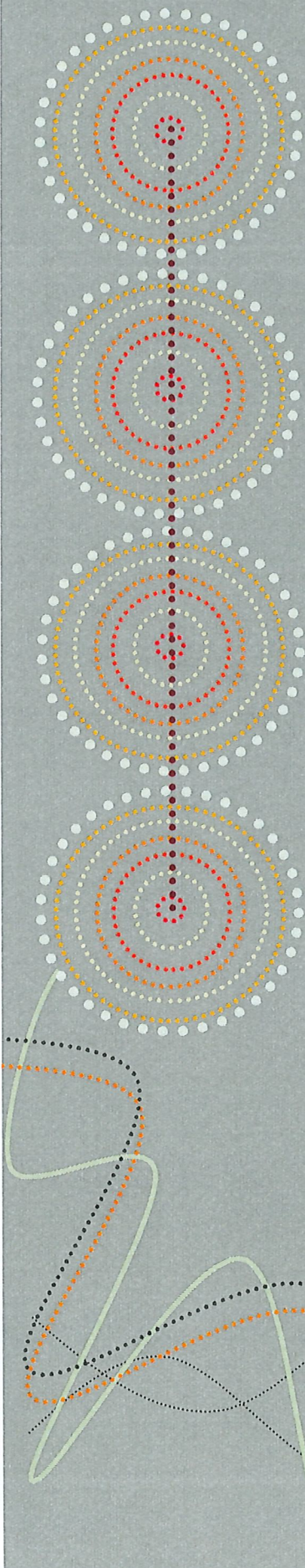


Shire of Goomalling



**COUNCIL
MEETING
MINUTES**

December 2023



SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 DECEMBER 2023



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SHIRE PRESIDENT: *JmChester*

DATE: 21-12-24

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 DECEMBER 2023



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SHIRE PRESIDENT: _____

Jmchestie

DATE: _____

21.2.24



NYOONGAR ACKNOWLEDGEMENT

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

NOTICE OF MEETING

Meeting No. 12 of 2023 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 20 December 2023 beginning at 4.48 pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.48 pm.

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

2.1. Attendance

Council	Shire President	Cr Julie Chester
	Shire Deputy President	Cr Roland Van Gelderen
	Councillor	Cr Barry Haywood
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Brendon Wilkes
	Councillor	Cr Mark Ashton
Administration	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

2.2. Apologies

Nil

2.3. Approved Leave of Absence

Nil

3. DECLARATION OF:

- FINANCIAL INTEREST
Cr Wilkes declared an interest item 9.5 due to being a subcontractor to one of the contractors.
- MEMBERS IMPARTIALITY INTEREST –
Cr Mark Ashton, Cr Julie Chester, Cr Barry Haywood and Cr Casey Butt declared impartiality interest item 9.5 due to being sponsors of Goomalling Football Club.
- PROXIMITY INTEREST
Nil

SHIRE PRESIDENT:



DATE: 21.2.24



4. PUBLIC QUESTION TIME

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE

6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

9.1 Ordinary Meeting of Council held Wednesday 15 November 2023

RESOLUTION 731

Moved Cr Van Gelderen, seconded Cr Wilkes that the minutes for Ordinary Meeting of Council held Wednesday November 2023 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Cr Chester and Cr Barratt attended the ACDF meeting on Monday, 18 December 2023.
- Cr Van Gelderen attended Sacred Heart School and State School Presentation events.
- Cr Van Gelderen and Cr Chester attended Avon Subgroup Wheatbelt North Regional Roads Group Meeting.
- Cr Chester, Cr Van Gelderen and Cr Haywood and CEO Avon Midland Ward Meeting on Friday, 24 November 2023.
- Cr Van Gelderen and CEO attended the hand over of the new Jennacubbine Fire Brigade Truck on Saturday, 02 December 2023.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

SHIRE PRESIDENT:

Jmchester

DATE:

21.2.24



9. OFFICERS' REPORTS

9.1 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 140

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 December 2023
Author	Elizabeth Pudwell, Executive Assistant
Authorising Officer	Peter Bentley, Chief Executive Officer
Attachments	Nil

Summary

The purpose of the report is to endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No. 140. for Richard Walley to validate the grant.

Background

Application was received from Richard Walley for the Grant of Right of Burial for Grave No. 556 in the Catholic section of the Goomalling Cemetery. The applicable fee of \$230 for a single site, was received on 13 December 2023 receipt number 92930.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Cemeteries Act 1986

Policy Implications

4.19 Common Seal

Objective:

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the *Local Government Act 1995*.

SHIRE PRESIDENT:

Jm Chester

DATE:

21.2.24



Procedure:

1. The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:
 - 1.1 Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 9as amended).
 - 1.2 Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).
 - 1.3 In respect of leases of land and licence to occupy municipal property where approved by Council.
 - 1.4 In respect of leases for the purchase of plant and equipment approved by Council.
 - 1.5 In respect of borrowings approved by Council.
 - 1.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
 - 1.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.
 - 1.8 In respect of contracts of employment approved by Council.
 - 1.9 In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.
 - 1.10 In respect of agreements required for funding of Council works and services considered with the resolution of Council or requiring renewal of the agreement for funding currently provided.
 - 1.11 In respect of the adoption of local laws.
 - 1.12 Any document stating that the common seal of the Shire is to be affixed.
2. In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.
3. The procedure to be adopted for the use of the common seal is as follows:
 - 3.1 The Chief Executive Officer is responsible for the security and proper use of the common seal.
 - 3.2 The common seal is not to be affixed to any documents except as authorised by Council.
 - 3.3 The common seal is to be affixed to a document in the presence of:
 - The Shire President, or in his absence, the Deputy Shire President; and
 - The Chief Executive Officer or Acting Chief Executive Officer;Each of whom is to sign the document to attest that the common seal was so affixed.
 - 3.4 Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.

The register is to record:

 - The date on which the common seal was affixed;
 - The nature of the document; and
 - The parties to any agreement to which the common seal was affixed.
4. The wording to accompany the application of the common seal to be as follows:
 - 4.1 "The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council."; or
 - 4.2 "The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer."
5. Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.

SHIRE PRESIDENT:

Jmchester

DATE: 21.2.24



Financial Implications

There are no specific financial implications relating to this matter

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.2.6	Provide to the community quality regulatory services

Comment/Conclusion

The Common Seal is to be affixed to validate the Grant No. 140 for Richard Walley.

Voting Requirements

Simple Majority

RESOLUTION 732

Moved Cr Van Gelderen, seconded Cr Ashton that the Council endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 140. for Richard Walley to validate the grant.

CARRIED 7/0

SHIRE PRESIDENT:

Jm Chester

DATE: 21.2.24



9.2 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 141

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 December 2023
Author	Elizabeth Pudwell, Executive Assistant
Authorising Officer	Peter Bentley, Chief Executive Officer
Attachments	Nil

Summary

The purpose of the report is to endorse affixation of the Shire of Goomalling Common Seal to the Schedule “B” Form of Grant of Right of Burial No. 141. for Basil Walley to validate the grant.

Background

Application was received from Basil Walley for the Grant of Right of Burial for Grave No. 564 in the Catholic section of the Goomalling Cemetery. The applicable fee of \$230 for a single site, was received on 13 December 2023 receipt number 92930.

Consultation

Nil

Statutory Environment

Local Government Act 1995
Cemeteries Act 1986

Policy Implications

4.19 Common Seal

Objective:

To satisfy the legal requirements regarding the validation of documents and contracts, resulting from amendments to the Local Government Act 1995.

SHIRE PRESIDENT:

JmChester

DATE:

21-2-24



Procedure:

1. The Shire President and Chief Executive Officer are authorised to sign and/or affix the common seal to the following documents, where such documents result from the following transactions:
 - 1.1 Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 (as amended).
 - 1.2 Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).
 - 1.3 In respect of leases of land and licence to occupy municipal property where approved by Council.
 - 1.4 In respect of leases for the purchase of plant and equipment approved by Council.
 - 1.5 In respect of borrowings approved by Council.
 - 1.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
 - 1.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.
 - 1.8 In respect of contracts of employment approved by Council.
 - 1.9 In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.
 - 1.10 In respect of agreements required for funding of Council works and services considered with the resolution of Council or requiring renewal of the agreement for funding currently provided.
 - 1.11 In respect of the adoption of local laws.
 - 1.12 Any document stating that the common seal of the Shire is to be affixed.
2. In relation to 1. above, in the absence of the Shire President and/or Chief Executive Officer, as the case may be, the Deputy Shire President and the Acting Chief Executive Officer are authorised to affix the common seal.
3. The procedure to be adopted for the use of the common seal is as follows:
 - 3.1 The Chief Executive Officer is responsible for the security and proper use of the common seal.
 - 3.2 The common seal is not to be affixed to any documents except as authorised by Council.
 - 3.3 The common seal is to be affixed to a document in the presence of:
 - The Shire President, or in his absence, the Deputy Shire President; and
 - The Chief Executive Officer or Acting Chief Executive Officer;Each of whom is to sign the document to attest that the common seal was so affixed.
 - 3.4 Details of all transactions where the common seal has been affixed must be recorded in a register kept by the Chief Executive Officer.
The register is to record:
 - The date on which the common seal was affixed;
 - The nature of the document; and
 - The parties to any agreement to which the common seal was affixed.
4. The wording to accompany the application of the common seal to be as follows:
 - 4.1 "The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council."; or
 - 4.2 "The common seal of the Shire of Goomalling was affixed by authority of a resolution of Council in the presence of the Shire President and the Chief Executive Officer."
5. Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the common seal.

SHIRE PRESIDENT:



DATE: 21.2.24



Financial Implications

There are no specific financial implications relating to this matter

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

1.2.6	Provide to the community quality regulatory services
-------	--

Comment/Conclusion

The Common Seal is to be affixed to validate the Grant No. 141 for Basil Walley.

Voting Requirements

Simple Majority

RESOLUTION 733

Moved Cr Van Gelderen, seconded Cr Ashton that the Council endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 141. for Basil Walley to validate the grant.

CARRIED 7/0

SHIRE PRESIDENT:

JmChester

DATE: *21.2.24*



9.3 SCHEDULE OF ACCOUNTS PAID 1 NOVEMBER TO 30 NOVEMBER

File Reference	Not applicable
Disclosure of Interest	Nil
Applicant	Not Applicable
Previous Item Numbers	No Direct
Date	09 December 2023
Author	Natalie Brid, Finance Manager
Authorising Officer	Natalie Bird, Finance Manager
Attachments	
1. Schedule of Payments – November 2023 2. Corporate Credit Card Statements October 2023	

Summary

FUND VOUCHERS AMOUNT

EFT 6095 to 6232	\$418,961.12
Direct Debits 8601 to 8603	\$79744.99
Cheques 15493 to 15496	\$22,431.29
Payroll JNL 6931,6936	\$121,900.00
Super DD17174, 17229	\$21,893.38
TOTAL	\$664930.78

Voting Requirements

Simple Majority

RESOLUTION 734

Moved Cr Haywood, seconded Cr Van Gelderen that the Council:

Approve vouchers from the Municipal fund and Trust Fund as detailed:

FUND VOUCHERS AMOUNT

EFT 6095 to 6232	\$418,961.12
Direct Debits 8601 to 8603	\$79744.99
Cheques 15493 to 15496	\$22,431.29
Payroll JNL 6931,6936	\$121,900.00
Super DD17174, 17229	\$21,893.38
TOTAL	\$664,930.78

SHIRE PRESIDENT:

Jmchester

DATE: 21.2.24



9.4 FINANCIAL REPORT FOR NOVEMBER 2023

File Reference	Not Applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 December 2023
Author	Natalie Bird, Finance Manager
Authorising Officer	Natalie Bird, Finance Manager
Attachments	
Monthly Financial Report to 30 November 2023	

Summary

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.

Statutory Environment

Local Government Act 1995 – Section 6.4 (as amended)

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

Policy Implications

No specific policy regarding this matter.

Financial Implications

Ongoing management of Council funds

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

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

Voting Requirements

Simple Majority

SHIRE PRESIDENT: _____

Jmchester

DATE: _____

21.2.24

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 DECEMBER 2023



RESOLUTION 735

Moved Cr Barratt, seconded Cr Wilkes that the Council receive the Monthly Financial Report to 30 November 2023.

CARRIED 7/0

SHIRE PRESIDENT: *Jmchester*

DATE: 21.2.24



which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

18E. False information in application for CEO position, offence

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.
Penalty: a fine of \$5,000.

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

18FA. Model standards for CEO recruitment, performance and termination.

Schedule 2 sets out 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.

18FB. Certification of compliance with adopted standards for CEO recruitment.

- (1) In this regulation — adopted standards means —
 - (a) the standards adopted by a local government under section 5.39B;
 - or
 - (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.
- (2) This regulation applies if —
 - (a) a local government employs a person in the position of CEO of the local government; and
 - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.
- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs. * Absolute majority required.



- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

18FC. Certification of compliance with adopted standards for CEO termination

- (1) In this regulation — adopted standards has the meaning given in regulation 18FB(1).
- (2) This regulation applies if a local government terminates the employment of the CEO of the local government.
- (3) As soon as practicable after the CEO's employment is terminated, the local government must, by resolution*, certify that the CEO's employment was terminated in accordance with the local government's adopted standards in relation to the termination of the employment of CEOs. * Absolute majority required.
- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

19A. Payments in addition to contract or award, limits of

- (1) The value of a payment or payments made under section 5.50(1) and
- (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
- (a) the value of the person's final annual remuneration, if the person —
- (i) accepts voluntary severance by resigning as an employee; and
- (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
- (b) in all other cases, \$5,000. (2) In this regulation — final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

Financial Implications

Implications subject to contract negotiations.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

1.1.1	This matter is not dealt with in the Shire of Goomalling Community Strategic Plan.
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Comment/Conclusion

Council conducted interviews on Saturday 16 December 2023 and the following is a record of that meeting and interview process as provided by Mr Mike FitzGerald.

"As you are aware, Fitz Gerald Strategies was engaged to assist the Council with the recruitment and selection of a new CEO for the Shire of Goomalling.

SHIRE PRESIDENT:

Jmchester

DATE:

21.2.24



We received 9 applications for the position and the Selection Panel shortlisted the following four applicants for interview.

Alyce Spokes
Kellie Bartley
Manisha Barthakur
Samuel Bryce

Kellie Bartley withdrew her application shortly before the interviews, which were scheduled for the morning of Saturday 16 December 2023.

The Selection Panel comprised all Councillors and Mr Greg Baird as the independent Panel Member.

At the conclusion of the interviews, the Selection Panel unanimously selected Samuel Bryce as the preferred applicant for the position. Copies of the Selection Panel Members' assessments of the applicants interviewed are held on file.

The Selection Panel then instructed Mr Mike FitzGerald to prepare a report to Council advising the outcome of the selection process and supported by a draft Contract of Employment, for Samuel Bryce, that the Council will consider behind closed doors as a late item at the Ordinary Meeting of Council on Wednesday 20 December 2023.

The Selection Panel made the following recommendations for the Council's consideration."

1. By **ABSOLUTE MAJORITY**, is satisfied that the Panel's deliberations and recommendation comply with clause 9 of the CEO Recruitment, Performance Review and Termination Standards,
2. By **SIMPLE MAJORITY**, receive the Report from Fitz Gerald Strategies of the Chief Executive Officer Recruitment and Selection Panel held on December 16, 2023,
3. By **ABSOLUTE MAJORITY** selects Samuel Bryce for the position of Chief Executive Officer (CEO) at the Shire of Goomalling, and that Council believes that Samuel Bryce is a suitably qualified and skilled person to perform the role of CEO
4. By **ABSOLUTE MAJORITY**, approves the proposed terms of the CEO employment contract as drafted by Mr FitzGerald for a period of 5 years, to commence on Monday April 1 2024 or such earlier date that might be agreed to by Mr Bryce and the Council,
5. By **ABSOLUTE MAJORITY**, authorises the Shire President, the Deputy Shire President and Mr Mike FitzGerald to present the CEO Employment Contract to Samuel Bryce and negotiate terms within the defined parameters set out in the Advertisement published for the position, noting that if the Preferred Applicant negotiates (under clause 12 of the CEO Recruitment, Performance Review and Termination Standards) terms substantially different to the proposed terms (noting recommendation 7 below), the amended CEO employment contract will be provided to Council for approval before the contract is executed.
6. By **ABSOLUTE MAJORITY**, authorises the Shire President to execute the CEO employment contract, subject to Samuel Bryce agreeing to enter the proposed terms of the contract other than minor amendments,

SHIRE PRESIDENT:

JmChester

DATE:

21.2.24

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY 20 DECEMBER 2023



7. By **ABSOLUTE MAJORITY**, authorises the Shire President and Deputy Shire President and Mr Mike FitzGerald, to make any minor changes to the CEO employment contract that may be required to finalise this matter, subject to those changes not being material to the contract and noting that any changes must ensure compliance with the provisions of the Local Government Act 1995; and
8. By **ABSOLUTE MAJORITY**, notes that, subject to the Samuel Bryce accepting the proposed terms of the CEO employment contract, Samuel Bryce is appointed to the position of CEO at the Shire of Goomalling.
9. By **ABSOLUTE MAJORITY**, confirms that the employment was undertaken in accordance with the CEO Standards – LG (Admin) Regs 19FB (3), and that,
10. The CEO provide the Department of Local Government CEO with a copy of the resolution - as above in accordance with LG (Admin) Reg 19FB (4)

Attached is a proposed draft contract prepared by Mr FitzGerald. The text of the contract has been agreed by the Council already however the remuneration has not been discussed and neither has the Council put forward its position.

Following is a comparison of the contract provisions of the proposed contract presented by Mr FitzGerald as opposed to the existing CEO's contract provisions for Council's information. The Council must decide on the terms of the offer to Mr Bryce including remuneration and other provisions prior to the contract being formalised for presentation to the applicant.

	Current Contract Provisions	Proposed Contract Provisions
Term	3 Years	5 Years
Annual Leave	5 Weeks	5 Weeks
Cash Component	162,750	162,750
Superannuation - Compulsory 11%	17,902	17,902
Superannuation - Matching (up to) 3%	5,205	0
Superannuation - Extra 5%	0	8,138
	23,107	26,040
Motor Vehicle plus FBT	24,263	25,000
Communications - Home Internet	1,000	1,000
Professional Development	2,500	2,500
Professional Body Membership	540	540
Housing Subsidy	8,840	14,300
Utilities		4,000
Mobile Phone	2,000	
Laptop + Mobile Phone		4,000
PACKAGE TOTAL	225,000	240,130

SHIRE PRESIDENT: Jim Chester

DATE: 21.2.24



In addition to the issue of the remuneration for the preferred applicant the current CEO will be taking long service leave at half pay for six months or until his contract term expires in September depending upon Mr Bryce's start date. This will necessitate the Council appointing Mr Bryce as Acting CEO from his commencement date for the duration of the current CEO's period of leave and then further appointing him as CEO at the time the current CEO's leave is completed.

Recommendation 8 of the Selection Committee has been amended to reflect the need to appoint Mr Bryce as the Acting CEO until the current CEO's leave is complete.

I confirm that Mr FitzGerald has provided confirmation of Mr Bryce's qualifications and that his references recommend him for the role. A copy is available for Councillors to peruse.

Voting Requirements

Various as set out in the recommendations below.

RESOLUTION: 744

Moved by Cr Haywood, seconded by Cr Ashton that Council;

1. By ABSOLUTE MAJORITY, is satisfied that the Panel's deliberations and recommendation comply with clause 9 of the CEO Recruitment, Performance Review and Termination Standards,
2. By SIMPLE MAJORITY, receive the Report from Fitz Gerald Strategies of the Chief Executive Officer Recruitment and Selection Panel held on December 16, 2023,
3. By ABSOLUTE MAJORITY selects Samuel Bryce for the position of Chief Executive Officer (CEO) at the Shire of Goomalling, and that Council believes that Samuel Bryce is a suitably qualified and skilled person to perform the role of CEO
4. By ABSOLUTE MAJORITY, approves the proposed terms of the CEO employment contract as drafted by Mr FitzGerald for a period of 5 years, to commence on Monday April 1 2024 or such earlier date that might be agreed to by Mr Bryce and the Council, and that the full contract terms of that contract be negotiated at a value of between \$170,000 and \$200,000 in total.
5. By ABSOLUTE MAJORITY, authorises the Shire President, the Deputy Shire President and Mr Mike FitzGerald to present the CEO Employment Contract to Samuel Bryce and negotiate terms within the defined parameters set out in the Advertisement published for the position, noting that if the Preferred Applicant negotiates (under clause 12 of the CEO Recruitment, Performance Review and Termination Standards) terms substantially different to the proposed terms (noting recommendation 7 below), the amended CEO employment contract will be provided to Council for approval before the contract is executed.

SHIRE PRESIDENT:

JmChester

DATE: 21.2.24



6. By ABSOLUTE MAJORITY, authorises the Shire President to execute the CEO employment contract, subject to Samuel Bryce agreeing to enter the proposed terms of the contract other than minor amendments,
7. By ABSOLUTE MAJORITY, authorises the Shire President and Deputy Shire President and Mr Mike FitzGerald, to make any minor changes to the CEO employment contract that may be required to finalise this matter, subject to those changes not being material to the contract and noting that any changes must ensure compliance with the provisions of the Local Government Act 1995; and
8. By ABSOLUTE MAJORITY, notes that, subject to the Samuel Bryce accepting the proposed terms of the CEO employment contract, Mr Bryce is appointed to the position of Acting CEO at the Shire of Goomalling until such time as the current CEO has either completed his long service leave or at the expiry date of his contract, at which time Mr Bryce will be appointed as the CEO of the Shire of Goomalling.
9. By ABSOLUTE MAJORITY, confirms that the employment was undertaken in accordance with the CEO Standards – LG (Admin) Regs 19FB (3), and that,
10. The CEO provide the Department of Local Government CEO with a copy of the resolution - as above in accordance with LG (Admin) Reg 19FB (4)

Recommendation 4 was altered to reflect the approved contract value

CARRIED 7/0

RESOLUTION: 745

Moved Cr Ashton, seconded Cr Wilkes to open meeting to the public at 6.27 pm.

CARRIED 7/0

SHIRE PRESIDENT:

JmChester

DATE: 21.2.24



12. INFORMATION BULLETIN

RESOLUTION:746

Moved Cr Butt, seconded Cr Van Gelderen that Council receives the Information Bulletin for December 2023.

CARRIED 7/0

13.1 INWARD CORRESPONDENCE LISTING

Elizabeth Pudwell – Executive Assistant/Governance Officer

Date Received	From	Description	File #	Distribution
17-11-2023	Department of Mines, Industry Regulation and Safety	Notice of Proposed order cancelling The Goomalling District Recreation Council Inc. – A0770151G	11	CEO Peter Bentley
17-11-2023	Department of Mines, Industry Regulation and Safety	Notice of Proposed order cancelling Goomalling Fundraising Committee Incorporated – A0034393U	11	CEO Peter Bentley
17-11-2023	Department of Mines, Industry Regulation and Safety	Notice of Proposed order cancelling Goomalling War Memorial A0280018V	11	CEO Peter Bentley
17-11-2023	Department of Mines, Industry Regulation and Safety	Notice of Proposed order cancelling Goomalling War Memorial Swimming Pool Association – A 0530023V	11	CEO Peter Bentley
22-11-2022	Department of Local Government, Sport and Cultural Industries	Updated AASB 124 related party guidelines	Email	All Council, CEO, DCEO, Works Manager

SHIRE PRESIDENT: *JmChester*

DATE: 21.2.24



13.2 ACTION LIST

Peter Bentley

Item No	Action Required	Status		Comments
		In prog	complete	
32	<ul style="list-style-type: none"> Give Mr Reiger a further 60 days to comply with the Demolition Order; and If not completed within this timeframe, then Council will carry out the demolition of the house that has been subject to previous orders of Council, in accordance to <i>Section 140 of the health (Miscellaneous Provisions) Act 1911</i> and recover the cost from the owners. 	√		
34	<ul style="list-style-type: none"> Give Mr Reiger a further 60 days to comply with the Clean Up Order; and If not completed within this timeframe, then Council will carry out the Clean-up of Lot 239 that has been subject to previous orders of Council, in accordance to Section 140 of the Health (Miscellaneous Provisions) Act 1911 and recover the cost from the owners. 			

SHIRE PRESIDENT:

Jim Chester

DATE:

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13.3 CEO'S REPORT
Peter Bentley

SHIRE PRESIDENT: *gmchester*

DATE: 21-2-24



13.4 WORKS MANAGER'S REPORT

David Long

Works –

Konnongorring West/Northam-Pithara Junction – Black Spot Project and RTR

No Further Update

MRWA have to be provided with a suitable design specification before works can commence adjoining the Northam – Pithara Road. An 85% completed design on the intersection has been provided. This is being progressed with the assistance of a consulting engineer with many continuing updates of the design as requested by MRWA. Once the 85 % design is accepted by MRWA then this will have to be progressed to 100% design level also to be signed off by MRWA. The timeline to construction commencing is unknown at this time.

Further information has been received by MRWA Northam that the Konnongorring West Road has been upgraded from Tandem drive 4 to Tandem drive 7 by HVS. I am currently working with MRWA Northam and HVS to try and get this returned to a Tandem Drive 4. All past works with pipeline realignment etc and design works are compatible with level 4 and does not cater for a level 7 design. There is insufficient area available at the T junction to fit in a suitable design for level 7.

Note – Discussions are being held with CBH on reducing the RAV rating.

Calingiri – WSNF

No Further Update

An appeal has been lodged on the conditions of the clearing permit. Mainly items in regards to the DWER conditions, with the possibility of Council having to provide a weed management plan for the cleared roadside which isn't onerous to comply with. Granting of the permit timeline is unknown at this stage, this will however have impact on this year's construction works. The funding agreement is being reviewed by the federal government so at this time the funding for this year's works have not been finalised, it is anticipated that this will occur prior to the end of the calendar year.

Council Road Maintenance Budget

With the unplanned delay in starting the Calingiri WSNF programmed works several areas of maintenance works have been completed on various roads mainly in the form of gravel sheeting clay sections. Also, overgrown vegetation has been a major concern with a number of complaints received which are being prioritised by either being a bus route road, heavy haulage route road or a combination of both. Minor works have been completed to alleviate only the worst sections of these roads either by contract or with shire resources.

By under taking a lot more maintenance works again this financial year there will be an impact on the amount budgeted for in both salaries, wages and contract services.

Plant –

Luigong Loader –

This has arrived at Mc Intosh and Son in Perth and is currently being assembled with delivery either late in December or in January

SHIRE PRESIDENT:



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SHIRE OF GOOMALLING
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Council meeting works raised-

Chiropractor surgery – Tiles to be completed - Completed

Caravan Park – Gutter cleaning on Care takers house - Completed

Koomal Village – reticulation not working - Completed

Doctors Surgery – Exhaust Fan in Toilet – Completed

Entry Statement – Toodyay rd. tidy up. – Completed

SHIRE PRESIDENT: JmChester

DATE: 21.2.24



13.5 PARKS AND GARDENS REPORT

David Long

DATE	WORK DESCRIPTION
1	Townsite - Street sweeping/Cricket pitch - Home game preparation works/Hockey oval - mow.
2	Millsteed - edge, mow lawns, garden bed maintenance/Cricket pitch - Home game preparation works/Football oval - mow/Townsite Lawns - edge and mow lawns on all parks and street verges, inspect and repair reticulation/Townsite lawns - manual watering schedule/Cricket pitch - Home game preparation works/
3	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Townsite lawns - manual watering schedule/Cricket pitch - Home game preparation works.
4	WEEKEND
5	WEEKEND
6	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Shire Offices - Blow down verandas and access areas, rake and remove leaves and debris from rear carpark/Townsite lawns - manual watering schedule, garden bed maintenance.
7	Townsite lawns - manual watering schedule, garden bed maintenance/Town streets - sweep/Cricket pitch - Post home game works/Playground - Rake and remove debris.
8	Townsite Lawns - edge and mow lawns on all parks and street verges, inspect and repair reticulation/Townsite lawns - manual watering schedule/Tennis Pavilion - edge, mow lawns, weed trim surrounds/Hockey and Football oval - Turf Contractors top dressed with sand.
9	Townsite - Caltrop control on street verges and vacant blocks/Football oval - weed control, weed trim boundary and surrounds/Pavilion + Gym - edge and mow lawns, clean access areas and paths/Tennis pavilion - Reticulation inspection and repairs.
10	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Anstey Park - edge and mow lawn/Football and hockey ovals - reticulation checks and repairs after top dressing completed/Hockey oval - weed control and trimming on boundary and surrounds.
11	WEEKEND
12	WEEKEND
13	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Shire Offices - Blow down verandas and access areas, rake and remove leaves and debris from rear carpark/GSC playground - Rake and remove debris, clean soft fall.
14	32 Eaton St - Edge and Mow lawns, garden bed maintenance/Swimming pool - edge and mow lawns, garden bed maintenance/Millsteed Park - edge and mow lawn, garden bed maintenance/Cricket Pitch - weed, mow and fertilise/Hockey and Football oval - mow, reticulation checks.
15	Townsite - Street sweeping/GSC ovals - rake and remove debris from surrounds, summer weed control.
16	Townsite - Street sweeping/Townsite - summer weed control on verges and vacant blocks/Football oval - mow/GSC surrounds - rake and remove debris.

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DATE	WORK DESCRIPTION
17	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Townsite - Street sweeping/Townsite - summer weed control on verges and vacant blocks/Hockey oval - mow, reticulation check and repairs/Tennis Pavilion - edge, mow lawns, weed trim surrounds
18	WEEKEND
19	WEEKEND
20	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Shire Offices - Blow down verandas and access areas, rake and remove leaves and debris from rear carpark.
21	Cricket pitch, mow, weed and fertilise/Hockey oval - mow, weed control.
22	Football oval - mow, reticulation checks and repairs, weed control/Pavilion + Gym - edge and mow lawns, clean access areas and paths.
23	Townsite - summer weed control on verges and vacant blocks/Cricket pitch - Home game preparation works/
24	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Railway Tce - Island garden bed maintenance/Memorial Park - garden bed maintenance/Cricket pitch - Home game preparation works/Townsite - Lawns -Reticulation checks, repairs and fertilising/Pavilion + Gym - edge and mow lawns, clean access areas and paths.
25	WEEKEND
26	WEEKEND
27	Public Toilets and War Memorial-rake and tidy/Town streets - pick up fallen limbs and general refuse-rake and remove leaves from drains and kerbs/Shire Offices - Blow down verandas and access areas, rake and remove leaves and debris from rear carpark/Townsite Lawns - edge and mow lawns on all parks and street verges, inspect and repair reticulation/
28	Townsite - summer weed control on verges and vacant blocks/Shire Office - garden bed maintenance.
29	Townsite - street sweeping/Football oval - mow, weed control/cricket pitch - Weed, fertilise and mow/Oval Surrounds - Rake and remove debris, fallen limbs.
30	Townsite - street sweeping, weed control on street verges/Hockey oval mow, weed control/Cricket pitch - Home game preparation works.

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13.6 PLANT REPORT
David Long

FLEET	MACHINE	KM/HRS START	KM/HRS END	KMS/HRS COMPLETED
GO 009	UTE	-86658	88432	1774
GO 010	J DEERE	0	0	0
GO 015	SUV	-11033	14146	3113
GO 016	UTE	-200650	200670	20
GO 017	TRUCK	-242983	243889	906
GO 018	TRUCK	-297908	299534	1626
GO 019	TRUCK	-587648	590706	3058
GO 020	12 H	-17450	17589	139
GO 021	12 M	-10737	10848	111
GO 022	STEEL ROLLER	-4923	4923	0
GO 023	UTE	-222912	224452	1540
GO 024	LOADER	-50	150	100
GO 025	MULTI ROLLER	-3192	3192	0
GO 026	UTE	-249019	252395	3376
GO 027	TRUCK	-288381	288521	140
GO 033	COASTER BUS	-189403	190566	1163
GO 034	MASSEY	-7255	7255	0
GO 037	UTE	-115417	116016	599
GO 038	UTE	-180117	180604	487
GO 039	UTE	-298717	300105	1388
GO 041	TRUCK	-175324	178432	3108
GO 042	UTE	-145945	147233	1288
GO 183	UTE	-150169	153997	3828
GO SHIRE1	BUS	-311061	312329	1268
GO 009	UTE			
GO 010	J DEERE			
GO 015	UTE			
GO 016	UTE			
GO 017	TRUCK			
GO 018	TRUCK	service		
GO 019	TRUCK	electric window rhs		
GO 020	CAT 12 H			
GO 021	CAT 12 M			
GO 022	MULTI ROLLER			
GO 023	UTE			

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GO 024	LOADER	joystick,fan belt, idlers
GO 025	STEEL ROLLER	
GO 026	UTE	service
GO 027	TRUCK	service
GO 033	COASTER BUS	
GO 034	MASSEY	
GO 037	UTE	
GO 038	UTE	
GO 039	UTE	
GO 040	SUV	
GO 041	TRUCK	
GO 042	UTE	service, repair injectors
GO 183	UTE	service
GO SHIRE	SUV	
GO SHIRE 1	BUS	service, wheel align
GO 15101	TANDEM TRLR	
MISC PLANT		

SHIRE PRESIDENT:

Jim Chester

DATE:

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13.7 BUILDING MAINTENANCE REPORT

David Long

DATE	WORK DESCRIPTION
1	Anstey Park - Upgrade works, remove spoil for playground equipment installation.
2	Anstey Park - Upgrade works, remove spoil for playground equipment installation/Konnongorring hall - Power meter readings Town Hall - Toilet seal repairs/Swimming Pool - Maintenance works/41 High St - Patch and paint internal walls.
3	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, remove spoil for playground equipment installation/Swimming Pool - Changeroom bench seat repairs, maintenance on pool tiles.
4	WEEKEND
5	WEEKEND
6	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, remove spoil for playground equipment installation/59 Railway Tce - Refurbishment works/41 High St - Patch and paint internal walls.
7	Anstey Park - Upgrade works, remove spoil for playground equipment installation/32 Eaton - Bathroom upgrade/Op Shop - Organise paint samples for internal painting works/Mortlock Lodge - Unit 1 - Tiling kitchen area/59 Railway Tce - Refurbishment works/41 High St - Patch and paint internal walls.
8	Anstey Park - Upgrade works, remove spoil for playground equipment installation/32 Eaton - Bathroom upgrade/Mortlock Lodge - Unit 1 - Tiling kitchen area/59 Railway Tce - Refurbishment works/41 High St - Patch and paint internal walls/Slaters Homestead - Install hot water system in kitchen.
9	Anstey Park - Upgrade works, remove spoil for playground equipment installation/32 Eaton - Bathroom refurbishment/59 Railway Tce - Refurbishment works/41 High St - Patch and paint internal walls.
10	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, remove spoil for playground equipment installation/59 Railway Tce - Refurbishment works.
11	WEEKEND
12	WEEKEND
13	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works/41 High St - Patch and paint internal walls/32 Eaton - Bathroom upgrade.
14	Anstey Park - Upgrade works, assist with playground equipment installation/41 High St - Patch and paint internal walls.
15	Anstey Park - Upgrade works, assist with playground equipment installation/Caravan Park - Unit 2 - Remove water damaged shower wall, vanity and tiles, damp proof and retile, install shower screens/41 High St - Patch and paint internal walls
16	Anstey Park - Upgrade works, assist with playground equipment installation/Caravan Park - Unit 2 - Remove water damaged shower wall, vanity and tiles, damp proof and retile, install shower screens/41 High St - Patch and paint internal walls.
17	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, assist with playground equipment installation/Caravan Park - Unit 2 - Remove water damaged shower wall, vanity and tiles, damp proof and retile, install shower screens/Sewer - Clear blockage on Wollyam St.
18	WEEKEND

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DATE	WORK DESCRIPTION
19	WEEKEND
20	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, assist with playground equipment installation, paving works/Caravan Park - Unit 2 - Remove water damaged shower wall, vanity and tiles, damp proof and retile, install shower screens.
21	Anstey Park - Upgrade works, assist with playground equipment installation, paving works/Caravan Park - Unit 2 - Remove water damaged shower wall, vanity and tiles, damp proof and retile, install shower screens.
22	Anstey Park - Upgrade works, assist with playground equipment installation, paving works/59 Railway Tce - Refurbishment works.
23	Anstey Park - Upgrade works, assist with playground equipment installation, paving works/Jennacubbine Hall - Door repairs/Swimming Pool - Sealing of edge tiles.
24	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, assist with playground equipment installation, paving works.
25	WEEKEND
26	WEEKEND
27	Pump station-Maintenance/Imhoff-maintenance. /Anstey Park - Upgrade works, assist with playground equipment installation, paving works.
28	Anstey Park - Upgrade works, assist with playground equipment installation, paving works.
29	Anstey Park - Upgrade works, assist with playground equipment installation, paving works/Caravan Park - Disabled toilet door repairs/45 James St - Replace evaporative air con pump.
30	Anstey Park - Upgrade works, assist with playground equipment installation, paving works/Pump station 2 - Repairs on pump pipes/Depot - Install new meter on diesel bowser/46 Hoddy - Change out light globes/39 Throssell - Toilet seat repairs.

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DATE: 21.2.24



13.8 2023 MAINTENANCE GRADING REPORT

David Long

SOUTH WEST		SOUTH EAST	
ROAD NAME	DATE	ROAD NAME	DATE
ANDERSON	27/07/2022	ABBATOIR	10/06/2022
BEBAKINE	04-1202023	BERRING	18-05.2023
BEECROFT	28/11/2023	BERRING E	22/02/2023
BOLGART EAST	24/11/2023	BOASE	6/11/2023
CHITIBIN	27/07/2023	BROOKSBANK	5/12/2023
CLARKE	17/02/2023	DICK ST	28/03/23
CLAY PIT	31/10/2023	GEORGE ST	28/03/2023
EATON	31/10/2023	HAGBOOM STH	2/11/2023
GOON GOONING	17/07/2023	HAYWOOD ST	28/03/2023
HUGHES	28/09/2023	HULLOGINE	1/11/2023
JENNACUBBINE E	30/10/2023	KUNZIA WAY	29/03/2023
KROE HUT	31/10/2023	MARTINDALE WAY	29/03/2023
LAWLER	21/09/2023	PATTERSON	5/12/2023
LEESON	27/09/2023	PEAR TREE DRIVE	6/11/2023
LONG FORREST	28/11/2023	ROBERT	17/07/2023
MC LEAN	31/10/2023	SLATER ST	29/03/2023
MUGGIN MUGGINS	29/09/2023	SADLER	6/12/2023
ROSSMORE	31/10/2023	SALMON GUM WAY	6/11/2023
ROWLES	1/11/2023	SHORT ST	28/03/2023
SAWYER	7/09/2023	SMITH ST	2/06/2023
SHEEN	3/10/2023	UCARTY	6/12/2023
SMITH	17/11/2023	YORK GUM WAY	6/11/2023
TYNDALL	1/12/2023	WATERHOUSE WAY	2/06/2023
WONGAMINE	28/09/2023	WHITE ST	28/03/2023
		WILLIAM ST	14/09/2023

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NORTH WEST		NORTH EAST	
ROAD NAME	DATE	ROAD NAME	DATE
BURNT HILL	22/11/2023	BERRING	24/10/2023
BURABADJI	2/03/2023	BOTHERLING E	06-12.2023
CACTI	28/11/2023	BURABADJI E	13/10/2023
CARTER	1/12/2023	BYBERDING	9/11/2023
COULTHARD	28/11/2023	COOPER	15/11/2023
DEW	16/11/2023	DEAN	9/11/2023
DONALD	28/11/2023	DOWERIN-KONNONGORRING	14/11/2023
GLATZ	5/12/2023	EGAN	27/10/2023
HAYWOOD	29/11/2023	EVANS	19/10/2023
JONES	20/11/2023	FAIRLEE	15/11/2023
KONNONGORRING W	20/11/2023	GABBY QUOI QUOI	7/11/2023
LORD	5/12/2023	GRIFFITH WHALEY	14/11/2023
MORREL	17/11/2023	KALGUDDERING W	16/11/2023
PINKWERRY	17/11/2023	KING	18/10/2023
WHITFIELD	23/11/2023	LAKE	11/10/2023
		MOUNTJOY	10/11/2023
		NAMBLING NTH	23/10/2023
		OAKPARK	21/11/2023
		PRYOR	12/10/2023
		SAWYER	18/10/2023
		SCHELL	24/10/2023
		SEIGERT	10/11/2023
		SLATER	27/10/2023
		SPARK	23/10/2023
		WHITE	17/11/2023
		WILLIAMS	16/11/2023

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13.9 COMMUNITY DEVELOPMENT OFFICER
Tahnee Bird

Nil

13. MEETING CLOSURE

The Shire President thanked everyone for coming and declared the meeting closed at 6.30 pm.

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Jim Chester

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- Accommodation costs – arrears of rent, mortgage or utility costs;
- Food;
- Clothing;
- Medical treatment;
- Education;
- Other basic necessities.

In both circumstances “payment difficulties” and “financial hardship” there is the willingness to pay, but lack the capacity to do so.

Shire of Goomalling’s approach to vulnerability

The Shire’s overall approach in situation of vulnerability is that the shire will act in an empathetic and compassionate manner, and work with each individual to tailor a payment plan considering their personal circumstances.

- Proceedings such as legal action and sale of the property as a last resort, the Shire will try to avoid this avenue as much as possible;
- Aim to achieve payment of outstanding rates and in some circumstances where necessary, payment plans will not recoup outstanding rates in one (1) financial year;
- The Shire will consider a payment plan period that is reasonable;
- The maximum length of time that is five (5) years and the payment plan includes future rates. This may be extended if the particulars of the case are warranted;
- The objective is to help those in genuine difficulties work through their issues, even if it takes time;
- In these circumstances, sometimes a ratepayer’s actions include poor decision-making, withdrawing and avoiding the issue by not responding to attempts to contact, or they become aggressive. The Shire attempts to contact ratepayers throughout the debt recovery process; and
- Regardless of when first contact is made by the person, the Shire will assess financial hardship in accordance with this Policy and that the ratepayer is willing to follow the requirements of the Policy.

Evidence of hardship

Evidence of hardship is required by the Shire of Goomalling and is treated with strict confidentiality. The debtor may provide evidence by attending the Shire’s administration building or via electronic means. A Shire of Goomalling [Financial Hardship Application](#) for along with the evidence of hardship may comprise:

- a) Financial Counsellor report detailing all debts due, income and proposed payment arrangement;

OR

- b) Any of the following documents but not limited to, to ensure a full assessment can be undertaken:
- Bank notice, for example, for mortgage arrears
 - Disconnection notice for utilities
 - Notice of impending legal action
 - Repossession notice of essential items such as a care or motorcycle
 -

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- Evidence of loss of employment/registration for Newstart allowance
- Final notice from school regarding payment of mandatory fees
- Medical certificate confirming inability to work;

OR

- 1.20.1.1.1.1 In circumstances of natural disasters, significant economic events or pandemic:
- 1.20.1.1.1.1.1 Shire of Goomalling completed application form "[Financial Hardship Application](#)"
- 1.20.1.1.1.1.2 A letter or email from your employer advising that you have either been stood down or made redundant; or
- 1.20.1.1.1.1.3 If you are self-employed a letter advising how the COVID- 19 has impacted your business.

Payment plans

If Shire determines that you are in financial hardship, you will be offered more time to pay the outstanding debt or a payment plan for this debt. We will not charge you any fees or interest as part of your extension or payment plan.

Shire will involve you and, if applicable, your financial counsellor in setting a payment plan. When setting the conditions of the plan, we will consider your capacity to pay and, if relevant, your usage needs. If appropriate, we will review and revise your extension or payment plan.

Shire do not have to offer you a payment plan if you have had two payment plans cancelled because of non- payment.

If you are a tenant, we must make sure that the land owner is aware of us giving you an extension or entering into a payment plan with you before we do so. We can agree that you notify the land owner of the proposed extension or payment plan (and provide us with evidence that you have done so), or you can give us permission to notify the land owner.

Debt reduction and collection

If you are in financial hardship, we will consider reducing the amount you owe us. We will also not commence or continue proceedings to recover your debt:

- While we are assessing whether or not you are in financial hardship; or
- If you are complying with your payment plan or another payment arrangement you have with us.

If you do not comply with your payment plan or other payment arrangement, we may outsource your debt to a debt collection agency. Please be advised that additional fees may apply in this case. We will ensure that any debt collection agency we engage will comply with Part 2 of the ACCC and ASIC's Debt collection guidelines for collectors and creditors.

Useful Information
Redirection of Rate Notice

Shire of Goomalling will advise the customer of their right to have their rate notice redirected to another person free of charge if they're absent or ill.

Payment Options

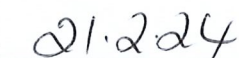
Acceptable payment options include:

- Direct debit, Centrepay, cheque, electronic funds transfer or EFTPOS;
- Payment can be made via internet banking, in person, by telephone or via post;

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- Paying by direct debit or Centrepay may help to manage bills more easily as bills will be paid through regular deductions;
- Pensioners and senior card holders will be eligible for a rebate.

For more information regarding payment options, please contact the Shire of Goomalling.

Financial Counselling

Shire of Goomalling will advise customers of any financial counselling services or other organisations that may be available to them. Financial counsellors offer free, independent information to help customers take control of their financial situation.

The Financial Counsellors' Association of WA (FCAWA) can refer customers to a financial counsellor in their area. Alternatively, customers can call the FCAWA's Financial Counselling Helpline.

The Helpline provides a free confidential service for all Western Australians with financial problems and queries.

The FCAWA's contact details are:

Financial Counsellors' Association of WA

P: (08) 9325 1617

Financial Counselling Helpline: P: 1800 007 007 E: afm@financialcounsellors.org

W: www.financialcounsellors.org

Fees and charges

Shire of Goomalling will charge customers for the services provided, including but not limited to:

- Land rates;
- Sewerage services;
- Waste management services;
- Emergency Services Levy;
- Commercial or residential rent of Council owned property;
- Planning and building services;
- Health services;
- Private works; and
- Facility or equipment hire.

Complaints

Complaints should be directed to the Shire of Goomalling first. Our contact details are included in section "Our Contact Details" below.

We will consider your complaint, make appropriate investigations and advise you of any outcomes and discussions to assist you in meeting an agreeable solution.

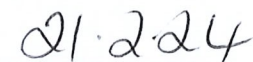
We may consider the advice of a Financial Counsellor and if deemed appropriate, engage you with a meeting between all parties so as to arrive with an amicable solution to your situation.

If you are not satisfied with the way we handle your complaint, you may refer your complaint to the Ombudsman of Western Australia. The Ombudsman of Western Australia will investigate your complaint and may mediate the dispute between you and Shire of Goomalling.

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The Ombudsman Western Australia's contact details are:

Phone: (08) 9220 7588 Freecall: 1800 754 004
Fax: (08) 9220 7599 Freefax: 1800 611 279
Interpreter Service: 131 450 National Relay Service: 1800 555 727
Email: energyandwater@ombudsman.wa.gov.au
Website: www.ombudsman.wa.gov.au/energyandwater
Postal Address: PO Box Z5386, St Georges Terrace, PERTH WA 6831
Street Address: Level 2, Albert Facey House, 469 Wellington Street, PERTH WA 6000

Approval and review

Our policy was approved by the Economic Regulation Authority of WA.
We will review our policy at least every five years to ensure it remains up-to-date and relevant.

Our contact details

You can contact us at: Shire of Goomalling
32 Quinlan Street (PO Box 118)
Goomalling WA 6460
P: 08 9629 1101
F: 08 9629 1017
E: goshire@goomalling.wa.gov.au
W: www.goomalling.wa.gov.au

Roles & Responsibilities

Chief Executive Officer

- Ensure compliance with policy

Manager of Finance

- Ensure compliance with policy

Finance Officer

- Apply and action Special Payment Arrangement and Debt collection

Definitions

Default judgement -

means application for judgement in default of appearance, which can be made 14 days from the date of service of the General Procedure Claim (GPC) or Minor Case Claim (MCC) made within 12 months of lodgement of a MCC or GPC.

Discontinuance of legal action -

- a) The Notices of Discontinuance of Case (NOD) The NOD is able to be issued with the Magistrates Court of WA, provided the Shire has not applied/been granted a Default Judgement (DJ) on the claim. The effect of a NOD is to advise credit recording agencies that the Claim has been satisfied, from the Shire's perspective. It does not remove the claim from the debtor/ratepayer's credit record.

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- b) The Memorandum of Consent Order (MOCO) The MOCO is only agreed to by the Shire where the Shire has made an error in the action taken or exceptional circumstances as determined by the CEO apply. Where the Shire instigates this action, it will bear the cost. If a rate payer required the MOCO then they are to apply directly to the court and pay all fees associated, the Shire is not obliged to agree this action.

Financial hardship

means a state if more than immediate financial disadvantage which I the debtor being unable to pay outstanding amount without affecting the ability to meet basic living need of the debtor or a dependant 6– in short, if you have the intention but not the financial capacity to pay.

Garnishing of rent from lessee of a property

In accordance with Section 6.60 Local Government Act, the Shire will write to the owner or managing agent of a rental property and seek to make a Special Payment

Arrangement. Where unsuccessful the Shire will require the tenant to pay their rental directly to the Shire to clear the outstanding rates and charges.

General Procedure Claim

means a claim lodge with the Magistrates Court where the value of the claim or the relief claimed does not exceed the limit set by the Magistrates Court of Western Australia (\$75,000 as a March 2020).

Lodging a Caveat on the Title of Land

In accordance with section 6.64 (3) of the Local Government Act 1995, where payment of rates or service charges are in arrears, the Shire can lodge a caveat, and this will be registered on the title for the that has unpaid rates and services charges. The cost of lodging a caveat cannot be charged to the property.

Means Enquiry

Where a judgement has been obtained for a MCC or GPC and no payment has been received or payment amount is insufficient to pay the outstanding amount within a reasonable time, the City may lodge a Means inquiry with the Magistrates court.

Minor Case Claim

a claim lodged with the Magistrates Court where the value of the debt or damages claimed does not exceed \$10,000.

Payment difficulties

Immediate financial disadvantage that result in the debtor being unable to pay an outstanding amount by reason of a change in personal circumstances.

Property

6 Clause 19 of the Water Services Code of Conduct (Customer Service Standards) 2018 defines financial hardship as “being in an ongoing state of financial disadvantage in which the customer’s ability to meet the basic living needs of the customer or a

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dependent of the customer would be adversely affected if the customer were to pay an unpaid bill for a water service supplied in respect of the place used solely or primarily as the customer's dwelling".

(Seizure and Sale) Order

A property (seizure & sale) order authorises a bailiff to seize and sell as much of the judgment debtor's real or personal property as necessary to satisfy the judgment debt wholly or partially

Property sale and seizure order PSSO

In accordance with a Magistrate Court (Civil Proceedings) for Goods & Land A Property (Sale and Seizure) Order the Shire may authorise a Bailiff to seize and sell as much real estate or personal property as necessary to pay the judgment debt. There are strict guidelines around what property cannot be taken to preserve a level of liability for the owner.

Sale of land

In accordance with section 6.64 of the Local Government Act 1995, if any rates or services charges which are due to the Shire in respect of any rateable land, has been unpaid for a least three years and the Shire has attempted to commence legal proceedings at least once within the period of three years prior to the exercise of the power of sale, the Council if it resolved, may take possession of the land and sell the land to recover the outstanding payment amounts.

Skip trace

process of locating a person's whereabouts.

Payment arrangement

or special payment arrangement is an arrangement made under Section 6.49 of the Local Government Act 1995.

Vulnerability

A person who may have low income or, as a result of their circumstances, be experiencing financial shock, leading to difficulties paying debts by the due dates. This can take the form of "payment difficulties" or "financial hardship"

Legislation

Water Services Code of Conduct (Customer Service Standards) 2018

Local Government Act 1995

(Part 6 Div 5 & 6, s6.12, s6.47, s6.49, s6.51, s6.55-6.56, s6.60, s6.64-6.75)

Local Government (Financial Management) Regulations 1996

Waste Avoidance and Resource Recovery Act 2007 (Part 6)

Fire & Emergency Services Act 1998 (Part 6A)

Resource Documents

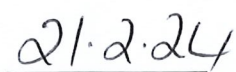
Strategic Community Plan 2018

Objective 4: Civic Leadership

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Policy

Legal Proceedings

Procedures Manual

Financial Hardship & Debt Recovery Procedure

Local Law

Not Applicable

Delegation

DE6 Write off of Debt

The Council as delegated authority to Chief Executive Officer to implement this policy which includes the ability to enter into Special Payment Arrangements under Section 6.49 and to write off small debts under section s6.12 (1) (c) of the Local Government Act 1995, and in accordance with this policy.

- a) **Writing off debts** - The Shire has a position that it will not write off a rates debt unless the debt is a small debt. A small debt is that amount determine by the Council for the purpose of delegating to the Chief Executive Officer under section 6.12 (1)(c) of the Local Government Act 1995. However, in some cases, the shire may write off outstanding interest.
- b) **Suspending the accruing interest** - Provides immediate relief for debtor
- c) **Deferring interest and write off of charges** - A suspension of interest for three months will occur immediately from the date of receiving the completed application form and confirmation of the appointment made with the Financial Counsellor. The Shire recognises that there may be a waiting period to see a Financial Counsellor, and so long as there has been a booking made and the Shire receives confirmation of this, the interest will be suspended. Once the Financial Counsellor has sent the city the report and recommended payment amount, the maximum length of time interest can be suspended is 12 months.
- d) **Debt recovery action and legal proceedings** - While the Shire is awaiting the debtor to meet with a Financial Counsellor to commence a payment plan, legal proceedings may be put on hold for an agreed period.
- e) **Financial counselling** - The Shire may recommend a ratepayer meeting with a Financial Counsellor, who will provide advice to the debtor in relationship to managing their debts.
- f) **Special payment arrangement** – payment terms in the case of hardship, the Shire will assess the period required to clear outstanding rates and charges when paid in conjunction with the annual year's rates and charges, in exceptional circumstances this will be to a maximum term of five years from the date of commencement.

Statutory Environment

Local Government Act (1995)

Financial Implications

The likely financial impact on the Council will be minimal.

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Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

1.1.1	This matter is not directly dealt with within the plan
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Comment/Conclusion

In this instance Ms Nixon has sought financial counselling and Uniting Care has provided a payment of approximately 50% of her rates outstanding. That Ms Nixon has enlisted the help of the Gosnells Community Legal Counselling is a sign of potential hardship both legally and financially.

The impact upon Councils finances would be some \$20 - \$30 in total with Ms Nixon not seeking to write off rates, only the interest charges and fees associated with non-payment. The rates outstanding are only for the current year.

Councils Financial Hardship Policy recognises domestic violence as a hardship trigger and Uniting Care has undertaken its own due diligence process to establish the hardship case and has provided some \$3500 in assistance to Ms Nixon, approximately \$2800 for repairs and bill payment and \$690 which has been paid to Council for about 50% of the outstanding rates.

Given the small amount and the circumstances surrounding the request I recommend that Council support the request

Voting Requirements

Simple Majority

RESOLUTION: 743

Moved Cr Haywood, seconded by Cr Wilkes that Council agree to write off the interest charges and fees for A583 for the 2023/2024 rating year only under its Financial Hardship Policy.

CARRIED 7/0

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11.2 CONFIDENTIAL – APPOINTMENT OF CEO

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Shire of Goomalling
Previous Item Numbers:	
Date:	12 April 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	1. Report – M FitzGerald – HR Consultant

In Summary

To consider a report produced by Mr Mike FitzGerald regarding the selection process for the recruitment of a CEO and the recommendations of that report.

Background

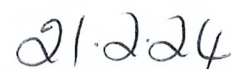
In July 2023 Council's CEO made the Council aware that at the beginning of the 2024 Calendar year he would be taking long service leave and that given that he would only have three months of his contract left following that leave that he would advise Council to undertake the recruitment process for a replacement as he would not be seeking a third contract term. The Council adopted the following resolutions;

1. Approves the CEO's request for annual leave at a time to be determined shortly following the adoption of the 2023/24 annual budget;
2. Approves the CEO's request for long service leave to commence early in the 2024 calendar year;
3. Authorises the CEO to obtain quotes from suitably qualified professionals to undertake the recruitment process on its behalf;
4. Considers who it may wish to approach to act as an appropriate independent person on the selection committee;
5. That the selection panel will be the whole of Council plus the independent person.
6. Commences the recruitment process in mid-November 2023;
7. During the CEO's periods of leave that the Deputy CEO undertakes the acting role until either the CEO returns from leave or a recruited CEO commences in an Acting role.

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In September 2023 Council adopted the following resolutions regarding the recruitment process;

1. Appoints Mr Mike FitzGerald to undertake the recruitment process for a replacement CEO on Councils behalf
2. Appoints Mr Greg Baird as the independent member of the selection panel.
3. Endorses the information package including the position description as provided by Mr FitzGerald as appropriate;
4. Endorses the draft contract as supplied by Mr FitzGerald as appropriate pending contract negotiations;
5. Determines that the selection panel will be the whole of Council plus Mr Greg Baird.

Council advertised for the role in November and December 2023 with a field of nine candidates registering interest in the position.

Consultation

Mr Mike FitzGerald – HR Consultant

Mr Greg Baird – Independent Member of the Selection Committee

Policy

Section 1 — Standards for recruitment of CEOs

1. **Overview of Division**
This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.
2. **Application of Division**
 - (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
 - (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).
3. **Determination of selection criteria and approval of job description form**
 - (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
 - (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of Chief Executive Officer which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1)
4. **Advertising requirements**
 - (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.
 - (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.
5. **Job description form to be made available by local government**
If a person requests the local government to provide to the person a copy of the job description form, the local government must —

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- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
 - (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.
- 6. Establishment of selection panel for employment of CEO**
- (1) In this clause —
independent person means a person other than any of the following —
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
 - (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
 - (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.
- 7. Recommendation by selection panel**
- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
 - (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
 - (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
 - (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
 - (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
 - (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.
- 8. Application of cl. 5 where new process carried out**
- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
 - (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and

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- (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

9. Offer of employment in position of CEO

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

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

10. Variations to proposed terms of contract of employment

(1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).

(2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

11. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause —

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.

(2) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

12. Confidentiality of information

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

Statutory Environment

- Local Government Act (1995)

5.36. Local government employees

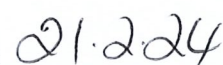
(1) A local government is to employ —

- (a) a person to be the CEO of the local government; and

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- (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
- (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.
- * *Absolute majority required.*
- (3) A person is not to be employed by a local government in any other position unless the CEO —
- (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended: No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.38. Annual review of employees' performance

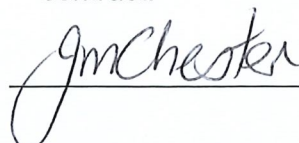
- (1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
- (2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
- (3) A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.

[Section 5.38 inserted: No. 16 of 2019 s. 21.]

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
 - (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

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- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended: No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint: Gazette 28 Mar 2013 p. 1317).]

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

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


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

5.39B. Adoption of model standards

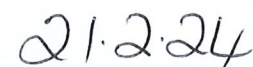
- (1) In this section —

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

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standards to be observed by the local government that incorporate the model standards.

** Absolute majority required.*

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

** Absolute majority required.*

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

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

5.39C. Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

** Absolute majority required.*

- (2) A local government may amend* the policy.

** Absolute majority required.*

- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.

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



5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Work Health and Safety Act 2020*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

[Section 5.40 amended: No. 36 of 2020 s. 364.]

Local Government (Administration) Regulations 1996

Part 4 — Local government employees

18A. Vacancy in position of CEO or senior employee to be advertised

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice must contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (da) a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

18B. Contracts of CEOs and senior employees, content of

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to

SHIRE PRESIDENT:

Jim Chester

DATE:

21.2.24



9.5 FOOTBALL CLUB LIGHTING PROJECT

File Reference	
Disclosure of Interest	Nil
Applicant	Tahnee Bird
Previous Item Numbers	
Date	12 December 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	

Summary

To consider the recommendation to engage Lightbase to undertake the above project.

Background

The Goomalling Football Club has submitted and been successful in obtaining grant funding through the CSRFF fund to replace the ageing lighting at the Goomalling Recreation facility.

The club budgeted \$291,000.00 for the project with the Council agreeing to fund \$100,000.00 and the Club and the CSRFF splitting the balance to the tune of \$95,500.00 each.

Tenders were called for the project with 6 submissions being received with five being valid and one ruled ineligible.

Consultation

Goomalling Football Club
 Various suppliers
 Works Manager

Policy

Council does not have a specific policy regarding the project.

2.4
 Distribution
 Responsible Officer
 Date adopted
 File Reference

PURCHASING POLICY
 Elected members, All Employees, Volunteers
 Chief Executive Officer
 19 July 2023
 04.07

Purpose

To articulate purchasing parameters for procurement on behalf of the Shire of Goomalling for operating expenditure.

SHIRE PRESIDENT: *JmChester*

DATE: 21.2.24



Objective

To provide compliance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996 as amended.

To deliver a best practice approach and procedures for purchasing for the Shire of Goomalling. Having said this, there is a desire to reduce the administrative burden, in particular for small purchases for consumables such as small hardware items, batteries, tyres, stationery and photocopy charges, callout fees, alarm monitoring and the like.

The administrative burden should not outweigh the benefit of complying with this policy.

To ensure consistency for all purchasing activities within the Shire of Goomalling operational areas.

Scope

Elected Members, All staff, Volunteers

Standard

Ethics and Integrity

All employees of the Shire of Goomalling are expected to practice a high standard of ethics and integrity in undertaking purchasing transactions, and act in an honest and proficient manner that preserves the standing of the Shire of Goomalling.

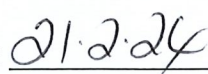
The following principles and behaviour must be prescribed throughout all stages of purchasing to ensure fair and equitable treatment of all parties:

- Full accountability for all purchasing decisions and effective management of expenditure of public monies on the basis of achieving value for money;
- All purchasing practice comply with relevant legislation, regulations and standards consistent with the Shire of Goomalling's policies and code of conduct;
- Procurement is undertaken on a competitive basis and potential providers receive impartial, candid and consistent management;
- Process, evaluation and decision making is transparent, impartial and documented in accordance with relevant policy and audit requirements;
- Actual and perceived conflicts of interest are identified, disclosed and managed appropriately; and
- Information provided to the Shire of Goomalling by a supplier/contractor is treated as commercial-in-confidence and will not be released unless authorised by the supplier or relevant legislation.

SHIRE PRESIDENT:



DATE:





Policy:

Limits	Policy	Officer who can Sign
Up to \$5,000	Direct small purchase from suppliers requiring verbal quotation(s) only, if practical . Again, if practical , written quotations should be obtained for amounts over \$1,000. Quotes will not be required for items such as software licences and support for corporate software already in use, utility payments, ongoing alarm monitoring, photocopy charges, small consumable charges such as stationery, hardware, small parts. Emergency purchases and callouts do not require quotation.	CEO Manager of Finance Manager of Works
\$5,001 - \$19,999	Where practical , obtain two verbal or written quotations. Quotes will not be required for items such as software licences and support for corporate software already in use, utility payments, ongoing alarm monitoring, photocopy charges, small consumable charges such as stationery, hardware, small parts. Emergency purchases and callouts do not require quotation.	CEO Manager of Finance Manager of Works
\$20,000 - \$249,999	Where practical , obtain at least two written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).	CEO Manager of Finance (in CEO's absence for budgeted items) Manager of Works (For budgeted Works expense only)
\$250,000 and above	Conduct a public tender process.	CEO

Conditions:

- (1) The above purchasing policy is to be used in conjunction with the *“Regional Price Preference (Buy Local) Policy”*.
- (2) Where suppliers require a fee for a quote, staff are to note this. The CEO to adjudicate as to whether that supplier should provide a quote in such instance.

Where/if Practical – This term is used to reduce the need to quote a situation where;

- The supply is an emergency supply or urgent callout situation;
- The supply is for small items such as stationery, hardware, small spares or parts and consumables;
- The supply is a utility charge such as power, water, telephony or ongoing photocopy charges and the like;
- The supply is for a good or service that is unlikely to be able to be able to be quoted such as software or general IT support, licenses, alarm monitoring, or Contractors providing an ongoing service such as contract cleaning,

SHIRE PRESIDENT: _____

Jmchester

DATE: _____

21.2.24



- Management services or agreed fee for service arrangements.
(Such as swimming pool manager, contract planner, contract building surveyor, contract cleaning, contract health officer, finance consultant)
- The supply is for a service supplied locally where mobilisation costs would be incurred through an alternative supplier that would add significantly to the cost of the service or supply. (This could include a local contractor/plumber/electrician)

Roles & Responsibilities

Elected Members

- To create and review policy to minimise risk and ensure best practice.

Chief Executive Officer

- Comply with policy for purchasing
- Ensure staff understand and comply with policy

Executive Management

- Comply with policy for purchasing
- Ensure staff understand and comply with policy

Employees

- Comply with policy for purchasing

Legislation

[Local Government Act 1995](#) (s 6.10)

[Local Government \(Functions and General\) Regulations 1996](#) (r 11a)

[Local Government \(Financial Management\) Regulations 1996](#) (r13)

[State Records Act 2000](#)

[Occupational Safety and Health Act 1984](#) (s. 23-1 9a, b & c)

Document Links

Strategic Community Plan

C1.5 Develop a policy framework to guide Council's decision making

C2.7 Provide reporting processes in a transparent, accountable and timely manner

Forms

Verbal Quotation Record Form (up to \$19,999)

Quotation Record Form (\$20,000 to \$149,999)

Procedures Manual

Nil

Local Law

Nil

Delegation

DE1 Payments from Trust and Municipal Funds

DE11 Expressions of Interest prior to calling for Tenders

DE12 Inviting Tenders

DE13 Minor Variations to Tenders



Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
1.1	May 2016	8.1.3 052016.OM	1.3.1 Purchasing Policy
1.1	June 2016	8.1.2 062016.OM	1.3.2 Regional Price Preference (Buy local) policy
2	20 May 2020	197 OM_200520	Formerly 1.3.1 Purchasing Policy and 1.3.2
2.1	15 December 2021	Resolution No.	Updated with new tendering threshold
2.2	19 July 2023	Resolution No.	Updated signing authority for DCEO

Statutory Environment

Local Government Act (1995)

Financial Implications

The Likely financial impact on the Council is that it has committed to \$100,000 in total to the project spread over the 2024 and 2025 financial years.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.3.1	Develop a broad recreation master plan for the Shire
1.3.2	Develop, maintain and support appropriate recreation facilities throughout the Shire
1.3.3	Partner with stakeholders to achieve greater community participation in recreational facilities and services

Comment/Conclusion

The Football club, as part of its application process, obtained quotes for the lighting project and settled on a budget of \$291,000.00 for the purposes of the grant application. Following the tender process this budget was found to be insufficient with the nearest complying tender being \$319,448.00 excluding GST.

At this stage the Councils commitment is for \$100,000.00 over two years with any excess being picked up by the football club.

As part of the evaluation process the Football Club was invited to submit a consolidated ranking of all tenderers in addition to ranking by the CEO. This was due to the project being a Football Club project with the Shire of Goomalling providing the governance structure for such processes. The respective rankings are provided in to table following.

SHIRE PRESIDENT:

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DATE:

21-2-24



Tender Evaluation - Goomalling Football Club Lighting Project

Criteria	Future Power	Greenlight	Harris Ineligible	HLE 100	HLE 250	Lightbase
Experience						
Football Club	5	5	0	5	5	5
Consolidated	5	5	0	5	5	5
Shire of Goomalling	10	10	0	10	10	10
Personnel						
Football Club	5	5	0	5	5	5
Consolidated	5	5	0	5	5	5
Shire of Goomalling	10	10	0	10	10	10
Resources						
Football Club	4	4.5	0	4.5	4.5	4.5
Consolidated	4.5	4.5	0	4.5	4.5	4.5
Shire of Goomalling	8.5	9	0	9	9	9
Understanding						
Football Club	4	4.5	0	4.5	4.5	5
Consolidated	4.5	4.5	0	4.5	4.5	4.5
Shire of Goomalling	8.5	9	0	9	9	9.5
Price						
Football Club	4	4.5	0	3.5	3.5	5
Consolidated	4	4.5	0	3.5	3	5
Shire of Goomalling	8	9	0	7	6.5	10
Total Scores	45	47	0	45	44.5	48.5

Pricing Excluding GST

	392,143	353,995	456,877	549,626	319,448
--	---------	---------	---------	---------	---------

Harris electrical deemed to be ineligible for the following reasons:

- a) Harris Electrical tender was submitted late and is disqualified for this reason.
- b) Harris Electrical tender was incomplete and was not submitted with the required paperwork.
- c) Harris Electrical excluded due to inducement offered for an unrelated project should its tender be successful.

SHIRE PRESIDENT: *Jm Chester*

DATE: 21.2.24



As stated above there were five complying tenders, the tender from Harris Electrical was late, was incomplete and included an inducement regarding another project which, if accepted, would have amounted to a corruption of the process. Regardless of this the tender, being late and incomplete, would have been rejected.

The complying tenders ranged from \$319,448.00 to over \$500,000.00 which would have been well outside any potential budget variations. With this in mind, price became a more significant factor in the assessment than would otherwise been the case. Based on the pricing and overall rankings of the tenderers, Lightbase is the preferred tenderer identified by both the club and the CEO.

There is some concern in relation to underlying rock at the pole locations as rock would increase the cost of footings significantly and as such most of the tenderers have recommended drilling to ascertain whether this is likely to be a problem. This would cost in the vicinity of \$5,000 and the Football Club has sought clarification as to who will be responsible for this cost. At this stage the Club will make up the difference in the pricing of nearly \$30,000.00 which does not include the drilling.

Voting Requirements

Simple Majority

Moved Cr Barratt, seconded Cr Van Gelderen that this item lay on the table subject to further advice being obtained.

CARRIED 7/0

RESOLUTION 736

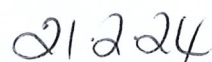
Moved Cr , seconded Cr that Council:

1. Accept the tender from Lightbase to undertake the Goomalling Football Club lighting replacement project at a cost of \$319,448.00;
2. Delegate Authority to the CEO to enter into a contract with Lightbase on behalf of the project funders for the project;
3. Determine who will be responsible for the additional costs of drilling as outlined above.

SHIRE PRESIDENT:



DATE:





9.6 AUDITED ANNUAL FINANCIAL STATEMENTS

File Reference	3.18
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	8 December 2023
Author	Natalie Bird – Deputy Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	<ol style="list-style-type: none">1. Copy of Audited Annual Financial Statements2. Copy of the Audit Management Letter3. Copy of Exit Conclusion Meeting Document4. Copy of Auditor General – Basis of Qualified Opinion

Summary

Council is to accept the 2022/2023 Annual Report and Financial Statements and set the date for the Annual General Meeting of Electors.

Background

The Local Government Act 1995 requires a Local Government to prepare an Annual Report each financial year to hold an Annual General Meeting of Electors. The Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the report is accepted by the Local Government. The annual audit was undertaken during the October to November 2023 by Dry Kirkness (Audit) Pty Ltd on the Auditor General's behalf.

Consultation

- Dry Kirkness (Audit) Pty Ltd
- The WA Auditor General

Statutory Environment

Local Government Act 1995 (as amended).

5.54. Acceptance of annual reports.

(1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

***Absolute majority required.**

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report become available.

[Section 5.54 amended: No. 49 of 2004 s 49.]

SHIRE PRESIDENT:

DATE:

21.2.24



5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

- Local Government (Financial Management) Regulations.
- Local Government (Administration) Regulations.

Policy Implications

There is no current Council policy regarding this matter

Financial Implications

There are no direct financial impacts resulting from this item.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

4.1.4	Provide reporting processes in a transparent, accountable and timely manner.
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Comment/Conclusion

The Auditor General has issued a qualified audit on the following basis;

“Roads, drainage and footpaths infrastructure assets reported at the carrying values of \$40,811,938 (2022: \$38,834,816), \$2,153,484 (2022: \$2,194,288) and \$770,060 (2022: \$732,466) respectively in Note 8 (a) of the financial report as at 30 June 2023 were not revalued as required by Regulation 17A (4)(b) of the Local Government (Financial Management) Regulations 1996 since 30 June 2015. Consequently, I was unable to determine the extent to which the carrying amounts of these classes of assets are misstated, as it was impracticable to do so. Additionally, I am unable to determine whether there may be any consequential impact on Revaluation surplus as at 30 June 2023 and 30 June 2022, as well as Depreciation, Net Result for the Period and Retained surplus as at 30 June 2023.”

Voting Requirements

Absolute Majority

RESOLUTION 737

Moved Cr Wilkes, seconded Cr Van Gelderen that Council:

1. Pursuant of Sections 5.54 and 5.55 of the Local Government 1995, accepts the Annual Report and Financial Statements for the 2022/2023 financial year.
2. Convenes the Annual General Meeting of Electors at 7.00 pm on Tuesday 30 January 2024 at the Sports and Community Centre 47 Quinlan Street, Goomalling.

CARRIED by Absolute Majority
7/0

SHIRE PRESIDENT:

Jmchester

DATE: *21.2.24*



9.7 COUNCIL MEETING DATES 2024

File Reference	Not applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 December 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	Nil

Summary

To consider the proposed Council Meeting dates for the 2024 calendar year.

Background

Each year Council makes decision as to the timing and frequency of its ordinary meetings. Council must then advertise the proposal and post the information on its website.

Consultation

Nil other.

Statutory Environment

Local Government Act (1995)

Policy Implications

Council has historically held its Council meetings on the 3rd Wednesday of each month apart from January and last year moving the February meeting from the first week back to the third week.

Financial Implications

Nil

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

Not directly dealt with within the plan.

Comment/Conclusion

Following the same convention as last year the proposed meeting dates will be as follows;

21 February 2024	21 August 2024
20 March 2024	18 September 2024
17 April 2024	16 October 2024
15 May 2024	20 November 2024
19 June 2024	18 December 2024
17 July 2024	

SHIRE PRESIDENT:

JmChester

DATE:

21.2.24



The Council has also historically commenced the meetings with a briefing session from the CEO and senior staff at 3.30pm followed by the Council meeting commencing at 4.30pm.

Council may wish to change the frequency and timing of meetings to suit members other commitments or retain the existing arrangements. Councils are required to hold meetings not less than every three months.

Voting Requirements

Simple Majority

RESOLUTION 738

Moved Cr Barratt, seconded Cr Wilkes that Council:

1. Review the proposed meeting dates and times and advise the CEO of their suitability. Change the times to forum at 4.00 pm and Council Meeting commencing at 5.00 pm
2. Direct the CEO to advertise in the Endeavour the adopted meeting times and dates accordingly.

CARRIED 7/0

SHIRE PRESIDENT: _____

JmChester

DATE: _____

21.2.24



9.8 REMOVAL EXPENSES – POOL MANAGER

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Tahnee Bird
Previous Item Numbers:	
Date:	12 December 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	Nil

In Summary

To consider the payment of removal expenses for the recruitment of Council’s Pool Manager.

Background

The CEO has completed the recruitment of a Pool Manager, Sandie Murphy, to replace the previous contract employee. Sandie has signed a 5-year contract with the Shire and as part of the recruitment process, removal expenses from Norseman was agreed with the CEO. This was undertaken at a cost of \$2,750.00 which is a reasonable cost for this distance.

Consultation

Nil other

Policy

Council does not have a specific policy regarding the CESM program.

Statutory Environment

Local Government Act (1995)

Financial Implications

The removal cost was \$2,750.00 in total.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.1.1	This matter is not directly dealt with in the plan

Comment/Conclusion

The cost of \$2,750 is reasonable in the circumstances, however the CEO has authority to agree to removal costs of up to \$1,000 and Council approval is required for the full cost in this case. Delegation 29 provides as follows:

SHIRE PRESIDENT: *Jmchester*

DATE: 21.2.24



Delegation DE29 - Employee Relocation Expenses and Travel Expenses.	
Function Delegated:	The ability to authorise the payment of travel and relocation expenses for employees.
Statutory Power Being Delegated:	Local Government Act 1995 s5.41
Power is Originally Assigned to:	Local Government
Statutory Power of Delegation:	Local Government Act 1995 s5.42 Delegations of some powers and duties to the CEO s5.43 Limitations to delegations
Power Delegated to:	Chief Executive Officer
Council Conditions on Delegation:	May not authorise relocation expenses for the position of CEO. Expenses for the CEO must be approved by the Council. Expenses for employees to a total of 50% of the relocation expense, to a total value of \$1,000 can be authorised by the CEO. This does not apply to Managers who are covered by contract conditions Travel Expenses can be approved by the CEO up to \$500
Statutory Power to Sub Delegate	Local Government Act 1995 s5.44 CEO may delegate powers and duties to others
CEO Sub Delegation to:	Nil
CEO Conditions on Subdelegation:	Nil
Record Keeping Statement:	Nil
Compliance Links:	Local Government Act 1995
Council Policy Link: Strategic Plan Link:	
Delegation Administration: This delegation is to be reviewed annually s5.46(2)	
Decision / Reference: Resolution 195	
1st Adopted:	September 2015
Last Reviewed:	20 September 2023

Voting Requirements

Simple Majority

RESOLUTION 739

Moved Cr Barratt, seconded Cr Van Gelderen that Council approve removal costs of \$2,750 for the recruitment of Sandie Murphy to take on the role of Pool Manager with the Shire.

CARRIED BY ABSOLUTE MAJORITY 7/0

SHIRE PRESIDENT: _____

Jmchester

DATE: 21.2.24



9. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOITCE HAS BEEN GIVEN

Nil

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

RESOLUTION 740

Moved Cr Butt, seconded Cr Wilkes that Council deal with new business of an urgent nature.

CARRIED 7/0

11.1 PROPOSED NEW RAIL SIDING - KONNONGORRING

File Reference	...
Disclosure of Interest	Nil
Applicant	CBH Group
Previous Item Numbers	Various including Resolution 636 on 17 May 2023
Date	9 November 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1.

Summary

For Council to consider a proposal to review Condition 6 of the development approval for the proposed new rail siding at the CBH facility at Konnongorring.

Background

At the November Ordinary Meeting the Council approved the above development with several conditions including Condition 6 as follows:

Within 6 months of the proposed upgrade being completed, the applicant/operator to commission a short term noise monitoring survey to confirm operational noise levels at nearby receivers and to undertake mitigation measures as required to the satisfaction of the local government. Following this, to commission a short term noise monitoring survey if there are any sustained noise complaints received and to undertake mitigations measures (as required) to reduce impacts on nearby receivers to the satisfaction of the local government.

SHIRE PRESIDENT: *Jmchester*

DATE: 21.2.23



Consultation

CBH has consulted with relevant stakeholders.

The CEO has consulted with CBH further to the approval being granted

Council was not obligated to undertake further consultation regarding this project.

Statutory Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Goomalling Town Planning Scheme No. 3 (TPS3)

Local Government Act 1995

Land ID 4090928 & 3123951 are reserved as 'Railway Purposes' in TPS3. The objectives for 'Railway Purposes' is 'to set aside land for railway and other authorised purposes.' The proposed rail siding satisfies the objectives of TPS3 and reflects the purpose of the 'Railway Purposes' reserve by facilitating the efficient movement and loading of grain which supports farming and rural pursuits in Konnongorring and its surrounds.

Lot 300 is zoned 'Rural 3 – General Farming' in TPS3. TPS3 objectives for this zone include to maintain the rural economy of the Shire, protect the rural landscape and environment generally and 'to ensure minimal intrusion onto the rural landscape and the amenity of adjoining properties.' The minor rail incursion into Lot 300 and the associated earthworks design, does not affect the viability of rural pursuits on CBH's landholding.

Policy Implications

Nil

Financial Implications

Nil at this stage

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2029	
Outcome 2.3	Actively support and develop local and new business
Outcome 3.2	Manage assets and infrastructure in a sustainable manner
Strategy 3.2.4	Provide commercial and industrial land aligned to economic needs and growth

Comment/Conclusion

The Development Application proposes a major redevelopment to support the Konnongorring CBH grain facility.

The Council conditionally approved the Development Application given:

- The Rail Noise Impact Assessment Report demonstrates that the new rail siding will meet the requirements of *State Planning Policy 5.4 Road and Rail Noise* and the *Environmental Protection (Noise) Regulations 1997*;
- The proposed rail siding is not expected to create significant additional impacts on the amenity of the area;

SHIRE PRESIDENT:

DATE: 21.2.23



CBH has been in consultation with the sole resident who is likely to be impacted by any noise and is working through a compromise to alleviate and minimize any noise impacts due to the construction and the ongoing operational processes.

Given that rail facility will comply with SPP 5.4 Road and Rail noise it would be appropriate to withdraw this condition from this DA however with regard to the facility application yet to come, noise could pose a greater problem and accordingly a condition relating to noise would be more appropriate.

Voting Requirements

Simple Majority

RESOLUTION: 741

Moved Cr Van Gelderen, seconded Cr Butt that Council direct the CEO to advise CBH hat it is prepared to withdraw Condition 6 for the approval relating to Rail Siding Development.

Advice

A) The applicant/operator is still encouraged to review noise levels through construction.

SHIRE PRESIDENT:

Jmchester

DATE:

21.2.24



11. MATTERS BEHIND CLOSED DOORS

RESOLUTION: 742

Moved Cr Haywood, seconded Cr Butt that:

The meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23 (2) at 5.42 pm.

CARRIED 7/0

SHIRE PRESIDENT:

Jmchester

DATE: 21.2.24



12.1 CONFIDENTIAL – FINANCIAL HARDSHIP CASE

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Tahnee Bird
Previous Item Numbers:	
Date:	12 December 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	Nil

Summary

To Consider a request from Ms Amanda Nixon of 2381 Goomalling Toodyay Road to have late payment fees waived or written off due to financial hardship caused through a domestic violence matter.

Background

Ms Nixon has written to Council stating that she was in a relationship where she was being, emotionally, mentally and financially abused as well as physically intimidated.

Ms Nixon states that her money was being taken by her partner and during some months she was late with her mortgage payments due to the theft. Ms Nixon states that she was unable to pay her bills and was referred to Foodbank as she was unable to buy food.

Ms Nixon has received a Uniting Care Grant to pay 6 months of her rates, as well as pay some other bills and repair the damage to her house that her partner had caused through physical violence.

It is my understanding that Ms. Nixon has successfully exited the relationship and that measures are in place ensure that there is no repeat of the situation.

Consultation

- Discussions with the Gosnells Community Legal Counsellors
- Email discussions with Ms Nixon

Policy

2.3 FINANCIAL HARDSHIP AND DEBT RECOVERY POLICY

Purpose

This Financial Hardship Policy outlines how Shire of Goomalling will assist customers who cannot pay amounts owing (“debtors”) to Council because of financial hardship. Our policy applies to rates notice (except the Emergency Service Levy)⁵ and general debtors. Residential tenants who have agreed with the land owner to receive a rate notice are also covered by this policy.

SHIRE PRESIDENT: *Jmchester*

DATE: 21.2.24



Shire of Goomalling is committed to working with debtors to find an appropriate payment solution that works for both parties. Shire of Goomalling understand that it can be difficult to ask for support, and will treat debtors sensitively and respectfully.

Objective

- To ensure a consistent, collaborative and transparent approach to recovery and collection of debts, including outstanding rates and charges;
- To outline the management of customers experiencing financial hardship;
- Outline management of person experience vulnerability;
- Define financial hardship and identifying customer in financial hardship;
- Outline process for payment plans for debt reductions; and
- Useful Information for customers.

Scope

Chief Executive Officer, Finance Manager, Finance Officer, Ratepayers, tenants and debtors.

Standard

Any debtor payment due to the Shire of Goomalling that has not be received by the due date shall be recovered in accordance with this Policy and any relevant legislation.

Rates Debtor Collection

The actions taken to recover outstanding amount due to the Shire will be as follows:

- ⁵ Emergency Service Levy (ESL) is regulated by the State and therefore, persons must apply directly to the Minister for financial relief for the ESL component of the rates notice.
- Amounts outstanding after the due date for payment will be followed up within 30 days with a final notice requesting full payment within fourteen (14) days unless an agreed Special Payment Arrangement has been entered into with the Shire of Goomalling;
- If payment is not received after 14 days, then where practicable, the Shire will endeavour to contact t h e debtor by email or phone prior to taking further action;
- If payment has still not been made, the Shire will issue a Notice of Intention to commence legal action letter to the debtor, requiring immediate payment or inviting the debtor to enter into a S p e c i a l Payment Arrangement with the Shire;
- If there is no response, then where practicable, the Shire will again endeavour to contact the debtor by email or phone prior to taking further action;
- As per section 6.60 of the *Local Government Act* If payment is not made and no payment arrangement is entered into, the Shire can take the following course of action:
 - Garnishing of rent from lessee of a property
Or, using a debt collection agency:
 - Via Property (Seizure and Sale) Order
 - Lodging a Caveat on the Title of Land
 - Sale of Land
- The Shire may use a debt collection agency to undertake these actions. If no payment is made within the guidelines of the Debt collection agency, the Shire may instruct the debt collection agency to lodge a General Procedure Claim (GPC) or a Minor Case Claim (CCC) in accordance with Section 6.56 of the *Local Government Act*;

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- If MCC or GPC is not served and the debtor cannot be located, the Shire may instruct an agent to undertake a Skip Trace;
- Should a MCC or GPC be lodged but there is no agreement within fourteen (14) days of issuing the claim, default judgement can be requested;
- Cost incurred as a result of proceedings on rating debts can be charged to the property's rates account as per section 6.56 of the Local Government Act 1995. The cost of lodging a caveat cannot be charged to the property.
- Where the debtor has defaulted three (3) times or more from an approved Special Payment Arrangement, the Shire may proceed with further legal action and not agree to enter into another Special Payment Arrangement.
- The Shire will not proceed with further legal action if the debt has been paid in full or an approved Special Payment Arrangement has been agreed and adhered to. Shire of Goomalling does not institute legal action for concession holders.

Sundry Debtor Collection

- An invoice or infringement notice will be issued requiring payment within 30 days from the date of issue;
- A final statement will be issued for all sundry debtor account in arrears 30 days or more requesting payment in full;
- Should debts remain unpaid after the expiry date show on the Final Statement, a letter of demand will be issued requiring payment within 14 days;
- Should the debt still remain unpaid, a schedule is to be present to Council at the next ordinary meeting or as soon as practicable recommending legal action. Debt remaining unpaid will be examined for the purpose of determining whether a summons will be issued. Following the issue of a summons, a reasonable offer to discharge a debtors' account will not be refused. Where a summons has been issued and remains outstanding, action will be taken to pursue that summon by whatever means necessary to secure satisfaction of the debt. This may include the issue of a Property (Seizure & Sale) Order against goods if necessary.
- Any sundry debtor in arrears 60 days or more be excluded from further use of these facilities such as public halls and the community bus until the account has been paid in full or an acceptable Special Payment Arrangement has been entered into.

Interest on outstanding rates debts (s6.51)

- o Interest **IS** charged on rates.
- o Interest **is NOT** charged to concession holder or senior rates debtors
- o Shire of Goomalling **does NOT** charge interest on arrears prior to concession registration.
- o Interest is NOT charged on general debtors
- o All interest charges may be waived, reduced or written off as directed by the relevant Minister/s for Local Government and/or for Emergency Services.

Identifying Customers in Financial Hardship

If you think you may be in financial hardship, the Shire encourages you to make contact as soon as possible. You may ask your financial counsellor to contact the Shire on your behalf.

The Shire will assess the application within fifteen (15) business days as to whether it is considered that you are in financial hardship. If an assessment cannot be made within fifteen (15) business days, the Shire will refer you to a financial counsellor for assessment.

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As part of the assessment the Shire will consider any information you or your financial counsellor may provide. The Shire will also take into account any information on hand as to your payment history.

As soon as the Shire has made an assessment, you will be advised of the outcome.

Persons in situations of vulnerability

The general principle for rates collection is that, in all circumstances, rates must be paid. This ensures fairness in the community that all property owner accept and carry out their obligations to contribute to the cost of provision of essential community infrastructure.

The general principle for rates collection is that, in all circumstances, rates must be paid. This ensures fairness in the community that all property owners accept and carry out their obligations to contribute to the cost of provision of essential community infrastructure.

The ability to pay overdue debts by individual rate payers and debtors varies, and in some instances, persons can be experiencing financial stress by a wide range of factor. The Shire of Goomalling recognizes that vulnerable persons in particular are susceptible to experiencing harm, loss or disadvantage.

Anyone, given a combination of circumstances, can find themselves in a situation of vulnerability. The Shire recognizes that specific risk factors are more prevalent for some people in the community but may not necessarily result in vulnerability, these risk factors include:

- Disability;
- Illiteracy/innumeracy;
- Unemployment;
- Serious or chronic illness;
- Bereavement;
- Exposure to family or domestic violence; and
- Low English language proficiency (Culturally and Linguistically Diverse)
- Aboriginal and Torres Strait Islander people who, as a result of historical and systemic inequity, are more likely to experience disadvantage and be in situations of vulnerability.
- loss of your or a family member's primary income;
- spousal separation or divorce;
- loss of a spouse or loved-one;
- physical or mental health issues;
- a chronically ill child;
- budget management issues associated with a low income; and
- other unforeseen factors affecting your capacity to pay, such as a reduction in income or an increase in non-discretionary spending.

There are varying stages of vulnerability, which can take the form of payment difficulties or financial hardship.

Payment difficulties reflect short term financial constraints whilst financial hardship may reflect longer term financial stress or wide-ranging implications. People experiencing financial hardship are generally unable to provide one or more fundamental needs including:

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