

Shire of Lake Grace

Ordinary Council Meeting

# Minutes

26 July 2017



---

**Disclaimer**

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Lake Grace in respect of the application.

---

## CONTENTS

<b>1.0</b>	<b>OPENING &amp; ANNOUNCEMENT OF VISITORS.....</b>	<b>5</b>
<b>2.0</b>	<b>ATTENDANCE RECORD.....</b>	<b>5</b>
2.1	PRESENT .....	5
2.2	APOLOGIES .....	5
2.3	LEAVE OF ABSENCE PREVIOUSLY GRANTED .....	5
<b>3.0</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>5</b>
<b>4.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>6</b>
4.1	CR CLARKE .....	6
4.2	CR STANTON .....	6
<b>5.0</b>	<b>MINUTES OF PREVIOUS COUNCIL MEETINGS.....</b>	<b>6</b>
5.1	SPECIAL COUNCIL MEETING – 21 JUNE 2017 .....	6
5.2	ORDINARY MEETING – 28 JUNE 2017.....	7
5.3	SPECIAL COUNCIL MEETING – 20 JULY 2017 .....	7
<b>6.0</b>	<b>DECLARATIONS OF INTEREST.....</b>	<b>7</b>
6.1	DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A .....	7
6.2	DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B .....	7
6.3	DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C .....	7
<b>7.0</b>	<b>NOTICES OF URGENT BUSINESS.....</b>	<b>7</b>
<b>8.0</b>	<b>MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED .....</b>	<b>8</b>
<b>9.0</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....</b>	<b>8</b>
<b>10.0</b>	<b>MEMBERS’ REPORTS .....</b>	<b>8</b>
10.1	CR ARMSTRONG .....	8
10.2	CR CLARKE .....	8
10.3	CR HUNT.....	8
10.4	CR MARSHALL .....	8
10.5	CR STANTON .....	8
10.6	CR WALKER.....	8
10.7	CR DE LANDGRAFFT.....	9
<b>11.0</b>	<b>MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES.....</b>	<b>10</b>
<b>12.0</b>	<b>MATTERS FOR CONSIDERATION – PLANNING.....</b>	<b>11</b>
<b>13.0</b>	<b>MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING .....</b>	<b>12</b>
13.1	PERMISSION TO COLLECT NATIVE PLANT SEED FROM WITHIN RESERVES VESTED IN THE SHIRE OF LAKE GRACE .....	12

<b>14.0</b>	<b>MATTERS FOR CONSIDERATION – FINANCE.....</b>	<b>14</b>
14.1	ACCOUNTS FOR PAYMENT – JUNE 2017 .....	14
14.2	FINANCIAL STATEMENTS – JUNE 2017 .....	17
14.3	TRANSFERS TO RESERVE – UNBUDGETED .....	20
<b>15.0</b>	<b>MATTERS FOR CONSIDERATION – COMMUNITY SERVICES.....</b>	<b>23</b>
15.1	REQUEST FOR QUOTATION – NEWDEGATE SKATE PARK .....	23
<b>16.0</b>	<b>MATTERS FOR CONSIDERATION - ADMINISTRATION.....</b>	<b>27</b>
16.1	MAGENTA COMMUNITY DAM LEASE – CHANGE IN OWNERSHIP OF THE LAND.....	27
16.2	WALGA - ANNUAL GENERAL MEETING AGENDA AUGUST 2017.....	30
16.3	SHIRE OF LAKE GRACE – ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016 .....	32
16.4	SHIRE OF LAKE GRACE EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2017 - 2020.....	36
16.5	FREEDOM OF INFORMATION STATEMENT 2017 - 2018 .....	40
<b>17.0</b>	<b>INFORMATION BULLETIN.....</b>	<b>43</b>
17.1	INFORMATION BULLETIN REPORT – JULY 2017 .....	43
<b>18.0</b>	<b>URGENT BUSINESS BY DECISION OF THE MEETING .....</b>	<b>46</b>
<b>19.0</b>	<b>SCHEDULING OF MEETING .....</b>	<b>46</b>
19.1	AUGUST 2017 ORDINARY MEETING .....	46
<b>20.0</b>	<b>CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2).....</b>	<b>46</b>
<b>21.0</b>	<b>CLOSURE .....</b>	<b>46</b>
<b>22.0</b>	<b>CERTIFICATION .....</b>	<b>46</b>

## **SHIRE OF LAKE GRACE**

Minutes of the Ordinary Meeting of Council held at the Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 26 July 2017.

### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Shire President opened the meeting at 3.20 pm.

### **2.0 ATTENDANCE RECORD**

#### **2.1 PRESENT**

Cr JF De Landgraftt	Shire President
Cr SG Hunt	Deputy Shire President
Cr LW Armstrong	
Cr DS Clarke	
Cr AD Marshall	
Cr MG Stanton	
Cr AJ Walker	

#### **In Attendance**

Ms D Gobbart	Chief Executive Officer
Ms L Gray	Deputy Chief Executive Officer
Ms N Bowman	Governance Officer

#### **Observers/Visitors**

Nil

#### **2.2 APOLOGIES**

Nil

#### **2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Cr Chappell has been granted leave of absence from Saturday 8 July 2017 to Friday 11 August 2017 inclusive.

Cr Lloyd has been granted leave of absence from Friday 7 July 2017 to Tuesday 15 August 2017 inclusive.

Cr Lloyd has been granted leave of absence from Tuesday 12 September 2017 to Tuesday 19 September 2017.

### **3.0 PUBLIC QUESTION TIME**

Nil

#### **4.0 APPLICATIONS FOR LEAVE OF ABSENCE**

##### **4.1 CR CLARKE**

An application for Leave of Absence was received in writing from Cr Clarke.

##### Resolution

###### **RESOLUTION 12577**

Moved Cr Hunt  
Seconded Cr Armstrong

That Cr Clarke be granted leave of absence for the period Wednesday 16 August 2017 to Tuesday 5 September 2017 inclusive.

**CARRIED 7/0**

##### **4.2 CR STANTON**

An application for Leave of Absence was received in writing from Cr Stanton.

##### Resolution

###### **RESOLUTION 12578**

Moved Cr Clarke  
Seconded Cr Marshall

That Cr Stanton be granted leave of absence for the period Wednesday 23 August 2017 to Sunday 27 August 2017 inclusive.

**CARRIED 7/0**

#### **5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS**

##### **5.1 SPECIAL COUNCIL MEETING – 21 JUNE 2017**

##### Resolution

###### **RESOLUTION 12579**

Moved Cr Clarke  
Seconded Cr Stanton

That the minutes of the Special Meeting of Council held on 21 June 2017 be confirmed as a true and accurate record.

**CARRIED 7/0**

**5.2        ORDINARY MEETING – 28 JUNE 2017**

Resolution

**RESOLUTION 12580**

Moved Cr Armstrong  
Seconded Cr Marshall

That the minutes of the Ordinary Meeting of Council held on 28 June 2017 be confirmed as a true and accurate record.

**CARRIED 7/0**

**5.3        SPECIAL COUNCIL MEETING – 20 JULY 2017**

Resolution

**RESOLUTION 12581**

Moved Cr Hunt  
Seconded Cr Stanton

That the minutes of the Special Meeting of Council held on 20 July 2017 be confirmed as a true and accurate record.

**CARRIED 7/0**

**6.0    DECLARATIONS OF INTEREST**

**6.1        DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

Nil

**6.2        DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**

Nil

**6.3        DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C**

Nil

**7.0    NOTICES OF URGENT BUSINESS**

Nil

**8.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

Nil

**9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**10.0 MEMBERS' REPORTS**

**10.1 CR ARMSTRONG**

**Thursday 20 July**

Attended the Special Meeting of Council.

P&L Cladding Pty Ltd has carried out a handover to Warren Shalders for the Parks and Gardens contract for Newdegate.

**10.2 CR CLARKE**

**Wednesday 28 June**

Attended the mental health night at the Sportsman's Club.

**Wednesday 12 July**

Attended the DHAC meeting via video conference.

**Wednesday 19 July**

Attended the Lake King Progress Association meeting with the Chief Executive Officer.

**Thursday 20 July**

Attended the Special Meeting of Council.

**Wednesday 26 July**

Attended the Recognise and Respond workshop on drugs organised by the Lake Grace Community Resource Centre

**10.3 CR HUNT**

**Thursday 20 July**

Attended the Special Meeting of Council.

**10.4 CR MARSHALL**

**Thursday 20 July**

Attended the Special Meeting of Council.

**10.5 CR STANTON**

**Thursday 20 July**

Attended the Special Meeting of Council.

**10.6 CR WALKER**

Nil



**10.7**      **CR DE LANDGRAFFT**

**Sunday 9 July**

Attended the Lake Grace – Pingrup Lions Club change over luncheon.

**Wednesday 12 July**

Attended the Chief Executive Officer (CEO) Support Program with CEO, Denise Gobbart, Kenn Donohoe, CEO Serpentine Jarrahdale and Stuart Fraser, Department of Local Government.

**Thursday 20 July**

Attended the Special Meeting of Council.

**11.0 MATTERS FOR CONSIDERATION – INFRASTRUCTURE SERVICES**

*No matters for consideration.*

**12.0 MATTERS FOR CONSIDERATION – PLANNING**

*No matters for consideration.*

<b>13.0 MATTERS FOR CONSIDERATION – HEALTH &amp; BUILDING</b>
---

**13.1 PERMISSION TO COLLECT NATIVE PLANT SEED FROM WITHIN RESERVES VESTED IN THE SHIRE OF LAKE GRACE**

**Applicant:** Greening Australia WA  
**File No.** 0309  
**Attachments:** Email from Greening Australia  
**Author:** Mr Barry Smith

**Disclosure of Interest:** Nil  
**Date of Report:** 21 June 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Environmental Health Officer

  
 Chief Executive Officer

Summary

For Council to consider the approval for the collection of native seed from within reserves vested in the Shire of Lake Grace.

Background

The Shire has received a request from Ms Tracy Achemedei from Greening Australia WA (GAWA) requesting for relevant appointed staff to collect native seed from within reserves vested in the Shire of Lake Grace. The email of request is attached. Permission is requested for a twelve (12) month period.

All persons collecting native seed require the landowner's permission and must obtain an appropriate license in accordance with the *Wildlife Conservation Act (1950)*.

Comment

GAWA would like to collect native seed which will be utilised in strategic re-vegetation projects throughout the region and will directly benefit the community as a whole. Some seed may also be used for the purposes of research into best practice re-vegetation and development of tree cropping programs for the region.

The Shire has granted permission to GAWA in the past and GAWA are seeking further permission for another twelve (12) month period.

Legal Implications

*Wildlife Conservation Act (1950)*

23B. Protected flora on Crown land not to be taken without licence

- (1) A person shall not on Crown land wilfully take any protected flora unless the taking of the protected flora is authorised by, and carried out in accordance with the terms and conditions of, a licence issued to him under section 23C.
- (2) In any proceedings for an offence against subsection (1) it is a defence for the person charged to prove that the taking occurred as an unavoidable incident or consequence in the performance of any right, power or authority conferred upon, or in the discharge of any duty or obligation imposed upon, the person by or under any Act or agreement to which the State is a party and which is ratified or approved by an Act or notwithstanding the fact that the performance of that right, power or authority, or the discharge of the duty or obligation, was exercised in a reasonable manner.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Community Strategic Plan 2017 – 2027*

Environment – Protect and enhance our natural and built environment.

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.1 Manage and preserve the natural environment

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12582**

Moved Cr Marshall  
Seconded Cr Clarke

That Council authorises Greening Australia WA to access reserves vested in the Shire of Lake Grace for the purpose of native seed collection with the following conditions:

1. permission is for a twelve month period, commencing July 2017;
2. allows for collection only by Greening Australia WA staff members;
3. all persons collecting native seed are licensed according to the *Wildlife Conservation Act (1950)* and will abide by the conditions of this license;
4. appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;
5. all care will be taken to avoid the disturbance of fauna habitat;
6. all care will be taken to avoid any disturbance that may lead to soil degradation;
7. any gates are to be closed on departure; and
8. chainsaws are not to be used.

**CARRIED 7/0**

<b>14.0 MATTERS FOR CONSIDERATION – FINANCE</b>
---

**14.1 ACCOUNTS FOR PAYMENT – JUNE 2017**

<b>Applicant:</b>	Internal Report
<b>File No.</b>	0277
<b>Attachments:</b>	List of Creditors
<b>Author:</b>	Ms Victoria Gracheva
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 July 2017
<b>Senior Officer:</b>	Ms Linda Gray



Finance Officer



Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of June 2017.

Background

List of payments for the month of June 2017 through the Municipal and Trust accounts are attached.

Comment

In accordance with the requirements of the *Local Government Act 1995*, a list of creditors is to be completed for each month showing:

- (a) The payee's name;
- (b) The amount of the payment;
- (c) Sufficient information to identify the transaction; and,
- (d) The date of payment.

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

*Local Government (Financial Management) Regulations 1996*

Regulation 12 Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

*Local Government (Financial Management) Regulations 1996*

Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name; and
  - (b) the amount of the payment; and

- (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction;
  - and
  - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

Policy Implications

*Policy 3.6 - Authorised Use of Credit Card/Fuel Cards*

*Policy 3.7 - Purchasing Policy*

Consultation

N/A

Financial Implications

The list of creditors paid for the month of June 2017 from the Municipal and Trust Account Total \$876,060.54.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

Recommendation/Resolution**RESOLUTION 12583**

Moved Cr Stanton  
 Seconded Cr Armstrong

That Council ratify the list of payments totalling \$876,060.54 as presented for the month of June 2017 incorporating:

- Trust Account Cheques:	1345 - 1352	\$	1,834.16
- Electronic Funds Transfer:	EFT16930 - EFT17065	\$	509,646.11
- Municipal Account Cheques:	36587 - 36604	\$	44,177.60
- Direct Debits:	DD6962.1 – DD6962.7	\$	141,489.08
	DD6966.1 – DD6966.5		
	DD6973.1 – DD6973.2		
	DD6989.1 – DD6989.7		
	DD7007.1		
	DD7028.1 – DD7028.7		
	DD7057.1 – DD7057.21		
	DD7059.1		
	DD7061.1		
- Electronic Funds Transfer:	Payroll Net Pay	\$	178,913.59

**CARRIED 7/0**



**14.2      FINANCIAL STATEMENTS – JUNE 2017**

**Applicant:** Shire of Lake Grace  
**File No.** 0275  
**Attachments:** 1. Financial Reports June 2017  
 2. Bank Reconciliations June 2017  
**Author:** Ms Linda Gray  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 July 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Deputy Chief Executive Officer

  
 Chief Executive Officer

**Summary**

Consideration of the financial statements for the month ending 30 June 2017.

**Background**

The following financial reports to 30 June 2017 are included for your information:

- Monthly Statement of Financial Activity
- Financial Activity Variances
- Significant Accounting Policies
- Statement of Objective
- Acquisition of Assets
- Disposal of Assets
- Information on Borrowings
- Reserves
- Net Current Assets
- Rating Information
- Trust Funds
- Operating Statement by Programme
- Balance Sheet
- Financial Ratios
- Capital Road Works
- Operating Revenue and Expenditure Graphs
- Bank Reconciliations

**Comment**

N/A

**Legal Implications**

*Local Government Act 1995*

Section 6.4      Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

*Local Government (Financial Management) Regulations 1996*

Regulation 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Consultation

N/A

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12584**

Moved Cr Hunt  
Seconded Cr Stanton

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statements of Financial activity for the period ended 30 June 2017.

**CARRIED 7/0**

**14.3      TRANSFERS TO RESERVE – UNBUDGETED**

**Applicant:** Internal Report  
**File No.** 0269  
**Attachments:** Nil  
**Author:** Denise Gobbart  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 18 July 2017  
**Senior Officer:** Denise Gobbart



Chief Executive Officer

Summary

For Council to consider and endorse the actions of the Chief Executive Officer to transfer to Municipal Funds to various Reserve funds that were not included in the 2016/2017 budget.

Background

Any reserve transfers that are not endorsed through the budget process require to be authorised in advance by absolute majority of Council. It has been identified that we have surplus funds that are being proposed for transfer to the Essential Medical Services Reserve, Lake Grace Sewerage Scheme Reserve and Works and Services Reserve.

Given the time period in relation to 30 June 2017, the Chief Executive Officer has officially transferred these surplus funds into reserve, pre-empting any decision of Council. If Council doesn't agree with these actions the funds will be returned to the Shire's Municipal Fund.

There is also the potential of surplus Specified Area Rate (SARS) funds in relation to Sport and Recreation SARS. Approval is sort to transfer any surpluses to the relevant reserves, if required.

Comment

The budget allowed for the transfer of \$100,000 to the Essential Medical Services Reserve. In relation to the Medical Services funding there is a savings of approximately \$85,000 in payments that were due in relation to our contract with First Health. Given the legal circumstances that we find ourselves in these funds need to be set aside for any future expense that may be incurred. It would be suggested that at the time of budget adoption the purpose of the Essential Medical Service Reserve be redefined 'to fund the provision of essential medical services and any associated legal expenses'.

The budget allowed for the transfer of \$40,000 to the Works and Services Reserve for gravel pit rehabilitation. Throughout the year an additional \$142,290 in revenue has been offset against gravel expensed against the various road projects undertaken this financial year. These funds have been transferred to offset future rehabilitation works.

At the 30 June, a surplus of \$60,136 was projected within the Lake Grace Sewerage Scheme SARS. As with any funds sourced through SARS any surplus funds are to be transferred to reserve or returned to the rate payer.

At the time of preparing this report the balances have not yet been determined and are requesting Council authority to transfer any surplus funds at 30 June 2017 for the various SARS accounts.

### Legal Implications

#### *Local Government Act 1995*

##### Section 6.2 Local government to prepare annual budget

- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;and
  - (c) the fees and charges proposed to be imposed by the local government; and
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.

#### *Local Government Act 1995*

##### Section 6.8 Expenditure from Municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

- (1a) In subsection (1) —  
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

### Policy Implications

Nil

### Consultation

Internal: Shire President

### Financial Implications

The transfers to reserve are unspent surplus funds related to the relevant reserve. The year-end impact of these transfers is the same as if the budget had been fully spent. The balance of the reserve funds will increase for future use.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Leadership - Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**RESOLUTION 12585**

Moved Cr Hunt

Seconded Cr Marshall

That Council, endorse the:

1. actions of the Chief Executive Officer and authorise the following transfer of Municipal Funds to the;
  - Essential Medical Services Reserve \$ 85,000
  - Lake Grace Sewerage Reserve \$ 60,136
  - Works and Services Reserve \$142,290; and
2. transfer of any surplus specified area rate funds to the Lake Grace Specified Area Rate Reserve, Lake King Specified Area Rate Reserve, Newdegate Specified Area Rate Reserve and Varley Specified Area Rate Reserve as required.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

<b>15.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES</b>
--

**15.1 REQUEST FOR QUOTATION – NEWDEGATE SKATE PARK**

**Applicant:** Internal Report  
**File No.** 0783  
**Attachments:** Scope of Works - Newdegate Active Precinct  
**Author:** Ms Linda Gray

  
 Deputy Chief Executive Officer

**Disclosure of Interest:** Nil  
**Date of Report:** 19 July 2017  
**Senior Officer:** Ms Denise Gobbart

  
 Chief Executive Officer

Summary

For Council to determine the assessment criteria for the request for quotation for the Newdegate skate park and all ages nature-based playground.

Background

Under the name, Newdegate Active Precinct (NAP) three mothers from Newdegate researched the possibility of a skate park/playground/park for Newdegate and came up with the initial concept. After community consultation and the confirmation of the required funding, the concept was refined to a skate park and an all ages nature-based playground.

Funding has been confirmed from LotteryWest, Royalties for Regions, Cooperative Bulk Handling, Newdegate Cropping Group and the Newdegate Machinery Field Days Incorporated, as well as fundraising from the community to a value of \$424,998.72. This is not inclusive of the cost of the purchase of the proposed site at 8 Maley Street, Newdegate, which was also funded by the Newdegate Cropping Group.

Comment

The Newdegate Active Precinct have driven this initiative from the beginning, and are keen to ensure the best design and build possible for this project. They envisaged that the skate park and playground will become an icon; an example of what a community can achieve, will engage local young people and will bring economic benefit to the town through increased visitor stay. For these reasons, they are concerned that the present selection criteria for tenders for the Shire of Lake Grace's buildings is too geared towards cost, although it is stated that the lowest price will not necessarily be accepted by the Shire.

It should be noted that it is intended the process involved with identifying a builder for the skate park and playground will not be through publicly inviting tenders, but through the WA Local Government Association's (WALGA) eQuotes system. It is an online system that invites suppliers who are on the WALGA Preferred Supplier Register to submit a quotation for the project. It is a much simpler process that whilst maintaining transparency in all purchasing decisions and is less time-consuming.

The Shire of Lake Grace Policy 3.11 Tenders – Selection Criteria is listed below. Building is the closest criteria to an infrastructure project such as a skate park:

#### Buildings

Cost	65%
Relevant Experience	15%
Organisational Capacity & Resources	15%
Demonstrated Understanding	5%

It is suggested that the proposed selection criteria would be weighted as below:

#### Proposed Selection Criteria

Cost	45%
Relevant Experience	20%
Organisational Capacity & Resources	20%
Demonstrated Understanding	15%

#### Legal Implications

##### *Local Government Act 1995*

##### 3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

##### *Local Government (Function and General) Regulations 1996*

##### Part 4 Provision of goods and services

##### 11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if -
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
  - (c) within the last 6 months —
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
    - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
  - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
  - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
  - (ea) the goods or services are to be supplied —



- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
- (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines; or
- (h) the following apply —
  - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
  - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
  - (iii) the local government is satisfied that the contract represents value for money; or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
  - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
  - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
  - (iii) the original contract contains an option to renew or extend its term; and
  - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

### Policy Implications

*Policy 3.11 - Tender Selection Criteria*

### Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Craig Grant, WA Local Government Association  
Sarah Lloyd, Newdegate Active Precinct

### Financial Implications

Funding of this project has been provided by local community groups, LotteryWest, Cooperative Bulk Handling and Royalties for Regions to the value of \$424,998.72. However, responsibility for both financial, resource and risk management are held by the Shire.

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Social – A valued, healthy and inclusive community and life-style.

Outcome 2.2 A healthy and safe community

- 2.2.1 Maintain and enhance sport and recreation facilities

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.2 Comply with statutory and legislative requirements

Recommendation

That Council:

1. endorse the scope of works for the Newdegate skate park and all ages nature-based playground, as presented;
2. authorises the Chief Executive Officer to utilise the Western Australian Local Government Association e-Quotes procurement system for the request for quotation for the construction of the Newdegate skate park and all ages nature-based playground; and
3. that the following assessment criteria apply:

Cost	45%
Relevant Experience	20%
Organisational Capacity & Resources	20%
Demonstrated Understanding	15%

Voting Requirements

Simple majority required.

Resolution

**RESOLUTION 12586**

Moved Cr Armstrong  
Seconded Cr Stanton

That Council move to next business.

**CARRIED 7/0**

<b>16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION</b>
--

**16.1 MAGENTA COMMUNITY DAM LEASE – CHANGE IN OWNERSHIP OF THE LAND**

**Applicant:** Mr Robert Newman  
**File No.** 0530  
**Attachments:** 1. Letter from Shire & current Lease Agreement  
 2. Letter from Mr Newman  
 3. Proposed Amended Lease Agreement  
**Author:** Mrs Jeanette Bennett  
  
**Disclosure of Interest:** Nil  
**Date of Report:** 28 June 2017  
**Senior Officer:** Ms Denise Gobbart



Executive Officer



Chief Executive Officer

Summary

This report recommends entering into a new Lease Agreement with Mr Robert Newman for the Magenta Community Dam.

Background

In May 2006 under Resolution No 10198, Council resolved that the Community Dam Lease Agreement prepared by Watts and Woodhouse, Solicitors and Legal Consultants, be accepted for the Dunn Rock, Magenta and South East Newdegate Community Dam projects and that the terms of the lease be for ten (10) years with two (2) ten (10) year extension options.

The Magenta Community Dam Lease Agreement for Lot 2292 on Deposited Plan (DP) 209720, 1830 Magenta Road South Newdegate, was entered into with the then landholders Robert and Julie Newman. The term of the lease commenced on 1 May 2006 and expired on 30 April 2016 (refer Attachment No.1).

On 29 May 2017, the Shire wrote to Mr and Mrs Newman requesting the take up of the first of the two ten year terms. It was acknowledged that the lease had expired (refer Attachment No.1).

Acting upon Mr Newman's instruction, Mrs TA Ness wrote back to the Shire (refer Attachment No.2) seeking a new lease be drawn up to reflect a change in the ownership of the Land. As per the letter, a Landgate 'Owner Name Listing' land enquiry was undertaken by the author, which shows Lot 2292 on Plan 209720 as belonging to Newmac Holdings Pty Ltd. Mr Robert Newman is now the sole Director of Newmac Holdings Pty Ltd.

Comment

Given the above it is recommended Council consider entering into a new Lease Agreement with Mr Robert Newman to reflect the change in ownership of the land. A new draft lease document has been prepared (refer Attachment No.3).

It is further recommended the term of the new lease be for one (1) ten (10) year term, with an option to extend the lease for a further one (1) ten (10) year term. This would align the terms of lease of the Magenta Community Dam with the Dunn Rock and South East Newdegate Community Dams.

The Lease agreement states the permitted purpose of the lease as allowing for the construction and maintenance of a dam including roaded catchments, contour and other drains, pipelines, pumps, sheds, standpipes and associated plant and improvements, and the drawing of water from the dam.

Legal Implications

*Local Government Act 1995*

Section 3.1 General Function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Magenta Community Dam Lease Agreement

Policy Implications

*Policy 1.11 – Use of the Common Seal*

Consultation

Internal: Ms Denise Gobbart, Chief Executive Officer

External: Mr Robert Newman

Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Community Strategic Plan 2017 – 2027*

Economic – A prosperous agricultural based economy, supporting diversification of industry.

Outcome 1.1 An innovative, productive agriculture industry

- 1.1.4 Maintain and provide water infrastructure and lobby to support drought-proofing and water-harvesting initiatives

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12587**

Moved Cr Armstrong  
Seconded Cr Clarke

That Council:

1. enters into the Lease Agreement as attached, with Mr Robert Newman for Lot 2292 on Deposited Plan 209720, 1830 Magenta Road, South Newdegate being the Magenta Community Dam, for a ten (10) year term expiring on 30 April 2026 with a further option of one (1) ten (10) year term; and
2. as per Policy 1.11, authorises the Shire President and the Chief Executive Officer to use the Common Seal on the Lease document.

**CARRIED 7/0**

**16.2 WALGA - ANNUAL GENERAL MEETING AGENDA AUGUST 2017**

**Applicant:** Internal Report  
**File No.** 0029  
**Attachments:** WALGA Annual General Meeting Agenda  
**Author:** Ms Denise Gobbart  
 Chief Executive Officer  
**Disclosure of Interest:** Nil  
**Date of Report:** 13 July 2017  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of this report is for Council to consider the Executive and Member Motions to be presented to the 2017 Annual General Meeting of Western Australia Local Government Association (WALGA) to be held on Wednesday, 2 August 2017.

Background

The agenda for the WALGA Annual General Meeting 2017 was received by email on Friday 30 June 2017. It is noted that all Councils were invited to submit motions and at the close of submissions on Tuesday 6 June 2017, no motions had been received.

Traditionally, on receipt of the agenda, direction of Council would be sought on any motion to be considered at the Annual General Meeting for the Voting Delegates attending the meeting.

Comment

Given no Executive and Member motions had been received for presentation at the WALGA Annual General Meeting 2017, the matter is to be noted.

Legal Implications

N/A

Policy Implications

N/A

Consultation

External: WA Local Government Association

Financial Implications

N/A

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Leadership - Strong governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.1 A strategically focussed, unified Council functioning efficiently
- 4.1.1 Provide informed leadership on behalf of the community
  - 4.1.2 Promote and advocate for the community and district
  - 4.1.3 Provide strategic leadership and governance

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12588**

Moved Cr Walker  
Seconded Cr Clarke

That Council, note at close of nomination on Tuesday 6 June 2017, no motions had been received for the WA Local Government Association Annual General Meeting 2017.

**CARRIED 7/0**

### 16.3 SHIRE OF LAKE GRACE – ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

**Applicant:** Internal Report  
**File No.** 0378  
**Attachments:** Letter from the Joint Standing Committee on Delegated Legislation  
**Author:** Mr Bruce Wittber, BHW Consulting  
 Local Laws Consultant  
**Disclosure of Interest:** Nil  
**Date of Report:** 17 July 2017  
**Senior Officer:** Ms Denise Gobbart



Chief Executive Officer

#### Summary

The purpose of this report is for Council to consider correspondence from the Joint Standing Committee on Delegated Legislation (JSCDL) following its review of the recently adopted *Animals, Environment and Nuisance Local Law 2016*.

#### Background

The Shire of Lake Grace *Animals, Environment and Nuisance Local Law 2016* was adopted by Council on 28 September 2016 and was advertised in the Government Gazette on 20 December 2016.

All local laws are subject to a review by the JSCDL and in a letter to Shire President Cr De Landgraff, dated 29 June 2017, the Chair of the JSCDL Ms Emily Hamilton MLA, advised that the JSCDL wished to raise three issues with the Council two of which require an amendment to the *Animals, Environment and Nuisance Local Law 2016*. The delay in the local law being reviewed is due to the state election on 11 March 2017.

#### Comment

The JSCDL advised that the following amendments were required to the *Animals, Environment and Nuisance Local Law 2016*:

1. Clause 3.7 states:

#### **3.7 Disposing of disused refrigerators or similar containers**

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first —

- (a) removing every door and lid and every lock, catch and hinge attached to a door or lid or rendering every door and lid incapable of being fastened; and
- (b) removing any refrigerants as per requirements of the *Environment Protection (Ozone Protection) Policy 2000*.

Clause 3.7(b) relates to the *Environment Protection (Ozone Protection) Policy 2000* which was repealed in 2009. The revocation occurred because the Commonwealth took over control of ozone protection and subsequently drafted regulations.

The JSCDL has requested that clause 3.7(b) be deleted.



2. The JSCDL is of the view that clause 4.14(1) purports to prohibit the placing of “any letter, figure, device, poster, sign or advertisement on any buildings, fences or posts” without Shire approval. The JSCDL is of the view that would include “for example, house numbers, ‘no junk mail’ signs, ‘beware of the dog’ signs and the like”.

The JSCDL has requested that clause 4.14(1) be deleted.

3. The JSCDL has also advised that the Department of Environment Regulation has recently expressed the view that there were “reasonable grounds” to require the consent of the Chief Executive Officer (CEO) of the Department of Environment Regulation under section 6(1) of the *Waste Avoidance and Resource Recovery Act 2007*, to certain waste-related provisions of the Shire of Cunderdin’s *Animals, Environment and Nuisance Local Law 2016*. The same issue arises in clause 3.1 and 3.2 of the Shire of Lake Grace’s local law.

The JSCDL has written to the Minister for Environment seeking his views as to whether the consent of the CEO of the Department of Environment Regulation is required.

The JSCDL in its letter to the Minister for Environment has indicated that its preliminary view is the relevant local law does not come within section 64(2) of the *Waste Avoidance and Resource Recovery Act 2007* and therefore not require the consent of the CEO.

No further action is required on this matter at this time.

The JSCDL requests that the Council provide undertakings to:

- Delete clauses 3.7(b) and 4.14(1);

Noting that the next Council Meeting is 26 July 2017 the JSCDL further requests the undertakings be provided by Friday 4 August 2017 and include the following additional undertakings:

- That all consequential amendments arising from the undertakings will be made.
- That until clause 3.7(b) is deleted, a notice will be posted on the Shire’s website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system.
- That the local law will not be enforced in a manner contrary to the above undertakings given.
- That the undertakings will be completed within six months of the date of the letter giving the undertaking.
- That the Shire will provide the JSCDL with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings.
- Where the local law is made publicly available, whether in hard copy or electronic form, that the law be accompanied by a copy of these undertakings.

A full copy of the correspondence from the JSCDL is attached to this agenda.

### Legal Implications

#### *Local Government Act 1995*

Section 3.12 of the Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner;
- the Shire is to give Statewide public notice stating:

- the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
- a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette;
- give a copy of the local law to the Minister and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the Government Gazette the local government is to give local public notice:
  - stating the title of the local law;
  - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

#### Policy Implications

Nil

#### Consultation

No consultation has been undertaken.

#### Financial Implications

The cost of preparing the amendment local law BHW Consulting completes as part of the service of preparing the local laws however costs associated with advertising and the like are met by the Shire. It is estimated that it would be \$1,500 to \$2,000. This partly depends on what day you advertise.

#### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Leadership - Strong governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.1 A strategically focussed, unified Council functioning efficiently
- 4.1.1 Provide informed leadership on behalf of the community
  - 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.2 Comply with statutory and legislative requirements

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

**RESOLUTION 12589**

Moved Cr Walker  
Seconded Cr Clarke

That Council:

1. advise the Chair of the Joint Standing Committee on Delegated Legislation, in relation to the Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 that the Shire will within 6 months undertake to:
  - a) delete clauses 3.7(b) and 4.14(1);
  - b) make all necessary consequential amendments arising from the undertakings;
  - c) until clause 3.7(b) is deleted, a notice will be posted on the Shire's website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system;
  - d) not enforce the local law in a manner contrary to the above undertaking;
  - e) provide the Joint Standing Committee on Delegated Legislation with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings; and,
  - f) where the local law is made publicly available, whether in hard copy or electronic form, that the law be accompanied by a copy of these undertakings.
2. authorise the Chief Executive Officer to formally advise the Chair of the Joint Standing Committee on Delegated Legislation of these undertakings; and
3. authorise the Chief Executive Officer to prepare a draft amendment to the *Animals, Environment and Nuisance Local Law 2016* to rectify the errors identified by the Joint Standing Committee on Delegated Legislation.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**16.4      SHIRE OF LAKE GRACE EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2017 - 2020**

**Applicant:** Internal Report  
**File No.** 0671  
**Attachments:** Equal Employment Opportunity Management Plan Review  
**Author:** Mrs Lee-Anne Trevenen

  
Administration Coordinator

**Disclosure of Interest:** Nil  
**Date of Report:** 17 July 2017  
**Senior Officer:** Ms Linda Gray

  
Deputy Chief Executive Officer

Summary

For Council to approve the reviewed Shire of Lake Grace Equal Employment Opportunity (EEO) Management Plan 2017 - 2020.

Background

Council at its Ordinary Council Meeting dated 24 June 2015 adopted the Shire of Lake Grace EEO Management Plan 2015 – 2017.

*MOTION 12060, Moved Cr Hunt, Seconded Cr Clarke*

*That Council adopt the attached Shire of Lake Grace Equal Employment Opportunity Management Plan 2015 - 2017.*

*MOTION CARRIED 9/0*

A review of the Shire's EEO Management Plan 2015 - 2017 is now due as the original document was listed for amendment in 2017.

EEO management plans are the principle accountability instrument for public authorities to ensure an absence of discrimination and positive employment outcomes for diversity groups. EEO is about ensuring all employees in public authorities have equal opportunity in their work place and are not subject to discrimination. Section 145(1) of the *Equal Opportunity Act 1984 (EO Act)* requires public authorities to prepare and implement an EEO management plan.

Under the Government of Western Australia, Public Sector Commission, *EO Act* is the main legislative instrument underpinning the principles of equal opportunity in Western Australia.

Comment

The *EO Act* was enacted by the Western Australian Parliament in 1984 and came into operation in July 1985. Its objectives are to:

- a) to eliminate, so far as is possible, discrimination against persons on the grounds of sex, marital status, pregnancy, family responsibility or family status, race, religious or political conviction, impairment, age or, in certain cases, gender history in the areas of work, accommodation, education, the provision of goods, facilities and services, and the activities of clubs; and

- b) to eliminate, so far as is possible, sexual harassment and racial harassment in the workplace, and in educational institutions and sexual harassment and racial harassment related to accommodation; and
- c) to promote recognition and acceptance within the community of the equality of men and women; and
- d) to promote recognition and acceptance with the community of the equality of persons of all races, regardless of their religious or political convictions, their impairments or ages.

The Shire's EEO Management Plan is the foundation for a working environment free from harassment and discrimination. Through the implementation of this Plan the Shire will strive to build a workforce and supporting organisational culture that reflects the diversity of the greater community.

All Shire staff are to be encouraged to embrace equity and diversity within the organisation. The Shire is to value EEO/diversity and aim to ensure that the work environment is free from racial and sexual harassment, and that employment practices are not biased or discriminate unlawfully against employees or potential employees. The Shire's employment programs and practices recognise and include strategies for EEO groups to achieve workforce diversity.

The Shire's EEO Management Plan is to be a living document that will continue to develop and build on for our future success.

### Legal Implications

#### *Equal Opportunity Act 1984*

#### Section 145.

#### Division 3 — Equal employment opportunity management plans

#### 145. Preparation and implementation of management plans

- (1) Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.
- (2) The management plan of an authority shall include provisions relating to —
  - (a) the devising of policies and programmes by which the objects of this Part are to be achieved; and
  - (b) the communication of those policies and programmes to persons within the authority; and
  - (c) the collection and recording of appropriate information; and
  - (d) the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and
  - (e) the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and
  - (f) the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a); and
  - (g) the revision and amendment of the management plan; and
  - (h) the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).
- (3) The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.

- (4) The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and —
  - (a) in the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and
  - (b) in the case of an institution of tertiary education or an authority the subject of regulations under section 139(1)(e), on or before such day as is specified in the regulations.
- (5) An authority may, from time to time, amend its management plan.
- (6) Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.

#### Policy Implications

##### *Policy 4.8 - Equal Employment Opportunity Management Plan*

The Shire will ensure equal employment opportunity for all its employees and applicants for employment. Council's commitment is to promote and afford equal treatment and to assure equal employment opportunity to all persons regardless of sex, gender history, marital status, pregnancy, family responsibility, family status, race, political conviction, religious conviction, sexual orientation, age, spent conviction and impairment (unless such impairment prevents the performance of the required functions of the position).

#### Consultation

Internal: Ms Linda Gray, Deputy Chief Executive Officer

#### Financial Implications

Nil

#### Strategic Implications

##### *Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Leadership - Strong governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.2 An efficient and effective organisation
- 4.2.2 Comply with statutory and legislative requirements
  - 4.2.3 Provide a positive and safe workplace

#### Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12590**

Moved Cr Clarke  
Seconded Cr Stanton

That Council adopt the reviewed Shire of Lake Grace Equal Employment Opportunity Management Plan 2017 - 2020.

**CARRIED 7/0**

**16.5 FREEDOM OF INFORMATION STATEMENT 2017 - 2018**

**Applicant:** Internal Report  
**File No.** 0218  
**Attachments:** Freedom of Information Statement 2017 - 2018  
**Author:** Mrs Lee-Anne Trevenen

  
Administration Coordinator

**Disclosure of Interest:** Nil  
**Date of Report:** 17 July 2017  
**Senior Officer:** Ms Linda Gray

  
Deputy Chief Executive Officer

**Summary**

For Council to approve the Shire of Lake Grace Freedom of Information Statement 2017 - 2018.

**Background**

Under the Government of Western Australia, *Freedom of Information Act (FOI Act) 1992* Section 96(1) requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Shire of Lake Grace Freedom of Information Statement has been developed in accordance with the *FOI Act 1992* Section 94 that details the requirements of an information statement, in relation to an agency.

**Comment**

Freedom of Information gives the public a right to access government documents, subject to some limitations. In Western Australia, under the *FOI Act 1992*, the right applies to documents held by most State government agencies (such as departments, public hospitals, public universities and State government authorities), Ministers and local government. Together, these bodies are referred to as “agencies”.

Documents accessible under the *FOI Act 1992* include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost. Anyone can also apply to have personal information about themselves in government documents amended if that information is inaccurate, incomplete, and out of date or misleading.

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the *FOI Act* and is supported by staff of the Office of the Information Commissioner.

**Legal Implications*****Freedom of Information Act (1992)*****Part 5 Publication of information about agencies****96. Information statement, each agency to publish annually**

- (1) An agency (other than a Minister or an exempt agency) has to cause an up to date information statement about the agency to be published in a manner approved by the Minister administering this Act —
- (a) within 12 months after the commencement of this Act; and
  - (b) at subsequent intervals of not more than 12 months.



- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

[Section 96 amended by No. 47 of 1999 s.13.]

#### 94. Term used: information statement

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
  - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
  - (ii) which kinds of documents can be purchased; and
  - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
  - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
  - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
  - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
  - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

#### Policy Implications

Nil

#### Consultation

Internal: Ms Linda Gray, Deputy Chief Executive Officer

#### Financial Implications

Nil

Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 - 2027*

Leadership - Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.2 An efficient and effective organisation

- 4.2.2 Comply with statutory and legislative requirements.

Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12591**

Moved Cr Marshall  
Seconded Cr Clarke

That Council adopt the Shire of Lake Grace Freedom of Information Statement 2017 - 2018.

**CARRIED 7/0**

<b>17.0 INFORMATION BULLETIN</b>
----------------------------------

**17.1 INFORMATION BULLETIN REPORT – JULY 2017**

<b>Applicant:</b>	Executive Services
<b>File No.</b>	N/A
<b>Attachments:</b>	Information Bulletin ( <i>under separate cover</i> )
<b>Author:</b>	Ms Natasha Bowman



Governance Officer

<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	19 July 2017
<b>Senior Officer:</b>	Ms Denise Gobbart



Chief Executive Officer

Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

***Note: The Information Bulletin is an internal management document; therefore attachments are not for public information.***

Copies of other relevant Councillor information are distributed via email.

Comment

This month's (July 2017) Information Bulletin Report has been emailed to Councillors.

The July 2017 Information Bulletin attachment includes:

**Reports**

1. Council Status Report – June 2017
2. Infrastructure Services Report – June 2017
3. Monthly Schedules – June 2017
4. Outstanding Rates Report – June 2017
5. Lake Grace Visitor Centre Statistics – April to June 2017

**Circulars & Newsletters**

6. Department of Local Government and Communities – Circular 09/2017
7. Department of Local Government, Sport and Cultural Industries – Circular 10/2017
8. WALGA Media Release – Vehicle Concession Reversal is Fair
9. WALGA Media Release – Local Government Says: Ban the Bag
10. WALGA Media Release – Greater Transparency for Emergency Services
11. WALGA Info Page – Review of the Local Government Act 1995
12. WALGA Info Page – Related Party Disclosures AASB 124
13. WALGA Info Page – Public Health Act 2016 Discussion Papers
14. Peter Rundle MLA Media Release – Death Knell Sounds for Royalties for Regions
15. Hon Rick Mazza MLC Media Release – Mazza Disallowance Motion Successful – Vehicle License Fee Concessions for Local Governments Reinstated

16. Wheatbelt Development Commission Media Release – Regional Development Commission refocus on local jobs
17. McLeods Barristers and Solicitors – Enforcement options for storage of materials on residential lots
18. McLeods Barristers and Solicitors – Structure Plans – injurious affection and compensation
19. LGIS Risk Matters – June 2017

### **Minutes**

20. WALGA CCZ Minutes – 23 June 2017
21. WALGA State Council Meeting Summary Minutes – July 2017
22. Lake Grace Development Association – 6 June 2017
23. Lake Grace Development Association Meeting Notes – 26 May 2017

### Legal Implications

Nil

### Policy Implications

Nil

### Consultation

N/A

### Financial Implications

Nil

### Strategic Implications

*Shire of Lake Grace Strategic Community Plan 2017 – 2027*

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

- 4.2.1 Maintain accountability and financial responsibility through effective planning
- 4.2.2 Comply with statutory and legislative requirements

### Voting Requirements

Simple majority required.

Recommendation/Resolution

**RESOLUTION 12592**

Moved Cr Hunt

Seconded Cr Stanton

That Council accepts the Information Bulletin report.

**CARRIED 7/0**

**18.0 URGENT BUSINESS BY DECISION OF THE MEETING**

Nil

**19.0 SCHEDULING OF MEETING**

**19.1 AUGUST 2017 ORDINARY MEETING**

The next Ordinary Meeting of Council is scheduled to take place on Tuesday 22 August 2017, commencing at 1.00 pm at the Council Chambers, 1 Bishop Street, Lake Grace.

**20.0 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)**

Nil

**21.0 CLOSURE**

There being no further business, the Shire President closed the meeting at 3.46 pm.

**22.0 CERTIFICATION**

I, Jeanette Frances De Landgraft, certify that the minutes of the meeting held on the 26 July 2017 as shown were confirmed as a true record at the meeting held on the 22 August 2017.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date