

SHIRE OF KENT



ORDINARY MINUTES

DATE: Wednesday 15 February 2023

TIME: 5:30pm

VENUE: Council Chambers,
Richmond Street, Nyabing WA 6341

**ADAM SEILER
CHIEF EXECUTIVE OFFICER**

DISCLAIMER

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

The Shire of Kent 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 detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Kent during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Kent.

The Shire of Kent advises that anyone who has any application lodged with the Shire of Kent shall 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 Kent in respect of the application.

Adam Seiler

CHIEF EXECUTIVE OFFICER

AGENDA
15 March 2023

Table of Contents

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDENCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE	4
3.	DISCLOSURES OF INTEREST	4
4.	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	5
6.1.1	ORDINARY MEETING OF COUNCIL HELD 15 February 2023	5
6.1.2	SPECIAL MEETING OF COUNCIL HELD 7 March 2023	5
6.1.3	ORDINARY MEETING OF WALGA STATE COUNCIL HELD 1 March 2023	5
6.1.4	AUDIT COMMITTEE MEETING HELD 13 March 2023.....	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	6
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	6
9.	OFFICER REPORTS	6
9.1.1	LOCAL GOVERNMENT ADVISORY BOARD –SUBMISSION	7
9.1.2	AMENDMENT TO ARRANGEMENTS – CARAVAN PARK CHARGES	11
9.1.3	2022 COMPLIANCE AUDIT RETURN	13
9.1.4	STATUS OF COUNCIL DECISIONS – FEBRUARY 2023.....	15
9.1.5	MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 2023	17
9.1.6	SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2023.....	19
9.1.7	2022/2023 BUDGET REVIEW	21
9.1.8	INTERNAL COMMITTEE MEMBERS AND EXTERNAL REPRESENTATIVES	23
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	26
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL.....	26
12.	MATTERS BEHIND CLOSED DOORS.....	26
12.1.1	REQUEST TO WAIVE PENALTY INTEREST ASSESSMENT 841.....	27
12.1.2	CHIEF EXECUTIVE OFFICER INTERIM / PROBATION PERFORMANCE REVIEW AND PERFORMANCE CRITERIA WORKSHOP	29
12.1.3	RECALIBRATION OF ORGANISATIONAL REPORTING / STRUCTURE	31
13.	MEETING CLOSED	32

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:36pm by the Shire President.

2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE

Members

Cr S Crosby	Shire President
Cr K Johnston	Deputy Shire President
Cr T Borgward	Member
Cr D Gray	Member
Cr G Hobley	Member
Cr R Jury	Member

Staff

A Seiler	Chief Executive Officer
C Smith	Manager Corporate
M Tulleken	Manager Infrastructure
N Taekema	Governance Officer

Members of the Public

Nil

Apologies

Cr J Germain	Member
--------------	--------

Members on Approved Leave of Absence

Nil

3. DISCLOSURES OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

OCM2223/108 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr RA Jury

Councillor Justin Germain has applied for Leave of Absence from the Kent Shire Council from 10 April 2023 to 30 June 2023 for the purpose of “away with work”.

CARRIED 6/0

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD 15 February 2023

OCM2223/109 - COUNCIL RESOLUTION

MOVED Cr DP Gray / Cr KV Johnston

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Pingrup Hall, on Wednesday 15 February, 2023 be CONFIRMED.

CARRIED 6/0

6.1.2 SPECIAL MEETING OF COUNCIL HELD 7 March 2023

OCM2223/110 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr GW Hobley

That the minutes of the Special Council Meeting of the Shire of Kent held at the Council Chambers, on Tuesday 7 March, 2023 be CONFIRMED.

CARRIED 6/0

6.1.3 ORDINARY MEETING OF WALGA STATE COUNCIL HELD 1 March 2023

OCM2223/111 - COUNCIL RESOLUTION

MOVED Cr TD Borgward / Cr RA Jury

That the minutes of the Ordinary Meeting of the Western Australia Local Government Association (WALGA) State Council held at ONE70, LV1, 170 Railway Parade West Leederville, on Wednesday 1 March, 2023 be RECEIVED.

CARRIED 6/0

6.1.4 AUDIT COMMITTEE MEETING HELD 13 March 2023

OCM2223/112 - COUNCIL RESOLUTION

MOVED Cr DP Gray / Cr KV Johnston

That the minutes of the Audit Committee Meeting held at the Council Chambers, on Monday 13 March, 2023 be RECEIVED.

CARRIED 6/0

- 7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**
- 8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**
- 9. OFFICER REPORTS**

9.1.1 LOCAL GOVERNMENT ADVISORY BOARD –SUBMISSION

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	Shire of Kent
LOCATION:	Shire of Kent
AUTHOR:	Adam Seiler – Chief Executive Officer
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Draft submission to Local Government
DISCLOSURE OF INTEREST:	Advisory Board N/A

PURPOSE

For Council to consider the draft submission as attached, prepared in accordance with Council's previous resolutions.

BACKGROUND

From the Municipal Boundaries and Amendments Register published by the Government Gazette, representation of 10 members and 10 wards was reduced to 8 wards and 8 members in 2002, effective from May 2003, and wards were discontinued effective October 2009.

No record has been found of a review since 2008, however since that time there has been no decision to –

- re-introduce wards
- amend representation from 8 elected members

The Minister for Local Government advised on 20 September 2022 of proposed changes for either (precis) –

- Voluntary Pathway
Your local government may decide to implement these changes on a voluntary basis.

or

- Reform Election Pathway
This Pathway would see a complete spill of Elected Member positions at the October 2023 Elections to elect the revised number of Councillors

Council did not favour the Reform Election Pathway, and considered that it would be preferable to undertake the process over the two election cycles in 2023 and 2025.

COMMENT

In accordance with legislation, a review of representation was initiated in September 2022, the 6 week public consultation period commencing 19 October 2022 and ending on 9 December 2022.

Local public notice of the review was given in accordance with the Act and Regulations, and a public meeting was also held on 3 November 2022.

The review considered –

- Option 1 –
Reduction to 7 members, by reducing from 4 to 3 in 2023
- Option 2 –
Reduction to 6 members by reducing from 4 to 3 in 2023 and a further reduction from 4 to 3 in 2025
- Option 3 –
Reduction to 5 members by reducing from 4 to 2 members in 2023 and a further reduction from 4 to 3 members in 2025

Subsequent to the commencement of the review Cr Tapscott notified of his intention to resign from Council, and his resignation became effective after the 3rd Saturday of January. A request to the WA Electoral Commissioner has since been made for the vacancy to remain unfilled until the October 2023 elections, and was resolved by absolute majority of Council.

The Special Meeting of Council held on 7 March 2023, confirmed previous decision to reduce to 6 elected members in October 2023 if possible, by terminating at that election, the balance of Cr Tapscott's term due to conclude in October 2025. This is likely to be dependent on the Electoral Commissioner's decision of the position remaining vacant.

On 10 March 2023, the WA Electoral Commissioner approved the request to permit the vacancy resulting from the resignation of Cr Tapscott to remain vacant until the ordinary elections to be held in October 2023.

As a result of the resignation of Cr Tapscott occurring after the public consultation period, when considering the review and the impact of the resignation, it was determined that a modified Option 2 be the preferred way forward. Accordingly, it was resolved by absolute majority at the December 2022 Ordinary meeting –

That Council –

3. Make formal application to the Department of Local Government, Sport and Cultural Industries (DLGSC) to transition to a membership base of six Councillors with effect from October 2023.

The reasons for a modified Option 2 being preferred are –

- It preserves a reasonable breath of elected member representation;
- One position for a term to conclude in October 2023 as per the voluntary pathway;
- With one current vacancy for a term to conclude in October 2025 to be discontinued in October 2023, it removes future complications if the position is discontinued now; and
- The future composition of Council is settled at an earlier date.

The Reform Pathway proposed by the Minister would result in a full spill of elected members in October 2023, with elections being held for 6 positions.

A full spill has the risk of a lack of continuity of corporate knowledge and experience of elected members, and it is considered that retention of the 3 three elected members until the conclusion of their current terms in 2025, is both wise and advantageous.

It is noted that the initial request for voluntary pathway submission requested that they be made by 14 February 2023. However, there is no provision in the Act for closing dates for submissions with the Local Government Advisory Board. Given the that the responses to the Minister will result in a great many submissions being made, the LGAB may be overwhelmed with the workload, and simply be unable to consider all submissions in time for statutory processes to be carried out in time for the LG Act requirements for election processes to commence.

The Minister's letter of 20 September 2022 noted that local governments should aim to make their submission by 14 February 2023, and was not stated as a requirement. The Minister's letter did note that the processes needed to be completed by 30 June 2023, to ensure publication in the Government Gazette.

The statutory processes include –

- assessment by the LGAB;
- recommendations to and accepted by the Minister
- approval by Cabinet
- publication in the Government Gazette

Since no wards boundaries are involved, the latest date for the processes to be complete is estimated to be 26 August 2023, when nominations must be called. The practical last date would be approx. 2 weeks prior to allow for preparation of adverts etc. leaving only a limited window for Governmental processes.

Two recommendations are made, both requiring an absolute majority.

STATUTORY IMPLICATIONS

Local Government Act 1995 Schedule 2.2 Provisions about names, wards and representation

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire's organisational capacity to service the needs of our community.

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

RISK IMPLICATIONS

The perceived level of risk is considered low-moderate.

The draft submission is prepared consistent with existing requirements of the Local Government Act 1995, in anticipation of the announced legislative changes to become effective in October 2023, and the options advised by the Minister for Local Government concerning the voluntary pathway for the changes.

Should no submission be made or accepted by the LGAB, the Election Reform Pathway legislative changes will be imposed.

VOTING REQUIREMENT

Absolute Majority

OCM2223/113 - COUNCIL RESOLUTION

MOVED Cr RA Jury / Cr GW Hobley

That Council:

- 1. notes that no public submissions were received;**
- 2. does not favour a full spill of elected members in October 2023;**
- 3. in accordance with Schedule 2.2(9) of the Local Government Act 1995, recommends to the Local Government Advisory Board that an order be made under section 2.18(3)(a) of the Local Government Act 1995 to –**
 - (a) remain with no wards;**
 - (b) reduce to 6 elected members as of October 2023 by –**
 - (i) terminating the balance of the current vacancy of a term due to conclude in 2025; and**
 - (ii) terminating one of the 4 positions of terms concluding in October 2023;**
 - (c) Shire President to remain being elected by Council,**
- 4. Advise the Minister for Local Government of the resolutions of item 2 and 3 above.**
- 5. Endorse the draft submission as attached to be made to the Local Government Advisory Board.**

CARRIED BY ABSOLUTE MAJORITY 6/0

9.1.2 AMENDMENT TO ARRANGEMENTS – CARAVAN PARK CHARGES

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	Shire of Kent
LOCATION:	Nyabing Caravan Park and Pingrup Caravan Park
AUTHOR:	Adam Seiler – Chief Executive Officer
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	Nil
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Amendment to the current Fees and Charges for the Caravan Park to introduce a new 'First 48 hours free' for the Nyabing and Pingrup Caravan Parks.

BACKGROUND

Current Fees for the facilities are published in the adopted Fees and Charges for Caravan and Camping subject to different rates.

The anticipated in generating considerable interest for the upcoming Car Show (Nyabing) and Pingrup Races, and offering 'free camping all weekend' prompted Council to consider alternative options.

COMMENT

As Council is not imposing or removing an Adopted Fee or Charge, it is amending the engagement arrangements for patrons, whilst not subject to (3) (b) (as follows):

- (3) Fees and Charges are to be imposed when adopting the annual budget but may be –
- (a) imposed* during a financial year; and
 - (b) amended from time to time during a financial year.

** Absolute Majority Required*

To ensure complete transparency, the legislation has been referenced.

There will be an active campaign to promote awareness of the new arrangements on offer.

STATUTORY IMPLICATIONS

Local Government Act 1995 section 6.16 Imposition of Fees and Charges

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is expected the introduction of '48 hour free camping' will actually attract additional patrons to the facilities and likely extend their stay and generate local-spend which supports economic stimulus.

STRATEGIC IMPLICATIONS

Anticipated economic growth within the Local Government Area

RISK IMPLICATIONS

Potential over-subscription of the existing facilities

VOTING REQUIREMENT

Absolute Majority

OCM2223/115 - COUNCIL RESOLUTION

MOVED Cr TD Borgward / Cr GW Hobley

That Council in accordance with Section 6.16 (3) (b) of the *Local Government Act 1995* amend the Caravan and Camping Charges for the Nyabing and Pingrup Caravan Parks to include a clause 'first 48 hours free'.

LOST 0/6

Reason for matter being referred:

Considering the recent upgrades to caravan park facilities, and that the majority of campers only staying for one or two nights, Council determined that maintaining the current fee structure would be optimal to assist in return on investment associated with upgrade expenses and ensure the financial sustainability of our campgrounds.

9.1.3 2022 COMPLIANCE AUDIT RETURN

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – 2022 Compliance Audit Return Nil
DISCLOSURE OF INTEREST:	

PURPOSE

That Council consider the adoption, signing and submission of the Compliance Audit Return (CAR) 2022 to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

BACKGROUND

Under the Local Government Audit Regulations 1996, Local Government is required to carry out a Compliance Audit for the period 1 January 2022 to 31 December 2022. The certified return must be submitted to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2023.

COMMENT

Annual Compliance Audit Return 2022 submitted for consideration of review by the Audit Committee. In carrying out the compliance return for 2022 there were no areas of non-compliance identified.

STATUTORY IMPLICATIONS

Regulation 14 of the *Local Government (Audit) Regulations 1996* provides:

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

Regulation 15 provides that:

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c);**and*
 - (b) *any additional information explaining or qualifying the compliance audit,*
 - (c) *is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*

certified in relation to a compliance audit return means signed by —

 - (a) *the mayor or president; and*
 - (b) *the CEO.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OCM2223/116 - COUNCIL RESOLUTION**MOVED Cr KV Johnston / Cr GW Hobley****That the Council:**

- 1. Adopts the Compliance Audit Return 2022, as presented;**
- 2. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2022;**
- 3. The Compliance Audit Return 2022 be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2023 deadline.**

CARRIED 6/0

9.1.4 STATUS OF COUNCIL DECISIONS – FEBRUARY 2023

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Action Sheet Attachment 2 - Outstanding Matters List
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To inform the Council of the actions taken in relation to Council decisions.

BACKGROUND

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

COMMENT

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.41

The CEO's functions are to:-

- c) cause Council decisions to be implemented

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/117 - COUNCIL RESOLUTION

MOVED Cr DP Gray / Cr RA Jury

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 15 February 2023;**
- 2. The Outstanding Matters list dated 15 March 2023.**

CARRIED 6/0

9.1.5 MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 2023

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	FIN.73
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 28 February 2023
DISCLOSURE OF INTEREST:	Nil

PURPOSE

In accordance with the *Local Government (Financial Management) Regulations 1996*, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

COMMENT

Upcoming payments:

Landmark Products Pty Ltd	\$68,266	April 2023	Viewing platform Silo Trail
Total Landscape	\$98,472	April 2023	Landscaping at Pingrup Caravan Park and Pavilion
Katanning Glazing & Security	\$41,420	April 2023	Replacement window Pingrup Pavilion
McKenzie Concrete Co	\$142,604	March and June 2023	Pingrup Caravan Park bays; footpaths Nyabing and Pingrup
Norris and Co Interiors	\$22,510	April 2023	Camp Kitchen Pingrup Caravan Park

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines. To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs of a growing community.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/118 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr RA Jury

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 28 February 2023**

CARRIED 6/0

9.1.6 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2023

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 2 - Schedule of direct debits
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4;

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council’s accounting concepts and reporting guidelines. To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council’s financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire’s organisational capacity to service the needs of a growing community

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/119 - COUNCIL RESOLUTION

MOVED Cr DP Gray / Cr TD Borgward

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 28 February 2023:

Municipal Fund	\$393,593.96
Trust Fund	\$ 0.00
Direct Debits	\$167,759.93
<u>TOTAL</u>	<u>\$561,353.89</u>

CARRIED 6/0

9.1.7 2022/2023 BUDGET REVIEW

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate Adam Seiler – Chief Executive Officer
REPORTING OFFICER:	FIN.91
FILE NO:	N/A
ASSESSMENT NO:	
ATTACHMENTS:	<ul style="list-style-type: none"> • Attachment 1 - Budget Review Report for the Period Ended 28 February 2023 • Attachment 2 – Statutory Budget Review 22-23
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To consider and adopt the Budget Review as presented in the Budget Review Report for the Period Ended 28 February 2023.

BACKGROUND

Presented for Council to consider and review is the Budget Review Report for the Period Ended 28 February 2023. The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March each financial year.

Within 30 days of the adoption of the review, a copy of the review and determination requires submission to the Department of Local Government, Sport and Cultural Industries.

COMMENT

The intention of the review is an opportunity to review major budget variations that will significantly affect the budgeted net current asset position.

A balanced budget with a nil surplus/deficit is presented. There is an increase in the brought forward balance of \$53,160; this is due to estimating the brought forward figure at the time of budget preparation.

A more detailed report has been included as a supporting document (attachment 1).

STATUTORY IMPLICATIONS

Local Government Act (1995)

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.

- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute Majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines. To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

All financial variations will be within the existing Adopted Budget therefore nil financial implications.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OCM2223/120 - COUNCIL RESOLUTION

MOVED Cr RA Jury / Cr GW Hobley

That Council review and adopt the statutory report Shire of Kent Budget Review Report for the Period Ended 28 February 2023 (as attached) and amend all variations contained within accordingly.

CARRIED BY ABSOLUTE MAJORITY 6/0

9.1.8 INTERNAL COMMITTEE MEMBERS AND EXTERNAL REPRESENTATIVES

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The purpose of this report is to revise and appoint members to the Shire’s Committees and select external representatives.

BACKGROUND

At the Ordinary Meeting of Council held 15 December 2021, the Council appointed the following elected members to internal committees and as external representatives:

	Audit	Bushfire Advisory	Pingrup Ground Improvement	Nyabing Sports Club	Pingrup CRC	Great Southern Treasures	Great Southern WALGA Zone	Regional Road Group	Local Emergency Management Committee	Recreation Advisory Group
Cr S Crosby	Member					Deputy				
Cr K Johnston				Deputy	Member					Member
Cr D Gray	Member	Deputy				Member		Deputy		
Cr J Germain				Member				Member		Deputy
Cr T Borgward					Deputy			Deputy		
Cr R Jury	Member		Deputy		Member		Deputy			Member
Cr G Hobley	Member					Member				
Cr W Tapscott								Member		
Mr A Majid									Member	

Member 
 Deputy 

Since then, the Audit Committee has an amended structure, Cr W Tapscott has retired and a new Chief Executive Officer has commenced.

COMMENT

The following Committees require appointments to be made:

- Audit Committee (Created pursuant to S.7.1A LGA)
- Bushfire Advisory Committee Created pursuant to S.67 Bush Fires Act 1954)
- Local Emergency Management Committee (LEMC)created pursuant to S.38 Emergency Management Act

No Committee has any Delegated Authority.

The following External Organisations/Committees will require Councillor Representation:

- Great Southern Regional Road Group
- Great Southern Zone WALGA

- Great Southern Recreation Advisory Group
- Pingrup Ground Improvement Committee
- Nyabing Sports Club Committee
- Pingrup CRC
- Great Southern Treasures

STATUTORY IMPLICATIONS

Local Government Act (1995, Section 5.11 - Tenure of committee membership) provides that:

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

Further, Section 5.8 and Section 5.10 of the Act require that committees be created by Absolute Majority as well as appointments to committees. Appointments to external bodies do not require an absolute majority decision.

POLICY IMPLICATIONS

Policy Position 1.4 – Councillor Fees, Allowances and Reimbursements (EM1.4) applies.

Policy Position 1.5 – Conduct of Elected Members, Committee Members and Employees (EM1.5) applies.

Policy Position 1.6 – Standing Orders (EM1.6) Part 17 - Committees of the Council applies.

FINANCIAL IMPLICATIONS

Councillor Representatives on committees are entitled to be reimbursed for expenses incurred in attending meetings.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That council appoints elected members to the internal and external committees as listed below:

	Audit	Bushfire Advisory	Pingrup Ground Improvement	Nyabing Sports Club	Pingrup CRC	Great Southern Treasures	Great Southern WALGA Zone	Regional Road Group	Local Emergency Management Committee	Recreation Advisory Group
Cr S Crosby										
Cr K Johnston										
Cr D Gray										
Cr T Borgward										
Cr R Jury										
Cr G Hobley										
CEO										

Member 
 Deputy 

OCM2223/121 - COUNCIL RESOLUTION

MOVED Cr GW Hobley / Cr RA Jury

That council appoints elected members to the internal and external committees as listed below:

	Audit	Bushfire Advisory	Pingrup Ground Improvement	Nyabing Sports Club	Pingrup CRC	Great Southern Treasures	Great Southern WALGA Zone	Regional Road Group	Local Emergency Management Committee	Recreation Advisory Group
Cr S Crosby										
Cr K Johnston										
Cr D Gray										
Cr T Borgward										
Cr R Jury										
Cr G Hobley										
CEO										

Member 
 Deputy 

CARRIED 6/0

Item 9.1.8 Amendment to Officer Recommendation Item

Considering Councillor Tapscott's recent notice of resignation from Council and Cr Germain's Leave of Absence application, Council altered the Officer Recommendation to fill the newly vacant member and deputy positions on each committee.

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

OCM2122/122 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr TD Borgward, Cr RA Jury

That the urgent business of item 12.1.3 be considered at this meeting.

CARRIED 6/0

12. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

OCM2223/123 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr RA Jury / Cr DP Gray

That Council closes the meeting to the public at 6:17pm to consider matters of a confidential nature behind closed doors.

CARRIED 6/0

12.1.1 REQUEST TO WAIVE PENALTY INTEREST ASSESSMENT 841

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	RAT.2
ASSESSMENT NO:	841
ATTACHMENTS:	Attachment 1 – Letter from leaseholder
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council are to consider a request from Mrs D Badger, Nanda Downs Pty Ltd, to have the penalty interest raised on rates assessment 841 written of due to not receiving rates notice until February 2023.

BACKGROUND

The final date for payment of rates for the 22/23 year was 16 September 2022. After this date all rates unless on instalments attract penalty interest.

Rates assessment 841 is leased by Nanda Downs Pty Ltd, no notification of change of address had been received at this office and therefore rates notices were posted to the Mosman Park address as mentioned in the letter (see attachment 1) from Mrs Badger.

Mrs Badger contacted the office on the 22 February 2023 to request the postal address be changed and paid the rates in full at this time.

COMMENT

Staff do not have the authority to write-off penalty interest applied to outstanding rates, unless the amount is below \$10.00 at 30 June, and ratepayers are advised that all applications for penalty interest to be written off must be submitted to Council.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Council do not currently have a policy in relation to writing off penalty interest on outstanding rates where it is claimed by the ratepayer that they did not receive their original Rates Notice.

FINANCIAL IMPLICATIONS

A refund of \$225.75 for penalty interest has been requested.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs of a growing community

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2223/124 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr GW Hobley

That due to no administrative error, Council does not refund penalty interest of \$225.75 charged to Assessment 841 for the 2022/2023 rating period.

CARRIED 6/0

6:19pm - Adam Seiler declares an interest in item 12.1.2 CHIEF EXECUTIVE OFFICER INTERIM / PROBATION PERFORMANCE REVIEW AND PERFORMANCE CRITERIA WORKSHOP

6:19pm - Adam Seiler, Christie Smith, Mark Tulleken, and Nathanael Taekema exit the meeting.

12.1.2 CHIEF EXECUTIVE OFFICER INTERIM / PROBATION PERFORMANCE REVIEW AND PERFORMANCE CRITERIA WORKSHOP

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	John Phillips – JCP Consulting
LOCATION:	Shire of Kent
AUTHOR:	Adam Seiler – Chief Executive Officer
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	GOV.285
ASSESSMENT NO:	Nil
ATTACHMENTS:	Confidential Review – Adam Seiler
DISCLOSURE OF INTEREST:	The Chief Executive Officer declares a direct Financial Interest in Item 9.1.4 and will vacate the Chambers

PURPOSE

For Council to formally endorse the permanent employment of Chief Executive Officer, Mr Adam Seiler following successful completion of his Probation Period and endorsement of Key Performance Indicators for the review period to September 2023.

BACKGROUND

Council engaged the services of Mr John Phillips who undertook a comprehensive process with Council on 23 February 2023 to review the probationary performance of the CEO and also establish Key Performance Indicators which provide measurable and objective outcomes for assessment.

COMMENT

The Confidential Report is attached for Council's endorsement.

STATUTORY IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

OCM2223/125 - COUNCIL RESOLUTION

MOVED Cr TD Borgward / Cr GW Hobley

That Council:

- 1. Notes that an interim/probationary review for the period November 2022 to February 2023 has been undertaken, and that Mr Seiler meets performance requirements.**
- 2. Adopts the performance criteria (contractual and additional) developed by Councillors and the CEO on 23 February 2023, for the 2023 review period. These performance criteria are agreed to replace Schedule 3 of the Contract in its entirety.**
- 3. Schedules the 2023 annual performance review to be commenced by 1 August 2023 and completed by the September 2023 Ordinary Meeting of Council;**

CARRIED BY ABSOLUTE MAJORITY 6/0

6:21pm – *Adam Seiler re-entered the meeting.*

12.1.3 RECALIBRATION OF ORGANISATIONAL REPORTING / STRUCTURE

PROPOSED MEETING DATE:	15 March 2023
PROPONENT:	Adam Seiler – Chief Executive Officer
LOCATION:	Shire of Kent
AUTHOR:	Adam Seiler – Chief Executive Officer
REPORTING OFFICER:	Adam Seiler – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	Nil
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	N/A

PURPOSE

Council to approve the proposed recalibration arrangements proposed by the Chief Executive Officer and endorse a new Organisational Structure.

BACKGROUND

The Chief Executive Officer has been monitoring reporting lines, role responsibilities and structural arrangements since commencement in November 2022.

Since commencement there have been two resignations and it has been made clear, neither position will be replaced in the former structure.

COMMENT

A discussion paper was circulated to Councillors in relation to this matter, and a proposed recalibration of structural arrangements will be considered for endorsement at this meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995 and clause 27 of the *Shire of Kent Outside Workforce Enterprise Agreement 2021 (EBA)*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial impost will be absorbed within the adopted 2022/2023 Budget with savings from existing unfilled positions and additional cost associated with realignment of structural arrangements.

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

Moderate

VOTING REQUIREMENT

Absolute Majority

OCM2223/126 - COUNCIL RESOLUTION

MOVED Cr KV Johnston / Cr GW Hobley

That Council endorse the verbal and written proposal provided by the Chief Executive Officer and approve a formalised recalibration of structural arrangements.

CARRIED BY ABSOLUTE MAJORITY 6/0

OCM2223/127 - COUNCIL RESOLUTION (Procedural Motion)

MOVED Cr RA Jury / Cr DP Gray

That Council opens the meeting to the public at 6:30pm to consider matters of a confidential nature behind closed doors.


CARRIED 6/0

6:31pm - Christie Smith, Mark Tulleken, and Nathanael Taekema re-entered the meeting.

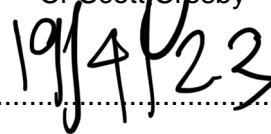
13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6:31PM.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 19 April 2023.



.....
Cr Scott Crosby – Shire President



.....
Date

' "