



**PUBLIC MINUTES
OF THE
ORDINARY MEETING
OF COUNCIL
HELD ON
THURSDAY 15 September 2022**

**Council Chambers
Honour Avenue
Wyalkatchem**

**Commencement: 4:05PM
Closure: 6:08PM**

Preface

When the Chief Executive Officer approved these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

Unconfirmed Minutes

These minutes were approved for distribution on 28 September 2022



Peter Klein
Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.

DISCLOSURE OF INTEREST

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

Impartiality Interest:

To maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest.

Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting at which the matter in which you have an interest is to be discussed.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

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1. DECLARATION OF OPENING

The Chairperson, Shire President Cr Davies, opened the meeting at 4:05pm.

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

Nil

2.2. Declaration of Public Question Time opened

Public Question Time opened at 4:06 pm

There were no members of the public

2.3. Declaration of Public Question Time closed

Public Question Time closed at 4:06 pm

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members: Cr. Quentin Davies
Cr. Owen Garner
Cr. Emma Holdsworth
Cr. Stephen Gamble
Cr. Mischa Stratford
Cr. Christy Petchell

Staff:	Peter Klein	Chief Executive Officer
	Stephanie Elvidge	Governance Executive Officer
	Terence Delane	Manager of Works

Visitors: Nil

3.2. Apologies

Nil

3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

It was advised that Paul de Pierres, Peter Jaques and Malcolm Carter had recently passed.

Paul de Pierres massively contributed in every aspect to Wyalkatchem. He will be irreplaceable – his productions, plays, RSL engagement, a respected member of various committees and sporting clubs, and his immense knowledge and passion for preserving Wyalkatchem history. He will be missed.

7.2.2. Newtravel General Meeting Minutes – 27 July 2022

Minutes of the Newtravel General Meeting held on Wednesday 27 July 2022 (Attachment 7.2.2).

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

(96/2022) Moved: Cr Petchell

Seconded: Cr Garner

That the minutes of the Newtravel General Meeting of Wednesday 27 July 2022 (Attachment 7.2.2) be received by Council.

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Davies commented on the success of the Wyalkatchem Rodeo. A massive thank you to all involved, especially Terry Delane, the Shire staff and Councillors and volunteers that assisted.

Cr Garner and Peter Klein represented Wyalkatchem at the Dowerin Downtown Luncheon.

Cr Davies thanked Stephanie and staff for a great Community Citizens Awards and Welcome to Wylie Event. Community Citizen Winner of the Seniors 2021 Award Sheryl Wemm has also been nominated to represent WA for the Fred Holloway Award – a huge honour.

Cr Davies thanked Cr Holdsworth and Terry Delane for their ongoing representation of Wyalkatchem at the Regional Roads Group meetings.

Cr Loton has taken a lead in liaising with the Town Teams and the planning of the Wyalkatchem 'Do – Over'. A meeting will be held on Wednesday 28th September at the Community Club, 6pm. Cr Davies thanked Cr Loton for his enthusiasm and encourages people to attend.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

9.1. Item 13 URGENT BUSINESS

10. REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – AUGUST 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 September 2022
Reporting Officer:	Parul Begum
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for Payment – August 2022

SUMMARY

To provide Council with a list of accounts paid by the Chief Executive Officer in accordance with his delegated authority and for Council to endorse the payments made for the prior month.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO 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 all payments since the last such list was prepared.

Council has delegated to the CEO (delegation number 1.2.17) the power to make payments from the municipal fund or trust fund.

COMMENT

The July payment listing 2022 is presented to Council for their endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal & Trust	EFT	EFT 2224	EFT 2143
DD	DD	DD2247	DD2201

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations, S13.1

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2022/2023 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.2	<ul style="list-style-type: none"> Ensuring sound financial management and plans for the Shire’s long term financial sustainability
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance
		10.4	<ul style="list-style-type: none"> Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

(97/2022) Moved: Cr Petchell

Seconded: Cr Stratford

That Council endorse the total payments for the month of August 2022 being \$437,959.60 which comprised of:

- 1. Electronic Funds Transfer (EFT) payments from the Municipal Fund totalling \$384,456.34;*
- 2. Direct Debit (DD) payments from the Municipal Fund totalling \$53,503.26.*

CARRIED 7/0

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – JULY 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 September 2022
Reporting Officer:	Parul Begum, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2 – Credit Cards – July 2022

BACKGROUND

Council governance procedures require the endorsement of credit card payments at each OMC. The attached credit card payment report has been reviewed by the Manager of Corporate Services and CEO.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management s.6.4
Local Government (Financial Management) Regulations 1996, R34

POLICY IMPLICATIONS

Policy Number 2.1 – Purchasing Policy.
 Policy Number 2.3 – Credit Card Policy.

FINANCIAL IMPLICATIONS

Nil. Reported expenditure is assessed by management as being consistent with the FY22 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

This matter is consistent with the following Strategic Community Plan goal.

Goal - Transparent, accountable and effective governance

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable, and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire’s long-term financial sustainability High-quality corporate governance, accountability, and compliance Maintaining Integrated Strategic and Operational plans.
		10.2	
		10.3	
		10.4	

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(98/2022) Moved: Cr Stratford

Seconded: Cr Petchell

That Council endorses credit card payments for the period 28 June to 28 July 2022, totalling \$6,340.73 (refer to attachment 10.1.2).

CARRIED 7/0

10.1.3. MONTHLY FINANCIAL REPORTS – JULY 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	9 September 2022
Reporting Officer:	Megan Shirt, Consultant and Claire Trenorden, MCS
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Attachment 10.1.3 – Monthly Financial Report July 2022

BACKGROUND

The *Local Government (Financial Management) Regulations 34* requires a local government to prepare a monthly financial statement that reports on actual revenue and expenditure against the annual budget prepared under regulation 22(1) (d).

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

COMMENT

The attached report includes:

- Statement of Financial Activity by Program (p.3)
- Statement of Financial Activity by Nature and Type (p.4)

The statements provide details of the Shire's operations on an actual year to date basis.

These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes all relate to the Statements of Financial Activity.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management S6.4

Local Government (Financial Management) Regulations, R34

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Total Cash Available as at 31 July 2022 is \$4,839,381;

- cash available is made up of unrestricted cash \$1,657,697 (34.25%) and
- restricted cash \$2,958,156 (61.13%).

Rates Debtors balance as at 31 July 2022 is \$26,208.

July 2022: Operating Revenue – Operating revenue of \$21,641 is made up of Grants - 60%, Fees and Charges - 38% and other – 2%.

Operating Expenses – Operating expenses of \$146,221 is made of Employee Costs – 44%, Materials and Contracts – 47%, Insurance –3% and Utility – 6%.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal: Transparent, accountable and effective governance.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.2	<ul style="list-style-type: none"> Ensuring sound financial management and plans for the Shire’s long term financial sustainability
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance
		10.4	<ul style="list-style-type: none"> Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

(99/2022) Moved: Cr Stratford

Seconded: Cr Loton

That Council accepts the Statements of Financial Activity for the month ending 31 July 2022 (refer attachment 10.1.3).

CARRIED 7/0

10.2. GOVERNANCE AND COMPLIANCE

10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

SUMMARY

This report is prepared by the CEO to provide Council and the Wyalkatchem community, some insight into CEO activities and Council operations.

COMMENT

Since the last report the CEO has attended the following substantial meetings and events to progress community and Council's interests;

- WALGA Municipal Waste Advisory Committee
- Mark Kestel – Double Barrel Entertainment re Wylie Rodeo set-up
- WALGA Greater Eastern Country Zone – Kellerberrin
- Dowerin Downtown (luncheon)
- NEWROC Executive
- Wyalkatchem DHS Council meeting
- Jimmy Murphy & Alyce Ventris – Town Team Movement
- Rodeo debrief – various participants
- Emmanuel Awogun, D. Simmons, J. Stratford & Q. Davies re GP services

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The CEO's activity promotes the Strategic Community Plan objectives particularly, those outlined in Goal 10 which calls on transparent, accountable and effective governance.

Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.

Goal No.	Action No.	Actions
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
12 Form strategic partnerships & advocate for the community	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(100/2022) Moved: Cr Loton

Seconded: Cr Garner

That Council accepts the Chief Executive Officer's report.

CARRIED 7/0

Cr Stratford left the meeting at 5:01pm

Cr Stratford returned to the meeting at 5:03pm

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

(101/2022) Moved: Cr Gamble

Seconded: Cr Stratford

That Council Move items 10.2.2 to 10.6 Local Laws en bloc.

CARRIED 7/0

10.2.2. PROPOSED PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein – Chief Executive Officer
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.2 Public Places and Local Government Property Local Law 2022

SUMMARY

The Shire has in place a number of local laws that regulate activities on property under its care, control and management.

It is proposed to replace all of them with one that reflects current legislative provisions, is based on a model made by the WA Local Government Association and used by a number of local governments.

A draft local law is attached.

COMMENT

The following local laws regulate some activities on property owned by or under the care, control and management of the Shire:

- Reserves - Control & Management Of Recreation Centre (15004) , published in the *Government Gazette* on 4 Mar 1977;
- Hall Shire - Control & Management of, published in the *Government Gazette* 3 Oct 1975, p380
- Old Refrigerators & Cabinets - Draft Model By-Law No. 8 published in the *Government Gazette* on 21 Feb 1963;
- Management of Wyalkatchem War Memorial Aquatic Centre, published in the *Government Gazette* on 12 Dec 1961;
- Hawker's Licence published in the *Government Gazette* on 1 May 1931; and
- Regulating & Licensing of Hawkers and Stall-holders, published in the *Government Gazette* on 2 July 1926.

Albeit rarely used, their provisions are considerably out of date. Rather than updating them to reflect changes to the Local Government Act and its associated raft of regulations since the local laws were made, it is proposed to replace them with one local law.

Attached is a draft *Shire of Wyalkatchem Public Places and Local Government Property Local Law*. It is based on one made by the City of Greater Geraldton in 2020 which in turn comes from a model developed by the WA Local Government Association, but modified to suit the Shire. Rather than

devising a set of rules for each type of property, its provisions apply across all areas with specific provisions about particular locations.

Common items like definitions, modified penalties, notices and enforcement provisions apply to all areas of the local law, regardless of where a matter might physically be located or the subject dealt with.

It deals with:

- A process to make ‘determinations’ about particular properties in terms of what they may or may not be used for (an initial list appears in Schedule 1 of the draft local law);
- Activities that are prohibited;
- Activities where a permit is required, including street stalls, alfresco dining and the like;
- Placing of advertising signs;
- Behaviour on all property under the Shire’s care, control and management;
- Matters that relate to particular Shire property such as halls, pools and golf courses;
- Roadside conservation (wildflowers on verges or on local government property);
- Activities in streets such as verge treatments, removal of crossovers, property numbering and the like;
- Leaving animals and shopping trolleys in public places;
- Permits and conditions that could be applied;
- Enforcement provisions such as:
 - Notices to do certain things (remove items from a thoroughfare, repair damage);
 - Modified penalties or ‘on the spot’ fines; and
 - Penalties that might apply where the Shire prosecutes a person for an offence or fails to comply with a notice.

Note that the draft contains text boxes which are for explanatory purposes only and will be deleted from the official version published in the Government Gazette.

STATUTORY ENVIRONMENT

Local governments make local laws using the process set out in section 3.12 of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be sent to the Minister for Local Government.

The purpose and effect of the proposed *Shire of Wyalkatchem Public Places and Local Government Property Local Law* is:

Purpose

To regulate the care, control and management of property of and under the care, control and management of the Shire including thoroughfares.

Effect

Some Shire property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on Shire property.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

VOTING REQUIREMENT

Absolute Majority.

That Council:

- 1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice be that:***
 - A. It is proposed to make a Shire of Wyalkatchem Public Places and Local Government Property Local Law, and a summary of its purpose and effect;***
 - B. Copies of the proposed local law may be inspected at the Shire offices;***
 - C. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;***
- 2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Minister for Local Government;***
- 3. In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it; and***
- 4. Notes that the results of the public consultation be presented to Council for consideration of any submissions received.***

Cr Garner left the meeting at 5:13pm

Cr Garner returned to the meeting at 5:14pm

10.2.3. PROPOSED MEETING PROCEDURES LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein - CEO
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 19.08.02
Attachment Reference:	Attachment 10.2.3. – Meeting Procedure LL

SUMMARY

The Shire is in the process of reviewing its local laws. The *Shire of Wyalkatchem Standing Orders Local Law* was made in 1998 and has not been updated since.

The extent of changes to the Local Government Act and regulations are such that it is more efficient to simply make a new local law rather than seeking to amend the old one.

A draft local law is attached.

COMMENT

There have been a number of changes to the Act and the associated *Local Government (Administration) Regulations 1996* to the extent that it will be easier to make a new local law than to amend the current one. Current practices comply with legislative requirements but the local law is out of date.

A draft new *Shire of Wyalkatchem Meeting Procedures Local Law* is based on a version developed by the WA Local Government Association, modified to suit the Shire.

Note, it contains extensive references to the Act and Regulations. While this makes for a longer document, given the degree of matter regulated by these pieces of legislation placing as much as possible in one location may help to demystify what can be a confusing array of rules for councillors and the public. These notes and text boxes do not form part of the local law and will be deleted from the final version to be gazetted.

The draft local law is divided into Parts, summarised as follows:

- Part 1 – Deals with preliminary matters such as definitions
- Part 2 – Relates to the establishment and membership of committees
- Part 3 - Calling and convening meetings
- Part 4 – Presiding Member and quorum
- Part 5 - The business of a meeting; in particular clause 5.2 sets out the order of business at meetings
- Part 6 - Public participation in meetings
- Part 7 - Questions by Members
- Part 8 – Conduct of Members
- Part 9 - Preserving order
- Part 10 - Debate of substantive motions
- Part 11 - Procedural motions
- Part 12 - Disclosure of interests
- Part 13 - Voting

- Part 14 – Minutes of meetings
- Part 15 - Adjournment of meeting
- Part 16 – Revoking or changing decisions
- Part 17 - Suspension of Local Laws
- Part 18 - Meetings of electors
- Part 19 – Enforcement

STATUTORY ENVIRONMENT

Local laws are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the draft local law is:

Purpose

The purpose of this local law is to regulate the conduct of council, committee and electors meeting.

Effect

Meetings of council, committees and electors are to be conducted in accordance with the local law.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

VOTING REQUIREMENT

Absolute Majority

That Council:

- 1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice that:***
 - A. It proposes to make a Shire of Wyalkatchem Meeting Procedures Local Law;***
 - B. Copies of the proposed local law may be inspected at the Shire offices;***
 - C. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;***
- 2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Ministers for Emergency Services and Local Government;***
- 3. In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it; and***
- 4. Notes that the results of the public consultation be presented to Council for consideration of any submissions received.***

10.2.4. PROPOSED VOLUNTEER BUSH FIRE BRIGADES LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.4 – Bush Fire Brigades Local Law 2022

SUMMARY

The Shire is in the process of reviewing its local laws. It has volunteer bush fire brigades but no local law as required under the Bush Fires Act 1954. A draft local law is attached.

COMMENT

Most matters relating to bush fires and the role of local governments are dealt with by the Bush Fires Act and its associated Regulations. However section 43 of the Bush Fires Act provides that a local government which establishes a bush fire brigade shall by its local laws:

... provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

Sections of the Bush Fires Act where a local government may make local laws are:

- Under s33(5a) to require land owners to make fire breaks. Section 33(1) though allows this to be done simply by publishing a notice in the Gazette or a newspaper circulating in the district; and where a local government does so the provisions of the notice override the local law.
- Under s41(1), to establish and maintain one or more bush fire brigades and equip them with appliances, equipment and apparatus; and
- Under s62, make local laws in relation to —
 - the appointment, employment, payment, dismissal and duties of bush fire control

- officers; and
- the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
- any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

The use of a local law to deal with anything other than what is required under the Act is unnecessary - all critical matters are dealt with under the Bush Fires Act and Regulations. For example:

- Part 2 of the Bush Fires Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
 - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
 - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
 - Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
 - Section 39 sets out the powers of bush fire control officers;
 - Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
 - Section 41 provides that Act, a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
 - Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1).
 - Section 43 is the only area of the Bush Fires Act that requires a local government to make a local law (discussed below); and
 - Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, ‘CALM’ and bush fire control officers.
- Part 5 deals with miscellaneous matters and among other things:
 - Allows a local government to delegate any of its powers and duties to its CEO; and
 - Provides for penalty and prosecution provisions.

Local laws are usually used to regulate activities in communities generally. They typically set out a set of requirements and include provisions for non-compliance such as notices, infringements or prosecution. Services run by volunteers are not usually 'regulated' by local laws.

The question here is the extent to which a local law is useful when it comes to assisting and encouraging a service provided by volunteers; and what could be better dealt with by agreement. In this regard the Shire is better able to manage its funding and/or support to volunteer brigades in a more flexible manner, not by use of a local law.

A draft *Shire of Wyalkatchem Volunteer Bush Fire Brigades Local Law* is attached. It deals only with those matters required by the Bush Fires Act.

It also contains a number of notes and text boxes to assist readers to interpret what clauses mean, and what other legislation might apply, but which do not form part of the local law and will be deleted from the official version to be Gazetted.

Note that as required, it prescribes the duties of a captain of a bush fire brigade. Other matters are simply by agreement with a brigade. This could include:

- The makeup of bush fire brigades (membership, structure, meetings, elections, etc);
- How funding, facilities and equipment provided by the *City* is to be dealt with and any associated requirements;
- Record, book keeping, asset management and accounting requirements;
- Office bearers such as a secretary, treasurer, training, and/or equipment officers;
- Grievance processes and membership issues;
- How and with whom liaison with the *City* is to occur (day to day, longer term);
- What reporting might be required in terms of brigade activities, membership lists, acquittal of funds provided, etc; and
- Operational matters or standards.

These can be drafted by the Shire but can only be implemented in agreement with the brigades. They are not intended to be punitive or overly complex – brigade members are volunteers and should not be tied up with unnecessary regulation.

In addition the rules can be more easily changed than a local law - by council resolution and/or by the CEO acting under delegated authority from Council.

In the unlikely event it became necessary for the Shire to take action in relation to a brigade, if all else fails it could:

- Withhold funding; and/ or
- Seek return of assets and/or equipment; and/ or
- Ultimately, deregister a brigade under s41(3) of the Bush Fires Act. This provision is wide ranging and is used mainly when a brigade merges with another or disbands, but can be applied for any reason a local government see fit.

STATUTORY ENVIRONMENT

Section 62 of the *Bush Fires Act 1954* provides that a local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to

make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the proposed Shire of Wyalkatchem Volunteer Bush Fire Brigades Local Law is:

Purpose

To provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of bush fire brigades in the district, and prescribe their respective duties.

Effect

The appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of bush fire brigades in the district is prescribed, as are their respective duties.

As part of the process, local governments are also required to send a copy of the proposed local law to the Ministers for Local Government and Emergency Services.

The results of the community consultation and feedback from the Minister(s) are to be considered by Council before it makes the local law.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

VOTING REQUIREMENT

Absolute Majority

That Council:

1. **In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice that:**
 - A. **It is proposed to make a Shire of Wyalkatchem Volunteer Bush Fire Brigade Local Law, and a summary of its purpose and effect;**
 - B. **Copies of the proposed local law may be inspected at the Shire offices;**
 - C. **Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;**
2. **In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Ministers for Emergency Services and Local Government;**
3. **In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it; and**
4. **Notes that the results of the public consultation be presented to Council for consideration of any submissions received.**

10.2.5. PROPOSED CATS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.5 – Cats Local Law 2022

SUMMARY

The Shire is in the process of reviewing its local laws. Clause 5.4.2 of the Shire’s *Health Local Law 2002* deals with cats, but the *Cat Act 2012* and associated regulations also apply.

A draft new local law is attached.

COMMENT

There have been a significant number of changes in this area of activity, including the introduction of the *Cat Act 2011*, the *Cats Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

The *Cat Regulations 2012* deals with matters such as:

- Microchipping;
- Registration and registration periods;
- Applications for approval to breed cats;
- Registration fees; and
- Application fees to obtain a permit to breed cats.

In addition, the *Cat (Uniform Local Provisions) Regulations 2013* operate as if they are local laws. Amongst other things these Regulations provide for:

- Local laws to determine what is the ‘standard number’ of cats that can be kept, excluding cats under the age of 6 months;

- If a member of a ‘cat organisation’ is normally resident on the premises, then the number of cats that can be kept on premises to be 3 times the standard number;
- Catteries; and
- Applications to keep additional numbers of cats.

Local laws that deal with cats must comply with the Cat Act and associated Regulations. There is not a great deal left that can be dealt with by local laws, which are set out in section 79 of the Cat Act:

79. Local laws

(1) ...

(2) ...

(3) *Without limiting subsection (1), a local law may be made as to one or more of the following —*

(a) the registration of cats;

(b) removing and impounding cats;

(c) keeping, transferring and disposing of cats kept at cat management facilities;

(d) the humane destruction of cats;

(e) cats creating a nuisance;

(f) specifying places where cats are prohibited absolutely;

(g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;

(h) limiting the number of cats that may be kept at premises, or premises of a particular type;

(i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;

(j) the regulation of approved cat breeders, including record keeping and inspection;

(k) fees and charges payable in respect of any matter under this Act.

Rather than modifying clause 5.2.4 of the existing Health local law, it is preferable to make a new Cats Local Law to ensure compliance with the Act and Regulations.

In this regard it is considered that the Shire should simply seek to deal with regulation of the number of cats that may be kept on premises (the ‘standard number’) without a permit. This will deal with most situations where problems are caused by the numbers of cats kept on premises.

A draft new Shire of Wyalkatchem Cats Local Law is attached. As noted above, its major provision is to set the ‘standard number’ of cats that may be kept at 3 (as is the case under the current Health Local Law). Note that this limit does not apply to a veterinary clinic, a cat management facility operated by the Shire, or to a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*.

The process for a person to keep more than the standard number of cats is set out mainly in the *Cat (Uniform Local Provisions) Regulations 2013*. Clauses 2.3 – 2.6 of the proposed local law set out possible conditions that could be applied, and which must be considered on a case by case basis.

The remainder of the draft local law deals with appeal and enforcement provisions.

STATUTORY ENVIRONMENT

Section 3(2) of the Cat Act 2011 provides that words and expressions defined in the Local Government Act 1995 have the same meaning in the Cat Act, unless the contrary intention appears. This includes making local laws, and using the process set out in section 3.12 of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be given to the Minister for Local Government.

The purpose and effect of the local law is:

Purpose

To set a 'standard number' of cats that may be kept on premises.

Effect

Persons must not keep more than the standard number of cats unless provided for by the local law, the Cat Act, or its associated Regulations.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following outcomes as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

VOTING REQUIREMENT

Absolute Majority

That Council:

- 1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice that:***
 - A. It is proposed to make a Shire of Wyalkatchem Cats Local Law, and a summary of its purpose and effect;***
 - B. Copies of the proposed local law may be inspected at the Shire offices;***
 - C. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;***
- 2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Ministers for Local Government;***
- 3. In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it; and***
- 4. Notes that the results of the public consultation be presented to Council for consideration of any submissions received.***

10.2.6. PROPOSED DOGS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.6 – Shire of Wyalkatchem Dogs local law 2022

SUMMARY

The Shire is in the process of reviewing its local laws. It has a Dogs local law which is out of date. Rather than amending the existing local law it will be cheaper and more efficient to make a new one.

A draft local law is attached.

COMMENT

The *Shire of Wyalkatchem Dogs Local Law* was made in 1986 and last amended in 1988. A number of activities dealt with by this local law have been affected by changes to other legislation and in particular changes to the *Dog Act 1976* and the *Dogs Regulations 2013*.

This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
 - Issues in relation to the impounding of dogs;
 - Attendance of a pound keeper at the pound; and
 - Release of impounded dogs is dealt with by the *Dog Act 1976*, and in particular section 29.

- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties applicable for minor offences.

The only matters that a local government may now make local laws about are listed in section 51 of the Dog Act:

51. Local law making powers

A local government may so make local laws —

- (a) providing for the registration of dogs;*
- [(b) deleted]*
- (c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*
- (d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*
- (e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*
- (f) providing for the detention, maintenance, care and release or disposal of dogs seized;*
- (g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;*
- [(h) deleted]*
- (i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

In reality it is only necessary to make a local law that deals with confinement, the requirement to pick up dog excreta, and kennels.

A draft local law is attached. It is based on one made by the City of Greater Geraldton in 2020 (in itself based on a WALGA model local law) modified to suit the Shire. Note that it contains text boxes and extracts from other legislation that do not form part of the local law and which will be deleted from the official gazetted version.

In addition, areas where dogs are prohibited and where dogs may be exercised off leash are set by council resolution and by the giving of local public notice under s31(3A) of the Dog Act and no longer prescribed by local law.

The current by-law prescribes this as the 'Wyalkatchem Townsite - Reserve 15004 old drive-in site'

STATUTORY ENVIRONMENT

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be sent to the Minister for Local Government.

The purpose and effect of the proposed *Shire of Wyalkatchem Dogs Local Law* is:

Purpose

To make provisions about the confinement of dogs, control the number of dogs that can be kept on premises in the district, regulate dog kennels and to require removal of dog excreta.

Effect

To extend the controls over dogs which exist under the Dog Act 1976 and Regulations.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

In addition, as noted above local public notice is required of areas where dogs are prohibited and where they may be exercised off leash under s 31(3A) of the Dog Act is also required. There is no requirement to receive feedback, simply the giving of notice. A list that reflects the current provisions in the Shire is attached to this report.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following outcomes expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: Transparent, accountable and effective governance and Community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community

Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations
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VOTING REQUIREMENT

Absolute Majority

That Council:

- 1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice that:***
 - A. It is proposed to make a Shire of Wyalkatchem Dogs Local Law, and a summary of its purpose and effect;***
 - B. Copies of the proposed local law may be inspected at the Shire offices;***
 - C. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;***
- 2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Minister for Local Government;***
- 3. In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it;***
- 4. Notes that the results of the public consultation be presented to Council for consideration of any submissions received; and***
- 5. Gives local public notice under s31(3A) of the Dog Act 1976 of the areas where dogs are prohibited and where dogs may be exercised off leash as attached to the report of the CEO.***

10.2.7. FITNESS FOR DUTY POLICY

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	5 September 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.7 Fitness for Duty Policy

COMMENT

Management has recently reviewed the Council’s Drug & Alcohol and Fitness for Duty policies and the attached Fitness for Duty Policy is the result of this review.

This policy combines the Drug & Alcohol Policy and former Fitness for Duty policy into a single document. The revised policy introduces random drug & alcohol testing for the first time and outlines in appropriate detail, the implications of returning non-negative tests.

It’s intended that the introduction of this policy will further improve workplace safety, reduce operating risk and strengthen the wellbeing of council staff.

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

Replaces both the Council’s Drug & Alcohol and Fitness for Duty policies and must be read in conjunction with the Council’s disciplinary policy.

FINANCIAL IMPLICATIONS

There will be costs for training staff as drug & alcohol testers (\$550/person + costs), for calibrating the breath tester & procuring drug screening test kits.

COMMUNITY & STRATEGIC OBJECTIVES

The policy supports **Goal 1 - A safe and healthy community.**

Goal No.	Actions
<p>Zero lost time injuries</p> <p>An engaged workforce with safety at its core.</p>	<p>Staff present to the workplace in a fit & healthy state.</p> <p>Before commencement of any operational or other activity that staff switch-on by assessing and where necessary, recording new workplace hazards.</p>

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

(102/2022) Moved: Cr Petchell

Seconded: Cr Stratford

That Council approve the revised Fitness for Duty Policy.

CARRIED 7/0

Cr Davies left the meeting at 5:36pm
Cr Davies returned to the meeting at 5:37pm

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS OFFICER'S REPORT AUGUST 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	9 th September 2022
Reporting Officer:	Terry Delane – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

BACKGROUND

To inform Council of the activities of the works and services team during the month prior to the 9th September 2022.

COMMENT

SAFETY / INCIDENTS

Reported Incidents as follows;

1. Loader, tractor, bobcat, bogged – Rec Ground
2. Truck bogged – Wardy's
3. Theft – Rec ground
4. Vandalism – Ashelford Park
5. Vandalism – Public Toilets
6. Vandalism – Railway Station
7. Antisocial behaviour - Korrelocking Reserve

ROADS – MAJOR PROJECTS

- **Regional Road Group. (RRG)**
 - i. Confirmed RRG Projects for FY 2022/2023
 - a. Cunderdin Rd 1.98km resealing
 - b. Wylie North Road 3.3km reconstruction
 - ii. Average carried over (unspent) funds for last FY – 15%
- **Wheatbelt Secondary Freight Network (WSFN)**
 - i. Submission deadlines for 2023 – 2024, 22nd September.
- **Roads 2 Recovery (R2R)**
 - i. Gnuca Xing corner repairs \$ 28K
 - ii. Mitchell & Grace repairs \$ 25K
- **Roads Advisory Group (RAG)**
 - i. Road condition inspection – Elsegood Rd 14th September.
- **Black Spot Projects (BSP)**
 - i. Safety Audits October – November

ROADS – GENERAL

- Main Roads intend making offers to landowners to buy back land for road revegetation programs
- New standard issued for bus stop signs – fluoro yellow / green
- Request from Community Art to replace a kerb with mini crossover
- Main Roads stated that they will not enter into “open negotiations” over gravel royalties direct with landowners
- Maintenance grading restarted after significant loss of production due to weather – some plant issues with grader and rollers.
- Refer to map for progress – to be provided.

AERODROME

- Resealing scheduled for mid-late October

PRIVATE WORKS

- Two received and discussed briefly

PARKS / TOWN SERVICES CREW

- Spring clean-up continues
- Replanting of garden beds

SWIMMING POOL RENOVATION

- Nil to Report

GRACE ST DEPOT

- No new work
- Working on new design for doors

GAMBLE ST UPGRADE – Thurston St Variation

- No new work

WYLIE WATERPROOFING - NATIONAL GRID CONNECTION PROJECT

- No activity

RUBBISH TIP

- No activity

HUMAN RESOURCES

- New truck driver starts 27th September 2022

VEHICLE/PLANT

- Garn grader transmission issues

STATUTORY ENVIRONMENT

There are no statutory environment implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are some financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The list before Council is generally in accordance with the desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Goal: Our built environment responds to the accessibility and connectivity needs of all.

Outcome No.		Action No.	Actions
Goal 8	Our built environment responds to the accessibility and connectivity needs of all	8.1	Improving safety on road, cycle and footpath networks
		8.2	Developing & planning community infrastructure to improve use & social interaction
		8.3	Implement Aged Friendly Plan
		8.4	Implement the Disability Access and Inclusion Plan (DAIP

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

(103/2022) Moved: Cr Petchell

Seconded: Cr Gamble

That Council accept the Manager of Work’s (MOW) Report up to 9 September 2022.

CARRIED 7/0

Cr Garner left the meeting at 5:44pm

Cr Garner returned to the meeting at 5:46pm

10.4. PLANNING AND BUILDING

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1. LATE PAPER

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

(104/2022) Moved: Cr Garner

Seconded: Cr Loton

That Council / Presiding Member approve late confidential item 13.1 be received.

CARRIED 7/0

14. MATTERS BEHIND CLOSED DOORS

14.1. 13.1 CONFIDENTIAL LATE PAPER

Declarations of Interest –

- *Cr Holdsworth declared an impartiality interest in confidential item 13.1*
- *Cr Petchell declared an impartiality interest in confidential item 13.1*

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

(105/2022) Moved: Cr Stratford

Seconded: Cr Garner

That Council moves behind closed doors in accordance with Section 5.23 (2)(b) and (e)(iii) of the Local Government Act 1995 which states, that a Council may move its meeting behind closed doors;

- *to deal with matters that relate to the personal affairs of a person and*
- *to deal with a matter that if disclosed, would reveal Information about the business, professional, commercial or financial affairs of a person.*

CARRIED 7/0

14.1. 13.1 – LATE PAPER

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 September 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Some financial implications in relation to a formal Council function.

COMMUNITY & STRATEGIC OBJECTIVES

The CEO's activity promotes the Strategic Community Plan objectives, particularly those outlined in Goal 10 which calls on transparent, accountable and effective governance.

Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.

Goal No.	Action No.	Actions
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
12 Form strategic partnerships and advocate for the community	12.1	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(106/2022) Moved: Cr Gamble *Seconded: Cr Garner*
That Council approves the confidential late item 13.1

CARRIED 7/0

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION:

(107/2022) Moved: Cr Gamble *Seconded: Cr Garner*
That Council move out from behind closed doors.

CARRIED 7/0

15. INFORMATION BULLETIN

15.1. Information Bulletin

The information bulletin has been provided as an attachment (Attachment 15.1)

15.2. Business Arising from the Information Bulletin/ Status Report

Nil

16. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 6:08pm.