

MINUTES

Ordinary Council Meeting

Held in Council Chambers 13 Cottrell Street, Dowerin WA 6461 Tuesday 17 October 2023



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Shire of Dowerin Ordinary Council Meeting Tuesday 17 October 2023



1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 4:04pm.

In opening the meeting, the Council, CEO and Management acknowledges the passing of John 'Jack' Coomber with a minutes silence.

The CEO presents the following note to Council

As this is my first Council meeting, I would like to thank you for your commitment to appointing me as Council's CEO.

Dowerin has an enviable reputation as a physically and culturally solid community, so I look forward to leading a team enhancing and improving this wherever and whenever possible.

The structure of local government operates well when the council of elected members and the team of staff focus on the collective well-being of their community.

I really appreciate the warm welcome I have received from a variety of residents, councillors, and staff in my first couple of days, and I look forward to meeting and working with our community and the different organisations we all have to deal with beyond Dowerin.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr RI Trepp President

Cr BA Ward Deputy President

Cr WG Allsopp Cr DP Hudson Cr NP McMorran Cr JC Sewell

Staff:

Mr D Singe Chief Executive Officer

Mr A Wooldridge Deputy Chief Executive Officer
Ms K Rose Executive and Governance Officer

Members of the Public: Nil

Apologies: Cr LG Hagboom

Approved Leave of Absence: Cr AJ Metcalf

3. Public Question Time

Nil

4. Disclosure of Interest

Cr McMorran - Item 14 Impartiality Interest.

5. Applications for Leave of Absence

6.	Petitions and Presentations	
	Nil	
7.	Confirmation of Minutes of the Previous Meeting(s)	
7.1	Ordinary Council Meeting held on 19 September 2023. Attachment 7.1A	
	Voting Requirements	
	Simple Majority Absolute Majority	
Officer	's Recommendation/ Resolution - 7	
Moved:	: Cr Ward Seconded: Cr Allsopp	
0868	That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the Local Government Act 1995, the Minutes of the Ordinary Council Meeting held 19 September 2023, as presented in Attachment 7.1A, be confirmed as a true and correct record of proceedings.	
	CARRIED 6/0	
For:	Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr McMorran, Cr Sewell	
8.	Minutes of Committee Meeting(s) to be Received	
	Nil	
9.	Recommendations from Committee Meetings for Council Consideration	
	Nil	
10.	Announcements by the President Without Discussion	

11. OFFICER'S REPORTS - CORPORATE AND COMMUNITY SERVICES

11.1 Financial Activity Statements

Corporate and Community Services



Date:	12 October 2023	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer	
Author:	As above	
Legislation:	Local Government Act 1995; Local Government (Financial Management) Regulations 1996	
SharePoint Reference:	Organisation / Financial Management / Reporting / Financial Statements / 2023-2024 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This item presents the Statement of Financial Activity to Council for the period ending September 2023.

Background

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports which have been prepared and are presented to Council.

Comment

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Dowerin's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity - Statutory Reports by Program and Nature or Type

The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

Note 1 - Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

Note 2 - Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 - Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 4 - Other Current Assets

This note provides details of other current assets that the Shire may hold.

Note 5 - Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6- Rate Revenue

This note provides details of rates levied during the year.

Note 7 - Disposal of Assets

This note gives details of the capital asset disposals during the year.

Note 8- Capital Acquisitions

This note details the capital expenditure program for the year.

Note 9 -Borrowings

This note shows the Shire's current debt position and lists all borrowings.

Note 10 - Cash Backed Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

Note 11 - Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 12 - Operating Grants and Contributions Received

This note provides information on operating grants received.

Note 13 - Non-Operating Grants and Contributions Received

This note provides information on non-operating grants received.

Note 14 - Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Consultation

David Singe, Chief Executive Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Megan Shirt, Consultant

Policy Implications

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar, Financial Management Framework and Legislation
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Financial Implications

For:

	Voting Requirements		
Si	mple Majority	Abso	lute Majority
Officer's	Recommendation/Resolution - 11.	1	
Moved:	Cr Hudson	Seconded:	Cr McMorran
0869	(Financial Management) Regula	<i>tions 1996</i> , re	Regulation 34 of the <i>Local Government</i> ceives the statutory Financial Activity 023, as presented in Attachment 11.1A CARRIED 6/0

Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr McMorran, Cr Sewell

11.2 List of Accounts Paid

Corporate & Community Services



Date:	12 October 2023	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer	
Author:	Aaron Wooldridge, Deputy Chief Executive Officer	
Legislation:	Local Government Act 1995; Local Government (Financial Management) Regulations 1996	
SharePoint Reference:	Organisation/Financial Management/Reporting/Financial Statements and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.2A	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents the List of Accounts Paid, paid under delegated authority, for September 2023.

Background

Nil

Comment

The List of Accounts Paid as presented has been reviewed by the Deputy Chief Executive Officer.

Consultation

David Singe, Chief Executive Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Susan Dew, Finance Officer

Rhonda Ratcliffe, Finance Officer

Policy Implications

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies. Payments have been made under delegated authority.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegated authority.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Financial Implications

Funds expended are in accordance with the Council's adopted 2023/2024 Budget.

below:

	Voting Requirements		
S	imple Majority	Absolute Majority	
Officer's	Officer's Recommendation/Resolution - 11.2		
Moved:	Cr Allsopp	Seconded: Cr Sewell	

O870 That Council, by Simple Majority pursuant to Section 6.8(1)(a) of the Local Government Act 1995 and Regulation 12 & 13 of the Local Government (Financial Management) Regulations 1996, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Dowerin Municipal Fund, as presented in Attachment 11.2A, and as detailed

List of Accounts Paid - September 2023 EFT 11305 to EFT 11398 \$603,739.00 Direct Debit: Credit Card Payment: August 2023 \$3,937.88 Direct Debit: Synergy \$5,332.55 Direct Debit: National Australia Bank Fees \$1,578.01 **Direct Debit: Water Corporation** \$1,791.04 Direct Debit: XENEX Systems \$460.41 Direct Debit: Telstra \$1,880.03 Direct Debit: Wesfarmers Kleenheat Gas \$460.70 Direct Debit: Resonline Room Manager \$242.00 PPE August 2023 - Wages \$78,065.89 PPE August 2023 - Wages \$47,992.02 Direct Debit: Superannuation \$15,296.15 **TOTAL** \$760,775.68

CARRIED 6/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr McMorran, Cr Sewell

12. OFFICER'S REPORTS - GOVERNANCE AND COMPLIANCE

12.1 Repeal Local Law 2022 Review Outcome

Governance & Compliance



Date:	17 August 2023	
Location:	Not Applicable	
Responsible Officer:	David Singe, Chief Executive Officer	
Author:	Kahli Rose, Executive and Governance Officer	
Legislation:	Local Government Act 1995	
SharePoint Reference:	Organisation/Governance/Local Laws	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents the outcome of the process of reviewing the Shire of Dowerin's Repeal Local Law 2022 to Council for consideration and, if satisfactory, adoption.

Background

Section 3.16 of the *Local Government Act 1995* (the Act) requires that a local government must every eight years, after adoption of any local law, or the last review, conduct a review of the local law to ensure that it still retains currency.

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;
- the Shire is to give local 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
 - o 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 for Local Government 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, by absolute majority, 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 for Local Government 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:
 - o 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.

Comment

The Draft Local Laws were presented to Council at its Ordinary Council Meeting on 28 September 2021 where it was resolved as follows:

That, by Absolute Majority in accordance with the Local Government Act 1995, Council

- 1. Approve the giving of local public notice of the following local laws in order to seek public comment:
 - Activities in Thoroughfares and Public Places and Trading Local Law 2021;
 - Cemeteries Local Law 2021;
 - Fencing Local Law 2021;
 - Subject to the inclusion of the following words in Section 2.10(6) An owner or occupier of a Rural Lot shall not erect, affix or allow to remain any barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the top or side of the fence posts furthest from the thoroughfare or other public place.
 - Meeting Procedures Local Law 2021; and
 - Repeal Local Law 2021.
- 2. Submit to the Minister for Local Government a copy of all proposed local laws

CARRIED BY ABSOLUTE MAJORITY 7/0

Reason:

Council expressed its want to include the words **the top of** into Section 2.10(6) of the Fencing Local Law 2021 for public notice.

Following this, an administrative error resulted in the Repeal Local Law 2022 not being advertised or published for public comment (as per Attachment 12.1A), and the Minister rejecting the proposed Local Law.

Due to this, the process had to be restarted in August 2023 to allow the forum for public comment. No public comment was received regarding the Repeal Local Law, during the 6-week period (18 August 2023 - 29 September 2023).

During the process, office must send a copy of the proposed Local Law to the Minister for Local Government's office for comment. The following recommendation was made and changes to the Local Law implemented:

"Minor edits

The following minor edits are suggested:

- Clause 4(b)
 - Amend to: Municipality of Dowerin Local Government Model By-laws No 7 (Removal and Disposal of Obstructing Animals or Vehicles) published in the Government Gazette on 18 February 1965.
- Clause 4(a)
 - o Change "Shire of Dowerin" to "Municipality of Dowerin"
- Clause 4(b)
 - o Change "Shire of Dowerin" to "Municipality of Dowerin"".

Office now brings this item forward for final approval and adoption.

Consultation

Brian Jones, Acting Chief Executive Officer

Kahli Rose, Executive and Governance Officer

Kimberley Craik, Senior Legislation and Statutory Approvals Officer, Minister for Local Government

Policy Implications

There are no significant policy implications evident at this time.

Statutory Implications

There are no significant statutory implications evident at this time.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed

Local Government

Outcome: 5.3 Reference: 5.3.2

Asset Management Plan

Ni

Long Term Financial Plan

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Short term non-compliance but with significant regulatory requirements imposed
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Local Law Review, Compliance
Action (Treatment)	Documented review processes.
Risk Rating (after treatment)	Adequate

-:	-!-1	1		
Finan	cıaı	ımbı	ıcatı	ons

There are no significant financial implications evident at this time.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation/Resolution - 12.1

Moved: Cr Hudson Seconded: Cr Sewell

That, by Absolute Majority in accordance with the Local Government Act 1995, Council:

- 1. note that no community submissions were received in relation to the following local law:
 - Repeal Local Law 2022.
- 2. to determine that the proposed changes outlined in the reports and included in the:
 - Repeal Local Law 2022, are not considered significantly different to that which was originally advertised.
- 3. to determine to accept all proposed changes and to adopt the:
 - Repeal Local Law 2022.
- 4. to advertise the adopted local law in the Government Gazette.
- 5. to submit to the Minister for Local Government, following advertising in the Government Gazette, a copy of the adopted local law.
- 6. to advertise, as a local public notice, the adoption of the local law.
- 7. to submit the Explanatory Memorandum and associated papers to the Joint Standing Committee on Delegated Legislation.

CARRIED 6/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr McMorran, Cr Sewell

13. OFFICER'S REPORTS - WORKS AND ASSETS

13.1 Airconditioning System - Extraordinary Expense

Works & Assets



Date:	10 October 2023	
Location:	Shire Administrative Building - Works and DHC Offices	
Responsible Officer:	Russell Holleley, Works Administration Officer	
Author:	Russell Holleley, Works Administration Officer	
Legislation:	Local Government Act 1995, Work Health and Safety (General) Regulations 2022	
Sharepoint Reference:	harepoint Reference: Nil	
Disclosure of Interest:	Disclosure of Interest: Nil	
Attachments:	tachments: Attachment 13.1A	

Purpose of Report

Executive	Decision
	D C C 15 1 C 1 1

Legislative Requirement

Summary

It has been advised by Lloyds Airconditioning Service that the cassette-type air conditioning systems currently installed in the Asset & Works office, and Dowerin Home Care office are no longer serviceable, or in good working condition.

Quotes and assessments have been provided by two contracts, as per Attachment 13.1A.

Both units require decommission and upgrade, which is currently not allowed for in the 2023/2024 Budget.

As per part 3.2, Division 2, 40(f) of the Work Health and Safety (General) Regulations 2022, workers carrying out work in extremes of hear or cold, must be able to carry out their work without risk to health and safety.

Background

The units have been repaired by the manufacturer previously under warranty and have had ongoing problems following. Both units are no longer covered for repair or replacement under warranty.

Comment

It has been advised to the Works Administration Officer that cassette style air conditioning units can be troublesome, and it is recommended that split units be installed as replacements.

Consultation

Russell Holleley, Works Administration Officer Ben Forbes, Asset & Works Coordinator Aaron Wooldridge, Deputy Chief Executive Officer Lloyds Air-Conditioning and Refrigeration Services Kaos Electrical

Policy Implications

Policy 3.5 - Financial Management Policy

Statutory Implications

Nil

Strategic Implications

Asset Management Plan

Decommissioning of current units, and purchase of two replacements.

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements	
Risk Category	People	
Risk Description	First Aid Treatment	
Consequence Rating	Minor (2)	
Likelihood Rating	Unlikely (2)	
Risk Matrix Rating	Low (4)	
Key Controls (in place)	Servicing and maintenance of current assets and equipment	
Action (Treatment)	Replacement of faulty units	
Risk Rating (after treatment)	Adequate	

Financial Implications

2023/2024 Budget mid-year review.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation/Resolution - 13.1

Officers Recommendation

That, by Absolute Majority in accordance with the Local Government Act 1995, Council resolve to accept the unbudgeted expenses relating to the upgrade and replacement of the current air conditioning units installed in the works and Dowerin home care administration offices.

Moved Cr Hudson

Seconded Cr Trepp

0872 Amended Motion:

That, by Absolute Majority in accordance with the Local Government Act 1995, Council resolve to accept the quote from Kaos Electrical relating to unbudgeted expenses for the upgrade and replacement of the faulty units within the works and Dowerin home care administration offices

CARRIED 6/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr McMorran, Cr Sewell

Cr McMorran left the meeting at 4:45pm due to a conflict of interest.

14. Urgent Business Approved by the Person Presiding or by Decision

Resolution - 14.1

Moved Cr Trepp

Seconded Cr Sewell

0873

Council notes that recommendation of Point 12.1 during the 21 March Ordinary Council Meeting, and due to the unsuccessful grant application for the upgrade of the Hockey Shed, Council reiterates to commit only to \$7,400.00 of in-kind support towards the project.

CARRIED 5/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr Sewell

Cr McMorran re-entered the meeting at 4:47pm

Resolution - 14.2

Moved Cr Trepp

Seconded Cr Sewell

0874

That, Council agrees to the terms and conditions as outlined in the briefing note provided to the Shire President by the incoming Chief Executive Officer, relating to reallocation of moving costs to the purchase of furniture in the Chief Executive Officer's house.

CARRIED 6/0

For

Cr Trepp, Cr Ward, Cr Allsopp, Cr Hudson, Cr McMorran, Cr Sewell

15. Elected Members' Motions

Nil

16. Closure

The President thanked those in attendance and declared the meeting closed at 4:53pm.