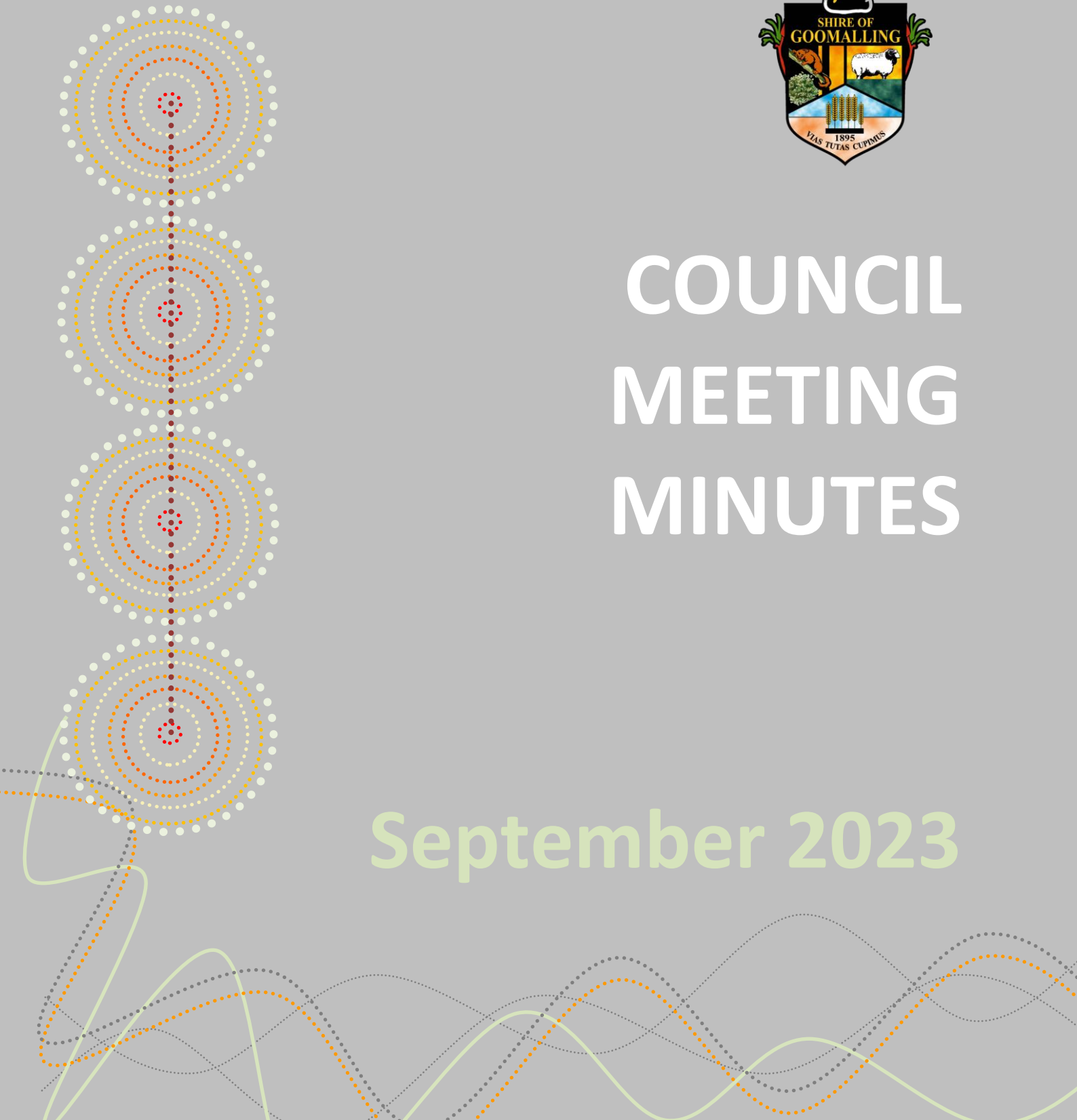


Shire of Goomalling



COUNCIL MEETING MINUTES

September 2023



SHIRE OF GOOMALLING
 MINUTES FOR ORDINARY MEETING OF COUNCIL
 WEDNESDAY, 20 SEPTEMBER 2023



TABLE OF CONTENTS

Item No	Description	Page No
1.	DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE	4
3.	DECLARATION OF FINANCIAL / IMPARTIALITY / PROXIMITY INTEREST	4
4.	PUBLIC QUESTION TIME	4
5.	APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE	4
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	
	6.1 Ordinary Meeting of Council – 16 August 2023	5
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	5
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	5
9.	OFFICERS' REPORTS	
	9.1 Application of Common Seal – Grant Right of Burial 136	6
	9.2 Application of Common Seal – Grant Right of Burial 137	9
	9.3 Permission to Collect Seed	12
	9.4 Hire of Goomalling Town Hall	14
	9.5 Development Application – Proposed Farm Outbuilding Neil Kristiansen	16
	9.6 Audit Costs – Request for Increased Payment	18
	9.7 Delegation Register	20
	9.8 Subdivision application 163883 – Lot 2107,2108,11952 Goomalling Toodyay Rd, Mumberkine	25
	9.9 Crossover to 25 Quinlan Street, Goomalling	27
	9.10 Go Service & Recycling donation – Swimming Pool	31
	9.11 Financial Report – July 2023	33
	9.12 Schedule of Accounts 1 August to 31 August	35
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	37
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	37
	11.1 Application of Common Seal – Grant Right of Burial 138	38
	11.2 Application for 3-6 Dogs – 1515 Goomalling – Toodyay Road, Wongamine	41

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



12.	MATTERS BEHIND CLOSED DOORS	47
12.1	CONFIDENTIAL – Offer to Purchase – Lot 203 Grange Street	48
12.2	CONFIDENTIAL – CEO Performance Review	51
12.3	CONFIDENTIAL – CEO Recruitment	59
13.	INFORMATION BULLETIN	75
14.	MEETING CLOSURE	75

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



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. 9 of 2023 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday 20 September at **4.35pm**.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

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

2.1. Attendance

Council	President	Cr Barry Haywood
	Vice President	Cr Julie Chester
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Roland Van Gelderen

Administration	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

2.2. Apologies

Cr Mark Ashton
Cr Brendon Wilkes

2.3. Approved Leave of Absence

3. DECLARATION OF:

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST
 - Cr Roland Van Gelderen declared impartiality interest in item 9.10 due to being a member of the Go Service & Recycling.
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 16 August 2023

RESOLUTION 685

Moved Cr Van Gelderen, seconded Cr Butt that the minutes for the ordinary meeting 16 August 2023 be confirmed as true and correct record of proceedings.

CARRIED 5/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

PRESIDENT _____

DATE _____



9. OFFICERS' REPORTS

9.1 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 136

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	24 August 2023
Author	Tahnee Bird, Community Development Officer
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. 136. for John Douglas Smith to validate the grant.

Background

Application was received from John Douglas Smith for the Grant of Right of Burial for Grave No. 46 in the Anglican section of the Goomalling Cemetery. The applicable fee of \$230 for a single site, was received on 20 July 2023 receipt number 91143.

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*.

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.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- 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.

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. 136 for John Douglas Smith.

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICER'S RECOMMENDATION

That the Council:

Endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 136. for John Douglas Smith to validate the grant.

RESOLUTION 686

Moved Cr Van Gelderen, seconded Cr Chester that Council endorse the officer's recommendation.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.2 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 136

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	24 August 2023
Author	Tahnee Bird, Community Development Officer
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. 137. for Christine Brookes to validate the grant.

Background

Application was received from Christine Brookes for the Grant of Right of Burial for Grave No. 228 in the Anglican section of the Goomalling Cemetery. The applicable fee of \$230 for a single site, was received on 21 July 2023 receipt number 91150.

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*.

Procedure:

6. 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:
 - 6.1 Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 9as amended).
 - 6.2 Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).
 - 6.3 In respect of leases of land and licence to occupy municipal property where approved by Council.
 - 6.4 In respect of leases for the purchase of plant and equipment approved by Council.
 - 6.5 In respect of borrowings approved by Council.
 - 6.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- 6.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.
 - 6.8 In respect of contracts of employment approved by Council.
 - 6.9 In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.
 - 6.10 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.
 - 6.11 In respect of the adoption of local laws.
 - 6.12 Any document stating that the common seal of the Shire is to be affixed.
7. 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.
 8. The procedure to be adopted for the use of the common seal is as follows:
 - 8.1 The Chief Executive Officer is responsible for the security and proper use of the common seal.
 - 8.2 The common seal is not to be affixed to any documents except as authorised by Council.
 - 8.3 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.
 - 8.4 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.
 9. The wording to accompany the application of the common seal to be as follows:
 - 9.1 "The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council."; or
 - 9.2 "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."
 10. 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.

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. 137 for Christine Brookes.

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICER'S RECOMMENDATION

That the Council:

Endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 137. for Christine Brookes to validate the grant.

RESOLUTION 687

Moved Cr Van Gelderen, seconded Cr Chester that Council endorse the officer's recommendation.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.3 PERMISSION TO COLLECT SEED

File Reference	
Disclosure of Interest	Nil
Applicant	Rylan Cunnane
Previous Item Numbers	No Direct
Date	5 September 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	

Summary

Council to consider whether it wishes to allow the collection of seed at Oak Park by Mr Rylan Cunnane and Mr Stuart Eaton.

Background

Mr Rylan Cunnane is seeking permission to collect native seed from within the Oak Park reserve vested to the Shire of Goomalling. He is seeking permission collect flora and or seed under a Regulation 61 licence for the purpose of practising plant identification as a final year botany student.

Mr Cunnane and Mr Eaton have each provided a copy of their respective licences

Consultation

Nil other.

Statutory Environment

Local Government Act 1995

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

	This matter is not directly dealt with within the Community Strategic Plan
--	--

Comment/Conclusion

Nil further.

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICERS' RECOMMENDATION

That the Council:

Advise Mr Rylan Cunnane that permission is granted to collect seed from the Council portion of Oak Park reserve within the Shire of Goomalling subject to the following conditions:

- All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.
- This approval is for the period 20 September 2023 to 20 December 2023
- This approval applies to collection by Mr Rylan Cunnane and Mr Stuart Eaton.
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
- All care is to be taken to avoid the disturbance of fauna habitat.
- All care be taken to avoid any disturbance that may lead to soil degradation.
- The approval is not to be used for commercial collection of seed or the removal of sandalwood materials.
- This permit will require a further application to be extended beyond 20 December 2023

RESOLUTION 688

Moved Cr Van Gelderen, seconded Cr Barratt that Council endorse the officer's recommendation.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.4 HIRE OF GOOMALLING TOWN HALL

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Sacred Heart Catholic School
Previous Item Numbers:	
Date:	6 September 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	1. Application to consume alcohol 2. Presentation Ceildh Event

In Summary

To Consider what charges should be levied to Sacred Heart Catholic School for the use of the Goomalling Shire Hall for holding a St Patrick’s Day Ceildh function.

Background

The Shire of Goomalling lists the charges for the use of the hall to be determined by the council on the basis of each individual event. The proposed event will be catered and will take place 18 March 2024 from 6pm to 12.00am

Consultation

Nil

Policy

Council does not have a specific policy regarding this matter.

Statutory Environment

- Local Government Act (1995)

Financial Implications

Revenue from any charge set by the Council and power and water consumption costs.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
	Not directly dealt with

Comment/Conclusion

Council to determine the cost to be applied.

PRESIDENT _____

DATE _____



Voting Requirements
Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Determine the cost to Sacred Heart Catholic School for the use of the Goomalling Hall for its proposed St Patrick's Day celebration.

RESOLUTION 689

Moved Cr Butt, seconded Cr Van Gelderen that Council set the hire fee at \$200 to recover the anticipated cost of hire inc. two days cleaning and power consumption.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.5 DEVELOPMENT APPLICATION - PROPOSED FARM OUTBUILDING NEIL KRISTIANSSEN

File Reference	10.5A
Disclosure of Interest	Nil
Applicant	Neil Kristiansen
Previous Item Numbers	No Direct
Date	11 September 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1. A copy of the development proposal plans is attached.

Summary

For Council to consider granting development approval for a proposal to erect a 472.5m² outbuilding at 388 Hulongine Road Goomalling.

The application is referred to Council for consideration as Delegation DE35 (Determination of Applications for Development Approval) requires buildings over 400m² in building floor area to be reported to Council for determination.

Background

The property is located on Hulongine Road and is zoned 'Rural 3 – General Farming' under the Shire's Town Planning Scheme No. 3 (the Scheme), and is 82.56ha in size.

The application proposes the erection of a 360m² steel farm outbuilding (typical open-ended shed) with the following dimensions:

Length 25.0m
 Width 21.0m
 Height 6.42m

The outbuilding will be well set back from the boundaries. A location Plan and plans of the proposed outbuilding are attached.

Consultation

N/A

Statutory Environment

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Goomalling Town Planning Scheme No. 3.

PRESIDENT _____

DATE _____



Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

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

Comment/Conclusion

Mr Kristiansen has already constructed the building and accordingly has had to pay an increased cost for the development application. Likewise, he will have extra costs when the application for a building approval certificate is lodged as well. The outbuilding appears to have been constructed in accordance with the site plan and building plans.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

Pursuant to Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* in Schedule 2 and Part 9, and the *Shire of Goomalling Town Planning Scheme No. 3*, retrospective development approval, for a machinery and hay/fodder storage shed plus a lean-to, is granted in accordance with an application dated 4 September 2023 and the attached stamped plans subject to the following condition and advice notes:

1. The development hereby approved must be carried out in accordance with the submitted plans and specifications, (addressing all conditions) or otherwise amended by the Shire and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.

Advice

- A) The applicant is advised that this development approval is not a Building Permit. A Building Approval Certificate must be formally applied for and obtained.
- B) A low fuel area should be maintained around the shed at all times.
- C) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

RESOLUTION 690

Moved Cr Chester, seconded Cr Van Gelderen that Council endorse the officer's recommendation.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.6 AUDIT COSTS – REQUEST FOR INCREASED PAYMENT

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Dry Kirkness/Auditor Generals Department
Previous Item Numbers:	April 2023
Date:	12 September 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	

In Summary

Council to consider an offer of \$7,500.00 in extra payments to the Auditor General (AG) for increased costs for the 2022 Audit.

Background

In past years the AG has taken over the auditing of Local Government entities from what were tendered private sector audit firms. The immediate effects of the change were;

- An initial doubling of the cost
- A more rigorous audit process
- Wider reporting by the AG of issues with Local Government practices and processes
- Interaction between the Department for Local Government and the AG regarding audits
- Additional significant increases in audit costs even as our processes have improved.

2022 AUDIT

In 2022 we budgeted \$30,500.00 for audit costs on advice from the AG’s department. The audit costs were approximately \$20,000.00 over this budgeted amount for the financial year (a compromise offer of a further \$7,500.00 in extra cost has been offered).

Costs doubled in the first year, tripled within 3 years and now have increased almost 75% in one year even though our performance had improved significantly and testing in a number of areas had reduced (notwithstanding that the audit firm has offered a lesser compromise position of a 27% increase over the budgeted amount).

There were significant periods of time, many weeks in fact where no contact came from the auditor after we provided information – delays were not just one way.

Consultation

Suraj Karki – Auditor Generals representative
 Marius van der Merwe – Director – Dry Kirkness - Auditor

Policy

Council does not have a specific policy regarding the payment for audit.

PRESIDENT _____

DATE _____



Statutory Environment

- Local Government Act (1995)

Financial Implications

If the Council agrees to pay the additional costs this will result in \$7,500.00 in extra costs for the 2022 Audit.

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.
-------	--

Comment/Conclusion

The Auditor General's Department has advised that the following items contributed to the high cost of Audit;

- ASA 315 – Identifying and Assessing the Risks of Material Misstatement through Understanding the Entity and its Environment (significant extra Audit work)
- The AG has not been fully recovering the costs of Audit costs where now it has moved to do so.
- Extra costs were associated with the revaluation of assets in the audit as the valuations were completed after the year end. Audit staff were required to fully reconcile each version of the AFR, even if the changes were text only.
- AFR not being in complete form ready for audit (due to valuations)

The Auditor General has provided a quote for the 2023 year based on there being no valuations which is just over \$33,000 which is a \$5,000 reduction on the previous years costs. Given that there will be no revaluations in the year this should be achievable following discussions held with the auditors.

Ultimately, the Council has made the AG aware of its position, however we are liable for the extra costs regardless.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

Agree to pay the Auditor General an additional \$7,500.00 with regard to the 2022 audit cost.

RESOLUTION 691

Moved Cr Barratt, seconded Cr Chester that Council endorse the officer's recommendation.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.7 DELEGATIONS REGISTER

File Reference	
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	8 th September 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	
1. Delegations Register & Authorisations	

Summary

Council is required to review the Delegations Register at least once in each year. The attached Delegations and Authorisations need to be reviewed and adopted by the Council.

Background

Section 5.18 of the Local Government Act 1995, requires a local government to keep a Register of Delegations and review the delegations at least once every financial year.

The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire’s Community Strategic Plan directions, including its obligations at law to carry out the statutory responsibilities of Local Government.

The Register identifies the relevant document(s) from which the delegated authority is derived, including legislation and policies. This has been provided to enable cross-referencing between the delegations and other relevant documents.

Consultation

Nil

Statutory Environment

- **Local Government Act 1995 (As Amended)**

5.41. **Functions of CEO**

The CEO’s functions are to —

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws; and*

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



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

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

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

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority of the council;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*
- are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
- conditions** *includes qualifications, limitations or exceptions.*

[Section 5.44 amended: No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
- (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
- (b) *a CEO from performing any of his or her functions by acting through another person.*

PRESIDENT _____

DATE _____



5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Policy Implications

Council does not have a specific policy regarding Delegations beyond the delegations themselves. There are number of policies which are invoked through the delegation of power.

Financial Implications

Nil

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
4.2.2	Promote a culture of continuous improvement processes and resource sharing
4.2.3	Use resources efficiently and effectively

Comment/Conclusion

Within the current Delegations Register several small changes have been made as follow;

- DE12 – Removal of the COVID provisions regarding tenders and increasing the tender threshold to \$250,000 as per the current regulations.
- DE22 – DE24 – removing the Contract Health Officer as the delegation to a contractor is not permitted – this delegation now rests with the CEO.
- DE30 – Increasing the amount for budget variations that the CEO can approve to \$10,000 from \$5,000.
- DE31 – Giving the CEO the delegated authority to approve Credit Card payments for LAG Officers.
- DE41 – Clarifying the provisions for the CEO to sign Transfer of Land documents for minor land transactions (up to \$100,000) that have been approved by the Council without requiring the use of the Common Seal and signing declaration.

The following definitions are provided to explain the variance between the Sections.

Delegation from the Council to the CEO – Are instances where the Council delegates the undertaking of certain roles and responsibilities to the CEO.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than or in addition to the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for the Bush Fires Act 1954.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the *Local Government Act 1995* and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the *Bush Fires Act 1954* (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the *Local Government Act 1995* where a delegated authority exists.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

Adopt the reviewed Delegated Authority Register September 2023, as presented.

RESOLUTION 692

Moved Cr Chester, seconded Cr Van Gelderen that Council endorse the officer's recommendation.

CARRIED 5/0

PRESIDENT _____

DATE _____



**9.8 SUBDIVISION – APPLICATION 163883 – LOT2107, 2108, 11952
GOOMALLING-TOODYAY ROAD, MUMBERKINE**

File Reference	3.16
Disclosure of Interest	Nil
Applicant	FM Surveys Pty Ltd James Glass
Previous Item Numbers	No Direct
Date	12 September 2023
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Natalie Bird, Acting CEO
Attachments	<ol style="list-style-type: none"> 1. WA Planning Commission correspondence 2. Application for Approval of Freehold Land or Survey Strata Subdivisions 3. Certificate of Titles 4. Proposed Subdivision – Plans and Documents 5. Existing Mapping

Summary

WA Planning Commission is seeking comment in relation to subdivision application no. 163883 for Lot 2107, 2108 and 11952 Goomalling-Toodyay Road, Mumberkine for the applicant FM Survey Pty Ltd, on behalf of the owner James Glass.

Background

The current property consists of three lots with the boundaries splitting habitable dwellings and non-habitable structures across two of those lots. The application seeks to realign those boundaries to create a “homestead” lot (proposed Lot A 33.8289ha) containing all the structures and two other lots, proposed Lot B 87.11ha and proposed Lot C 24.9815ha.

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

Nil

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
4.1.4	Provide reporting processes in a transparent, accountable and timely manner

PRESIDENT _____

DATE _____



Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Council:

Consider the subdivision application and provide comment for submission to the WA Planning Commission.

RESOLUTION 693

Moved Cr Van Gelderen, seconded Cr Chester that Council supports the boundary realignment application.

Subject to WAPC preference, the WAPC may wish to add Model Condition T24 given all lots are subject to road freight noise as outlined in *State Planning Policy 5.4 Road and Rail Noise*.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.9 CROSSOVER TO 25 QUINLAN STREET, GOOMALLING

File Reference	12.06
Disclosure of Interest	Nil
Applicant	Genine Smith
Previous Item Numbers	No Direct
Date	12 September 2023
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Natalie Bird, Acting CEO
Attachments	1. Letter from Genine Smith

Summary

Genine Smith has submitted a letter seeking contribution from Council for 50% cost of construction of a new crossover as she has recently constructed a new dwelling and the current crossover doesn't align with her garage.

Background

Genine has submitted a request for a crossover to the CEO and was advised that there was an existing crossover in place therefore she would have to arrange for the extension or replacement of the crossover at her own cost.

The previous owner of the block (Goomalling Farmers' Club) primarily used the block as a car park despite the block being residential zoned, and not zoned for the purpose of a car park/commercial. It is not known when the crossover was installed, however the crossover was in place at the time of purchase of the vacant land.

PRESIDENT _____

DATE _____



Figure 1: Existing crossover

PRESIDENT _____

DATE _____



Figure 2: Existing Crossover showing alignment with garage

Statutory Environment

Local Government Act 1995 – Section 6.4 (as amended)

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

PRESIDENT _____

DATE _____



Policy Implications

There is no formal policy regarding this matter, however historically Council has contributed 50% in the case of properties with no existing crossover. If a crossover is in place the owner has had to pay 100% of the cost for extension or replacement even in scenarios where the current crossover has been installed inadequately (poor gradient etc), which is the case for a lot of properties with older crossovers.

Financial Implications

Nil

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

OFFICER'S RECOMMENDATION

That the Council:

Consider the request from Genine Smith and advise how to proceed.

RESOLUTION 694

Moved Cr Chester, seconded Cr Van Gelderen that Council do not contribute to the crossover installation as there is already a crossover in place at 25 Quinlan Street.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.10 GO SERVICE & RECYCLING DONATION – SWIMMING POOL

File Reference	
Disclosure of Interest	Nil
Applicant	Go Service & Recycling
Previous Item Numbers	No Direct
Date	12 September 2023
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Natalie Bird, Acting CEO
Attachments	1. Letter from GOSAR

Summary

Go Service and Recycling is a not-for-profit organisation that raise funds for the community via recycling donated in Goomalling include the container deposit scheme, scrap metal and batteries.

Background

Goomalling War Memorial Swimming Pool has an annual income of approximately \$8000 which includes season passes, Vacswim and School based swimming lesson entry fees.

Go Service and recycling is offering a donation of \$3000 to the Shire of Goomalling to enable FREE ENTRY to all patrons to the Goomalling War Memorial Swimming Pool on Saturdays and Sunday for the 2023-24 season.

Go Service and recycling would like the donation to be acknowledged in Council’s next newsletter (December) so that the community is aware of where their donations are going.

Statutory Environment

Local Government Act 1995 – Section 6.4 (as amended)

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

Policy Implications

Nil

Financial Implications

Advertising that Saturday and Sunday entry is free may see a shortfall in income to Council over and above the donation of \$3000, particularly because it may increase patronage.

PRESIDENT _____

DATE _____



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

OFFICER'S RECOMMENDATION

That the Council:

1. That Council accept the donation of \$3000 to enable free entry to the pool on Saturday and Sunday for the 2023-24 pool season;
2. That Council is aware and accept the loss of income from weekend patronage over and above the \$3000 donation; and
3. That Council determine new annual season pass fees for the 2023-24 season taking into consideration donation.

RESOLUTION 695

Moved Cr Chester, seconded Cr Butt that Council accepts the donation of \$3000 to enable free entry to the pool on Saturday and Sunday for the 2023-24 pool season.

CARRIED 5/0

PRESIDENT _____

DATE _____



9.11 FINANCIAL REPORT FOR JULY 2023

File Reference	Not Applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	12 September 2023
Author	Natalie Bird, Finance Manager
Authorising Officer	Natalie Bird, Finance Manager
Attachments	Monthly Financial Report to 31 July 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

PRESIDENT _____

DATE _____



OFFICER'S RECOMMENDATION

That the Council:

Receive the Monthly Financial Report to 31 July 2023

RESOLUTION 696

Moved Cr Barratt, seconded Cr Chester that Council endorses the officer's recommendation

CARRIED 5/0

PRESIDENT _____

DATE _____



9.12 SCHEDULE OF ACCOUNTS PAID 1 AUGUST TO 31 AUGUST

File Reference	Not applicable
Disclosure of Interest	Nil
Applicant	Not Applicable
Previous Item Numbers	No Direct
Date	12 September 2023
Author	Deb Horton, Accounts Payable
Authorising Officer	Natalie Bird, Finance Manager
<p>Attachments</p> <ol style="list-style-type: none"> 1. Schedule of Payments – August 2023 2. Corporate Credit Card Statements July 2023 	

Summary

FUND VOUCHERS AMOUNT

EFT 5786 to 5885	\$383,866.46
Direct Debits 8597 to 8598	\$3,356.31
Cheques 15480 to 15483	\$32,459.63
Payroll JNL 6883 & 6895	\$105,586
Super DD16594 & 16713	\$19,124.12
TOTAL	\$544,392.52

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICER'S RECOMMENDATION

That the Council:

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

FUND VOUCHERS AMOUNT

EFT 5786 to 5885	\$383,866.46
Direct Debits 8597 to 8598	\$3,356.31
Cheques 15480 to 15483	\$32,459.63
Payroll JNL 6883 & 6895	\$105,586
Super DD16594 & 16713	\$19,124.12
TOTAL	\$544,392.52

RESOLUTION 697

Moved Cr Barratt, seconded Cr Butt that Council endorse the officer's recommendation

CARRIED 5/0

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



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

Nil

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

RESOLUTION 698

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

CARRIED 5/0

PRESIDENT _____

DATE _____



11.1 APPLICATION OF COMMON SEAL – GRANT RIGHT OF BURIAL NO. 138

File Reference	Grant Right of Burial Register
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	18 September 2023
Author	Tahnee Bird, Community Development Officer
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. 138. for Dorothy Easton to validate the grant.

Background

Application was received from Dorothy Easton (nee Clegett) for the Grant of Right of Burial for Grave No. 82 on the Niche Wall of the Goomalling Cemetery. The applicable fee of \$230 for a single site, was received on 15 September 2023 receipt number 91921.

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*.

Procedure:

11. 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:
 - 11.1 Where land is disposed of pursuant to s. 3.58 of the Local Government Act 1995 9as amended).
 - 11.2 Where land is acquired pursuant to s. 3.55 and s. 3.59 of the Local Government Act 1995 (as amended).
 - 11.3 In respect of leases of land and licence to occupy municipal property where approved by Council.
 - 11.4 In respect of leases for the purchase of plant and equipment approved by Council.
 - 11.5 In respect of borrowings approved by Council.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- 11.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
 - 11.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that Council's interests have been satisfied.
 - 11.8 In respect of contracts of employment approved by Council.
 - 11.9 In respect of documents of a ceremonial nature, where the affixing of the common seal is for prosperity and not a legal requirement.
 - 11.10 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.
 - 11.11 In respect of the adoption of local laws.
 - 11.12 Any document stating that the common seal of the Shire is to be affixed.
12. 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.
13. The procedure to be adopted for the use of the common seal is as follows:
- 13.1 The Chief Executive Officer is responsible for the security and proper use of the common seal.
 - 13.2 The common seal is not to be affixed to any documents except as authorised by Council.
 - 13.3 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.
 - 13.4 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.
14. The wording to accompany the application of the common seal to be as follows:
- 14.1 "The common seal of the Shire of Goomalling was hereto affixed by the Authority of Council.";
 - or
 - 14.2 "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."
15. 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.

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. 138 for Dorothy Easton.

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICER'S RECOMMENDATION

That the Council:

Endorse affixation of the Shire of Goomalling Common Seal to the Schedule "B" Form of Grant of Right of Burial No 138. for Dorothy Easton to validate the grant.

RESOLUTION 699

Moved Cr Van Gelderen, seconded Cr Chester that Council endorse the officer's recommendation

CARRIED 5/0

PRESIDENT _____

DATE _____



11.2 APPLICATION FOR 3-6 DOGS – 1515 GOOMALLING-TOODYAY ROAD, WONGAMINE

File Reference	5.3
Disclosure of Interest	Nil
Applicant	Kim Mudgway
Previous Item Numbers	No Direct
Date	15 September 2023
Author	Irene Ryan, Ranger
Authorising Officer	Peter Bentley, Chief Executive Officer
Attachments	Nil

Summary

The purpose of the report is to assess application from Kim Mugway to have 3 dogs on her 15.8ha property located at 1515 Goomalling-Toodyay Road, Wongamine.

Background

Date of Inspection: 15th September 2023
 Name: Kim Mudgway
 Property Address: 1515 Goomalling-Toodyay Road, Wongamine
 Size of Property: 15.8Hec
 Ranger: Irene Ryan

Number of Dogs	Dog Name	Breed	Colour	Age	Sex	Rego No.
1	Maverick	Boerboel	Tan	4 1/5yrs	M	2300151
2	Molly	Mastiff X	Chocolate	3 yrs	F	2300152
3	Cooper	Mastiff X	White & Black	6 1/2yrs	M	TBA

Fencing

Materials used: Around the whole property boundary, fencing is ringlock with an electric wire strand on the top to stop dogs from jumping on the fence.

The enclosed dog yard is newly built with 6 foot high dog fencing which is very secure and strong.

House 1 has a patio attached off it which is fully enclosed with cyclone wire. The dogs have access to an exercise yard which is secured with ring lock fencing and an electric strand around the entire yard.

House 2 has an outside exercise yard attached made out of small square dog fencing. This yard also has electric fencing around the bottom the whole way around.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



Locking devices on gate: The latches are at a suitable height out of reach from the dogs. These latches are on the outside of the gates.

Housing

Means of housing: The dog yard has a fully enclosed shed, which allows the dogs to stay out of the weather.

House 1: Inside the patio area there is a couch for the dogs to share.

House 2: The dogs have access into the house whenever they want. The sleep inside on the couch or the bed.

Bedding: Sufficient bedding to keep the dogs comfortable.

Water Supply: The dogs have water bowls or tubs in each area.

Condition of existing dogs Suitable Not Suitable

Details: All dogs were healthy and happy.



PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



Enclosed dog yard 1



Yard attached to enclosure



Gate and latch for yard 1



Water source for yard



Enclosed Patio area house 1



Yard attached to patio house 1



PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



2nd house yard gate



2nd house yard area



2nd house yard water tub



2nd house yard day bed



Consultation

Ranger Notes:

The dogs were very friendly towards me upon arrival. The dogs did not show any signs of aggression towards each other. The dogs are in good condition and there was no dog faeces laying around the yard.

The Council sent out six (6) letters to adjoining and adjacent neighbours. Receiving no objections.

There is no history on our system regarding the care and welfare of any dogs at this address. There is no history of barking from this property.

Statutory Environment

Local Government Act 1995

Dog Act 1976

Shire of Goomalling Local Law Relating to Dogs 1997

PRESIDENT _____

DATE _____



Policy Implications

Nil

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

RANGER RECOMMENDATION

That Council APPROVE the application for three (3) dogs to be housed at 1515 Goomalling-Toodyay Road, Wongamine in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering.
2. The exemption applies only to the three (3) dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption for that particular dog ceases to have effect.
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the Dog Act 1976 in respect of any of the dogs, or any person in charge of those dogs.
4. The subject property must be kept clear of all animal excreta using proper disposal methods.
5. Adequate cover and protection are always to be available to the dogs.
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law.
7. The property is to be inspected annually by the Council Ranger.
8. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.
9. An automatic water trough is installed in the daytime yard when the dogs are left unattended throughout the day for access to fresh clean water at all times.

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICER'S RECOMMENDATION

That the Council:

That Council APPROVE the application for three (3) dogs to be housed at 1515 Goomalling-Toodyay Road, Wongamine in accordance with Section 26.3 of the Dog Act 1976 with the following conditions:

1. The approval being placed on the condition that the dogs do not prove to be a nuisance (to the satisfaction of Council) to adjoining or adjacent neighbours in terms of barking, aggressive behaviours and / or wandering.
2. The exemption applies only to the three (3) dogs stated on the application. Once any of the dogs are deceased, sold or otherwise disposed of, the exemption for that particular dog ceases to have effect.
3. The exemption will cease to have effect on the date of any conviction for an offence relating to the Dog Act 1976 in respect of any of the dogs, or any person in charge of those dogs.
4. The subject property must be kept clear of all animal excreta using proper disposal methods.
5. Adequate cover and protection are always to be available to the dogs.
6. The dogs are to be adequately confined in accordance with Section 18 of the Shires Dog Local Law.
7. The property is to be inspected annually by the Council Ranger.
8. Access to the property is to be given to the Council Ranger for the Annual Inspection, or more regularly if the Council so determines.
9. An automatic water trough is installed in the daytime yard when the dogs are left unattended throughout the day for access to fresh clean water at all times.

RESOLUTION 700

Moved Cr Van Gelderen, seconded Cr Barratt that Council endorse the officer's recommendation

CARRIED 5/0

PRESIDENT _____

DATE _____



12. MATTERS BEHIND CLOSED DOORS

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

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

RESOLUTION 701

Moved Cr Chester, seconded Cr Barratt that Council meeting is closed to the public to deal with confidential matters.

CARRIED 5/0

PRESIDENT _____

DATE _____



12.1 CONFIDENTIAL - OFFER TO PURCHASE PROPERTY – LOT 203 GRANGE STREET

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Liam Firby
Previous Item Numbers:	
Date:	5 September 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	1. Email – Liam Firby

In Summary

To Consider an offer from Mr Liam Firby to purchase Lot 203 Grange Street Goomalling for \$58,000.

Background

The Shire of Goomalling has received an offer from Mr Liam Firby, currently residing in Perth, of \$58,000 for the purchase of Lot 203 Grange Street, on the corner of Grange Street and Toodyay Road.

Consultation

Nil other

Policy

This matter is not directly dealt with by policy.

Statutory Environment

- Local Government Act (1995)

3.58. Disposing of property

- (1) In this section —
 - dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
 MINUTES FOR ORDINARY MEETING OF COUNCIL
 WEDNESDAY, 20 SEPTEMBER 2023



- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Financial Implications

The likely financial impact on the Council will be an increase in the revenue from the sale.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
	Not directly dealt with in the Community Strategic Plan

PRESIDENT _____

DATE _____



Comment/Conclusion

Last Year the Council received a valuation of \$70,000 for the property as part of its fair value process. It is unlikely that the property has reduced in value since that time. The offer is some \$12,000 below that relatively recent valuation.

Council Could:

- Accept the offer, give local public notice of the proposed sale, advertise the proposal for a period of not less than two weeks and, mindful of any submissions, proceed to sale by private treaty following consideration of any public submissions;
- Determine a price above the offer of say \$65,000 which roughly meets halfway to the offered amount and undertake the same advertising and public comment process before agreeing to sale by private treaty;
- The Council can hold out for the valuation price and again undertake the advertising and public comment process before agreeing to the sale.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Direct the CEO to advise Mr Firby that Council will be prepared to sell Lot 203 Grange Street for \$65,000;
2. If this offer is accepted direct that the CEO undertake the advertising and public comment process for at least 14 days as per Section 3.58 (3) and if no submissions are received, to progress the sale by public treaty of the property to Mr Firby.

RESOLUTION 702

Moved Cr Chester, seconded Cr Barratt that Council

1. ***Direct the CEO to advise Mr Firby that Council will be prepared to sell Lot 203 Grange Street for \$65,000;***
2. ***If this offer is accepted direct that the CEO undertake the advertising and public comment process for at least 14 days as per Section 3.58 (3) and if no submissions are received, to progress the sale by public treaty of the property to Mr Firby.***

CARRIED 5/0

PRESIDENT _____

DATE _____



12.2 CONFIDENTIAL – CEO PERFORMANCE REVIEW

File Reference	
Disclosure of Interest	The CEO registers that he has a financial interest in this item due to the outcome of the review potentially affecting his employment with the Council and salary.
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	13 September 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1.

Summary

Council to make determination as to whether it wishes to conduct the annual review of the CEO’s performance which is now due.

Background

In September 2018 the Chief Executive Officer commenced employment with the Shire of Goomalling for a contract period of three years. In March 2019 the Council agreed to a set of basic KPI’s to determine the adequacy of the CEO’s performance.

These KPI’s were of a fairly generic nature as the organisation required significant change from its existing processes and systems at that time and the resources available were scarce. There has been little change in the resourcing of the organisation however fairly significant change has been brought about over the past five years.

Council reviewed the KPI’s for the CEO in September 2022 but again resources for the CEO to make significant impact were not available in a number of areas and while not all KPI’s have been achieved, again, there have been a number of issues that have taken up significant resources to deal with.

Consultation

Nil at this stage

Statutory Environment

- Local Government Act 1995

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (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.]

5.39A. 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.]

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



5.39B. Adoption of model standards

- (1) In this section —
model standards means the model standards prescribed under section 5.39A(1).
- (2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.
* Absolute majority required.
- (3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.
* Absolute majority required.
- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- (6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.
- (7) Regulations may provide for —
(a) the monitoring of compliance with adopted standards; and
(b) the way in which contraventions of adopted standards are to be dealt with.
[Section 5.39B 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 Occupational Safety and Health Act 1984; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

PRESIDENT _____

DATE _____



5.41. Functions of CEO

The CEO's functions are to —

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

Local Government (Administration) Regulations 1996

18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))

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.

[Regulation 18FA inserted: SL 2021/14 r. 6.]

Policy Implications

Adopted CEO Performance Management Standards

Section 2 — Standards for review of performance of CEOs

15. Overview of Section

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

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

PRESIDENT _____

DATE _____



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

17. Carrying out a performance review

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

18. Endorsement of performance review by local government

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

19. CEO to be notified of results of performance review

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

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

Financial Implications

There are no direct financial implications with regard to this item unless Council seeks to take action such as employing a consultant to undertake the review with Council or seek to terminate the CEO's employment through the process. The cost of a consultant would be in the vicinity of \$2,000 to \$5,000 to assist with conducting the review.

PRESIDENT _____

DATE _____



In addition, should the Council agree to any increase in the CEO's salary this has been budgeted for at 5% in line with increases for all staff already paid from 1 July 2023. Any increase to the CEO's remuneration would take effect from 12 September 2023.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
	This item is not directly dealt with within the Community Strategic Plan

Comment/Conclusion

The CEO has now passed the 5 year milestone and under normal circumstances, this would trigger the review of both performance and salary at the same time. Historically, I have made provision for the same level of increase for the CEO as applied to all staff. In this year's budget that has been 5%.

The Council and the CEO have agreed an exit strategy with the CEO moving to retirement or at least semi-retirement. The Council can choose to forego the appraisal process given that the CEO will be taking long service leave from January 2024 and potentially not returning to work.

The Chief Executive Officer's Contract of Employment makes provision in relation to performance reviews in Clause 5.2 that they shall be held annually or more frequently if either party perceives a need. The Contract further provides in Clause 5.3, that the Council will use an independent party to facilitate the review, although the Council has chosen at previous reviews to undertake the process of its own accord. The Council still has the option to appoint whomsoever it believes is qualified to undertake the task or, if it can be objective and with the agreement of the CEO, undertake the task in-house if it chooses to undertake a review at all.

The Council adopted the following KPI's for the previous review.

- Provide accurate and timely advice to the Council.
- Work in collaboration with Council.
- Provide innovative and visionary leadership.
- Establish effective networks.
- Maintain a work environment that facilitates the development of people and encourages them to perform at a high level.
- Ensure effective and accountable application of financial and physical resources.
- Develop and implement change management strategies to enhance service delivery.
- Initiate the development, implementation and review of effective policies.
- Complete the refinancing of Council's loan portfolio

In addition, Council requested the following matters to be addressed;

- Quinlan Street Closure
- Footpath (Brookes Block) and CBH Dam excisions
- Removal of the dentist's chair from the surgery
- Clean-up of Council chambers

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- Action list in the Agenda
- Undertake rent reviews
- Review Council building holdings

The first four items are well underway or complete, the last two are also well underway and will likely come to one of the remaining meetings prior to my departure on leave

It should be noted that little has changed during the course of the year with regard to operational resourcing, however capital projects have come to fruition through the provision of stimulus payments from the Federal Government. This does not necessarily assist with such matters as plant replacement, routine building maintenance, or many of the other issues surrounding our longer term structural financial issues. It has given us the opportunity to progress projects to reinvigorate our town, upgrade some of our aging infrastructure and some buildings that fall into the criteria for funding.

Being unable to use consultants for specialist plans continues to tie up the CEO in tasks better suited to specialists and reduces the ability to be more visible to the community. The move to Auditor General Audits has continued to tie up both the CEO and Deputy CEO for long periods of time where the audits finish at the end of the following financial year. This is not ideal either.

A number of tools and reviews have been completed or are nearing completion including;

Create New Budget Format based around Shire of Kent Model - **Complete**

Create 5 Year detailed Budget – **Complete**

Create 20 Year Plant Replacement Plan – **Complete, Part of Budget**

Refinance Loans – **Interest only loan refinanced** – others more difficult due to break costs.

Create 5 Year Capital Budget – **Complete**

Create 10 Year Housing Maintenance Plan - **Complete**

Create 10 Year Public Building Maintenance Plans - **Complete**

Update Chart of Accounts - **Complete**

Complete Strategy to Review Housing Stocks – **Nearing Completion**

Create Strategy to Review Public Building Stocks - **Ongoing**

Create Strategy with regard to Vacant Land. - **Ongoing**

Align Strategic Plan to Electoral Cycle – **Review following this Election**

Review Structures for Staffing - **Ongoing**

Review all documents - **Ongoing**

The Council conducted the last review in-house and this was due in the main to the restricted resources available to the CEO and the Council. Council can undertake the process itself

PRESIDENT _____

DATE _____



without further guidance, undertake the process with the assistance of an external consultant through part of the process or it can have the external consultant undertake a significant part of the process with Council only providing its comment and feedback with little or no other real interaction if it so desires.

As stated earlier, Council must now choose how to deal with the review of the CEO's performance and review the KPI's set last year for relevance and whether there are other KPI's that are achievable given the current resourcing. It can also choose not to in the face of a new CEO potentially being in place within months.

If Council decides to postpone any review of the CEO's performance, the existing KPI's will continue to have currency.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Determine whether it wishes to conduct a full performance appraisal for the CEO and determine further KPI's for the coming year;
2. Determine any addition to the CEO's remuneration package.

RESOLUTION 703

Moved Cr Chester, seconded Cr Barratt that Council

1. ***will not conduct a performance review or alter the KPI's for 2023-24 as the CEO will unlikely be returning after his long service leave;***
2. ***No change to the CEO's remuneration package for 2023-24***

CARRIED 5/0

PRESIDENT _____

DATE _____



12.3 CONFIDENTIAL - CEO RECRUITMENT

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Shire of Goomalling
Previous Item Numbers:	
Date:	12 July 2023
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	

Summary

To consider CEO recruitment strategies.

Background

The CEO’s current contract is due to expire in September 2024. Between now and then I intend to take a period of annual leave while the bathroom at 32 Eaton Street is upgraded and long service leave already fully accrued on the basis of double time at half pay early in the new calendar year (mid-January).

This would effectively leave a period of three months on my current contract to run. I will not be seeking a further term with Council following that leave and will be hoping to move into semi-retirement or transitioning to, at the very least.

Council and I have agreed this exit strategy and have agreed that Mike FitzGerald will conduct the recruitment process following quotes from Mr FitzGerald, Lydia Highfield, Beilby and LOGO Appointments.

The Council determined that the whole of Council would be a part of the selection panel.

Consultation

Discussions with all recruitment agencies, and Mr Greg Baird

PRESIDENT _____

DATE _____



Policy

EXTRACT OF ADOPTED STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Section 1 — Standards for recruitment of CEOs

3. Overview of Division

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

4. Application of Division

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

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

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

6. Advertising requirements

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

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

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



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

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

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

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

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
- (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

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

11. Offer of employment in position of CEO

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

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

PRESIDENT _____

DATE _____



12. Variations to proposed terms of contract of employment

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

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

- (1) In this clause —

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

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

PRESIDENT _____

DATE _____



Statutory Environment

Local Government Act 1995

Division 4 — Local government employees

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (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.
- (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.]

PRESIDENT _____

DATE _____



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.
- (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;

PRESIDENT _____

DATE _____



- (c) the termination of the employment of CEOs.
- (2) Regulations may amend the model standards.
[Section 5.39A inserted: No. 16 of 2019 s. 22.]

5.39B. Adoption of model standards

- (1) In this section —
model standards means the model standards prescribed under section 5.39A(1).
- (2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.
** Absolute majority required.*
- (3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.
** Absolute majority required.*
- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- (6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.
- (7) Regulations may provide for —
 - (a) the monitoring of compliance with adopted standards; and
 - (b) the way in which contraventions of adopted standards are to be dealt with.

[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.*

PRESIDENT _____

DATE _____



- (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 —

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- (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 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

PRESIDENT _____

DATE _____



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.

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- (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.

Local Government Act - Long Service Leave Regulations

6. Entitlement to leave

- (1) The long service benefits to which a worker shall be entitled by reason of continuous service with one or more employers shall be as provided in this regulation.
- (2) Subject to subregulation (5) and regulations 6A and 6B a worker is entitled to 13 weeks long service leave in respect of each 10 years' continuous service that he completes.
- (3) Where the service of a worker who has previously become entitled to long service leave under subregulation (2) is terminated in any circumstances otherwise than by his employer for serious and wilful misconduct, and the worker

PRESIDENT _____

DATE _____



does not within the time specified in regulation 5(c)(i) or (ii), whichever is the longer, enter the service of another employer the worker shall be entitled to a payment calculated under regulation 8(1) in lieu of an amount of pro rata long service leave on the basis of one and three-tenths weeks leave for each year of continuous service that he has completed since he last became entitled under subregulation (2) to an amount of long service leave, and, for the purpose of calculating that payment, the worker shall be deemed to have commenced that leave immediately prior to the termination of his service.

- (4) Where the service of a worker who has completed at least 7 years continuous service but has not previously become entitled to long service leave under subregulation (2) is terminated in any circumstance otherwise than by his employer for serious and wilful misconduct, and the worker does not within the time specified in regulation 5(c)(i) or (ii), whichever is the longer, enter the service of another employer the worker shall be entitled to a payment calculated under regulation 8(1) in lieu of an amount of pro rata long service leave on the basis of one and three-tenths weeks leave for each year of continuous service that he has completed and, for the purpose of calculating that payment, the worker shall be deemed to have commenced that leave immediately prior to the termination of his service.
- (5) Where a worker is entitled to long service leave by reason of subregulation (2) and his service with an employer is terminated before he has taken or fully taken that leave his entitlement to that leave shall cease but he shall be entitled, in lieu thereof, to a payment calculated in accordance with regulation 8(1) or (2), whichever is applicable.

6A. Leave on half pay

Where a worker commences a period of long service leave, the worker may, if the worker and his employer so agree in writing, be paid for each week of that period at half the rate at which he would otherwise be entitled under regulation 8 to be paid, but only half of any period of leave in respect of which the worker is so paid shall be taken into account for the purpose of ascertaining the amount of leave, if any, to which he is thereafter entitled and for the purpose of applying the formula in regulation 9(3).

7. Taking leave

- (1) Where a worker is entitled to long service leave —
 - (a) at least 2 months' notice of the date from which the leave is to be taken shall be given by one party to the other unless otherwise agreed in writing between the parties;

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



- (b) the employer shall not require the worker to commence the leave within 6 months of the date on which the worker became entitled to it;
 - (c) the leave taken shall be inclusive of any public holidays allowable under the worker's conditions of employment but shall not be inclusive of any annual leave;
 - (d) the leave may be granted and taken in one consecutive period or, if the worker and the employer so agree, in 2 or more separate periods.
- (2) Subject to subregulation (1) long service leave shall be taken at the earliest practicable date.

8. Payment for or in lieu of leave

- (1) Subject to subregulation (2) a worker who commences or is deemed to commence a period of long service leave or pro rata long service leave under regulation 6 shall be entitled to be paid for each week of that period at the ordinary time rate applicable to his usual classification (excluding all allowances) in the week for which the payment is made.
 - (1a) For the purposes of subregulation (1), the ordinary time rate applicable to a casual or part-time worker in a week for which a payment is made shall be deemed to be the rate that he would have been paid in that week if, in that week, he had worked for the number of hours that he worked on the average in a week during the period of 12 months immediately preceding the commencement or deemed commencement of his leave.
 - (2) Where the commencement of long service leave under regulation 6 has been postponed to meet the convenience of the worker beyond the period of 6 months mentioned in regulation 7(1)(b) the rate of payment for or in lieu of that leave shall be the rate applicable to him for ordinary time (excluding all allowances) at the end of that period of 6 months unless otherwise agreed in writing between the employer and the worker.
 - (3) A payment for long service leave shall be made by the employer in full before the worker commences the leave or, where the employer and the worker jointly agree, by periodical payment except that, where a payment for long service leave includes an amount by reason of an increase in the relevant rate of payment given after the commencement of the leave, it is sufficient compliance with this subregulation if the amount included by reason of that increase is paid not later than the next normal pay day after the end of the period of leave.
 - (4) In any case to which regulation 3(2)(b) or (4) or regulation 6(3), (4) or (5) applies the payment to which the worker is entitled in lieu or on account of long service

PRESIDENT _____

DATE _____



leave or pro rata long service leave, as the case may be, shall be paid by the employer —

- (a) upon termination of the service of the worker otherwise than by death — to the worker; or
- (b) upon termination of the service of the worker by death — to the personal representative of the worker upon request by the personal representative.

Financial Implications

Not determined

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.

Comment/Conclusion

As part of the CEO recruitment standards adopted by the Council, it must have an independent member on the selection panel. Council provided me a list of preferred candidates to undertake this role and I am pleased to advise that Mr Greg Baird has accepted the role.

Additionally, Mr FitzGerald has provided an information package and draft contract for Council's approval. Councillors should make themselves familiar with these documents and advise if they are acceptable.

As I will not be seeking a contract renewal the Council will need to undertake a recruitment process during the next 12 months as per the extracts from the Act, Regulations and Recruitment Standard. There are a number of matters to be dealt with prior to the transition which include the following steps;

Voting Requirements

Simple Majority

PRESIDENT _____

DATE _____



OFFICERS' RECOMMENDATION

That the Council:

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.

RESOLUTION 704

Moved Cr Chester, seconded Cr Van Gelderen that Council endorses the officer's recommendation

CARRIED 5/0

PRESIDENT _____

DATE _____

SHIRE OF GOOMALLING
MINUTES FOR ORDINARY MEETING OF COUNCIL
WEDNESDAY, 20 SEPTEMBER 2023



RESOLUTION 705

Moved Cr Chester, seconded Cr Barratt that Council reopens the meeting to the public.

CARRIED 5/0

13. INFORMATION BULLETIN

RESOLUTION 706

Moved Cr Chester, seconded Cr Barratt that Council received the Information Bulletin for September 2023.

CARRIED 5/0

14. MEETING CLOSURE

The Shire President thank everyone for coming and declared the meeting closed at 6.10pm.

PRESIDENT _____

DATE _____