: Caroline Robinson
DISCLOSURE OF INTEREST:
DATE: 18 August 2023
ATTACHMENT NUMBER:
CONSULTATION: Meaghan Burkett
 Executive
STATUTORY ENVIRONMENT: Nil
VOTING REQUIREMENT: Simple Majority

COMMENT

The Place Based Capital Program has commenced. The NEWROC group has participated in three online sessions.

A small group of NEWROC members met online prior to the 16th August session. The group discussed how they were tracking, some of the learnings and future applications in NEWROC communities. The group intends to get together in person over the coming weeks.

The NEWROC EO will coordinate a joint meeting of the Economic Development Sub Committee and PBCP group in the future as well.

RESOLUTION

Information is received.

Moved Cr Trepp

Seconded Cr Shadbolt

CARRIED 7/0

9.2. ECONOMIC DEVELOPMENT

FILE REFERENCE:
REPORTING OFFICER: Caroline Robinson
DISCLOSURE OF INTEREST:
DATE: 18 August 2023
ATTACHMENT NUMBER:
CONSULTATION: Economic Development Sub Committee
 Wheatbelt Development Commission
STATUTORY ENVIRONMENT: Nil
VOTING REQUIREMENT: Simple Majority

COMMENT

Economic Development Sub Committee met in Trayning on 10 August. Minutes attached.

The group is seeking quotes from three consultants to develop an Economic Development Strategy.

RESOLUTION

Information is received.

Moved Cr Davies

Seconded Cr Trepp

CARRIED 7/0

9.3. BANK CLOSURES IN REGIONAL AUSTRALIA

FILE REFERENCE: 107-1 Power
REPORTING OFFICER: Caroline Robinson
DISCLOSURE OF INTEREST: Nil
DATE: 18 August 2023
ATTACHMENT NUMBER:
CONSULTATION: Cr Davies
STATUTORY ENVIRONMENT: Nil
VOTING REQUIREMENT: Simple Majority

COMMENT

The NEWROC has been requested to participate in a public hearing, as per the below email.

From: Iacobozzi, Ethan (SEN) <Ethan.iacobozzi@aph.gov.au> **On Behalf Of** RRAT, Committee (SEN)
Sent: Monday, 10 July 2023 7:54 AM
To: caroline@newroc.com.au
Cc: RRAT, Committee (SEN) <RRAT.Sen@aph.gov.au>
Subject: Senate Regional Banking Closures Inquiry - preliminary invite to appear at a public hearing in Western Australia in August 2023



SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

10 July 2023

Ms Caroline Robinson
 Executive Officer
 North Eastern Wheatbelt Regional Organisation of Councils
 Email: caroline@newroc.com.au

Dear Ms Robinson

The Senate Rural and Regional Affairs and Transport References Committee is conducting an inquiry into [bank closures in regional Australia](#). As part of this process, the committee has agreed to hold public hearings in Carnamah, Western Australia and Beverley, Western Australia, on 15 and 16 August 2023.

This email is a preliminary invite for the North Eastern Wheatbelt Regional Organisation of Councils to appear as a witness at the public hearing in Beverley, WA, between **9:20 am – 3:00 pm, Wednesday 16 August 2023**. Your indicative time for appearance is between **10:00 am – 10:40 am**, subject to finalisation of the program.

The committee prefers witnesses attend in person where practical, but teleconference can be arranged.

The secretariat expects to send your formal invitation in the next week or two. In the meantime, it would be appreciated if you could indicate your acceptance of the invite and availability for this hearing and provide the names and positions of likely witnesses.

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If the time does not suit the key witnesses, please let me know and we can discuss alternatives.

Please feel free to call me with any questions on 6277 3060.

Yours sincerely,

Ethan Iacobozzi | Senior Research Officer

Senate Standing Committee on Rural & Regional Affairs & Transport
Senate Committee Office | Department of the Senate
T: 02 6277 3060 | E: ethan.iacobozzi@aph.gov.au
www.aph.gov.au/senate

The NEWROC EO has responded to Ethan and indicated availability, as well as requesting whether another NEWROC representatives can attend.

Update since the July Executive Meeting:

- Cr Davies and the NEWROC EO attended and presented at the Inquiry in Beverley
- NEWROC EO presented on behalf of all the NEWROC communities, Cr Davies gave insight into the Wyalkatchem community and closure of the NAB
- Senators Canavan (QLD), Brockman (WA) and Rennick (QLD) were in attendance and the day was broadcast live on the APH system

RESOLUTION

Information received.

Moved Cr Davies

Seconded Cr Trepp

CARRIED 7/0

10. GENERAL UPDATES

10.1. Literary Luncheon

Sold out event on Friday 4th August. Well done to the Nungarin CRC and Shire of Nungarin

10.2. Landowners Information Session



**EMPOWERING PRODUCERS TO NEGOTIATE
BETTER LAND ACCESS ARRANGEMENTS**

When it comes to giving resources companies access to land, producers often have little information to help them and they feel powerless to negotiate access or a fair deal.

At this information session we will discuss:

- >> Current and upcoming projects in the eastern Wheatbelt
- >> Ways you can prepare for the knock on the farm gate
- >> Your rights and support systems
- >> Hear from a local case study

**2PM – 5.30PM
THURS 7TH SEPT 2023
NUNGARIN RECREATION CENTRE**

NEWROC
North Eastern Wheatbelt Regional Organisation of Councils
Dowerin | Koorda | Mt Marshall | Mukinbudin | Nungarin | Trayning | Wyalkatchem

 **RSVP essential. Register at
www.newroc.com.au**

10.3. Dowerin Down Town

10 NEWROC members will be attending the luncheon.

10.4. NEWROC Dinner – LG Week

Discussion at the July Executive Meeting:

Tuesday 19th September after the convention

11. 2023 MEETING SCHEDULE

26 September

Executive

Shire of Mukinbudin

NEWROC Council Meeting 21 August 2023 - MINUTES

31 October	Council	Shire of Mt Marshall
28 November	Council	Shire of Nungarin

12. CLOSURE

The Chairman, Cr Shadbolt thanked everyone for attending and declared the meeting closed at 2.54pm.

Koorda LEMC Agenda
Shire of Koorda Council Chambers, 10 Haig St, Koorda
Thursday 7 September 2023 Commencing 4.30pm

1. DECLARATION OF OPENING:

The Chairperson, Shire President Cr Jannah Stratford, declared the meeting open at 4.30pm

2. ATTENDANCE:

Cr Jannah Stratford, President, Shire of Koorda
Lana Foote, ACEO, Shire of Koorda
Charli West, LEMC Liaison Officer, Shire of Koorda
Cr Gary Greaves, Councillor, Shire of Koorda & Captain, Kulja Bushfire Brigade
Jo Spadaccini, District Emergency Services Officer, Dept of Communities (via Microsoft Teams)
George Storer, Shire of Koorda Chief Bush Fire Control Officer (CBFCO)
Colleen Scally, Koorda Red Cross
Glen Metcalfe, Water Corporation & Wyalkatchem Fire and Rescue
Cr Lea Smith, Councillor, Shire of Koorda 4.34pm
Rob Steele, DFES Area Officer Mortlock 4.39pm

3. APOLOGIES:

Lynne Cooke, Koorda CWA
Jay Hammond, Chairperson, Wyalkatchem-Koorda St John WA Subcentre
Lesley Foote, Koorda Primary School
Yvette Grigg, District Emergency Management Advisor, DFES
Sergeant (Sgt) Iain Lind, OIC, Koorda Police Station
Senior Constable (SC) Steve Jaworski, Officer, Koorda Police Station
Phillip Hay, District Officer Avon, DFES
Nicholas Chandler, Area Manager, CBH Koorda

4. CONFIRMATION OF MINUTES ([Click here to view](#))

Moved: Colleen Scally

Seconded: George Storer

That the minutes of the Koorda Local Emergency Management Committee meeting held on 29 June 2023 at the Shire of Koorda Council Chambers, as circulated, be confirmed as a true and accurate record.

Carried

5. LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

N/A

6. OTHER BUSINESS

Agency Roundtable

District Emergency Services Officer

Wheatbelt DEMC Update: July 2023 ([Click here to view](#)).

- Currently completing the evacuation centre audits and these are due back by 31 October. Jo has emailed these to Shire Administration Staff to complete.
- Planning a roadshow up this way and can provide training to shire officers and agencies that may be involved. This covers ensuring we have kits ready, documents in place, processes, etc. Cr Stratford expressed an interest in Councillors attending training too.
- Received the Koorda updates for the Local Emergency Welfare Plan (Merredin District).

Koorda LEMC Agenda
Shire of Koorda Council Chambers, 10 Haig St, Koorda
Thursday 7 September 2023 Commencing 4.30pm

- Updated state support plan (overarching document for local welfare plan) likely end up with a template.

Wheatbelt District

Advisor Report August/September 2023 ([Click here to view](#)).

Koorda Rec Cross

Colleen advised there are no further updates since the last meeting.

Glen Metcalfe – Water Corporation

- Advised Water Corporation have a list of machinery they have available and what they can offer in a time of need and that can be provided to the Shire.
- Water Corp have completed inspections of the hydrants in town and a jobs list will come out for repairs/replacements. BFBs are to inspect hydrants yearly (paint, etc) but not turn on. If BFB volunteers find faults as they are refilling water trucks, they are to call 13 13 75.

Shire of Koorda

Cr Stratford provided the below update for the Shire.

- The Seroja funding application is being tabled at the Council Meeting on Wednesday. Shire is looking to apply for ablution upgrades to evacuation centres, generators for Shire buildings and portable generators.
- There is a Bushfire Advisory Committee Meeting after LEMC and this will discuss new WHS in regards to brigade training.

George Storer, Shire of Koorda Chief Bushfire Control Officer (CBFCO)

Nothing to report since the last meeting.

St John – Received via email

- Since the last LEMC meeting we have completed 4 call-outs in Koorda and 13 across both communities.
- The new drug storage room in Wyalkatchem is complete and is online.
- Forming a plan to build a new drug storage room in Koorda.
- We have held our Annual Review Meeting and the following is the result: Chairperson Jay Hammond, Vice Chairperson Tracy Dickson, Secretary Annette Petchell, Treasurer Casey MacPherson.
- Both Koorda and Wyalkatchem are now operational on the new Electronic Drug Register system.
- Volunteer Ambulance Officer annual training program is nearing completion.
- Community Paramedic Maxi McDonald ASM is on leave at the moment and we have Jason King filling in until November at this stage.

7. NEXT MEETING DATES

Thursday, 30 November 2023

Thursday, 28 March 2024

Thursday, 27 June 2024

8. MEETING CLOSED

Cr Stratford thanks those present for attending, and declared the meeting closed at 4.53pm.

SHIRE OF KOORDA

MINUTES

Bush Fire Advisory COMMITTEE MEETING



Shire of
Koordra

Drive in, stay awhile

Notice is hereby given that a Meeting of the Shire of Koorda Bush Fire Advisory Committee will be held in Council Chambers, 10 Haig Street, Koorda commencing at 5.30pm on Thursday, 7 September 2023.

Lana Foote
Acting 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.



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

Lana Foote

A/CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING

The A/Chief Executive Officer declared the meeting open at 5.30pm

2 RECORD OF ATTENDANCE

2.1 Record of Attendance:

George Storer	Chief Bush Fire Control Officer
Carl Fuchsbichler	Deputy Chief Bush Fire Control Officer
Gary Greaves	Captain Kulja Brigade/Council Representative
Lana Foote	Acting CEO/Shire Representative

2.2 Announcement of Visitors

Rob Steel	DFES Area Officer Mortlock
Matthew Stratford	Volunteer, Koorda Brigade
Cr Jannah Stratford	President, Shire of Koorda
Charli West	Shire of Koorda

2.3 Apologies:

Adam Storer	Bush Fire Control Officer
Andrew Leeke	Bush Fire Control Officer/Fire Weather Officer
Darren West	Works Supervisor/Shire Representative
Joshua Smith	Captain Koorda Brigade
Shane Boyne	Volunteer, Koorda Brigade
Ryan Greaves	Volunteer, Kulja Brigade

3 ELECTION OF PRESIDING AND DEPUTY PRESIDING MEMBER

The Committee are to elect a Presiding Member and, if desired, Deputy Presiding Member from amongst themselves in accordance with s5.12 of the Local Government Act 1995:

(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule—

- (a) to “office” were references to “office of presiding member”; and*
- (b) to “council” were references to “committee”; and*
- (c) to “councillors” were references to “committee members”.*

(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule—

- (a) to “office” were references to “office of deputy presiding member”; and*
- (b) to “council” were references to “committee”; and*
- (c) to “councillors” were references to “committee members”; and*
- (d) to “mayor or president” were references to “presiding member”.*

George Storer was nominated in writing by Gary Greaves as Presiding member with George indicating consent to the nomination. As no other nomination was received, George was declared elected to the office of Presiding Person.

The Presiding Person assumed the chair.

4 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

Not required for this meeting.

5 ITEMS OF BUSINESS

5.1 Appointment of Shire of Koorda Fire Officers

Review/confirm the appointments of officers for the Shire of Koorda as follows:

Chief Bush Fire Control Officer	George Storer
Deputy Chief Bush Fire Control Officer	Carl Fuchsbichler
Bush Fire Control Officers	Andrew Leeke Gary Greaves Adam Storer
Fire Weather Officer	Andrew Leeke
Deputy Fire Weather Officer	George Storer
Bush Fire Advisory Committee	
George Storer	Chief Bush Fire Control Officer
Carl Fuchsbichler	Deputy Chief Bush Fire Control Officer
Andrew Leeke	Bush Fire Control Officer
Adam Storer	Bush Fire Control Officer
Joshua Smith	Captain Koorda Brigade
Gary Greaves	Captain Kulja Brigade/Council Representative
Lana Foote	Acting CEO/Shire Representative
Darren West	Works Supervisor/Shire Representative

(Please note: Shire of Koorda Councillors that are not members may attend as an observer).

COMMITTEE DECISION

Moved Gary Greaves

Seconded Carl Fuchsbichler

The Committee resolves that the abovementioned Officers be appointed as the Shire of Koorda Fire Officers.

CARRIED

5.2 Annual Fire Break Notice

[\(Click here to view\)](#)

Review of 2023-2024 Annual Firebreak Notice and discussion on enforcement options for fire break non-compliance.

Action: Delegate the Shire of Koorda Ranger to carry out inspections. Encourage people to report firebreaks that may not comply if there are concerns.

5.3 Managing Bush Fire Volunteers under new Work Health and Safety Legislation

[\(Click here to view copy of DFES guidance on Bush Fire training\)](#)

Discussion on management arrangements for bush fire volunteers in respect to volunteer training, protective clothing and equipment and other matters.

Action: Shire to liaise with Tracy McBride at DFES on training schedules and a list of current volunteers needing training.

Rob advised if the Brigade has a number of volunteers needing/wanting training, contact DFES to arrange a date for training.

5.4 Equipment Requirements

Discussion on current plant replacement program and any future needs in respect to protective personal clothing (PPC) and protective personal equipment (PPE).

The Shire of Koorda was allocated in the 2022/2023 DFES Capital Allocations, a Light Tanker and a 4.4 Broadacre - Tatra Single Cab. We are still yet to receive the plant items.

The ACEO received an update from DFES in regard to the Capital Plant Allocations for the Shire of Koorda which can be found below;

Both vehicles are still only approved in principle, but aiming to have them both included for 2024/25 funding (November). All being successful, they will be able to have their chassis ordered and a build file created. Approx dates are impossible at this stage unfortunately. The backlog of 4.4BA's is still slowly being worked through.

Rob advised attachments for the fire trucks can be purchased through Front Line.

5.5 Mollerin Fire Water Tender (Truck)

Discussion on appropriate use, current and future housing location, and replacement.

Action: Shire/Committee to look into replacing the Mollerin Truck and the possibility of applying for Cyclone Seroja funding for this.

5.6 Koorda Town Brigade Finance Arrangements

Discussion on Koorda Town Brigade's funds held in its bank account.

George advised the current bank account balance is \$9454.20 and he is to be reimbursed \$240 for Greg Westlund's departure gift.

5.7 Cadet Arrangements

CRC Co-ordinator seeing if Koorda may look to run a cadet program similar to Cunderdin to encourage younger members to get involved to transition to volunteers when they are of age.

6	GENERAL BUSINESS
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7	DATE OF NEXT MEETING
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The next Bush Fire Advisory Committee meeting will be scheduled when required or as determined by the meeting.

8	CLOSURE
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The chairperson thanked everyone for their attendance and declared the meeting closed at 6.30pm.

Signed

Presiding person at the meeting at which the minutes were confirmed

Date: TBC

WALGA Annual General Meeting Minutes

Monday, 18 September 2023

Crown Perth

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Order of Proceedings

- 2:00pm Opening and welcome – WALGA President, Cr Karen Chappel AM JP
- 2:05pm LGIS Address – Chief Executive Officer, Mr James Sheridan
- 2:15pm Award Presentations
- 2:45pm Commencement of Annual General Meeting (to follow formal Agenda)
- 5:00pm Close of Annual General Meeting

1. Apologies and Announcements

The Chair declared the meeting open at 2:45pm.

1.1 Record of Apologies

- Shire of Dowerin
- Town of Mosman Park
- Shire of Williams

1.2 Announcements

Nil

2. Adoption of AGM Association Standing Orders

The Annual General Meeting Association Standing Orders were contained within the Agenda

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont

Seconded: President Cr Tony Dean, Shire of Nannup

That the Annual General Meeting Association Standing Orders be adopted.

CARRIED

3. Confirmation of Previous Minutes

The [Minutes of the 2022 WALGA Annual General Meeting](#) were contained within the Agenda, along with a report on the action taken on the 2022 AGM resolutions.

RESOLUTION

Moved: President Cr Michelle Rich

Seconded: Mayor Deb Hamblin, City of Rockingham

That the Minutes of the 2022 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED

4. Adoption of Annual Report

The [2022-2023 Annual Report](#), including the 2022-2023 Audited Financial Statements, was distributed to Members separately.

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont

Seconded: President Cr Moira Girando, Shire of Coorow

That the 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, be received.

CARRIED

5. Consideration of Executive and Member Motions

5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

Shire of York

RESOLUTION

Moved: President Cr Denese Smythe, Shire of York

Seconded: President Cr Rosemary Madacsi, Shire of Toodyay

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

CARRIED

MEMBER COMMENT

The Shire of York acknowledges WALGA's current position on Third Party Appeal rights for decisions made by Development Assessment Panels (DAPs). However, the Shire submits this motion requesting WALGA lobby for legislative change to enable local governments the right to be included as a Party at State Administrative Tribunal (SAT) proceedings relating to planning matters within their districts, even where the relevant DAP has been the responsible authority for considering the matter.

The Great Southern Landfill - Allawuna Farm development proposal is a key case in point. The original planning application for the landfill proposal was considered by the Joint DAP (JDAP) as required due to the cost of the development in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011*.

While the landfill proposal has been a matter of consideration since around 2011, most recently the JDAP refused the applicant's request for an extension of time for the development to occur. The applicant subsequently applied to the SAT for a review of the JDAP's decision.

The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable local governments the automatic right to be included as a Party to the SAT proceedings.

Hence, although the development proposal is within the district of the Shire of York, and there are substantial impacts to the community and infrastructure should the proposal be approved, the Shire of York is currently unable to be represented at the SAT as it is not recognised as a Party. This significantly impacts the Shire's ability to provide viewpoints on the development proposal, and the ability for the Shire to appropriately represent and act on behalf of its community. It is clear the current planning system has woeful neglect of the community in planning matters.

Local governments have an intimate knowledge of their communities and relevant planning schemes hence it is considered appropriate that local governments should have the statutory right to 'opt out' of such representation, as opposed to having to make special request to the SAT for inclusion as an Intervener or Joinder under Section 36 of the *State Administrative Tribunal Act 2004*.

Making such an application under Section 36 to the SAT can be at considerable cost to the local government, and while larger local governments may have legal teams on staff, small local governments rarely have the skill set within the organisation. Adherence to procurement policies and working within budget constraints may prohibit smaller local governments from participating in the SAT process, which could be of significant detriment of their communities. This is particularly important where there may be a range of short and long term environmental, bushfire, social and safety risks applicable to the development proposal the SAT is determining. In some circumstances these risks may be considered unacceptable for the community and locality.

Relying on the JDAP to appoint appropriate legal representation may jeopardise a local governments' standpoint being given proper consideration at the SAT proceedings. Enabling local governments the statutory right to be included as a Party would reduce that risk.

This scenario is not considered to be unique to the Shire of York and could affect many other local governments throughout the State, hence this Notice of Motion is presented to WALGA's AGM for consideration.

It is noted the State Government is about to undertake changes to the DAP Regulations as part of its [Planning Reform Agenda](#). The Shire of York considers this timely as any further suggestions on other changes to the system could be incorporated into WALGA's advocacy position on the Government's reforms.

SECRETARIAT COMMENT

Local Government has several responsibilities and functions under the current Development Assessment Panel (DAP) system. This includes receipting the application, undertaking the technical assessment of the proposal, writing the responsible authority report to be presented to the Panel with recommendations, and ensuring compliance of any proposal for the life of the development. Further, two Local Government Elected Members sit on all DAPs and vote on all matters.

Where the DAP makes a decision that is unsatisfactory to the proponent and they appeal the matter to the State Administrative Tribunal (SAT), the matter is managed by the Department of Planning, Lands and Heritage and the State Solicitors Office, as the DAP is a creature of the State.

Local Governments often seek to participate in such SAT matters as an interested third party. There is a strong argument for Local Government participation in such matters, as involvement of assessing officers and their understanding of the proposal and local planning framework can aid the SAT in their decision making.

The motion aligns with the intent of WALGA's [planning advocacy positions 6.3 Third Party Appeal rights and 6.4 Development Assessment Panels](#) in relation to both Third Party Appeal Rights and DAPs. While WALGA does not support the ongoing existence of DAPs, the advocacy position provides a number of recommended changes to the system that seek to address Local Government concerns and increase community involvement and transparency.

5.2 Land Use Policy

Shire of Moora

RESOLUTION

Moved: President Cr Tracy Lefroy, Shire of Moora
Seconded: Cr Denise Clydesdale-Gebert, Shire of Moora

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

CARRIED

MEMBER COMMENT

The future of the Australian agriculture sector holds tremendous potential, with the United Nations Food and Agriculture Organization (FAO) projecting a global population exceeding 9 billion by 2050, accompanied by a 75% increase in food demand compared to 2012. Expanding populations, especially in countries like China, Indonesia, and India, offer significant opportunities for Australia's agricultural exports.

To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources. Currently, agriculture remains the dominant land use in Australia, but its share has been declining over the years. Urbanisation, lifestyle living, mining, gas activities, and renewable technology expansion have all contributed to the reduction of productive agricultural land.

The decisions made by governments at all levels can profoundly impact the success of the agriculture sector. We must address the challenges posed by the conversion of agricultural land to other uses, such as carbon sequestration, which may hinder innovative farming practices and compromise agricultural output.

Therefore, WALGA's commitment to preserving existing agricultural land and actively engaging in strategic land use planning is crucial. We should advocate for cohesive planning frameworks that prioritize the value of agricultural land for agricultural purposes.

Background

In 2005/06, approximately 59% of Australia's land was used for agriculture, covering around 456 million hectares. However, this proportion has been declining, with about a 4% reduction between 1992-93 and 2005-06. Recent data suggests that the decline has accelerated since 2006.

Changes in land use at regional and local levels can significantly impact the agriculture sector, such as displacing agriculture entirely, reducing net productivity, limiting farming practices, and risking essential natural resources like water. This situation is further exacerbated by land conversion to carbon sequestration areas and other non-agricultural uses.

Issue

The Shire of Moora notes the alarming loss of Wheatbelt agricultural land due to its conversion for carbon sequestration purposes. This conversion locks significant parcels of land away for extended periods, hindering innovative farming practices and shorter-term restorative initiatives. As such, the Shire urges WALGA to commit to a comprehensive strategic approach that actively preserves existing agricultural land from further loss to unproductive uses.

Local, state and federal governments each have responsibilities and decision-making powers that influence access to land for the agriculture sector. The responsibilities and powers are largely enshrined in planning and environmental protection laws.

The Shire of Moora urges WALGA to commit to an active policy of preserving the existing agricultural land mass from further loss to unproductive uses. The Shire encourages WALGA to actively engage in a comprehensive strategic approach that promotes the value of agricultural land in land use planning and establishes cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

Call-to-Action

The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses. Additionally, WALGA should engage in a comprehensive strategic approach to promote the value of agricultural land in land use planning and establish cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

By incorporating these suggested edits, your policy motion will become more focused, specific, and persuasive. It will provide a clearer picture of the issue at hand and the actions necessary to address it effectively. Feel free to make further adjustments as needed to align with your local government's preferences and requirements.

SECRETARIAT COMMENT

Land use planning in Western Australia relies on an interaction between the state planning framework and the local planning framework of each Local Government. The planning framework operates on the principle of 'higher law' where local planning frameworks will only be approved by the State where they are consistent with the objectives, principles and policy measures of the relevant state framework. Policy direction at the state level is generally broader, with the local planning framework expected to deliver state policy measures in more detail in a manner supported by community and in line with local context.

State Planning Policy 2.5 Rural Planning (SPP2.5) provides the basis for planning and decision-making for rural and rural living land across Western Australia. The current state planning framework supports protecting prime agricultural land. The first objective of SPP2.5 is:

to support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

Further, policy measure 5.1b of SPP2.5 states:

The WAPC will seek to protect rural land as a state resource by retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;

The implementation of these state-wide principles occurs through the local planning framework, including the Local Planning Strategy, Local Planning Scheme and Local Planning Policies.

SPP2.5 encourages Local Governments to identify priority agricultural land in their Local Planning Strategy and, with their community, set objectives and preferred development outcomes for such locations. Such a designation would then flow into a priority agriculture zone in a Local Planning Scheme, with land use permissibility and statutory provisions in line with the principles outlined in the Local Planning Strategy. Following this, a Local Government can develop Local Planning Policies to guide discretionary decision making for proposals on priority agricultural land.



WALGA [advocacy positions 6.1 Planning Principles and 6.2 Planning Reform](#) support the ability of Local Governments to retain the ability to respond to local context and characteristics through Local Planning Frameworks.

5.3 Transparency – Management Order Determinations

Shire of Carnarvon

RESOLUTION

Moved: President Cr Eddie Smith, Shire of Carnarvon
Seconded: President Cr Cheryl Cowell, Shire of Shark Bay

That WALGA:

1. **Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;**
2. **Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and**
3. **Calls for proactive consultation and advice to Local Government management bodies.**

CARRIED

MEMBER COMMENT

The Shire of Carnarvon, like most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.

The reserve is usually created for the care of land that is used for community benefit or in the delivery of government services, and local governments have accepted management orders for reserves which comes with the responsibility for the care and control of the reserve, a responsibility that comes at a cost, sometimes a significant cost to the local government.

An extract from the Department of Planning, Lands and Heritage (DPLH) website states:

“Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.”¹

The use of the word “usually” is ambiguous and subject to interpretation. The question therefore becomes, in what circumstance are leases on reserved land appropriate for a management body to be the lessor? The Shire of Carnarvon is seeking greater transparency on when and how this clause should be applied.

The Shire of Carnarvon has had several examples where an opportunity to recoup reserve management costs via a commercial lease has been offered, but not been able to be progressed due to the stipulation that the local government cannot enter into a commercial leases for a reserve; instead the Shire has been required to relinquish the reserve, or a portion of the reserve, so that the area can be leased direct by the State to the lessee so that the State benefits financially from the lease.

The Shire of Carnarvon is seeking support for a review of that considers the cost to local government for maintaining reserves on behalf of the State and considers and provides transparency for how and

¹ DPLH, (August, 2023) *Crown Land Reserves*. <https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/crown-land-reserves>

when commercial leasing could be considered to allow local governments an opportunity to realise a financial return to reinvest into community facilities.

SECRETARIAT COMMENT

A number of Local Governments have recently requested WALGA advocate for the State Government to review Management Order administration, specifically management body leasing approvals.

There have been examples of DPLH delays in resolving matters that enable new, variations to or revocation of Management Orders. The Departments website provides only limited information/guidance and does not provide management bodies (Local Governments) with access to the policies, decision making criteria, procedures and guidelines applied to the administration of Management Orders.

WALGA has been informed that DPLH, under delegated authority, is refusing some Local Government requests for new or renewed leasing of Crown Land subject to Management Orders.

5.4 Regional and Remote Housing

Shire of East Pilbara

RESOLUTION

Moved: President Cr Anthony Middleton, Shire of East Pilbara
Seconded: Cr Wendy McWhirter-Brooks, Shire of East Pilbara

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.

CARRIED

MEMBER COMMENT

A lack of affordable key worker housing continues to limit small business expansion and attract key workers and their families to remote and regional areas of WA.

Government does a good job addressing the supply of social housing but more investment is needed to provide housing for key workers in remote and regional areas.

Businesses and families should be encouraged to invest in our regional towns and a key part of the solution is addressing shortages in the cost of housing for workers.

SECRETARIAT COMMENT

A lack of affordable key worker housing is a significant barrier to economic development in many regional areas of the state. This issue was a key finding of research undertaken by WALGA last year to review WALGA's Economic Development Framework and gain contemporary information about how Local Governments in Western Australia support economic development which involved a survey of Local Governments and a series of focus group discussions which also identified barriers and challenges for the sector.

The State Government allocated \$61.6 million in additional funding for the Government Regional Officer Housing (GROH) Program in the 2023-24 State Budget to add new supply and refurbish existing homes to assist with the attraction and retention of key workers in regional areas. WALGA is advocating for the State Government to work with Local Governments on the delivery of this investment to ensure it does not further tighten the housing market in regional WA. The Department of Communities will also spend \$1.1 million to undertake a comprehensive review and reform of the GROH program.

In recent months, State Council approved WALGA's 2023-24 Budget, which included an additional resource to progress the economic development policy agenda. Issues related to housing will be a priority for this new role. The new role is expected to commence in October 2023.

5.5 Proposed New WALGA Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: Mayor Rhys Williams, City of Mandurah

Seconded: President Cr Stephen Strange, Shire of Bruce Rock

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

LOST

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 - To consider a new Constitution to give effect to an alternate governance model; and
 - To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the first item, which considers a new Constitution to give effect to an alternate governance model for WALGA as per the [Best Practice Governance Review Final Report](#).
- The alternate governance model would establish a new Board above the existing State Council and Zone structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to 3 'independent' Members.
- The Board would be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Attachment

- Proposed New WALGA Constitution

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council [resolved](#) by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will be presented.

If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

Assistance was provided by legal firm, Jackson McDonald, in preparing the new constitution for the alternate model.

The following provides a summary of the governance structure under the alternate model, as established by the proposed new WALGA Constitution:

Body	Composition and Term	Role
Board	<p>Minimum of 8 up to a maximum of 11 Board members:</p> <ul style="list-style-type: none"> President of State Council Deputy President of State Council 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms).</p> <p>The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.</p>	<p>The President is the Chair and the Deputy President is the Deputy Chair.</p> <p>The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc.</p> <p>The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies.</p> <p>All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.</p>
State Council	<p>26 State Council members:</p> <ul style="list-style-type: none"> The President elected from and by the 24 State Council Representatives (Ex officio). 12 elected by and from Metropolitan Zones 12 elected by and from Country Zones The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. <p>The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives).</p> <p>Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council.</p> <p>The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend. Only primary State Council members are eligible to be elected to the Board.</p>	<p>The President chairs State Council meetings but does not have a deliberative vote (has a casting vote).</p> <p>State Council elects the President, Deputy President and members to the Board.</p> <p>State Council considers matters referred to it by the Board for consultation or approval. State Council decisions are made by voting as per the current process.</p> <p>State Council will meet at least 3 times per year.</p> <p>State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.</p>

Zones

<p>State Council members are not eligible to be appointed as an independent Board member.</p> <p>State Council members are elected for a two year term. There is no tenure limit for State Council members.</p>	
<p>There are:</p> <ul style="list-style-type: none"> • 5 Metropolitan Zones; and • 12 Country Zones. <p>The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter.</p> <p>The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council).</p> <p>The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.</p>	<p>The Zones elect members to State Council, as follows:</p> <ul style="list-style-type: none"> • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: <ul style="list-style-type: none"> ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
18 September 2023

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is “**Western Australian Local Government Association**”.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“**Absolute Majority**” means, in relation to the Board, State Council or any General Meeting of the Association, a majority comprising enough of the Board Members, State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of voting positions of Board Members, State Council Representatives or Delegates (whether Present and voting or not);

“**Annual General Meeting**” means the meeting convened under clause 22 of this Constitution;

“**Association**” means Western Australian Local Government Association (WALGA);

“**Associate Member**” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(10);

“**Board**” means the governing board of the Association established under clause 9;

“**Board Member**” means a member appointed or elected to the Board;

“**Board Member Representative**” means a State Council Representative elected to the Board under clause 18A or clause 19;

“**Chief Executive Officer**” means the Chief Executive Officer of the Association;

“**Code of Conduct**” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all Board Members and State Council Representatives.

“**Commissioner**” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

“**Constituency**” means either or both of the Country Constituency and the Metropolitan Constituency (as the case may require);

“**Corporate Governance Charter**” means the instrument approved by the Board and used to implement good governance policies, procedures and practices;

“**Councillor**” has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

“**Country Constituency**” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires).

“Independent Board Member” means a person appointed to the Board under clause 9(4);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone with sub-clauses 5(5), 5(6) and 14(2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting of the Board” means one of the six scheduled meetings of the Board referred to under clause 10(1);

“Ordinary Meeting of the State Council” means one of the three scheduled meetings of the State Council referred to under clause 12(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer;

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by the Board;

“Special General Meeting” means the meeting convened under clause 23 of this Constitution.

“Special Majority” means, in relation to the Board or of any General Meeting of the Association, a majority comprising enough of the Board Members or the Delegates for the time being for their number to be at least 75% of the total number of Board Members or Delegates (whether Present and voting or not);

“Special Meeting of the Board” means any Board meeting that is not an Ordinary Meeting of the Board;

“Special Meeting of the State Council” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the the State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of State Council Representatives or Delegates that are Present;

“State Council” means the advisory policy council established pursuant to clause 11;

“State Council Representative” means a member on the State Council elected or appointed by the Constituencies in accordance with the provisions of sub-clauses 11(1) and 11(2) (or 17(4) as applicable) as the primary representative (and not as the deputy representative);

“Transitional Provisions” means those provisions of this Constitution appearing in Schedule Three;

“WALGA” means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a Constituency as determined under clause 14(3) and reflected in the Register of Zone Membership referred to in sub-clause 14(9).

- (2) In this Constitution:
- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
 - (b) words meaning persons include natural persons, corporations and associations; and
 - (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (e) to provide services to Local Government in Western Australia;
- (f) to promote Local Government issues of importance by involvement with national bodies;

- (g) to do all and any such other things as in the opinion of the Board may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (h) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to Members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clauses 10(6) and 12(5).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the Local Government Act including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.
- (5) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.

- (6) The Board, on application from an Ordinary Member and in consultation with State Council, may resolve to permit an Ordinary Member to be a member of an alternate Constituency. In considering any application made pursuant to this subclause, the Board shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two Constituencies. The Board may (in consultation with State Council) approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The Board from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time through a decision of the Board.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The Board or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the Board for subscriptions to be paid, unless the Board decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the Board, including such other Committees as the Board may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the Board for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the Board.
- (2) Subscription levels shall be submitted for approval by the Board together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the Board may decide having regard to all relevant circumstances.

9. THE BOARD

- (1) The Board is the governing board of the Association, responsible for the management and affairs of the Association.
- (2) The Board may exercise all of the powers of the Association except those which must, under this Constitution, be exercised by the State Council or the Members at a General Meeting.
- (3) The Board must consist of a minimum of 8 and a maximum of 11 members, comprising the following:
 - (a) The President;
 - (b) The Deputy President;
 - (c) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Metropolitan Constituency;
 - (d) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Country Constituency; and
 - (e) up to 3 eligible Independent Board Members appointed by the Board from time to time on the basis of their skills, experience or background.
- (4) In respect of the appointment of an Independent Board Member, the Board may determine its own procedures and:
 - (a) a State Council Representative is not eligible to be appointed;
 - (b) a Councillor or, subject to clause 9(4)(a), any other person is eligible to be appointed, subject to meeting any additional eligibility criteria, qualification or experience requirements determined by the Board (if any); and
 - (c) the person appointed, holds office for a term of two years from the date of their appointment, and subject to this clause and clause 9(5), is eligible for re-appointment.
- (5) An Independent Board Member may not serve as an Independent Board Member for more than four consecutive terms.
- (6) A Board Member Representative, the President and Deputy President is elected by State Council for a term as determined under clauses 16 – 19.
- (7) A deputy representative of a Zone as elected to State Council is not eligible to be elected as a Board Member Representative.
- (8) Subject to clauses 9(9) and 9(10), a Board Member Representative may not serve as a Board Member Representative for more than four consecutive terms.
- (9) A person serving as the President or Deputy President may not serve in that role for more than two consecutive terms, but for the avoidance of doubt, may serve two consecutive terms as President and two consecutive terms as Deputy President.

- (10) The Board tenure limit for a Board Member Representative is separate and in addition to the tenure limit for the role of the President or Deputy President.

10. BOARD PROCEEDINGS

- (1) The Board must meet together for the dispatch of business not less than six times in each calendar year.
- (2) Ordinary Meetings of the Board shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the Board shall be called by the Chief Executive Officer by providing notice to Board Members of the date, time, place and purpose of the meeting upon the written request of the President or at least three Board Members.
- (4) Each Board Member Present shall be entitled to exercise one (1) deliberative vote on any matter considered by the Board (including the person presiding at the meeting).
- (5) Subject to clauses 10(6), 10(7) and 29(1), any resolution put forward at a Board meeting must be passed by a majority of Board Members Present.
- (6) The following resolutions shall not be passed by the Board unless they receive an Absolute Majority of the Board and of State Council:
- (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (7) In the event of there being an equality of votes in respect of a matter considered by the Board, the person presiding at the meeting does not have a casting vote.
- (9) At any meeting of the Board, at least 50% of Board Members in office (rounded up to the nearly whole number), Present and entitled to vote shall form a quorum.
- (10) The President shall preside at all meetings of the Board.
- (11) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the Board.
- (12) In the absence of both of the President and Deputy President, or if they are unwilling or unable to preside, the Board shall choose a Board Member to preside at the Board meeting.
- (13) The Board must establish a Corporate Governance Charter.
- (14) The Board must establish a Code of Conduct to which all Board Members and State Council Representatives must comply.
- (15) Subject to this Constitution, the Board Members Present at a Board meeting may determine the procedure and order of business to be followed at the Board meeting.
- (16) The Board is responsible for establishment and review of the processes which are to be applied by the Zones to determine the election of their representatives and deputy representatives to the State Council.

11. STATE COUNCIL

- (1) The State Council is to be a policy advisory council. Members of the State Council are:
 - (a) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (Ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (Ex-officio).
- (2) The primary State Council Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones (in accordance with the procedures set out in the Corporate Governance Charter) for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their primary representatives and deputy representatives to the State Council.
- (4) A deputy representative elected from amongst the Delegates to that Zone to act in the capacity of a primary representative unable to attend a meeting of the State Council shall exercise all rights of that representative at a State Council meeting, except that a deputy representative is not eligible to be elected as a Board Member Representative.
- (5) If for any reason, a primary representative or deputy representative is unable to hold office for the full period for which the primary representative or deputy representative was appointed to State Council, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a primary representative or deputy representative. The primary representative or deputy representative so appointed shall hold office on State Council for the balance of the term of the primary representative or deputy representative originally elected.
- (6) The State Council must conduct the elections for President, Deputy President and the Board Member Representatives, from amongst State Council Representatives in accordance with the provisions in this Constitution and ensure an equal representation from the Constituencies, at the first Ordinary Meeting of State Council following the biennial Local Government elections.

12. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than three times in each calendar year.
- (2) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Council Representatives of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of State Council Representatives.
- (4) Each State Council Representative shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any Ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but

excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

- (5) Except as provided in this clause, all motions at a State Council meeting shall be passed by a Simple Majority of the State Council Representatives, or by their deputy representatives, Present and entitled to vote. The following resolutions shall not be passed by the State Council unless they receive an Absolute Majority of State Council:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (6) At any meeting of the State Council, thirteen (13) State Council Representatives Present and entitled to vote shall form a quorum.
- (7) The President shall preside at all meetings of the State Council.
- (8) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (9) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a State Council Representative to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (10) State Council shall adopt Standing Orders that will apply to all meetings.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The Board may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The Board may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the Board determines and as set out in the Corporate Governance Charter or in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the Board.
- (3) Subject to the control of the Board, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.

- (2) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.
- (3) The number of Zones shall be determined from time to time by the Board and State Council under clauses 10(6)(c) and 12(5)(c) accordingly.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (5) The term of a person who is a Delegate of an Ordinary Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the Local Government Act.
- (6) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (7) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (8) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (9) Applications for changes in membership between Zones shall be determined by the Board (in consultation with State Council). In considering such applications, the Board shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application and the views of State Council. The Board (in consultation with State Council) may approve or refuse any application, advising accordingly and including any reason therefore.
- (10) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by the Board. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (11) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.

- (12) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (13) An Associate Member of a Zone may not:
- (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election, other than to elect the President or Deputy President, held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - i. the candidate who receives the greatest number of votes; and
 - ii. the candidate who receives the next highest number of votes; and
 - iii. the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the-post";
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect the President from amongst the primary State Council Representatives.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected as a State Council Representative.
- (4) The Constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as President beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its State Council Representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for Deputy President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as Deputy President beyond two (2) full consecutive terms.

21. BOARD MEMBER REPRESENTATIVES

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, and the election of the Deputy President pursuant to clause 18 of this Constitution, the State Council shall elect 6 Board Member Representatives from amongst its State Council

Representatives, provided that 3 are from the Metropolitan Constituency and 3 are from the Country Constituency.

- (2) The Board Member Representatives shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for the Board Member Representatives and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Board Member Representative may seek re-election for a consecutive term.
- (4) Where a Board Member Representative seeks and is re-elected for a consecutive term, subject to clause 19(9), that person shall not hold office as Board Member Representative beyond four (4) full consecutive terms.

22. VACANCY – PRESIDENT, DEPUTY PRESIDENT AND BOARD MEMBER REPRESENTATIVES

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council Representative elected to fill a vacancy of President or Deputy President pursuant to this clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.
- (7) If a Board Member Representative is elected to fill a vacancy of President or Deputy President pursuant to this clause 19, their position as a Board Member Representative is declared vacant.
- (8) If the office of a Board Member Representative becomes vacant or if for any other reason the Board Member Representative is unable to take or hold office, then the State Council shall meet to elect from among their number a Board Member Representative who shall hold the office for the balance of the term of the Board Member Representative replaced, provided the new Board Member

Representative represents the same Constituency as the Board Member Representative who is being replaced.

- (9) A State Council Representative elected to fill a vacancy of Board Member Representative pursuant to this clause 19 shall still be eligible for election for a subsequent four (4) full consecutive terms.

23. VACATION OF OFFICE

A person shall cease or be disqualified from being a Board Member, a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) except in respect of an Independent Board Member, ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the Local Government Act;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive Ordinary Board or Ordinary State Council meetings (as applicable);
- (h) except in respect of an Independent Board Member, is a member of a Local Government that ceases to be a member of the Association;
- (i) except in respect of an Independent Board Member, is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4);
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the Local Government Act; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

24. COMMITTEES AND SUB-COMMITTEES

- (1) The Board may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
- (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a decision of the Board pursuant to sub-clause 10(6) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the Board.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the Board.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.

25. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the Board, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the Board or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the Board considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the Board is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

26. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the Board or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.

- (3) At a Special General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) Where the Board considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the Board is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

27. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a Delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the General Meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.

28. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings, Board meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting, Board meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a General Meeting, Board meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the General Meeting, Board meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting, Board meeting or State Council meeting, as the case requires.
- (3) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting, Board meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

29. AUDIT

- (1) At least once a year the Board shall cause the Association's accounts to be audited by a person or persons appointed by the Board or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

30. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the Board, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the Board may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a decision of the Board.
 - (b) The Board on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

31. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the Board and every use of that common seal must be recorded in the minutes of the Board meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer and any Board Member.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the Board from time to time decides.

32. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A Special Majority resolution at any meeting of the Board; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special Majority of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

33. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the Board on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the Board meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by decision of the Board.

34. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a Member and another Member; or
 - (b) a Member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the Board having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the Board may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the Board considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985* (WA) and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

35. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The Board shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

36. TRANSITIONAL PROVISIONS

- (1) The Transitional Provisions shall apply in accordance with their terms as if set out in this Constitution in full.
- (2) In the case of any inconsistency between the Transitional Provisions and any other provision of this Constitution, the Transitional Provisions will prevail.
- (3) The Transitional Provisions shall have continuing force and effect in accordance with their terms.

SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the Board resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> • organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; • not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or • Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> • Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; • In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; • A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and • WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	<p>Honours Panel</p> <ul style="list-style-type: none"> • Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. • Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. • Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. • Overseeing the annual budget set for the Association's Honours Program. • Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. • Reviewing the Honours Policies and supporting documentation as deemed necessary.

SCHEDULE THREE TRANSITIONAL PROVISIONS

1. For the purposes of these Transitional Provisions:

“Effective Date” means 18 September 2023 OR the date of the Annual General Meeting at which the Members approved the amendments to this Constitution.

“Transition Date” means 6 December 2023 OR the date that the first Ordinary Meeting of State Council is held in December 2023 following the biennial Local Government elections.
2. These Transitional Provisions come into effect on and from the Effective Date.
3. With respect to those holding constitutionally recognised offices as at the Effective Date, the following provisions shall apply:
 - (a) Subject to clause 3(b) of this Schedule, the members of State Council remain in office until the day immediately before the Transition Date.
 - (b) The President and Deputy President remain in office until the newly formed State Council (as referred to in clause 4 of this Schedule) conducts its election on the Transition Date.
4. The election by the Zones for the primary State Council Representatives and deputy representatives to the State Council from amongst the Delegates to the Zones under clause 11(2) of the Constitution, shall be conducted in November 2023 to form the new State Council to take office on the Transition Date.
5. The Board is constituted at the conclusion of the elections conducted at the first Ordinary Meeting of State Council held on the Transition Date.
6. On and from the Effective Date until the close of the first Ordinary Meeting of State Council held on the Transition Date, all references to the Board, and its role, powers and functions as specified in the Constitution, are to be read as references to the State Council and may be exercised by State Council, and State Council remains the governing body of the Association during this period.
7. The Corporate Governance Charter and State Council Standing Orders in effect as at the Effective Date, remain in effect until the Transition Date. Upon the Transition Date:
 - (a) the Board is deemed to have approved the Corporate Governance Charter; and
 - (b) the State Council approves State Council Standing Orders,

to apply on and from the Transition Date, as tabled at the meeting, which have been amended to be consistent with the amendments made to the Constitution and to the governance structure of the Association.

5.6 Proposed Amendments to WALGA's Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: President Cr Phil Blight, Shire of Wagin
Seconded: Cr Chris Mitchell, Shire of Broome

That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the attached mark-up.

LOST FOR LACK OF A SPECIAL MAJORITY

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 - To consider a new Constitution to give effect to an alternate governance model; and
 - To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the second item, which proposes amendments to the existing Constitution to make some necessary changes whilst still retaining the current governance model.
- The proposed changes are intended to address inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted by WALGA in 2001.

Attachment

- WALGA Constitution – Proposed Amendments Mark-Up

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will only be presented to Members if the first item (recommending a new Constitution to give effect to the alternate model) does not receive 75 percent approval from Members.

If the first item (for a new Constitution) is successfully passed by a special majority of Members, this item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

The proposed amendments to the Constitution under this item will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - the inclusion of new definitions for “General Meeting”, “Ordinary Meeting” and “Special Meeting”; and

- the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again empower State Council to decide the number of Zones, rather than the Members at a General Meeting.
- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in [September 2021](#) which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
[18 September 2023]

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is ***“Western Australian Local Government Association”***.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“Absolute Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of voting positions of representatives or delegates (whether present and voting or not);

“Annual General Meeting” means the meeting convened under clause 22 of this Constitution;

“Association” means Western Australian Local Government Association (WALGA);

“Associate Member” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(~~67~~) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(~~911~~); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(9);

“Chief Executive Officer” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all State Council members.

“Commissioner” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act ~~1995~~;

“Constituency” means the Country Constituency and the Metropolitan Constituency (as the case may require)~~such country and metropolitan groupings of Ordinary Members as the Association for the time being, may determine;~~

“Corporate Governance Charter” means the instrument approved by State Council and used to implement good governance policies, procedures and practices;

“Councillor” has the same meaning as under the Local Government Act ~~1995~~ except that it includes a mayor or president elected by electors and includes a Commissioner ~~appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995;~~

“Country Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia ~~not included within the boundaries of the Metropolitan Region Planning Scheme, as determined by State Council, the details of which are contained in the Corporate Governance Charter;~~

“Country Shire Councils’ Association” means ~~the Country Shire Councils’ Association constituted under section 9.58 of the Local Government Act 1995;~~

~~“Country Urban Councils’ Association” means the Country Urban Councils’ Association of Western Australia constituted under section 9.58 of the Local Government Act 1995;~~

“**Delegate**” means a ~~e~~Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or ~~on at~~ a Zone meeting pursuant to clause 14 of this Constitution;

“**Deputy President**” means the Deputy President for the time being of the Association;

“**Ex-officio**” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires);

~~“Governance Charter” means the written policy document that clearly defines the respective roles, responsibilities and authorities of the President, State Council members (individually and collectively) and the Chief Executive Officer in setting the direction, management and control of the Association.~~

“**In Writing**” means notice provided by posting or transmission in electronic form;

“**Life Members**” means ~~those members of the Association referred to in sub-clause 5(1) and~~ those persons admitted as Life Members of the Association in accordance with sub-clause 5(~~89~~) of this Constitution;

“**Local Government**” means an entity constituted under Part 2 of the Western Australian Local Government Act ~~1995~~;

“**Local Government Act**” means the Western Australian *Local Government Act 1995*;

~~“Local Government Association WALGA” means the Western Australian Local Government Association of Western Australia constituted under section 9.58 of the Local Government Act 1995;~~

“**Local Government Professionals Australia WA**” means the Western Australian Division of Local Government Professionals Australia;

“**Member**” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone by State Council in accordance with sub-clause 14 (2); ~~or~~
- ~~a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.~~

“**Metropolitan Constituency**” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia ~~within the Metropolitan Region~~

Planning Scheme, as determined by State Council, the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting” means one of the four scheduled meetings of the State Council referred to under clause 10(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Council-Local Government created pursuant to a merger or amalgamation of existing Councils-Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer

“Representative” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by State Council-and includes the Chief Executive Officer;

“Special General Meeting” means the meeting convened under clause 25 of this Constitution.

“Special Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be at least 75% of the number of representatives or delegates (whether present and voting or not);

“Special Meeting” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of representatives or delegates that are present;

“State Council” means the governing board of the Association established pursuant to clause 9; ~~and~~

“WALGA” means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act 1995; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a country and metropolitan constituency. The country and metropolitan zones are set out in the Register of Zone Membership referred to in sub-clause 14(8).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (d) to provide services to Local Government in Western Australia;
- (e) to promote Local Government issues of importance by involvement with national bodies;
- (f) to do all and any such other things as in the opinion of the State Council may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (g) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clause 12(3).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the *Local Government Act 1995* including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;

- (c) sue and be sued; and
- (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all ~~Western Australian~~ Local Governments.
- (3) Ordinary ~~m~~Membership shall be immediately conferred upon any new ~~Council Local Government~~ created by the merger of existing ~~Councils Local Governments~~ that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor ~~Councils Local Government~~ of that new ~~Council Local Government~~ have been paid.
- (4) An Ordinary Member shall belong to either the ~~m~~Metropolitan ~~e~~Constituency or the ~~e~~Country ~~e~~Constituency, but not both.
- (5) Subject to subclause (~~54~~), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or
- (6) State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (~~54~~) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The State Council from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time on a simple majority resolution of the State Council.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The State Council or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.

- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the State Council for subscriptions to be paid, unless the State Council decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the State Council, including such other Committees as the State Council may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the State Council for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the State Council.
- (2) Subscription levels shall be submitted for approval by the State Council together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the State Council may decide having regard to all relevant circumstances.

9. STATE COUNCIL

- (1) The State Council is to be the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council shall include:

- (a) 12 Councillors elected as representatives from amongst the ~~e~~D~~e~~legates to the Zones of the ~~m~~M~~e~~tropolitan ~~e~~C~~o~~nstituency;
- (b) 12 Councillors elected as representatives from amongst the ~~e~~D~~e~~legates to the Zones of the ~~e~~C~~o~~untry ~~e~~C~~o~~nstituency;
- (c) The President (ex-officio); and
- (d) The President of Local Government Professionals Australia WA (ex-officio).

~~(2) The metropolitan constituency and country constituency shall determine the allocation of representational positions on State Council between the Zones within each respective constituency.~~

- (2) Representatives and deputy representatives to the State Council shall be elected by Zones of the ~~metropolitan and country~~ ~~e~~C~~o~~nstituencies from amongst the ~~e~~D~~e~~legates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The State Council shall be the body responsible for establishment and review of the processes which are to be applied by the Zones of the metropolitan and country constituencies to determine the election of their representatives and deputy representatives to the State Council.
- (4) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the ~~metropolitan and country~~ ~~e~~C~~o~~nstituencies elect their representatives and deputy representatives to the State Council.
- (5) A deputy representative elected from amongst the delegates to that Zone to act in the capacity of a representative unable to attend a meeting of the State Council shall exercise all rights of that representative.
- (6) If for any reason, a representative or deputy representative is unable to hold office for the full period for which the representative or deputy representative was appointed, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a representative or deputy representative. The representative or deputy representative so appointed shall hold office for the balance of the term of the representative or deputy representative originally elected.

10. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than four times in each year.
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (3) At any meeting of the State Council, thirteen (13) representatives present and entitled to vote shall form a quorum.
- (4) The President shall preside at all meetings of the State Council.

- (5) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (6) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a representative of the State Council to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (7) The State Council shall establish a Corporate Governance Charter as the instrument to be used by State Council in implementing good governance policies, procedures and practices.
- (8) The State Council shall establish a Code of Conduct to which all State Council members must comply.
- (9) State Council shall adopt Standing Orders that will apply to all meetings.

11. NOTICE OF STATE COUNCIL MEETINGS

- (1) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (2) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Councillors of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of the representatives to the State Council.

12. RESOLUTIONS OF STATE COUNCIL

- (1) Except as provided in this clause, all motions concerning the affairs of the Association shall be passed by a simple majority of the representatives of the State Council or by their deputy representatives.
- (2) The following resolutions shall not be passed unless they receive a ~~s~~**S**pecial ~~m~~**M**ajority ~~of not less than 75% of representatives~~ of the State Council or by their deputy representatives:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the membership of Ordinary Members to Zones.
- (3) The annual budget, including annual subscriptions, shall not be adopted unless passed by an absolute majority of representatives of the State Council or by their deputy representatives.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The State Council may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the State Council determines and the scope of which are set out in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the State Council.
- (3) Subject to the control of the State Council, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the ~~m~~Metropolitan and ~~e~~Country ~~e~~Constituencies.
- (2) The membership of Ordinary Members to Zones shall be determined from time to time by State Council.
- (3) The number of Zones shall be determined from time to time by ~~the Ordinary Members of the Association at a Special or Annual General Meeting~~State Council.
- (4) Each Ordinary ~~m~~Member of a Zone shall be entitled to be represented by a ~~d~~Delegates elected or appointed by the ~~m~~Member to represent its interests. Zones shall determine the number of ~~d~~Delegates to which each ~~m~~Member is entitled to be represented by on the Zone.
- (4a) The term of a person who is a ~~d~~Delegates of a ~~m~~Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the *Local Government Act 1995*.
- (5) The management and affairs of the Zone shall be vested in the ~~d~~Delegates that are elected or appointed to the Zone by each ~~m~~Member of the Zone.
- (6) The functions of each Zone shall be:

- (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (7) An application for change in membership between Zones may only be made by the ~~m~~Member seeking to change its membership and with the approval of the receiving Zone.
- (8) Applications for changes in membership between Zones shall be determined by the State Council. In considering such applications, State Council shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (9) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by State Council. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (10) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.
- (11) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (12) An Associate Member of a Zone may not:
- (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election other than to elect the President or Deputy President held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";

- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes, and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

1746A. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of “first-past-the-post”;
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

187. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect a President from amongst those of its members that are representatives from the Zones of the metropolitan and country constituencies or were originally elected to State Council in that capacity.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President’s term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected by the metropolitan or country constituencies as a representative on the State Council.
- (4) The metropolitan or country constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same ~~z~~Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

197A. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

2018. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its ~~m~~Metropolitan and ~~e~~Country representatives, provided the Deputy President represents the alternate ~~e~~C constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

2119. VACANCY – PRESIDENT AND DEPUTY PRESIDENT

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19 (5) will be conducted for the office of Deputy President from amongst representatives of the alternative ~~e~~C constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the

term of the Deputy President replaced, provided the Deputy President represents the alternate ~~e~~Constituency to that of the President.

- (6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.

2220. VACATION OF OFFICE

A person shall cease or be disqualified from being a representative or deputy representative on the State Council or from being President or Deputy President of the Association, ~~or from attending State Council in an ex-officio capacity,~~ if that person:

- (a) dies;
- (b) ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the *Local Government Act 1995*;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive ordinary State Council meetings;
- (h) is a member of a Local Government that ceases to be a member of the Association;
- (i) is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuence of sub-clause 17(4); ~~or~~
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

2321. COMMITTEES AND SUB-COMMITTEES

- (1) The State Council may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
 - (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a resolution of the State Council pursuant to sub-clauses 12(2) or 12(3) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the State Council.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the State Council.
- (4) Subject to the Corporate Governance Charter, ~~E~~each Committee shall elect a Chair from the members of the Committee.

2422. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the State Council or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

2523. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the State Council or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify

the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.

- (3) At a Special General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) Where the State Council considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the State Council is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

2624. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) ~~d~~D~~e~~legates.
- (2) A ~~d~~D~~e~~legate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A ~~d~~D~~e~~legate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the general meeting at which the proxy is to be exercised and shall be signed by the ~~d~~D~~e~~legate or by the Chief Executive Officer of the Ordinary Member that nominated the ~~d~~D~~e~~legate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a ~~s~~S~~i~~mple ~~m~~M~~a~~jority of the Ordinary Members' ~~d~~D~~e~~legates or by a duly authorised proxy vote exercised on their behalf.
- (5) At any Annual General Meeting or Special General Meeting of the Association, greater than one half of the ~~d~~D~~e~~legates who are eligible to vote must be present to form a quorum.

2725. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all ~~g~~G~~e~~neral ~~m~~M~~e~~etings and State Council meetings to be taken and then to be entered within 30 days after the holding of each ~~g~~G~~e~~neral ~~m~~M~~e~~eting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- ~~(2) The President must ensure that the minutes taken of a general meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the general meeting or State Council meeting to which those minutes~~

~~relate or by the person who presides at the next succeeding general meeting or State Council meeting, as the case requires.~~

- (23) When minutes have been entered ~~and signed~~ as correct under this clause, they are, until the contrary is proved, evidence that-
- (a) the ~~g~~General ~~m~~Meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

2826. AUDIT

- (1) At least once a year the State Council shall cause the Association's accounts to be audited by a person or persons appointed by the State Council or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

2927. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the State Council, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the State Council may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a resolution of the State Council.
 - (b) The State Council on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

3028. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the State Council and every use of that common seal must be recorded in the minutes of the State Council meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer, the President and the Deputy President.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the State Council from time to time decides.

3129. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A resolution at any meeting of the State Council on the receipt of a ~~s~~Special mMajority of ~~not less than 75%~~ of representatives or by their deputy representatives; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special mMajority of ~~not less than 75% of d~~Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

320. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the State Council on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the State Council meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by resolution of State Council.

331. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a member and another member; or
 - (b) a member and the Association; ~~or~~
 - ~~(c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.~~
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the State Council having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the State Council may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the State Council considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

342. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The State Council shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- ~~(f) appointment of delegates in the case of joint appointment from amongst the metropolitan and country constituencies; and~~
- ~~(g)~~ instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the State Council resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are: <ul style="list-style-type: none"> organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or Government agencies, including Government Trading Entities.
1 June 2011	Chief Executive Officer	Authorisation of Expenditure Authorising all expenditures as approved in the budget, subject to: <ul style="list-style-type: none"> all Chief Executive Officer compensation, outside of normal monthly remuneration being authorised by the President; and all business-related expenses paid to the Chief Executive Officer being authorised or ratified by the President
27 March 2019	Chief Executive Officer	Reallocations of Budget Subject to compliance with budgetary policies / limitations set by State Council, the CEO may reallocate budget allocations between activity areas up to a maximum amount of \$20,000 between State Council meetings, with such amendments to be reported to the next meeting of the Finance and Services Committee detailing the amount and reasons.
4 December 2002	President Deputy President Chief Executive Officer	Affixation of the Common Seal <ul style="list-style-type: none"> Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Finance and Services Committee Insurance Board Municipal Waste Advisory Council Honours Panel Selection Committee	Finance and Services Committee On behalf of State Council, and in accordance with any policies, directions or limitations set by State Council, undertake the following functions: <ul style="list-style-type: none"> Determining key directions in relation to the establishment and/or development of new and current business opportunities that result in the delivery of outputs which enhance the financial and operational capacity of members and the Association. Adoption of business plans for the Association's service delivery units that deliver the key objectives within the Association's Strategic Plan, with regular monitoring of outcomes against agreed performance indicators. Oversee the financial management of the Association, including the recommendation of a draft annual Governance Budget to State Council, long term financial planning; monitoring/assessment of financial reports, approving and/or recommending budgetary reallocations to State Council, committing or reallocating reserve funds for special purposes, and auditing and presentation of the Association's annual accounts. Internal audit including monitoring/assessing compliance against financial and asset management and internal control policies. Oversee the delivery of business development, business management, human resource management and information management and corporate services. Establish a risk governance structure which ensures that management has implemented sound risk management policies and procedures across the Association, and which is regularly reviewed. Establish risk management and internal control performance indicators that are regularly evaluated through internal and external audit processes. Regularly report to State Council on the key activities and major decisions of the Committee.

		<p>Local Government Self Insurance Schemes Board</p> <ul style="list-style-type: none"> • To provide the overall strategic direction of the Schemes. • To recommend the appointment of the Scheme Manager to State Council. • To monitor the financial performance of the Schemes. • To ensure the compliance of the Schemes with the law • To ensure the proper management of risk. • Communicating between the Scheme Manager and Stakeholders. • To establish business plans for the Schemes with ongoing review. • To establish performance indicators and set achievable targets in consultation with the Scheme Manager. • To monitor the performance of the Scheme Manager's management of Scheme operations against key performance indicators. • To require the Scheme Manager to put forward policy recommendations on key operational issues for the Services, including reinsurance, deductibles, level of contributions, levels of policy cover, investments, provisioning (reserves), risk management, rehabilitation etc, and to adopt policies on these issues and keep them under review. • To make procedural determinations on process which are to be followed for the resolution of major claims. • To satisfy itself that satisfactory reinsurance cover has been obtained for the Schemes for each Fund year. • To accept members into the Schemes, with authority to place conditions for admission to membership, with authority for the Board to delegate this power to the Scheme Manager. • To consider the advice of the Scheme Manager and make determinations on the levying of additional contributions on the Scheme Members where the Board considers such action to be necessary, and on the disbursement of surpluses. • To consider the advice of the Scheme Manager and make determinations on the application of penalty loadings or other directives to members of the Schemes who have failed to comply with reasonable risk management standards or taken on additional risk exposures. • To approve annual budgets, financial statements and annual reports for the Schemes. • To appoint Scheme bankers, actuaries, auditors, legal panels, investment advisors and other service providers as required. • To consider actuaries reports and set reserves. • To consider auditors reports. • To review the findings of Scheme performance reviews and customer satisfaction surveys. • To adopt and keep under review Scheme Rules and Policy Wordings. • To undertake such inquiries and seek such reports and information on the Schemes operations as the Board deems fit. • To satisfy itself that the Scheme Manager maintains appropriate professional indemnity, public liability and other appropriate insurance policies that indemnify WALGA and the Schemes against Scheme Manager negligence. <p>Municipal Waste Advisory Council (MWAC)</p> <p>Representing the Western Australian Local Government Association in all matters relating to municipal waste management through delegation of appropriate powers and expenditure of budgeted funds, except the powers to acquire, hold and dispose of real property; borrow money; and set subscription levels. This delegation is further defined by the following:</p> <ul style="list-style-type: none"> • Decisions consistent with an existing formal Policy Statement of the Association can be made without reference to State Council. • Decisions on issues where there is not an existing formal Policy Statement of the Association, may be made without prior reference to State Council – all decisions of this nature will be referred to State Council as soon as practicable for endorsement. • Changes to the membership and voting entitlements of the Municipal Waste Advisory Council must be adopted by State Council prior to taking effect. <p>The objectives of the Municipal Waste Advisory Council Strategic Plan as amended from time to time define the primary areas of activity of the Council. The objectives of the current Strategic Plan are:</p> <ul style="list-style-type: none"> • Maintain MWAC as a credible, active and effective peak body in the area of waste management; • Facilitate and encourage cooperative linkages between Local, State and Federal Government, Regional Councils, Industry and the Community. • Promote economically sound, environmentally safe and socially acceptable waste management and minimisation strategies. • Represent Local Governments' view on waste management issues. • Coordinate and initiate research on waste management issues.
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		<p>Honours Panel</p> <ul style="list-style-type: none"> Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. Overseeing the annual budget set for the Association's Honours Program. Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. Reviewing the Honours Policies and supporting documentation as deemed necessary. <p>Selection Committee</p> <ul style="list-style-type: none"> Oversee the nominations and selection processes in accordance with the objectives and framework endorsed by the State Council. Call for and assess nominations for vacancies on Boards and Committees on the basis of objective selection criteria. Ensure that all steps in the selection process are completed before existing appointments to Boards and Committees expire. Make advisory recommendations to the State Council concerning the selection of applicants for vacancies on Boards and Committees which have been previously identified by State Council as being of strategic importance to the Association, including providing reasons for recommendations. For vacancies on boards and committees that have been identified as the highest strategic priority to Local Government, institute a process of formal interviews in the selection of candidates to ensure that the best person for the vacancy is recommended to State Council. Resolve upon preferred applicants for vacancies on Boards and Committees which have not been identified by State Council as being of strategic importance to the Association, including providing reasons for decision. Provide routine reports to State Council on the exercise of all delegated decision making authority concerning the selection process. Establish key performance indicators and set achievable targets for the Association's selection process. Review the process for the selection of applicants for vacancies on Boards and Committees and the delegations provided to the Selection Committee annually or biennially. Develop and implement measures to increase the awareness and understanding of the selection process amongst the Association's membership.
1-October 2002	Selection Committee	<p>Nominations for Boards and Committees</p> <p>That the President be given authority to co-opt persons for vacancies where no nominations were received.</p>
4 December 2002	Local Government Self Insurance Schemes Board Joint Venture Management Committee	<p>Local Government Self Insurance Schemes</p> <p>In relation to the roles, relationships and responsibilities between the LGIS Management Committee and the Local Government Self Insurance Schemes Board:</p> <ul style="list-style-type: none"> The name of the LGIS Management Committee be formally amended to 'Joint Venture Management Committee'. The roles for the Local Government Self Insurance Schemes Board be: <ul style="list-style-type: none"> providing the overall strategic direction of the Schemes; recommending appointment of the Scheme Manager to State Council; monitoring/evaluating Scheme Manager performance; monitoring the financial performance of the Schemes; ensuring compliance of the Schemes with the law; the proper management of risk; and communicating between the Scheme Manager and Stakeholders. The roles for the Joint Venture Management Committee be: <ul style="list-style-type: none"> policy oversight for the Municipal Insurance Broking Service (MIBS); monitoring the market share achieved by MIBS, by Council and by insurance type; and development of new insurance services or the enhancement of existing services and presenting such proposals to the WALGA Finance and Services Committee. All responsibility for managing the contractual relationship between the Association and JLT reside with the WALGA Finance and Services Committee. All relevant documentation be amended accordingly to reflect these changes. Membership to the Joint Venture Management Committee comprise the President and CEO of WALGA or their nominees, the CEO or nominee of JLT and another senior officer of JLT.

6. Closure

*Upon the completion of business, the Chair declared the meeting closed **3:24pm**.*



Shire of
Koorda

Drive in, stay awhile

MINUTES

Audit Committee Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 13 September 2023

Commencing 4.30pm

NOTICE OF MEETING

Dear Audit Committee Members,

The next Audit Committee Meeting of the Shire of Koorda will be held on Wednesday 13 September 2023 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda, commencing at 4.30pm.

Lana Foote
Acting Chief Executive Officer
8 September 2023

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



Lana Foote
Acting Chief Executive Officer

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Shire of Koorda
Audit Committee Meeting
4.30pm, Wednesday 13 September 2023



1. Declaration of Opening

The Chairperson welcomes those in attendance and declares the meeting open at 4.30pm.

2. Record of Attendance, Apologies and Leave of Absence

Committee Members:

Cr JM Stratford	President & Chair
Cr BG Cooper	Deputy Member
Cr LC Smith	Member

Staff:

Miss L Foote	Acting Chief Executive Officer
Mrs K Harrap	Governance Officer

Visitors:

Cr GW Greaves	Councillor
Mrs K Burrell	Councillor Elect

Apologies:

Cr NJ Chandler	Member
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Approved Leave of Absence:

3. Public Question Time

Nil.

4. Disclosure of Interest

Nil.

5. Confirmation of Minutes from Previous Meetings

5.1. Audit Committee Meeting held on 28 July 2023

[Click here to view the previous minutes](#)

Voting Requirements

☒ Simple Majority ☐ Absolute Majority

Officer Recommendation/Resolution

Moved Cr LC Smith

Seconded Cr BG Cooper

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Audit Committee Meeting held 28 July 2023, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 3/0


FOR: Cr JM Stratford, Cr BG Cooper and Cr LC Smith

6. Presentations

Nil.

7. Officer's Reports

7.1. Fourth Quarterly Reporting of Integrated Strategic Plan and Workforce Plan

Governance and Compliance		
Date	7 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Administration) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Fourth Quarterly Scorecard July to September 2023	

Background:

This report is to inform the Committee and Council of its obligations in relation to the integrated planning and reporting (IPR) requirements under the Local Government Act 1995, the Local Government (Administration) Regulations 1996.

Following the Committee's recommendation of 28 September 2022, the quarterly scorecard reporting document approach was adopted by Council on 26 October 2022.

Comment:

Council adopted its Integrated Strategic Plan and Workforce Plan at its meeting held on 20 April 2022.

To assist Council to meet its IPR requirements under the Local Government Act 1995, the Local Government (Administration) Regulations 1996, Shire staff have prepared draft quarterly reporting documents (provided as confidential attachment) for the Committee to consider and, if appropriate, recommend to Council that the fourth quarterly scorecard be adopted and the Integrated Strategic Plan and Workforce Plan components be endorsed for publication.

Consultation:

Nil.

Statutory Implications:

Local Government Act 1995 and relevant subsidiary legislation.

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:

Nil

Voting Requirements: ☒ Simple Majority ☐ Absolute Majority

Officer Recommendation/Resolution

Moved Cr BG Cooper

Seconded Cr LC Smith

That the Audit Committee recommends:


That Council:

- 1. Adopts the fourth quarterly reporting documents (July to September 2023) as presented to the Audit Committee meeting held on 13 September 2023; and**
- 2. Endorses the publication of the Integrated Strategic Plan and Workforce Plan components for community information.**

CARRIED 3/0

FOR: Cr JM Stratford, Cr BG Cooper and Cr LC Smith

7.2. Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

Governance and Compliance		
Date	7 September 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Acting Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995 Section 7.13 (i)</i> <i>Local Government (Audit) Regulations 1996 – Reg 13, 14 and 15</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	FMR Action Plan - September 2023	

Background:

The Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance.

At the May 2023 Audit Committee Meeting, the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls was presented for consideration with the below committee recommendation being resolved at the May 2023 Council Meeting.

Committee Recommendation RESOLUTION 050523

Moved CR GW Greaves

Seconded CR BG Cooper

That Council:

1. Receives Moore's Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls report, dated April 2023 (Attachment A);
2. Directs the CEO to provide a report, on a quarterly basis, to the Audit Committee to enable the Committee to monitor the Shire's progress in addressing the recommendations, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996; and
3. Directs the CEO at the first quarterly review to provide proposed actions, including expected completion dates, to the recommendations identified in the report.

CARRIED BY ABSOLUTE MAJORITY 6/0

Comment:

This report has been presented to the audit committee as the committee has a role in supporting Council in fulfilling its governance and oversight responsibilities and provide the audit committee with the opportunity to raise any issues that the document has identified or ask any other questions, they may have in relation to our risk management and compliance activities.

An initial report was tabled at the June 2023 Audit Committee Meeting and the attached Action Plan is an update on actions that have been taken within the past quarter to align with the quarterly reporting on the Integrated Strategic Plan.

Consultation:

Administration Staff

Statutory Implications:

Regulation 16 of the Local Government (Audit) Regulations 1996 prescribes the functions of an Audit Committee which includes;

“16 (c) to review a report given to it by the CEO under regulation 17(3) and is to –

- (i) Report to the council the results of that review; and*
- (ii) Give a copy of the CEO’s report to the council.”*

“16 (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under –

- (i) Regulations 17 (1); and*
- (ii) The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).”*

Regulation 17 of the Local Government (Audit) Regulations 1996 reads as follows;

“(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —

- a) risk management; and*
- b) internal control; and*
- c) legislative compliance.*

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.”

Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 states that -

“the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.”

Policy Implications:

The review recommended some potential improvement opportunities to some of the Council’s policy. These will be considered separately by the Policy Review Committee and Council at the completion of the review process. Comments made in the FM Review relating to specific Policies and Procedures will be taken on-board as part of the review process.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

4.1.2 - Identify business improvement opportunities to enhance operational effectiveness.

Financial Implications:

Nil.

Voting Requirements: ☒ Simple Majority ☐ Absolute Majority

Officer Recommendation/Resolution

Moved Cr BG Cooper

Seconded Cr LC Smith

That the Audit Committee recommends;

That Council as per the quarterly report document (to September 2023) as attached to this item, notes and endorses the actions taken to the identified improvements highlighted in the Financial Management, Risk Management, Legislative Compliance and Internal Controls review.

CARRIED 3/0

FOR: Cr JM Stratford, Cr BG Cooper and Cr LC Smith

8. Urgent Business Approved by the Person Presiding or by Decision
Nil.

9. Date of Next Meeting

Tuesday, 19 December 2023.

10. Closure

The Chairperson thanked everyone for their attendance and closed the meeting at 4.39pm.

Signed: _____

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

Date: 19 December 2023

APPENDIX I – Terms of Reference

Audit Committee Terms of Reference

1. Establishment

The Audit Committee was re-established by the Council at the Special Meeting of Council on 23 March 2020 and this Terms of Reference sets out the membership, responsibilities, authority and operations of the Committee.

The Committee was created in recognition of the importance of, and legislative obligation for, the establishment and maintenance of an effective internal audit function, best practice governance systems, oversight of the risk management and governance frameworks and performance, and maintenance of strong financial management controls and processes.

2. Objective of the Audit Committee

The primary objective of the Audit Committee (the Committee) is to accept responsibility for the annual external audit, liaise with the Shire's external auditor and provide review and oversight of internal audit process, including performance and independence of internal auditor, so that Council can be satisfied with the performance of the Shire in managing its financial affairs.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Shire's affairs, determining the Shire's policies and overseeing the allocation of the Shire's finances and resources. The Committee will ensure openness in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems and compliance with legislation.

The Committee is to facilitate:

- a) the enhancement of the credibility and objectivity of internal and external financial reporting;
- b) effective management of financial and other risks and the protection of Council assets;
- c) compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- d) the coordination of the internal audit function with the external audit;
- e) the provision of an effective means of communication between the external auditor, the CEO and the Council and
- f) the reduction of fraud, corruption and misconduct risk as a part of their oversight of financial reporting.

The Committee is to undertake its responsibilities cognisant of:

- a) requirements for meetings to fit in with requisites around the planning calendar and decisions at significant times in the Governance cycle (i.e. Compliance Audit Return, Interim Audit, End of year Audit and other reviews);
- b) obligations to have oversight of all matters that relate to the risk management framework of the Shire;
- c) obligations and good governance practices within the local government environment.

3. Powers of the Audit Committee

- a) The Audit committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.
- b) The committee is a formally appointed committee of council and is responsible to that body.
- c) The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility.

- d) The committee does not have any management functions and cannot involve itself in management processes or procedures.

4. Responsibilities of the Committee Chair

The Audit Committee Chair has the following responsibilities:

- a) Reports to the Council on the actions of the Committee;
- b) Encourages broad participation from members in discussion;
- c) Summarises decisions and assignments at the conclusion of each meeting; and
- d) Signs off on minutes of meetings after they have been received by the Committee.

5. Responsibilities of Audit and Governance Committee Members

Individual Committee members have the following responsibilities:

- a) to execute the role, scope, and responsibilities of the Committee;
- b) to act on opportunities to communicate positively about the Shire's activities;
- c) to actively participate in meetings through attendance, discussion, and review of minutes, papers and Governance documents;
- d) to participate in professional development opportunities;
- e) To support open discussion and debate and encourage fellow Committee members to voice their insights.

6. Membership

The Committee will consist of three elected members, with a fourth elected member acting as a deputy.

All full members shall have full voting rights.

The CEO and employees are not members of the committee. The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the Committee. The Shire shall provide secretarial and administrative support to the Committee.

7. Quorum

A quorum of two Committee members must be present at a Committee meeting to constitute a meeting.

8. Frequency of Meetings

The Committee shall meet at least twice once per calendar year. Additional meetings shall be convened at the discretion of the presiding person.

9. Reporting

Reports and recommendations of each Committee meeting shall be presented to the next ordinary meeting of the Council.

10. Duties and Responsibilities

The duties and responsibilities of the committee will be to:

- a) provide guidance and assistance to Council as to the carrying out the functions of the Shire in relation to audits;
- b) meet with the external auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- c) liaise with the CEO to ensure that the Shire does everything in its power to:
 - assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995 and associated Regulations; and
 - ensure that audits are conducted successfully and expeditiously;
- d) examine the reports of the auditor after receiving a report from the CEO on the matters to:
 - determine if any matters raised require action to be taken by the Shire; and

- ensure that appropriate action is taken in respect of those matters;
- e) review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- f) review the Shire's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates; iv. significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years.
- g) address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
- h) seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
- i) Review the annual Compliance Audit Return and report to the council the results of that review,
- j) Monitor the progress of the internal audit plan, review findings from internal and external audits, monitor the implementation of the recommendations; and
- k) Consider the CEO's triennial reviews of the appropriateness and effectiveness of the Shire's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to the council the results of those reviews.

11. Agendas, Minutes and Decision Papers

The responsibility for ensuring that Agendas and supporting materials are delivered to members in advance of meetings rests with the Chief Executive Officer. The agenda and associated attachments will be sent to Committee members and attendees at least 72 hours in advance of a Committee meeting.

12. Conflicts of Interest

Committee Members and invited attendees at each meeting must:

- a) Declare any conflict of interest, potential conflict of interest or apparent conflict of interest in matters that might potentially be considered or, are proposed to be considered by the Committee;
- b) Provide a further declaration should any conflict of interest, potential conflict of interest or apparent conflict of interest arise after making a declaration; and
- c) Maintain confidential, all information provided to them in their role as a member or attendee. This includes all matters discussed, formally presented or tabled at meetings of the Committee or such matters associated with dealings of the Committee in carrying out its responsibilities.

13. Review

The Terms of Reference shall be reviewed every two years when Council considers the re-establishment of the Committee to coincide with Local Government elections and any amendment to it require approval of Council.

Version Control

Version No.	Version Date	Prepared by	Reviewed by	Council Resolution No. and Date
1	09/09/2021	Lana Foote	Darren Simmons	RES: 060921 Date:15/09/2021

SHIRE OF KOORDA

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 30 September 2023

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF KOORDA
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

	Supplementary Information	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b) \$	Variance* % ((c) - (b))/(b) %	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
General rates	10	1,197,723	1,225,178	1,199,693	(25,485)	(2.08%)	
Rates excluding general rates		27,454	0	30,199	30,199	0.00%	
Grants, subsidies and contributions	12	241,676	208,015	230,532	22,517	10.82%	▲
Fees and charges		589,827	299,200	309,803	10,603	3.54%	
Interest revenue		226,000	55,600	42,509	(13,091)	(23.54%)	▼
Other revenue		22,500	2,373	5,063	2,690	113.36%	
Profit on asset disposals	6	163,000	9,500	0	(9,500)	(100.00%)	
		2,468,180	1,799,866	1,817,799	17,933	1.00%	
Expenditure from operating activities							
Employee costs		(1,357,222)	(339,117)	(302,020)	37,097	10.94%	▲
Materials and contracts		(1,134,828)	(393,321)	(460,192)	(66,871)	(17.00%)	▼
Utility charges		(229,950)	(57,468)	(26,193)	31,275	54.42%	▲
Depreciation		(1,864,650)	(466,137)	0	466,137	100.00%	▲
Insurance		(194,927)	(83,202)	(103,184)	(19,982)	(24.02%)	▼
Other expenditure		(73,530)	(2,520)	(2,970)	(450)	(17.86%)	
Loss on asset disposals	6	(9,000)	0	(1,305)	(1,305)	0.00%	
		(4,864,107)	(1,341,765)	(895,864)	445,901	33.23%	
Non-cash amounts excluded from operating activities	Note 2(b)	1,718,177	456,637	1,305	(455,332)	(99.71%)	▼
Amount attributable to operating activities		(677,750)	914,738	923,240	8,502	0.93%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	13	1,163,751	203,399	200,970	(2,429)	(1.19%)	
Proceeds from disposal of assets	6	370,000	80,000	64,091	(15,909)	(19.89%)	▼
		1,533,751	283,399	265,061	(18,338)	(6.47%)	
Outflows from investing activities							
Payments for property, plant and equipment	5	(2,122,635)	(185,000)	(130,465)	54,535	29.48%	▲
Payments for construction of infrastructure	5	(2,377,000)	(145,000)	(136,154)	8,846	6.10%	
		(4,499,635)	(330,000)	(266,619)	63,381	19.21%	
Amount attributable to investing activities		(2,965,884)	(46,601)	(1,558)	45,043	96.66%	
FINANCING ACTIVITIES							
Inflows from financing activities							
Transfer from reserves	4	2,054,805	0	0	0	0.00%	
		2,054,805	0	0	0	0.00%	
Outflows from financing activities							
Transfer to reserves	4	(220,000)	0	0	0	0.00%	
		(220,000)	0	0	0	0.00%	
Amount attributable to financing activities		1,834,805	0	0	0	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year		1,808,829	1,808,829	1,756,226	(52,603)	(2.91%)	
Amount attributable to operating activities		(677,750)	914,738	923,240	8,502	0.93%	
Amount attributable to investing activities		(2,965,884)	(46,601)	(1,558)	45,043	96.66%	▲
Amount attributable to financing activities		1,834,805	0	0	0	0.00%	
Surplus or deficit after imposition of general rates		0	2,676,966	2,677,908	942	0.04%	

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF KOORDA
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

	Supplementary Information	30 June 2022	30 September 2023
		\$	\$
CURRENT ASSETS			
Cash and cash equivalents	3	8,810,228	9,342,478
Trade and other receivables		74,994	321,927
Inventories	8	23,568	29,620
TOTAL CURRENT ASSETS		8,908,790	9,694,025
NON-CURRENT ASSETS			
Other financial assets		61,117	61,117
Property, plant and equipment		13,934,382	13,999,450
Infrastructure		92,104,735	92,240,890
TOTAL NON-CURRENT ASSETS		106,100,234	106,301,457
TOTAL ASSETS		115,009,024	115,995,482
CURRENT LIABILITIES			
Trade and other payables	9	606,806	470,359
Other liabilities	11	423,185	423,185
Employee related provisions	11	304,342	304,342
TOTAL CURRENT LIABILITIES		1,334,333	1,197,886
NON-CURRENT LIABILITIES			
Employee related provisions		37,645	37,645
Other provisions		63,862	63,862
TOTAL NON-CURRENT LIABILITIES		101,507	101,507
TOTAL LIABILITIES		1,435,840	1,299,393
NET ASSETS		113,573,184	114,696,089
EQUITY			
Retained surplus		46,165,123	47,288,028
Reserve accounts	4	6,024,334	6,024,334
Revaluation surplus		61,383,728	61,383,728
TOTAL EQUITY		113,573,185	114,696,090

This statement is to be read in conjunction with the accompanying notes.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 September 2023

SHIRE OF KOORDA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

		Adopted Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 30 September 2023
(a) Net current assets used in the Statement of Financial Activity				
Current assets		\$	\$	\$
Cash and cash equivalents	3	2,784,354	8,810,228	9,342,478
Trade and other receivables		125,265	74,994	321,927
Other financial assets		6,024,334	0	0
Inventories	8	51,949	23,568	29,620
		8,985,902	8,908,790	9,694,025
Less: current liabilities				
Trade and other payables	9	(673,743)	(606,806)	(470,359)
Other liabilities	11	(439,707)	(423,185)	(423,185)
Employee related provisions	11	(245,392)	(304,342)	(304,342)
		(1,358,842)	(1,334,333)	(1,197,886)
Net current assets		7,627,060	7,574,457	8,496,139
Less: Total adjustments to net current assets	Note 2(c)	(5,818,231)	(5,818,231)	(5,818,231)
Closing funding surplus / (deficit)		1,808,829	1,756,226	2,677,908

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

		Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash amounts excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	(163,000)	(9,500)	0
Less: Movement in liabilities associated with restricted cash		7,527	0	0
Add: Loss on asset disposals	6	9,000	0	1,305
Add: Depreciation		1,864,650	466,137	0
Total non-cash amounts excluded from operating activities		1,718,177	456,637	1,305

(c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

		Adopted Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 30 September 2023
		\$	\$	\$
Adjustments to net current assets				
Less: Reserve accounts	4	(6,024,334)	(6,024,334)	(6,024,334)
Add: Current liabilities not expected to be cleared at the end of the year:				
- Current portion of employee benefit provisions held in reserve	4	206,103	206,103	206,103
Total adjustments to net current assets	Note 2(a)	(5,818,231)	(5,818,231)	(5,818,231)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

SHIRE OF KOORDA

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 30 SEPTEMBER 2023

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2023-24 year is \$10,000 and 10.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
Revenue from operating activities			
Grants, subsidies and contributions	22,517	10.82%	▲
Financial Assistance Grant Quarterly Payment Received following finalised allocations after "100%" pre-paid in 2022/23		Permanent	
Interest revenue	(13,091)	(23.54%)	▼
Interest not received until October		Timing	
Expenditure from operating activities			
Employee costs	37,097	10.94%	▲
Annual budget equally divided per month, timing variance as employee costs lower than anticipated at this time.		Timing	
Materials and contracts	(66,871)	(17.00%)	▼
Minor variances due to timing of invoices received vs when they were budgeted for.		Timing	
Utility charges	31,275	54.42%	▲
Annual budget equally divided per month, lower water usage at the Rec Centre at this point in time, will catch up over the summer months.		Timing	
Depreciation	466,137	100.00%	▲
Depreciation not run on assets until previous year is finalised and closed off.		Timing	
Insurance	(19,982)	(24.02%)	▼
Minor variation based on budget timing estimates, should remain within budget when second instalment received.		Timing	
Non-cash amounts excluded from operating activities	(455,332)	(99.71%)	▼
Annual budget equally divided per month.		Timing	
Inflows from investing activities			
Proceeds from disposal of assets	(15,909)	(19.89%)	▼
Variance is due to assets not being exposed in accordance with budget timing estimates.		Timing	
Outflows from investing activities			
Payments for property, plant and equipment	54,535	29.48%	▲

SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION

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SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)

	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$1.81 M	\$1.81 M	\$1.76 M	(\$0.05 M)
Closing	\$0.00 M	\$2.68 M	\$2.68 M	\$0.00 M

Refer to Statement of Financial Activity

Cash and cash equivalents

	\$9.34 M	% of total
Unrestricted Cash	\$3.32 M	35.5%
Restricted Cash	\$6.02 M	64.5%

Refer to 3 - Cash and Financial Assets

Payables

	\$0.47 M	% Outstanding
Trade Payables	\$0.47 M	
0 to 30 Days		37.2%
Over 30 Days		62.8%
Over 90 Days		62.7%

Refer to 9 - Payables

Receivables

	\$0.02 M	% Collected
Rates Receivable	\$0.30 M	76.5%
Trade Receivable	\$0.02 M	% Outstanding
Over 30 Days		99.1%
Over 90 Days		11.4%

Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.68 M)	\$0.91 M	\$0.92 M	\$0.01 M

Refer to Statement of Financial Activity

Rates Revenue

YTD Actual	\$1.20 M	% Variance
YTD Budget	\$1.23 M	(2.1%)

Refer to 10 - Rate Revenue

Grants and Contributions

YTD Actual	\$0.23 M	% Variance
YTD Budget	\$0.21 M	10.8%

Refer to 12 - Grants and Contributions

Fees and Charges

YTD Actual	\$0.31 M	% Variance
YTD Budget	\$0.30 M	3.5%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$2.97 M)	(\$0.05 M)	(\$0.00 M)	\$0.05 M

Refer to Statement of Financial Activity

Proceeds on sale

YTD Actual	\$0.06 M	%
Adopted Budget	\$0.37 M	(82.7%)

Refer to 6 - Disposal of Assets

Asset Acquisition

YTD Actual	\$0.14 M	% Spent
Adopted Budget	\$2.38 M	(94.3%)

Refer to 5 - Capital Acquisitions

Capital Grants

YTD Actual	\$0.20 M	% Received
Adopted Budget	\$1.16 M	(82.7%)

Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.83 M	\$0.00 M	\$0.00 M	\$0.00 M

Refer to Statement of Financial Activity

Borrowings

Principal repayments	\$0.00 M
Interest expense	\$0.00 M
Principal due	\$0.00 M

Refer to 4 - Cash Reserves

Reserves

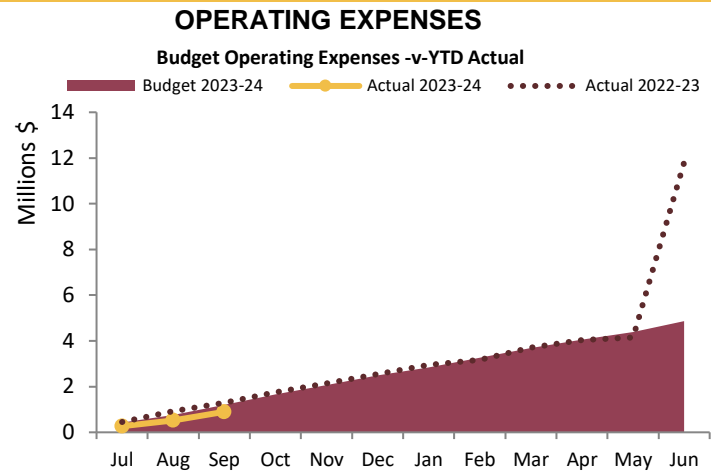
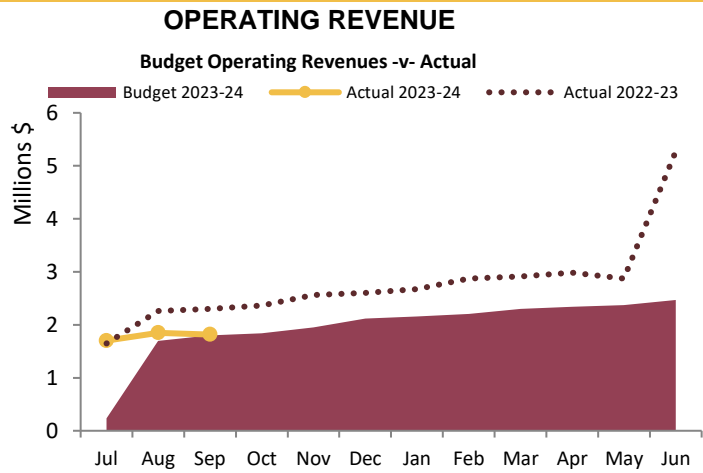
Reserves balance	\$6.02 M
Interest earned	\$0.00 M

This information is to be read in conjunction with the accompanying Financial Statements and notes.

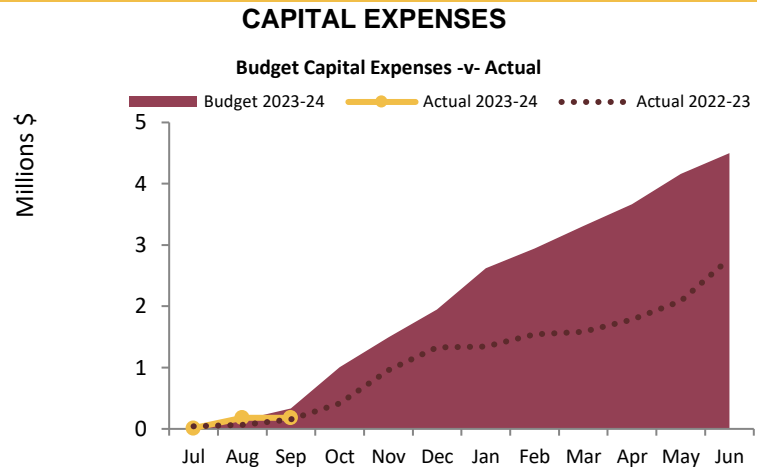
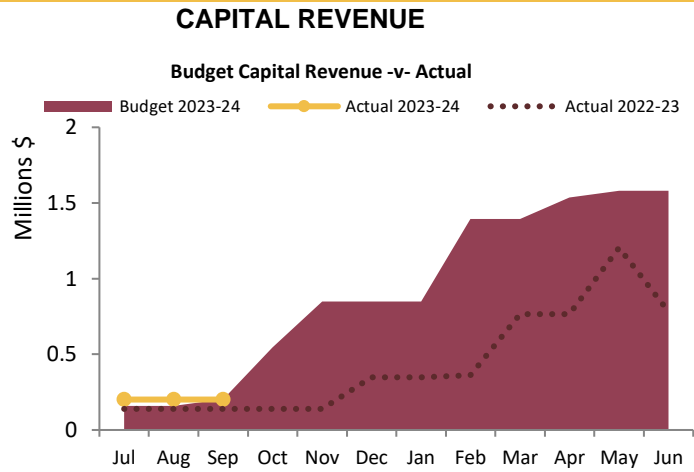
SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

2 KEY INFORMATION - GRAPHICAL

OPERATING ACTIVITIES



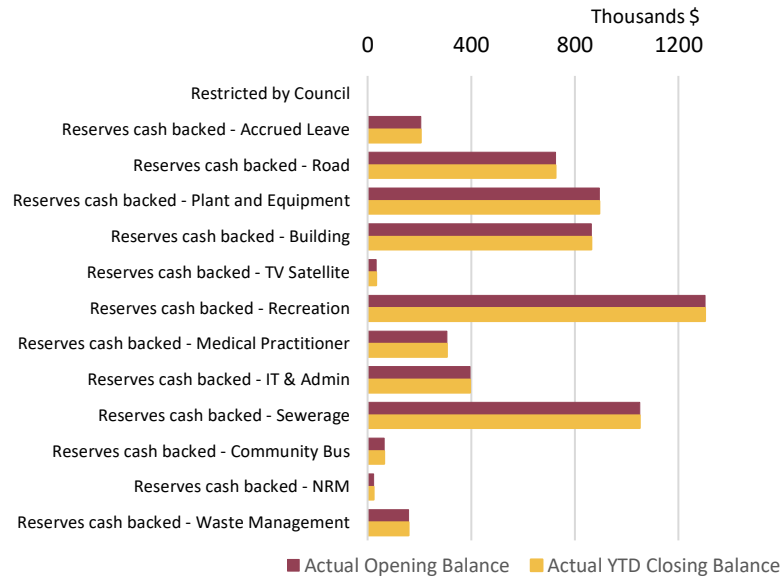
INVESTING ACTIVITIES



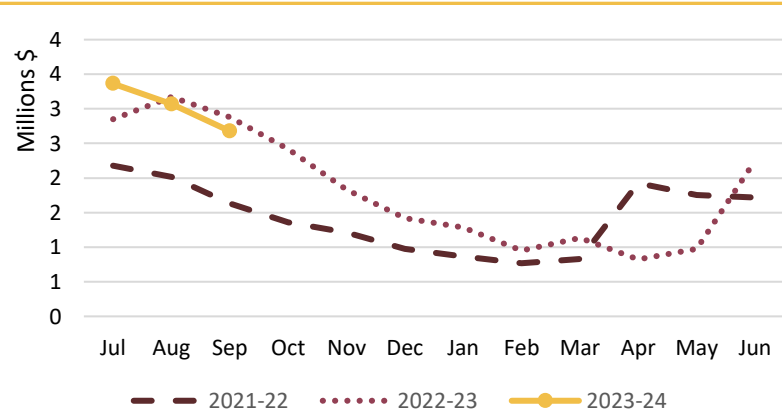
FINANCING ACTIVITIES

BORROWINGS

RESERVES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF KOORDA
 SUPPLEMENTARY INFORMATION
 FOR THE PERIOD ENDED 30 SEPTEMBER 2023

3 CASH AND FINANCIAL ASSETS

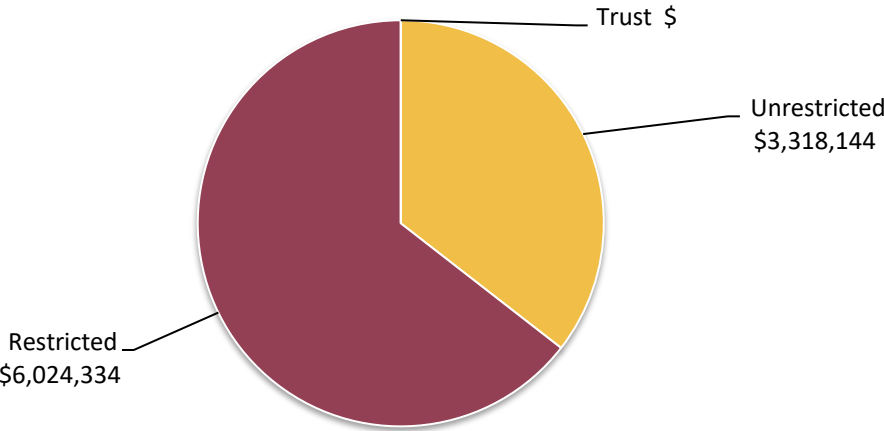
Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Municipal Account	Cash and cash equivalents	8,654		8,654		Bendigo	Variable	Nil
Municipal Account	Cash and cash equivalents	3,242,460		3,242,460		BWA	Variable	Nil
Licensing Account	Cash and cash equivalents	9,990		9,990		BWA	Variable	Nil
ATM Control Account	Cash and cash equivalents	15,550		15,550		BWA	Nil	Nil
ATM Cash Account	Cash and cash equivalents	40,730		40,730		BWA	Nil	Nil
Cash on Hand	Cash and cash equivalents	760		760		Cash on Hand	Nil	Nil
Term Deposit XXX1	Financial assets at amortised cost	0	4,566,628	4,566,628		Bankwest	4.00%	30/09/2023
Term Deposit XXX2	Financial assets at amortised cost	0	1,457,706	1,457,706		Bankwest	4.00%	30/09/2023
Total		3,318,144	6,024,334	9,342,478	0			
Comprising								
Cash and cash equivalents		3,318,144	0	3,318,144	0			
Financial assets at amortised cost		0	6,024,334	6,024,334	0			
		3,318,144	6,024,334	9,342,478	0			

KEY INFORMATION
 Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other ass



SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

4 RESERVE ACCOUNTS

Reserve name	Budget Opening Balance	Budget Interest Earned	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance	Actual Opening Balance	Actual Interest Earned	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council										
Reserves cash backed - Accrued Leave	206,103	0	7,527	0	213,630	206,103	0	0	0	206,103
Reserves cash backed - Road	725,329	0	26,488	(109,000)	642,817	725,329	0	0	0	725,329
Reserves cash backed - Plant and Equipment	895,049	0	32,686	(808,000)	119,735	895,049	0	0	0	895,049
Reserves cash backed - Building	863,689	0	31,541	(206,000)	689,230	863,689	0	0	0	863,689
Reserves cash backed - TV Satellite	32,780	0	1,197	0	33,977	32,780	0	0	0	32,780
Reserves cash backed - Recreation	1,303,568	0	47,605	(811,800)	539,373	1,303,568	0	0	0	1,303,568
Reserves cash backed - Medical Practitioner	306,488	0	11,193	(120,005)	197,676	306,488	0	0	0	306,488
Reserves cash backed - IT & Admin	395,947	0	14,459	0	410,406	395,947	0	0	0	395,947
Reserves cash backed - Sewerage	1,050,190	0	38,351	0	1,088,541	1,050,190	0	0	0	1,050,190
Reserves cash backed - Community Bus	64,496	0	2,355	0	66,851	64,496	0	0	0	64,496
Reserves cash backed - NRM	22,656	0	827	0	23,483	22,656	0	0	0	22,656
Reserves cash backed - Waste Management	158,039	0	5,771	0	163,810	158,039	0	0	0	158,039
	6,024,334	0	220,000	(2,054,805)	4,189,529	6,024,334	0	0	0	6,024,334

5 CAPITAL ACQUISITIONS

	Budget	Adopted YTD Budget	YTD Actual	YTD Actual Variance
	\$	\$	\$	\$
Capital acquisitions				
Buildings - non-specialised	1,217,635	50,000	151	(49,849)
Plant and equipment	905,000	135,000	130,313	(4,687)
Acquisition of property, plant and equipment	2,122,635	185,000	130,465	(54,535)
Infrastructure - roads	1,732,000	130,000	122,296	(7,704)
Infrastructure - Other	645,000	15,000	13,858	(1,142)
Acquisition of infrastructure	2,377,000	145,000	136,154	(117,916)
Total capital acquisitions	4,499,635	330,000	266,619	(172,452)
Capital Acquisitions Funded By:				
Capital grants and contributions	1,163,751	203,399	200,970	(2,429)
Other (disposals & C/Fwd)	370,000	80,000	64,091	(15,909)
Reserve accounts				
Reserves cash backed - Road	109,000		0	0
Reserves cash backed - Plant and Equipment	808,000		0	0
Reserves cash backed - Building	206,000		0	0
Reserves cash backed - Recreation	811,800		0	0
Reserves cash backed - Medical Practitioner	120,005		0	0
Contribution - operations	911,079	46,601	1,558	(45,043)
Capital funding total	4,499,635	330,000	266,619	(63,381)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

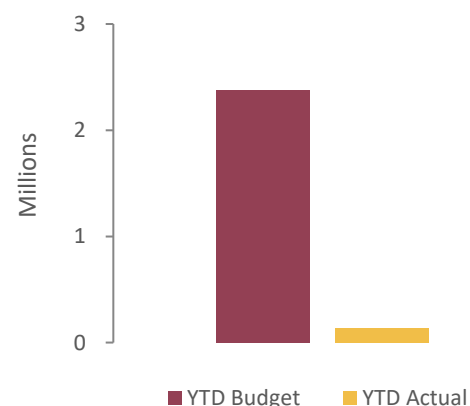
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

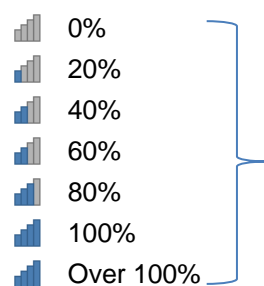
Payments for Capital Acquisitions



5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

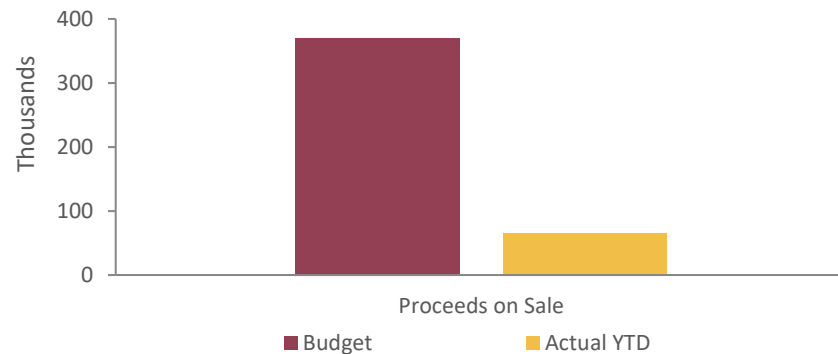
			Adopted		Variance
Account Description			Budget	YTD Budget	(Under)/Over
			\$	\$	\$
Plant & Equipment					
PE0091	P09: Semi Side Tipper Trailer		120,000	0	0
PE0191	P19: Grader		325,000	0	0
PE0611	P61: Ute Patching		45,000	0	0
PE0631	P63: Road Roller		140,000	0	0
PE0691	P69: Cherry Picker		50,000	50,000	54,545
	Misc Plant		15,000	0	0
PE1001	P100: CEO Vehicle		85,000	85,000	75,768
PE2001	P200: WS Vehicle		60,000	0	0
PE3001	P300: DCEO Vehicle		65,000	0	0
Buildings					
BC016	Rec Ground Upgrade & Extension		1,146,635	50,000	0
BC001	Admin Office (Paint & Gardens)		35,000	0	0
BC054	L271 Greenham Paint & Lino		16,000	0	151
BC024	Drive In (Toilets & Tiling)		20,000	0	0
Other Infrastructure					
OI1	Synthetic Bowling Green Relocation		400,000	0	0
OI2	Admin Office Carpark		15,000	0	0
OI3	Rec Ground Playground		150,000	0	0
IO005	Depot Auto Gates		40,000	15,000	13,858
	Pool Balance Tank		40,000	0	0
Infrastructure Roads					
RRG002	Cadoux-Koorda Cement Stabilise		235,000	50,000	8,595
RRG003	Koorda-Dowerin Reseal		152,000	20,000	20,511
RRG140	Burakin-Wialki Full Recon		182,000	0	6,712
RRG140B	Burakin-Wialki Full Reseal		150,000	0	0
R2R004	Koorda-Kulja Reseal		273,000	0	38,402
R2R006	Kulja-Kalannie Full Recon		130,000	40,000	7,129
R2R009	Koorda North West Shoulder Recon		70,000	0	9,647
RC003	Koorda-Dowerin Reseal		160,000	0	0
RC004	Koorda-Kulja Widen Reseal		100,000	0	2,419
RC010	Mollerin Rock South Reform & Sheet		90,000	0	0
RC011	Dukin West Reform & Sheet		90,000	20,000	28,761
RC014	Maher Reform & Sheet		60,000	0	120
FC098	Footpath - Greenham St		40,000	0	0
			4,499,635	330,000	266,619
					63,381

SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

OPERATING ACTIVITIES

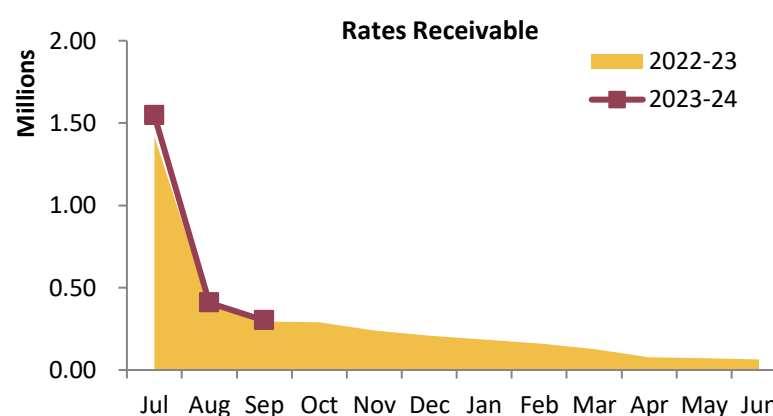
6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book	Proceeds	Profit	(Loss)	Net Book	Proceeds	Profit	(Loss)
		Value				Value			
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
10908	P009 Semi Side Tipper Trailer - 2000	26,000	20,000	0	(6,000)			0	0
10918	P020 Grader - 2015 CAT 12M	0	100,000	100,000	0			0	0
10949	P061 Ute - 2019	11,000	25,000	14,000	0			0	0
10951	P063 Roller - 2014 Dynapac	0	30,000	30,000	0			0	0
10979	P100 CEO Vehicle	65,000	80,000	15,000	0	65,396	64,091	0	(1,305)
10981	P200 WS Vehicle	53,000	50,000	0	(3,000)			0	0
10988	P300 DCEO Vehicle	61,000	65,000	4,000	0			0	0
		216,000	370,000	163,000	(9,000)	65,396	64,091	0	(1,305)



7 RECEIVABLES

Rates receivable	30 Jun 2023	30 Sep 2023
	\$	\$
Opening arrears previous years	63,512	63,239
Levied this year	1,178,085	1,229,892
Less - collections to date	(1,178,358)	(989,058)
Gross rates collectable	63,239	304,073
Net rates collectable	63,239	304,073
% Collected	94.9%	76.5%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	0	309	30,371	0	3,942	34,622
Percentage	0.0%	0.9%	87.7%	0.0%	11.4%	
Balance per trial balance						
Trade receivables	0	309	30,371	0	3,942	34,622
GST receivable		(57,700)				(57,700)
Interest Receivable		20,466				40,932
Total receivables general outstanding						17,854

Amounts shown above include GST (where applicable)

KEY INFORMATION

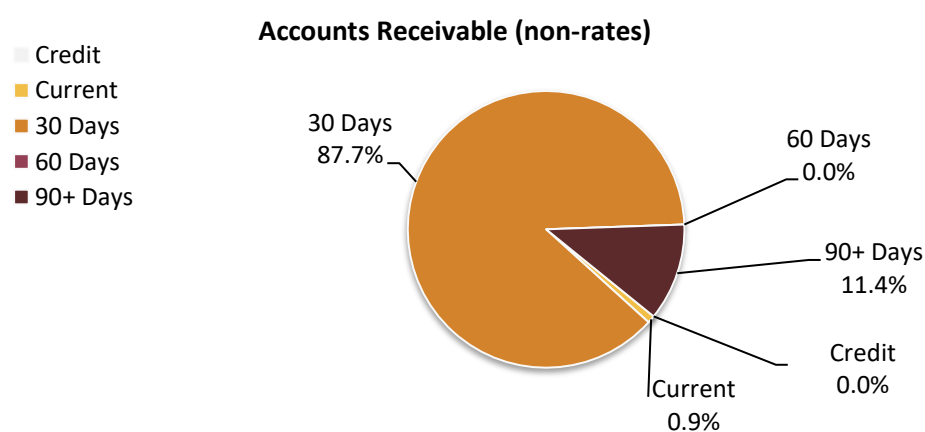
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



**SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 30 September 20
Other current assets	\$	\$	\$	\$
Inventory				
Stock on Hand	23,568	6,052		29,620
Total other current assets	23,568	6,052	0	29,620

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

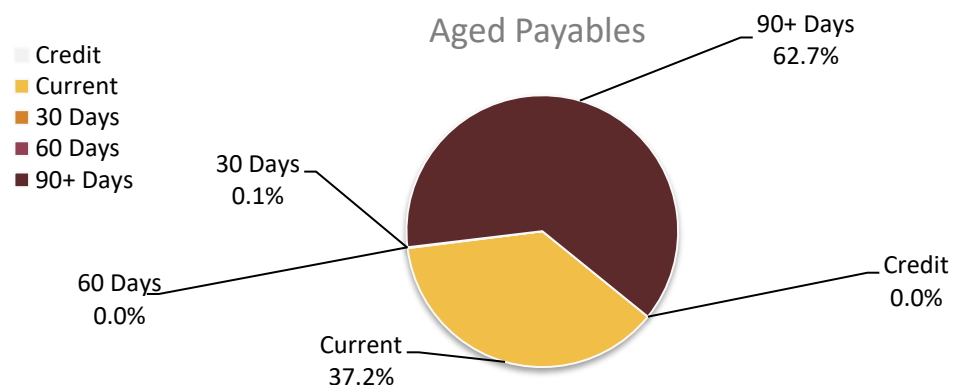
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	174,371	502	0	294,271	469,144
Percentage	0.0%	37.2%	0.1%	0.0%	62.7%	
Balance per trial balance						
Sundry creditors	0	174,371	502	0	294,271	469,144
Other payables		54,008				54,008
Other payables [describe]		100				100
GST Payable		(69,307)				(69,307)
Payroll Creditors		(202)				(202)
PAYG Payables		20,454				20,454
FBT Liabilities					(3,838)	(3,838)
Total payables general outstanding						470,359

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

OPERATING ACTIVITIES 30/09/2023

10 RATE REVENUE

General rate revenue

RATE TYPE	Rate in	Number of	Rateable	Rate	Budget	Total	Rate	YTD Actual	Total
	\$ (cents)	Properties	Value	Revenue	Interim	Revenue	Revenue	Interim	Revenue
				\$	\$	\$	\$	\$	\$
Gross rental value									
Gross Rental Value	0.1217	136	959,024	116,713		116,713	116,713		116,713
Unimproved value									
Unimproved Value	0.0126	221	87,194,166	1,100,390		1,100,390	1,100,390		1,100,390
Sub-Total		357	88,153,190	1,217,103	0	1,217,103	1,217,103	0	1,217,103
Minimum payment									
Gross rental value									
Gross Rental Value	420	29	29,070	11,760		11,760	12,180		12,180
Unimproved value									
Unimproved Value	420	33	442,945	13,860		13,860	13,860		13,860
Sub-total		62	472,015	25,620	0	25,620	26,040	0	26,040
Discount						(45,000)			(43,450)
Amount from general rates						1,197,723			1,199,693
Ex-gratia rates	0.06		457,560	27,454		27,454			30,199
Total general rates						1,225,177			1,229,892

11 OTHER CURRENT LIABILITIES

	Note	Opening Balance 1 July 2023	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 30 September 2023
		\$	\$	\$	\$	\$
Other current liabilities						
Other liabilities						
Capital grant/contributions liabilities		423,185	0	0	0	423,185
Total other liabilities		423,185	0	0	0	423,185
Employee Related Provisions						
Provision for annual leave		169,690	0			169,690
Provision for long service leave		134,652	0			134,652
Total Provisions		304,342	0	0	0	304,342
Total other current liabilities		727,527	0	0	0	727,527

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 13

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

OPERATING ACTIVITIES

12 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability	Increase in	Decrease in	Liability	Current	Adopted	YTD	YTD
	1 July 2023	Liability	Liability	30 Sep 2023	Liability	Budget	Budget	Revenue
	\$	\$	(As revenue)	\$	\$	Revenue		Actual
Grants and subsidies								
ESL Bush Fire Brigade Operating Grant				0		21,540	5,385	5,385
Main Roads Direct Road Grant				0		196,636	196,756	196,755
Fuel Tax Credits Grant Scheme				0		23,500	5,874	2,452
Financial Assistance Grant - General				0				16,010
Financial Assistance Grant - Roads				0				9,930
	0	0	0	0	0	241,676	208,015	230,532

SHIRE OF KOORDA
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

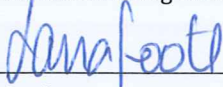
INVESTING ACTIVITIES

13 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget	YTD	YTD Revenue
	1 July 2023		(As revenue)	30 Sep 2023	30 Sep 2023	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Capital grants and subsidies								
Local Roads & Community Infrastructure Grant (LRCI)				0		128,014	0	
CSRFF Grant				0		130,421	43,473	
Regional Road Group Grants				0		502,426	159,926	200,970
Roads to Recovery Grant				0		402,890	0	
	0	0	0	0	0	1,163,751	203,399	200,970

**Monthly Report - List of Accounts Paid
Submitted to Council 18 October 2023**

The following list of accounts has been paid under delegation, by the Chief Executive Officer, since the previous list of accounts. Municipal vouchers numbered from V151 to V231 and direct bank transactions totalling \$782,313.85 submitted to each member of the Council, on Wednesday the 18 October 2023, have been checked and are fully supported by vouchers and duly certified invoices with checks being carried out as to prices, computations and costing.


Lana Foote
Acting Chief Executive Officer

No.	Payment Date	Supplier Name	Description of Purchase	Payment made by delegated authority
V151	13/09/2023	Shire of Koorda	Employee Wages	\$ 36,988.24
V152	13/09/2023	Beam Superannuation	Employee Super Payment	\$ 7,502.17
V153	14/09/2023	Dept of Transport	KD066 12m Registration	\$ 415.70
V154	14/09/2023	WA Farm Co	Rate Refund	\$ 7,871.92
V155	15/09/2023	Agri-Stock	Works Crew Clothing & Coerco Tank	\$ 6,131.15
V156	15/09/2023	Avon Waste	August Refuse and Recycling Collection	\$ 6,348.53
V157	15/09/2023	Benara Nurseries	Yalambee Gardens Plants	\$ 898.05
V158	15/09/2023	Bunnings Group	Yalambee Retic, L68 Shower Head, L257 Deadbolt	\$ 886.39
V159	15/09/2023	Central Wheatbelt Plumbing	Town Hall Toilets, Blocked Sewerage Lions Park	\$ 5,023.18
V160	15/09/2023	Copyright Agency	Annual Licence	\$ 1,332.19
V161	15/09/2023	Gups Mobile Welding PL	Repairs KD031	\$ 289.00
V162	15/09/2023	Harcher Wheatbelt	Paper Towel	\$ 104.30
V163	15/09/2023	Hersey's Safety	Works Crew Consumables	\$ 1,444.03
V164	15/09/2023	Iplex Pipelines Australia PL	Culvert Drains	\$ 12,302.42
V165	15/09/2023	Koorda LPO	Rates & Licensing Postage & Tyro EFT Machine	\$ 373.89
V166	15/09/2023	Koorda Sports Club	Council Refreshments	\$ 98.00
V167	15/09/2023	Koorda Supermarket PL	Milk, Tea, Coffee & Council Supper Supplies	\$ 364.72
V168	15/09/2023	KTY Electrical Services	L33226 Replace Exit Signs & Emergency Lighting	\$ 2,339.37
V169	15/09/2023	NEWROC	Annual Membership	\$ 14,300.00
V170	15/09/2023	Synergy	Streetlights	\$ 2,117.43
V171	15/09/2023	Team Global Express	Freight	\$ 32.36
V172	15/09/2023	Wallis Computer Solutions	Annual Service Agreements	\$ 43,936.20
V173	15/09/2023	WALGA	GECZ Annual Subscription	\$ 1,650.00
V174	21/09/2023	ATO	August BAS	\$ 16,686.00
V175	27/09/2023	Shire of Koorda	Employee Wages	\$ 37,479.18
V176	27/09/2023	Beam Superannuation	Employee Super Payment	\$ 7,621.69
V177	29/09/2023	Asset Valuation Advisory	Infrastructure Asset Valuations	\$ 11,099.66
V178	29/09/2023	Central Wheatbelt Plumbing	Yal U2 Low Water Pressure & Toilet Repairs, Replace Stove U2 Lot 291	\$ 4,344.89
V179	29/09/2023	Cottage & Engineering Survey	Contour & Feature Survey Rec Ground	\$ 4,290.00
V180	29/09/2023	DMIRS	August BSL	\$ 152.94
V181	29/09/2023	Kleenheat Gas	L203 Annual Service Fee	\$ 100.10
V182	29/09/2023	Linfox Armaguard PL	ATM Top Up	\$ 291.33
V183	29/09/2023	Mental Health Journey Aust	Psychosocial Hazards 1-day course	\$ 114.00
V184	29/09/2023	Synergy	Various Accounts	\$ 2,201.47
V185	29/09/2023	Team Global Express	Freight	\$ 65.65
V186	29/09/2023	Telstra	Bulk Accounts Mobiles & SES	\$ 778.54
V187	29/09/2023	WA Contract Ranger Services	Ranger Services Including Travel 31/8, 7/9 & 14/9	\$ 940.50
V188	2/10/2023	Bankwest	Credit Card	\$ 1,218.90
V189	6/10/2023	Dept of Transport	12m Rego & Transfer Trailer BSN16UF	\$ 46.85
V190	9/10/2023	Agri-Stock	Garden Watering Fittings	\$ 19.60
V191	9/10/2023	Avon Waste	September Refuse and Recycling Collection	\$ 5,099.10
			Subtotal	\$ 245,299.64

V192	9/10/2023	Elders Rural Services	Droppers + Woolpacks	\$ 234.70
V193	9/10/2023	Harcher Wheatbelt	Cleaning Products	\$ 441.65
V194	9/10/2023	ITR Pacific PL	Grader Blades	\$ 6,534.00
V195	9/10/2023	Koorda Community RC	CDO Role 1/7 - 30/09/23	\$ 6,875.00
V196	9/10/2023	KTY Electrical Services	L282 Update Light Fittings	\$ 1,035.90
V197	9/10/2023	LG Best Practices	Rates Training & EOM Financials	\$ 3,258.75
V198	9/10/2023	LG Professionals Aust WA	Annual State Conference 2023	\$ 1,500.00
V199	9/10/2023	Mineral Crushing Services	Aggregate Supplied for Roadworks Program	\$ 21,139.80
V200	9/10/2023	Moore Australia	2022-2023 Annual Financial Report	\$ 19,800.00
V201	9/10/2023	Northam Glass	L157 Glass Louvres	\$ 95.00
V202	9/10/2023	RB Motors	KD000 Service	\$ 502.30
V203	9/10/2023	Afgri Equipment	Mower Deck	\$ 1,375.21
V204	9/10/2023	Universal Pictures	Drive-In Movies	\$ 991.51
V205	9/10/2023	WA Contract Ranger Services	Ranger Services Including Travel 20/9 & 28/09	\$ 731.50
V206	9/10/2023	WA Hino Sales & Service	P04 Parts	\$ 1,087.96
V207	9/10/2023	WesTrac PL	Grader Refurbishment	\$ 113,340.21
V208	11/10/2023	Shire of Koorda	Employee Wages	\$ 36,496.15
V209	11/10/2023	Beam Superannuation	Employee Superannuation Payment	\$ 7,508.69
V210	12/10/2023	Agri-Stock	Reticulation Supplies	\$ 68.53
V211	12/10/2023	BOC Limited	Monthly Container Service 29/08 - 27/09/23	\$ 113.45
V212	12/10/2023	Bunnings	Gardening Supplies & Tool Chest	\$ 261.82
V213	12/10/2023	Daves Trees	Removal of Tree Railway Street	\$ 1,210.00
V214	12/10/2023	DFES	July, August & September ESL	\$ 31,871.35
V215	12/10/2023	Koorda Ag Parts	Yalambee Fence, Tyres & Various Parts/Repairs	\$ 11,826.43
V216	12/10/2023	Great Southern Fuels	10,000L Diesel & Admin Cards	\$ 21,859.82
V217	12/10/2023	Koorda Hotel	Refreshments Depot & Community Meeting	\$ 383.94
V218	12/10/2023	KTY Electrical Services	Lions Park BBQ Repairs	\$ 190.86
V219	12/10/2023	Mineral Crushing Services	Aggregate Supplied for Roadworks Program	\$ 13,257.20
V220	12/10/2023	Northam Carpet Court	L271 Lino & Carpet	\$ 3,992.00
V221	12/10/2023	Officeworks	Various Stationery & Toner	\$ 688.92
V222	12/10/2023	Petchell Mechanical	3 x Fire Tender Services	\$ 3,447.44
V223	12/10/2023	Afgri Equipment	P14 Blade & Chute	\$ 590.23
V224	12/10/2023	Stallion Homes	Rec Centre Upgrades - September Progress Claim	\$ 153,438.12
V225	12/10/2023	Team Global Express	Freight Parts P16 & P19	\$ 83.16
V226	12/10/2023	The Watershed	Reticulation Supplies	\$ 261.51
V227	12/10/2023	WA Machinery Brokers	New Mollerin Fire Truck	\$ 63,000.00
V228	12/10/2023	WCS Concrete	24T Brickies Sand	\$ 1,346.40
V229	12/10/2023	Wheatbelt Furniture & Homewares	Yalambee Couches	\$ 5,992.00
V230	12/10/2023	Wilson Machinery	Uni Cross for P39 Slasher	\$ 90.70
V231	12/10/2023	Wongan Hills Hardware	Polesaw Stihl Chain	\$ 92.00
			GRAND TOTAL	\$ 782,313.85
Credit Card				
V188	16/08/2023	Shire of Cuballing	LGIS Golf Tournament	\$ 410.00
	24/08/2023	The West Australian	The West Subscription	\$ 84.00
	4/09/2023	Crisp Wireless	Admin Office, ES, CEO, DCEO & WS Internet	\$ 680.90
	8/09/2023	Rent a Satphone	Monthly Satphone Rental x 3	\$ 44.00
				\$ 1,218.90

Finance

Grants - Community Grants Program

Objective

To enable Council to plan its support of community projects.

Policy

The Community Grants Program (CGP) provides funding support of up to \$5,000 per application, to enable Koorda community-based organisations to develop projects that increase participation and benefit the community.

Selection Criteria

Each application will be assessed against the following criteria:

- Does the project meet a community need?
- Does the project benefit a sufficiently broad, or diverse, target group?
- Does the organisation have the capacity to undertake and manage the project?
- Does the application represent value for money?
- Collaborative community wide projects are encouraged

Funding Rounds

The Community Grants Program is allocated from within Council's general revenue budget each year.

The Community Grants Program will run over two rounds, (with half of the allocated budget per round) as per the below time frames;

- **Round 1:**
Applications open on 1 July and close 31 July.
To be considered at the Public Ordinary Council Meeting in August.
Projects Completion/Acquittal Due: 28 February.
- **Round 2:**
Applications open on 1 November and close 30 November.
To be considered at the Public Ordinary Council Meeting in December.
Projects Completion/Acquittal Due: 30 June.

Eligible Projects can include:

- Printing of posters/flyers;
- Advertising & promotion;
- Costs associated for public events or function in Koorda;
- Purchase of equipment required for ongoing operations of the club, eg; shade tent, tables, chairs etc; and
- A discount will be considered in fees for Council venues including tip fees and the supply of sand, gravel etc.

What items will not be funded

- Assistance towards Councils rates or standard user agreements;
- Assistance towards financial operating costs of the applicant e.g. rent, staff wages, utility costs, insurance, stationery etc;
- Alcohol;
- Conference attendance;
- Projects that have already commenced;
- Projects not based in Koorda;

- Political activities;
- Projects that duplicate an existing or similar project/service within the community;
- An item benefiting an individual; or
- Any item that may cause offence to others or cause the Shire's name to be in disrepute.

Who can apply?

Eligible groups and organisations must be:

- an incorporated Not for Profit organisation; or sub committees of organisations are eligible to apply, subject to providing a letter of support from the main organisation body; or
- an unincorporated Not for Profit organisation, applying through the auspice of a Not for Profit incorporated body or a Local Government authority.

Who can not apply?

- An unincorporated organisation without an auspice arrangement;
- An individual;
- A commercial for-profit organisation; or
- Government Agencies (including Education, Health, Transport etc); or
- Organisations that have not provided an acquittal from a previous Community Grants Program and/or Quick Response Grants Program application are ineligible to apply until the required documentation has been submitted.

Advertising

At the beginning of each Round, Council shall advertise its intention to consider applications for financial assistance under the Community Grants Program.

The advertisements will be placed in:

- At least 2 editions of the local newspaper 'Narkal Notes';
- The Shire of Koorda website;
- The Shire of Koorda Facebook page; and
- Admin Officer notice board.

Administration and Financial Assistance

Financial assistance approvals shall be administered in accordance with the following:

- Where financial assistance is approved by Council for projects that are dependent upon funding from an outside source, e.g.: Department of Sport & Recreation; Lotterywest etc, and that funding application is unsuccessful, then the approved Council CGP funds may be accrued in the following financial year, subject to written request to the CEO.
- Where an application for accrued funding is again unsuccessful, the approved Council CGP monies shall be withdrawn and may be made available to other community organisation.
- Where funding from an outside source is approved any CGP monies (as approved) shall be paid to the applicant, on acquittal of the project.
- Where approved financial assistance is not claimed by **31 May** of the year in which the grant was approved and the organisation involved has failed to provide an explanation and request for those funds to be carried forward, the CEO shall advise the organisation that the approval is revoked and that they should then re-apply.
- Where the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall. In such circumstances the CGP Committee will reassess the viability of the project and may, if project viability is not substantiated, revoke the grant approval. Those funds may then be made available to other applicant organisations.
- Where requests for financial assistance are received outside the deadline for receipt of applications they shall not be accepted and the applicants will be advised accordingly.
- Projects that are able to demonstrate benefits to the wider community will be preferred. Those projects that can demonstrate contributions from the community or community groups will be preferred.

- Applications that have multiple funding sources/financial contributors will be preferred.
- Approved applications must acknowledge that the Shire of Koorda has provided funding towards their project/equipment and to include the Shire of Koorda logo on all promotional and marketing material. All sponsored equipment must acknowledge the Shire of Koorda by engraving 'Proudly sponsored by the Shire of Koorda' or placing an acknowledgement sticker, as provided by the Shire of Koorda. Approved applications will be published on the Shire of Koorda Facebook page.
- Applications for Major and Minor grants received from individuals will not be accepted.
- Projects requesting funding for salary costs, administration support and recurring expenditure are ineligible for support.
- Council's decision is FINAL and applicants may not request an appeal.
- Applicants are permitted to only apply successfully for one round in each financial year.
- If the applicant does not satisfactorily acquit its grant, the applicant will be ineligible to apply for further Shire of Koorda funding and action may be taken to recover the grant funds if they have paid up front.

Acquittal process and outcomes

As part of the acquittal process grant recipients will be required to provide supporting documentation in the form of receipts and a brief evaluation report to the Shire of Koorda, within 30 days of project completion.

This information is to be disseminated to the Community Financial Assistance Committee.

Failure to complete the acquittal will disqualify the applicant for future CGP funding.

CGP program is to be reported via the Shire's Annual Report.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Koorda Community Grants Program (CGP) Guidelines
 Koorda Community Grants Program (CGP) Application Form
 Koorda Community Grants Program (CGP) Evaluation Form
 Koorda Community Grants Program (CGP) Acquittal Form

Review History

Date	Council Resolution	Description of review/amendment
	RES:	Adoption of Policy

Governance

Appointment of an Acting Chief Executive Officer

Objective

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Koorda's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Policy

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Koorda.

Definitions

TERM	DEFINITION
Acting CEO	Means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.
Temporary CEO	Means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

1. Approval of Leave

The Shire of Koorda Council approves the taking of leave by the Chief Executive Officer and the appointment of an Acting Chief Executive Officer for a period not exceeding six (6) weeks, in accordance with the following parameters:

- a) The Shire President, or in their absence the Deputy Shire President, authorise all leave to be taken by the Chief Executive Officer, so long as the period of leave does not exceed 6 weeks.

2. Acting or Temporary CEO Requirements and Qualifications

- a) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- b) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employee appointed to the substantive position Deputy CEO is considered suitably qualified to perform the role of Acting or Temporary CEO.
- c) A person appointed to act in the position of Deputy CEO is not included in the determination set out in subclause 2(b) above.

3. Appointment of an Acting CEO - planned or unplanned leave for periods up to 6 weeks

- a) The CEO is authorised to appoint the Deputy CEO in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Deputy CEO's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- b) The CEO must appoint an Acting CEO for any leave periods greater than 5 days and less than 6 weeks.
- c) The CEO is to immediately advise all Council Members when and for what period of time the Deputy CEO is appointed as Acting CEO.
- d) Council may, by resolution, extend an Acting CEO period beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

4. Appointment of an Acting CEO - for extended leave periods greater than 6 weeks but less than 12 months.

- a) This clause applies to the following periods of extended leave:
 - i. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - ii. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- b) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - i. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - ii. Conduct an external recruitment process in accordance with clause 5(a)(iii).
- c) The President (or in their absence the Deputy President) will liaise with the CEO, or in their unplanned absence the Governance Officer to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- d) Subject to Council's resolution, the President (or in their absence the Deputy President) will execute in writing the Acting CEO appointment with administrative assistance from the Governance Officer.

5. Appoint Temporary CEO – Substantive Vacancy

- a) In the event that the substantive CEO's employment with the Shire of Koorda is ending, the Council when determining to appoint a Temporary CEO may either:
 - i. by resolution, appoint Deputy CEO as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - ii. by resolution, appoint the Deputy CEO as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - iii. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- b) The President (or in their absence the Deputy President) will liaise with the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- c) The President (or in their absence the Deputy President) is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Governance Officer.

6. Remuneration and conditions of Acting or Temporary CEO

- a) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at no less than 85% of the cash component only of the substantive CEO's total reward package.
- b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- c) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Local Government Act 1995, Section 5.36, 5.39C & 5.40

Review History

Date	Council Resolution	Description of review/amendment
		Policy re-write to include; appointments for more than 6 weeks but less than 12 months, qualification requires and remuneration and conditions.
19/05/2021	RES: 050521	Adoption of Policy



Governance & Compliance

Code of Conduct Behaviour Complaints Management

Objective

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of Koorda Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Koorda ("**the Shire**") Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Policy

Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Definitions

TERM	DEFINITION
Act	The <i>Local Government Act 1995</i> .
Behaviour Complaints Committee	The Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.
Behaviour Complaints Officer	A person authorised in writing [<i>by Council resolution or by the CEO exercising delegated authority</i>] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.
Breach	A breach of Division 3 of the Shire of Koorda Code of Conduct for Council Members, Committee Members and Candidates.
Candidate	A candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.
Candidate Complaint	A Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.
Code of Conduct	the Shire of Koorda Code of Conduct for Council Members, Committee Members and Candidates.
Committee	A committee of Council, established in accordance with s.5.8 of the Act.
Committee Member	A Council Member, employee of the Shire of Koorda or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the

	Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.
Complaint	A complaint submitted under Clause 11 of the Code of Conduct.
Complainant	A person who has submitted a Complaint in accordance with this Policy.
Complaint Assessor	A person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.
Complaint Documents	The Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.
Complaint Form	The form approved under clause 11(2)(a) of the Code of Conduct <i>[by Council resolution or by the CEO exercising delegated authority]</i> .
Council	The Council of the Shire of Koorda.
Council or Committee Meeting	A formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.
Council Member	A person who is currently serving a term of office as an elected member of the Council in accordance with the Act.
Finding	A finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.
Plan	A Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.
Response Documents	The response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

1. Principles

1.1. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

1.2. Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3. Confidentiality

The Shire will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4. Accessibility

The Shire will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1. Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2. Complaints Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3. Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1. Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [clause 11(1) of the Code of Conduct].

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

3.2. Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

3.3. Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4. Notice to Complainant

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and

- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5. Notice to Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6. Alternative Dispute Resolution

The Shire recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7. Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8. Appointment of Complaints Accessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9. Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Koorda Standing Orders Local Law 2018.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10. Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11. Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12. Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach did not occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach did occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2. Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Koorda Standing Orders Local Law 2018.

4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and

- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

Review History

Date	Council Resolution	Description of review/amendment
dd/mm/yyyy	RES:	Adoption of Policy



Governance

Council Meeting System

Objective

This policy establishes the requirements and standards for the Shire of Koorda (**“the Shire”**) Council Meetings and Committee Meetings which apply in accordance with Part 5 of the Local Government Act 1995 (**“the Act”**) and the Shire of Koorda Standing Orders Local Law 2018 (**“Standing Orders”**).

Policy

Standing Orders

The Shire of Koorda Standing Orders apply to Council meeting procedures and nothing in this policy overrides those Standing Orders.

Council Meetings

Meeting frequency and starting time

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 the Chief Executive Officer is to present an Item to Council no later than December each year requesting Council confirm the dates for the Ordinary Meetings of Council for the following year.

Council meetings will typically be held the third Wednesday of the month (excluding January where no meeting is typically held).

Council meetings normally commence at 5.00pm to afford an opportunity for most members of the public to attend after work, with November and December meetings normally commencing at 6.00pm to afford the opportunity for members to attend during the harvest period.

Any change to the meeting details must be published on the local government’s official website as soon as practicable after the change is made.

Dress Code for Council Meetings

As agreed by Council Members, the dress code for Elected Members attending Council Meetings, is business formal.

Public Question Time

As per Clause 5.7 of Standing Orders, other procedures for question time for the public are included below;

- (1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
- (2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—
 - (a) a member of the public who raises a question during question time is to state their name and address;
 - (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
 - (c) questions are to be answered by the Presiding Member or employee nominated by the Presiding Member;
 - (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
 - (e) no discussion of a question or answer is to take place by Council unless the Presiding Member has given permission to do so; and

- (f) when a question is taken on notice under subclause (d), a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.
- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon, the character of any member of the Council or employee of the local government.
- (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
- (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.
- (6) A member of the public shall have two minutes to submit a question.
- (7) The Council, by resolution, may agree to extend public question time.

Guests

The Shire President and Chief Executive Officer may approve guests to meet with Councillors after Council meetings and/or to join Councillors for supper. It is the responsibility of Councillors to advise the Chief Executive Officer and Shire President of those people who they wish to be invited from time to time.

Officers' Reports

In the interest of providing prompt decision-making, officer reports from any department may be presented at the next available meeting. It is critical that reports prepared by officers for Council contain adequate information on which the Council can make an informed decision.

Principles

Reports prepared by officers for Council's consideration are to:

- Be according to law;
- Take account of any State or Council Policy;
- Have regard to the current Strategic Community Plan and Corporate Business Plan, and any other relevant Shire strategic documents;
- Have regard to the Shire's Risk Management Framework;
- Be balanced and objective;
- Be technically correct;
- Be properly researched using relevant information and data;
- Ensure procedural fairness;
- Include options, consequences and associated impacts where appropriate; and
- Include expert opinion or advice where necessary.

Recommendations

Recommendations prepared by officers for Council's consideration are to:

- Be clear and unambiguous;
- Be implementable;
- Be professional and ethical;
- Not expose Council to unreasonable risk or liability;
- Have regard for the interests of the applicant/submitter as well as the wider community; and
- Include the administrative actions to enable implementation of Council's decision.

Alternate Motions or amendments to Officers' Recommendation

Councillors are required to provide the Chief Executive Officer written alternate motions or amendments to officers' recommendations they intend to move either prior to or at the meeting.

Councillors are encouraged to provide suggested alternatives to officer recommendations to the appropriate Author or CEO at least 24 hours in advance of the relevant Council meeting. This is to ensure that the terminology being proposed in the alternative recommendation is consistent and clear, as well as to ensure the legality of any proposed amendments.

A copy of the proposed amendment, with reasons, is to be circulated to all other Councillors, CEO and any other relevant staff.

Order of business

The order of business for Council meetings is prescribed in Clause 4.3 of Standing Orders.

CEO Matters - Meeting Attendance

When Council is considering matters regarding the Chief Executive Officers employment, contract, performance, or other matters in relation to the Chief Executive Officer, all staff and any visitors are to be requested to leave the meeting.

Late Reports

Late reports are generally discouraged as insufficient time is afforded to Councillors and the public to study the item and gauge community response.

The Chief Executive Officer may approve the inclusion of a late report if the matter is considered to be of an urgent nature and satisfactory notification to Councillors and broader consultation (if required) has been achieved.

New Business of an Urgent Nature

New business of an urgent nature is generally discouraged as it fails to provide Council Officers with any opportunity to research and report on the matter.

It also fails to allow adequate opportunity for Councillors to consult the community on the matter. Standing Orders Clause 4.12 provides guidance when it may be appropriate to introduce new business of an urgent nature.

Councillors are encouraged to submit in writing and advise staff of items of new business of an urgent nature they wish to introduce to the meeting, so that Councillors and staff receive notice of any such subject to be discussed.

Special Council Meetings

When required, a Special Meeting of Council may be called by President or by at least one third of the councillors. The CEO will convene the special meeting and arrange public notice if the meeting is to be open to the public. A special meeting requires that:

- Public notice be given and it must specify the purpose of the meeting; and
- It must only deal with the item of business as set out in the notice of the meeting.

Although special meetings of council are to be open to members of the public, if in the opinion of the CEO it is not practicable to advertise the details of the meeting in the newspaper, then a public notice providing the details and purpose of the meeting must be given by whatever means the CEO considers to be practicable (e.g. display on notice boards, at public library, on council website).

Dress Code for Special Council Meetings

As agreed by Council Members, the dress code for Elected Members attending Special Council Meetings, is business formal.

Committees

Under section 5.8 of the Act, Councils are able to form committees to assist it with its functions.

Committee members can include elected members, employees and members of the public in a variety of combinations.

Committees can operate with council delegated decision-making powers or solely on an advisory basis.

Advisory committees where members are drawn from both council and the community give the community a significant opportunity to provide input into the council's decision-making meeting process.

The tenure of Committee Membership is determined as per section 5.11 of the Act. Generally, Committee Membership is determined biennially, at the first Council Meeting following the Local Government Ordinary Elections, or as determined in section 5.11.

The Committee functions, membership and meeting schedule will be determined in the Committee Terms of Reference.

The following "Core" Committees shall be operated by Council;

- Audit & Risk Management Committee;
- Works Committee;
- Building/Recreation/Town Planning Committee;
- Management Review Committee;
- Policy Review Committee;
- CEO Recruitment Committee;
- Behavioural Complaints Committee;
- Koorda Awards Committee; and
- Community Grants Committee.

Each "Core" Committee shall comprise of three (3) Elected Members who will form the Committee and one (1) Elected Member who will be a Deputy Member.

The following Advisory Committees shall also be operated by Council;

- Local Emergency Management committee; and
- Bush Fire Advisory Committee.

Annual General Meeting of Electors

A general meeting of the electors of a district is to be held once every financial year. A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the Annual Report for the previous financial year. The matters to be discussed at the general electors' meetings are to be those prescribed in the Local Government Act 1995 and associated Regulations.

Note: In accordance with Section 1.4 of the Local Government Act 1995 an elector is defined as: "elector, in relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward;" and as depicted in section 5.26 of the Act also includes ratepayers.

Date and Location of Meeting

It is a requirement of the Shire to prepare an annual report (Section 5.53), accept the report (Section 5.54), advertise its availability (Section 5.55) and hold an Annual General Meeting of Electors (AGM) within 56 days of accepting the annual report (Section 5.27). The meetings are held once a year at one of the Council Chambers of the Shire of Koorda or another suitable location.

The annual report is to be accepted (by absolute majority), by the local government no later than 31 December after that financial year. The CEO is then responsible for giving local public notice of the availability of the annual report as soon as practicable after the report has been accepted (Section 5.55) and must publish the report on the local government's official website within 14 days after acceptance (Section 5.55A).

Attendance and Participation

The Annual General Meeting of Electors is a less formal meeting than a Council meeting. On arrival, those attending and participating in the meeting will be requested to record their names and addresses and to confirm their status as an elector as they enter to confirm they are an eligible elector for minute taking purposes.

Any member of the public is welcome to attend the meeting but will only be permitted to participate as an elector if they have confirmed that they are eligible to vote in the Shire of Koorda local government elections.

Meeting Procedure

The Shire President is to preside at the electors' meeting, if not available the Shire Deputy President may preside according to Section 5.30.

In line with Section 5.27(3) of the Act and regulation 15 of the Local Government (Administration) Regulations 1996, the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

The following procedures will normally apply to the meeting:

1. Opening of meeting.
2. Record of attendance.
3. Presentation of Annual Report inclusive of Audited Financial Statements
 - i. Questions from electors on items relating to the Annual Report.
4. General Business.
 - i. Questions from electors on items relating to other matters.
5. Closure.

Voting

Only electors are entitled to move motions and vote at the meeting. The mover is allowed to speak for a maximum of five minutes, then the seconder can speak for a maximum of five minutes. Both the mover and seconder of a motion must state their name and address prior to moving or seconding a motion. Voting will only take place after a motion that has been moved and seconded has been provided in writing to the administration in full. As stipulated in Regulation 17 of the Local Government (Administration) Regulations 1996 voting provisions at an electors' meeting are as follows:

- Each elector at the meeting is entitled to one vote on each matter to be decided, but does not have to vote;
- All decisions are to be made by a Simple Majority vote; and
- Voting is to be conducted by a show of hands, ensuring that no voter's vote is secret.

Decisions made at an Electors AGM

In accordance with Section 5.33 of the Act all decisions made at the electors' meeting are to be considered at the next Ordinary Council Meeting or if not practicable

- At the first Ordinary Council Meeting after that meeting; or
- At a Special Meeting called for that purpose.

If at a meeting of the Council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision is to be recorded in the minutes of the Council meeting.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Local Government Act 1995

Local Government (Administration) Regulations 1996

Review History

Date	Council Resolution	Description of review/amendment
	RES:	V1.0. Merged and re-wrote old policies.
Former Policy: A1 Administrative Structure & Organisational Chart, A22 Public Question Time, A24 Electors Meeting Date, A25 Procedure at Electors Meeting & A47 Meeting Attendance - CEO Matters		
19/07/2000		Adoption of Policy (A1)
18/04/2007	146.1.1-2007	Amended
19/09/2007	43.1.5-2008	Amended
21/10/2009	RES: 210009	Amended
15/06/2011	RES: 110611	Amended
20/03/2013	RES: 080313	Amended
18/03/2015	RES: 130315	Amended
21/03/2018	RES: 050318	Amended
19/07/2000		Adoption of Policy (A22)
19/07/2000		Adoption of Policy (A24)
15/06/2011	RES: 110611	Amended
19/07/2000		Adoption of Policy (A25)
20/11/2013	RES: 041113	Adoption of Policy (A47)



Works and Assets

Asset Management

Objective

The policy provides the framework for the sustainable management of the Shire of Koorda's ("the Shire's") asset portfolio and assisting the Shire in compliance with the provisions of the State Government's Integrated Planning and Reporting framework by having an integrated approach to planning for the future.

Policy

This Policy is intended to provide clear direction on the Shire's expectations for the sustainable management of its assets and applies to elected members, employees and contractors/consultants engaged by the Shire.

Definitions

TERM	DEFINITION
Asset	A physical component of a facility which has value, enables a service to be provided and has an economic life of greater than 12 months. Asset Class Groupings of assets of similar nature and use in a local government's operations. Local Government asset classes include land, buildings, infrastructure, plant and equipment, information technology and other assets.
Asset Management	The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner.
Asset Management Plan	A plan developed for one or more assets that combines technical and financial management processes to provide a specified level of service.
Asset Management Strategy	One or more documents that outlines how the local government's asset portfolio will meet the service delivery needs of its communities into the future, enabling the local government's asset management policies to be achieved and ensuring that asset management is established as part of the local government's Integrated Plan.
Level of Service	The defined service quality for a particular activity (i.e. road maintenance) or service area (i.e. street lighting) against which service performance can be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental considerations, acceptability and cost.
Lifecycle Cost	The total cost of an asset throughout its life including costs for planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal.

The Shire will ensure assets supporting the delivery of services to the community are managed responsibly and cost effectively over their lifecycle and take into consideration community expectations for levels of service (time, quality and value for money).

This policy encourages an organisation wide approach and commitment to achieving these policy goals. The policy is supported by accurate and current financial details of assets being included within the Strategic Resourcing Plan. The Shire's assets are physical items within the boundaries of the local government and under its control.

They include but are not limited to the following asset classes:

- Transport – Road and path networks (including Car Parks and street furniture)
- Property – Buildings
- General assets – Parks, ovals and reserves, Plant & Equipment and Furniture & Equipment

Asset Management Plans are to be reviewed and updated annually.

An Asset Management Strategy will describe how this Policy will be applied within the Shire and outline the details to be included within Asset Management Plans.

In order to implement this Policy, the Shire commits to the following principles:

- Systematic and appropriate asset management practices be implemented including a continuous improvement approach to asset management.
- Impacts on the Strategic Community Plan's Diversified Economy, Connected Communities, Protected Natural Environment, Sustainable Built Environment and Effective Civic Leadership goals be considered in asset management and asset operational processes; asset management plans be informed through community consultation, financial planning and workforce planning.
- Asset renewals included in adopted Strategic Resourcing Plan (comprising asset management plan and long term financial plan) be considered when forming the annual budget estimates.
- Service levels be identified for all major asset classes in consultation with the community.
- Asset renewal plans be prioritised based on level of service and ability of the current assets to provide the desired level of service.
- An asset inspection program be developed to ensure agreed service levels are maintained and to ensure assets are managed, valued and depreciated in accordance with appropriate asset management practices and applicable Australian Accounting Standards.
- Life cycle costs be considered in decisions relating to new services and assets as well as upgrading of existing services and assets.
- Major assets be regularly reviewed to assess their ongoing relevance and contribution to community need.
- Asset management roles, responsibilities and reporting frameworks will be defined.
- Assets may be rationalised where the level of service requirement falls to a sufficiently low level.
- Training in asset and financial management be offered for elected members and relevant staff.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Local Government Act 1995

Local Government (Administration) Regulations 1996

WA Department of Local Government: Integrated Planning and Reporting Framework and Guidelines, October 2010.

WA Department of Local Government: Asset Management Framework and Guidelines, May 2011.

Institute of Public Works Engineering Australia, IPWEA, International Infrastructure Management Manual.

Review History

Date	Council Resolution	Description of review/amendment