



## Unconfirmed Minutes

Ordinary Council Meeting  
Wednesday 19 March 2025

UNCONFIRMED

Date	Wednesday 19 March 2025
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Monday 24 March 2025



## Notice of Meeting

Please be informed an Ordinary Council Meeting of the Council of the Shire of Wickepin will be held at 3:30pm on Wednesday 19 March 2025 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

A handwritten signature in black ink, appearing to read "Peter Clarke".

Peter Clarke  
Acting Chief Executive Officer

### Disclaimer

*No responsibility whatsoever is implied or accepted by the Shire of Wickepin for any act, omission or statement or intimation occurring during council / committee meetings or during formal / informal conversations with Shire of Wickepin employees or representatives. The Shire of Wickepin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during council / committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.*

*In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin during the course of any meeting is not intended to be, and is not to be, taken as notice of approval from the Shire of Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin must obtain, and only should rely on, written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wickepin in respect of the application.*

## Contents

<b>1</b>	<b>Declaration of Opening</b> .....	<b>5</b>
<b>2</b>	<b>Attendance</b> .....	<b>5</b>
2.1	Present .....	5
<b>3</b>	<b>Public Question Time</b> .....	<b>5</b>
3.1	Responses to Previous Public Questions Taken On Notice .....	5
3.2	Public Question Time .....	7
<b>4</b>	<b>Apologies and Leave of Absence</b> .....	<b>9</b>
4.1	Apologies .....	9
4.2	Previously Approved Leave of Absence .....	9
4.3	Requests for Leave of Absence .....	9
<b>5</b>	<b>Petitions, Memorials and Deputations</b> .....	<b>10</b>
5.1	Petitions .....	10
5.2	Memorials .....	10
5.3	Deputations .....	10
<b>6</b>	<b>Declarations of Councillors and Officers Interest</b> .....	<b>10</b>
<b>7</b>	<b>Confirmation of Minutes of Previous Meetings</b> .....	<b>11</b>
7.1	Minutes of the Ordinary Council Meeting held Wednesday 19 February 2025 ..	11
7.2	Minutes of the Special Council Meeting held Wednesday 5 March 2025 .....	11
<b>8</b>	<b>Status Report</b> .....	<b>12</b>
<b>9</b>	<b>Motions of Which Notice Has Been Given</b> .....	<b>20</b>
<b>10</b>	<b>Receipt of Committee Minutes or Reports and Consideration of Recommendations</b> .....	<b>20</b>
<b>11</b>	<b>Report by the President</b> .....	<b>20</b>
<b>12</b>	<b>Report by the Chief Executive Officer</b> .....	<b>20</b>
<b>13</b>	<b>Notices of Motions for the Following Meeting</b> .....	<b>21</b>
<b>14</b>	<b>Reports and Information</b> .....	<b>22</b>
14.1	Monthly Schedule of Accounts Paid – February 2025 .....	22
14.2	Statement of Financial Activity – February 2025 .....	25
14.3	Budget Review 2024/2025 .....	27
14.4	Annual Compliance Audit Return 2024 .....	30
14.5	New Provisions for Local Governments to Pay Superannuation to Council Members .....	33

14.6 Appointment of Independent Chair, Audit and Risk Committee .....39

14.7 Lease of Yarling Brook Estate Land For Cropping Purposes.....43

**15 Confidential Reports and Information .....46**

**16 Urgent Business.....47**

**17 Closure.....47**

UNCONFIRMED

# 1 Declaration of Opening

The Presiding Member, Cr Russell declared the meeting open at 3.31pm

Cr Russell announced that the meeting is being recorded in accordance with section 14I of the Local Government regulations 1996. The recordings will be made publicly available and serve as a public record of proceedings.

While section 9.57A of the Local Government Act 1995 provides the Local Government with limited protection from defamation liability for content published on its official website as part of a broadcast or recording of council proceedings, this does not extend to elected members or employees and I encourage all participants to ensure their contributions are respectful, professional, and consistent with the standards expected of Council meetings. Please remember that all comments will form part of the public record.

## 2 Attendance

### 2.1 Present

#### Councillors

J Russell	Shire President (Chair)
W Astbury	Deputy Shire President
F Allan	Councillor
J Mearns	Councillor
L Corke	Councillor
P Thompson	Councillor
T Miller	Councillor

#### Employees

P Clarke	Acting Chief Executive Officer
E Clement	Deputy Chief Executive Officer
G Cross	Manager Works & Services
J Harvey	Executive Support Officer

#### Apologies

## 3 Public Question Time

### 3.1 Responses to Previous Public Questions Taken On Notice

#### David Astbury, Wickepin 6370

##### Question 3

Now the Harrismith Tip, my brother reported this last Friday, he was on his way to Hopetown, he had been at the farm and he said that he had some stuff up the tip, and he said it was in a terrible state, that there was tyres and rubbish and stuff everywhere, shocking, shocking state. Will it be tidied up one day

*Response (Shire President)*

We will take that one on notice and we will check it out and get Donks to go out there and have a look and tidied it up because as you know it gets locked and unlocked. So we will get one of the boys to go and check it out.

Mr Astbury responds – I think a lot of that comes through Rabbit Proof Fence, those good Kulin ratepayers, they want to dump their tyres there.

*Response (Shire President)*

We will check it out and get back to you on that one.

*Response In Writing to Mr Astbury – After Council Meeting Date*

The Manager of Works & Services has confirmed that an inspection of the site was conducted following the notice, and it was found to be relatively clean at the time. The waste contractor collects the bins on Mondays; therefore, it is anticipated that some accumulation of rubbish may occur between collection periods. The Shire also relies on local residents to assist in maintaining cleanliness and to notify the Shire when the area becomes messy or when bins are full outside of our regular operating hours.

Question 4

The local dam here, the Railway Dam at the top there, I drove out there to have a look, and pre-Christmas, it's all mud, is that water all been pumped out, onto the football dam, or is there a leak in the pipeline somewhere, where its been lost?

*Response (Shire President)*

We will take this one on notice and find out what Caron has actually done but I do know that she had to use a lot of water on the football oval through summer as it's been so hot and dry, and it's come back really well. So I would think and know and you know yourself, the amount of water that needs to go on that oval, each time they put the timers on, one stretch of timers, takes a lot of water, so I would, I don't know.

Mrs Starr makes a comment to check with Ray Lewis because he said there was a pipe broken on one of his paddocks.

Shire President

We will check this out.

Dave – there is a lot of water up there, and it has gone. That would have filled this dam out here a couple of times.

*Response In Writing to Mr Astbury – After Council Meeting Date*

The Manager of Works and Services has confirmed that a leak was identified in the gravity fed pipe between the Railway Reserve Dam and the Footy Dam. The Shire engaged a plumber to address the issue, and the leak has since been repaired. Following this, the works crew completed the necessary backfilling of the hole.

Question 5

The local hall, Libby reported this to me the other day, the gutter is leaking and I think Peter Bransby has had a look and he has said it is rusted out, when it rains, it comes in near the foyer there, and tracks into the men's toilet and is leaking there quite bad.

*Response (Shire President)*

We will take this on notice, but I am fairly sure Libby has reported that to us as well and so there will be a work order there for that, I will get that fixed.

### Response In Writing to Mr Astbury – After Council Meeting Date

The Manager of Works and Services has confirmed that the gutters have been inspected, and it has been determined that a roof plumber is needed for repairs. A quote for the work is expected, and it may be included as a budget item for the 2025-2026 financial year.

## **3.2 Public Question Time**

Cr Julie Russell announces to members of the public in attendance that questions must be posed, not general comments, and that depending on the question/s raised, there may be a requirement for it to be taken on notice with a formal written response being provided addressing in more detail with the question/s raised.

Public question time commenced at 3.31pm. As per regulation 11 (e) of the *Local Government (Administration) Regulations 1996* the Shire only requires to summary each question raised and response to any questions tabled.

Jennifer McLaughlin

### Question 1

Now this is in regard to the situation, and I am addressing you, Julie. In regard to the situation that's developed at the Swimming pool. Why has there been no offer of an employee assistance program to the pool manager by the shire who is an employee for 7 years.

### Question 2

Why has there been no contact by the Shire President to the Pool manageress who is a long-term manager, long term employee and a respected long-term resident of the community. No assistance was offered by the Shire for the children swimming carnival last Monday the 10<sup>th</sup> of March. Now at the conclusion I'd like to say the person who breached her VRO turned up on the day of the carnival. I'm very disappointed with the shires handling of this matter and the Wickepin public and uses of the pool need to stand up and voice their concerns as the closure of the pool not only affects you but your children especially and that's the conclusion. Thank you

### Response (Shire President)

Thank you, Jen, thank you very much for that. As your questions relate to a staff matter, we will take your questions on notice and we will provide you with a written response very soon. As you well know, Councilors do not get involved in staff matters that is the concern of the CEO to deal with. You will get your response.

Ms McLaughlin responds – Thank you

Wendy Butler

### Question 1

I'm just wondering if there's access to legal advice for staff members.

### Response (Shire President)

As I mentioned, being a staff matter we will take your question on notice.

Mrs Butler responds – it is a general question its not specific to any matter. Is there any legal support available to staff members like employee assistance programs offered to all staff members.

Response (Shire President)

Can I ask the Acting CEO to respond to that?

Acting CEO – Thanks madam chair, as far as I understand, yes there is. There is an employee assistance program. I haven't delved into that fully as yet but just aware there is a program available that is offered to the employee, the employee must then take it up.

Question 2

As far as the EAP goes, the employee assistance program that is separate from legal support, is there legal support available for employees in Local Government?

Response (Acting CEO)

Off the top of my head, I cannot answer that question specifically for the Shire of Wickepin, so I will follow that through.

Mrs Butler responds – Thank you.

Pauline PlowmanQuestion 1

Don't you have duty of care to take care of your staff?

Response (Shire President)

As I said, council do not get involved in staff matters it is the CEO's responsibility.

Question 2

So when is the pool going to open again?

Response (Acting CEO)

It is my understanding, since I arrived, that the pool has now closed for the season.

Question 3

Do the members that paid in advance get a refund?

Response (Acting CEO)

It is my understanding that yes they will, or next year when the pool opens, they will receive some form of discount. That is all I have learnt in the first few days that I have been here.

Shire President responds – That has been discussed by Council, so something will happen there.

Question 4

Why weren't we notified, being a member you had all our addresses and phone numbers that the pool had been shut, closed. That we had to find out through word of mouth. Or turn up at the pool and read a notice.

Response (Shire President)

It was placed on the Shire Facebook and the Shire website.

Mrs Plowman responds - I am not on Facebook

Shire President responds - I do apologise for that, if you aren't on Facebook I apologise. In all things like that, I am not a staff member, and I don't get involved in staff operations.



### Question 5

The recreation playground for the children, at night when you go over, you can't get to the meter box to turn the lights on as its padlocked. It used to be unlocked so now we don't have the pool we can't go in the evenings with the children because we can't see.

### Response (Manager Works & Services)

I had the electrician out there yesterday and they come on when the time goes to night time and turn off when the time comes to what it says the finish time is on the gate. Unfortunately, what happened was with all the power outages going on it has jumbled the timing clock up a bit and they were coming on at like 2 in the afternoon. So, it has been rectified now for you. They should come on, but if they don't, please let me know asap and I will get it sorted.

Shire President responds - Drop a line to the girls at the front desk and they will get Grant Cross (MWS) to have a look.

### Heather Tobin

An Electric charging point in town, EV charge, are there any plans or discussion or anything like that. I was in Brookton the other week and it was just perfect someone I met there came out from Perth needed to charge up and it wasn't there till June this year, about 50% of the cost.

### Response (Shire President)

We have discussed EV chargers at length many times since they came out we did actually apply for funding last year and we weren't successful. We missed out there. We haven't applied for funding again, but we actually only just discussed it about an hour ago. It is something that is constantly coming up in our conversations so when the opportunity arises we will look at getting and EV charger if we can. Pending funding because they are expensive

Ms Tobin responds – Thank you

The Shire President asks the attendees of the public question time if they have any further questions. Thank you all for coming along, it has been nice to have you with us today, we will carry on with our meeting now. You are very welcome to stay if you like. But we will press on with our meeting so feel free to either stay or leave. Thank you.

Public Question Time closed at 3.46pm and all members of the gallery left the Council Chambers at this time.

## **4 Apologies and Leave of Absence**

### **4.1 Apologies**

Nil

### **4.2 Previously Approved Leave of Absence**

Nil

### **4.3 Requests for Leave of Absence**

Cr Ty Miller and Cr John Mearns requested a leave of absence for the Ordinary Council Meeting 16 April 2025 for personal reasons.

**Council Decision**  
**Resolution OCM-190325-01**  
**Moved** Cr F Allan  
**Second** Cr W Astbury

***That Cr Miller and Cr Mearns be granted a leave of absence for the Ordinary Council Meeting 16 April 2025 for personal reasons.***

**Carried** 7/0  
**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller  
**Against** Nil

## **5 Petitions, Memorials and Deputations**

### **5.1 Petitions**

Nil.

### **5.2 Memorials**

Nil.

### **5.3 Deputations**

Nil.

## **6 Declarations of Councillors and Officers Interest**

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

<b>Item</b>	<b>Item Title</b>	<b>Councillor/Officer</b>	<b>Interest</b>	<b>Reason</b>
14.7	Lease of Yarling Brook Estate Land For Cropping Purposes	Cr Julie Russell	Proximity	Owner of the land adjoining in partnership with husband P.L.Russell.

14.7	Lease of Yarling Brook Estate Land For Cropping Purposes	Cr Ty Miller	Impartiality	Member of the Wickepin Football Club.
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## 7 Confirmation of Minutes of Previous Meetings

### 7.1 Minutes of the Ordinary Council Meeting held Wednesday 19 February 2025

#### Officer Recommendation

*That Council confirms the minutes of the Ordinary Council Meeting held on Wednesday 19 February 2025, as included in Attachment 7.1.1, as a true and accurate record.*

#### Council Decision

**Resolution** OCM-190325-02  
**Moved** Cr L Corke  
**Second** Cr F Allan

*That Council confirms the minutes of the Ordinary Council Meeting held on Wednesday 19 February 2025, as included in Attachment 7.1.1, as a true and accurate record, subject to the typographical error that occurred on page 34 relating to the subheading, Future Financial Years, being corrected from the year 2023 to 2025.*

**Carried** 7/0  
**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller  
**Against** Nil

### 7.2 Minutes of the Special Council Meeting held Wednesday 5 March 2025

#### Officer Recommendation

*That Council confirms the minutes of the Special Council Meeting held on Wednesday 5 March 2025, as included in Attachment 7.2.1, as a true and accurate record.*

#### Council Decision

**Resolution** OCM-190325-03  
**Moved** Cr F Allan  
**Second** Cr W Astbury

*That Council confirms the minutes of the Special Council Meeting held on Wednesday 5 March 2025, as included in Attachment 7.2.1, as a true and accurate record.*

**Carried** 7/0  
**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller  
**Against** Nil

## 8 Status Report

### Key

○ = in progress    ✓ = completed    ✕ =superseded

Item	Subject	Council Decision	Status	Action
OCM-231213-04	Public Transport Authority – Draft Lease Template	That Council re-submit request to the Public Transport Authority to purchase railway reserve land south of the railway line.	○	Re-submitted and awaiting response. 09.07.2024 – current CEO to follow up on current PTA and the playground and skatepark. 05.09.2024 – CEO emailed PTA to follow up previous correspondence, nil response to date. Nov 24 – follow up email in progress with PTA and item. Feb 2025 – Lease agreement in final stages. Burgess Rawson will be looking into the request to purchase once the lease agreement is finalised. Details to be added to CEO handover notes however item can now be completed.
OCM-170424-10	Local Emergency Management Committee Review – Combined Shires Wickepin, Cuballing and Narrogin	Recommendation 1 That Council may resolve to seek a variation to separate from the combined LEMC with the Shire of Cuballing, seeking to stand alone and conduct the LEMC with the Shire of Wickepin only. Recommendation 2	○	In progress, meeting to be held Monday 13 May 2024 for next step. CEO has been in contact with DFES, DEMC for requirements and advised by CEO's of Narrogin and Cuballing of outcomes.

Item	Subject	Council Decision	Status	Action
		<p>That Council authorises the Shire President and Chief Executive Officer to proceed to engage and seek the opportunities to apply for a Community Emergency Services Manager for the Shire of Wickepin and surrounding local governments that may have interest.</p>		<p>09.07.2024 – pending process with the LEMC processes and changes as required.</p> <p>Sept 24 – CEO has sent relevant information and letter to SEMC for approval. Awaiting response.</p> <p>Shire has been approved for AWARE Grant to proceed with new process.</p> <p>Oct 24 – No change pending grant agreement to be issued.</p> <p>Nov 24 – Consultant review in Jan 25 with meeting to be held early 2025.</p> <p>Feb 25 – SEMC approved the process and CEO with contract services in draft mode with new LEMA plans. To be presented in Mar 25 to LEMC.</p>
OCM-150524-12	Adoption – Shire of Wickepin Parking and Parking Facilities Local Law 2024	<p>That with respect to the proposed Shire of Wickepin Parking and Parking Facilities Local Law 2024, that Council:</p> <ol style="list-style-type: none"> <li>1. Makes the local law as detailed in Attachment 14.7.3, pursuant to section 3.12 (4) of the Local Government Act 1995;</li> <li>2. Notes the submissions received during the public advertising period required by the Local Government Act 1995 and the responses taken to the proposed Local Law.</li> <li>3. Authorises the Shire President and Chief Executive Officer to affix the common seal to the Shire of Wickepin Parking and Parking Facilities</li> </ol>	○	In progress.

Item	Subject	Council Decision	Status	Action
		<p>Local Law 2024 as contained in Attachment 14.7.3.</p> <p>4. Instructs the Chief Executive Officer to:</p> <p>a) Publish the local law in the Government Gazette in accordance with section 3.12(5) of the Local Government Act 1995;</p> <p>b) Provide a copy of this local law to the Minister of Local Government once published in the Government Gazette;</p> <p>c) Give local public notice pursuant to section 1.7 of the Local Government Act 1995 following publication in the Government Gazette, stating the title and purpose and effect of this local law, and that the local law is published on the Shire website and that copies may be inspected at, or obtained from the Shire's administration officers; and</p> <p>d) Prepare and submit to the Joint Standing Committee on Delegated Legislation, a copy of this local law, an explanatory memorandum (jointly signed by the Shire President and Chief Executive Officer) along with the checklist and any other supporting information on the local law made.</p>		
OCM-210824-13	Shire of Wickepin – Draft Local Planning Strategy	<p>That with respect to the proposed Shire of Wickepin Draft Local Planning Strategy, Council:</p> <p>1. Pursuant to Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the Shire of Wickepin Draft Local Planning Strategy, as detailed in Attachment 14.5.1, for the purposes of advertising.</p>	○	<p>Sept 24 – Awaiting DLPH to then advertise as required.</p> <p>Oct 24 – request sent to DLPH for advertising approval, pending approval.</p> <p>Nov 24 – DLPH yet to respond still pending approval for advertising to</p>

Item	Subject	Council Decision	Status	Action
		<p>2. Forwards the Shire of Wickepin Draft Local Planning Strategy to the Western Australian Planning Commission for assessment and compliance with Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>3. Upon receiving certification from the Western Australian Planning Commission, advertise the Shire of Wickepin Draft Local Planning Strategy in accordance with Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015, including an extended public comment period of 90 days.</p> <p>4. After the expiry of the period within which submissions may be made, review the Shire of Wickepin Draft Local Planning Strategy, considering any submissions received.</p> <p>5. After the completion of the review of Shire of Wickepin Draft Local Planning Strategy, submit to the Western Australian Planning Commission:</p> <p>(a) a copy of the advertised Local Planning Strategy; and</p> <p>(b) a schedule of the submissions received; and</p> <p>(c) particulars of any modifications to the advertised local planning strategy proposed by the local government.</p>		<p>commence. Follow up has occurred, nil response to date. Feb 25 – TPS is progressing with DPLH and is awaiting next step to then advertise.</p>

Item	Subject	Council Decision	Status	Action
OCM-201124-09	RFT - 03-2024-2025 – Supply and Delivery of a 6 x 4 Two-Way Tip Truck	That Council, pursuant to section 3.57 of the Local Government Act 1995 and Regulation 11 of the Local Government (Functions and General) Regulations 1996, approves for the Chief Executive Officer to publicly invite tenders for RFT03- 2024-2025 for the Supply and Delivery of a 6 x 4 Two-Way Tip Truck.	○	To be advertised for tender process. New MWS will be completing this over the Dec/Jan period for Feb 25 agenda. Feb 25 – not yet commenced with tender process.
OCM-190225-07	Annual Report and Annual Financial Report 2023/2024	That Council: 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2023/2024 financial year and gives local public notice of its availability. 2. Schedules the Annual General Meeting of Electors to be held on Wednesday 19 March 2025 in the Council Chambers, commencing at 5:30pm.	✓	Process Completed and Annual Electors Meeting to be held 19 March 2025. Annual Report submitted to Department of LG.
OCM-190225-08	Conduct of 2025 Local Government Ordinary Election	That Council, 1. Pursuant to Section 4.20 of the Local Government Act 1995, declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2025 Local Government Election together with any other elections or polls which may be required, and 2. Pursuant to Section 4.61 of the Local Government Act 1995, decides to conduct the 2025 Local Government Election as a postal election.	✓	CEO advised WAEC of advice from Council and in due course, details to follow with election timetable process for the 2025 LG Elections.



Item	Subject	Council Decision	Status	Action
OCM-190225-09	Proposed Agroforestry – 1272 Malyalling Road, Malyalling	<p>That Council, in respect of the proposed Agroforestry/Tree Farm Carbon Project at Wyoming Downs at 1272 Malyalling Road, grants planning approval, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The approval shall expire if the development permitted is not completed within two (2) years of approval, or within any extension of that time which upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.</li> <li>2. The development approved shall be in accordance with the plans and specifications submitted with the application as per Attachment 14.5.1 and these shall not be altered or modified without the prior written approval of Council.</li> <li>3. Any use, additions to and further intensification of any part of the development or land that is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.</li> <li>4. Compliance with all relevant provisions of the Shire of Wickepin Local Planning Scheme No. 4.</li> <li>5. Implementation of the proposed environmental management and mitigation measures as outlined in the application.</li> <li>6. Update the Bushfire Management Plan to include the following: <ol style="list-style-type: none"> <li>a) Proposed firebreaks meet or exceed the Shire of Wickepin Bush Fire requirements and to document any deviations and justifications;</li> </ol> </li> </ol>	✓	Details forwarded to Planning to complete relevant documentation and advise applicants.

Item	Subject	Council Decision	Status	Action
		<p>b) Include specific emergency contacts, available firefighting equipment, and response protocols, including training requirements for fire response personnel.</p> <p>7. Ensure compliance with conservation covenants by maintaining separation between agroforestry activities and protected areas.</p> <p>8. Note the submissions and recommended modifications as outlined in the 'Table of Submissions' included as Attachment 14.5.2.</p> <p>9. The Chief Executive Officer shall notify all persons and organisations who lodged a submission of the Council's decision.</p> <p>Advice Notes:</p> <p>1. If the applicant and/or owner are aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the decision.</p> <p>2. Nothing in the approval of these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.</p>		

Item	Subject	Council Decision	Status	Action
OCM-190225-11	Chief Executive Officer Annual Leave 2025 & Appointment of Acting Chief Executive Officer	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Authorises the Chief Executive Officer to take Annual Leave from 12th March – 27th March 2025;</li> <li>2. Appoints Mr Peter Clarke to the position of Acting Chief Executive Officer of the Shire of Wickepin commencing 10th March 2025 and up until the commencement of the incoming Chief Executive Officer;</li> <li>3. Confirms that the Council believes that Mr Peter Clarke is suitably qualified for the position; and</li> <li>4. Authorises the Shire President to enter into employment negotiations with Mr Peter Clarke in accordance with the provisions of the contract of employment between the Shire of Wickepin and Mr Peter Clarke.</li> </ol>	✓	Action completed.

Where a resolution is formal, procedural or lost it has not been recorded e.g. confirmation of minutes, meeting behind closed doors, lapsed, etc.

## 9 Motions of Which Notice Has Been Given

Nil.

## 10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

Nil.

## 11 Report by the President

The Shire President, Cr Julie Russell, verbally advised that she attended the meetings on the 24<sup>th</sup> of February 2025 and the Special Council Meeting on the 5<sup>th</sup> of February 2025 for the CEO recruitment panel. Cr Russell also attended the Wickepin Swimming Pool on the 10<sup>th</sup> of March 2025 and presented the ribbon awards with Cr Ty Miller.

## 12 Report by the Chief Executive Officer

The Acting CEO, Mr Peter Clarke, verbally advised that he attended the Regional Road Group meeting on the 14<sup>th</sup> of March together with Cr Thompson and the Manager of Works & Services. He also attended the Bush Fire Control Officers meeting on the 18<sup>th</sup> of March 2025 with the Manager of Works & Services with the minutes of the meeting to be presented at the April 2025 Council Meeting for adoption.

### Delegations exercised –

No.	Delegation Name	Delegation To	Delegation Exercised	When Exercised	Persons Affected
A1	Cheque Signing and Account Authorisation	CEO			CEO, DCEO
A2	Septic Tank Application Approvals	EHO			
A3	Building Approvals	BO			
A4	Roadside Advertising	CEO			
A5	Application for Planning Consent	CEO	Development Approval – Agroforestry Proposal – 1272 Malyalling Road, Malyalling	26/02/2025	CEO
A6	Appointment and Termination of Staff	CEO			
A7	Rates Recovery – Instalment Payments	CEO			
A8	Issue of Orders	CEO			
A9	Legal Advice	CEO			
A10	Permits to Use Explosives	CEO			
A11	Street Stalls	CEO			

<b>A12</b>	<b>Liquor Consumption on Shire Owned Property</b>	<b>CEO</b>	Alcohol Consumption Permission – Wickepin Community Centre 12 <sup>th</sup> February 2025, Nutrient Sportsman and Client Night	05/02/2025	CEO
			Alcohol Consumption Permission – Wickepin Community Centre 8 <sup>th</sup> February 2025, Wickepin Cricket Club	06/02/2025	CEO
			Alcohol Consumption Permission – Wickepin Community Centre February – September 2025, Wickepin Football Club Trainings	21/02/2025	CEO
			Alcohol Consumption Permission – Wickepin Town Hall 22 <sup>nd</sup> March 2025, Private Function	21/02/2025	CEO
<b>A13</b>	<b>Hire of Community Halls / Community Centre</b>	<b>CEO</b>	Fee Waiver Approval – Wickepin Community Centre 28 <sup>th</sup> April 2025, First Aid Course	21/02/2025	CEO
<b>A14</b>	<b>The Food Act 2008 and the Food Regulations 2009</b>	<b>CEO</b>			
<b>A15</b>	<b>The Public Health Act 2016</b>	<b>CEO</b>			
<b>A16</b>	<b>Sponsorship, contributions and donations to sporting and community groups</b>	<b>CEO</b>			

### 13 Notices of Motions for the Following Meeting

## 14 Reports and Information

### 14.1 Monthly Schedule of Accounts Paid – February 2025

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	9 December 2024
<b>Attachment</b>	<b>14.1.1</b> – Monthly Schedule of Accounts Paid – February 2025

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#### Summary

Council is required to have a Schedule of Accounts Paid produced each month containing relevant information, as legislated.

The purpose of this report is to present the –

- Schedule of Creditor Accounts Paid, including Corporate Credit Card Reconciliations, for February 2025.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as included in the attachments.

#### Background

The *Local Government (Financial Management) Regulations 1996* requires Shire officers to, monthly and within a prescribed timeframe, prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

#### Comments

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and is contained in **Attachment 14.1.1**.

The schedule of accounts, covering vouchers as listed below, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been remitted.

For the month under review the following summarised details are presented –

<b>Municipal Fund</b>	<b>Vouchers</b>	<b>Amounts</b>
Electronic Funds Transfer	EFT 15210,-15266	\$ 150,634.87
Cheques	15983-15985	\$19,851.74
Direct Deductions	February 2025	\$1,582.83
Superannuation	February 2025	\$16,647.75
Credit Card	February 2025	\$3,494.42
BPay Payments	February 2025	\$4,253.61
Payroll	February 2025	\$96,687.00
Licensing	February 2025	\$23,633.10
<b>Municipal Fund Total</b>		<b>\$316,785.32</b>
<b>Trust Fund</b>		
Electronic Funds Transfer		\$ 0.00
Cheques		\$ 0.00
<b>Trust Fund Total</b>		<b>\$0.00</b>
<b>Total</b>		<b>\$316,785.32</b>

### **Statutory Environment**

*Local Government (Financial Management) Regulations 1996 – Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

Where the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing details for each account paid.

This list is to be presented to the council at the next ordinary meeting of the council and recorded in the minutes.

### **Policy Implications**

*Council Policy 3.1.7 – EFT Payment and Cheque Issue*

Council has authorised the Chief Executive Officer to make payments from the municipal fund and the trust fund.

### **Financial Implications**

#### Current Financial Year

Payments included on the Schedule of Accounts Paid have been undertaken in accordance with appropriate processes and the Annual Budget.

#### Future Financial Years

Nil

### **Strategic Implications**

#### **Goal - Governance**

Objective:	11	We are proactive about collaboration and forward planning our future success
Strategy	11.2	Long Term Financial Plan is reviewed on a regular basis
	11.3	Ensure integrated planning documents remain current via regular reviews

**Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$316,785.32 for February 2025, as included in Attachment 14.1.1.*

**Council Decision**

**Resolution** OCM-190325-04

**Moved** Cr T Miller

**Second** Cr L Corke

*That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$316,785.32 for February 2025, as included in Attachment 14.1.1.*

**Carried** 7/0

**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller

**Against** Nil



## 14.2 Statement of Financial Activity – February 2025

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	14 February 2025
<b>Attachment</b>	<b>14.2.1</b> - Statement of Financial Activity – February 2025

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### Summary

Council is required to have a Statement of Financial Activity produced each month containing relevant information, as legislated.

The purpose of this report is to present the Statement of Financial Activity for the period ended February 2025.

Council is requested to accept the Statement of Financial Activity.

### Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

### Comments

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements, and is contained in **Attachment 14.2.1**.

### Statutory Environment

*Local Government Act 1995 – Section 6.4 Financial report*

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

*Local Government (Financial Management) Regulations 1996 – Regulation 34 Financial activity statement required each month (Act s. 6.4)*

Shire officers are to prepare each month a statement of financial activity reporting on revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

### Policy Implications

*Council Policy 3.1.14.2 – Monthly Financial Reporting*

The Chief Executive Officer shall ensure a monthly statement of financial activity complies with all aspects of the Act and *Local Government (Financial Management) Regulations 1996*.

## Financial Implications

### Current Financial Year

Commentary on the current financial position is outlined within the body of the attached reports.

### Future Financial Years

Nil

## Strategic Implications

### Goal - Governance

Objective:	11	We are proactive about collaboration and forward planning our future success
Strategy	11.2	Long Term Financial Plan is reviewed on a regular basis
	11.3	Ensure integrated planning documents remain current via regular reviews

### Voting Requirement

Simple Majority

### Officer Recommendation

*That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity and associated documentation for the period ending February 2025, as included in **Attachment 14.2.1**.*

### Council Decision

Resolution	OCM-190325-05
Moved	Cr F Allan
Second	Cr W Astbury

*That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity and associated documentation for the period ending February 2025, as included in Attachment 14.2.1.*

Carried	7/0
For	Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller
Against	Nil

### 14.3 Budget Review 2024/2025

<b>Submission To</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.BU.1208
<b>Author</b>	E.Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	14 March 2025
<b>Attachments</b>	<b>Attachment 14.3.1 – 2024/2025 Budget Review and Budget Amendments</b>

#### Summary

To consider the Shire of Wickepin's financial position as at 28 February 2025 and performance for the period 1 July 2024 to 28 February 2025 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

#### Background

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

The report for the period 1 July 2024 to 28 February 2025 (as attached) has been prepared incorporating year-to-date budget variations and forecasts to 30 June 2024 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document, where possible

#### Comments

The budget review report includes a summary of predicted variances by nature and type / program activities contained within the rate setting statement, including whether variances are considered to be permanent (where a difference is likely between the current budget and the expected outcome to 30 June) or due to timing (e.g. where a project is likely to be delayed), as below –

Increase in Rates Discount	(\$8,565.00)
Adjustment of Financial Assistance grants	(\$73,735)
Increase in Fees & Charges	\$15,704.00
Increase in Materials Contracts	\$17,313.00
Decrease Interest Reserve Interest.	(\$20,000.00)
Decrease in Footpaths	(\$25,000)
Reduction in Plant & Equipment	(\$3,175.00)
Increase in Road Funding WSN	\$293,947.00
Increase in road costs	\$352,684.00
<b>Overall Change</b>	<b>\$0.00</b>

In considering the above variances and projections within the attached budget review, there has been no change to the closing position, reflected in the Statement of Budget Review by Nature or Type.

Following completion of the budget review, and to properly consider the impact of estimated projections at 30 June 2024, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate.

Required budget amendments have been included in Note 4 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for council consideration.

## **Statutory Environment**

*Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:*

*(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

*(2A)(a) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.*

*(b) Consideration and review is to be given to the local government's financial position as at the review date.*

*(c) Review of the outcomes for the end of the financial year that are forecast in the budget is to be undertaken.*

*(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

*(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

*(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

*Section 6.8(1) (b) of the Local Government Act 1995 provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).*

## **Policy Implications**

Nil

## **Financial Implications**

Authorisation of expenditure through budget amendments recommended. Other specific financial implications are as outlined in the body of this report.

## **Strategic Implications**

Nil

## **Voting Requirement**

Absolute majority

## **Officer Recommendation**

*That Council pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996, adopts the review of the 2023-2024 Annual Budget (as attached) and acknowledges the proposed revisions to revenue and expenditure estimates contained in the review.*

**Council Decision**

**Resolution** OCM-190325-06

**Moved** Cr P Thompson

**Second** Cr J Mearns

*That Council pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996, adopts the review of the 2024-2025 Annual Budget (as attached) and acknowledges the proposed revisions to revenue and expenditure estimates contained in the review.*

**Carried** 7/0

**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller

**Against** Nil

## 14.4 Annual Compliance Audit Return 2024

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.AUD.1200
<b>Author</b>	Erika Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	13 March 2025
<b>Attachments</b>	<b>Attachment 14.4.1 – Compliance Audit Return 2024</b>

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### Summary

For each calendar year, Council is required to undertake a Compliance Audit Return to ascertain the Shire's level of adherence to legislatively required functions.

The responses to the 2024 Compliance Audit Return are firstly required to be presented to the Audit & Governance Committee for review before subsequently being submitted to Council.

Council is requested to adopt the 2024 Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.

### Background

Pursuant to legislation, local governments are required to carry out a compliance audit for each calendar year and to submit the audit findings to the Department of Local Government, Sport and Cultural Industries.

The compliance audit covers a range of matters requiring actions to be completed by local governments in performing their functions to maintain legislative compliance and focuses on areas considered to be high risk.

Each year the Compliance Audit Return covers various categories and for the 2024 Return, the areas covered are:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosures of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Other
- Tenders for Providing Goods and Services

### Comments

Shire officers have responded to the questions in the 2024 Compliance Audit Return.

The 2024 Compliance Audit Return is being presented to the Audit & Governance Committee meeting to be held prior to the ordinary council meeting on 19 March 2025.. The officer recommendation below is the same as provided in the report to the Audit & Governance Committee. In the event of the committee

making an alternative recommendation this will be submitted to council in lieu of the officer recommendation below.

## **Statutory Environment**

### *Local Government (Audit) Regulations 1996*

#### **14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

#### **15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Voting Requirement**

Simple Majority

#### **Officer Recommendation**

*That Council adopt the Compliance Audit Return for the 2024 calendar year as shown in the attachment prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.*

**Council Decision**

**Resolution** OCM-190325-07

**Moved** Cr T Miller

**Second** Cr F Allan

***That Council adopt the Compliance Audit Return for the 2024 calendar year as shown in the attachment prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.***

**Carried** 7/0

**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller

**Against** Nil

UNCONFIRMED



## 14.5 New Provisions for Local Governments to Pay Superannuation to Council Members

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	GO.COU.1312
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	12 March 2025
<b>Attachments</b>	Nil

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### Summary

Council is required to make a decision on the payment of Superannuation to elected members under the *Local Government Amendment Act 2024*.

### Background

#### Superannuation for Council Members – Fact Sheet – Department of Local Government, Sport and Cultural Industries.

New provisions streamline the provision of superannuation to council members.

Following passage of *the Local Government Amendment Act 2024*, new sections 5.99B to 5.99E of *the Local Government Act 1995* (the Act) will allow local governments to resolve by absolute majority to make superannuation contributions for council members from 1 February 2025

Prior to this, if a local government wanted to offer superannuation to council members, it would need to become an “Eligible Local Governing Body” (ELGB) under Division 446 of the Taxation Administration Act 1953 (Cth), which requires a unanimous council resolution.

#### How do these changes support local governments?

Making superannuation contribution payments for council members acknowledges the significant dedication and investment of time a council member commits to their role and helps bring council members in line with the wider workforce.

The resolution process is streamlined by only requiring an absolute majority decision rather than a unanimous one. Similarly, the system set out in the Act means superannuation can be paid without needing to also address the other taxation requirements of becoming an ELGB.

This reform aims to attract and retain council members and encourage greater diversity across local governments.

#### Is it mandatory?

- From 1 February 2025 all local governments will have the option to resolve by absolute majority to make superannuation contributions for council members.
- From 19 October 2025, it will become mandatory for class 1 and 2 local governments to make superannuation contributions.
- For class 3 and 4 local governments, the payment will remain optional for each council to decide if they want to make superannuation contributions to council members.

Where a local government is required to, or resolves to, make superannuation contributions, individual council members may choose to 'opt out' of receiving superannuation.

### **How will it work?**

Superannuation contribution payments for council members will be made in addition to any other fees and allowances. These will sit outside the threshold for fees and allowances set by the Salaries and Allowances Tribunal. Council members may receive various types of fees and allowances, in accordance with the Act and the relevant determination of the Salaries and Allowance Tribunal.

The requirement to make superannuation contribution payments in respect of these fees and allowances is to be determined in accordance with Commonwealth Superannuation Guarantee (Administration) Act 1992 (SG Act) and the further guidance provided in Superannuation Guarantee Ruling SGR 2009/2.

While council members are not considered employees under the SG Act, they are to be treated in the same manner as employees of the local government for the purposes of calculating superannuation contribution payments.

The payment is to be the same required under the SG Act. By 1 July 2025, the superannuation guarantee rate will be 12 per cent.

The superannuation contribution payment is to be paid at the same time as the remuneration of the council member is paid. In order to allow a superannuation contribution payment to be made, a council member must nominate a superannuation account from a scheme or fund to which the SG Act applies. Local governments must not make a superannuation contribution payment for a council member if they fail to nominate an eligible superannuation account before the end of the month to which the payment relates.

Local governments must not make superannuation contribution payments for council members during any period in which they are suspended under the Act. Council members are also not entitled to a superannuation contribution payment during any period in which they are not entitled to receive their fees and allowances.

Individual council members may opt out of receiving superannuation contribution payments by providing a notice in writing to the CEO.

### **Advance payments**

If a council member is paid their fees and allowances in advance, in the event of their resignation or suspension, they will need to repay any overpaid superannuation contributions. As this typically cannot be taken from the superannuation fund, the council member will need to repay this from their own finances.

The method of calculating the amount to be repaid is specified in regulations 32B and 34AE(2) of the Local Government (Administration) Regulations 1996.

### **Costs**

The cost of paying superannuation for council members will need to be met by each local government out of its existing budget. This cost will vary depending on what fees and allowances the Salaries and

Allowances Tribunal and the Council have determined to pay to the mayor / president and councillors and how many council members there are.

### Non-compliance

In the event of non-compliance with the payment of superannuation the matter may be referred to the DLGSC as regulator of the local government sector. A council member could also seek to enforce the payment of their entitlements in court.

### Comments

The Shire of Wickepin need to consider whether or not they wish to pay superannuation to its elected members in accordance with the new regulations that have come about through the Local Government Act Amendments.

The ability for Councillors to vote on paying superannuation has been provided an exemption for tis by the Department and is not seen as a conflict of interest for this item.

### Statutory Environment

#### 63. Sections 5.99B to 5.99E inserted

After section 5.99A insert:

#### **5.99B. Superannuation for council members: main provisions**

- (1) In this section and sections 5.99C to 5.99E —
  - remuneration* has the same meaning that it has in the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) section 11(1)(e);
  - superannuation contribution payment*, in relation to a council member, means —
    - (a) a payment of a prescribed type that is towards, or otherwise relates to, superannuation or retirement benefits for the council member; or
    - (b) in the absence of regulations made for the purposes of paragraph (a) — a payment that is a contribution to an account that —
      - (i) is nominated by the council member to the local government; and
      - (ii) is for superannuation or retirement benefits from a scheme or fund to which the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) applies.
- (2) A local government may decide\* to pay superannuation contribution payments for its council members under this section.
  - \* *Absolute majority required.*
- (3) A local government may revoke\* a decision made by it under subsection (2).
  - \* *Absolute majority required.*
- (4) Regulations may require a local government, for which no decision under subsection (2) is in effect, to pay superannuation contribution payments for its council members under this section.
- (5) Regulations may make provision for determining —
  - (a) when a superannuation contribution payment for a council member is payable; and

- (b) the amount of a superannuation contribution payment for a council member.
- (6) Subsections (7) and (8) apply in the absence of regulations made for the purposes of subsection (5).
- (7) A superannuation contribution payment for a council member is payable with, and at the same time as, any remuneration of the council member paid by the local government.
- (8) The amount of the superannuation contribution payment is the amount that the local government would have been required to contribute under the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) as superannuation if —
  - (a) the council member were an employee of the local government for the purposes of that Act; and
  - (b) the remuneration were salary or wages of the council member for the purposes of that Act.
- (9) This section is subject to sections 5.99C and 5.99D.

#### **5.99C. Superannuation for council members: opt outs**

- (1) This section applies to a local government —
  - (a) for which a decision under section 5.99B(2) is in effect; or
  - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (2) A council member may, by written notice to the CEO (an *opt-out notice*), opt out of superannuation contribution payments.
- (3) An opt-out notice remains in effect unless, and until, the council member, by written notice to the CEO, revokes the opt-out notice.
- (4) If an opt-out notice is in effect, the local government cannot pay a superannuation contribution payment for the council member under section 5.99B.

Note for this subsection:

If an opt-out notice is revoked, the local government cannot pay a superannuation contribution payment for the council member that the local government could not previously pay because of this subsection.

#### **5.99D. Superannuation for council members: other exceptions**

- (1) This section applies to a local government —
  - (a) for which a decision under section 5.99B(2) is in effect; or
  - (b) to which a requirement under regulations made for the purposes of section 5.99B(4) applies.
- (2) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B at any time when the *Taxation Administration Act 1953* (Commonwealth) Schedule 1 section 12-45(1)(e) applies in relation to the local government.
- (3) Subsection (4) applies in the absence of regulations made for the purposes of paragraph (a) of the definition of *superannuation contribution payment* in section 5.99B(1).

- (4) A local government cannot pay a superannuation contribution payment for a council member under section 5.99B if the council member has not, before the time at which the superannuation contribution payment must be paid, nominated an account to the local government as referred to in paragraph (b) of the definition of *superannuation contribution payment* in section 5.99B(1).
- (5) Regulations may prescribe circumstances in which a local government —
  - (a) cannot pay a superannuation contribution payment for a council member under section 5.99B; or
  - (b) can pay only a portion of the amount of each superannuation contribution payment for a council member under section 5.99B.
- (6) Regulations may make provision for determining the portion referred to in subsection (5)(b).

Note for this section:

A superannuation contribution payment, or a portion of a superannuation contribution payment, that a local government cannot pay for a council member under subsection (2) or (4), or under a provision of regulations made for the purposes of subsection (5), cannot be paid by the local government after the subsection or provision of regulations has ceased to apply. For example, if a local government cannot pay a superannuation contribution payment for a council member under subsection (2), the local government cannot pay the superannuation contribution payment after the *Taxation Administration Act 1953* (Commonwealth) Schedule 1 section 12-45(1)(e) ceases to apply in relation to the local government.

#### **5.99E. Superannuation for council members: supplementary provisions**

- (1) For the purposes of subsection (2), this subsection applies to a case in which —
  - (a) section 5.102AB, 8.29(5)(b) or 8.30B(4)(b) applies in relation to an annual allowance or annual fee paid in advance to a person (the *relevant person*); and
  - (b) the local government paid a superannuation contribution payment for the relevant person under section 5.99B wholly or partly by reference to, or otherwise in connection with, the annual allowance or annual fee.
- (2) Regulations may, in respect of a case to which subsection (1) applies, make provision —
  - (a) requiring the relevant person to pay the local government an amount (the *returnable amount*) that is equal to a percentage of the amount of the superannuation contribution payment; and
  - (b) for determining that percentage (which may be 100%); and
  - (c) for the local government to recover the returnable amount if it is not paid.
- (3) In making a determination under the *Salaries and Allowances Act 1975* section 7B, the Salaries and Allowances Tribunal must not take into account either of the following —
  - (a) the payment of superannuation contribution payments by a local government under section 5.99B;
  - (b) a local government's power to decide to pay, or its duty to pay, superannuation contribution payments under section 5.99B.
- (4) Nothing in section 5.99B, 5.99C or 5.99D or this section, or that is done under section 5.99B, 5.99C or 5.99D or this section, makes a council member an employee of the local government.

- (5) A superannuation contribution payment paid by a local government under section 5.99B is not salary for the purposes of any written law.

### **Policy Implications**

Nil

### **Financial Implications**

These reforms do not have the same tax implications for councillors as resolving to PAYG withholding under Commonwealth tax law. There are Fringe Benefits Tax (FBT) implications by resolving to become an ELGB.

The information in this guide is general in nature. It is recommended that Councils and council members seek independent financial advice to consider their particular circumstances and the resultant impacts (if any) of making receiving superannuation contribution payments

### **Strategic Implications**

Nil.

### **Voting Requirement**

Absolute majority Required

### **Officer Recommendation**

*That Council, in accordance with section 54,62 and 63 of the local Government Amendment Act 2024:*

1. elect to pay superannuation to all elected members  
or
2. elect to not pay superannuation to all elected members.

### **Council Decision**

**Resolution** OCM-190325-08

**Moved** Cr L Corke

**Second** Cr F Allan

*That Council, in accordance with section 54,62 and 63 of the local Government Amendment Act 2024 elect to not pay superannuation to all elected members.*

**Carried** 7/0

**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller

**Against** Nil

## 14.6 Appointment of Independent Chair, Audit and Risk Committee

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	GO.CO.U.1312
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	12 March 2025
<b>Attachments</b>	Nil

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### Summary

The Shire of Wickepin need to consider an appointment of an Independent Chair and Deputy Chair for the Audit, Risk and Improvement Committee.

### Background

The Local Government Act 1995 requires all local governments to have an audit committee. The name of the Wickepin's Audit and Risk Management Committee reflects its terms of reference.

The Local Government amendment Act 2024 introduced a requirement for an Independent Chair of the Audit, Risk and improvement committee.

### Comments

The introduction of an independent presiding member provides an opportunity for increased community confidence in a local government's financial and risk management. Local government operations may also benefit through appointing an independent chair with risk and financial management expertise that may otherwise be unavailable.

### Statutory Environment

[Part 7 Division 1A replaced](#)

Delete Part 7 Division 1A and insert:

#### **Division 1A — Audit, risk and improvement committee**

##### **7.1A. Establishment of audit, risk and improvement committee**

- (1) A local government must establish a committee of its council under section 5.8 to be called the audit, risk and improvement committee.
- (2) The following provisions apply in respect of the membership of the audit, risk and improvement committee —
  - (a) an employee of the local government is not to be a member;
  - (b) no member is to be nominated by, or is to be appointed to represent, any employee of the local government;
  - (c) section 5.10(1)(b) does not apply.
- (3) The presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.

- (4) Any deputy presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.

#### **7.1B. Deputy of presiding member or of deputy presiding member**

- (1) The local government must appoint a person under section 5.11A to be a deputy of the presiding member of the audit, risk and improvement committee.
- (2) In addition to the requirement of section 5.11A(2)(c), the deputy of the presiding member cannot be a council member of any other local government.
- (3) If section 5.14 applies to a meeting of the audit, risk and improvement committee, the committee members present at the meeting must choose the deputy of the presiding member, if present, to preside at the meeting.
- (4) If the local government appoints a person under section 5.11A to be a deputy of the deputy presiding member of the audit, risk and improvement committee, in addition to the requirement of section 5.11A(2)(c), the appointed deputy cannot be a council member of any other local government.

#### **7.1C. Delegation to audit, risk and improvement committee**

- (1) The only powers and duties that the local government may delegate to the audit, risk and improvement committee under section 5.16 are as follows —
  - (a) any of its powers and duties under this Part;
  - (b) any prescribed power or duty.
- (2) The provision that may be made by regulations for the purposes of subsection (1)(b) is not limited by the other subject matter of this Part.
- (3) The local government's power to delegate to the audit, risk and improvement committee is not limited by section 5.17.

#### **7.1CA. Decisions of audit, risk and improvement committee**

Despite section 5.20, a decision of the audit, risk and improvement committee is to be made by a simple majority.

#### **7.1CB. Two or more local governments may have shared audit, risk and improvement committee**

- (1) Two or more local governments may agree to establish a single committee to be the audit, risk and improvement committee of each of their councils (a *shared committee*).
- (2) The following provisions apply to the establishment of a shared committee —
  - (a) each member, including the presiding member or any deputy presiding member, must be appointed by the local governments in accordance with their agreement;
  - (b) each local government must approve\* each member's appointment;
  - (c) each local government must approve\* the appointment of the presiding member and of any deputy presiding member;
  - (d) there must be at least 3 members;
  - (e) no employee of any of the local governments is to be a member;



- (f) no member is to be nominated by, or is to be appointed to represent, any employee of any of the local governments;
- (g) neither the presiding member nor any deputy presiding member can be a council member of any of the local governments or of any other local government.

*\* Absolute majority required.*

- (3) In sections 5.98(1) and 5.99, references to a committee meeting include a meeting of a shared committee.
- (4) Section 5.100 applies to a member of a shared committee, except a member who is a council member of any of the local governments.
- (5) For the purposes of subsection (4), the local governments' agreement must —
  - (a) provide for the payment of fees, and for the reimbursement of expenses, under section 5.100 to be split between the local governments in accordance with the agreement; and
  - (b) provide for any discretion of a local government under section 5.100 to be exercised by the local governments in accordance with the agreement.
- (6) Regulations may make provision in relation to shared committees, including local governments' agreements to establish them.
- (7) Without limiting subsection (6), regulations made for the purposes of that subsection may do the following —
  - (a) provide for this Division, Part 5 Division 2 Subdivision 2 or any other provision of this Act that applies in relation to committees of a council to apply in relation to shared committees with or without modifications;
  - (b) make provision in relation to the matters that must be included in an agreement under subsection (5).

### **Policy Implications**

Nil

### **Financial Implications**

In accordance with section 5.100 of the Act, independent committee members are able to be paid fees for attending committee meetings or other meetings associated with their roles on committees.

### **Strategic Implications**

Nil.

### **Voting Requirement**

Absolute majority Required

### **Officer Recommendation**

*That Council, in accordance with section 87 of the Local Government Amendment Act 2024:*

Seeks expression of interest in writing from persons interested in becoming the Independent chair and Deputy chair for the Shire of Wickepin's Audit, Risk and Improvement Committee.

**Council Decision**

**Resolution** OCM-190325-09

**Moved** Cr P Thompson

**Second** Cr W Astbury

***That Council, in accordance with section 87 of the local Government Amendment Act 2024:***

**Seeks expression of interest in writing from persons interested in becoming the Independent chair and Deputy chair for the Shire of Wickepin's Audit, Risk and Improvement Committee.**

**Carried** 7/0

**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller

**Against** Nil

**Cr Julie Russell declared a Proximity Interest in the following item 14.7 and left the chambers at 4.02pm and Cr Astbury took the Chair.**

**Cr Ty Miller declared an Impartiality Interest and remained in the Chambers for item 14.7.**

## 14.7 Lease of Yarling Brook Estate Land For Cropping Purposes

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	Peter Clarke – Acting Chief Executive Officer Lara Marchei – Governance Officer
<b>File Reference</b>	LD.MM.6, RD.LIA.2406
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	The authors have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	14 March 2025
<b>Attachments</b>	<b>Attachment 14.7.1</b> – Expression of Interest from Wickepin District Sports Club & Wickepin Football Club. <b>Attachment 14.7.2</b> – Map of Yarling Brook Estate Land <b>Attachment 14.7.3</b> – Lease Agreement Period 1 April 2024 – 31 March 2025

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### Summary

Council is asked to consider granting approval to the Wickepin District Sports Club (WDSC) and the Wickepin Football Club (WFC) as a joint venture, the rights for cropping portion of Yarling Brook Estate land.

### Background

In February 2025 the Shire of Wickepin advertised, calling for Expressions of Interest (EOI) to the rights to crop portion of the Yarling Brook Estate land (76ha) Lot 9001 on Plan 068408.

The advertising period closed on 12 March 2025. The Wickepin District Sports Club and the Wickepin Football Club as a joint venture basis was the only EOI received. The advert offered the rights for sowing and harvesting for a period of 3 years with a potential of further 2 year option thereafter.

### Comments

The current lease agreement is between the Shire of Wickepin and the WDSC and WFC as joint venture and for the same purpose and expires 31 March 2025.

The lease of the Yarling Brook Estate land has worked well in the past with the WDSC and WFC. The CEO believes this should continue for a period of three years from 1 April 2025 with a reduced fee for the first year to offset costs for planned improvements to the land i.e. fences, clearing rocks, soil improvements. Funds generated from the cropping programs are able to assist both clubs with operational costs and facility improvements.

### Statutory Environment

*The Local Government Act 1995, Section 3.58 Disposing of property and Local Government (Functions and General) Regulations 1996, Part 6 Section 30, relates.*

Dispositions of property (rights for cropping for example) to not for profit community or sporting groups (whether incorporated or not) are excluded from the requirements of the Act to advertise or the need to seek a valuation.

Dispositions of property (license for cropping) to other prospective individuals or businesses is also exempt under the section if:

A disposition of land is an exempt disposition if —

- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
  - (i) its market value is less than \$5 000; and
  - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
    - or
    - it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land.

### **Division 3 — Documents**

#### **9.49A. Execution of documents**

- (1) A document is duly executed by a local government if —
  - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
  - (a) the mayor or president; and
  - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

### **SHIRE OF WICKEPIN STANDING ORDERS 21.2 AND 21.3**

#### **21.2 Custody and Use of Common Seal**

The Chief Executive Officer shall have charge of the common seal of the Council and shall be responsible for the safe custody and proper use of it.

#### **21.3 Seal Not to be Improperly Used**

Except as required by law, or in the exercise of the express authority of the Council, the Chief Executive Officer shall not use the common seal of the Council.

#### **Policy Implications**

Nil

#### **Financial Implications**

Reduction in first year lease payment.

## Strategic Implications

### GOAL - Infrastructure

Objective: 4 Maintain Shire owned facilities in a strategic manner and also to meet community needs.

Strategy: 4.3 Encourage greater usage of Shire facilities.

### Voting Requirement

Simple Majority

### Officer Recommendation

1. *That Council leases the Yarling Brook Estate vacant land under an MOU Agreement for the purpose of cropping and grazing to the Wickepin District Sports Club (WDSC) and the Wickepin Football Club (WFC) on a joint venture basis for a term of three (3) years commencing 1 April 2025 with the following rental to be applied: -*

*Year 1 \$2,200 (GST Inclusive)*

*Year 2 \$4,400 (GST Inclusive)*

*Year 3 \$4,400 (GST Inclusive)*

*NOTE: Year 1 reduction in rental fee is to accommodate works the Joint Venture will be undertaking to improve the land/infrastructure for the cropping operations.)*

*Further, the following conditions/limitations be noted: -*

- *Council reserves the right to utilise the land for rural/residential development should the need/demand arises.*
- *The WDSC and WFC shall maintain boundary fences in a secure manner;*
- *The WDSC and WFC shall have regard for prevailing wind direction when undertaking spraying of crops with respect to adjacent residential areas;*
- *The WDSC and WFC shall maintain a fire break around land in accordance with the Fire Break Order of the Shire of Wickepin.*

*That the CEO be authorised to place the common seal of Council on the Lease - MOU agreement once signed by the Wickepin District Sports Club and the Wickepin Football Club.*

### Council Decision

**Resolution** OCM-190325-10

**Moved** Cr P Thompson

**Second** Cr J Mearns

1. ***That Council leases the Yarling Brook Estate vacant land under an MOU Agreement for the purpose of cropping and grazing to the Wickepin District Sports Club (WDSC) and the Wickepin Football Club (WFC) on a joint venture basis for a term of three (3) years commencing 1 April 2025 with the following rental to be applied: -***

***Year 1 \$2,200 (GST Inclusive)***

***Year 2 \$4,400 (GST Inclusive)***

***Year 3 \$4,400 (GST Inclusive)***

**NOTE: Year 1 reduction in rental fee is to accommodate works the Joint Venture will be undertaking to improve the land/infrastructure for the cropping operations.)**

**Further, the following conditions/limitations be noted: -**

- **Council reserves the right to utilise the land for rural/residential development should the need/demand arises.**
- **The WDSC and WFC shall maintain boundary fences in a secure manner;**
- **The WDSC and WFC shall have regard for prevailing wind direction when undertaking spraying of crops with respect to adjacent residential areas;**
- **The WDSC and WFC shall maintain a fire break around land in accordance with the Fire Break Order of the Shire of Wickepin.**

**2. That the CEO be authorised to place the common seal of Council on the Lease - MOU agreement once signed by the Wickepin District Sports Club and the Wickepin Football Club.**

**Carried 6/0**

**For Cr W Astbury, Cr F Allan, Cr J Mearns, Cr L Corke, Cr P Thompson, Cr T Miller**

**Against Nil**

**Cr Julie Russell returned to the meeting at 4.04pm and resumed the Chair from Cr Wes Astbury.**

## 15 Confidential Reports and Information

Nil

## 16 Urgent Business

Nil

## 17 Closure

With no further business, the Presiding Member Cr Russell declared the meeting closed at 4.05pm.

These Minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Wednesday 16 April 2025.

Presiding Member, Cr J Russell \_\_\_\_\_

Date \_\_\_\_\_