

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 20 December 2022
Commencing 4.00pm



Common Acronyms Used in this Document

CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy Chief Executive Officer
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROc	Wheatbelt East Regional Organisation of Councils



December Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 20 December 2022



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:07pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr D Crook	Deputy President
Cr R Billing	
Cr J Flockart	
Cr P Patroni	
Cr M Simmonds	

Staff:

L Clack	CEO
L Boehme	EMCS
L Mellor	EMES
P Zenni	EMDS
M Wyatt	EA/ES
O Mellor	GO

Members of the Public:

Apologies:

Cr P Van Der Merwe, Cr R Manning, C
Townsend A/DCEO

Approved Leave of Absence:

3. Public Question Time

Nil

4. Disclosure of Interest

Cr Simmonds declared an Impartiality Interest in Item 14.1

Cr Billing declared an Impartiality Interest in Item 14.1

CEO, Lisa Clack declared a Financial Interest in Item 19.5

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 22 November 2022
Attachment 7.1A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Crook

83062

That the minutes of the Ordinary Council Meeting held on 22 November 2022 be confirmed as true and accurate records of proceedings.

CARRIED 6/0

8. Announcements by the Person Presiding without Discussion

The President acknowledged the great work the Executive team have shown in completing the audit and the work that has been done in the background to help move the Shire towards being compliant. On behalf of the Council the President acknowledged their hard work and commitment.

During the announcement Cr Patroni also asked for the opportunity to thank the staff for organising the Shire Christmas Party and commented that it was an excellent event. The President also noted his thanks.

9. Matters for Which the Meeting may be Closed to the Public

- 19.1 Award of Contract – RFQ07 2022/23 Bituminous Surfacing Application Works 2022/23
- 19.2 Award of Contract – RFQ06 2022/23 Supply of Materials Stabilisation and Wet Mixing Services 2022-23
- 19.3 Award of Contract – RFQ04 2022-23 Supply of New Road Grader
- 19.4 Award of Contract – RFQ08 2022-23 Road Widening Services for Bulls Head Road
- 19.5 CEO Annual Performance Review Process

10. Receipt of Minutes of Meetings

10.1 Minutes of the Bush Fire Advisory Committee Meeting held 13 October 2022
Attachment 10.1A

Minutes of the Local Emergency Management Committee Meeting held 27

10.2 October 2022

Attachment 10.2A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr Patroni

That Council;

83063

1. RECEIVE the minutes of the Bush Fire Advisory Committee Meeting held 13 October 2022; and
2. RECEIVE the minutes of the Local Emergency Management Committee Meeting held 27 October 2022.

CARRIED 6/0

11. Recommendations from Committee Meetings for Council Consideration


11.1 *An Audit Committee Meeting was held on Monday 19th December 2022. The minutes and subsequent recommendations are considered under separate cover in Late Agenda Item that was circulated following the audit meeting.*

12. Officer's Reports - Development Services

Nil

13. Officer's Reports - Engineering Services

13.1 Wheatbelt Secondary Freight Network (WSFN) – Endorsement of Revised Program and Acceptance of Unbudgeted Income

<h2>Engineering Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lindon Mellor, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A - Confidential Letter to WSFN Steering Committee - Revised Program	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider:

- a) Endorsement of the revised Wheatbelt Secondary Freight Network (WSFN) program for 21/22 and 22/23; and
- b) Acceptance of unbudgeted income received from a successful variation request submitted to the Wheatbelt Secondary Freight Network Steering Committee.

Background

The Wheatbelt Secondary Freight Network (WSFN) comprises of 4,400km of local government roads that move agricultural freight across and through several local governments, connecting with the State Road Network where possible. The project includes construction of overtaking lanes, road and bridge upgrades, shoulder sealing and road train assembly parking bays. The purpose of the project is to ensure a safe and fit for purpose secondary freight road network is maintained into the future by ensuring strategic local roads used for freight movement, all have the same Heavy Vehicle RAV rating to improve efficiency and safety.

Federal funding for the project was announced ahead of the May 2019 Federal Election, with a combined total of \$87.5M for WSFN, then in October 2020 on the back of the COVID-19 stimulus a further \$100M was announced. Both funding streams are 80% Federal, 20%

State/Local Government split (2/3 State & 1/3 Local Government). In 2019, all 42 Wheatbelt Local Governments formally agreed to be a part of the WSNF Program and accept the Program Delivery Plan, including the Shire of Merredin.

Under the WSNF program, the Shire of Merredin has funding until 2025, towards upgrades to Merredin-Naremben Road.

Comment

In the March 2022 Ordinary Council Meeting, Council resolved to defer the 2021/22 WSNF funded works to Merredin-Naremben Road (CMRef# 82880) and carry forward the associated funding to the 2022/23 financial year. This was to give the Administration time to resolve several issues within the original works schedule, including funding gaps, which were outlined within the Officers report.

One of the main issues with completing the 2021/22 works was that reconstruction works were required to an existing culvert bridge at Straight Line Kilometre (SLK) 0.55, which had not been included in the original funding. This work required widening of the culvert bridge and several repairs due to structural deterioration. Without completing these works, the whole section of 2021/22 planned works to Merredin-Naremben Road, would not meet the WSNF requirements and would likely affect the Shire receiving the full allocated funding amount. Further funding was sought from WSNF in December 2021 to complete the replacement of the culvert bridge, however this request was not supported at the time by the WSNF Steering Committee.

Due to the significant market changes within the last 12 months, the Administration reviewed the Shire's WSNF 5-year delivery plan, before submitting a second application for funding for the culvert bridge. Through this process, several issues were identified with the original 5-year delivery plan meaning that the plan needed to be revised, in terms of;

1. previous costing predictions (as current changes in economic drivers have resulted in significant cost increases); and,
2. changes in the condition of the road due to change in usage (both vehicle size and changed frequency of use).

A letter was sent to the WSNF Steering Committee in October 2022, to amend the Shires agreed funded works schedule, and seek further funding. An overview of the noted issues and changes has been outlined in the Letter to the WSNF Steering Committee, appended as CONFIDENTIAL Attachment 13.1A - Letter to WSNF Steering Committee - Revised Program.

At a high level, the main changes requested to the Shire's 5-year WSNF program were:

- An increase in total funding value over the program from the original \$5,664,200 to \$7,595,005, an overall required increase of \$1,930,805;
- Changes to which sections of road are to be reconstructed and priorities, removing low priority sections and adding new sections which have showed significantly accelerated deterioration since the original program was proposed. Prioritisation was also used as a tool to balance the available WSNF budget allocations within the plan, given the significant increases in construction costs;
- An upgrade of treatments to ensure 40-year pavement design life, due to increased vehicle sizes and changes in usage of the road;

- Inclusion of upgrades to the culvert bridge – which were not included in the original program; and
- The inclusion of centre and edge line marking of the entire 36.44km in the final year of the Program (24/25 Yr) for road safety purposes – which had not been included in the original program.

In early November 2022, the WSNF steering committee requested the Shire complete an RFQ process for the culvert bridge and provide finalised pricing for further consideration. This process provided a lower price than originally estimated, due to a change in planned construction method used (Site cast, over precast), with the preferred quote coming back at \$176,065.94 inc GST (including internal project management costs and a 10% contingency).

Following the correspondence submitted by the Shire, the WSNF Steering Committee has advised the Administration has received partial endorsement in the form of approvals for variations within this year's works. This included accepting the quoted amount for the culvert bridge rather than the amount originally requested.

The Committee has approved the requested additional allocations for the 2021/22 financial year carryover works to a total of \$63,437 (\$59,207 of WSNF Funding contribution) and requested funds for the upgrade of the culvert bridge which was not on the original plan, for an additional \$176,066 of funding (\$164,328.27 of WSNF Funding contribution). This takes the total additional funding to \$223,535.27 from WSNF (total works value of \$239,503).

It should be noted as WSNF funding is an 80% Federal, 20% State/Local Government split (2/3 State & 1/3 Local Government), therefore the Shire will need to allow its own allocation towards these works of \$15,967.73 to make up the remainder of the estimated costs. The Administration suggests these funds be taken from R2R funds available in R2R00, which were set aside rather than being allocated to specific projects, for this purpose. A breakdown of how these funds will be allocated is noted in the Financial Implications section.

The Administration has not yet received confirmation for the requested changes in future years works within the remainder of the 5-year delivery plan, but the Administration will continue to work with the WSNF Steering Committee to seek further funds for Merredin and any further changes will be subject to Council endorsement.

This item requests Council endorse the revised works program for the 2021/22 carry forward works and the 2022/23 works, including the inclusion of the culvert bridge and seeks approval to receive the unbudgeted income of \$223,535.27 from WSNF.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995.

Strategic Implications

- Strategic Community Plan

Theme: 6. Transport and Networks

Service Area Objective: 6.1 Roads & Footpaths
 6.1.1 The Shire’s road system, footpaths and cycle trails are well maintained and safe

Priorities and Strategies for Change: Improving local roads – Development of Roading Hierarchy and ten-year capital works plan to establish clear, transparent and affordable priorities to meet the needs of residents and industry

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.

Directorate: Engineering Services

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

If Council do not agree to accept the additional funding received from the WSNF grant, then this funding may be lost and delivery of upgrades to Merredin-Narembeen Road will not be able to be fully completed.

Financial Implications

Additional income of \$233,535.27 will be received within the 2022/23 Budget. Funds for the Shire’s contribution towards these works will come from R2R allocations as per the below table.

Account	Description	Current Budget	Amendment	Revised Budget	Comment
3120118	ROADC – Wheatbelt Secondary Freight Network (WSFN)	\$2,035,300	+\$223,535.27	\$2,258,835	This is the WSNF income account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,181,300	+\$223,535.27	\$2,404,835	This is the WSNF expenditure account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,404,835	+\$15,967.73	\$2,420,803	This is Merredin-Narembeen expenditure account
R2R000	R2R to be allocated	\$228,984	-\$15,967.73	\$213,016	This figure is based on another agenda items approval

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Flockart

That Council;

1. **ENDORSE** the revised Wheatbelt Secondary Freight Network (WSFN) program for 21/22 and 22/23 as contained in CONFIDENTIAL Attachment 13.1A - Letter to WSFN Steering Committee - Revised Program;
2. **ACCEPT** unbudgeted income of \$223,535.27 from Wheatbelt Secondary Freight Network (WSFN) as a contribution to Merredin-Narembeen Road upgrade works into GL 3120118; and
3. **APPROVE** the Shire contributing \$15,967.73 of funds towards updated program by transferring \$15,967.73 from R2R000 to GL412014;
4. **Subject to point 2 and 3 of this resolution, APPROVES** the following amendments to the 2022/23 annual budget:

83064

Account	Description	Current Budget	Amendment	Revised Budget	Comment
3120118	ROADC – Wheatbelt Secondary Freight Network (WSFN)	\$2,035,300	+\$223,535.27	\$2,258,835	This is the WSFN income account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,181,300	+\$223,535.27	\$2,404,835	This is the WSFN expenditure account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,404,835	+\$15,967.73	\$2,420,803	This is Merredin-Narembeen expenditure account
R2R000	R2R to be allocated	\$228,984	-\$15,967.73	\$213,016	The revised budget figure is based on the approval of the Officers recommendation in Item 19.4

5. **NOTES** the remaining available budget shown in the revised budget column of account R2R000 in the Table shown in point 4 of this resolution, is based on Council approval of the Officer recommendation at Item 19.4. Should Item 19.4 not be approved, the remaining available amount will increase; and,
6. **NOTES** this takes the total value of the additional works to Merredin-Narembeen Road described in this report to \$239,503.


CARRIED 6/0

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity and associated matters – November 2022

Cr Simmonds declared an Impartiality Interest in this Item.

Cr Billing declared an Impartiality Interest in this Item.

<h2 style="margin: 0;">Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of November 2022, and be advised of associated financial matters, including consideration of the approval of a fee waiver outside of the CEO's delegation limit, and report of a material variance which occurred in December 2022.

Background

The Statement of Financial Activity, Detailed Statements, Capital Works Progress and Management Report are attached for Council's information. A material variance which is due to occur in the December period has been noted in the comments.

Additionally, consideration of a fee waiver for Australia Day has also been included.

Comment

Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire to prepare a monthly statement of financial activity for consideration by Council

within 2 months after the end of the month of the report. These reports are included at Attachments 14.1A to D inclusive.

Fees and Charges Waiver

Every year for Australia Day the Shire has an event at the pool which includes free pool entry to all patrons.

Under Delegation 4.13 Waive Small Fees and Charges the CEO has the delegation to waive up to \$1,000 in Shire fees, which includes entry into the swimming pool, allowing the entry of approximately 200 patrons before the delegation is exhausted. If more patrons attend the pool during the day, the CEO does not have the delegated authority to approve this without Council approval.

Therefore, the Administration is seeking approval from Council for a waiver of up to \$3,000 in pool entry for the Australia Day event.

In the future, the Administration will review the delegations with a view to allowing this to occur without requiring Council resolution.

Operational Budget – change more than \$10,000 triggering materiality variance

A threshold for reporting variances between actual and the original adopted budget is set by the Local Government (materiality reporting) each year. For the Shire of Merredin, this has been set to a variance of \$10,000 for operating budget line items.

During the December period it has become necessary for the Administration to increase the total GL expenditure for Gala Night event held on 15 December 2022, from \$17,000 to \$30,000. This increase of \$13,000, triggers the materiality reporting threshold, hence this retrospective advice to Council.

There are three items which have triggered this change;

- 1.** Underbudgeting for utilising outdoor workforce crew for traffic management requirements, as this element of the event was not completed in 2021. This is required for the safety of patrons, and our roads;
- 2.** To account for staff overhead costs. As a structural organisational cost, staff overheads for the outdoor crew are allocated within the existing budget to other parks and gardens locations, however these should be moved from parks and gardens maintenance, to the event, in recognition of the amount of hours contributed. As overheads are already built into the operational budget, this will be an accounting change within GL's rather than a real cost increase, but provides accurate reporting on the true costs of running the event.
- 3.** Increase in plant overheads. This increase accounts for the changed costs associated with the operations of plant including fuel and other increases since the 2021 event.

The additional funding amount will be reallocated, or found from within the existing operational budget at the March budget review.

Policy Implications

Delegation 4.13 Waive Small Fees and Charges – the CEO is delegated authority to waive small fees and charges where it is appropriate to offer a concession. The maximum to be waived is \$1,000.

Statutory Implications

Local Government Act 1995 and the *Local Government (Financial Management) Regulations 1996*.

6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure (b) is authorized in advance by resolution*; *Absolute majority required

Approval of the level of materiality required under the *Local Government (Financial Management) Regulations 1996* 34(5), for financial reporting in respect of variances between actual and the original adopted budget is set by the Local Government. For the Shire of Merredin, this equates to \$10,000 for operating budget line items and \$10,000 for capital items

Strategic Implications

➤ Strategic Community Plan

Theme: Nil
Service Area Objective: Nil
Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects
Directorate: 2
Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

Risk Implications

The Statement of Financial Activity is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (CEO) has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates.

Materiality reporting thresholds have been established at half the adopted Council levels to alert management prior to there being irreversible impacts. This equates to \$10,000 for operating budget line items and \$10,000 for capital budget line items.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud.

The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* Regulation 5, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption on the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Financial Report are nil.

However, the material variance reported will require budget amendments. This will be progressed at the March budget review.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Billing


That Council;

83065

1. **RECEIVE** the Statement of Financial Activity and Investment Report for the period ending 30 November 2022 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996;
2. **APPROVE** the CEO to waive up to a cumulative total of \$3000 (ex GST) of pool entry fees for the Australia Day event to be held at the Merredin Olympic Pool on Thursday 26 January 2023; and,
3. **NOTES** the report of the material operational variance of \$13,000 for GL CD106, which will be addressed in budget review.

CARRIED 6/0

14.2 List of Accounts Paid – November 2022

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing November 2022

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of November 2022.

Background

The attached list of Accounts Paid during the month of November 2022 under delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* should this item not be presented.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie


Seconded: Cr Patroni

83066

That Council RECEIVE the schedule of accounts paid during November 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$1,996,158.61 from Council's Municipal Fund Bank Account and \$123.30 from Council's Trust Account.

CARRIED 6/0

14.3 Policy Review – Risk Management Policy

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A – Policy 3.24 Risk Management Policy (with track changes) Attachment 14.3B – Policy 3.24 Risk Management Policy final

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a revised Risk Management Policy which is utilised to manage risk within the organisation.

Background

Policy 3.24 states the Shire of Merredin’s intention is to identify potential risks before they occur so that impacts can be minimised or opportunities realised, ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

The Risk Management Policy forms part of a suite of documents relating to the Shire’s Risk Management Framework, which is currently under review.

Comment

The policy has been reviewed, and formatting and minor wording changes have occurred. The intent is to make the policy easier to read and understand.

There have been no changes to the Shire’s Risk Assessment and Acceptance Criteria, Measures of Likelihood, Risk Matrix, Risk Assessment Criteria and Existing Controls Ratings.

Policy Implications

Nil, no material change has been made.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.2. Decision Making
Priorities and Strategies for Change: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

➤ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

Without this policy update, we have not met our audit requirement and will not be compliant.

Financial Implications

Nil

Voting Requirements

Simple Majority Absolute Majority


Resolution

Moved: Cr Patroni Seconded: Cr Simmonds

83067 That Council ADOPT the revised Policy 3.24 – Risk Management Policy, as presented in Attachment 14.3B.

CARRIED 6/0

14.4 Revised and Updated Recordkeeping Plan and Recordkeeping Policy

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>State Records Act 2000</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A – Recordkeeping Plan 2022 Attachment 14.4B – 3.25 Recordkeeping Policy update (with track changes) Attachment 14.4C – 3.25 Recordkeeping Policy update (final version)

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider and adopt the revised Shire of Merredin Recordkeeping Plan 2022 and reviewed Policy 3.25 – Recordkeeping Policy.

Background

The *State Records Act 2000* (the Act), requires all Government Agencies to submit a Recordkeeping Plan (RKP) to the State Records Office of Western Australia (SRO) for approval, with a revised plan to be submitted at least every five years.

The previous Shire of Merredin Recordkeeping Plan was submitted to the SRO in 2015. As such, the next review should have been completed in 2020.

The Shire of Merredin Recordkeeping Policy (Policy 3.25) was adopted on 16 December 2014 and has not been reviewed since. The policy requires review at least every five years.

Comment

In 2020 the SRO updated their Recordkeeping Plan template to provide improved guidance for Government Agencies and Local Governments. The Shire of Merredin Recordkeeping Plan 2022 (RKP) has been created utilising the updated SRO plan, and as such is significantly different to the 2015 Council plan.

The RKP sets out how records will be created within the organisation and how such records are to be kept in line with current standards. The RKP provides a reflection of the recordkeeping program in place at the Shire, including policies, practices and the disaster recovery program. It also outlines the areas for development when moving forward over the next five-year period.

The Plan is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organisation.

The six principles that are addressed in the plan are:

1. **Proper and Adequate Records** – Government organizations ensure that records are created and kept which properly and adequately record the performance of the organization’s functions and which are consistent with any written law to which the organization is subject when performing its functions.
2. **Policies and Procedures** – Government organizations ensure that recordkeeping programs are supported by policy and procedures.
3. **Language Control** – Government organisations ensure that appropriate controls are in place to identify and name government records.
4. **Preservation** – Government organisations ensure that records are protected and preserved.
5. **Retention and Disposal** – Government organisations ensure that records are retained and disposed of in accordance with an approved disposal authority.
6. **Compliance** – Government organisations ensure their employees comply with the record keeping plan.

The RKP also speaks to SRC Standard 6: Outsourced Functions. The purpose of this Standard, established under Section 61(1)(b) of the *State Records Act 2000*, is to define principles and standards governing contracts or arrangements entered into by State organisations with persons to perform any aspect of record keeping for the organisation.

Policy 3.25 – Recordkeeping Policy, has been reviewed to ensure consistency with the revised Shire of Merredin Recordkeeping Plan 2022. It has also had some formatting changes to enhance readability.

Policy Implications

The Shire of Merredin’s Policy 3.25 – Recordkeeping Policy, has been reviewed and is presented for adoption within this item.

Statutory Implications

As outlined in the *State Records Act 2000*.

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

Without this policy update, we have not met our statutory record keeping requirements and this will be one element of our organisational governance which will not be compliant.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr McKenzie


That Council;

83068

1. **ADOPT** the revised Shire of Merredin Recordkeeping Plan 2022;
2. **NOTE** that subject to point 1 of this recommendation, the Chief Executive Officer will forward the adopted Shire of Merredin Recordkeeping Plan to the State Records Office of Western Australia prior to 31 December 2022; and
3. **ADOPT** revised Policy 3.25 – Recordkeeping Policy, as presented in Attachment 14.4C.

CARRIED 6/0

14.5 Department of Transport – New Road Law and Non-Road Law Agreements

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

For Council to authorise the CEO to sign the updated Department of Transport Agreements, which will be in place for the next five years.

Background

The Shire of Merredin entered into two agreements with the Department of Transport in 2008 for the provision of Licensing Services. The Road Law and Non-Road Law Agreements were put in place for a period of ten years, expiring on 31 December 2022.

The Department of Transport have proposed the service continue, and provided two new agreements for consideration and signature if agreed. These agreements commence on 1 January 2023 and are for a period of five years.

This item is being provided for Council's information and endorsement, as Department of Transport licensing forms part of the customer service and service levels provided by the Shire.

Comment

Annually, the Shire receives commissions from the Department of Transport for the completion of road and non-road transactions undertaken at the Administration building. The commission amount covers the costs associated with the provision of the service.

As the service being provided by the Shire to the Merredin to the community is extremely valued, it is recommended that Council support the continuation of the arrangement, allowing the Chief Executive Officer to sign both new agreements and the Shire enter into the five year term, as outlined.

The Administration have reviewed the new agreements and are satisfied that changes from the previous agreement are in the favour of the Shire, and include suitable increases to the commission rates. As such, the Administration recommends Council agree to the continuation of the service as per the Department of Transport request.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

Should the Shire not sign the agreements provided by the Department of Transport, licensing services would no longer be able to be offered by the Shire. This could cause a risk to the Shire's reputation and cause community confidence and support to reduce. This would also reduce access to a State Government service locally.

Financial Implications

As the commission paid by the Department of Transport cover the Shire's costs, the financial implications are minimal.

Costs incurred by the Shire for staff training, accommodation, meals and travel are all reimbursed by the Department of Transport as required.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Billing


That Council;

83069

1. **SUPPORT** in principle the proposal for the Shire of Merredin to continue providing licensing services on behalf of the Department of Transport for a further five year term; and
2. **AUTHORISES** the Chief Executive Officer to finalise negotiations and sign the Road Law Agreement and Non-Road Law Agreement between the Shire of Merredin and the Department of Transport, for the provision of licensing services by the Shire of Merredin, for a five year term commencing 1 January 2023 and concluding 31 December 2027.

CARRIED 6/0

14.6 Recommendations from the Audit Committee Meeting held 19 December 2022

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	Lisa Clack, CEO
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Audit) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.6A - Minutes of the Audit Committee meeting held 19 December 2022 (public version)

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider the recommendations from the Audit Committee and receive the minutes from the Audit Committee meeting held 19 December 2022.

Background

An Audit Committee meeting was held 19 December 2022 at 6pm, and the minutes of that meeting are attached as Attachment 14.6A.

As a requirement of the *Local Government Act 1995*, the Audit Committee was formed to provide independent oversight of the financial systems of the local government on behalf of the Council. As such, the Committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the local government's financial reporting and audit responsibilities.

Comment

There were four (4) agenda items on the Audit Committee Agenda, which included the following:

- 6.1 CEO's Review of Risk Management, Internal Control and Legislative Compliance (this is a legislative compliance requirement under Regulation 17 of the *Local Government (Audit) Regulations 1996*), Risk Profile Summary and Risk Management Framework.
- 6.2 Audit of the Annual Financial Statements for 2021/22, and the Annual Report. This included the consideration of the Auditor's Opinion Package consisting of the Audited Financial Report for the year ending 30 June 2022, Audit Opinion,

Transmittal Letter to CEO, and Management Response – Shire of Merredin from the Office of the Auditor General for the 2021/22 financial year, the recommendation of the adoption of the annual report and the proposed date of the Annual Electors Meeting within the 56 days prescribed.

6.3 The adoption of a terms of reference for the Audit Committee which improves the clarity on the role of the committee and addresses one of the audit findings reported in item 6.2.

6.4 A status update report on the actions taken in response to the 2020/21 audit findings, which were accepted by Council in August 2022.

The recommendations from the Audit Committee to Council, are included in the Audit Committee minutes, included as Attachment 14.6A.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

Part 7 Audit

Division 1A Audit Committee

S7.1A Audit Committee

Local Government (Audit) Regulations 1996

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making

Priorities and Strategies for Change: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

There is a legislative compliance risk should this not be progressed and adopted by Council.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

That Council;


1. **RECEIVE** the minutes of the Audit Committee, held 19 December 2022, included as Attachment 14.6A and;
2. **Based on the recommendations of the Audit Committee, which are included as Attachment 14.6A:**
 - a. **ADOPT** the Chief Executive Officer’s Risk Management, Internal Control and Legislative Compliance Review, consisting of the Shire of Merredin’s Regulation 17 Review, Shire of Merredin Risk Dashboard and Shire of Merredin Risk Management Framework, as presented in Attachments 6.1A, 6.1B and 6.1C respectively;
 - b. **ADOPT** the 2021/22 Annual Report (Attachment 6.2C), subject to design amendments, and **AUTHORISE** the CEO to approve any minor changes that may be required before the document is finalised for publishing;
 - c. **ENDORSE** the Auditor’s Opinion Package (Attachment 6.2A), including Audited Financial Report for the year ending 30 June 2022, Audit Opinion, Transmittal Letter to CEO, and Management Response – Shire of Merredin from the Office of the Auditor General for the 2021/22 financial year;
 - d. **RESOLVES** to hold its Annual General Meeting of Electors on Tuesday 24 January 2023, commencing at 6.00pm in the Council Chambers; and
 - e. **ADOPTS** the ‘Audit Committee Terms of Reference,’ as presented in Attachment 6.3A.

83070

CARRIED 6/0

15. Officers' Reports - Administration

15.1 Status Report – December 2022

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Status Report – December 2022	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for December 2022.

Background

The Status Report is a register of Council Resolutions that are allocated to the Shire's Executive Staff for actioning. When the Executive Staff have progressed or completed any action in relation to the Council Resolution, comments are provided until the process is completed or superseded by a further Council Resolution.

Comment

In the interest of increased transparency and communication with the community and Council, the Status Report is provided for information.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.4 Communications
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels
Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority


Resolution

Moved: Cr Simmonds **Seconded:** Cr Flockart

83071 That Council RECEIVES the Status Report on Council Resolutions for December 2022.

CARRIED 6/0

15.2 Policy Review & Adoption – Councillor Training and Professional Development Policy and CEO and Councillor Attendance at Events

<h2 style="color: #0070C0;">Administration</h2> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA & Olivia Mellor, GO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Policy 1.20 Councillor Training and Professional Development Policy (with track changes) Attachment 15.2B – Policy 1.21 CEO and Councillor Attendance at Events

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a revised Councillor Training and Professional Development Policy which allows for the continuation of professional development within Councillors and adopt the new CEO and Councillor Attendance at Events Policy.

Background

Councillor Training and Professional Development Policy

Policy 1.20 provides a framework for Councillors to meet their statutory obligations for training and to undertake professional development to enhance their effectiveness.

In June 2019, the Western Australian Parliament passed the *Local Government Legislation Amendment Act 2019 (WA)* which introduced a number of provisions reforming aspects of the *Local Government Act 1995 (WA)* (the Act). The amendments came into effect immediately. The amendments provide for universal training for Councillors.

The introduction of training requirements for Councillors acknowledges the unique and challenging role Councillors hold and aims to provide them with the skills and knowledge to be an effective Councillor.

The Council Member Essentials course prescribed by the Local Government Administration Regulations has five training modules that must be completed within a year of being elected:

- Understanding local government;

- Serving on Council;
- Meeting procedures;
- Conflicts of interests; and
- Understanding financial reports and budgets.

This amendment to the Act also requires local governments to report annually on Councillor training as well as develop and adopt a professional development policy for its Councillors.

All Councillors have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set. If required training has been completed within the five-year timeframe, then it is to be undertaken every second election.

Division 10 s.5.126 (2)(d) provides for a fine not exceeding \$5,000 for contravention of this section of the Act.

The changes to the Act also provide for the continuing professional development of Councillors with the local government to prepare and adopt a policy in relation to this.

The Shire of Merredin policy is consistent with the Department of Local Government, Sport and Cultural Industries template policy which meets the requirements of the Act.

CEO and Councillor Attendance at Events

It is a requirement in the Compliance Audit Return for local governments to prepare by absolute majority and publish an up-to-date version on their website a policy dealing with the attendance of Council members and the CEO at events. The Shire currently does not have a CEO and Councillor Attendance at Events policy.

The proposed Shire of Merredin policy is based on the Department of Local Government, Sport and Cultural Industries template policy for Attendance of the CEO and Councillors at events, which meets the compliance requirements under the Act.

Comment

Councillor Training and Professional Development Policy

The contents of the Councillor Training and Professional Development Policy remain unchanged from its previous version, however, it has had minor changes to fix grammatical and formatting errors.

CEO and Councillor Attendance at Events

If the Shire does not adopt Policy 1.21CEO and Councillor Attendance at Events, it would lead to the Shire being non-compliant in meeting its legislative compliance requirements, and it will be reported in the Compliance Audit Return to the Department.

In 2023, once a Shire of Merredin policy template has been agreed upon, the Administration will review if this policy will be required to be returned to Council to amend the current headings, and allow greater consistency in the structure of the policies, across the breadth of the Shire of Merredin's Policy Manual.

Policy Implications

As outlined in the report

Statutory Implications

As outlined in the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

If Council do not adopt the attached polices,, the Shire will be non-compliant in meeting it's legislative requirements, which will be reportable in the 2022 Compliance Audit Return.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart


That Council;

83072

1. NOTE the revision of Policy 1.20 – Councillor Training and Professional Development Policy, as presented in Attachment 15.2A;
2. ADOPT Policy 1.20 with minor amendments as presented in Attachment 15.2A; and
3. ADOPT Policy 1.21 CEO and Councillor Attendance at Events Policy as presented in Attachment 15.2B.

CARRIED 6/0

15.3 Employee Code of Conduct

<h2>Administration</h2> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A – Employee Code of Conduct

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider and adopt a separate Code of Conduct for Employees to comply with legislation that took effect on 3 February 2021 requiring all local governments to have separate Codes of Conduct for Employees and for Council Members, Committee Members and Candidates.

Background

The *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* (Employee Code Regulations) bring into effect Section 25 of the Act by prescribing the minimum requirements for an employee Code of Conduct.

A local government Chief Executive Officer (CEO) is to prepare and implement a Code of Conduct to be observed by employees of the local government. The CEO may amend the Code of Conduct and is required to publish an up-to-date version of the Code of Conduct on the local government's website.

The Employee Code Regulations prescribe the minimum requirements in relation to gifts, conflicts of interest and disclosure. In addition, the Employee Code Regulations provide that an employee code of conduct must contain requirements pertaining to:

- Behaviour;
- Disclosure of information;
- The use of information and resources; and
- Records keeping and dealing with misconduct.

These requirements are based on the Public Sector Commission’s (PSC) key integrity risks for public sector employees. Local governments must prepare and adopt a Code of Conduct in accordance with these Regulations as soon as practicable.

Comment

Each local government was previously required to develop their own Code of Conduct and manage behaviour in accordance with that code. These Regulations replace these individual codes by introducing a Code of Conduct that applies to all employees and is separate to the Code of Conduct for Council Members, Committee Members and Candidates.

The Code of Conduct has been developed from the WALGA template which meets all legislative requirements the Shire is required to meet, and is standard practice across the industry.

Policy Implications

As described in the report.

Statutory Implications

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021.*

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

If Council do not accept the recommendation, the Shire will not comply with its legislative requirements which will be reportable in the 2022 Compliance Audit Return.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr McKenzie

That Council;

83073

1. **ADOPT** the Employee Code of Conduct as per Attachment 15.3A for all employees of the Shire of Merredin, including the Chief Executive Officer, pursuant to Section 5.51A of the Local Government Act 1995; and
2. **NOTES** the Chief Executive Officer will disseminate the Employee Code of Conduct to all Shire of Merredin Employees.

CARRIED 6/0

15.4 Ward and Representation Review

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	As above	
Legislation:	Proposed changes to the <i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.4A - Discussion Paper: Review of Representation	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to approve the release of the Shire of Merredin Review of Representation - discussion paper; included as Attachment 15.4A, for public comment.

Background

On 3 July 2022, the Hon John Carey MLA, Minister for Local Government, announced the final package of proposed local government reforms, which included the removal of wards for Band 3 and 4 Local Governments, and a reduction in the total number of Councillors, based on the population of the district.

While there are currently no wards in the Shire of Merredin, the reforms propose a reduction to elected members from the current number of nine (9), to a maximum of seven (7), including the Shire President.

The Shire of Merredin considered the correspondence from Minister Carey regarding Local Government Reforms: Election Transition Arrangements at its October Ordinary Council meeting, held Tuesday 25 October 2022.

At the meeting Council resolved the following:

That Council;

- 1) NOTES the correspondence to the Chief Executive Officer from the Hon John Carey MLA, Minister for Local Government, dated 20 September 2022, instructing local governments of the two options available with respect to transitioning towards the proposed local government electoral reforms;

- 2) AUTHORISES the Chief Executive Officer to advise the Department of Local Government, Sport and Cultural Industries, by 28 October 2022 of the following;
 - a. The Shire of Merredin intends to adopt the ‘Voluntary Election Pathway’ as the preferred pathway for the election transition arrangements; and,
 - b. The Shire of Merredin’s high-level plan is that Council will in principle, propose to reduce the number of sitting Councillors by one at Council election of each of the October 2023 and October 2025 ordinary elections, subject to the outcomes of a representation review, and public consultation. This recommendation is based on:
 - i. the allocated future total number of seven (7) Councillors being understood to be the maximum allowable number for the Shire of Merredin under proposed future legislation based on its current population, and,
 - ii. the need to reduce the risk to business continuity for the Shire, should all positions be declared vacant by the Department under the reform pathway.
 - c. To deliver this and meet the requirements under both the current Act, and the Ministers instruction, the Shire of Merredin will undertake a Ward and Representation Review, to be forwarded to the Local Government Advisory Board for consideration by 14 February 2023.
- 3) AUTHORISES the Chief Executive Officer to initiate a Ward and Representation Review to determine the specific changes to the structure of the Council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023; and
- 4) NOTES the process will include public consultation, including the invitation of public submissions for a period of not less than six (6) weeks, during December 2022 and January 2023.

Accordingly, the Administration has provided advice to the Department of Council’s intention to undertake a voluntary process, including a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023. A discussion paper included as Attachment 15.4A, has been written, to initiate a Ward and Representation Review as per the requirements of the Act.

Comment

The discussion paper attached meets the requirements and next steps needed as part of the local government reform.

Following publication of this discussion paper and a period of public comment, a further report will be brought to Council with recommendations and an implementation plan.

The implementation plan is to reduce the number of sitting Councillor positions by one at each of the October 2023 and October 2025 ordinary elections.

Policy Implications

The discussion paper outlines that the Minister has indicated that the change will take place regardless of Council’s view.

Statutory Implications

The recommendation meets the outlined requirements for both the Minister for Local Government’s proposed changes to the *Local Government Act 1995* (“the Act”), and the current provisions of the following sections of the *Local Government Act 1995* which may apply:

Part 2 Constitution of local government

- Division 4 -- Membership and size of the council
 - S2.18 Fixing and changing the number of Councillors

	Strategic Implications
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➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources.

	Risk Implications
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Moderate – there is a risk with the potential reduction in sitting members, however this is a required process.

	Financial Implications
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Nil.

	Voting Requirements
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Simple Majority Absolute Majority

	Resolution
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Moved: Cr Simmonds **Seconded:** Cr Flockart

83074 That Council **ENDORSE** the discussion paper included as Attachment 15.4A for release to the public for the purpose of public consultation for a period of not less than six (6) weeks, during December 2022 and January 2023.

CARRIED 6/0

15.5 WALGA Best Practice Governance Review Consultation Paper

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.5A – WALGA Best Practice Governance Review Consultation Paper	

Purpose of Report



Executive Decision



Legislative Requirement

To consider and rank the preferred options for the Shire of Merredin, identified for the future structure of the Western Australian Local Government Association (WALGA) in the WALGA Best Practice Governance Review consultation paper.

Background

The Shire of Merredin is a member of the Western Australian Local Government Association (WALGA).

A key strategic priority when developing WALGA's Corporate Strategy in 2019 was to undertake a Best Practice Governance Review, and as such, a steering committee was established to guide the review in March 2022. Subsequently, the proposed governance principles for the review were developed by the appointed steering committee and endorsed at the WALGA AGM on 3 October 2022.

The review considered five (5) model options, each of which were assessed against the three governance principles of: Representative, Responsive and Results Oriented.

Part of the review included making an assessment against the Board structure of the private organisations. This generally ranged from 6 to 22 members with an average of approximately 12. The current WALGA State Council Board have 25 members

The governance model options considered as part of this review are detailed in Attachment 15.5A WALGA Best Practice Review Consultation Paper and have been identified as follows:

- Option 1: Two-tier model, existing zones

- Option 2: Board, regional bodies
- Option 3: Board, amalgamated zones
- Option 4: Member elected board, regional groups
- Option 5: Current model

Options 1-4 inclusive, include an independent member of the board.

WALGA is now seeking views of Member Councils on the options presented.

Comment

Of note are the following considerations:

- Option 1: This is considered the least risky option, as it maintains regional representation, but provides an opportunity to increase the responsiveness and speed of advocacy and decision making.
- Option 2: Regional bodies have some advantages, however it creates significant potential variability across zones. The addition of independent members on policy teams may improve the speed and gravitas of the policy process.
- Option 3: This reduces regional representation, and a risk is the zones may become unwieldy and unworkable.
- Option 4: The risk with this option is the number of regional groups and the variability of representation across the State.
- Option 5: The current model can be unwieldy as it is not designed for agility on specific issues or speed. Additionally, much of the WALGA Governance effort goes into the Zones, as opposed to advocacy and projects.

Council discussed the proposed options and the implications at a workshop session in December.

During that discussion, Option 1 was identified as the model of best fit, however, Option 1 in its current format would not be preferred, and that the following additional feedback should be provided:

- While 11 members is considered a good number for the total number of representatives on the board, up to 3 independents is too high. This should be reduced to 1 or 2 independents, and independents should be non-voting. The total number of board members should remain 11.
- The rotation of the President role between Metro and Regional LGAs should remain as part of the board charter.
- If Zone meetings are to only be held twice per year, the meeting should transition into a full-day workshop arrangement, where key regional issues which require advocacy are discussed in sessions. This would allow the Zones to advocate meaningfully on regional issues and provide a potential vehicle for State and Federal Government to meaningfully engage on local issues in a responsive manner.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995 Section 9.58 - Constitution of associations of local government. Additionally, the recent Local Government Panel Report has recommended that WALGA not be constituted under the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources.

Risk Implications

Changes to WALGA and its constitution may impact on the voice of regional Western Australian Local Governments and their ability to advocate as an industry group.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart

That Council ADVISE WALGA that it;

1. ENDORSES Option 1 from the 5 provided models, subject to the following proposed amendments:
 - a) The number of board members should remain at 11, with only 1 or 2 independents, and independents should be non-voting;
 - b) The rotation of the President role between Metropolitan and Regional LGAs should remain as part of the board charter; and
 - c) If Zone meetings are to only be held twice per year, the meeting should consider ways of advocating on matters of regional importance in an alternative format such as workshop sessions between relevant State and Local Government staff in addition to the meeting agenda; and
2. ADVISES whichever is the preferred model identified at the conclusion of this initial consultation, further consultation should be held with WALGA member Councils on the details and implementation of the selected model.

83075

CARRIED 6/0

16. Motions of which Previous Notice has been given

Nil

17. Questions by Members of which Due Notice has been given

Nil

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

Nil

19. Matters Behind Closed Doors

In accordance with *Section 5.23 (2)(c)(e)(ii)(iii)*, of the *Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

Council Decision

Moved: Cr Billing **Seconded:** Cr Patroni

83076

That Council move Behind Closed Doors and that Standing Orders be suspended at 4:40pm.

CARRIED 6/0

Reason

That matters related to a contract entered into, or which may be entered into, by the local government and a matter that if disclosed, would reveal information that has commercial value to a person or information about a business, professional, commercial or financial affairs of a person, were to be discussed.

19.1 Award of Contract – RFQ07 2022/23 Bituminous Surfacing Application Works 2022/23

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.1A – Confidential Recommendation Report - RFQ07-2022-23 Bituminous Surfacing Application Works 2022-23

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr McKenzie

That Council;

83077

1. **RECEIVES** the Recommendation Report included as Attachment 19.1A – Confidential Recommendation Report - RFQ07-2022-23 Bituminous Surfacing Application Works 2022-23;
2. **APPROVES** the recommendations as contained within Section 7 of the Confidential Report included as Attachment 19.1A;
3. **AUTHORISE** the Shire President and Chief Executive Officer to sign and apply the Shire of Merredin Common Seal to the contract between the Shire of Merredin and Colas Western Australia Pty Ltd for RFQ07-2022-23 Bituminous Surfacing Application Works 2022-23 up to a total value of \$487,717.40 ex GST;
4. **AUTHORISES** the Chief Executive Officer to approve variations to this contract, within the budget allocated under GL’s RC239 & RRG090; and
5. **NOTES** there is already an existing budget allocation for this contract in the 2022/23 Annual Budget in GL’s RC239 & RRG090.

CARRIED 6/0

19.2 Award of Contract – RFQ06 2022/23 Supply of Materials Stabilisation and Wet Mixing Services 2022-23

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.2A – Confidential Recommendation Report RFQ 06-2022-23 Supply of Materials Stabilisation and Wet Mixing 2022-23

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Crook

That Council;

83078

1. RECEIVES the Recommendation Report included as Attachment 19.2A – Confidential Recommendation Report RFQ 06-2022-23 Supply of Materials Stabilisation and Wet Mixing 2022-23;
2. APPROVES the recommendations as contained within Section 7 of the Confidential Report included as Attachment 19.2A;
3. AUTHORISE the Shire President and Chief Executive Officer to sign and apply the Shire of Merredin Common Seal to the Contract between the Shire of Merredin and MACA Infrastructure Pty Ltd for RFQ 06-2022/23 Supply of Materials Stabilisation and Wet Mixing Services 2022-23 up to a total value of \$510,041.53 ex GST;
4. AUTHORISES the Chief Executive Officer to approve Variations to this Contract, within the budget allocated under GL's RC239 & RRG090; and
5. NOTES there is already an existing budget allocation for this contract in the 2022/23 Annual Budget in GL's RC239 & RRG090.

CARRIED 6/0

19.3 Award of Contract – RFQ04 2022-23 Supply of New Road Grader

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.3A – Confidential Recommendation Report - RFQ04 2022-23 Supply of New Road Grader

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Flockart

That Council;

83079

1. RECEIVES the Recommendation Report included as Attachment 19.3A – Confidential Recommendation Report - RFQ04 2022-23 Supply of New Road Grader;
2. APPROVES the recommendations as contained within Section 7 of the Confidential Report included as Attachment 19.3A;
3. AUTHORISE the Chief Executive Officer to approve a Purchase Order for RFQ04 2022-23 Supply of New Road Grader to a total value of \$440,000 ex GST; and
4. NOTES there is an existing budget for this purchase in GL 4120330 and that the purchase of this item will utilise funds allocated towards a Landfill Compactor which will not be purchased in the 2022/23 financial year due to insufficient budget.

CARRIED 6/0

19.4 Award of Contract – RFQ08 2022-23 Road Widening Services for Bulls Head Road

Engineering Services



Responsible Officer:	Lindon Mellor, EMES
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.4A – Confidential Recommendation Report - RFQ08 2022-23 Road Widening Services for Bulls Head Rd

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Crook

That Council;

1. APPROVES amendments to the 2022/23 Annual Budget to allow for the delivery of widening of Bulls Head Road as per the below table:

Account	Description	Current Budget	Amendment	Revised Budget	
RRG003	Bulls Head Road (RRG)	\$186,000	+\$18,000	\$204,000	Increase in RRG Allocation
R2R000	R2R to be allocated	\$258,700	-\$6,001	\$252,699	1/3 Contribution toward RRG increase
RRG003	Bulls Head Road (RRG)	\$204,000	+\$23,715	\$227,715.	Increase in Budget to deliver all works including contingency
R2R000	R2R to be allocated	\$252,699	-\$23,715	\$228,984	

83080

2. RECEIVES the Recommendation Report included as Attachment 19.4A – Confidential Recommendation Report - RFQ08 2022-23 Road Widening Services for Bulls Head Rd
3. APPROVES the recommendations as contained within the Section 7 of the Confidential Report included as Attachment 19.4A; and
4. AUTHORISE the Shire President and Chief Executive Officer to sign and apply the Shire of Merredin Common Seal to the Contract between the Shire of Merredin and Safe Roads WA for RFQ08 2022-23 Road Widening Services for Bulls Head Rd for a total value of \$207,175 ex GST.

CARRIED 6/0

The reason provided by Cr Billing for his Alternative Motion was that an external consultant would provide a different perspective.

The Alternative Motion became the Substantive Motion.

Substantive Motion

Moved: Cr Billing

Seconded: Cr Patroni

83083 That Council **AUTHORISES** the appointment of an external consultant as the facilitator to assist Council in the development of the CEO Performance Review Policy to guide the CEO Performance Review process.

CARRIED 5/1

CEO, Lisa Clack and all other staff returned to the Chambers at 5:18pm.

Council Resolution

Moved: Cr McKenzie **Seconded:** Cr Crook

83084 That Council return from Behind Closed Doors at 5:19pm, resume Standing Orders and that the resolutions being passed in the confidential session be confirmed in open meeting.

CARRIED 6/0

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 5:22pm.

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