



Shire of Brookton

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 16 March 2016

These minutes were confirmed by Council as a true and correct record of the Ordinary Council meeting held on 16 March 2016.

Presiding Member:.....**Date:**.....

Disclaimer

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) establish procedures for revocation or revision of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Brookton expressly disclaims liability for any loss or damage suffered by any person as a result or relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council Meeting.

Shire of Brookton
Ordinary Meeting of Council held 16 March 2016.
Commencing at 12.30 pm.

TABLE OF CONTENTS

Contents

1.03.16	DECLARATION OF OPENING / ATTENDANCE / APOLOGIES.....	4
2.03.16	ANNOUNCEMENT OF VISITORS	4
3.03.16	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE ...	4
4.03.16	PUBLIC QUESTION TIME	4
5.03.16	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.03.16	PETITIONS/ DEPUTATIONS / PRESENTATION	4
7.03.16	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	5
8.03.16	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	5
9.03.16	DECLARATIONS BY MEMBERS & OFFICERS.....	5
10.03.16	TECHNICAL & DEVELOPMENT SERVICES REPORT <i>NIL</i>	
11.03.16.	COMMUNITY SERVICE REPORT <i>NIL</i>	
12.03.16	FINANCE & ADMINISTRATION REPORT <i>12.03.16.01 LIST OF ACCOUNTS FOR PAYMENT</i> <i>12.03.16.02 FINANCIAL STATEMENTS – STATEMENTS OF FINANCIAL ACTIVITY FOR THE PERIOD 30 JUNE 2016</i>	
13.03.16	GOVERNANCE <i>13.03.16.01 PROPOSED SHIRE OF BROOKTON ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016</i> <i>13.03.16.02 BROOKTON DISTRICT HIGH SCHOOL– CAMP CONTRIBUTION REQUEST</i> <i>13.03.16.03 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE AND APPOINTMENT OF ACTING CEO</i>	

- 14.03.16. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....
- 15.03.16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS
- 16.03.16. CONFIDENTIAL REPORT
 16.03.16.01 COMPLETION OF CHIEF EXECUTIVE OFFICER'S PROBATIONARY PERIOD
- 17.03.16. NEXT MEETING
- 18.03.16. CLOSURE

1.03.16 DECLARATION OF OPENING / ATTENDANCE / APOLOGIES

The Shire President opened the meeting at 12.31 pm and welcomed Councillors and staff.

Attendance

Elected Members

Cr KT Wilkinson	Shire President (Presiding Member)
Cr KL Crute	
Cr TM Eva	
Cr RT Fancote	(from 12.32 pm)
Cr NC Walker	
Cr KH Mills	

Staff

Darren Friend	Chief Executive Officer
Evelyn Arnold	Deputy Chief Executive Officer
Stefan De Beer	Shire Planner
Carina Whittington	Community Services Manager
Gail Lilly	Executive Support and Administration Officer

Members of the Public

NIL

Apologies

Cr LS Allington

Leave of Absence

NIL

2.03.16 ANNOUNCEMENT OF VISITORS

NIL

3.03.16 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4.03.16 PUBLIC QUESTION TIME

NIL

5.03.16 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

6.03.16 PETITIONS/ DEPUTATIONS / PRESENTATION

NIL

Cr Fancote entered the meeting at 12.32 pm.

7.03.16 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Council Resolution

7.03.16.01

Moved Cr Crute

Seconded Cr Mills

That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers on Thursday 18 February 2016 be confirmed as a true and correct records of proceedings, subject to Cr Mills being shown as attending the meeting.

CARRIED 6 - 0

8.03.16 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Condolences

Alex Dimitroff - card to be sent to Lisa Newton and daughter, Eliza.

9.03.16 DECLARATIONS BY MEMBERS & OFFICERS

Members and Officers to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer prior to the item.

Financial, Proximity and Impartiality Interests

Item no.	Members	Type of Interest	Nature of Interest
13.03.16.02	CEO	Financial	Daughter is a Student at BDHS
16.03.16.01	CEO	Financial	Employment Contract

10.03.16 TECHNICAL & DEVELOPMENT SERVICES REPORTS

NIL

11.03.16 COMMUNITY SERVICES REPORTS

NIL

12.03.16.0 FINANCE & ADMINISTRATION REPORT

12.03.16.01 LIST OF ACCOUNTS FOR PAYMENT

FILE REFERENCE:

AUTHORS NAME AND POSITION: Corinne Kemp
Finance Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 8th March 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: There is no previous meeting reference.

SUMMARY:

The List of Accounts for payment to 29 February 2016 is presented to Council for inspection.

Background:

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to the Committee and to Council for inspection. Please refer to separate attachment.

Detail:

Totals of all payments from each of Council's bank accounts are listed below and detailed within Attachment 12.03.16.01A.

To 29 February 2016

Municipal Account

Direct Debits	\$	101,036.15
EFT	\$	542,463.66
Cheques	\$	75,588.43
Trust Account	\$	0.00

Statutory and Legal Considerations:

Local Government (Financial Management) Regulations 1996; Clause 13 – List of Accounts.

Policy Considerations:

Policy No. 4.4 of the Council Policy Manual states that the Chief Executive Officer is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved budget.

Financial Implications:

There are no financial implications relevant to this report.

Strategic Community Plan (2013 – 2023)

No reference

Corporate Business Plan (2015-2019)

No reference

Voting Requirements:

Simple Majority.

Officer's Recommendation:

That Council notes the payments authorised under delegated authority and detailed below and in the List of Accounts 29 February 2016, per the summaries included in Attachment 12.02.16.01A in accordance with the Local Government (Financial Management) Regulations 1996:

Municipal Account

Direct Debits	\$	101,036.15
EFT	\$	542,463.66
Cheques	\$	75,588.43
<u>Trust Account</u>	\$	0.00

Council Resolution

12.03.16.01

Moved Cr Crute Seconded Cr Fancote

That Council notes the payments authorised under delegated authority and detailed below and in the List of Accounts 29 February 2016, per the summaries included in Attachment 12.02.16.01A in accordance with the Local Government (Financial Management) Regulations 1996:

Municipal Account

Direct Debits	\$	101,036.15
EFT	\$	542,463.66
Cheques	\$	75,588.43
<u>Trust Account</u>	\$	0.00

CARRIED 6 - 0

FEBRUARY 2016 LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 16TH MARCH 2016

ATTACHMENT 12.03.16.01A

Chq/EFT	Date	Name	Description	Amount
EFT7068	1/2/16	AQUASOL	FLOCCULENT & CHLORINE	\$ 2,134.00
EFT7069	1/2/16	AUSTRALIA POST	POSTAGE DECEMBER 2015	\$ 262.90
EFT7070	1/2/16	BAPTISTCARE	CONTEGO FLOORLINE CONCAVE BEDS	\$ 5,996.00
EFT7071	1/2/16	BOC GASES	CONTAINER SERVICE CHARGES	\$ 210.00
EFT7072	1/2/16	BRAD MILLER	GYM MEMBERSHIP INDUCTIONS 23/09/15 TO 13/01/16	\$ 180.00
EFT7073	1/2/16	BROOKTON SUPERMARKET	HOT DOG ROLLS, MILK, COFFEE, WATER & COOL DRINKS	\$ 463.53
EFT7074	1/2/16	BW JAMES TRANSPORT	FREIGHT CHLORINE GAS	\$ 78.10
EFT7075	1/2/16	CARINA WHITTINGTON	REIMBURSEMENT OF POOL TOYS FOR THE FINAL SPLASH POOL PARTY	\$ 134.39
EFT7076	1/2/16	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$ 287.32
EFT7077	1/2/16	CONTRACT AQUATIC SERVICES	CONTRACT MANAGEMENT FEE JANUARY 2016 BROOKTON AQUATIC CENTRE	\$ 12,951.40
EFT7078	1/2/16	COUNTRY COPIERS	COPIER READING FOR DECEMBER 2015	\$ 360.80
EFT7079	1/2/16	GILL RURAL TRADERS	HARDWARE & RURAL PURCHASES DECEMBER 2015	\$ 2,791.88
EFT7080	1/2/16	IXOM	CHLORINE GAS & CYLINDER RENTAL FOR SWIMMING POOL	\$ 877.98
EFT7081	1/2/16	KATRINA LOUISE CRUTE	REFUND REGISTRATION FOR FINAL SPLASH DUE TO CHANGE OF DATE	\$ 10.00
EFT7082	1/2/16	LGRCEU	PAYROLL DEDUCTIONS	\$ 51.60
EFT7083	1/2/16	QUALITY TRANSPORT	FRIEGHT	\$ 38.01
EFT7084	1/2/16	ROCLA PIPELINE PRODUCTS	COMBINATION COVER FOR ROBINSON RD	\$ 737.00
EFT7085	1/2/16	SHIRE OF BROOKTON SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 160.00
EFT7086	1/2/16	STEWART & HEATON CLOTHING CO.	EAST BRIGADE UNIFORMS	\$ 1,449.39
EFT7087	1/2/16	TIANCO TRANSPORT	DELIVERY OF PAVERS TO BROOKTON TOWNSITE	\$ 2,756.16
EFT7088	1/2/16	WA CONTRACT RANGER SERVICES	RANGER SERVICES 08/01/16 TO 13/01/16	\$ 771.37
EFT7089	1/2/16	WA TREASURY CORPORATION	LOAN REPAYMENTS INCLUDING ADMINISTRATION CENTRE, BMFC SSL, KALKARNI, STAFF HOUSING, SEWERAGE EXTENSION AND GRADER	\$ 40,646.95
EFT7090	8/2/16	1 STOP RECORDS CONSULTING	RECORD MANAGEMENT CONSULTING 18/01/16 TO 02/02/16	\$ 1,534.50
EFT7091	8/2/16	AMPAC DEBT RECOVERY	RATES DEBT COLLECTION JANUARY 2016	\$ 853.22
EFT7092	8/2/16	BROOKTON CLUB HOTEL	REFRESHMENTS FOR SUNDOWNER & COUNCIL	\$ 360.83
EFT7093	8/2/16	BROOKTON TELEGRAPH	ADVERTISING AND SHIRE NOTES	\$ 130.00
EFT7094	8/2/16	ECONOMIC DEVELOPMENT AUSTRALIA	MEMBERSHIP CSM	\$ 400.00
EFT7095	8/2/16	GAIL PATRICIA LILLY	REIMBURSEMENT OF FRAMES FOR AUSTRALIA DAY PRESENTATIONS	\$ 38.00
EFT7096	8/2/16	GREAT SOUTHERN FUEL SUPPLIES	DIESEL & UNLEADED PETROL PURCHASES JANUARY 2016	\$ 7,122.27
EFT7097	8/2/16	JASON SIGNMAKERS	BOLLARDS AND BASES	\$ 1,339.36
EFT7098	8/2/16	MAGIQ SOFTWARE LTD	RECORD SYSTEM SETUP SUPPORT 10/11/15 TO 13/11/15	\$ 1,052.15
EFT7099	8/2/16	MICHAEL JOHN SWEENEY	REIMBURSEMENT OF ADULT 12 MONTH GYM MEMBERSHIP AS PER EMPLOYMENT CONDITIONS	\$ 212.00
EFT7100	8/2/16	PORTER CONSULTING ENGINEERS	WATER MAIN EXTENSION CIVIL ENGINEERING	\$ 4,400.00
EFT7101	8/2/16	SHIRE OF BEVERLEY	TRAINING ENVIRONMENTAL HEALTH ALERT ONLINE	\$ 266.67
EFT7102	8/2/16	SHIRE OF BROOKTON	MASTERCARD CARD JANUARY 2016	\$ 4.00
EFT7103	8/2/16	SHIRE OF BROOKTON	MASTERCARD CARD JANUARY 2016	\$ 4.00
EFT7104	8/2/16	SHIRE OF BROOKTON	MASTERCARD PURCHASES JANUARY 2016	\$ 1,209.31
EFT7105	8/2/16	WA CONTRACT RANGER SERVICES	RANGER SERVICES 18/01/16 TO 28/01/16	\$ 889.62

EFT7106	24/2/16	1 STOP RECORDS CONSULTING	RECORD MANAGEMENT CONSULTING 08/02/16 TO 16/02/16	\$ 1,534.50
EFT7107	24/2/16	AAA ASPHALT	SUPPLY AND LAY ASPHALT ROBINSON ROAD UPGRADE	\$ 106,996.62
EFT7108	24/2/16	B & N EYRE BROOKTON NEWSAGENCY	PAPERS & STATIONERY PURCHASES JANUARY 2016	\$ 230.06
EFT7109	24/2/16	BAPTISTCARE	KALKARNI RESIDENCY MANAGEMENT & OPERATING FEES FEBRUARY 2016	\$ 243,558.80
EFT7110	24/2/16	BROOKTON COMMUNITY RESOURCE CENTRE	QUARTERLY LIBRARY CONTRIBUTION JANUARY TO MARCH	\$ 6,925.00
EFT7111	24/2/16	BROOKTON DELI	CATERING FOR COUNCIL LUNCH AND AFTERNOON TEA	\$ 310.00
EFT7112	24/2/16	BROOKTON MULTIFUNCTIONAL FAMILY CENTRE	REIMBURSEMENT FOR EXECUTIVE SUPPORT OFFICER WAGES AND SUPER	\$ 1,005.00
EFT7113	24/2/16	BROOKTON PLUMBING	REPAIRS & MAINTENANCE ADMINISTRATION BUILDING, CARAVAN PARK & PUBLIC TOILETS	\$ 1,001.00
EFT7114	24/2/16	BROOKTON ROADHOUSE	EMERGENCY SERVICE FUEL & GAS BOTTLE FOR CARAVAN PARK	\$ 226.48
EFT7115	24/2/16	BROOKTON TELEGRAPH	ADVERTISING ROBINSON ROAD UPGRADE AND CHRISTMAS PARTY	\$ 130.00
EFT7116	24/2/16	BURGESS RAWSON (WA) PTY LTD	WATER USAGE AT RAILWAY STATION 17/11/15 TO 14/01/16	\$ 819.35
EFT7117	24/2/16	CENTRAL GARAGE	30,000 KM SERVICE UTE 1	\$ 483.12
EFT7118	24/2/16	CHILD SUPPORT AGENCY EMPLOYER SERVICES	PAYROLL DEDUCTIONS	\$ 287.32
EFT7119	24/2/16	CJD EQUIPMENT	HYDRAULIC OIL, COOLANT & OIL	\$ 761.25
EFT7120	24/2/16	COOTE MOTORS	SERVICE & REPAIR LOADER	\$ 1,730.30
EFT7121	24/2/16	CORINNE KEMP	TRAVEL REIMBURSEMENT IT VISION PAYROLL COURSES & DSR KIDSPORT MEETING IN NARROGIN & PARKING AT IT VISION COURSES	\$ 358.60
EFT7122	24/2/16	EXCEL TROPHIES	PLAQUES FOR AUSTRALIA DAY CITIZEN AWARD FOR HONOUR BOARD	\$ 37.00
EFT7123	24/2/16	GILL RURAL TRADERS	HARDWARE & RURAL PURCHASES JANUARY 2016	\$ 6,197.48
EFT7124	24/2/16	GREAT SOUTHERN WASTE DISPOSAL	RUBBISH BIN COLLECTION, BROOKTON TIP SITE & BULK RECYCLE & WASTE PICKUP 29/12/15 TO 26/01/16	\$ 11,198.08
EFT7125	24/2/16	H RUSHTON & CO	SERVICE & REPAIR LOADER & TRUCKS	\$ 6,376.00
EFT7126	24/2/16	ISWEEP TOWN & COUNTRY	TOWNSITE SWEEPING 09/02/16	\$ 1,633.50
EFT7127	24/2/16	IT VISION	PAYROLL ESSENTIAL & LEAVE ESSENTIAL WORKSHOP FO	\$ 1,650.00
EFT7128	24/2/16	J MAC ENGINEERING PINGELLY	CHECKER PLATE CUT TO SIZE	\$ 226.82
EFT7129	24/2/16	JASON SIGNMAKERS	ROAD SIGNS	\$ 411.40
EFT7130	24/2/16	JR & A HERSEY PTY LTD	SAFETY EQUIPMENT	\$ 593.01
EFT7131	24/2/16	LGRCEU	PAYROLL DEDUCTIONS	\$ 51.60
EFT7132	24/2/16	LOCAL GOVERNMENT MANAGERS AUSTRALIA	360 DEGREES SPOTLIGHT FORUM CR FANCOTE	\$ 40.00
EFT7133	24/2/16	LYN KAY	CIRCUIT CLASSES & GYM INDUCTIONS	\$ 480.00
EFT7134	24/2/16	MAGIQ SOFTWARE LTD	MAGIQ DOCUMENTS SOFTWARE 3 MONTH LICENSE	\$ 4,719.00
EFT7135	24/2/16	MIDLAND BRICK	NAPOLI PAVER FOR ROBINSON ROAD UPGRADE	\$ 6,374.91
EFT7136	24/2/16	MOORE STEPHENS	BUDGET WORKSHOP	\$ 880.00
EFT7137	24/2/16	PH & KE GOW	RECONSTRUCTION SURVEY ROBINSON ROAD	\$ 4,159.10
EFT7138	24/2/16	RYLAN PTY LTD	KERBRING FOR ROBINSON ROAD UPGRADE	\$ 23,104.40
EFT7139	24/2/16	SHIRE OF BROOKTON SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 160.00
EFT7140	24/2/16	SHIRE OF PINGELLY	REPAIRS & MAINTENANCE PG6, PT12 & PT10	\$ 396.00
EFT7141	24/2/16	SIGNS PLUS	NAME BADGES FOR CLEANER	\$ 31.00
EFT7142	24/2/16	STEVE DAVIS BUILDER	REPAIR CEILING ABOVE STAIRWAY MEMORIAL HALL	\$ 2,090.00
EFT7143	24/2/16	STUMPY'S GATEWAY ROADHOUSE	EMERGENCY SERVICES FUEL & UNLEADED PETROL	\$ 975.80
EFT7144	24/2/16	TIANCO TRANSPORT	DELIVER & UNLOAD PAVERS FROM MIDLAND BRICK TO BROOKTON TOWNSITE	\$ 1,245.75
EFT7145	24/2/16	TOTALLY CONFIDENTIAL RECORDS	STORAGE & RETRIEVAL OF ARCHIVE BOXES	\$ 158.09
EFT7146	24/2/16	WESTRAC EQUIPMENT PTY LTD	3000 HOUR SERVICE & REPAIRS TO LOADER 6	\$ 7,234.25
EFT7147	24/2/16	WHEATBELT ELECTRICS	ELECTRICAL REPAIRS 10 MARSH AVE	\$ 1,983.76
EFT7148	24/2/16	WOODLANDS DISTRIBUTORS & AGENCIES PTY LTD	DOG WASTE BAG DISPENSER & BAGS FOR OVAL & MEMORIAL PARK	\$ 534.60
			TOTAL EFT	\$ 542,463.66

Chq/EFT	Date	Name	Description	Amount
17758	1/2/16	BROOKTON GIRL GUIDES	ANNUAL CONTRIBUTION FOR COOKING OF AUSTRALIA DAY BREAKFAST	\$ 400.00
17759	1/2/16	FIRE & SAFETY SCAVENGER	FIRE FIGHTING FOAM 1%	\$ 4,358.75
17760	1/2/16	KWEDA GOLF CLUB	REIMBURSEMENT FOR DRUM MUSTER COLLECTION 30/10/15	\$ 1,514.42
17761	1/2/16	MIDLAND BRICK	PAVERS FOR ROBINSON ROAD UPGRADE	\$ 22,879.47
17762	1/2/16	MONTAGUE BROTHERS PTY LTD	WATER SUPPLY FOR WORKS ON CORBERDING ROAD 09/10/15 TO 18/12/15	\$ 6,270.00
17763	1/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 377.34
17764	1/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 340.00
17765	1/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 430.34
17766	1/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 340.00
17767	1/2/16	SYNERGY	ELECTRICITY SWIMMING POOL, STREETLIGHTS, SALINITY PUMP, ADMINISTRATION BUILDING, MENS SHED 4 MATTHEWS ST, MADISON SQUARE, 10 MARSH AVE, WATER HARVESTING, 2 MONTGOMERY ST, SEWEREAGE POND, OVAL TANK, OVAL, CARAVAN, PAVILION, MEMORIAL PARK & RAILWAY STATION	\$ 13,872.35
17768	1/2/16	TELSTRA CORPORATION	TELEPHONE ADMINISTRATION, DCEO RESIDENCE, DEPOT & SWIMMING POOL	\$ 651.30
17769	1/2/16	WATER CORPORATION OF WA	WATER - KALKARNI RESIDENCY, OVAL, ADMINISTRATION, SWIMMING POOL, DEPOT, STANDPIPE, CARAVAN PARK, PAVILION, MADISON SQUARE, MENS SHED, MONTGOMERY ST, MATTHEWS ST & 10 MARSH AVE	\$ 11,313.85
17770	8/2/16	GRAEME DUNCAN REID	RATES REFUND FOR ASSESSMENT A2684 27 MONGER STREET BROOKTON 6306	\$ 806.35
17771	8/2/16	SYNERGY	ELECTRICITY 08/01/16 TO 21/01/16 UNIT 2/2 MONTGOMERY ST	\$ 8.40
17772	8/2/16	THE WEST AUSTRALIAN	NOTICE OF ANNUAL ELECTORS MEETING 10/12/15 & ADVERTISING	\$ 625.65
17773	8/2/16	WATER CORPORATION OF WA	WATER USAGE 24/12/15 TO 22/01/16 WB EVA PAVILION & CARAVAN PARK	\$ 243.97
17774	24/2/16	BARRETT'S ARCHITECTURAL PRODUCTS AND URBAN LOCKSMITHING	REPLACEMENT LOCK WB EVA PAVILION	\$ 80.30
17775	24/2/16	DEPARTMENT OF TRANSPORT	UTE 1 RETAIN NUMBER PLATES 01BO REPLACE WITH STATE PLATES READY FOR TRADE	\$ 24.70
17776	24/2/16	FRESH MEAT MARKETS PTY LTD	RATES REFUND FOR ASSESSMENT A2816 LOT 8335 BROOKTON HIGHWAY BROOKTON 6306	\$ 107.12
17777	24/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 630.34
17778	24/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 340.00
17779	24/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 823.24
17780	24/2/16	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 340.00
17781	24/2/16	SYNERGY	STREETLIGHT ELECTRICITY 25/12/15 TO 24/01/16	\$ 6,521.55
17782	24/2/16	TELSTRA CORPORATION	ADMINISTRATION BUILDING, SWIMMING POOL, DCEO RESIDENCE, MOBILE & IPAD TELEPHONE ACCOUNTS 04/01/16 TO 03/02/16	\$ 1,620.99
17783	24/2/16	THE WEST AUSTRALIAN	ADVERTISING FOR ADMINISTRATION OFFICER 22/02/16	\$ 224.00
17784	24/2/16	WINDSOR LODGE COMO	ACCOMMODATION FROM 09/02/16 TO 11/02/16 FO	\$ 444.00
			TOTAL CHEQUE	\$ 75,588.43
			TOTAL MUNICIPAL	\$ 618,052.09
			DIRECT DEBITS FOR FEBRUARY 2016	
			SALARIES & WAGES	\$ 83,999.60
			MERCHANT FEES	\$ 103.66
			SUPERANNUATION	\$ 16,932.89
			TOTAL	\$ 101,036.15

SHIRE OF BROOKTON
CREDIT CARD PURCHASES CEO
 Creditor Number: 96286

DATE	DESCRIPTION	AMOUNT
2/01/16	SURVEY MONKEY	\$ 24.00
6/01/16	WESTNET - 10 MARSH AVE	\$ 59.95
	WESTNET - DEPOT	\$ 49.95
	WESTNET - ADMIN OFFICE	\$ 109.95
13/1/16	BROOKTON ROADHOUSE - DIESEL	64.06
13/1/16	DVG MOUNTWAY - SERVICE 1BO	747.4
31/1/16	WALGA - TRANSPORT ROADS FORUM	\$ 150.00
30/1/16	CARD FEE	\$ 4.00
	TOTAL	\$ 1,209.31

SHIRE OF BROOKTON
CREDIT CARD PURCHASES DCEO
 Creditor Number: 96286

DATE	DESCRIPTION	AMOUNT
30/1/16	CARD FEE	\$ 4.00
	TOTAL	\$ 4.00

SHIRE OF BROOKTON
CREDIT CARD PURCHASES PWS
 Creditor Number: 96286

DATE	DESCRIPTION	AMOUNT
30/1/16	CARD FEE	\$ 4.00
	TOTAL	\$ 4.00

12.03.16.02 FINANCIAL STATEMENTS – STATEMENTS OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 29 FEBRUARY 2016

FILE REFERENCE:

AUTHORS NAME AND POSITION: Evelyn Arnold
Deputy Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 8th March 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: There is no previous meeting reference.

SUMMARY:

The Statement of Financial Activity for the period ending 29 February 2016 is presented to Council.

Background:

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council.

Detail:

Councillors have been provided with completed Statement of Financial Activity for the period ending 29 February 2016 (Attachment 12.02.16.02A).

The comments on any significant budget variances are provided within Note 9 of the financial statements.

Statutory and Legal Considerations:

Section 6.4 of the *Local Government Act 1995*.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Considerations:

There is no Council Policy relative to this issue.

Consultation:

There has been no consultation in this matter.

Financial Implications:

There are no financial implications relevant to this report.

Strategic Community Plan (2013 – 2023)

No reference

Corporate Business Plan (2015-2019)

No reference

Voting Requirements:

Simple Majority.

Officer's Recommendation:

That Council receives the Statement of Financial Activity for the period ended 29 February 2016 attachment 12.02.16.02A.

Council Resolution

12.03.16.02

Moved Cr Mills Seconded Cr Crute

That Council receives the Statement of Financial Activity for the period ended 29 February 2016 attachment 12.02.16.02A.

CARRIED 6 - 0

Shire of Brookton

MONTHLY FINANCIAL REPORT

For the Period Ended 29 February 2016

TABLE OF CONTENTS

Statement of Financial Activity by Function & Activity

Statement of Financial Activity by Nature & Type

Note 1 - Graphical Representation of Statement of Financial Activity

Note 2 - Net Current Funding Position

Note 3 - Budget Amendments

Note 4 - Receivables

Note 5 - Cash Backed Reserves

Note 6 - Capital Disposals and Acquisitions

Note 7 - Information on Borrowings

Note 8 - Cash and Investments

Note 9 - Major Variances

Note 10 - Trust Fund

Note 11 - Kalkarni Financial Report

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 29 February 2016

	Note	Current Annual Budget 3	Projected Year End Actual	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9	Var.
Operating Revenues		\$	\$	\$	\$	\$	%	
Governance		39,292	39,292	26,176	22,058	(4,118)	(15.73%)	
General Purpose Funding		631,917	631,917	439,059	438,436	(623)	(0.14%)	
Law, Order and Public Safety		40,494	40,494	28,632	28,201	(431)	(1.50%)	
Health		2,467	2,467	1,640	625	(1,015)	(61.92%)	
Education and Welfare		3,951,522	3,951,522	2,656,384	2,549,591	(106,793)	(4.02%)	▼
Housing		67,378	67,378	49,100	49,046	(54)	(0.11%)	
Community Amenities		600,027	600,027	502,497	495,700	(6,797)	(1.35%)	
Recreation and Culture		164,456	164,456	85,088	40,098	(44,990)	(52.87%)	▼
Transport		842,547	842,547	600,314	600,908	594	0.10%	
Economic Services		60,704	60,704	39,384	37,739	(1,645)	(4.18%)	
Other Property and Services		156,279	156,279	77,160	76,791	(369)	(0.48%)	
Total (Excluding Rates)		6,557,083	6,557,083	4,505,434	4,339,192	(166,241)	(3.69%)	
Operating Expense								
Governance		(667,000)	(667,000)	(409,974)	(409,846)	128	(0.03%)	
General Purpose Funding		(226,720)	(226,720)	(120,566)	(120,309)	257	(0.21%)	
Law, Order and Public Safety		(270,779)	(270,779)	(132,832)	(131,619)	1,213	(0.91%)	
Health		(56,803)	(56,803)	(20,536)	(19,719)	817	(3.98%)	
Education and Welfare		(3,991,534)	(3,991,534)	(2,636,484)	(2,534,657)	101,827	(3.86%)	▲
Housing		(194,042)	(194,042)	(131,192)	(135,333)	(4,141)	3.16%	
Community Amenities		(606,189)	(606,189)	(331,608)	(335,108)	(3,500)	1.06%	
Recreation and Culture		(856,696)	(856,696)	(477,293)	(476,987)	306	(0.06%)	
Transport		(4,338,586)	(4,338,586)	(2,620,793)	(2,621,797)	(1,004)	0.04%	
Economic Services		(152,717)	(152,717)	(96,596)	(71,276)	25,320	(26.21%)	▲
Other Property and Services		(107,545)	(107,545)	(41,296)	(40,474)	822	(1.99%)	
Total		(11,468,610)	(11,468,610)	(7,019,170)	(6,897,124)	122,046	1.74%	
Funding Balance Adjustment								
Add back Depreciation		4,720,254	4,720,254	2,718,890	2,718,890	0	0.00%	
Adjust (Profit)/Loss on Asset Disposal	6	68,572	68,572	67,268	67,268	(0)	(0.00%)	
Net Operating (Ex. Rates)		(122,701)	(122,701)	272,422	228,227	(44,195)	(16.22%)	
Capital Revenues								
Proceeds from Disposal of Assets	6	636,000	636,000	517,000	517,000	0	0.00%	
Self-Supporting Loan Principal		35,629	35,629	17,524	17,524	(0)	(0.00%)	
Transfer from Reserves	5	682,627	682,627	128,000	128,000	0	0.00%	
Total		1,354,256	1,354,256	662,524	662,524	(0)	(0.00%)	
Capital Expenses								
Land and Buildings	6	(1,196,878)	(1,196,878)	(365,000)	(369,744)	(4,744)	1.30%	
Plant and Equipment	6	(547,000)	(547,000)	(315,000)	(311,147)	3,853	(1.22%)	
Furniture and Equipment	6	(36,750)	(36,750)	(5,000)	(6,748)	(1,748)	34.96%	
Infrastructure Assets - Roads & Bridges	6	(1,042,170)	(1,042,170)	(600,000)	(607,995)	(7,995)	1.33%	
Infrastructure Assets - Sewerage	6	(143,547)	(143,547)	(127,057)	(127,057)	(0)	0.00%	
Infrastructure Assets - Parks	6	(30,000)	(30,000)	0	0	0		
Repayment of Debentures	7	(114,637)	(114,637)	(79,300)	(79,300)	0	(0.00%)	
Transfer to Reserves	5	(1,021,799)	(1,021,799)	(468,400)	(466,779)	1,621	(0.35%)	
Total		(4,132,781)	(4,132,781)	(1,959,757)	(1,968,770)	(9,013)	0.46%	
Net Capital		(2,778,525)	(2,778,525)	(1,297,233)	(1,306,246)	(9,013)	0.69%	
Total Net Operating + Capital		(2,901,226)	(2,901,226)	(1,024,811)	(1,078,019)	(53,208)	5.19%	
Rate Revenue		1,786,216	1,786,216	1,789,993	1,792,570	2,577	0.14%	
Opening Funding Surplus(Deficit)		1,118,789	1,118,789	1,115,010	1,115,010	0	0.00%	
Closing Funding Surplus(Deficit)	2	3,779	3,779	1,880,192	1,829,561	(50,631)	(2.69%)	

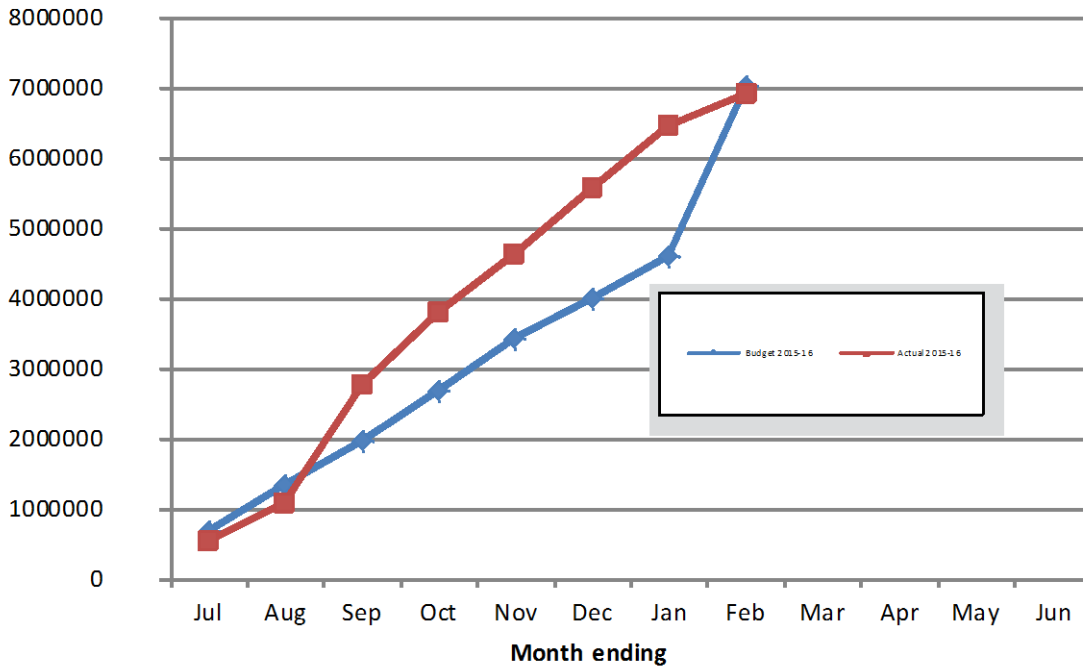
Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 29 February 2016

	NOTE	2015/16 Current Budget \$	2015/16 Projected Year End Actual \$	2015/16 YTD Budget \$	2015/16 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES						
Rates		1,789,993	1,789,993	1,789,993	1,792,570	2,577
Operating Grants, Subsidies and Contributions		3,412,432	3,412,432	2,574,954	2,650,558	75,604
Fees and Charges		1,443,221	1,443,221	1,052,147	1,053,055	908
Interest Earnings		175,867	175,867	92,245	92,225	(20)
Other Revenue		360,534	360,534	150,356	149,450	(906)
		<u>7,182,047</u>	<u>7,182,047</u>	<u>5,659,696</u>	<u>5,737,858</u>	<u>78,163</u>
EXPENSES FROM ORDINARY ACTIVITIES						
Employee Costs		(1,162,231)	(1,162,231)	(729,821)	(729,001)	820
Materials and Contracts		(4,905,406)	(4,905,406)	(3,081,270)	(3,080,875)	395
Utilities		(172,417)	(172,417)	(101,945)	(101,225)	720
Depreciation		(4,720,254)	(4,720,254)	(2,718,890)	(2,718,890)	(0)
Interest Expenses	7	(130,793)	(130,793)	(60,195)	(59,373)	822
Insurance		(161,940)	(161,940)	(140,185)	(140,185)	0
Other Expenditure		(13,525)	(13,525)	(1,017)	(307)	710
		<u>(11,266,566)</u>	<u>(11,266,566)</u>	<u>(6,833,323)</u>	<u>(6,829,856)</u>	<u>3,467</u>
		<u>(4,084,519)</u>	<u>(4,084,519)</u>	<u>(1,173,627)</u>	<u>(1,091,998)</u>	<u>81,629</u>
Non-Operating Grants, Subsidies & Contributions		1,031,559	1,031,559	397,706	393,904	(3,802)
Profit on Asset Disposals	6	10,901	10,901	-	-	-
Loss on Asset Disposals	6	(79,472)	(79,472)	(67,268)	(67,268)	-
NET RESULT		<u>(3,121,531)</u>	<u>(3,121,531)</u>	<u>(843,189)</u>	<u>(765,362)</u>	<u>77,827</u>

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

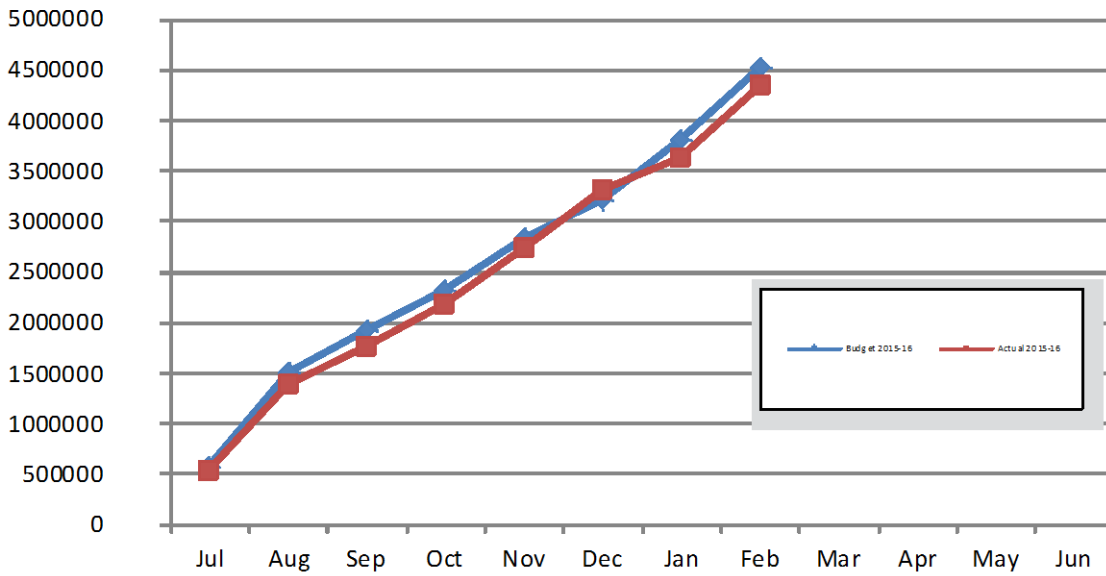
Note 1 - Graphical Representation - Source Statement of Financial Activity

Budget Operating Expenses -v- YTD Actual



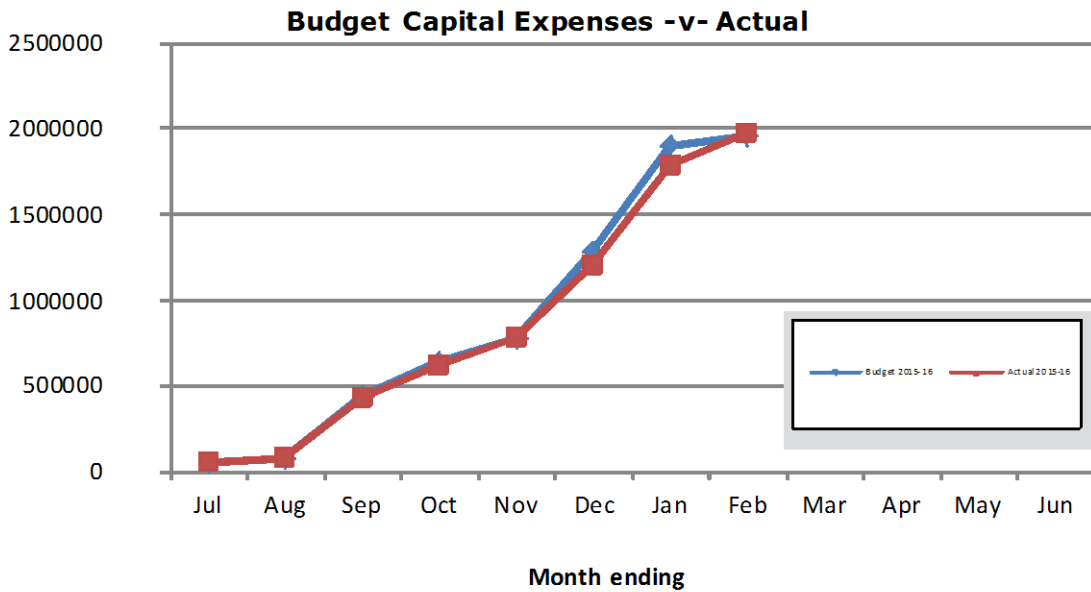
Comments/Notes - Operating Expenses

Budget Operating Revenues -v- Actual

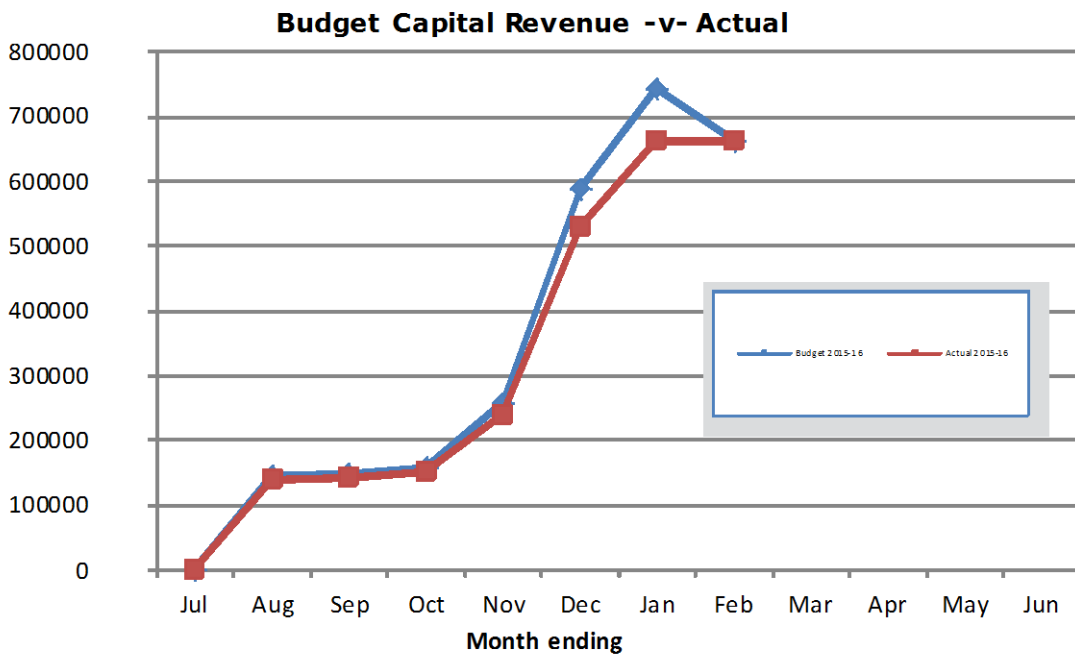


Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 1 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Capital Expenses

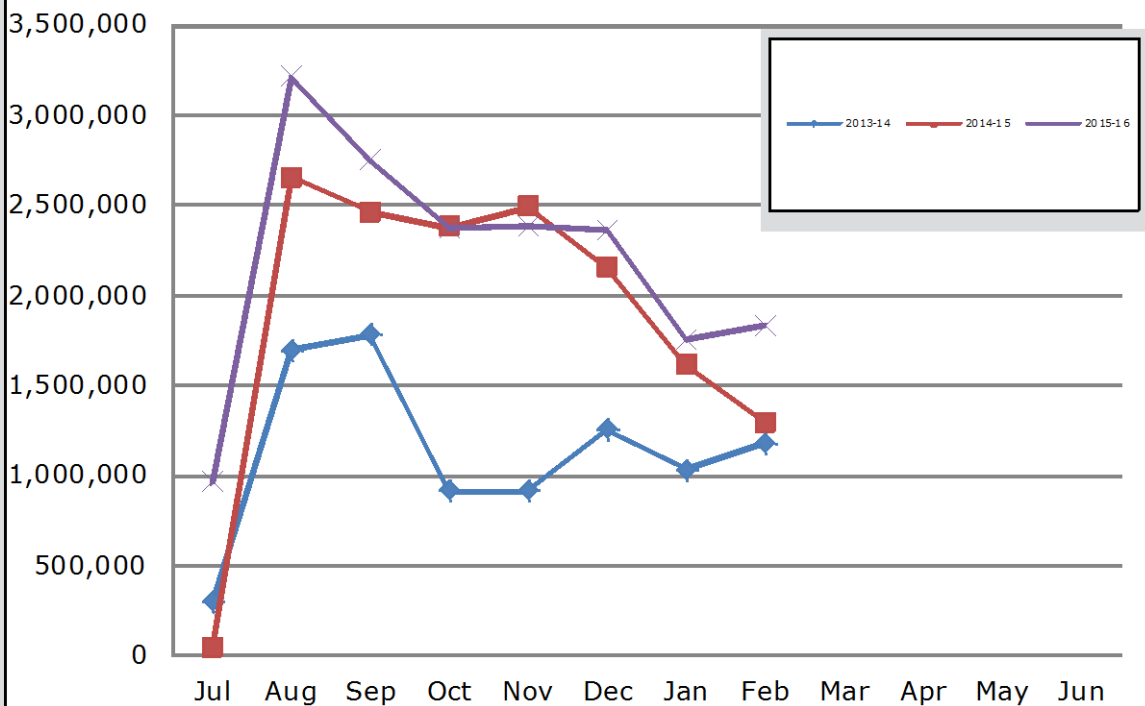


Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 2: NET CURRENT FUNDING POSITION

	Note	Positive=Surplus (Negative=Deficit)		
		2015-16		
		This Period	Same Period 2014/15	Same Period 2013/14
		\$	\$	\$
Current Assets				
Cash Unrestricted		1,831,952	1,367,557	1,039,792
Cash Restricted		2,898,732	2,596,705	2,320,914
Receivables		1,491,191	947,181	957,402
Prepayments & Accruals		0	0	0
Inventories		12,462	8,992	25,988
		6,234,337	4,920,435	4,344,096
Less: Current Liabilities				
Payables and Provisions		(1,506,044)	(1,033,263)	(847,120)
		(1,506,044)	(1,033,263)	(847,120)
Less: Cash Restricted		(2,898,732)	(2,596,705)	(2,320,914)
Net Current Funding Position		1,829,561	1,290,467	1,176,062

Note 2 - Liquidity Over the Year



Shire of Brookton

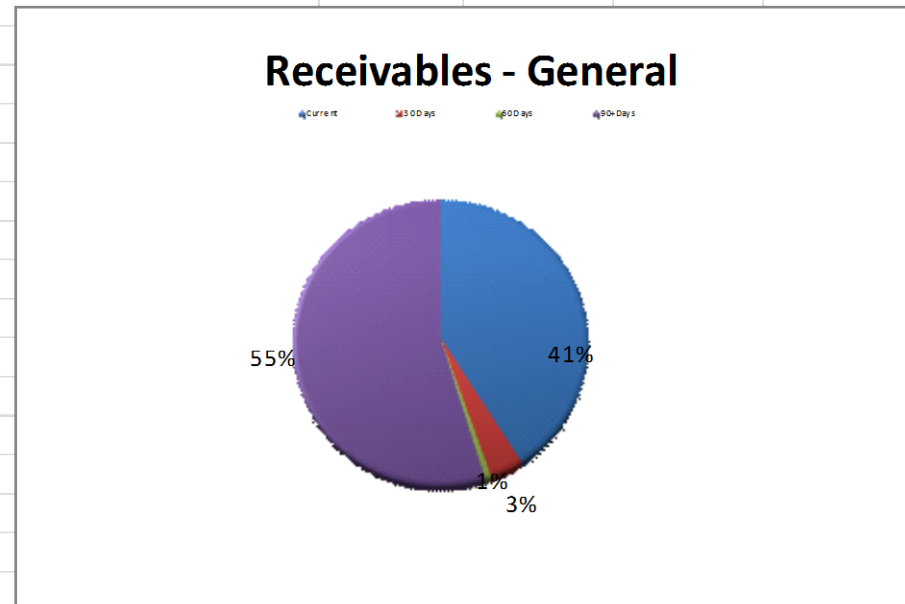
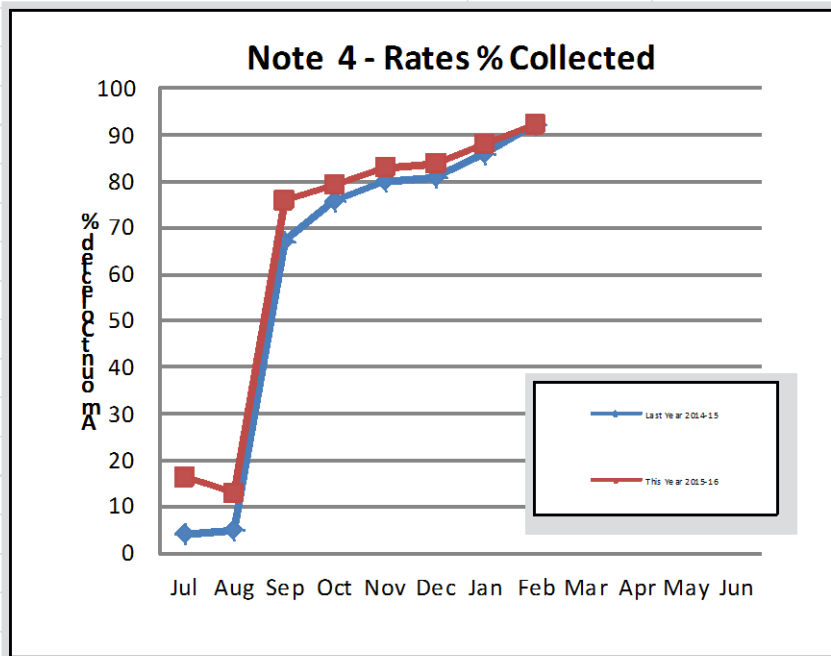
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 4: RECEIVABLES

Receivables - Rates, Sewerage and Rubbish	Current 2015-16	Previous 2014-15
	\$	\$
Opening Arrears Previous Years Rates, Sewerage & Rubbish Levied this year	48,284	41,705
Less Collections to date	(1,995,917)	(1,801,376)
Equals Current Outstanding	168,197	165,456
Net Rates Collectable	168,197	165,456
% Collected	92.23%	91.59%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
	9,996	868	159	13,330
Total Outstanding				24,353

Amounts shown above include GST (where applicable)



Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Vehicle Reserve	354,660	10,640	5,095	100,000	0	(85,000)	0	380,300	359,755
Housing Reserve	310,210	9,306	4,457	485,000	430,000	(40,000)	0	764,516	744,667
Furniture and Equipment Reserve	13,597	408	195	10,000	0	0	0	24,005	13,792
Municipal Buildings & Facilities Reserve	83,312	2,499	1,197	30,000	0	0	0	115,811	84,509
Townscape and Footpath Reserve	235,807	7,074	3,388	0	0	(200,000)	0	42,881	239,195
Land Development Reserve	122,707	3,681	1,763	0	0	0	0	126,388	124,470
Sewerage and Drainage Scheme Reserve	199,455	5,984	2,866	50,000	0	(150,000)	(128,000)	105,439	74,321
Road and Bridge Infrastructure Reserve	45,568	1,367	655	10,000	0	0	0	56,935	46,223
Health & Aged Care Reserve	708,616	21,258	10,181	50,000	0	(145,000)	0	634,874	718,797
Community Bus Reserve	50,770	1,523	729	5,000	0	0	0	57,293	51,499
Sport & Recreation Reserve	9,856	296	142	0	0	0	0	10,152	9,998
Rehabilitation & Refuse Reserve	34,410	1,032	494	5,000	0	0	0	40,442	34,904
Saddleback Building Reserve	47,533	1,426	683	0	0	0	0	48,959	48,216
Caravan Park Reserve	124,544	3,736	1,789	0	0	0	0	128,280	126,333
Brookton Heritage/Museum Reserve	31,005	930	445	2,500	0	0	0	34,435	31,450
Kweda Hall Reserve	19,513	585	280	2,500	0	0	0	22,598	19,793
Aldersyde Hall Reserve	19,513	585	280	2,500	0	0	0	22,598	19,793
Railway Station Reserve	19,513	585	280	2,500	0	(18,000)	0	4,598	19,793
Madison Square Units Reserve	16,778	503	241	0	0	0	0	17,281	17,019
Cemetery Reserve	63,264	1,898	909	0	0	(51,080)	0	14,082	64,173
Water Harvesting Reserve	49,322	1,480	709	0	0	(26,000)	0	24,802	50,031
	2,559,953	76,799	36,779	755,000	430,000	(715,080)	(128,000)	2,676,672	2,898,732

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 6: CAPITAL DISPOSALS AND ACQUISITIONS

Original Budgeted Profit(Loss) of Asset Disposal			Disposals	Actual Profit(Loss) of Asset Disposal		
Net Book Value	Proceeds	Profit (Loss)		Net Book Value	Proceeds	Profit (Loss)
\$	\$	\$		\$	\$	\$
31,978	40,000	8,022	CEO Vehicle			0
26,519	25,000	(1,519)	DCEO Vehicle			0
231,000	330,000	99,000	8 Marsh Avenue	291,485	290,000	(1,485)
115,500	145,000	29,500	7 Montgomery Street	176,490	140,000	(36,490)
29,385	22,000	(7,385)	Shire Planner Vehicle			0
110,439	100,000	(10,439)	Grader D Series	116,292	87,000	(29,292)
25,301	22,000	(3,301)	Works Supervisors Ute			0
7,121	10,000	2,879	Single Cab Utility			0
577,243	694,000	116,757	Totals	584,268	517,000	(67,268)

Comments - Capital Disposal

Summary Acquisitions	Adopted Budget		
	Budget	Actual	Variance
	\$	\$	\$
Property, Plant & Equipment			
Land and Buildings	1,202,878	369,744	833,134
Plant & Equipment	607,000	311,147	295,853
Furniture & Equipment	21,750	6,748	15,002
Infrastructure			
Roadworks & Bridge Works	1,031,390	607,995	423,395
Parks & Gardens	30,000	0	30,000
Sewerage & Drainage	166,000	127,057	38,943
Totals	3,059,018	1,422,691	1,636,327

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 7: INFORMATION ON BORROWINGS

Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)	Principal 1-Jul-15 \$	New Loans \$	Principal Repayments		Principal Outstanding		Interest Repayments	
							Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Self Supporting Loans												
*Loan 78 Senior Citizen's Homes	Construction of Mokinie Cottages	17/06/2024	15	6.74	142,415	-	5,882	11,963	136,533	130,452	4,868	9,518
*Loan 79 Multifunctional Family Centre	Purchase of the Building	1/08/2020	15	5.82	46,892	-	7,463	7,463	39,429	39,429	1,654	2,681
*Loan 82 Country Club	Extension and Refurbishment of the Club House	15/11/2027	20	6.95	309,142	-	7,437	16,203	301,705	292,939	9,579	21,461
Governance												
Loan 75 Administration	Shire Office Renovations	3/08/2026	25	6.46	64,357	-	3,921	3,921	60,436	60,436	2,590	4,150
Education & Welfare												
Loan 80 Kalkarni Residency	Kalkarni Residence	1/02/2026	25	5.63	102,601	-	6,959	6,959	95,642	95,642	3,634	5,771
Housing												
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	169,292	-	11,482	11,482	157,810	157,810	5,996	9,522
Community Amenities												
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	71,821	-	4,871	4,871	66,950	66,950	2,544	4,040
Transport												
Loan 80 Grader	New Grader	1/02/2026	25	5.63	169,292	-	11,482	11,482	157,810	157,810	5,996	9,522
Recreation and Culture												
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	768,751	-	19,803	40,293	748,948	728,458	22,512	53,360
					1,844,563	0	79,300	114,637	1,765,263	1,729,926	59,373	120,025

(*) Self supporting loan financed by payments from third parties.
All other loan repayments were financed by general purpose revenue.

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 8: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal Cash at Bank - Operating Account	1.50%	551,013				551,013	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.50-4.0%	1,280,939				1,280,939	Bendigo	
Trust Cash at Bank	1.50%			47,804		47,804	Bendigo	
(b) Term Deposits								
Reserves	2.85%		2,898,732			2,898,732	Bendigo	02/06/2016
Les McMullen Trust	2.70%			7,431		7,431	Bendigo	26/06/2016
(c) Investments								
Bendigo Bank Shares					5,000	5,000		
Total		1,831,952	2,898,732	55,235	5,000	4,790,919		

Comments/Notes - Investments

Investment Management Strategy for Kalkarni Bonds

The total bond/RAD amounts are invested with Bankwest for a term of 90 days at the rate of 2.5% to 3% with a maturity date of 29 February 2016.

Shire of Brookton			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 29 February 2016			
Note 9: MAJOR VARIANCES			
Comments/Reason for Variance			
OPERATING REVENUE (EXCLUDING RATES)			
Governance			
Within variance threshold of \$10,000 or 10%			
General Purpose Funding			
Within variance threshold of \$10,000 or 10%			
Law, Order and Public Safety			
Within variance threshold of \$10,000 or 10%			
Health			
Within variance threshold of \$10,000 or 10%			
Education and Welfare			
The subsidy income for Kalkarni Aged Care Facility is less than budgeted expectation (\$104K). However, the forecasted position indicates that budget targets will be achieved.			
Housing			
Within variance threshold of \$10,000 or 10%			
Community Amenities			
Within variance threshold of \$10,000 or 10%			
Recreation and Culture			
The variance between budget and actual here is because the budget reflects income from grants to complete capital projects on the WB Eva Pavilion and Nature Play Park. Applications for these grants are pending.			
Transport			
Within variance threshold of \$10,000 or 10%			
Economic Services			
Within variance threshold of \$10,000 or 10%			
Other Property and Services			
Within variance threshold of \$10,000 or 10%			
OPERATING EXPENSES			
Governance			
Within variance threshold of \$10,000 or 10%			
General Purpose Funding			
Within variance threshold of \$10,000 or 10%			
Law, Order and Public Safety			
Within variance threshold of \$10,000 or 10%			
Health			
Within variance threshold of \$10,000 or 10%			
Education and Welfare			
The reduction in expenditure here relates to lower than expected contract costs for Kalkarni Aged Residential Facility (\$101k).			
Housing			
Within variance threshold of \$10,000 or 10%			

Community Amenities			
Within variance threshold of \$10,000 or 10%			
Recreation and Culture			
Within variance threshold of \$10,000 or 10%			
Transport			
Within variance threshold of \$10,000 or 10%			
Economic Services			
This underspend reflects a budget expectation that the \$25k for the Economic Development Strategy would have been spent in the first 6 months of the year.			
Other Property and Services			
Within variance threshold of \$10,000 or 10%			
CAPITAL REVENUE			
Proceeds from Disposal of Assets			
Within variance threshold of \$10,000 or 10%			
Self-Supporting Loan Principal			
Within variance threshold of \$10,000 or 10%			
Transfer from Reserves			
Within variance threshold of \$10,000 or 10%			
CAPITAL EXPENSES			
Land and Buildings			
Within variance threshold of \$10,000 or 10%			
Plant and Equipment			
Within variance threshold of \$10,000 or 10%			
Furniture and Equipment			
Within variance threshold of \$10,000 or 10%			
Infrastructure Assets - Roads & Bridges			
Within variance threshold of \$10,000 or 10%			
Infrastructure Assets - Sewerage			
Within variance threshold of \$10,000 or 10%			
Repayment of Debentures			
Within variance threshold of \$10,000 or 10%			
Transfer to Reserves			
Within variance threshold of \$10,000 or 10%			
OTHER ITEMS			
Rate Revenue			
Within variance threshold of \$10,000 or 10%			
Opening Funding Surplus(Deficit)			
Within variance threshold of \$10,000 or 10%			
Closing Funding Surplus (Deficit)			
Within variance threshold of \$10,000 or 10%			

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29 February 2016

Note 10: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance For the Period 1 July 2015	Amount Received	Amount Paid	Closing Balance For the Period Ended 29 February 2016
	\$	\$	\$	\$
Housing Bonds	1,080	1,920	(1,080)	1,920
Other Bonds	11,430	11,675	(6,110)	16,995
Rates Incentive Prize	0	200	(200)	0
Staff AFL Tipping	200	0	(200)	0
Les McMullen Sporting Grants	7,431	0	0	7,431
Gnulla Child Care Facility	3,073	0	0	3,073
Wildflower Show Funds	1,240	0	0	1,240
Kalkarni Resident's Accounts	5,411	0	0	5,411
Public Open Space Contributions	13,820	0	0	13,820
Developer Road Contributions	4,915	0	0	4,915
Unclaimed Money	430	0	0	430
	49,030	13,795	(7,590)	55,235

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Kalkarni Aged Care Facility
For the Period Ended 29 February 2016

Note 11: Kalkarni Aged Care Facility

	Note	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b) - (a) 9	Var. % (b) - (a) / (b) 9	Var.
Operating Revenue		\$	\$	\$	\$	%	
Fees & Charges		730,448	486,965	486,966	0	0.00%	
Grants & Subsidies		2,966,461	1,977,641	1,873,205	(104,435)	(5.28%)	
Reimbursements & Donations		250	167	0	(167)	(100.00%)	
Other Income		3,333	2,222	0	(2,222)	(100.00%)	
Total Revenue		3,700,492	2,466,995	2,360,171	(106,824)	(4.33%)	
Operating Expenses							
Building Maintenance		0	0	0	0	0.00%	
Interest Expenses		(5,771)	(3,847)	(3,634)	214	(5.55%)	
Insurance Expenses		(17,000)	(17,000)	(14,311)	2,689	(15.82%)	
Building Maintenance		(47,700)	(31,800)	(20,018)	11,782	(37.05%)	▼
Loss on Sale of Asset		0	0	0	0	0.00%	
Depreciation		(199,200)	(132,800)	(119,596)	13,204	(9.94%)	
ABC Administration Expenses		(21,559)	(14,373)	(11,735)	2,638	(18.35%)	
Contract Expenses		(3,594,909)	(2,396,606)	(2,326,051)	70,555	(2.94%)	▲
Total Expenses		(3,886,139)	(2,596,426)	(2,495,345)	101,082	3.89%	
Operating Surplus (Deficit)		(185,647)	(129,432)	(135,173)	(5,742)	-4%	
Excluding Non Cash Adjustments							
Add back Depreciation		199,200	132,800	119,596	(13,204)	(9.94%)	
Adjust (Profit)/Loss on Asset Disposal		0	0	0	0	0.00%	
Net Operating Surplus (Deficit)		13,553	3,369	(15,578)	(18,946)	(562.43%)	
Capital Revenues							
KBC Capital Income		184,830	123,220	123,220	(0)	(0.00%)	
Transfer from Reserves	5	145,000	0	0	0	0.00%	
Total		329,830	123,220	123,220	(0)	(0)	
Capital Expenses							
Land and Buildings	6	(252,330)	(30,000)	(26,371)	3,629	0.00%	
Plant and Equipment	6	0	0	0	0	0.00%	
Furniture and Equipment	6	0	0	(2,391)	(2,391)		
Repayment of Debentures	7	(6,959)	(6,959)	(6,959)	0	0.00%	
Transfer to Reserves	5	(71,258)	0	(10,181)	(10,181)		
Total		(330,547)	(36,959)	(45,902)	(8,943)		
Net Capital		(717)	86,261	77,318	(8,943)	(10.37%)	
Closing Funding Surplus (Deficit)		12,836	89,630	61,741	(27,889)		

13.03.16 GOVERNANCE

**13.02.16.01 PROPOSED SHIRE OF BROOKTON ANIMALS, ENVIRONMENT AND
NUISANCE LOCAL LAW 2016**

FILE REFERENCE:

AUTHORS NAME: Darren Friend
AND POSITION: Chief Executive Officer

**NAME OF APPLICATION/
RESPONDENT:** Shire of Brookton

DATE REPORT WRITTEN: 2 March 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: 18 February 2016

SUMMARY

To allow the Presiding Person to:

- (1) give notice to the meeting of the intent to make a new Shire of Brookton Animals, Environment and Nuisance local law 2016;
- (2) give notice of the purpose and effect of the proposed Shire of Brookton Animals, Environment and Nuisance local law 2016,
- (3) for the Council to adopt the proposed Shire of Brookton Animals, Environment and Nuisance local law 2016 for advertising purposes, and
- (4) to allow for advertising of the proposed Shire of Brookton Animals, Environment and Nuisance local law 2016 for public comment.

Attachments:

Proposed Shire of Brookton Animals, Environment and Nuisance Local Law 2016.

Background:

At its ordinary meeting held on Thursday 18 February 2016 Council resolved:

Council Resolution

13.02.16.04

Moved Cr Crute Seconded Cr Fancote

That this matter lay on the table to allow for further consideration and table at the March Council meeting.

CARRIED 7 - 0

Note: Agenda attachment sent out late allowing insufficient time for Council to

review the proposed Local Law.

It has been noted that the draft Local Law provided to Council last month contained an error in reference to the Beekeepers Act 1963 which has been repealed. The draft Local Law provided to Council as a separate attachment to this report has been amended to reflect this change.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Brookton commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process it was identified that a separate local law that dealt with animals, environment and nuisance issues was required, rather than having these matters included in a Health local law.

A separate local law has been drafted on this basis and is attached.

Comment:

The proposed Shire of Brookton Animals, Environment and Nuisance Local Law 2016 is set out in the attachment to this report.

It contains all relevant and updated provisions relating to animals that would have been previously contained in a Health local law, but also addresses a number of matters relating to the environment and nuisances.

Part 3 – Building, development and land care

This part of the local law deals with matters pertaining to building and development; in particular managing refuse on building and development sites, management of dust when developing and clearing land, and the removal of refuse and disused materials.

Part 4 – Nuisances and dangerous things

This part of the local law deals with matters that create a nuisance and includes such things as light pollution, the burning of refuse or other materials, the parking of livestock vehicles, disposal of swimming pool backwash, containment of stormwater, amusement activities, and advertisements and bill postings.

In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Shire of Brookton Animals, Environment and Nuisance Local Law 2016 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

The effect of the proposed Shire of Brookton Animals, Environment and Nuisance Local Law 2016 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Statutory Environment:

Local Government Act 1995

Subdivision 2 — Local laws made under any Act

3.11. Subdivision applies to local laws made under any Act

This Subdivision applies to local laws made under this Act and the procedure for making them and, unless a contrary intention appears in that other Act, to local laws made under any other Act, and the procedure for making them.

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* *Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Local Government (Functions and General) Regulations 1996

3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

[Regulation 3 inserted in Gazette 31 Mar 2005 p. 1057; amended in Gazette 27 Sep 2011 p. 3846.]

Building Act 2011
Cat Act 2011
Environmental Protection Act 1986
Health Act 1911
Land Administration Act 1997
Planning and Development Act 2005

Policy Implications:

There are no policy implications for this item.

Financial Implications:

Advertising costs of approximately \$600 associated with state-wide advertising.

Consultation:

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Animals, Environment and Nuisance Local Law 2016, (gazettal copy), must be sent to the relevant Ministers for comment (Local Government and Health).

Strategic Plan Implications:

There are no strategic plan implications relative to this issue.

Voting Requirements:

Simple Majority Required.

Separate Attachment 13.02.16.01A

Recommendation:

That Council-

- 1. adopts the proposed *Shire of Brookton Animals, Environment and Nuisances Local Law 2016*, as contained in the Attachment for advertising purposes;**
- 2. pursuant to section 3.12 of the Local Government Act 1995, gives Statewide public notice that it intends to make the Shire of Brookton Animals, Environment and Nuisances Local Law 2016, as contained in the Attachment;**
 - (a) the purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental**

damage and nuisances within the District; and

(b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

3. forwards a copy of the proposed local law to the Minister for Local Government and Communities, and to the Minister for Health, for comment.

Council Resolution

13.02.16.01 - 12.38pm

Moved Cr Mills Seconded Cr Eva

That Council suspends standing orders to facilitate discussion.

CARRIED 6 - 0

Council Resolution

13.02.16.02 – 1.01pm

Moved Cr Crute Seconded Cr Fancote

That Council resumes standing orders

CARRIED 6 - 0

Council Resolution

13.02.16.03

Moved Cr Fancote Seconded Cr Mills

1. adopts the proposed Shire of Brookton Animals, Environment and Nuisances Local Law 2016, as contained in the Attachment for advertising purposes;

2. pursuant to section 3.12 of the Local Government Act 1995, gives Statewide public notice that it intends to make the Shire of Brookton Animals, Environment and Nuisances Local Law 2016, as contained in the Attachment;

(a) the purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District; and

(b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

3. forwards a copy of the proposed local law to the Minister for Local Government and Communities, and to the Minister for Health, for comment.

CARRIED 6 - 0

13.03.16.02 BROOKTON DISTRICT HIGH SCHOOL – CAMP CONTRIBUTION REQUEST

FILE REFERENCE:

AUTHORS NAME AND POSITION: Darren Friend
CEO

NAME OF APPLICANT/RESPONDENT: Darren Friend
CEO

DATE REPORT WRITTEN: 2 March 2016

DISCLOSURE OF INTEREST: The author has a financial interest in this matter

PREVIOUS MEETING REFERENCE: Nil

The author declares a financial interest as he is the parent of a Year 6 student who attends Brookton District High School.

SUMMARY

Brookton District High School has requested that Council makes a financial contribution to its Years 6 to 10 school camp in Canberra in late October 2016.

Background:

Advice has been received from the Brookton District High School (BDHS) of its intention to conduct a school camp in Canberra for the years six to ten students during term four 2016. Council has been requested to make a contribution of \$2,500 towards the camp.

Details:

In excess of forty students are eligible for the trip at a gross cost of approx. \$50,000.

The school has indicated that substantial fundraising will be taking place over the next six months to minimise the financial impact on parents and guardians of the students.

At present, Council makes an annual financial contribution to the Brookton District High School of \$2,500. This contribution originated “in-lieu of pool entry” however, I am unsure as to any “evolution” over the last ten years that this arrangement has been in place.

It is assumed from the request made that any contribution requested from the school would be in addition to the annual allocation. Council also provides reduced hire fees for its facilities in acknowledgement of its contribution towards educational assistance in the Shire of Brookton.

I would recommend that Council deal with this matter as part of its discussions and deliberations in the lead-up to the 2016/2017 budget.

Statutory and Legal Considerations:

Local Government Act 1995

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

[Section 2.7 amended by No. 17 of 2009 s. 4.]

Part 3 — Functions of local governments

What this Part is about

This Part describes the functions of a local government and deals with some important issues that the performance of those functions may involve.

In particular —

- (a) *Division 1 describes the general function of a local government and contains some other general provisions;*
- (b) *Divisions 2 and 3 deal with legislative and executive functions respectively;*
- (c) *Division 4 allows functions to be performed by regional local governments.*

Division 1 — General

3.1. General function

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

Division 2 — Annual budget

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government; and
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;and
 - (c) the fees and charges proposed to be imposed by the local government; and
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.

- (5) Regulations may provide for —
- (a) the form of the annual budget; and
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

Policy Considerations:

Title:	1.17 Fees and Charges for Community Facilities & Active Reserves		
Policy Owners:			
Policy Origin:			
Statutory Environment:	<i>Local Government Act 1995 s. 6.16</i>		
Council Adoption:	Date:		Resolution #:
Last Amended:	Date:		Resolution #:
Review Date:	June 2014		

Objective:

To ensure that a fair, equitable and transparent model is applied to the setting of fees and charges for the use of Community Facilities and Active Reserves.

To provide a framework for determining and reviewing the fees and charges, and the level of subsidy provided.

Policy:

Council provides active reserves and community facilities for overall community benefit and as such subsidises the use of these facilities to a substantial level in support of this expectation. The fees and charges levied for the use of these facilities are not intended to recover the full cost of provision.

1. Fees and charges for community facilities and active reserves will be established based on recouping a percentage of operating and renewal costs.
2. The target revenue is 10% - of which 5% will be from commercial, private and other use, and 5% from community groups. Thus Council is effectively subsidising to 90%.
3. The structure of the fees and charges recognises the distinct categories of user groups, and fees and charges are set to reflect these different users.

4. Use on a casual basis for competitions, festivals, events etc. will attract fees based on a fee structure that recognises the different financial capacities of community and commercial organisations.
5. To support the participation in junior sports and other Council designated activities, a further 50% donation of the set fees and charges will apply.
6. All clubs which are separately incorporated will be treated as an individual club.
7. Fees and charges will be set based on the previous year's annual operating costs.
8. Fees for regular user groups will be based on a 'per session' method of calculation – that is, that a notional cost for use of a facility per session will be determined and will be multiplied by the number of sessions a particular group conducts during their playing season.
9. Schools are required to book facilities and reserves prior to use, and will be charged according to the relevant fee in the schedule. The school can apply to Council annually for these fees to be donated back to the school.
10. Clubs requiring exclusive use of facilities will do so under a lease arrangement and will be responsible for the full maintenance and upgrade of their facilities. Lease fees will be determined outside the scope of this policy. Clubs within this category that receive financial support from Council will need to demonstrate that they generate sufficient funds to cover the maintenance and repayments by providing annual financial reports.
11. Categories of users are:
 - Commercial - are activities run by private companies or for commercial gain.
 - Private Functions - are functions organised by individuals - birthday parties, funerals etc.
 - State Govt. and other agencies - includes MRWA, Wheatbelt Dev. Com etc.
 - Community Groups - are groups that are run by volunteer committees. Note that the local school will be considered as a community group. See policy 4.20 Brookton District High School and P&C
 - *(added to replace the table that was included in the Hall Hire policy)*

Title:	1.19 Brookton District High School and P&C			
Policy Owners:				
Policy Origin:				
Statutory Environment:	<i>Local Government Act 1995</i>			
Council Adoption:	Date:		Resolution #:	13.12.12.05
Last Amended:	Date:		Resolution #:	
Review Date:	June 2014			

Objective:

To recognise the value of maintaining a positive and effective working relationship with the Brookton District High School (BDHS) and the P&C for the overall benefit of the community.

To ensure that a fair, equitable and transparent arrangement is in place for identifying the level of Councils support of the Brookton District High School (BDHS) and P&C.

Policy:

Council provides facilities for overall community benefit and as such subsidises the use of these facilities to a substantial level in support of this expectation.

Brookton District High School bookings will attract the following discounts:

- Memorial Hall Community Group rate
- WB Eva Pavilion Community Group rate
- Sound equipment 50% of Charges
- Recreation Oval 50% of Daily Charge
- Hard Courts 50% of Daily Charge

Council provides in-kind support to community groups to assist their volunteer base and reduce the cost of their operations in support of this expectation.

To support the BDHS and P & C to deliver the best possible educational outcomes for the students, the Council will;

- Provide sand and other basic materials that can be sourced locally and without disruption to its normal operations free of charge subject to the approval of the CEO or PWS.
- Provide various in-kind support on an ad-hoc basis free of charge subject to the approval of the CEO or PWS

Consultation:

Nil

Financial Implications:

\$2,500 to be considered as part of the 2016/2017 budget process.

Strategic Community Plan (2013 – 2023)

Outcome 1.2: Development, participation and retention of young people.

Strategy 1.2.1: Advocate for educational facilities and programs.

Strategy 1.2.2: Support youth training and apprentice programs in collaboration with local businesses.

Strategy 1.2.3: Provide and promote appropriate and accessible facilities and activities for youth.

Strategy 1.2.4: Develop a youth strategy to assist and support youth development and leadership.

Corporate Business Plan (2015-2019)

See Financial Implications

Officer's Comment:

Nil

Voting Requirements:

Simple Majority

SEPARATE ATTACHMENT 13.03.16.02A

Officer's Recommendation:

That Council makes provision within its 2016/2017 draft budget for a contribution of \$2,500 towards the Brookton District High School's 2016 years 6 to 10 camp in Canberra.

Council Resolution

13.03.16.01 - 1.02pm

Moved Cr Fancote Seconded Cr Walker

That Council suspends standing orders to facilitate discussion.

CARRIED 6 - 0

Council Resolution

13.03.16.02 – 1.18pm

Moved Cr Crute Seconded Cr Fancote

That Council resumes standing orders

CARRIED 6 - 0

Council Resolution

13.03.16.03

Moved Cr Walker

Seconded Cr Crute

That Council offers assistance to the Camp Fundraising Committee in identifying funding for the Brookton District High School's 2016 years 6 to 10 camp in Canberra.

Note: - Council already supports the BDHS through an annual Budget provision and agreeing to the request submitted may create a precedent for other community groups requesting contributions/donations.

CARRIED 5 - 1

13.03.16.03 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE AND APPOINTMENT OF ACTING CEO

FILE REFERENCE:

AUTHORS NAME AND POSITION: Darren Friend
CEO

NAME OF APPLICANT/RESPONDENT: Darren Friend
CEO

DATE REPORT WRITTEN: 2 March 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

PREVIOUS MEETING REFERENCE: Nil

SUMMARY

The Chief Executive Officer will be taking leave for the duration of the end of Term one school holidays in April 2016. Council is requested to approve the annual leave and appoint an Acting CEO in his absence.

Background:

As advised as last month's Briefing Forum, the CEO schedules his annual leave to coincide with the end of term one and term three school holidays (i.e. two, two week blocks).

Details:

I will be taking a fortnight's leave in April 2016 and will be overseas for a family holiday. The actual period of leave will extend from Sunday 10 to Monday 25 April 2016 (ANZAC Day), both dates inclusive.

In accordance with the provisions of the Local Government Act 1995, Council is required to appoint an Acting CEO for this period.

It is standard practice for the Deputy CEO to be appointed as Acting CEO in the absence of the CEO being on leave for periods in excess of two weeks.

Evelyn has undertaken the Acting CEO role previously and carried out the role well. I am confident that she will do likewise again.

It would be normal practice for a clause to be included within the Deputy CEO's contract to act as Chief Executive Officer from time to time although this does not appear to be the case with Evelyn's contract.

Statutory and Legal Considerations:

Local Government Act 1995

Division 4 — Local government employees

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
 - (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
 - (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.
- [Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]*

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13(correction to reprint in Gazette 28 Mar 2013 p. 1317).]

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

SALARIES AND ALLOWANCES ACT 1975

Section 7A. Recommendations as to remuneration of local government CEOs

- (1) The Tribunal shall, from time to time, inquire into and make a report containing recommendations as to the remuneration to be paid or provided to chief executive officers of local governments.
- (2) A report of the Tribunal made under this section shall be —
 - (a) in writing; and
 - (b) signed by the members.
- (3) A copy of every report made by the Tribunal under this section shall be published in the Gazette.

DEPARTMENT OF LOCAL GOVERNMENT

Local Government Guidelines

- Number 10 – Appointing a CEO
- Model Contract of Employment – Local Government CEO's
- Gender Diversity and the Selection of CEO's and Senior Staff in Local Government.
- Number 11 – Use of Corporate Credit Cards
- Number 17 - Delegations

Policy Considerations:

Nil

Consultation:

Nil

Financial Implications:

Nil – Provision should be included within the annual Salaries and Wages provision.

Strategic Community Plan (2013 – 2023)

There are no specific implications relevant to this report.

Corporate Business Plan (2015-2019)

There are no specific implications relevant to this report.

Officer's Comment:

Nil

Voting Requirements:

Absolute Majority

Officer's Recommendation:

1. That Council approves the Chief Executive Officer's Annual Leave for the period Sunday 10 to Monday 25 April 2016, both dates inclusive.
2. That Council appoints Evelyn Arnold, Deputy Chief Executive Officer (DCEO) as the Shire of Brookton's Acting Chief Executive Officer for the period Sunday 10 to Monday 25 April 2016, both dates inclusive; and
3. That the Deputy Chief Executive Officer be paid 100% higher duties for the duration of the period as Acting CEO.

1.25pm Cr Crute left the meeting

1.32pm Cr Crute returned to the meeting

Council Resolution

13.03.16.03

Moved Cr Fancote

Seconded Cr Mills

- 1. That Council approves the Chief Executive Officer's Annual Leave for the period Sunday 10 to Monday 25 April 2016, both dates inclusive.**
- 2. That Council appoints Evelyn Arnold, Deputy Chief Executive Officer (DCEO) as the Shire of Brookton's Acting Chief Executive Officer for the period Sunday 10 to Monday 25 April 2016, both dates inclusive; and**
- 3. That the Deputy Chief Executive Officer be paid 100% higher duties for the duration of the period as Acting CEO.**

CARRIED ABSOLUTE MAJORITY 6.0-

16.03.16.0 CONFIDENTIAL REPORT

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;***
- (b) the personal affairs of any person;***
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;***
- (d) legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting;***
- (e) a matter that if disclosed, would reveal***
 - (i) a trade secret***
 - (ii) information that has a commercial value to a person or***
 - (iii) information about the business, professional, commercial or financial affairs of a person,***

Where the trade secret or information is held by, or is about, a person other than the local government.

- (f) a matter that if disclosed, could be reasonably expected to:***
 - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;***
 - (ii) Endanger the security of the local government's property; or***
 - (iii) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;***

- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) *such other matters as may be prescribed.*

16.16.03.01 CONFIDENTIAL REPORT

Council Resolution

16.16.03.01 – 1.35pm

Moved Cr Eva

Seconded Cr Crute

That Council moves behind closed doors to consider a matter in accordance with Section 5.23 (2)(a) of the Local Government Act 1995

CARRIED 6 - 0

Staff left the meeting at 1.35pm.

16.03.16.01 COMPLETION OF CHIEF EXECUTIVE OFFICER'S PROBATIONARY PERIOD

FILE REFERENCE: Personal File

AUTHORS NAME AND POSITION: Darren Friend
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 2 March 2016

DISCLOSURE OF INTEREST: The author has a financial interest in this matter

PREVIOUS MEETING REFERENCE: Nil

The author declares a financial interest in this matter as he is the incumbent Chief Executive Officer

SUMMARY:

Council is requested to consider the appointment of the Chief Executive Officer following the successful completion of the six month probationary period.

Background:

The Chief Executive Officer commenced his three year term on Monday 5 October 2015.

In accordance with clause 2.3 – Qualifying Period of the employment contract executed in July 2015;

“The Chief Executive Officer's employment will be subject to an initial Qualifying Period of six months. If the Chief Executive Officer's performance has not been successful during this period, the Council may terminate this Contract with 4 weeks' notice or 4 weeks payment in lieu of notice. If the Chief Executive Officer's performance has met the Council's requirements, then the Chief Executive Officer's appointment will be confirmed. The Council and the Chief Executive Officer agree that disputes about the Qualifying Period will be dealt with in accordance with clause 10 dispute resolution”.

At the conclusion of the qualifying/probationary period, under the terms of the contract, Council is required to either terminate the contract or confirm the appointment.

Comment:

Council may choose to extend the probationary/qualifying period however, given that the draft contract offered a three month period and the final negotiated contract includes a six month period, I would strongly recommend against this option as six months is sufficient for both parties to ascertain if the correct decision was made.

Consultation:
Council

Statutory Environment:
Local Government Act 1995

Division 4 — Local government employees

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person’s performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13(correction to reprint in Gazette 28 Mar 2013 p. 1317).]

Fair Work Act 2009.

Local Government Industry Award 2010

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Plan Implications:

Nil

Voting Requirements:

Absolute Majority

SEPARATE ATTACHMENT 16.03.16.01A

Officer's Recommendation:

That Council;

- 1. Confirms its appointment of Darren Friend as the Chief Executive Officer of the Shire of Brookton:**
- 2. Advises the CEO that his probationary/qualifying period, as defined in clause 2.3 of his Contract of Employment, has been successfully completed; and**
- 3. The Shire President confirms the decision of Council in writing to the CEO.**

Council Resolution

16.03.16.02

Moved Cr Crute Seconded Cr Walker

- 1. Confirms its appointment of Darren Friend as the Chief Executive Officer of the Shire of Brookton:**
- 2. Advises the CEO that his probationary/qualifying period, as defined in clause 2.3 of his Contract of Employment, has been successfully completed; and**
- 3. The Shire President confirms the decision of Council in writing to the CEO.**

CARRIED ABSOLUTE MAJORITY 6 - 0

Council Resolution

16.16.03.03 – 1.37pm

Moved Cr Walker Seconded Cr Mills

That the meeting be re-opened to staff and members of the public.

CARRIED 6 - 0

17.03.16 NEXT MEETING

The next Ordinary meeting of Council will be on Thursday 21 April 2015 at 12.30 pm.

18.03.16 CLOSURE

There being no further business the Presiding Member closed the meeting at 1.37 pm.