

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner
King & Barrack Streets, Merredin
Tuesday, 30 April 2024
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 30 April 2024 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2:00pm Briefing Session

4:00pm Council Meeting

JOHN MERRICK
TEMPORARY CHIEF EXECUTIVE OFFICER
24 April 2024

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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
EO	Executive Officer
EMCS	Executive Manager Corporate Services
EMDS	Executive Manager Development Services
EMES	Executive Manager Engineering Services
EMS&C	Executive Manager Strategy & Community
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
WERO	Wheatbelt East Regional Organisation of Councils



April Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 30 April 2024



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Manning	Deputy President
Cr B Anderson	
Cr H Billing	
Cr D Crook	
Cr L O'Neill	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

J Merrick	T/CEO
L Boehme	EMCS
A Tawfik	EMES
C Brindley-Mullen	EMS&C
P Zenni	EMDS
M Wyatt	EO
A Bruyins	GO

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au.

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 26 March 2024
Attachment 7.1A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held on 26 March 2024 be confirmed as a true and accurate record of proceedings.

8. Announcements by the Person Presiding without Discussion

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

- 19.1 Cummings Street Units – Joint Venture Agreement
19.2 Disposal of Land

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Rural Water Council of WA Meeting held on 21 July 2023.
Attachment 10.1A
- 10.2 Minutes of the Rural Water Council of WA Meeting held on 13 October 2023.
Attachment 10.2A
- 10.3 Minutes of the Audit Committee Meeting held 9 April 2024.
Attachment 10.3A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That Council;

- 1. RECEIVE the minutes of the Rural Water Council of WA Meeting held on 21 July 2023;**
- 2. RECEIVE the minutes of the Rural Water Council of WA Meeting held on 13 October 2024; and**
- 3. RECEIVE the minutes of the Audit Committee Meeting held on 9 April 2024.**

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer’s Reports – Development Services

12.1 Outcome of Statutory Review of Local Laws under s3.16 Local Government Act 1995

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Chris Liversage, Consultant
Legislation:	<i>Local Government Act 1995</i>
File Reference:	LE/8/9
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Submission Received During the Public Advertising Period

Purpose of Report

- Executive Decision
 Legislative Requirement

To recommend to Council that it notes submissions received following a call for submissions from the public regarding a review of the Shire of Merredin’s (the Shire) local laws, as required under s3.16 of the *Local Government Act 1995*.

Background

Local governments are required to review their local laws at least once every eight years to ensure they remain up to date.

The following local laws are in place:

Title	When Gazetted	Amendments – when Gazetted
Bee Keeping Local Law 2002	7 October 2002	Nil.
Activities in Thoroughfares and Public Places Local Law 2002	7 October 2002	26 April 2017
Bush Fire Brigades Local Law 2002	7 October 2002	26 April 2017
Cemeteries Local Law 2002	7 October 2002	26 April 2017
Dogs Local Law 2002	7 October 2002	Nil.

Title	When Gazetted	Amendments – when Gazetted
Extractive Industries Local Law 2002	7 October 2002	Nil.
Fencing Local Law 2002	7 October 2002	26 April 2017
Health Local Law 1999	11 October 1999	Nil.
Local Government Property Local Law 2002	7 October 2002	26 April 2017
Parking and Parking Facilities Local Law 2002	7 October 2002	Nil.
Pest Plants Local Law	Adopted by council 17 Sept 2002 but a Gazettal cannot be located.	Nil.
Standing Orders Local Law	26 April 2017	Nil.

Comment

At its meeting held on 11 December 2023, Council resolved to initiate a review of its local laws as required by s3.16 of the *Local Government Act 1995* (CMRef 83291). This section requires a local government to give local public notice advising that it intends to review the local law and calling for submissions.

Notice was duly given in the ‘Phoenix’ newspaper on 25 January 2024 and the ‘West Australian’ on 24 January 2024. One submission was received in relation to a number of local laws:

Local Law	Comment	Response
Standing Orders Local Law 2017	The rules are very prescriptive, and although it is important that there are clear rules to ensure the proper conduct of meetings, the prescriptiveness does mean that there is little opportunity for free and open communication. This runs the risk of reduced understanding between different parties of the matters under discussion.	Some rules to ensure that when Council meets as a body, to assist with decision making are useful. The Department of Local Government, Sport and Cultural Industries (DLGCS) advises that the State Government intends to introduce a Regulation to standardise meeting procedures. Exactly what form this entails and when it might be in effect is not yet known, but in any event there is nothing to stop Council suspending Standing Orders under clause 18.1 of the current local law if required from time to time if it wishes to do so. This would allow for less structured discussion if need be.
Bee Keeping Local Law 2002	In my view the policy should seek to avoid promoting the introduced European Honey Bee (<i>Apis</i>	Local laws are subsidiary legislation (i.e. cannot conflict with an Act or Regulation of the State or

Local Law	Comment	Response
	<p><i>mellifera</i>), and instead seek to promote native Australian stingless bees.</p> <p>There should also be mechanisms for strongly addressing the threat to health and safety that is posed by the aggressive and dangerous European Honey Bee (<i>Apis mellifera</i>).</p> <p>The keeping of European Honey Bees (EHB) should be an 'X' use in the Local Planning Scheme's Zoning Table for all zones, except for the General Farming (Rural) zone, for which it should be an 'A' use.</p> <p>Given that most of the Merredin Shire is zoned as General Farming (Rural), the zone description should make it clear that keeping EHB is an 'X' use on any General Farming (Rural) land that is located within 5 kilometres of another zoning. 2</p> <p>Where Crown Land contains native vegetation, EHB should not be permitted to be kept on Crown Land for any length of time, as the EHB compete with and exclude native wildlife and insects from using the native vegetation. An example of this is the colonisation of tree hollows by EHB that would otherwise be used by birds such as Red Tailed Black Cockatoos and others.</p> <p>Any commercial beekeeper should be reminded of their responsibilities under the <i>Work Health and Safety Act 2020 (WA)</i>, and that they can be held responsible for any injuries or deaths that occur as a result of their EHB attacking another person.</p>	<p>Commonwealth governments; without extensive research it is not known if the matters suggested in the submission can be regulated by local laws or the Local Planning Scheme, but in any event would be beyond the resources or capability of the Shire to do so.</p> <p>Most matters relating to animal or insect species are dealt with by the State legislation such as <i>the Biosecurity and Agriculture Management Act 2007</i>.</p> <p>It is suggested that the submission be referred to the State Department of Agriculture.</p>

Local Law	Comment	Response
	<p>The <i>Bee Keeping Local Law</i> should be amended to make it clearer that the term “thoroughfare” (s3(2)(b)) includes gazetted roads, tracks, and any pedestrian or cycling paths, including informal paths.</p> <p>Section 3(2)(b)(ii) should state that the barrier should be a minimum of 3 metres high and impermeable to EHB.</p>	<p>‘Thoroughfare’ is defined in s1.4 of the Local Government Act as: ‘... a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;</p> <p>While there is no need to amend the local law, a text box could be added to the administrative version of the local law on the Shire’s website to point this out.</p> <p>This clause currently provides (in essence) that persons must have a permit to keep or allow bees to be kept on land without a permit. Permits are not required when the circumstances set out in subclause 3(2) apply. This includes properties outside the Merredin townsite where bees are kept less than 500m from a thoroughfare but where vegetation, a screen or other barrier on the land is such to encourage bees to fly at a height over the thoroughfare so as not to cause a nuisance to users of it.</p> <p>Requiring the construction of a barrier suggested would require considerable resources and cost. It is not considered reasonable or practical to apply a requirement of the nature suggested.</p>
<p>Health Local Laws 1999</p>	<p>A design improvement that would be good to include in the laws would be a requirement for the taps in hand wash basins be designed so that it is possible to easily fit one’s hands under the tap to wash them without coming into</p>	<p>This is a matter for Standards Australia which sets design standards for plumbing and associated products and their installation.</p> <p>The standard suggested is in use in public hospitals and the like;</p>

Local Law	Comment	Response
	<p>contact with surrounding parts of the sink or tap. Taps should also be designed in a manner that minimises the area of physical touch required to operate them.</p> <p>Similarly, doors to communal or public toilet facilities should be designed in a manner that minimises or eliminates the requirement to touch any doors to the facility.</p> <p>Section 2.1.8 discusses the ventilation of toilets, both via mechanical means and via natural ventilation. In my view, the mechanically ventilated option should require a minimum of 20 air changes per hour rather than just 10. The passive air vents referred to in s2.1.8(3)(a) are very small, and are unlikely to result in more than 1 or 2 air changes per hour. There should be requirements to ensure that these have the capacity to have the same number of air changes per hour as mechanical systems.</p>	<p>similarly there is nothing to prevent the Shire using the design suggested in its facilities if considered appropriate if/when renovations are undertaken but its not a matter that can be regulated by a local law that would apply to other properties and only in the district of Merredin.</p> <p>The Shire’s Health Local Law was made by adoption by reference of the <i>Shire of Plantagenet Health Local Law 1997</i>, with some modifications to suit Merredin. Clause 2.1.8 provides that:</p> <p>Ventilation of Toilets 2.1.8 (1) A toilet in any premises shall be ventilated in accordance with the <i>Sewage (Lighting, Ventilation and Construction) Regulations 1971</i> and the Building Code and shall be—</p> <ul style="list-style-type: none"> (a) mechanically ventilated to the external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or (b) naturally ventilated to the external air by the provision of— <ul style="list-style-type: none"> (i) fixed and permanently ventilated windows or skylights; (ii) fixed glazed louvered windows; or (iii) wall or ceiling vents, ducted as direct to the outside air as is practical and boxed throughout, situated in both the room in which the toilet is located and any adjacent airlock. <p>(2) A mechanical ventilation system provided under subsection (1)(a) shall—</p>

Local Law	Comment	Response
	<p>During the winter when people are allowed to burn dry garden materials, it is quite common for smoke from burning plastic and</p>	<p>(a) be separate and distinct from any other system of mechanical ventilation in the building; (b) be of an exhaust type; (c) where it is provided for a building of more than 2 storeys, have a ventilating fan and power unit in duplicate; and (d) be maintained in good working order and condition.</p> <p>(3) A natural ventilation system provided under subsection (1)(b) shall have—</p> <p>(a) a clear ventilation area of not less than 0.015 square metres per fixture; and (b) a window of light transmitting area equivalent to not less than ten percent of the floor area.</p> <p>(4) A toilet with an entrance opening from—</p> <p>(a) a room used for the manufacture, storage or consumption of food; (b) a room used for sleeping or other domestic activities; or (c) a room used as a work place, shall be mechanically ventilated as required by subsection (1)(a) and the entrance shall be fitted with a door having an efficient self closing device.</p> <p>The Health Local Laws will be amended following finalisation of Stage 5 of the <i>Public Health Act 2016</i> implementation, with ventilation requirements aligning with provisions of the National Construction Code (BCA).</p> <p>This clause provides that persons may apply for a permit to burn materials. Clause 4.2.10(2)(a)(i) provides that:</p>

Local Law	Comment	Response
	<p>other noxious materials to hang over town. Noting that burning offensive materials is already not permitted (s4.2.10(2)(a)(i)), there needs to be more done to address this problem.</p> <p>Section 5.2.4 refers to cats. Cats are a big problem in Merredin, especially given that most cat owners clearly allow their cats to roam free and uncontrolled at any time of the day and night. There needs to be improved education and enforcement of cat management in Merredin. In particular, cats should not be allowed to roam freely at any time.</p> <p>Cat numbers should also be curtailed, as it is obvious that many people do not comply with the limit of two cats. There should be a blanket requirement for all</p>	<p>(2) Subject to subsection (3), an approval of the Council is issued subject to the following conditions—</p> <p>(a) the material to be burnt—</p> <p>(i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; or</p> <p>...</p> <p>So, while the local law regulates the matter, enforcement is based on a response to individual complaints. The Shire could consider an education campaign for residents.</p> <p>Noted. While it is proposed to introduce a Cats local law in the near future is made under the <i>Cat Act 2011</i> rather than via a Health Local Law, local laws are subject to review by the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) which reviews subsidiary legislation such as local laws on behalf of Parliament.</p> <p>The JSCDL has in the past determined that local governments are not able to introduce blanket district wide cat confinement local laws, but may do so where cats are kept on premises within a reasonable distance (around 100m) of a reserve or facility with significant conservation value. There are none in the district where this might apply.</p> <p>Clause 5.2.4(1) provides that no more than two cats may be kept on premises in the district, unless the Shire grants a permit to keep more. The Shire will need to</p>

Local Law	Comment	Response
	<p>cats to be sterilised, thereby naturally reducing cat numbers over time.</p> <p>Section 7 deals with infectious diseases. As the <i>Health Local Laws</i> pre-date the COVID-19 pandemic, it may be worth examining the various state and federal reviews and inquiries to see if there are any applicable aspects that can be learnt from them and possibly incorporated into this section if relevant.</p> <p>There are several grammatical errors in the <i>Health Local Laws</i>, for example s4.3.3 “<i>Transport of Butchers’ Waste</i>”. The apostrophe should be between the r and the s of the <i>Butcher’s</i>. No doubt you will take the opportunity to clean these issues up.</p>	<p>enforce the provisions of the current local law, and which can be reflected in any new local law.</p> <p>Section 18 of the <i>Cat Act 2011</i> requires all cats to be over six months of age to be sterilised unless it is exempt.</p> <p>Noted. The <i>Public Health Act 2016</i> replaced most of the provisions of the <i>Health Act 1911</i>, under which the Shire’s Health Local Law was made.</p> <p>Amongst other things, Part 7 of the local law allows the Shire to require an owner or occupier to take certain measures to ensure property makes provision about disinfection of premises and other associated matters.</p> <p>Noted with thanks. These matters can be corrected via an amendment local law as part of the next stage to ensure the Shire’s local laws are kept up to date.</p>

The Shire has now dealt with the requirement under s3.16 of the *Local Government Act 1995*. As well as potential amendments listed above, changes to local laws were listed in the report to Council at the December Ordinary Council Meeting held on 11 December 2023. Proposals to amend local laws will be presented to Council in due course following a review of each local law by the Shire Consultant and the Executive Manager Development Services (EMDS).

Policy Implications

Nil

Statutory Implications

Section 3.16 of the *Local Government Act 1995* provides that:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a

local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give local public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the 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.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

	Strategic Implications
∅	Strategic Community Plan

Theme:	4 Communication and Leadership
Service Area Objective:	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
Priorities and Strategies for Change:	Nil

∅	Corporate Business Plan
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Theme:	4 Communication and Leadership
Priorities:	Nil
Objectives	4.2 Decision Making 4.2.2 The Council works closely with the community to successfully achieve projects or outcomes that deliver the community’s vision for Merredin

	Sustainability Implications
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∅	Strategic Resource Plan
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Nil

	Risk Implications
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The Shire should take all reasonable measures to ensure its local laws are up to date. This review will mitigate the possibility of any issues arising as a result of their being possibly not being aligned with other legislation.

Financial Implications

Given the specialised nature of this project, the Shire engaged Chris Liversage of Conway Highbury Consulting Pty Ltd to assist. The estimated cost to initiate the s3.16 review, advertise it for public comment, report the outcomes to Council and then undertake any identified amendments using the process required by s3.12 of the *Local Government Act 1995* is \$8,400 plus GST and any advertising and Gazettal costs.

Voting Requirements

Simple Majority

Absolute Majority


Officer's Recommendation

That Council:

- 1. NOTES the outcomes of the review of the Shire of Merredin's local laws under s3.16 of the Local Government Act 1995; and**
- 2. NOTES proposals to amend local laws under s3.12 of the Local Government Act 1995 will be presented to Council for its consideration in due course.**

13. Officer's Reports – Engineering Services

13.1 Bailey Rd – Opening Section between Merredin - Nungarin Rd & Chandler – Merredin Rd

<h2>Engineering Services</h2>		
Responsible Officer:	Amer Tawfik, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

To present to Council details for the request received to open Bailey Rd between Merredin – Nungarin Rd and Old Nukarni Rd and provide recommendations towards this request.

Background

Council received a request from a local farmer to open the eastern side of Bailey Rd to enable him to have direct access to his property located on Chandler – Merredin Rd, from his farm located on the western side of Merredin – Nungarin Rd. Currently the local farmer is leasing parcels east of Merredin – Nungarin Rd, which enables him access to his property on the other side. However, the landowner informed him that his lease will not be renewed.

In his submission the local farmer said “I just want to reaffirm that one of the main reasons I would like to use this road for access is because of public safety, it will allow me to keep my oversized machinery off the main roads as much as possible. We have a lot of interstate trucks, CBH bin transfer trucks and 2 school buses that run along Merredin – Nungarin Rd for most of the year” he also mentioned “in regard to the trees, I am happy to replant at least 2 trees for every 1 damaged, on the reserve or anywhere on my properties.



Comment

The Interim Asset Management Plan Council recently adopted includes an assessment criterion related to adding new roads to the Shire of Merredin Road Register. A summary of the request against assessment criteria is listed below.

Mandatory Requirements	The road must be a public road, located on an approved Crown Land for road purposes;	Y
Non-Mandatory Requirements (Satisfy at least 7)	Provides primary access to at least one full-time occupied residence.	N
	Is named and signed.	N
	Has previously been constructed by and / or maintained by Council.	N
	Provides clear benefit to several property owners (not just one).	Y
	Is required for fire access purposes.	Y
	Connects into and forms part of the wider network of public roads.	Y
	Is fenced on both sides.	✘
	Is required for vehicular use.	Y
	Is the only means of access to abutting property/properties.	Y

The above indicates that the subject road meets the mandatory requirements, and 6 of the nine non-mandatory requirements. The fencing along this section of Bailey Rd, is dilapidated with gaps and missing sections.

The total length of the subject road is 3.2 km, estimated costs to construct the new roads including permit for native vegetation removal is approximately \$67,400.

Initial Cost Estimates

Cost Estimate to undertake the above:

Preparing DWER application – Vegetation Clearing Permit	\$1,000 + GST
DWER Application Fees	\$2,400 + GST

Clearing Native Vegetation & Planting Replacement Trees	\$10,000 + GST
Construction Costs	\$54,000 + GST
Grader	8 hrs per day x 10 days
Roller	8 hrs per day x 10 days
Watercart	8 hrs per day x 10 days
Total Estimated Costs	\$67,400 + GST

The local farmer offered to pay the full cost if the road stops when it reaches his land and does not extend to Old Nukarni Rd, approximately 2.2 km. he also mentioned that he will undertake the native vegetation clearing and planting replacement trees. The estimated revised costs based on shorter road length of 2.2 km is \$46,000 + GST. If the local farmer is to undertake the native vegetation clearing and replacement, then the cost would be further reduced by \$10,000.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change:	Nil
Theme:	5. Places and Spaces
Service Area Objective:	5.3.2 The Shire is continually improving its asset management practices
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	Nil
Priorities:	Nil
Objectives	Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

The risk implication of denying the request will increase the number of heavy machinery travelling on Merredin – Nungari Rd between his properties. This may increase potential accidents, especially as it is a bus route.

Financial Implications

The construction of this road will marginally increase the Shire’s maintenance budget for unsealed road network.

Voting Requirements

Simple Majority

Absolute Majority


Officer’s Recommendation

That Council:

- 1. APPROVES the request and includes the eastern side of Bailey Rd on the Shire of Merredin Roads Register; and**
- 2. AUTHORISE the Chief Executive Officer to obtain the required permits, and construct formed dry weather only Rd - 2.2 km between Merredin – Nungarin Rd to the boundary of Lot 13170, and to invoice the person making the request for the construction costs of \$36,000 + GST.**

14. Officer’s Reports – Corporate and Community Services

14.1 Statement of Financial Activity – March 2024

<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 14.1A – 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 March 2024, and be advised of associated financial matters.

Background

The Statement of Financial Activity, Detailed Statements, Capital Works Progress and Investment Report are attached for Council’s information.

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.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

Ø Strategic Community Plan

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

Ø Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives: 4.2 Decision Making

Sustainability Implications

Ø 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 10% or \$10,000 whichever is greater, for operating and capital, to alert management prior to there being irreversible impacts.

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 Statements of Financial Activity is retrospective. Accordingly, the financial implications associated with adopting this are nil.

Voting Requirements


Simple Majority

Absolute Majority

Officer's Recommendation

That Council RECEIVE the Statements of Financial Activity and Investment Report for the period ending 31 March 2024 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

14.2 List of Accounts Paid – March 2024

<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 14.2A - Payments Listing March 2024

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to receive the schedule of accounts paid for the month of March 2024.

Background

The attached list of accounts paid during the month of March 2024, 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: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

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

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

Officer's Recommendation

That Council RECEIVE the schedule of accounts paid during March 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$1,689,361.94 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

14.3 Councillor Annual Allowances and Meeting Attendance Fees 2024/25

<h2>Corporate Services</h2> 	
Responsible Officer:	John Merrick, CEO
Author:	Leah Boehme, EMCS
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 – Local Government CEO and Elected Members Determination 2024

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to determine the amount to be provided for in the drafting of the Shire of Merredin (the Shire) 2024/25 Annual Budget, for Elected Members annual allowances and meeting attendance fees.

Background

The *Local Government Act 1995* (the Act) 5.98(1)(b) provides for the payment to Members of fees for attending Council Meetings on either a per meeting, or an annual basis.

The amounts are set annually by the Salaries and Allowances Tribunal (SAT). Each Council is placed into a band to determine applicable fees. The Shire is categorised as a band three (3) Council.

The Act also allows for the reimbursement of, or an allowance for, covering certain expenses incurred by Elected Members.

The remuneration amounts independently set by SAT, are appropriate to the responsibilities, duties and effort required to fulfil the role of an Elected Member for the Shire.

Current 2023/24 Fees paid to the Shire’s Elected Members are as follows –

Annual Meeting Fees	
Shire President	\$ 8,170
Deputy President	\$ 8,170
Councillors	\$ 8,170

Annual Allowance	
Shire President	\$13,610
Deputy President	\$3,400

It should be noted that Elected Member Fees were reduced, rather than increased, for the 2023/24 financial year after an alternate motion was put to Council. This decision was driven by the necessary rates increase that was required to be imposed by the Shire for the 2023/24 financial year.

Comment

The permissible range for attendance fees and allowances are stipulated by Salaries and Allowance Act (SAT) and from 1 July 2024 have been determined as follows:

Table 4: Council meeting fees per meeting - local governments

For a council member other than the mayor or president			For a council member who holds the office of mayor or president	
Band	Minimum	Maximum	Minimum	Maximum
1	\$666	\$858	\$666	\$1,174
2	\$406	\$634	\$406	\$858
3	\$213	\$447	\$213	\$686
4	\$99	\$260	\$99	\$530

Table 6: Committee meeting and prescribed meeting fees per meeting - local governments

For a Council member (including the mayor or president)		
Band	Minimum	Maximum
1	\$338	\$432
2	\$203	\$317
3	\$104	\$224
4	\$52	\$130

Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees - local governments

For a council member other than the mayor or president			For a council member who holds the office of mayor or president	
Band	Minimum	Maximum	Minimum	Maximum
1	\$26,624	\$34,278	\$26,624	\$51,412
2	\$16,089	\$25,137	\$16,089	\$33,706
3	\$8,320	\$17,711	\$8,320	\$27,425
4	\$3,884	\$10,286	\$3,884	\$21,138

Table 10: Annual allowance for a mayor or president of a local government

For a mayor or president		
Band	Minimum	Maximum
1	\$55,929	\$97,115

2	\$16,640	\$68,552
3	\$1,113	\$39,988
4	\$556	\$21,710

7.3 Annual Allowance for a Deputy Mayor, Deputy President or Deputy Chair

(1) The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.

The SAT annual determination for 2024/25 is a 4% increase on the minimum and maximum attendance fees and annual allowance ranges in each band. With the increase to the band 3 minimum rate by 4%, current Elected Member fees would fall below the minimum if no increase was observed.

Suggested options that Council could consider towards setting 2024/25 annual allowance and meeting fees payable are below:

Option 1 – Apply the minimum band 3 rates.

Option 2 – Apply a percentage increase, within the SAT prescribed amounts.

Option 3 – Apply a set amount increase, within the SAT prescribed amounts.

For the 2024/25 budget year, the Administration proposes an increase of 4% to Elected Member remuneration based on the SAT determination, rounded to the nearest \$5. This would result in an increase to Elected Members of \$325 each over the course of the year, with the President receiving a further \$545 increase and the Deputy President receiving a \$135 increase.

Below outlines the resulting recommended payments, to be paid to Elected Members quarterly in arrears.

Annual Meeting Fees		Annual Allowance	
For a council member other than the mayor or president	For a council member who holds the office of mayor or president	Annual Allowance Shire President	Annual Allowance Deputy President
\$8,495	\$8,495	\$14,155	\$3,535

Policy Implications

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

Statutory Implications

Local Government Act 1995

Section 5.98 entitles Elected Members to be paid fees and reimbursed expenses up to the amount determined by the Salaries and Allowances Tribunal ('SAT') under the *Salaries and Allowances Act 1975* (S&A Act), Section 7B.

Section 5.98(5) allows the Mayor to be paid an additional allowance up to the amount determined by the Salaries and Allowances Tribunal under the S&A Act Section 7B.

Section 5.98A allows the Deputy Mayor may to be paid an additional allowance up to the amount determined by the Salaries and Allowances Tribunal under the S&A Act Section 7B.

Section 5.99 allows Elected Members to be paid annual allowance instead of meeting fees up to the amount determined by the Salaries and Allowances Tribunal under the S&A Act Section 7B, subject to an absolute majority decision.

Local Government (Administration) Regulations 1996

Part 8 - Local Government payments and gifts to members; Regulation 30, Meeting Attendance Fees (Act s. 5.98(1) and (2A))

Regulation 31, Expenses to be reimbursed (Act s. 5.98(2)(a))

Regulation 32, Expenses that may be approved for reimbursement (Act s. 5.98(2)(b))

Salaries and Allowances Tribunal – Local Government CEO and Elected Members Determination, 5 April 2024 (Attachment 14.3A)

Strategic Implications

∅ Strategic Community Plan

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

∅ Corporate Business Plan

Theme: 4. Communication and Leadership.
Priorities: Nil
Objectives: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

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

Financial Implications

Based on the proposed increases, this will result in a total expenditure in 2024/25 for annual allowances and meeting attendance fees for Elected Members of \$85,650.00

Voting Requirements

Simple Majority


Absolute Majority

Officer's Recommendation

That Council ENDORSE the following annual allowances and meeting attendance fees for inclusion in the 2024/25 budget, to be paid quarterly in arrears:

Annual Meeting Fees		Annual Allowance	
For a council member other than the mayor or president	For a council member who holds the office of mayor or president	Annual Allowance Shire President	Annual Allowance Deputy President
\$8,495	\$8,495	\$14,155	\$3,535

14.4 Endorsement of Proposed Fees and Charges

<h1>Corporate Services</h1> 	
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 14.4A – Schedule of Fees and Charges 2024/25 Attachment 14.4B – Fees and Charges Changes Highlighted Attachment 14.4C – MRCLC Costing Explanation Briefing Note (CONFIDENTIAL)

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider and then provide in-principle endorsement of the proposed amendments to the Shire of Merredin (the Shire) Schedule of Fees and Charges for 2024/25.

Background

Section 6.16 of the *Local Government Act 1995* (Imposition of fees and charges) enables a local government to apply fees and charges for the goods or services it provides, to recover costs.

The schedule included as Attachment 14.4A – Schedule of Fees and Charges 2024/25, proposes fees and charges for in-principal adoption only at this stage, and will assist towards the preparation of the 2024/25 Annual Budget. Formal adoption of the fees and charges occurs as part of the budget adoption process.

Comment

The proposed Schedule of Fees and Charges for 2024/25 is included as Attachment 14.4A.

The overall format of the Fees and Charges document has not changed from the previous years, however a review of a number of service areas has resulted in a number of proposed fee and charge changes. The main areas to see changes are Cummins Theatre and the Landfill Site. Fees and Charges have also been included for the Merredin Regional Community and Leisure Centre (MRCLC), which have previously sat separately under the Belgravia banner.

Council should also note that a blanket 4% increase, rounded to the nearest 10c has been applied as standard across the Shire’s fees and charges. Attachment 14.4B outlines the proposed changes that are above or below the 4% rise and includes comments, where necessary, against any requested increase / decrease, new fees, or fees to be removed.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995, Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 2 - Fees and charges) 6.16. Imposition of fees and charges.

Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources.
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.

Priorities and Strategies for Change: Nil

Ø Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: Nil

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council.

Financial Implications

Adopting the proposed fees and charges as detailed below, will allow estimated anticipated revenue for the 2024/25 financial year to be calculated for budgeting purposes.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

1. **PROVIDES** its in-principle endorsement of the Schedule of Fees and Charges 2024/25, included as Attachment 14.4A to the report; and
2. **INCLUDES** the proposed schedule within the drafting of the Shire of Merredin's 2024/2025 Annual Budget for further consideration.

14.5 IT Disaster Recovery Plan

Corporate Services



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.5A – IT Disaster Recovery Plan – April 2024

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a newly developed Plan that guides the Shire of Merredin's (the Shire) response in the event of a disaster that effects the Information Technology (IT) services of the Shire.

Background

Previously, the Shire has utilised a Plan that was provided by our IT support company. The Plan was focussed on their steps in the event of an IT disaster and did not look at the broader Shire picture. The Administration have therefore decided to develop this Plan to ensure preparedness and improve the understanding of those officers tasked with roles, should such an event occur.

Comment

The Plan has been developed in consultation with the Shire's IT Contract Provider and takes into account upgrades that have been made to our backup systems early in 2024. It outlines the necessary steps that need to be followed in a range of possible circumstances, as well as when the Plan needs to be enacted and who is responsible for.

Recovery timeframes have been linked to the Shire's current Business Continuity Plan and the roles will be assigned to Executive Managers at the time of disruption, based on the disaster and the skillset required as a result.

Policy Implications

Shire of Merredin Business Continuity Plan – April 2024.

Policy 2.21 – Information Communications Technology (ICT).

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
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.
4.5.3 The Shire works to continually improve its systems and processes to improve internal capacity and capability
Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If this Plan is not in place, the Shire is at greater risk should an IT Disaster occur.

Financial Implications

There are no financial implications associated with the adoption of this Plan. However, should a disaster occur, replacement of hardware may be necessary and would have a financial impact on the Shire.

Voting Requirements


Simple Majority Absolute Majority

Officer's Recommendation

That Council ADOPT the IT Disaster Recovery Plan – April 2024, as presented in Attachment 14.5A.

15. Officer’s Reports – Administration

15.1 Status Report – April 2024

<h1>Administration</h1> 	
Responsible Officer:	John Merrick, T/CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A – Status Report – April 2024

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for April 2024.

Background

The Status Report is a register of Council Resolutions that are allocated to the Shire of Merredin’s (the Shire) 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

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives 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

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Nil

Financial Implications

Nil


Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation

That Council RECEIVES the Status Report on Council Resolutions for April 2024.

15.2 Policy Reviews – Policy 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.16, 1.17, 1.18, 1.19

<h2>Administration</h2> 	
Responsible Officer:	John Merrick, T/CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Policies 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.16, 1.17, 1.18, 1.19

Purpose of Report

- Executive Decision Legislative Requirement

For Council to consider the recommended reviews of the Policies shown in Attachment 15.2A.

Background

The Administration has commenced reviewing relevant policies and will present them to Council for consideration as each review is completed.

The Policies submitted for Council consideration in this report are:

- Policy 1.1 Code of Conduct for Council Members, Committee Members and Candidates
- Policy 1.3 Members Travel
- Policy 1.4 Retirement of Councillors - Gift & Function
- Policy 1.6 Use of Council Chamber and Executive Lounge
- Policy 1.7 Citizenship Ceremonies
- Policy 1.8 Councillor's Requests and Works Requests
- Policy 1.9 Election of Committees and Representatives
- Policy 1.10 Councillor Induction
- Policy 1.11 Council Meetings
- Policy 1.12 Annual Christmas function
- Policy 1.13 Council Bi-Annual Dinner Function
- Policy 1.14 Mobile Phone Use During Council and Committee Meetings
- Policy 1.16 Corporate Apparel
- Policy 1.17 Use of Social Media

- Policy 1.18 Honorary Freeman of the Shire of Merredin
- Policy 1.19 Public Question Time

Comment

All of the attached Policies have been reconfigured into the new policy template to match all other policies in the Policy Manual. Where needed other minor amendments were also made to the Policies which have been summarised below:

Policy 1.4, Policy 1.6, Policy 1.13, Policy 1.16, Policy 1.18

Term “Councillor” replaced with “Elected Member” to match all other Policies.

Policy 1.8

Title of Policy has now been updated to Elected Member Requests and Work Requests, and term “Councillor” replaced with “Elected Member” to match all other Policies.

Policy 1.9

Correction of the term bi-annual to biennial, grammatical amendments and term “Councillor” replaced with “Elected Member” to match all other Policies.

Policy 1.10

Title of Policy has now been updated to Elected Member Inductions, word “laptop” has now been included as well as tablets to be more accurate for what Elected Members are provided with, and term “Councillor” replaced with Elected Member to match all other Policies.

Policy 1.11

Wording has now been changed in the Policy Statement to show a more accurate outline of when meetings are held. Term “discussion period” has now been changed to “confidential Briefing Session”.

Policy 1.12

Update of wording to show a more accurate representation of the function. Policy updated to allow the Administration to brief Council on the function instead of bringing an Item to them as it is not necessary, and term “Councillor” replaced with “Elected Member” to match all other Policies.

Policy 1.17

Title of Policy has now been updated to Social Media and Communications to more accurately reflect the content of the Policy. Links to each of the Shire’s social media platforms have been included. Addition of two new sections regarding Elected Member official social media accounts and Generative Artificial Intelligence.

Policy Implications

Policies 1.1, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.16, 1.17, 1.18, 1.19.

Statutory Implications

Local Government Act 1995.

Strategic Implications

∅ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: Nil

Priorities: Nil

Objectives Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If Council do not adopt the reviewed Policies they will remain out of date, in the wrong template and may contain information that is incorrect.

Financial Implications

Nil

Voting Requirements


Simple Majority

Absolute Majority

Officer's Recommendation

That Council ADOPT the revised Policies as shown in Attachment 15.2A.

15.3 Delegations Register Review - 2023/24

<h2>Administration</h2> 	
Responsible Officer:	John Merrick, T/CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A – Shire of Merredin Register of Delegated Authority – track changes Attachment 15.3B – Shire of Merredin Register of Delegated Authority

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to consider and approve the recommended changes to the Shire of Merredin Register of Delegated Authority.

Background

Section 5.46 of the *Local Government Act 1995* (the Act) requires local governments to keep a register of their delegations and review this register at least once every financial year. Council performed an annual review of delegations at its Ordinary Council Meeting held in May 2023 (CMRef 83165). This was further reviewed in January 2023, where a minor review was completed (CMRef 83298).

Delegated authority aims to improve the time taken to make decisions within the constraints of relevant legislation.

Without delegated authority, many decisions of the Shire of Merredin (the Shire) would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allows day to day decisions to be made by the Chief Executive Officer (CEO), who in turn can sub-delegate these to other staff if appropriate.

Under the Act, local governments may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties, other than those prescribed under section 5.43 Limits on Delegations to the CEO.

All delegations made by Council must be by absolute majority as prescribed by sections 5.42 and 5.44 of the Act that legislates Council’s ability to delegate functions to the CEO.

The criteria WALGA recommends for determining when to provide delegated authority is outlined below, and the Administration has considered these when conducting the annual review.

- Does the delegation contribute to sound decision making that complies with legislative obligations?
- Does it improve efficiency and customer service outcomes?
- Does it ensure ‘Routine’ decisions are better managed?
- Have risks and political and community sensitivities been sufficiently managed through the conditions and limitations on the delegation?
- Does the delegate have the skills, technical expertise and training to exercise the delegated powers or duties?
- Are there appropriate policies, procedures and/or training to support decision makers when using the Delegated Authority?

	Comment
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The 2023/24 annual review of the Shire of Merredin Register of Delegated Authority was undertaken to determine the following:

1. The appropriateness of the existing delegations; and
2. The need to amend any of those delegations.

The proposed amendments reflect the following:

- Amending existing delegations to improve workflow processes and service delivery;
- Minor wording and formatting changes;
- Removal of the word ‘of’ from Manager Projects title; and
- Correction of sections and name of relevant Acts.

More significant changes are detailed below:

Delegation	Change
DL2.1 Demolition Permit	Removal of the subdelegate conditions.
DL2.7 Caravan Parks and Camping Grounds Act 1995 and Regulations 1997	Addition of EMDS as the subdelegate and inclusion of subdelegate condition to restrict EMDS from being able to approve the appointment of Authorised Persons.
DL4.6 Creditors and Payments from Trust, Municipal and Reserve Funds	This delegation has been removed as it was a double up with DL4.12.
DL4.11 Agreement as to Payment of Rates and Service Charges	Addition of Manager Corporate Services as a subdelegate.
DL4.12 Payments from the Municipal, Reserve or Trust Funds	Movement of conditions from power or duty to conditions section. Addition of sub-delegate conditions section and insertion of relevant items to this section.

DL4.13 Defer, Grant Discounts, Waiver or Write Off Debts or Small Fees and Charges	Change to delegation title to include discounts and deferrals. Movement of conditions from power or duty to conditions section. Conditions reviewed as this delegation should not only relate to community grants. Relevant items inserted as required. Removal of sub-delegate sections.
DL5.11 Public Health Act 2016	Addition of EMDS as the subdelegate and inclusion of subdelegate condition to restrict EMDS from being able to approve the appointment of Authorised Persons.

In addition to the proposed amendments detailed in Attachment 14.4A, the amendment table at the end of the document does not currently reflect the proposed changes. This table will auto generate once the amendments have been entered into Attain, the Shire’s compliance software.

Policy Implications

Shire of Merredin Policies are referred to throughout the Register of Delegated Authority.

Statutory Implications

Section 5.42 of the *Local Government Act 1995* states that a number of the local government’s powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. Section 5.44 of the Act outlines the circumstance under which the CEO may delegate powers and duties to other employees.

Section 5.46 (2) states *‘At least once every financial year, delegations made under this Division are to be reviewed by the delegator.’*

As required by Section 5.46 (3) of the *Local Government Act 1995*, the use of exercising the delegated authority is to be reported to Council, which is done as an attachment to the Monthly Information Bulletin provided under separate cover to Council each month.

An absolute majority of Council is required to adopt the Delegations Register.

The separate legislation referenced in the individual delegations is also applicable.

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership
 Service Area Objective: 4.2. Decision Making
 Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: Nil
 Priorities: Nil
 Objectives: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Council is required to review its delegations under the *Local Government Act 1995* at least once every financial year. Failure to complete the review would result in non-compliance with our statutory responsibilities under these legislative frameworks.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

1. **NOTES** the review of the Shire of Merredin Register of Delegated Authority for the 2023/24 financial year, which meets the requirement of Section 5.46 (2) of the Local Government Act 1995; and
2. **ENDORSES** the updated Shire of Merredin Register of Delegated Authority, as per Attachment 15.3B.

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

19.1 Cummings Street Units – Joint Venture Agreement

19.2 Disposal of Land

20. Closure

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