

Ordinary Council Meeting Agenda

22 August 2023

3.30pm



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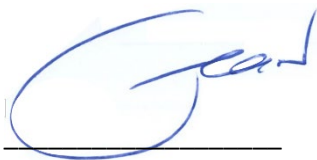


Shire of Dalwallinu

NOTICE OF MEETING

NOTICE is hereby given that the next Ordinary Meeting of Council of the Shire of Dalwallinu will be held on Tuesday, 22 August 2023 in the Council Chambers, Dalwallinu commencing at 3.30pm.

Signed:



Jean Knight

Chief Executive Officer

16 / 8 / 2023

Date

DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member of officer of the Shire of Dalwallinu during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Dalwallinu. The Shire of Dalwallinu warns that anyone who has an application lodged with the Shire of Dalwallinu 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 Dalwallinu in respect of the application.



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SHIRE OF DALWALLINU

AGENDA for the Ordinary Meeting of Council to be held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday 22 August 2023 commencing at 3.30pm.

1 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at _____ pm.

2 ANNOUNCEMENTS OF PRESIDING MEMBER

3 ATTENDANCE RECORD

3.1 Present

Shire President	Cr KL Carter
Deputy Shire President	Cr SC Carter
	Cr JL Counsel
	Cr DS Cream
	Cr MM Harms
	Cr NW Mills
	Cr KM McNeill
Chief Executive Officer	Mrs JM Knight
Executive Assistant	Mrs DJ Whitehead

Public

3.2 Apologies

3.3 Leave of Absence Previously Granted

4 DECLARATIONS OF INTEREST

5 PUBLIC QUESTION TIME

5.1 Response to Previous Public Questions Taken on Notice

5.2 Public Question Time



6 MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting – 25 July 2023

MOTION

Moved Cr

Seconded Cr

That the Minutes of the Ordinary Meeting of Council held 25 July 2023 be confirmed.

0/0

7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES/REPORTS/SUBMISSIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

7.4 Delegates Reports/Submissions

8 METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands)

As agreed.



9 REPORTS

9.1 WORKS & SERVICES

There were nil reports this month for Works & Services.



9.2 PLANNING & DEVELOPMENT SERVICES

There were nil reports this month for Planning & Development Services.



9.3 CORPORATE SERVICES

9.3.1 Accounts for Payment for July 2023*

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	FM/9 Financial Reporting
Previous Meeting Reference	Nil
Prepared by	Christie Andrews, Finance Officer
Supervised by	Hanna Jolly, Manager Corporate Services
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Summary of Accounts for Payment

Purpose of Report

Council is requested to consider the acceptance and approval of the Schedule of Accounts for Payment.

Background

A list of invoices paid for the month of July 2023 from the Municipal Account, to the sum of \$406,283.35 paid by EFT is attached together with a list of bank fees, payroll, direct debit payments, loan payments and transfer to Term Deposits. These payments total \$4,197,320.21. There were no payments from the Trust Account. Total payments from all accounts being \$4,197,320.21 have been listed for Council's ratification.

Consultation

In accordance with the requirements of the *Local Government Act 1995* a list of accounts paid, by approval of the Chief Executive Officer under Council's delegated authority, is to be completed for each month showing:

- The payees names
- The amount of the payments
- Sufficient information to identify the payment
- The date of the payment

The attached list meets the requirements of the Financial Regulations,

In addition to the above statutory requirements, Financial Management Regulation Section 13(4) requires 'the total of the other outstanding accounts be calculated and a statement be presented to Council at the next Council meeting'.

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil



Financial Implications

Payments are in accordance with the adopted budget for 2023/2024.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Officer Comment

Accounts for Payments are in accordance with the adopted budget for 2023/2024 or authorised by separate resolution.

Officer Recommendation

That Council, in accordance with the requirements of sections 13(1), 13(3), and 13(4) of the *Local Government (Financial Management) Regulations 1996* a list of payments made in July 2023 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

Municipal Fund Account totalling \$4,197,320.21 consisting of:

EFT Payments (EFT14713-EFT14798)	\$406,283.35
EFT Payments (Payroll)	\$132,919.66
Direct Debit – Credit Card (DD17287.1)	\$4,261.30
Direct Debit – Gym Equipment Lease (DD17302.1)	\$2,585.25
Direct Debit – Superannuation	\$26,817.91
Direct Debit – Payments to Department of Transport	\$98,042.80
Bank Fees	\$949.14
Loan Payment Loan 64 – Sewerage Scheme	\$13,903.56
Loans 157, 159 & 160 Guarantee Fee	\$11,557.24
Transfer to Reserves Term Deposit	\$3,500,000.00



Recommendation/Resolution

MOTION

Moved Cr

Seconded Cr

0/0



EFT PAYMENTS FOR THE MONTH OF JULY 2023

Chq/EFT	Date	Name	Description	Amount
EFT14713	13/07/2023	ON HOLD ON LINE	Monthly on hold message - Jul 23	77.00
EFT14714	13/07/2023	WESTRAC EQUIPMENT PTY LTD	Grease lines	119.57
EFT14715	13/07/2023	THE PAPER COMPANY OF AUSTRALIA	Paper for Shire admin	310.75
EFT14716	13/07/2023	WATER CORPORATION	Water Usage - May - Jul 23, Service charge Jul - Aug 23	14,166.29
EFT14717	13/07/2023	Wex Australia Pty Ltd	Fuel for Jun 23	3,086.44
EFT14718	13/07/2023	AUSTRALIA POST - SHIRE	Postage charges for Shire Admin Jun 23	120.87
EFT14719	13/07/2023	KLEENHEAT GAS	Bulk lpg delivery for Caravan Park	211.29
EFT14720	13/07/2023	BOC LIMITED	Monthly container rental - Jun 23	38.12
EFT14721	13/07/2023	DEPUTY COMMISSIONER OF TAXATION	Business Activity Statement for the month of June 23	47,552.00
EFT14722	13/07/2023	BURGESS RAWSON (WA) PTY LTD	Water Usage - May - Jul 23	67.68
EFT14723	13/07/2023	AUSTRALIA'S GOLDEN OUTBACK	Silver annual membership - 23/24	185.00
EFT14724	13/07/2023	ST JOHN AMBULANCE DALWALLINU	Memberships collected for June 23	526.00
EFT14725	13/07/2023	SYNERGY	Electricity Usage - May - Jun 23	6,708.63
EFT14726	13/07/2023	Team Global Express Pty Ltd	Freight charges - Jun 23	76.47
EFT14727	13/07/2023	REFUEL AUSTRALIA	Diesel delivered Shire depot	10,260.00
EFT14728	13/07/2023	ROWDY'S ELECTRICAL	Electrical works - Jul 23	577.50
EFT14729	13/07/2023	DALLY SCRAPPERS GROUP	Return of venue & key bonds	560.00
EFT14730	13/07/2023	POSITION PARTNERS PTY LTD	Topcon single grade laser & equipment	4,037.50
EFT14731	13/07/2023	SAFEROADS PTY LTD	Subscription for VMS Trailer for 23-24	704.00
EFT14732	13/07/2023	LOCAL GOVERNMENT SUPERVISORS ASSOCIATION	Local Government Works Conference 2023 for MWS & WS	2,035.00
EFT14733	13/07/2023	ACCESS 1 SECURITY SYSTEMS	Alarm monitoring for Admin & Depot - Jul 23 to Sep 23	283.92
EFT14734	13/07/2023	AMPAC DEBT RECOVERY	Debt recovery costs for Jun 23	6.60
EFT14735	13/07/2023	HANKS MAINTENANCE AND GENERAL	General Maintenance Kalannie Townscape - Jun 23	2,846.25
EFT14736	13/07/2023	R N R AUTO ELECTRICS	Battery	495.88
EFT14737	13/07/2023	DALLCON	Concrete for assorted works	1,672.00
EFT14738	13/07/2023	P & J TRANSPORT PTY LTD	Freight charges on goods - Jul 23	106.70
EFT14739	13/07/2023	EG & AK Sawyer	Annual lease payment for Kalannie Refuse site	3,877.79
EFT14740	13/07/2023	MARKETFORCE PTY LTD	Advertising RFT2223-05	595.57
EFT14741	13/07/2023	THINKPROJECT AUSTRALIA PTY LTD	RAMM Transport Asset Annual Support & Software Rental 23/24	11,786.00
EFT14742	13/07/2023	Bradyn Joel Wallis	Return of venue & key bonds	280.00
EFT14743	13/07/2023	DALWALLINU FOODWORKS	Assorted supplies for Admin, Council and Events -Jun 23	861.05
EFT14744	13/07/2023	E FIRE & SAFETY	Fire indicator panel testing - Jun 23	506.00

EFT14745	13/07/2023	DEPT OF MINES, INDUSTRY REGULATIONS & SAFETY	BSL collected for Jun 23	722.24
EFT14746	13/07/2023	TRACTUS AUSTRALIA	Tyre repairs - Jun 23	78.00
EFT14747	13/07/2023	Antenna Imaging Services	Installation of microphone to existing Rec Centre audio	1,665.00
EFT14748	13/07/2023	TELAIR PTY LTD	Shire admin NBN service fee - Jul 23	430.90
EFT14749	13/07/2023	COMMERCIAL LOCKSMITHS PTY LTD	Annual Salto locks service 30 May 2023	2,173.49
EFT14750	13/07/2023	Three Sons Pty Ltd	GP Services & cleaning Jul - Sep 23 & Preplacement medical	56,732.93
EFT14751	13/07/2023	BUNNINGS TRADE	Dressed pine for Shire admin	42.90
EFT14752	13/07/2023	DALWALLINU TRADERS	Assorted goods - Jun 23	48.40
EFT14753	13/07/2023	Midwest Turf Supplies	Supply and Install Submersible Pump at old Water Corp Dam	22,371.38
EFT14754	13/07/2023	Irwin Plumbing Services	Sewer repair Grant St	9,821.24
EFT14755	13/07/2023	Grain Growers Ltd	Return of venue & key bond	590.00
EFT14756	13/07/2023	Castle Caretech Pty Ltd	GPRS alarm monitoring for 23/24	1,029.60
EFT14757	13/07/2023	Coerco Pty Ltd	Supply and deliver poly septic & leach drain including geo cloth	4,007.30
EFT14758	13/07/2023	WA LOCAL GOVERNMENT ASSOCIATION	2023 WALGA Convention Registrations - CEO & Councillors	7,594.50
EFT14759	13/07/2023	LANDGATE	Valuation Schedules May - Jun 23	245.43
EFT14760	13/07/2023	KALANNIE COMMUNITY RESOURCE CENTRE	Annual Kapers subscription 23/24	1,500.00
EFT14761	13/07/2023	DALWALLINU & DISTRICTS AG SOCIETY INC	Inside Trade Space - Dally Show 2023	70.00
EFT14762	27/07/2023	JOHN R WALLIS ENGINEERING	Assorted supplies for Works - Jun 23	1,540.23
EFT14763	27/07/2023	RBC - RURAL	Meterplan charge for admin photocopiers - Jul 23	1,402.82
EFT14764	27/07/2023	T-QUIP	Parts for Hako sweeper	205.75
EFT14765	27/07/2023	WURTH AUSTRALIA PTY LTD	Assorted supplies for depot	381.79
EFT14766	27/07/2023	WATER CORPORATION	Water Usage - May - Jul 23, Service charge Jul - Aug 23	6,626.43
EFT14767	27/07/2023	BRIDGESTONE SERVICE CENTRE DALWALLINU	Assorted puncture repairs - Jul 23	91.00
EFT14768	27/07/2023	AVON WASTE	Waste collections for Jun 23	22,348.83
EFT14769	27/07/2023	IT VISION	Accommodation Altus Software Payroll training	260.00
EFT14770	27/07/2023	BURGESS RAWSON (WA) PTY LTD	Water usage May - Jul 23	129.22
EFT14771	27/07/2023	OFFICEWORKS	July stationery order	327.88
EFT14772	27/07/2023	PARKER BLACK & FORREST PTY LTD	Keys cut for Toy library, Playgroup entrance & Day Care	319.00
EFT14773	27/07/2023	SYNERGY	Electricity Usage - May - Jul 23	21,019.79
EFT14774	27/07/2023	Team Global Express Pty Ltd	Freight charges - Jul 23	29.78
EFT14775	27/07/2023	RW ROACH & CO	Gravel for Sutcliffe Road	2,428.80
EFT14776	27/07/2023	REFUEL AUSTRALIA	Mobil Delvac Modern 15w-40	1,365.79
EFT14777	27/07/2023	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	LHACC Sampling Scheme assessed amount for 23/24	509.30
EFT14778	27/07/2023	ROWDY'S ELECTRICAL	Electrical works - Jul 23	685.91
EFT14779	27/07/2023	AMPAC DEBT RECOVERY	Debt recovery costs for Feb 23	38.50

EFT14780	27/07/2023	R N R AUTO ELECTRICS	Bosch Deep Cycle Batteries	1,435.28
EFT14781	27/07/2023	CENTRAL WHEATBELT BIOSECURITY ASSOCIATION INC	Refund of venue & key bond	210.00
EFT14782	27/07/2023	INDUSTRIAL AUTOMATION GROUP PTY LTD	Yearly standpipe access & support charges 23/24	2,784.10
EFT14783	27/07/2023	IXOM OPERATIONS PTY LTD	Container service fee for Jun 23	81.84
EFT14784	27/07/2023	SHAE MARGUERITE SUNDSTROM - GALYER	Cake for E Richards farewell	120.00
EFT14785	27/07/2023	LIBERTY PLUMBING & GAS	Plumbing works for Jul 23	30,856.00
EFT14786	27/07/2023	CIVIL ENGINEERING PROJECT MANAGEMENT PTY LTD	Consult for DRFAWA - AGRN962 - Finalisation of Claim	35,202.75
EFT14787	27/07/2023	RICOH FINANCE	Admin photocopier lease fees - 14/7/23 to 13/8/23	390.61
EFT14788	27/07/2023	Richard Renz Santiago	Refund of venue & key bond	280.00
EFT14789	27/07/2023	Shire Of Mingenew	Velpic online training platform usage, Apr - Jun 23	374.73
EFT14790	27/07/2023	DALWALLINU TRADERS	Assorted goods - Jun 23	3,243.20
EFT14791	27/07/2023	Maximum Drainage	Drainage Works Pithara East Road	17,802.84
EFT14792	27/07/2023	PRISM CONTRACTING & CONSULTING PTY LTD	Civil Project Management Services - WSN 2023-2024	8,670.26
EFT14793	27/07/2023	CORSIGN WA	Assorted street signs	99.00
EFT14794	27/07/2023	Tree Tech Australia Pty Ltd	Western Power 90 Day Notice tree lopping	15,950.00
EFT14795	27/07/2023	Perth Bouncy Castle Hire	50% deposit for Hire of Inflatables & Staff for Christmas Party	1,584.00
EFT14796	27/07/2023	BOEKEMAN MACHINERY	80,000klm service for DL 89	405.74
EFT14797	27/07/2023	Coerco Pty Ltd	Return of venue & key bond	490.00
EFT14798	27/07/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	23-24 Corporate membership - silver & LGPro Membership -CEO	2,731.00
				406,283.35

DIRECT DEBITS FOR THE MONTH OF JULY 2023

Chq/EFT	Date	Name	Description	Amount
DD17265.1	07/07/2023	AWARE SUPER	Superannuation contributions	7,617.76
DD17265.2	07/07/2023	AUSTRALIA SUPER	Superannuation contributions	565.92
DD17265.3	07/07/2023	THE TRUSTEE FOR COLONIAL SUPER RETIREMENT FUND	Superannuation contributions	458.60
DD17265.4	07/07/2023	CBUS	Superannuation contributions	272.87
DD17265.5	07/07/2023	LOCAL GOVERNMENT SUPERANNUATION SCHEME	Superannuation contributions	909.48
DD17265.6	07/07/2023	CATHOLIC SUPER	Superannuation contributions	721.43
DD17265.7	07/07/2023	REST INDUSTRY SUPER	Superannuation contributions	335.95
DD17265.8	07/07/2023	AUSTRALIAN SUPER	Superannuation contributions	1,079.06
DD17265.9	07/07/2023	SPIRIT SUPER	Superannuation contributions	266.63
DD17265.10	07/07/2023	Hostplus	Superannuation contributions	336.30
DD17265.11	07/07/2023	M L C SUPER FUND	Superannuation contributions	693.33
DD17265.12	07/07/2023	PRIME SUPER	Superannuation contributions	24.30
DD17296.1	27/07/2023	Precision Administration Services Pty Ltd	Superannuation contributions	13,536.28
DD17302.1	03/07/2023	MAIA FINANCIAL PTY LTD	Matrix Gym Equipment hire Jul - Sep 23	2,585.25
				29,403.16

CREDIT CARD PAYMENTS FOR THE MONTH OF JULY 2023

Chq/EFT	Date	Name	Description	Amount
DD17287.1	08/06/2023	Dept of Transport	Farewell gift retired employee - personalised number plates	550.00
	13/06/2023	Adobe Creative Cloud	Adobe Creative Cloud renewal 23/24	871.07
	13/06/2023	WA Newspapers Pty Ltd	Monthly charge for on-line newspapers	28.00
	16/06/2023	Bunnings	Floor mats for entry doors - Shire admin	40.00
	16/06/2023	Uber	Uber to WorkSafe interview	19.72
	16/06/2023	Uber	Uber from WorkSafe interview	18.58
	16/06/2023	Oaks 303	Refreshments CEO	5.00
	19/06/2023	Telstra Prepaid	60GB data for Depot internet	150.00
	19/06/2023	Dept Mines, Industry Regulations & Safety	FOI Application - copies of improvement notices	30.00
	20/06/2023	Dept of Transport	3 month registration on old DL121	116.75
	22/06/2023	Aussie Broadband	Monthly charge for internet at Dalwallinu Rec Centre	79.00
	26/06/2023	Dalwallinu Traders	Farewell gift card for retired employee	200.00
	26/06/2023	Safari Building Products	Formwork timber for footpaths	885.50
	27/06/2023	Wheatland Motel	Meals & drinks - Councillors & MP Melissa Price	325.45
	27/06/2023	Stratco	Flashing for eaves at front of Rec Ctr to stop birds	755.28
	28/06/2023	Dept Racing, Gaming & Liquor	Occasional liquor licence, Annual Street Party - 08/12/23	57.00
	01/07/2023	Westnet Pty Ltd	Monthly charge for internet at Shire admin building	129.95
				4,261.30

CHARGE CARDS PAYMENTS FOR THE MONTH OF JULY 2023

Chq/EFT	Card Name	Card Type	Date	User	Description	Amount
EFT14717	Wex Australia Pty Ltd	Fuel Card	13/06/2023	Gareth Barnes	Fuel for DL 379 (Wubin Fire Truck)	198.54
			21/06/2023	Jean Knight	Fuel for DL 2 (CEO)	158.83
			02/06/2026	Olufemi Onikola	Fuel for DL 89 (Doctor)	81.41
			05/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	98.35
			09/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	56.33
			11/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	69.94
			16/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	66.19
			18/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	102.13
			23/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	53.49
			25/06/2023	Olufemi Onikola	Fuel for DL 89 (Doctor)	82.66
			03/06/2023	Hanna Jolly	Fuel for DL 131 (MCS)	99.10
			04/06/2023	Hanna Jolly	Fuel for DL 131 (MCS)	72.82
			09/06/2023	Hanna Jolly	Fuel for DL 131 (MCS)	73.08
			17/06/2023	Hanna Jolly	Fuel for DL 131 (MCS)	104.29
			13/06/2023	Rodney Broad	Fuel for DL 281 (WS)	180.78
			26/06/2023	Rodney Broad	Fuel for DL 281 (WS)	90.30
			02/06/2023	Marc Bennett	Fuel for DL 103 (MWS)	122.77
			04/06/2023	Marc Bennett	Fuel for DL 103 (MWS)	197.73
			08/06/2023	Marc Bennett	Fuel for DL 103 (MWS)	213.92
			18/06/2023	Marc Bennett	Fuel for DL 103 (MWS)	227.94
			23/06/2023	Marc Bennett	Fuel for DL 103 (MWS)	115.33
			01/06/2023	Douglas Burke	Fuel for DL 492 (MPDS)	96.99
			11/06/2023	Douglas Burke	Fuel for DL 492 (MPDS)	50.27
			15/06/2023	Douglas Burke	Fuel for DL 492 (MPDS)	98.79
			27/06/2023	Douglas Burke	Fuel for DL 492 (MPDS)	62.60
			15/06/2023	Bernadette Harmer	Fuel for DL 102 (Cleaner)	56.01
			31/05/2023	David Hughes	Fuel for sundry plant	81.85
			31/05/2023	David Hughes	Fuel for sundry plant	53.97
			26/06/2023	David Hughes	Fuel for sundry plant	120.03
EFT14751	Bunnings Trade	Store Card	24/06/2023	Preston Knight	Pine dressed 140x19mm	42.90
						3129.34

Shire of Dalwallinu Municipal Account

**Payroll
July 2023**

07/07/2023	Payroll fortnight ending 07/07/2023	\$ 69,511.00
21/07/2023	Payroll fortnight ending 21/07/2023	\$ 63,408.66
	TOTAL	<u>\$ 132,919.66</u>

**Bank Fees
July 2023**

03/07/2023	Bpay Transaction Fee (Muni)	\$ 23.20
03/07/2023	CBA Merchant Fee (Muni)	\$ 925.94
	TOTAL	<u>\$ 949.14</u>

**Direct Debit Payments
July 2023**

	Superannuation Payments (Pay endings 07/07/2023 & 21/07/2023)	26,817.91
25/07/2023	Credit Card Payments to Bankwest	4,261.30
01/07/2023	Gym Equipment Lease Payments by direct debit	\$ 2,585.25
17/07/2023	Loan Payment 64 - Dalwallinu Sewerage Scheme	\$ 13,903.56
24/07/2023	Government Guarantee Fee - loans 157 (DDC), 159 (Rec Centre) and 160 (Bell Street)	\$ 11,557.24
10/07/2023	Transfer to Muni Excess Funds Term Deposit	\$ 3,500,000.00
01-31/07/2023	Payments to Department of Transport Licensing	98,042.80
	TOTAL	<u>\$ 3,657,168.06</u>



Bankwest Corporate MasterCard Statement

Account Number xxxx xxxx xxxx x952

Period 8 Jun 23 - 7 Jul 23

Monthly Spend Limit \$20,000

SUMMARY OF YOUR SPEND	
Purchases	\$4,261.30
Cash Advances & Balance Transfers	\$0.00

SHIRE OF DALWALLINU
PO BOX 141
DALWALLINU WA 6609



YOUR TRANSACTION SUMMARY

Date	Description	Debit	Credit
08 JUN 23		\$550.00	
13 JUN 23		\$871.07	
13 JUN 23		\$28.00	
16 JUN 23		\$40.00	
16 JUN 23		\$19.72	
16 JUN 23		\$18.58	
16 JUN 23		\$5.00	
19 JUN 23		\$150.00	
19 JUN 23		\$30.00	
20 JUN 23		\$116.75	
22 JUN 23		\$79.00	
26 JUN 23		\$200.00	
26 JUN 23		\$885.50	
27 JUN 23		\$755.28	
27 JUN 23		\$325.45	
28 JUN 23		\$57.00	
01 JUL 23		\$129.95	
Total		\$4,261.30	\$0.00

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9.3.2 Monthly Financial Statements for July 2023*

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	FM/9 Financial Reporting
Previous Meeting Reference	Nil
Prepared by	Hanna Jolly, Manager Corporate Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Monthly Statements of Financial Activity, Variance Report, Investments Held and Bank Reconciliations

Purpose of Report

Council is requested to receive and accept the Financial Reports for the month end 31 July 2023.

Background

There is a statutory requirement that Financial Reports be recorded in the Minutes of the meeting to which they are presented. The Financial Reports, as circulated, give an overview of the current financial position of the Shire and the status of capital income and expenditure.

Consultation

Nil

Legislative Implications

State

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 s34(1), s19(1)(2) and s34(2)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.



Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Officer Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 July 2023. It is to be noted that the opening balances in these financial statements are not finalised as further adjustments for 2022-2023 may be required for yearend accruals.

Attached for council’s consideration are:

1. Statement of Financial Activity
2. Variance Reports
3. Investments Held
4. Bank Reconciliations

As per Council resolution, all items that have a variance of more than \$10,000 have been noted on the variance reports.

Officer Recommendation

That the Council accept the Financial Reports as submitted for the month ending 31 July 2023.

Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0



SHIRE OF DALWALLINU

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 31 July 2023

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF DALWALLINU
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2023

	Supplementary Information	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
General rates	10	3,673,727	3,826,393	3,767,975	(58,418)	(1.53%)	▼
Grants, subsidies and contributions	14	737,120	380,241	390,913	10,672	2.81%	▲
Fees and charges		1,266,570	634,996	653,793	18,797	2.96%	▲
Interest revenue		196,985	5,013	1,915	(3,098)	(61.80%)	▼
Other revenue		4,225	4,133	0	(4,133)	(100.00%)	▼
Profit on asset disposals	6	252,136	0	0	0	0.00%	
		6,130,763	4,850,776	4,814,596	(36,180)	(0.75%)	
Expenditure from operating activities							
Employee costs		(2,528,638)	(204,791)	(164,271)	40,520	19.79%	▲
Materials and contracts		(2,862,870)	(246,755)	(367,895)	(121,140)	(49.09%)	▼
Utility charges		(438,062)	(1,105)	(20,097)	(18,992)	(1718.73%)	▼
Depreciation		(5,988,786)	(500,243)	(2,491)	497,752	99.50%	▲
Finance costs		(110,565)	(2,465)	(2,880)	(415)	(16.84%)	▼
Insurance		(221,490)	(110,021)	(97,783)	12,238	11.12%	▲
Other expenditure		(137,172)	(6,582)	(8,264)	(1,682)	(25.55%)	▼
		(12,287,583)	(1,071,962)	(663,681)	408,281	38.09%	
Non-cash amounts excluded from operating activities	Note 2(b)	5,729,204	500,243	2,491	(497,752)	(99.50%)	▼
Amount attributable to operating activities		(427,616)	4,279,057	4,153,406	(125,651)	(2.94%)	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	15	8,755,427	134,877	0	(134,877)	(100.00%)	▼
Proceeds from disposal of assets	6	581,500	0	0	0	0.00%	
		9,336,927	134,877	0	(134,877)	(100.00%)	
Outflows from investing activities							
Payments for property, plant and equipment	5	(3,322,085)	(13,167)	(30,040)	(16,873)	(128.15%)	▼
Payments for construction of infrastructure	5	(9,644,264)	(709,964)	(49,518)	660,446	93.03%	▲
Amount attributable to investing activities		(3,629,422)	(588,254)	(79,559)	508,695	86.48%	
FINANCING ACTIVITIES							
Inflows from financing activities							
Transfer from reserves	4	559,574	0	0	0	0.00%	
		559,574	0	0	0	0.00%	
Outflows from financing activities							
Repayment of borrowings	11	(310,416)	(11,471)	(11,471)	0	0.00%	
Payments for principal portion of lease liabilities	12	(12,724)	(2,491)	(2,491)	0	0.00%	
Transfer to reserves	4	(1,725,879)	0	0	0	0.00%	
		(2,049,019)	(13,962)	(13,962)	0	0.00%	
Amount attributable to financing activities		(1,489,445)	(13,962)	(13,962)	0	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year		5,546,483	5,546,483	5,282,262	(264,221)	(4.76%)	▼
Amount attributable to operating activities		(427,616)	4,279,057	4,153,406	(125,651)	(2.94%)	▼
Amount attributable to investing activities		(3,629,422)	(588,254)	(79,559)	508,695	86.48%	▲
Amount attributable to financing activities		(1,489,445)	(13,962)	(13,962)	0	0.00%	
Surplus or deficit after imposition of general rates		0	9,223,324	9,342,147	118,823	1.29%	▲

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF DALWALLINU
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 JULY 2023

	Supplementary Information	30 June 2022	31 July 2023
		\$	\$
CURRENT ASSETS			
Cash and cash equivalents	3	10,007,331	10,502,634
Trade and other receivables		459,411	4,479,966
Inventories	8	13,751	12,609
TOTAL CURRENT ASSETS		10,480,493	14,995,209
NON-CURRENT ASSETS			
Trade and other receivables		6,377	6,377
Investment in associate	16	136,156	136,156
Property, plant and equipment		38,432,500	38,462,541
Infrastructure		283,075,411	283,124,929
Right-of-use assets		52,195	49,704
TOTAL NON-CURRENT ASSETS		321,702,639	321,779,707
TOTAL ASSETS		332,183,132	336,774,916
CURRENT LIABILITIES			
Trade and other payables	9	361,642	606,275
Other liabilities	13	0	209,965
Lease liabilities	12	690	(1,568)
Borrowings	11	310,416	298,945
Employee related provisions	13	391,047	391,047
TOTAL CURRENT LIABILITIES		1,063,795	1,504,664
NON-CURRENT LIABILITIES			
Lease liabilities	12	51,653	51,653
Borrowings	11	3,004,093	3,004,093
Employee related provisions		18,224	18,224
Other provisions		214,599	214,599
TOTAL NON-CURRENT LIABILITIES		3,288,569	3,288,569
TOTAL LIABILITIES		4,352,364	4,793,233
NET ASSETS		327,830,768	331,981,683
EQUITY			
Retained surplus		57,704,227	61,855,142
Reserve accounts	4	4,398,920	4,398,920
Revaluation surplus		265,727,620	265,727,620
TOTAL EQUITY		327,830,768	331,981,683

This statement is to be read in conjunction with the accompanying notes.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JULY 2023

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 09 August 2023

SHIRE OF DALWALLINU
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2023

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Net current assets used in the Statement of Financial Activity	Supplementary Information	Adopted Budget	Last Year	Year to Date
		Opening 30 June 2023	Closing 30 June 2023	31 July 2023
Current assets		\$	\$	\$
Cash and cash equivalents	3	10,010,626	10,007,331	10,502,634
Trade and other receivables		539,008	459,411	4,479,966
Inventories	8	13,751	13,751	12,609
		<u>10,563,385</u>	<u>10,480,493</u>	<u>14,995,209</u>
Less: current liabilities				
Trade and other payables	9	(427,740)	(361,642)	(606,275)
Other liabilities	13	(479)	0	(209,965)
Lease liabilities	12	(18,512)	(690)	1,568
Borrowings	11	(304,001)	(310,416)	(298,945)
Employee related provisions	13	(391,047)	(391,047)	(391,047)
		<u>(1,141,779)</u>	<u>(1,063,795)</u>	<u>(1,504,664)</u>
Net current assets		9,421,606	9,416,698	13,490,545
Less: Total adjustments to net current assets	Note 2(c)	(4,093,338)	(4,134,436)	(4,148,398)
Closing funding surplus / (deficit)		5,328,268	5,282,262	9,342,147

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Non-cash amounts excluded from operating activities	Adopted Budget	YTD Budget	YTD Actual
	\$	(a)	(b)
Adjustments to operating activities			
Less: Profit on asset disposals	6	(252,136)	0
Add: Depreciation		5,988,786	2,491
Movement in current employee provisions associated with restricted cash		(7,446)	
Total non-cash amounts excluded from operating activities		5,729,204	2,491

(c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

Adjustments to net current assets	Adopted Budget	Last Year	Year to Date
	Opening 30 June 2023	Closing 30 June 2023	31 July 2023
	\$	\$	\$
Less: Reserve accounts	4	(4,398,920)	(4,398,920)
Add: Current liabilities not expected to be cleared at the end of the year:			
- Current portion of borrowings	11	310,416	298,945
- Current portion of lease liabilities	12	41,388	(1,568)
- Current portion of other provisions held in reserve		(46,222)	(46,855)
Total adjustments to net current assets	Note 2(a)	(4,093,338)	(4,148,398)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

SHIRE OF DALWALLINU
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2023

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2023-24 year is \$10,000 or 5.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
Revenue from operating activities			
General rates	(58,418)	(1.53%)	▼
Rates discount to be given during August & September		Timing	
Grants, subsidies and contributions	10,672	2.81%	▲
Various timing variances		Timing	
Fees and charges	18,797	2.96%	▲
Various timing variances		Timing	
Interest revenue	(3,098)	(61.80%)	▼
Various timing variances		Timing	
Other revenue	(4,133)	(100.00%)	▼
Various timing variances		Timing	
Expenditure from operating activities			
Employee costs	40,520	19.79%	▲
Various timing variances		Timing	
Materials and contracts	(121,140)	(49.09%)	▼
Various timing variances		Timing	
Utility charges	(18,992)	(1718.73%)	▼
Various timing variances		Timing	
Depreciation	497,752	99.50%	▲
Depreciation not processed for July 2023		Timing	
Finance costs	(415)	(16.84%)	▼
Various timing variances		Timing	
Insurance	12,238	11.12%	▲
Various timing variances		Timing	
Other expenditure	(1,682)	(25.55%)	▼
Various timing variances		Timing	
Non-cash amounts excluded from operating activities	(497,752)	(99.50%)	▼
Depreciation not processed for July 2023		Timing	
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	(134,877)	(100.00%)	▼
Capital grants in contract liabilities		Timing	
Outflows from investing activities			
Payments for property, plant and equipment	(16,873)	(128.15%)	▼
Various timing variances		Timing	
Payments for construction of infrastructure	660,446	93.03%	▲
Various timing variances		Timing	
Surplus or deficit at the start of the financial year	(264,221)	(4.76%)	▼
Posting for 2022/23 not completed yet		Timing	
Surplus or deficit after imposition of general rates	118,823	1.29%	▲
Due to variances described above			

SHIRE OF DALWALLINU
SUPPLEMENTARY INFORMATION

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SHIRE OF DALWALLINU
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 JULY 2023

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$5.55 M	\$5.55 M	\$5.28 M	(\$0.26 M)
Closing	\$0.00 M	\$9.22 M	\$9.34 M	\$0.12 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$10.50 M	% of total
Unrestricted Cash	\$6.10 M	58.1%
Restricted Cash	\$4.40 M	41.9%

Refer to 3 - Cash and Financial Assets

Payables	
	\$0.61 M
Trade Payables	\$0.54 M
0 to 30 Days	72.7%
Over 30 Days	27.3%
Over 90 Days	0.6%

Refer to 9 - Payables

Receivables		
	\$0.20 M	% Collected
Rates Receivable	\$4.28 M	4.3%
Trade Receivable	\$0.20 M	% Outstanding
Over 30 Days		85.4%
Over 90 Days		4.6%

Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.43 M)	\$4.28 M	\$4.15 M	(\$0.13 M)

Refer to Statement of Financial Activity

Rates Revenue		
	YTD Actual	% Variance
	\$3.77 M	
	YTD Budget	\$3.83 M (1.5%)

Refer to 10 - Rate Revenue

Grants and Contributions		
	YTD Actual	% Variance
	\$0.39 M	
	YTD Budget	\$0.38 M 2.8%

Refer to 14 - Grants and Contributions

Fees and Charges		
	YTD Actual	% Variance
	\$0.65 M	
	YTD Budget	\$0.63 M 3.0%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$3.63 M)	(\$0.59 M)	(\$0.08 M)	\$0.51 M

Refer to Statement of Financial Activity

Proceeds on sale		
	YTD Actual	%
	\$0.00 M	
	Adopted Budget	\$0.58 M (100.0%)

Refer to 6 - Disposal of Assets

Asset Acquisition		
	YTD Actual	% Spent
	\$0.05 M	
	Adopted Budget	\$9.64 M (99.5%)

Refer to 5 - Capital Acquisitions

Capital Grants		
	YTD Actual	% Received
	\$0.00 M	
	Adopted Budget	\$8.76 M (100.0%)

Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.49 M)	(\$0.01 M)	(\$0.01 M)	\$0.00 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	(\$0.01 M)
Interest expense	(\$0.00 M)
Principal due	\$3.30 M

Refer to 11 - Borrowings

Reserves	
Reserves balance	\$4.40 M
Interest earned	\$0.00 M

Refer to 4 - Cash Reserves

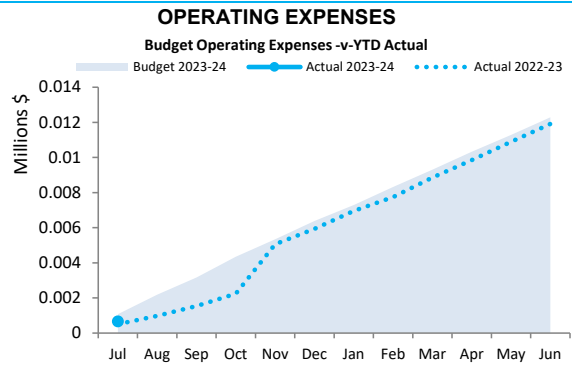
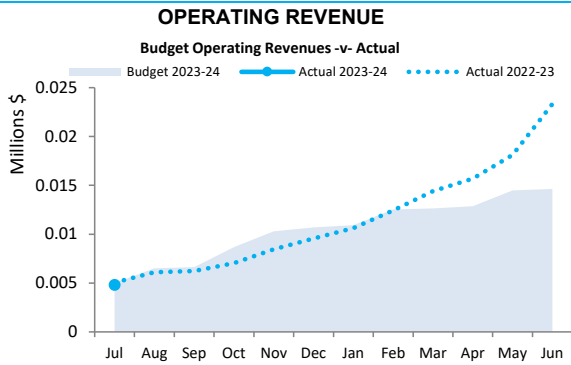
Lease Liability	
Principal repayments	(\$0.00 M)
Interest expense	(\$0.00 M)
Principal due	\$0.05 M

Refer to Note 12 - Lease Liabilities

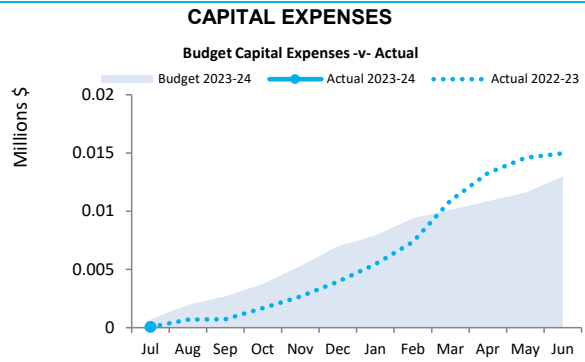
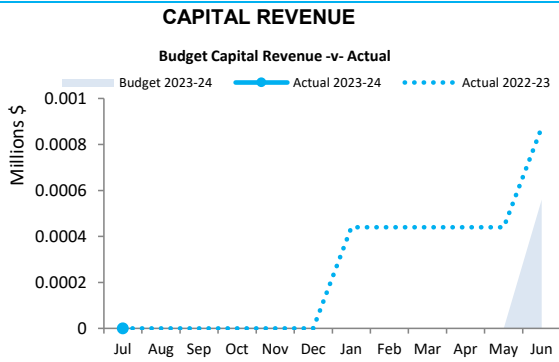
This information is to be read in conjunction with the accompanying Financial Statements and notes.

2 KEY INFORMATION - GRAPHICAL

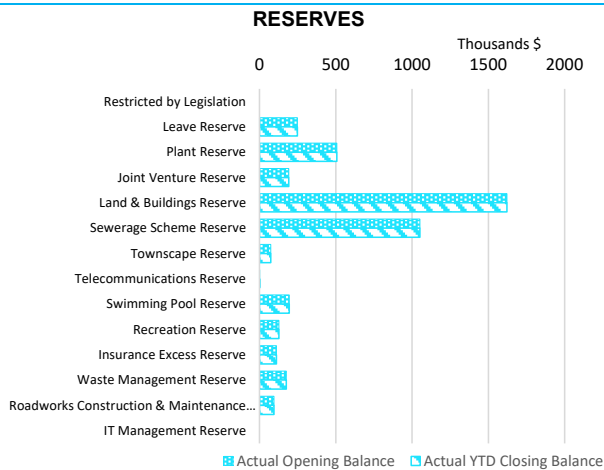
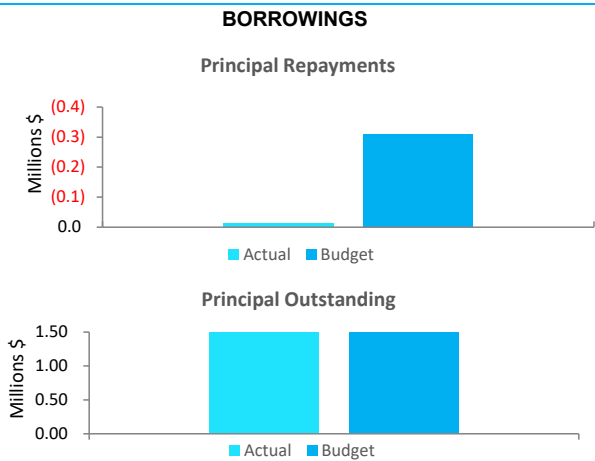
OPERATING ACTIVITIES



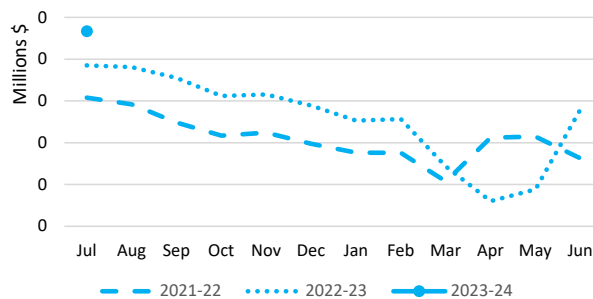
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

3 CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
TelenetSaver Account	Cash and cash equivalents	2,457,053		2,457,053		Bank	1.35%	At call
Municipal Account	Cash and cash equivalents	146,461		146,461		Bank	0.00%	At call
Term Deposit - Municipal Exce	Cash and cash equivalents	0	4,398,920	4,398,920		Bank	3.70%	28/08/2023
Term Deposit - Reserves	Cash and cash equivalents	3,500,000		3,500,000		Bank	3.70%	6/09/2023
Floats Held	Cash and cash equivalents	200		200		Shire float	0.00%	At call
Total		6,103,714	4,398,920	10,502,634	0			
Comprising								
Cash and cash equivalents		6,103,714	4,398,920	10,502,634	0			
		6,103,714	4,398,920	10,502,634	0			

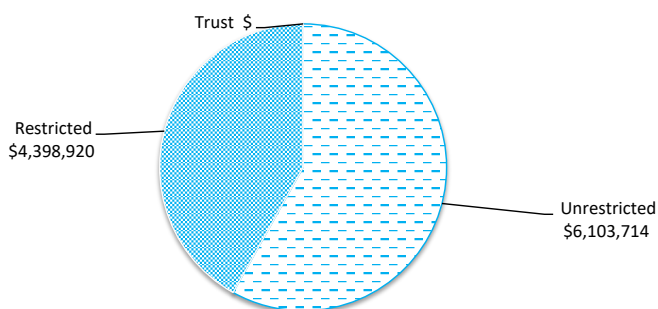
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other a



SHIRE OF DALWALLINU
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 JULY 2023

4 RESERVE ACCOUNTS

Reserve name	Budget	Budget	Budget	Budget	Budget	Actual	Actual	Actual	Actual	Actual YTD
	Opening Balance	Interest Earned	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Interest Earned	Transfers In (+)	Transfers Out (-)	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Legislation										
Leave Reserve	247,906	7,416	0	(14,862)	240,460	247,906	0	0	0	247,906
Plant Reserve	506,416	15,139	137,000	(305,000)	353,555	506,416	0	0	0	506,416
Joint Venture Reserve	191,570	5,459	29,012	(2,000)	224,041	191,570	0	0	0	191,570
Land & Buildings Reserve	1,621,642	48,509	685,000	(162,712)	2,192,439	1,621,642	0	0	0	1,621,642
Sewerage Scheme Reserve	1,052,044	31,470	156,443	0	1,239,957	1,052,044	0	0	0	1,052,044
Townscape Reserve	73,892	2,210	0	(75,000)	1,102	73,892	0	0	0	73,892
Telecommunications Reserve	507	14	0	0	521	507	0	0	0	507
Swimming Pool Reserve	195,884	5,860	100,000	0	301,744	195,884	0	0	0	195,884
Recreation Reserve	127,990	3,829	130,000	0	261,819	127,990	0	0	0	127,990
Insurance Excess Reserve	110,488	3,305	16,000	0	129,793	110,488	0	0	0	110,488
Waste Management Reserve	176,308	5,274	83,683	0	265,265	176,308	0	0	0	176,308
Roadworks Construction & Main'	94,273	2,820	157,436	0	254,529	94,273	0	0	0	94,273
IT Management Reserve	0	0	100,000	0	100,000	0	0	0	0	0
	4,398,920	131,305	1,594,574	(559,574)	5,565,225	4,398,920	0	0	0	4,398,920

5 CAPITAL ACQUISITIONS

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land - freehold land	152,773	0	0	0
Buildings - non-specialised	1,921,853	0	5,143	5,143
Furniture and equipment	44,704	13,167	20,000	6,833
Plant and equipment	1,202,755	0	4,897	4,897
Acquisition of property, plant and equipment	3,322,085	13,167	30,040	16,873
Infrastructure - roads	8,528,238	685,147	40,652	(644,495)
Infrastructure - Other	1,018,126	16,660	8,866	(7,794)
Infrastructure - Footpaths	97,900	8,157	0	(8,157)
Acquisition of infrastructure	9,644,264	709,964	49,518	(626,699)
Total capital acquisitions	12,966,349	723,131	79,559	(609,825)
Capital Acquisitions Funded By:				
Capital grants and contributions	8,755,427	134,877	0	(134,877)
Lease liabilities	35,600	35,600	35,600	0
Other (disposals & C/Fwd)	581,500	0	0	0
Reserve accounts				
Joint Venture Reserve	2,000		0	0
Land & Buildings Reserve	162,712		0	0
Townscape Reserve	75,000		0	0
Contribution - operations	3,354,110	552,654	43,959	(508,695)
Capital funding total	12,966,349	723,131	79,559	(643,572)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

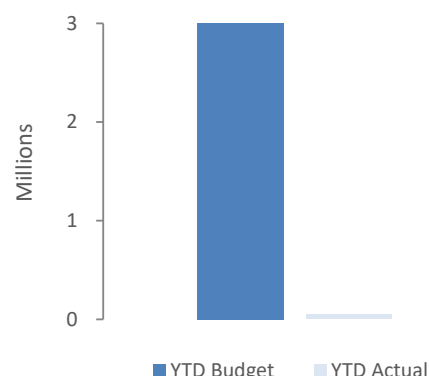
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

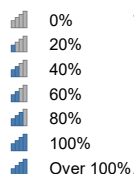
Payments for Capital Acquisitions



5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators



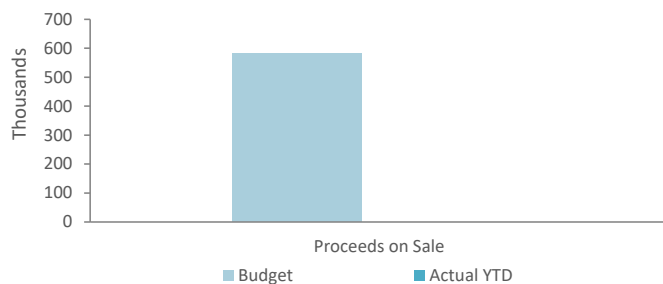
Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

		Adopted			Variance
Account Description		Budget	YTD Budget	YTD Actual	(Under)/Over
		\$	\$	\$	\$
LAND					
█	E081804	PRE SCH - Capital Expenditure - Land	77,273	0	0
█	E093855	OTH HOU - Capital Expenditure - Land	52,000	0	0
█	L42	Purchase of Lot 42 & 43 Arthur St, Wubin	23,500	0	0
BUILDINGS					
█	E053847	OTH LOPS -Capital Expenditure - Buildings Disaster Resilience DF	353,000	0	0
█	K89	Dalwallinu Medical Centre - Capital Upgrade	15,000	0	0
█	K60	Dalwallinu Early Learning Centre - Capital Upgrade	378,000	0	1,500
█	K104	11B Anderson Way, Dalwallinu - DDC Coordinator - Capital Upgr	5,500	0	0
█	K29	13 Rayner St, Dalwallinu - General Hand - Capital Upgrade	65,000	0	0
█	K25	68 Annetts Rd, Dalwallinu - Capital Upgrade	23,000	0	0
█	E092041	STF HOU - Construction of Employee Housing	190,066	0	0
█	K106	1 Salmon Gums Place, Dalwallinu (Dr) Capital Upgrade	6,000	0	0
█	K14	Pioneer House Building Upgrade	14,500	0	0
█	U65	Dalwallinu Cemetery Toilet - Capital	80,000	0	0
█	U70	Kalannie Community Building Upgrade	8,000	0	0
█	K8	Dalwallinu Town Hall - Capital Upgrade	140,000	0	0
█	C149	Dalwallinu Recreation Centre Gardeners Shed - Capital Upgrade	178,457	0	0
█	C148	Dalwallinu Hockey Pavilion - Capital Upgrade	413,125	0	3,643
█	K112	Wubin Sports Pavilion - Capital Upgrade	7,600	0	0
█	K85	Kalannie Sports Pavillion - Capital Upgrade	23,160	0	0
█	K88	Administration Office - Capital Upgrade	21,445	0	0
ROADS					
█	E121700	ROAD CON - Regional Road Group	817,600	55,731	0
█	E121720	ROAD CON - Roads To Recovery	717,302	59,772	0
█	E121735	ROAD CON - WSNF	5,736,518	478,040	7,882
█	E121730	ROAD CON - Shire Road Program	1,221,818	88,688	768
█	E121795	ROAD CON - DRFAWA Works	35,000	2,916	32,003
OTHER INFRASTRUCTURE					
█	K61	Landscaping - MPECLC	120,000	0	8,866
█	Z74	Shire Town Entry Statements	82,070	0	0
█	Z78	Kalannie Memorial Wall - Capital Upgrade	6,765	0	0
█	Z79	Burtons Corner Sculpture - Capital Upgrade	28,500	0	0
█	E103844	SEW - Capital Expenditure - Other Infrastructure	200,000	16,660	0
█	O95	Aquatic Centre Shade Sails - Toddler Pool - Capital Upgrade	92,000	0	0
█	O25	Dalwallinu Recreation Centre Cricket Pitch Upgrade	20,655	0	0
█	O22	Shade Structure - Dalwallinu Sports Club	38,682	0	0
█	O27	Roberts Road 2 x Tanks - Capital Upgrade	94,357	0	0
█	O28	Kalannie Oval 2 x Tanks - Capital Upgrade	94,357	0	0
█	O29	Kalannie Sports Pavilion Sealing - Capital Upgrade	63,802	0	0
█	O30	Dalwalinu Playground (Arts Centre) - Capital Upgrade	85,288	0	0
█	O18	Wubin Playground	62,150	0	0
█	O24	New Gazebo to Tourism Carpark	17,700	0	0
█	O31	RV Dump Point Wubin - Capital Upgrade	11,800	0	0
FOOTPATH CONSTRUCTION					
█	F0196A	Hyde St Between McNeil & Johnston - Capital Upgrade	27,500	2,291	0
█	F0181	Dungy Way between Bell & Shannon - Capital Upgrade	39,600	3,300	0
█	F0189	Leahy St Between South & Annetts - Capital Upgrade	30,800	2,566	0
PLANT & EQUIPMENT					
█	E053848	OTH LOPS -Capital Expenditure - Plant & Equip Disaster Resilenc	147,000	0	0
█	CP004	Transfer Pump Portable Ginch - Capital Upgrade	39,000	0	0
█	DL122	Purchase Grader DL 122	455,000	0	0
█	DL10324	Semi Water Taker (DL10324) - Capital Upgrade	150,000	0	0
█	DL350	Utility (DL350) - Capital Upgrade	30,000	0	0
█	DL281	Purchase Utility WS	44,000	0	0
█	DL275	Utility (DL275) - Capital Upgrade	30,000	0	0
█	CP005	Second Hand Street Sweeper - Capital Upgrade	100,000	0	0
█	CP006	Auger Attachment for Track Loader - Capital Upgrade	10,000	0	4,897
█	DL9138	2017 Hitachi 5 Wheel Loader (Major Repairs)	85,000	0	0
█	CP001	Purchase Sundry Plant	5,000	0	0
█	CP003	EV Charging Station - Capital Upgrade	63,755	0	0
█	E145802	ADMIN - MCS Vehicle - DL 131	44,000	0	0
FURNITURE & FIXTURES					
█	C124	Altus Payroll & Procurement Software Implementation	26,334	13,167	20,000
█	C125	HPE Backup Server Proline	8,370	0	0
█	C127	Wall Mounted Television Dally Rec Centre - capital upgrade	10,000	0	0
			12,966,349	723,131	79,559
					643,572

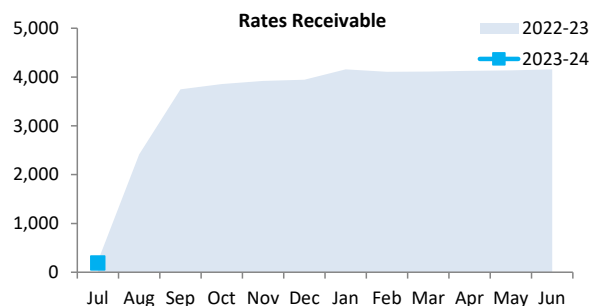
6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Land								
	Sale of McNeill St lots	75,000	120,000	45,000	0	0	0	0	0
	Sale of Roberts Rd lots	65,000	150,000	85,000	0	0	0	0	0
	Plant and equipment								
	Sale of DL122	90,000	140,000	50,000	0	0	0	0	0
	Sale of DL10324	0	40,000	40,000	0	0	0	0	0
	Sale of DL103	28,000	37,000	9,000	0	0	0	0	0
	Sale of DL350	9,182	11,500	2,318	0	0	0	0	0
	Sale of DL281	25,000	38,000	13,000	0	0	0	0	0
	Sale of DL275	9,182	12,000	2,818	0	0	0	0	0
	Sale of DL131	28,000	33,000	5,000	0	0	0	0	0
		329,364	581,500	252,136	0	0	0	0	0



7 RECEIVABLES

Rates receivable	30 Jun 2023	31 Jul 2023
	\$	\$
Opening arrears previous years	59,824	30,307
Levied this year	4,135,012	4,444,332
Less - collections to date	(4,164,529)	(192,745)
Gross rates collectable	30,307	4,281,894
Net rates collectable	30,307	4,281,894
% Collected	99.3%	4.3%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(526)	29,827	156,157	6,384	9,305	201,146
Percentage	(0.3%)	14.8%	77.6%	3.2%	4.6%	
Balance per trial balance						
Trade receivables	(526)	29,827	156,157	6,384	9,305	201,146
GST receivable						(3,074)
Total receivables general outstanding						198,072

Amounts shown above include GST (where applicable)

KEY INFORMATION

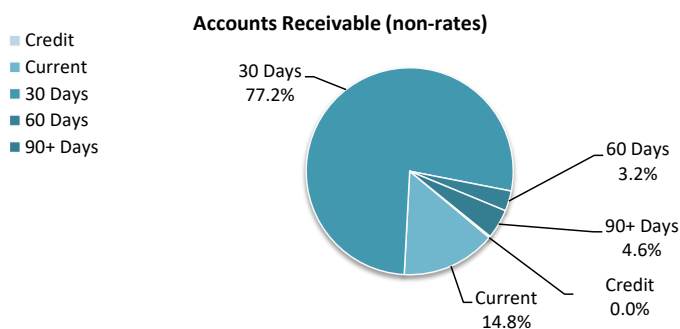
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



8 OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 31 July 2023
	\$	\$	\$	\$
Inventory				
Inventories Fuel & Materials	13,751	0	(1,142)	12,609
Total other current assets	13,751	0	(1,142)	12,609

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

9 PAYABLES

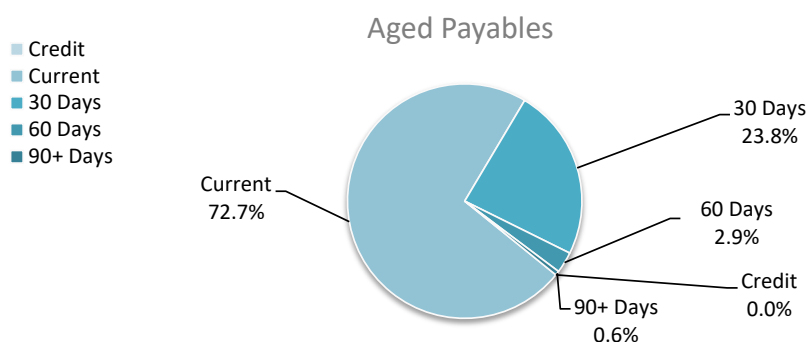
Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	308,569	100,882	12,408	2,500	424,359
Percentage	0.0%	72.7%	23.8%	2.9%	0.6%	
Balance per trial balance						
Sundry creditors	0	420,537	100,882	12,408	2,500	536,327
Accrued salaries and wages						18,310
ATO liabilities						9,491
Other payables						24,245
Accrued interest on loans						16,222
Bonds & Deposits Held						1,680
Total payables general outstanding						606,275

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



SHIRE OF DALWALLINU
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OPERATING ACTIVITIES

10 RATE REVENUE

General rate revenue

RATE TYPE	Rate in	Number of	Rateable	Rate	Budget	Total	Rate	YTD Actual	Total
	\$ (cents)	Properties	Value	Revenue	Reassessed	Revenue	Revenue	Reassessed	Revenue
				\$	\$	\$	\$	\$	\$
Gross rental value									
Gross Rental Value	0.098822	326	4,595,852	454,171	4,000	458,171	454,171	0	454,171
Unimproved value									
Unimproved Value	0.012310	364	254,734,000	3,135,776	4,000	3,139,776	3,132,544	0	3,132,544
Sub-Total		690	259,329,852	3,589,947	8,000	3,597,947	3,586,715	0	3,586,715
Minimum payment									
Gross rental value									
GRV - Dalwallinu	624	105	489,959	65,520	0	65,520	65,520	0	65,520
GRV - Kalannie	624	32	134,773	19,968	0	19,968	19,968	0	19,968
GRV - Other Towns	624	82	261,964	51,168	0	51,168	51,168	0	51,168
Unimproved value									
UV - Rural	728	30	580,478	21,840	0	21,840	25,480	(1,015)	24,465
UV - Mining	728	49	455,057	35,672	0	35,672	35,672	0	35,672
Sub-total		298	1,922,231	194,168	0	194,168	197,808	(1,015)	196,793
Discount						(160,000)			(15,533)
Amount from general rates						3,632,115			3,767,975
Ex-gratia rates						41,612			0
Total general rates						3,673,727			3,767,975

11 BORROWINGS

Repayments - borrowings

Information on borrowings	Loan No.	New Loans			Principal Repayments		Principal Outstanding		Interest Repayments	
		1 July 2023	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Particulars		\$	\$	\$	\$	\$	\$	\$	\$	\$
Dalwallinu Sewerage Scheme	64	49,389	0	0	(11,471)	(23,507)	37,918	25,882	(2,432)	(4,300)
Dalwallinu Discovery Centre	157	398,700	0	0	0	(62,726)	398,700	335,974	0	(10,573)
Dalwallinu Recreation Centre	159	2,463,356	0	0	0	(63,698)	2,463,356	2,399,658	0	(91,426)
Bell St Subdivision	160	403,063	0	0	0	(160,485)	403,063	242,578	0	(2,227)
Total		3,314,508	0	0	(11,471)	(310,416)	3,303,037	3,004,092	(2,432)	(108,526)
Current borrowings		310,416					298,945			
Non-current borrowings		<u>3,004,092</u>					<u>3,004,092</u>			
		3,314,508					3,303,037			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

12 LEASE LIABILITIES

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2023	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Gymnasium Equipment	E6N0162493	418	35,600	35,600	(2,167)	(8,900)	33,851	27,118	(375)	(1,260)
Administration Photocopiers	Ricoh	18,094	0	0	(324)	(3,824)	17,770	14,270	(72)	(779)
Total		18,512	35,600	35,600	(2,491)	(12,724)	51,621	41,388	(448)	(2,039)
Current lease liabilities		690					-1,568			
Non-current lease liabilities		51,653					51,653			
		52,343					50,085			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

13 OTHER CURRENT LIABILITIES

	Note	Opening Balance 1 July 2023	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 31 July 2023
		\$	\$	\$	\$	\$
Other current liabilities						
Other liabilities						
Contract liabilities		0	0	209,965	0	209,965
Total other liabilities		0	0	209,965	0	209,965
Employee Related Provisions						
Provision for annual leave		187,998	0			187,998
Provision for long service leave		203,049	0			203,049
Total Provisions		391,047	0	0	0	391,047
Total other current liabilities		391,047	0	209,965	0	601,012

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

14 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability (As revenue)	Liability	Current Liability	Adopted Budget	YTD Budget	YTD Revenue
	1 July 2023			31 Jul 2023	31 Jul 2023	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Grants and subsidies								
DFES Operating Grant	0	0	0	0	0	52,998	0	10,268
Direct Grant - Main Roads	0	0	0	0	0	353,438	353,438	353,438
	0	0	0	0	0	406,436	353,438	363,706
Contributions								
Collection of Legal Costs	0	0	0	0	0	10,000	833	0
Miscellaneous Reimbursements - GOV	0	0	0	0	0	2,300	8	0
Miscellaneous Reimbursements - HEALTH	0	0	0	0	0	9,200	766	1,758
Miscellaneous Reimbursements - PRE SCHOOL	0	0	0	0	0	6,162	513	406
Miscellaneous Reimbursements - OTH WELFARE	0	0	0	0	0	200	0	0
Miscellaneous Reimbursements - STAFF HOUSING	0	0	0	0	0	5,740	0	1,030
Miscellaneous Reimbursements - OTH HOUSING	0	0	0	0	0	11,525	960	4,240
Miscellaneous Reimbursements - SEWERAGE	0	0	0	0	0	0	0	3,040
Miscellaneous Reimbursements - OTH COM	0	0	0	0	0	2,378	198	477
Containers Deposit Scheme Income	0	0	0	0	0	1,500	124	0
Collection Metal Rubbish	0	0	0	0	0	500	0	0
Miscellaneous Reimbursements - REC & CUL	0	0	0	0	0	159,937	13,322	1,219
Miscellaneous Reimbursements - ROAD MAIN	0	0	0	0	0	500	41	239
Street Light Contribution - Main Roads	0	0	0	0	0	5,000	416	0
Miscellaneous Reimbursements - ECON SERV	0	0	0	0	0	51,542	4,293	6,778
Miscellaneous Reimbursements - OTH PRO & SERV	0	0	0	0	0	19,200	1,581	3,933
Fuel Rebates - ATO	0	0	0	0	0	45,000	3,748	4,088
	0	0	0	0	0	330,684	26,803	27,207
TOTALS	0	0	0	0	0	737,120	380,241	390,913

15 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability (As revenue)	Liability	Current Liability	Adopted Budget	YTD Budget	YTD Revenue
	1 July 2023			31 Jul 2023	31 Jul 2023	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Capital grants and subsidies								
DFES LG Resilience Fund Grant	0	0	0	0	0	500,000	0	0
LRCI Phase 4 - Fecing OTH HOU	0	0	0	0	0	8,000	0	0
LRCI Phase 4 - Cemetery Toilet OTH COM	0	0	0	0	0	80,000	0	0
LRCI Phase 4 - Town Hall PUB HALL	0	0	0	0	0	140,000	0	0
LRCI Phase 4 - Shade Sails SWIM	0	0	0	0	0	92,000	0	0
CWSP Grant - Water Tank Projects	0	0	0	0	0	132,099	0	0
LRCI Phase 4 - OTH REC & SPORT	0	0	0	0	0	229,843	0	0
DFES LG Resilience Fund Grant	0	0	0	0	0	119,000	0	0
CRFF Grant - Hockey Pavillion	0	0	0	0	0	108,868	0	0
LRCI Phase 4 - Roads	0	0	0	0	0	621,000	0	0
DoT Footpahts	0	0	0	0	0	48,950	0	0
Main Roads Regional Road Group (RRG)	0	0	0	0	0	539,511	134,877	0
Dept Infr Roads to Recovery (RTR)	0	0	0	0	0	655,420	0	0
DFES DRFAWA AGRN962 Claim	0	0	0	0	0	35,000	0	0
Main Roads Wheatbelt Secondary Freight (WSFN)	0	0	0	0	0	5,418,336	0	0
LRCI Phase 4 - Tourism	0	0	0	0	0	27,400	0	0
	0	0	0	0	0	8,755,427	134,877	0

**SHIRE OF DALWALLINU
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 JULY 2023**

16 INVESTMENT IN ASSOCIATES

(a) Investment in associate

Aggregate carrying amount of interests in Local Government House accounted for using the equity method are reflected in the table below.

Carrying amount at 1 July
Carrying amount at 30 June

Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
\$	\$	\$
0		136,156
0	0	136,156

SIGNIFICANT ACCOUNTING POLICIES

Investments in associates


An associate is an entity over which the Shire has the power to participate in the financial and operating policy decisions of the investee but not control or joint control of those policies.

Investments in associates are accounted for using the equity method. The equity method of accounting, is whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.


Shire of Dalwallinu Bank Reconciliation as at 31 July 2023

Balance as per General Ledger as at 1 July 2023 ✓				
A910000 - Municipal Fund	3,797,934.99 ✓			
A910001 - Telenet Saver	1,810,275.62 ✓	5,608,210.61		5,608,210.61
Add Cash Receipts				
Daily Receipts		1,081,800.59		
BPAY Receipts		109,045.41		
Interest Received		1,777.52		
				1,192,623.52
				6,800,834.13
Less Cash Payments				
EFT Payments - Payroll		132,919.66		
EFT Payments (EFT14713-EFT14798) ✓		406,283.35 ✓		
Direct Debit - Credit Card Payments (DD17287.1)		4,261.30		
Direct Debit - Gym Equipment Lease (DD17302.1)		2,585.25		
Direct Debit - Superannuation Payments		26,817.91		
Bank Fees		949.14		
Loan Payments Loan 64 - Sewerage Scheme		13,903.56		
Loans 157, 159 & 160 Guarantee Fee		11,557.24		
Transfer to Muni Excess Funds Term Deposit		3,500,000.00		
Direct Debit - Payment to DoT		98,042.80		
				4,197,320.21
Balance as per General Ledger as at 31 July 2023				
A910000 - Municipal Fund	146,460.78 ✓			
A910001 - Telenet Saver	2,457,053.14 ✓			
		2,603,513.92	0.00	2,603,513.92
Add				
Less				
Banking 28/07/23, banked on 01/08/23 ✓				3,087.22
Banking 31/07/23, banked on 02/08/23 ✓				474.05
				2,599,952.65
Balance as per Bank Statements as at 31 July 2023 ✓				
Muni Cheque Account - xxxx914		142,899.51 ✓		
Business Telenet Saver - xxxx562		2,457,053.14 ✓	0.00	2,599,952.65

Prepared by

 2/8/2023

Reviewed by

 9/8/2023



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If you're a business customer, call 13 7000

BUSINESS ZERO TRAN ACCOUNT STATEMENT MUNI FUND

BSB Number	XXX-XXX
Account Number	XXXX91-4
Period	27 Jul 23 - 31 Jul 23
Page 1 of 2	Statement Number 4143

THE COMMITTEE
SHIRE OF DALWALLINU
PO BOX 141
DALWALLINU WA 6609

Account of: SHIRE OF DALWALLINU

TRANSACTION DETAILS FOR ACCOUNT NUMBER: 536591-4				
Date	Particulars	Debit	Credit	Balance
27 JUL 23	OPENING BALANCE			\$90,913.10
27 JUL 23			\$145.60	\$91,058.70
27 JUL 23			\$2,503.66	\$93,562.36
27 JUL 23			\$318.00	\$93,880.36
27 JUL 23			\$1,648.50	\$95,528.86
27 JUL 23			\$1,873.69	\$97,402.55
27 JUL 23			\$145,000.00	\$242,402.55
27 JUL 23		\$182,422.17		\$59,980.38
27 JUL 23			\$712.00	\$60,692.38
27 JUL 23			\$712.00	\$61,404.38
27 JUL 23			\$1,306.00	\$62,710.38
27 JUL 23			\$499.00	\$63,209.38
27 JUL 23			\$11,294.25	\$74,503.63
27 JUL 23			\$9,747.39	\$84,251.02
27 JUL 23		\$5,169.95		\$79,081.07
27 JUL 23			\$282.60	\$79,363.67
28 JUL 23			\$318.00	\$79,681.67
28 JUL 23			\$30.00	\$79,711.67
28 JUL 23			\$405.57	\$80,117.24
28 JUL 23			\$50.00	\$80,167.24
28 JUL 23			\$2,056.39	\$82,223.63
28 JUL 23			\$2,210.32	\$84,433.95
28 JUL 23			\$30.00	\$84,463.95
28 JUL 23			\$2,736.94	\$87,200.89
28 JUL 23			\$370.00	\$87,570.89
28 JUL 23			\$999.68	\$88,570.57
28 JUL 23			\$690.80	\$89,261.37
28 JUL 23	CARRIED FORWARD			\$89,261.37

Make sure you check the entries on this statement carefully. If you see something that doesn't seem right, call us on 13 17 19. For more information about your account, and for details of the dispute resolution mechanism that covers disputed transactions and complaints (including how to access the mechanism and to make a complaint – including to the external dispute resolution body - the Australian Financial Complaints Authority), please see the Product Disclosure Statement for this product (available at our website and branches), or call/visit us. Bankwest, a division of Commonwealth Bank of Australia ABN 48 123 123 124 AFSL / Australian credit licence 234945. If you don't want to receive promotional information from us, let us know by calling us on 13 17 19.

TRANSACTION DETAILS (Cont.)				
Date	Particulars	Debit	Credit	Balance
28 JUL 23	BROUGHT FORWARD			\$89,261.37
28 JUL 23			\$207.00	\$89,468.37
28 JUL 23			\$437.17	\$89,905.54
28 JUL 23			\$157.00	\$90,062.54
28 JUL 23			\$392.84	\$90,455.38
28 JUL 23			\$4,318.45	\$94,773.83
28 JUL 23		\$9,808.45		\$84,965.38
31 JUL 23			\$636.00	\$85,601.38
31 JUL 23			\$30.00	\$85,631.38
31 JUL 23			\$2,023.82	\$87,655.20
31 JUL 23			\$750.00	\$88,405.20
31 JUL 23			\$1,617.95	\$90,023.15
31 JUL 23			\$2,588.93	\$92,612.08
31 JUL 23			\$4,202.77	\$96,814.85
31 JUL 23			\$789.60	\$97,604.45
31 JUL 23			\$3,898.71	\$101,503.16
31 JUL 23			\$13,254.31	\$114,757.47
31 JUL 23			\$1,373.49	\$116,130.96
31 JUL 23			\$1,461.36	\$117,592.32
31 JUL 23			\$6,635.23	\$124,227.55
31 JUL 23			\$12,143.33	\$136,370.88
31 JUL 23			\$1,305.14	\$137,676.02
31 JUL 23			\$2,736.94	\$140,412.96
31 JUL 23			\$2,963.41	\$143,376.37
31 JUL 23			\$99.01	\$143,475.38
31 JUL 23			\$310.00	\$143,785.38
31 JUL 23			\$319.11	\$144,104.49
31 JUL 23			\$4,178.02	\$148,282.51
31 JUL 23			\$30.00	\$148,312.51
31 JUL 23			\$196.00	\$148,508.51
31 JUL 23			\$228.00	\$148,736.51
31 JUL 23		\$5,837.00		\$142,899.51
31 JUL 23	CLOSING BALANCE			\$142,899.51
		TOTAL DEBITS	\$203,237.57	
		TOTAL CREDITS		\$255,223.98


TRANSACTION SEARCH RESULTS


Account: XXX-XXX XXXX562
Account Nickname: BUSINESS TELENET SAVER
Date: From 01/07/2023 to 31/07/2023
Transaction Types: All Transaction Types
Opening Balance: \$1,810,275.62
Closing Balance: \$2,457,053.14

BSB NO.	ACCOUNT NO.	TRANSACTION DATE	NARRATION	CHEQUE NO.	DEBIT	CREDIT	ACCOUNT BALANCE
302-162	0373562	27/07/2023	Telenet to Muni		-\$145,000.00		\$2,457,053.14
302-162	0373562	20/07/2023	Telenet to muni		-\$85,000.00		\$2,602,053.14
302-162	0373562	14/07/2023	FROM MUNI TO T/S			\$700,000.00	\$2,687,053.14
302-162	0373562	06/07/2023	Telenet to Muni		-\$25,000.00		\$1,987,053.14
302-162	0373562	04/07/2023	FROM T/S TO MUNI		-\$3,500,000.00		\$2,012,053.14
302-162	0373562	03/07/2023	FROM MUNI TO T/S			\$3,700,000.00	\$5,512,053.14
302-162	0373562	03/07/2023	CREDIT INTEREST			\$1,777.52	\$1,812,053.14

Shire of Dalwallinu Trust Bank Reconciliation as at 31 July 2023

Balance as per General Ledger as at 1 July 2023				
2T9900000 - Trust Fund	0.00	0.00		0.00
Add Cash Receipts				0.00
				0.00
Less Cash Payments				0.00
		0.00		0.00
Balance as per General Ledger as at 31 July 2023				
2T9900000 - Trust Fund	0.00	0.00	0.00	0.00
Add				
Less				
Balance as per Bank Statements as at 31 July 2023				0.00
2T9900000 - Trust Fund		0.00	0.00	0.00

Prepared by  1/8/2023

Reviewed by  3/8/2023



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BUSINESS ZERO TRAN ACCOUNT STATEMENT TRUST

BSB Number	XXX-XXX
Account Number	XXXX93-0
Period	1 Jul 23 - 31 Jul 23
Page 1 of 1	Statement Number 3583

THE COMMITTEE MEMBERS
SHIRE OF DALWALLINU
PO BOX 141
DALWALLINU WA 6609

Account of: SHIRE OF DALWALLINU

TRANSACTION DETAILS FOR ACCOUNT NUMBER: 536593-0				
Date	Particulars	Debit	Credit	Balance
01 JUL 23	OPENING BALANCE			\$0.00
31 JUL 23	CLOSING BALANCE			\$0.00
	TOTAL DEBITS	\$0.00		
	TOTAL CREDITS		\$0.00	

Make sure you check the entries on this statement carefully. If you see something that doesn't seem right, call us on 13 17 19. For more information about your account, and for details of the dispute resolution mechanism that covers disputed transactions and complaints (including how to access the mechanism and to make a complaint – including to the external dispute resolution body - the Australian Financial Complaints Authority), please see the Product Disclosure Statement for this product (available at our website and branches), or call/visit us. Bankwest, a division of Commonwealth Bank of Australia ABN 48 123 123 124 AFSL / Australian credit licence 234945. If you don't want to receive promotional information from us, let us know by calling us on 13 17 19.

9.3.3 Request for Fee Concession – Indoor Basketball Court Dalwallinu Recreation Centre*

Report Date	22 August 2023
Applicant	Dalwallinu Filipino Community Group
File Ref	CU/6 – Customer Service - Requests
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Absolute Majority
Attachments	Correspondence from Dalwallinu Filipino Community Group

Purpose of Report

Council is requested to consider a request from the Dalwallinu Filipino Community Group for a concession for the fee associated with the hire of the Indoor Basketball Court at the Dalwallinu Recreation Centre.

Background

Correspondence was received on 9 August 2023 from the Dalwallinu Filipino Community Group. The Dalwallinu Filipino Community Group were originally holding the annual Sportsfest on Friday's and Saturday's during September and November 2023. However, Mr Jimwell Cruz advised the Officer on 14 August 2023, that they only require the use of the basketball courts for the Saturday's during September and November 2023.

They have requested that Council consider providing the venue for free or at a reduced cost.

Consultation

Manager Corporate Services

Legislative Implications

State

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Should Council support the proposal, this will see a loss of revenue of \$1,120.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable



Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Officer Comment

The Sportsfest will be held during September and November 2023 with the Indoor Court at the Dalwallinu Recreation Centre being used as follows:

Date	Indoor BB Court	Fee	50% Concession
Sat, 16 Sep 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 23 Sep 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 30 Sep 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 7 Oct 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 14 Oct 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 21 Oct 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 28 Oct 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 4 Nov 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 11 Nov 2023	Basketball/Badminton/V-Ball	224.00	112.00
Sat, 18 Nov 2023	Basketball/Badminton/V-Ball	224.00	112.00
TOTAL:		\$2,240.00	\$1,120.00

Where there is another booking on the same date, the group will be requested to consider the other users of the facility, especially the foyer as this will be utilised by both users.

It would not be appropriate to offer the venue for free as there are cleaning requirements plus utility costs for the venue that come at a cost.

This year the event is for the entire community and not just the Filipino Community. To assist with their costs, Council could consider offering a 50% reduction in the venue hire fee which is the concession that Council granted for the 2022 Sportsfest.

Officer Recommendation

That Council provide a concession of 50% for the fees associated with the hire of the Indoor Basketball Court at the Dalwallinu Recreation Centre for the Dalwallinu Filipino Community Group's annual 2023 Sportsfest from 16 September 2023 to 18 November 2023.



Recommendation/Resolution

MOTION

Moved Cr

Seconded Cr

A 0/0



Jean Knight

From: Jimwell Cruz <jimwellcruz@gmail.com>
Sent: Tuesday, 8 August 2023 9:15 PM
To: Jean Knight
Subject: Dalwallinu filipino community group sport fest
Attachments: sportfest2023.png

cc.
council

Cr Keith Carter
Cr Steve Carter
Cr Jemma Counsel
Cr Diane Cream
Cr Noel mills
Cr Melissa Harms
Cr Karen Mcneill

Subject : One Dally sporfest (Dalwallinu filipino community group one pinoy)

Hello Jean,

Good Day !

Our Organization will hold again our Annual Sportsfest starting on 16th of September up to 11th of November 2023. This time, it is now "One Dally Sportfest " hosted by One Pinoy Dalwallinu Filipino Community Group. In this event we will invite all other community group and company to join us especially on the opening day.

With this kind of activity, we are aware that this will cost too much and one of the major expenses is the venue rental which is the Recreational Center.

In this regard, it will be much appreciated if the Shire and Local Council support this community event. We are requesting, if you could give us free venue rental or discount from your end that will bring us to run our event smoothly. We are hoping that this might be something you would consider helping us.

I have attached the details and information about the event in this email.

Thank you for your consideration

Sincerely yours

Jimwell Cruz
President
Dalwallinu Filipino community group
0455451732



Sportsfest

OPENING DAY SAT 16 SEP



Uniformed Parade of teams & supporters from Park Drive (near Dally Forward Op Shop) to Rec Centre Bball Courts
 Meet **8:30am** Departs **9:00am** Arrive **9:30am**



Free Brunch from **9:30am to 11:am**



Opening Declaration & Announcements **9:30am**

SAT BASKETBALL 16 SEP > 18 NOV



Mens Basketball Season @ **11am 1pm & 3pm**



Lunch from **12:30pm**



3 Point Comp & Kids Games

FRI NIGHT BADMINTON & VBALL SEP 22 > 18 NOV



Mixed Volleyball @ **8:30pm**



Couples Badminton @ **630, 7pm, 730, 8pm**

TO REGISTER A TEAM, CALL OR SMS JIMWELL ON 0455 451 732



9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Proposed Transfer of Land under the South-West Native Title Settlement*

Report Date	22 August 2023
Applicant	Department of Planning, Lands and Heritage
File Ref	R14549, R9235, R21740
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	1. Land Description 2. Map of Reserves

Purpose of Report

Council is requested to provide comments to the Department of Planning, Lands and Heritage relating to the proposed transfer of three (3) Reserves under the South-West Native Title Settlement that are currently vested with the Shire of Dalwallinu.

Background

Correspondence was received from the Department of Planning, Lands and Heritage on Monday 17 July 2023 requesting the Shire's comments with regards to the proposed transfer of land under the South -West Native Title Settlement.

The South-West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south-west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:



- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- landowner or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

Consultation

Senior Management Team

Legislative Implications

State

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Nil

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environment implications associated with this proposal.

Officer Comment

The Shire does not currently utilise the three (3) subject reserves, therefore the Officer recommends that they be transferred under the South West Native Title Settlement.

Officer Recommendation

That Council requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that it has no objection to the proposed transfer of the following three (3) reserves under the South-West Native Title Settlement:

- Reserve 14549 – East Damboring
- Reserve 9235 – Petrudor
- Reserve 21740 – Petrudor



Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0



PIN	Lot Number	Survey Number	Locality Suburb	Townsite	LGA	Region	CLT	Reserve Number	Area (Ha)	Reserve Purpose	Referee Comment	Selected Tenure
727402	1639	DP229780	EAST DAMBORING		DALWALLIN	Wheatbelt	LR3008/57	R 14549	71.03	WATER	<p>1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? Yes</p> <p>2. Does the Shire have any interest in the land? No</p> <p>3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? No</p> <p>4. Is the land parcel subject to any mandatory connection to services? No</p> <p>5. Are any future proposals for the land identified? No</p> <p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? Unsure - adjoining land privately owned</p> <p>7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. Nil</p> <p>8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). No known land management issues</p>	ReserveWithPowerToLease
736727	5	DP125293	PETRUDOR		DALWALLIN	Wheatbelt	LR3008/44	R 9235	161.83	WATER	<p>1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? Yes</p> <p>2. Does the Shire have any interest in the land? No</p> <p>3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? No</p> <p>4. Is the land parcel subject to any mandatory connection to services? No</p> <p>5. Are any future proposals for the land identified? No</p> <p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? Unsure - adjoining land privately owned</p> <p>7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. Nil</p> <p>8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). No known land management issues</p>	ReserveWithPowerToLease
990087	3773	DP158646	PETRUDOR		DALWALLIN	Wheatbelt	LR3008/64	R 21740	9.71	WATER	<p>1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? Yes</p> <p>2. Does the Shire have any interest in the land? No</p> <p>3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? No</p> <p>4. Is the land parcel subject to any mandatory connection to services? No</p> <p>5. Are any future proposals for the land identified? No</p> <p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? Unsure - adjoining land privately owned</p> <p>7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. Nil</p> <p>8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). No known land management issues</p>	ReserveWithPowerToLease

Reserve 14549 – East Damboring (Cousins Rd)



Reserve 9235 – Petrudor (Jones Rd)



Reserve 21740 – Petrudor



9.4.2 Invitation to become a RoadWise Council

Report Date	22 August 2023
Applicant	WALGA
File Ref	RO/32 – WALGA - RoadWise
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Council is requested to support the invitation from WALGA for the Shire of Dalwallinu to become a WALGA RoadWise Council.

Background

In June 2023, WALGA called for Expressions of Interest from local governments who wished to become a RoadWise Council and have a Road Safety Advisor allocated. The Officer registered an expression of interest.

Correspondence was received on 8 August 2023 from WALGA inviting the Shire of Dalwallinu to become a RoadWise Council. This initiative has been developed to encourage, motivate and support local governments to incorporate best practice road safety principles and policy across their business services to reduce the number of people killed and seriously injured on local roads.

Consultation

Nil

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Nil



Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environment implications associated with this proposal.

Officer Comment

By becoming a RoadWise Council, the Shire of Dalwallinu will:

- Demonstrate a commitment to improve road safety outcomes within our community using resources available to us;
- Have access to the RoadWise Council logo for use on Shire of Dalwallinu promotional communications or infrastructure;
- Gain priority access to WALGA's road safety services and products;
- Be eligible for formal recognition for road safety management and actions, including support in benchmarking and monitoring progress of road safety outcomes through the RoadWise Recognised initiative.

Officer Recommendation

That Council:

1. Supports the invitation from WALGA for the Shire of Dalwallinu to become a RoadWise Council;
Nominate the Chief Executive Officer and Manager Works and Services as the primary point of contact for road safety matters.

Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0



9.4.3 Use of Pithara Hall & Supper Room*

Report Date	22 August 2023
Applicant	Peter Maisey, Northam on Avon Lodge
File Ref	A9014
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Draft Agreement

Purpose of Report

Council is requested to provide approval for the Northam on Avon Lodge to utilise the Pithara Hall and Supper Room.

Background

In late June 2023, the Shire was contacted by Peter Maisey from Northam on Avon Lodge enquiring if it was possible to lease the Pithara Hall/Supper Room to set up a Masonic Lodge branch in the Shire of Dalwallinu.

An onsite meeting was held with the Officer and Mr Maisey on Wednesday 5 July 2023 where he was shown the Pithara Supper Room and the Pithara Hall. During the inspection of the premises, the Officer offered the Pithara Supper Room as a suitable space for the Freemasons to hold their meetings. During that inspection Mr Maisey asked to inspect the Pithara Hall. It was not the Officer's intention to offer the hall for their use, however the below email does include the Pithara Hall.

Correspondence was received on 12 July 2023, see excerpt below:

'Thank you for the offer of use of the Pithara Hall, for showing me the interior of both buildings and allowing me to photograph the inside of the supper room. I am delighted to advise you that my members most enthusiastically accepted the Shires very generous offer of use of buildings. They formally passed a motion to that effect at our last meeting. The happy smiles on faces, expressions of, I cannot wait to start cleaning up the building, you would not believe. So, yes, we accept.

I am in the process of obtaining Grand Lodge approval for our use of the buildings. I do not expect that to be an issue. In the interim should we be making some formal documentation of our arrangements. Memorandum of understanding or contract? I am endeavouring to obtain public liability Insurance. Would you object to the Lodge at some future time installing reverse cycle air conditioning. For us to proceed would you like for our current Worshipful Master (chairman) and myself to meet with you and discuss these matters and sign whatever documentation you require. My members would very much like to clean up the main hall, but that would require the elimination of the Pidgeon's. This should not be just the Shires problem but a concern for CBH, the Agricultural Department or whatever they call themselves, the Health Department, perhaps even AQIS. Would we be able to put appropriate signage in front of the building. These are just some of the issues we need to resolve, and I am happy to work with you for mutual benefit. My plan is to have the Dalwallinu Lodge reinstated.'

Consultation

Nil



Legislative Implications

State

Local Government Act 1995 – Section 9.49A

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Nil

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environment implications associated with this proposal.

Officer Comment

The Pithara Hall and Supper Room have not been utilised for many years. The proposal submitted by Mr Maisey will utilise the buildings which are currently vacant, and the reinstatement of the Freemasons Lodge for Shire of Dalwallinu residents will be of great benefit to their members that currently travel to Northam for meetings.

The Fees and Charges Schedule currently has no hire rate for the Pithara Town Hall and the hire rate for the Supper Room is free for community hire.

There is currently no allocation in the 2023-2024 budget for any repairs and maintenance to the Pithara Hall so addressing the concerns of the pigeons may have to wait until the next financial year.

The email from Mr Maisey requested that approval be given for them to install reverse cycle air conditioning to the Supper Room. The Shire has spare air conditioning units that could be donated to the Freemasons Lodge, however the expectation would be that they pay for the installation.

It is the Officer's recommendation that an agreement to use the Pithara Hall and Supper Room be provided to the Northam on Avon Lodge with the following conditions:

- The use of the Pithara Hall and Supper room would be provided free of charge;
- The Pithara Supper Room and Pithara Hall are provided for use on an 'as is' basis;
- The Shire of Dalwallinu will not be undertaking any maintenance to the Supper Room or Hall;



- Cleaning of the premises would be the responsibility of the Northam on Avon Lodge;
- An inspection will be undertaken prior to occupation of the Pithara Supper Room and provided to the Northam on Avon Lodge;
- Provision of a Certificate of Currency for Public Liability Insurance up to \$10M;
- The Northam on Avon Lodge to have their own Contents Insurance;
- Approval to install a reverse cycle air conditioner (unit will be provided by Shire of Dalwallinu, Northam of Avon Lodge to pay for installation)
- Provide proposals on all planned works to the Pithara Hall to the Chief Executive Officer, prior to commencement;
- Planned works for the Pithara Hall will be subject to approval by the Shire of Dalwallinu and the Shire's Insurer (Local Government Insurance Services);
- Approval be given for a sign to be placed on the building, subject to approval of the signage by the Chief Executive Officer

Officer Recommendation

That Council:

1. Approve the Agreement for the use of Pithara Hall and Supper Room by Northam on Avon Lodge for the purpose of a Freemasons Lodge for a period of five (5) years with the following conditions:
 - The use of the Pithara Hall and Supper room would be provided free of charge;
 - The Pithara Supper Room and Pithara Hall are provided for use on an 'as is' basis;
 - The Shire of Dalwallinu will not be undertaking any maintenance to the Supper Room or Hall;
 - Cleaning of the premises would be the responsibility of the Northam on Avon Lodge;
 - An inspection will be undertaken prior to occupation of the Pithara Supper Room and provided to the Northam on Avon Lodge;
 - Provision of a Certificate of Currency for Public Liability Insurance up to \$10M;
 - The Northam on Avon Lodge to have their own Contents Insurance;
 - Approval to install a reverse cycle air conditioner (unit will be provided by Shire of Dalwallinu, Northam of Avon Lodge to pay for installation)
 - Provide proposals on all planned works to the Pithara Hall to the Chief Executive Officer, prior to commencement;
 - Planned works for the Pithara Hall will be subject to approval by the Shire of Dalwallinu and the Shire's Insurer (Local Government Insurance Services);
 - Approval be given for a sign to be placed on the building, subject to approval of the signage by the Chief Executive Officer;
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Agreement as per Point 1 above.



Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0





Shire of
Dalwallinu

Place of wheat and wattle

**AGREEMENT TO USE PITHARA TOWN HALL
AND SUPPER ROOM**

This agreement is made the day of 2023.

BETWEEN

SHIRE OF DALWALLINU a body corporate with perpetual succession constituted pursuant to the provisions of the *Local Government Act 1995* of PO Box 141, Dalwallinu WA 6609 (hereinafter referred to as 'the Shire') of one part

AND

NORTHAM ON AVON LODGE. incorporated pursuant to the provisions of the Associations Incorporation Act 1987 and amendments of PO Box 106, STONEVILLE W A 6081, (hereinafter referred to as 'the Association') of the other part

WHEREAS being (as per plan at Appendix 1) of 41 & 43 Leahy Street, Reserve 15585 (hereinafter referred to as Pithara Town Hall and Supper Room) located at Lot 36 and 37 Leahy Street, Pithara, is to be provided to the Northam on Avon Lodge for a term of five (5) years.

IT IS HEREBY AGREED as follows:

1. The Shire agrees to provide and the Association agrees to take the Pithara Town Hall and Supper Room with all other Shire's fixtures and fittings now and hereafter upon or used in connection with the Pithara Town Hall and Supper Room or belonging thereto all of which premises with all additions, alterations and improvements thereto are throughout this agreement called 'the said premises' for the term of five (5) years from **1 September 2023** and expiring on **31 August 2028**.
2. The rent for the use of the premises is Nil.
3. The Association covenants and agrees with the Shire as follows:
 - a) During the term and for so long as the Association remains in possession or occupation of the premises, is to maintain, replace, repair, clean and keep the premises clean and in good and substantial repair, order and condition having regard to the age of the premises at the date of commencement provided that:
 - b) This subclause shall not impose on the Lessee any obligation in respect of any structural maintenance, replacement or repair except when rendered necessary by an act, neglect, default or omission on the part of the Association or its employees, agents, contractors or invitees or by the Association's particular use or occupancy of the premises;
 - c) All electric globes and fluorescent tubes in the premises which may be damaged, broken or fail for any reason shall be replaced by the Association at its expense;
 - d) To keep the said premises free from rubbish;
 - e) Not to paint, write, exhibit or placard in or about or affix to the said premises any trade, business, professional or advertising notice except of such nature and in such manner as shall have been approved of in writing by the Shire.
 - f) At its own expense, to keep and maintain the said premises including any passageways enjoyed therewith, well cleansed and drained and in good sanitary condition and not to carry on or permit or suffer to be carried on thereon any noxious or offensive or unlawful trade or business and not to do or leave undone or suffer to be done or left undone any act, matter or thing whereby a nuisance or anything which may be deemed a nuisance or dangerous or may

- be or grow to the annoyance, damage or disturbance of adjoining occupiers or owners may exist, arise or continue upon or in connection with the said premises and forthwith to cease and abate any such nuisance or alleged nuisance, annoyance damage or disturbance;
- g) Not without the previous consent of the Shire in writing first had and obtained, to make or suffer to be made any alterations or additions to the said premises or the construction or arrangement thereof, not to cut, maim or injure nor suffer to be cut, maimed or injured any of the roofs, walls, partitions, timbers or floors or fixtures thereof;
 - h) Not to assign, transfer, mortgage, charge, sublet or otherwise part with the possession of the said premises or any part thereof for all or any of the said term to any person or persons whatsoever without the previous consent in writing of the Shire for that purpose in each instance;
 - i) To permit a Shire representative or any other person authorised by the Shire at all reasonable times to enter upon the said premises in order to view the condition thereof and upon notice in writing from the Shire, to remedy any way of reparation or otherwise comply with any obligation compulsory upon the Association and herein expressed;
 - j) To use the said premises for the purposes of a **Freemasons Lodge** facilitated by the Association;
 - k) The said premises does not cover contents insurance for the Association;
 - l) To effect and keep in force at all times during the continuance of this agreement in the names of the Shire and the Association for their respective rights and interests, a public risk insurance policy for not less than ten million dollars (\$10,000,000), against all claims of every nature or injury (including death), damage or loss suffered or alleged to have been suffered by any person whomsoever arising out of the presence of any such person or property on the said premises and to pay all premiums and sums of money necessary for keeping on foot such insurance as and when the same shall become payable and to deliver to the Shire the policy of such insurance on an annual basis;
 - m) To effect and keep in force at all times during the continuance of this Agreement a Building Contents Insurance Policy;
 - n) To indemnify the Shire and keep the Shire indemnified from and against all claims, demands, writs, summonses, actions, suits, proceedings, judgements, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Shire may suffer or incur in connection with loss of life, personal injury or damage to property arising from or out of any occurrence in upon or at the said premises or the use by the Association of the said premises or any part thereof or to any person or the property of a person using or entering or near any entrance to the said premises or occasioned (whatsoever it may occur) wholly or in part by any act, neglect, default or omissions by the Association, its agents, contractors, servants, workmen, customers, members or any other person or persons using or upon the said premises with its consent or approval expressed or implied;

Any notice requiring to be served, given or made under this agreement shall be sufficiently served on the Association if addressed to the Association and left at or posted by registered letter addressed to the Association at its address aforesaid shall be deemed served two (2) days after having been posted;

That if the Association with the consent of the Shire remain in possession after expiration of the said term or any extension thereof, the Association shall so remain as a tenant from week to week on the like terms and conditions as in this agreement so far as applicable to a weekly tenancy (and with the express exception of any option of renewal) and at such a weekly rental as shall be determined and in default of determination prior to the expiration on one (1) week after the expiration of the said term

or any extension thereof at a rental each week proportionate to the rental payable immediately prior to the termination of the term aforesaid or any extension thereof;

At the expiration or sooner determination of the term hereby granted or any extension or renewal thereof all additions, alterations, extensions to all buildings, erections and improvements now or hereafter during the said term or any extension or renewal thereof erected or made on the said premises shall belong to the Shire free of all claims by the Association;

And the Shire to the intent to bind the said premises and the register proprietors thereof for the time being but no so as to render the Shire personally liable in damages except for its own acts and defaults while it remains the Lessor of the said premises hereby agrees with the Association that the Association duly paying rent hereby reserved and performing and observing the agreement by the Association herein contained shall peaceably and quietly hold and enjoy the said premises during the said term and any extension without any interruption by the Shire or any persons or persons rightfully claiming under on in trust for it.

The parties agree that the Shire/tenant can terminate the agreement before the expiry of the term provided that the Shire/tenant gives the other party written notice of at least one (1) month from the date of early termination of the lease (break date).

DRAFT

SIGNING PAGE

EXECUTED

**THE COMMON SEAL of the
SHIRE OF DALWALLINU**

Was hereunto affixed by authority of
a resolution of Council and in the presence of

KEITH LESLIE CARTER
SHIRE PRESIDENT

JEAN MAREE KNIGHT
CHIEF EXECUTIVE OFFICER

Executed By

DIOSDADO AGUINALDO
PRESIDENT

PETER MAISEY
SECRETARY

APPENDIX A



9.4.4 WALGA Annual General Meeting 2023*

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	GR/4 – Government Relations - WALGA
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	AGM Motions

Purpose of Report

Council is requested to provide voting instructions for the Shire delegates for the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) to be held on Monday 18 September 2023.

Background

The AGM for WALGA is held during the Local Government Convention each year. An email was received on 18 July 2023 from WALGA advising of the notice of proposed amendments to the Association. The Officer prepared the agenda item with the notice of the proposed amendments. Correspondence was received from WALGA on 18 August 2023, after the agenda had been distributed, providing details of Member Motions for the upcoming AGM in September 2023. These additional motions are now included in this report.

Council's registered voting delegates for the 2023 AGM are Cr's Keith and Steven Carter with Jean Knight listed as proxy.

Consultation

Nil

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable



Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Officer Comment

There are six (6) items presented for consideration which are attached to this item. These are summarised as follows:

5.1 Local Governments' representation at the State Administrative Tribunal (SAT) relating to planning matters within its district (Shire of York)

In brief

- *The Planning and Development (Development Assessment Panels) Regulations 2011 and the State Administrative Tribunal Act 2004 do not currently enable a local government the automatic right to be included as a Party to the SAT.*
- *This impacts local governments' ability for input and consultation on development proposals within its district, and the ability for the local government to appropriately represent and act on behalf of its community.*

Motion:

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative tribunal hearings related to planning matters within its district.

5.2 Land Use Policy (Shire of Moora)

In brief

- The future of the Australian agriculture sector holds tremendous potential. To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources.
- The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses.

Motion:

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

5.3 Transparency – Management Order Determinations (Shire of Carnarvon)

In brief

A review of management orders that recognises the cost impost on Local Government in managing reserves and removes the restrictions local government to enter into commercial leases that could assist with the cost recovery, is urgently needed.



The current policies, decision-making criteria and guidelines lack transparency and appear to disadvantage local governments.

Motion:

That WALGA:

1. Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;
2. Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and
3. Calls for proactive consultation and advice to Local Government management bodies.

5.4 Regional and Remote Housing (Shire of East Pilbara)

In brief

Calls on WALGA to broaden its advocacy for additional affordable housing in remote and regional areas to incentivise small business expansion and attract key workers and their families to remote and regional areas of WA.

Motion:

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key work family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is address at both the State and Federal levels.

5.5 Proposed New WALGA Constitution (WALGA)

Executive Summary

- On 5 July 2023, a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting:
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the Constitution to retain the current governance model with necessary changes.
- This is the first item, which considers a new Constitution to give effect to an alternate governance model for WALGA as per the Best Practice Governance Review Final Report.
- The alternate governance model would establish a new Board above the existing State Council and Zone Structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to three (3) 'independent' members.
- The Board will be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Proposed Structure:

Board

Minimum of 8 up to a maximum of 11 Board Members

State Council

26 State Council Members (President elected by the 24 State Council Representatives)



12 elected by and from Metropolitan Zones

12 elected by and from Country Zones

The President of Local Government Professionals WA (ex-officio) - no voting rights

Zones

5 Metropolitan Zones

12 Country Zones

During the consultation process. at the Ordinary Meeting of Council held 22 November 2022, Council placed the above option as their second preference.

Motion:

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

5.6 Proposed Amendments to WALGA's Constitution (WALGA)

Executive Summary

- On 5 July 2023, a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting:
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the Constitution to retain the current governance model with necessary changes.
- This is the second item, which proposes amendments to the existing Constitution to make some necessary changes whilst still retaining the current governance model.
- The proposed changes are intended to address inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted by WALGA in 2001.

Motion:

That the WALGA Constitution be amended to retain the current governance model but the necessary changes, as per the attached mark-up.

Officer Recommendation

That Council instruct the delegates for the Western Australian Local Government Association, Annual General Meeting to be held on Monday 18 September 2023, to vote as follows:

Item 5.1	Support / Against / Listen
Item 5.2	Support / Against / Listen
Item 5.3	Support / Against / Listen
Item 5.4	Support / Against / Listen
Item 5.5	Support / Against / Listen
Item 5.6	Support / Against / Listen



Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0



5. Consideration of Executive and Member Motions

5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

Shire of York to move:

MOTION

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

MEMBER COMMENT

The Shire of York acknowledges WALGA's current position on Third Party Appeal rights for decisions made by Development Assessment Panels (DAPs). However, the Shire submits this motion requesting WALGA lobby for legislative change to enable local governments the right to be included as a Party at State Administrative Tribunal (SAT) proceedings relating to planning matters within their districts, even where the relevant DAP has been the responsible authority for considering the matter.

The Great Southern Landfill - Allawuna Farm development proposal is a key case in point. The original planning application for the landfill proposal was considered by the Joint DAP (JDAP) as required due to the cost of the development in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011*.

While the landfill proposal has been a matter of consideration since around 2011, most recently the JDAP refused the applicant's request for an extension of time for the development to occur. The applicant subsequently applied to the SAT for a review of the JDAP's decision.

The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable local governments the automatic right to be included as a Party to the SAT proceedings.

Hence, although the development proposal is within the district of the Shire of York, and there are substantial impacts to the community and infrastructure should the proposal be approved, the Shire of York is currently unable to be represented at the SAT as it is not recognised as a Party. This significantly impacts the Shire's ability to provide viewpoints on the development proposal, and the ability for the Shire to appropriately represent and act on behalf of its community. It is clear the current planning system has woeful neglect of the community in planning matters.

Local governments have an intimate knowledge of their communities and relevant planning schemes hence it is considered appropriate that local governments should have the statutory right to 'opt out' of such representation, as opposed to having to make special request to the SAT for inclusion as an Intervener or Joinder under Section 36 of the *State Administrative Tribunal Act 2004*.

IN BRIEF

- The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable a local government the automatic right to be included as a Party to the SAT.
- This impacts local governments' ability for input and consultation on development proposals within its district, and the ability for the local government to appropriately represent and act on behalf of its community.

Making such an application under Section 36 to the SAT can be at considerable cost to the local government, and while larger local governments may have legal teams on staff, small local governments rarely have the skill set within the organisation. Adherence to procurement policies and working within budget constraints may prohibit smaller local governments from participating in the SAT process, which could be of significant detriment of their communities. This is particularly important where there may be a range of short and long term environmental, bushfire, social and safety risks applicable to the development proposal the SAT is determining. In some circumstances these risks may be considered unacceptable for the community and locality.

Relying on the JDAP to appoint appropriate legal representation may jeopardise a local governments' standpoint being given proper consideration at the SAT proceedings. Enabling local governments the statutory right to be included as a Party would reduce that risk.

This scenario is not considered to be unique to the Shire of York and could affect many other local governments throughout the State, hence this Notice of Motion is presented to WALGA's AGM for consideration.

It is noted the State Government is about to undertake changes to the DAP Regulations as part of its [Planning Reform Agenda](#). The Shire of York considers this timely as any further suggestions on other changes to the system could be incorporated into WALGA's advocacy position on the Government's reforms.

SECRETARIAT COMMENT

Local Government has several responsibilities and functions under the current Development Assessment Panel (DAP) system. This includes receipting the application, undertaking the technical assessment of the proposal, writing the responsible authority report to be presented to the Panel with recommendations, and ensuring compliance of any proposal for the life of the development. Further, two Local Government Elected Members sit on all DAPs and vote on all matters.

Where the DAP makes a decision that is unsatisfactory to the proponent and they appeal the matter to the State Administrative Tribunal (SAT), the matter is managed by the Department of Planning, Lands and Heritage and the State Solicitors Office, as the DAP is a creature of the State.

Local Governments often seek to participate in such SAT matters as an interested third party. There is a strong argument for Local Government participation in such matters, as involvement of assessing officers and their understanding of the proposal and local planning framework can aid the SAT in their decision making.

The motion aligns with the intent of WALGA's [planning advocacy positions 6.3 Third Party Appeal rights and 6.4 Development Assessment Panels](#) in relation to both Third Party Appeal Rights and DAPs. While WALGA does not support the ongoing existence of DAPs, the advocacy position provides a number of recommended changes to the system that seek to address Local Government concerns and increase community involvement and transparency.

5.2 Land Use Policy

Shire of Moora to move:

MOTION

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

MEMBER COMMENT

The future of the Australian agriculture sector holds tremendous potential, with the United Nations Food and Agriculture Organization (FAO) projecting a global population exceeding 9 billion by 2050, accompanied by a 75% increase in food demand compared to 2012. Expanding populations, especially in countries like China, Indonesia, and India, offer significant opportunities for Australia's agricultural exports.

IN BRIEF

- The future of the Australian agriculture sector holds tremendous potential. To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources.
- The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses.

To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources. Currently, agriculture remains the dominant land use in Australia, but its share has been declining over the years. Urbanisation, lifestyle living, mining, gas activities, and renewable technology expansion have all contributed to the reduction of productive agricultural land.

The decisions made by governments at all levels can profoundly impact the success of the agriculture sector. We must address the challenges posed by the conversion of agricultural land to other uses, such as carbon sequestration, which may hinder innovative farming practices and compromise agricultural output.

Therefore, WALGA's commitment to preserving existing agricultural land and actively engaging in strategic land use planning is crucial. We should advocate for cohesive planning frameworks that prioritize the value of agricultural land for agricultural purposes.

Background

In 2005/06, approximately 59% of Australia's land was used for agriculture, covering around 456 million hectares. However, this proportion has been declining, with about a 4% reduction between 1992-93 and 2005-06. Recent data suggests that the decline has accelerated since 2006.

Changes in land use at regional and local levels can significantly impact the agriculture sector, such as displacing agriculture entirely, reducing net productivity, limiting farming practices, and risking essential natural resources like water. This situation is further exacerbated by land conversion to carbon sequestration areas and other non-agricultural uses.

Issue

The Shire of Moora notes the alarming loss of Wheatbelt agricultural land due to its conversion for carbon sequestration purposes. This conversion locks significant parcels of land away for extended periods, hindering innovative farming practices and shorter-term restorative initiatives. As such, the Shire urges WALGA to commit to a comprehensive strategic approach that actively preserves existing agricultural land from further loss to unproductive uses.

Local, state and federal governments each have responsibilities and decision-making powers that influence access to land for the agriculture sector. The responsibilities and powers are largely enshrined in planning and environmental protection laws.

The Shire of Moora urges WALGA to commit to an active policy of preserving the existing agricultural land mass from further loss to unproductive uses. The Shire encourages WALGA to actively engage in a comprehensive strategic approach that promotes the value of agricultural land in land use planning and establishes cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

Call-to-Action

The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses. Additionally, WALGA should engage in a comprehensive strategic approach to promote the value of agricultural land in land use planning and establish cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

By incorporating these suggested edits, your policy motion will become more focused, specific, and persuasive. It will provide a clearer picture of the issue at hand and the actions necessary to address it effectively. Feel free to make further adjustments as needed to align with your local government's preferences and requirements.

SECRETARIAT COMMENT

Land use planning in Western Australia relies on an interaction between the state planning framework and the local planning framework of each Local Government. The planning framework operates on the principle of 'higher law' where local planning frameworks will only be approved by the State where they are consistent with the objectives, principles and policy measures of the relevant state framework. Policy direction at the state level is generally broader, with the local planning framework expected to deliver state policy measures in more detail in a manner supported by community and in line with local context.

State Planning Policy 2.5 Rural Planning (SPP2.5) provides the basis for planning and decision-making for rural and rural living land across Western Australia. The current state planning framework supports protecting prime agricultural land. The first objective of SPP2.5 is:

to support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

Further, policy measure 5.1b of SPP2.5 states:

The WAPC will seek to protect rural land as a state resource by retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;

The implementation of these state-wide principles occurs through the local planning framework, including the Local Planning Strategy, Local Planning Scheme and Local Planning Policies.

SPP2.5 encourages Local Governments to identify priority agricultural land in their Local Planning Strategy and, with their community, set objectives and preferred development outcomes for such locations. Such a designation would then flow into a priority agriculture zone in a Local Planning Scheme, with land use permissibility and statutory provisions in line with the principles outlined in the Local Planning Strategy. Following this, a Local Government can develop Local Planning Policies to guide discretionary decision making for proposals on priority agricultural land.

WALGA [advocacy positions 6.1 Planning Principles and 6.2 Planning Reform](#) support the ability of Local Governments to retain the ability to respond to local context and characteristics through Local Planning Frameworks.

5.3 Transparency – Management Order Determinations

Shire of Carnarvon to move:

MOTION

That WALGA:

1. **Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;**
2. **Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and**
3. **Calls for proactive consultation and advice to Local Government management bodies.**

IN BRIEF

- A review of management orders that recognises the cost impost on Local Government in managing reserves and removes the restrictions on local government to enter into commercial leases that could assist with cost recovery, is urgently needed.
- The current policies, decision-making criteria and guidelines lack transparency and appear to disadvantage local governments.

MEMBER COMMENT

The Shire of Carnarvon, like most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.

The reserve is usually created for the care of land that is used for community benefit or in the delivery of government services, and local governments have accepted management orders for reserves which comes with the responsibility for the care and control of the reserve, a responsibility that comes at a cost, sometimes a significant cost to the local government.

An extract from the Department of Planning, Lands and Heritage (DPLH) website states:

“Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.”¹

The use of the word “usually” is ambiguous and subject to interpretation. The question therefore becomes, in what circumstance are leases on reserved land appropriate for a management body to be the lessor? The Shire of Carnarvon is seeking greater transparency on when and how this clause should be applied.

The Shire of Carnarvon has had several examples where an opportunity to recoup reserve management costs via a commercial lease has been offered, but not been able to be progressed due to the stipulation that the local government cannot enter into a commercial leases for a reserve; instead the Shire has been required to relinquish the reserve, or a portion of the reserve, so that the area can be leased direct by the State to the lessee so that the State benefits financially from the lease.

The Shire of Carnarvon is seeking support for a review of that considers the cost to local government for maintaining reserves on behalf of the State and considers and provides transparency for how and when commercial leasing could be considered to allow local governments an opportunity to realise a financial return to reinvest into community facilities.

¹ DPLH, (August, 2023) *Crown Land Reserves*. <https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/crown-land-reserves>



SECRETARIAT COMMENT

A number of Local Governments have recently requested WALGA advocate for the State Government to review Management Order administration, specifically management body leasing approvals.

There have been examples of DPLH delays in resolving matters that enable new, variations to or revocation of Management Orders. The Departments website provides only limited information/guidance and does not provide management bodies (Local Governments) with access to the policies, decision making criteria, procedures and guidelines applied to the administration of Management Orders.

WALGA has been informed that DPLH, under delegated authority, is refusing some Local Government requests for new or renewed leasing of Crown Land subject to Management Orders.

5.4 Regional and Remote Housing

Shire of East Pilbara to move:

MOTION

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.

IN BRIEF

- Calls on WALGA to broaden its advocacy for additional affordable housing in remote and regional areas to incentivise small business expansion and attract key workers and their families to remote and regional areas of WA.

MEMBER COMMENT

A lack of affordable key worker housing continues to limit small business expansion and attract key workers and their families to remote and regional areas of WA.

Government does a good job addressing the supply of social housing but more investment is needed to provide housing for key workers in remote and regional areas.

Businesses and families should be encouraged to invest in our regional towns and a key part of the solution is addressing shortages in the cost of housing for workers.

SECRETARIAT COMMENT

A lack of affordable key worker housing is a significant barrier to economic development in many regional areas of the state. This issue was a key finding of research undertaken by WALGA last year to review WALGA's Economic Development Framework and gain contemporary information about how Local Governments in Western Australia support economic development which involved a survey of Local Governments and a series of focus group discussions which also identified barriers and challenges for the sector.

The State Government allocated \$61.6 million in additional funding for the Government Regional Officer Housing (GROH) Program in the 2023-24 State Budget to add new supply and refurbish existing homes to assist with the attraction and retention of key workers in regional areas. WALGA is advocating for the State Government to work with Local Governments on the delivery of this investment to ensure it does not further tighten the housing market in regional WA. The Department of Communities will also spend \$1.1 million to undertake a comprehensive review and reform of the GROH program.

In recent months, State Council approved WALGA's 2023-24 Budget, which included an additional resource to progress the economic development policy agenda. Issues related to housing will be a priority for this new role. The new role is expected to commence in October 2023.

5.5 Proposed New WALGA Constitution

Executive Member to move:

MOTION

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

VOTING REQUIREMENT: SPECIAL MAJORITY

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the first item, which considers a new Constitution to give effect to an alternate governance model for WALGA as per the [Best Practice Governance Review Final Report](#).
- The alternate governance model would establish a new Board above the existing State Council and Zone structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to 3 'independent' Members.
- The Board would be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Attachment

- Proposed New WALGA Constitution

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*



4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council [resolved](#) by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will be presented.

If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

Assistance was provided by legal firm, Jackson McDonald, in preparing the new constitution for the alternate model.

The following provides a summary of the governance structure under the alternate model, as established by the proposed new WALGA Constitution:

Body	Composition and Term	Role
Board	<p>Minimum of 8 up to a maximum of 11 Board members:</p> <ul style="list-style-type: none"> • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms).</p> <p>The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.</p>	<p>The President is the Chair and the Deputy President is the Deputy Chair.</p> <p>The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc.</p> <p>The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies.</p> <p>All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.</p>
State Council	<p>26 State Council members:</p> <ul style="list-style-type: none"> • The President elected from and by the 24 State Council Representatives (Ex officio). • 12 elected by and from Metropolitan Zones • 12 elected by and from Country Zones • The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. <p>The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives).</p> <p>Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council.</p> <p>The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend. Only primary State Council members are eligible to be elected to the Board.</p>	<p>The President chairs State Council meetings but does not have a deliberative vote (has a casting vote).</p> <p>State Council elects the President, Deputy President and members to the Board.</p> <p>State Council considers matters referred to it by the Board for consultation or approval. State Council decisions are made by voting as per the current process.</p> <p>State Council will meet at least 3 times per year.</p> <p>State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.</p>

	<p>State Council members are not eligible to be appointed as an independent Board member.</p> <p>State Council members are elected for a two year term. There is no tenure limit for State Council members.</p>	
<p>Zones</p>	<p>There are:</p> <ul style="list-style-type: none"> • 5 Metropolitan Zones; and • 12 Country Zones. <p>The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter.</p> <p>The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council).</p> <p>The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.</p>	<p>The Zones elect members to State Council, as follows:</p> <ul style="list-style-type: none"> • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: <ul style="list-style-type: none"> ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
18 September 2023

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is **“Western Australian Local Government Association”**.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“Absolute Majority” means, in relation to the Board, State Council or any General Meeting of the Association, a majority comprising enough of the Board Members, State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of voting positions of Board Members, State Council Representatives or Delegates (whether Present and voting or not);

“Annual General Meeting” means the meeting convened under clause 22 of this Constitution;

“Association” means Western Australian Local Government Association (WALGA);

“Associate Member” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(10);

“Board” means the governing board of the Association established under clause 9;

“Board Member” means a member appointed or elected to the Board;

“Board Member Representative” means a State Council Representative elected to the Board under clause 18A or clause 19;

“Chief Executive Officer” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all Board Members and State Council Representatives.

“Commissioner” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

“Constituency” means either or both of the Country Constituency and the Metropolitan Constituency (as the case may require);

“Corporate Governance Charter” means the instrument approved by the Board and used to implement good governance policies, procedures and practices;

“Councillor” has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

“Country Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires).

“Independent Board Member” means a person appointed to the Board under clause 9(4);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone with sub-clauses 5(5), 5(6) and 14(2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting of the Board” means one of the six scheduled meetings of the Board referred to under clause 10(1);

“Ordinary Meeting of the State Council” means one of the three scheduled meetings of the State Council referred to under clause 12(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer;

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by the Board;

“Special General Meeting” means the meeting convened under clause 23 of this Constitution.

“Special Majority” means, in relation to the Board or of any General Meeting of the Association, a majority comprising enough of the Board Members or the Delegates for the time being for their number to be at least 75% of the total number of Board Members or Delegates (whether Present and voting or not);

“Special Meeting of the Board” means any Board meeting that is not an Ordinary Meeting of the Board;

“Special Meeting of the State Council” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the the State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of State Council Representatives or Delegates that are Present;

“State Council” means the advisory policy council established pursuant to clause 11;

“State Council Representative” means a member on the State Council elected or appointed by the Constituencies in accordance with the provisions of sub-clauses 11(1) and 11(2) (or 17(4) as applicable) as the primary representative (and not as the deputy representative);

“Transitional Provisions” means those provisions of this Constitution appearing in Schedule Three;

“WALGA” means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a Constituency as determined under clause 14(3) and reflected in the Register of Zone Membership referred to in sub-clause 14(9).

- (2) In this Constitution:
- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
 - (b) words meaning persons include natural persons, corporations and associations; and
 - (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (e) to provide services to Local Government in Western Australia;
- (f) to promote Local Government issues of importance by involvement with national bodies;

- (g) to do all and any such other things as in the opinion of the Board may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (h) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to Members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clauses 10(6) and 12(5).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the Local Government Act including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.
- (5) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.

- (6) The Board, on application from an Ordinary Member and in consultation with State Council, may resolve to permit an Ordinary Member to be a member of an alternate Constituency. In considering any application made pursuant to this subclause, the Board shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two Constituencies. The Board may (in consultation with State Council) approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The Board from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time through a decision of the Board.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The Board or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the Board for subscriptions to be paid, unless the Board decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the Board, including such other Committees as the Board may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the Board for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the Board.
- (2) Subscription levels shall be submitted for approval by the Board together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the Board may decide having regard to all relevant circumstances.

9. THE BOARD

- (1) The Board is the governing board of the Association, responsible for the management and affairs of the Association.
- (2) The Board may exercise all of the powers of the Association except those which must, under this Constitution, be exercised by the State Council or the Members at a General Meeting.
- (3) The Board must consist of a minimum of 8 and a maximum of 11 members, comprising the following:
 - (a) The President;
 - (b) The Deputy President;
 - (c) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Metropolitan Constituency;
 - (d) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Country Constituency; and
 - (e) up to 3 eligible Independent Board Members appointed by the Board from time to time on the basis of their skills, experience or background.
- (4) In respect of the appointment of an Independent Board Member, the Board may determine its own procedures and:
 - (a) a State Council Representative is not eligible to be appointed;
 - (b) a Councillor or, subject to clause 9(4)(a), any other person is eligible to be appointed, subject to meeting any additional eligibility criteria, qualification or experience requirements determined by the Board (if any); and
 - (c) the person appointed, holds office for a term of two years from the date of their appointment, and subject to this clause and clause 9(5), is eligible for re-appointment.
- (5) An Independent Board Member may not serve as an Independent Board Member for more than four consecutive terms.
- (6) A Board Member Representative, the President and Deputy President is elected by State Council for a term as determined under clauses 16 – 19.
- (7) A deputy representative of a Zone as elected to State Council is not eligible to be elected as a Board Member Representative.
- (8) Subject to clauses 9(9) and 9(10), a Board Member Representative may not serve as a Board Member Representative for more than four consecutive terms.
- (9) A person serving as the President or Deputy President may not serve in that role for more than two consecutive terms, but for the avoidance of doubt, may serve two consecutive terms as President and two consecutive terms as Deputy President.



- (10) The Board tenure limit for a Board Member Representative is separate and in addition to the tenure limit for the role of the President or Deputy President.

10. BOARD PROCEEDINGS

- (1) The Board must meet together for the dispatch of business not less than six times in each calendar year.
- (2) Ordinary Meetings of the Board shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the Board shall be called by the Chief Executive Officer by providing notice to Board Members of the date, time, place and purpose of the meeting upon the written request of the President or at least three Board Members.
- (4) Each Board Member Present shall be entitled to exercise one (1) deliberative vote on any matter considered by the Board (including the person presiding at the meeting).
- (5) Subject to clauses 10(6), 10(7) and 29(1), any resolution put forward at a Board meeting must be passed by a majority of Board Members Present.
- (6) The following resolutions shall not be passed by the Board unless they receive an Absolute Majority of the Board and of State Council:
- (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (7) In the event of there being an equality of votes in respect of a matter considered by the Board, the person presiding at the meeting does not have a casting vote.
- (9) At any meeting of the Board, at least 50% of Board Members in office (rounded up to the nearly whole number), Present and entitled to vote shall form a quorum.
- (10) The President shall preside at all meetings of the Board.
- (11) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the Board.
- (12) In the absence of both of the President and Deputy President, or if they are unwilling or unable to preside, the Board shall choose a Board Member to preside at the Board meeting.
- (13) The Board must establish a Corporate Governance Charter.
- (14) The Board must establish a Code of Conduct to which all Board Members and State Council Representatives must comply.
- (15) Subject to this Constitution, the Board Members Present at a Board meeting may determine the procedure and order of business to be followed at the Board meeting.
- (16) The Board is responsible for establishment and review of the processes which are to be applied by the Zones to determine the election of their representatives and deputy representatives to the State Council.

11. STATE COUNCIL

- (1) The State Council is to be a policy advisory council. Members of the State Council are:
 - (a) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (Ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (Ex-officio).
- (2) The primary State Council Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones (in accordance with the procedures set out in the Corporate Governance Charter) for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their primary representatives and deputy representatives to the State Council.
- (4) A deputy representative elected from amongst the Delegates to that Zone to act in the capacity of a primary representative unable to attend a meeting of the State Council shall exercise all rights of that representative at a State Council meeting, except that a deputy representative is not eligible to be elected as a Board Member Representative.
- (5) If for any reason, a primary representative or deputy representative is unable to hold office for the full period for which the primary representative or deputy representative was appointed to State Council, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a primary representative or deputy representative. The primary representative or deputy representative so appointed shall hold office on State Council for the balance of the term of the primary representative or deputy representative originally elected.
- (6) The State Council must conduct the elections for President, Deputy President and the Board Member Representatives, from amongst State Council Representatives in accordance with the provisions in this Constitution and ensure an equal representation from the Constituencies, at the first Ordinary Meeting of State Council following the biennial Local Government elections.

12. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than three times in each calendar year.
- (2) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Council Representatives of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of State Council Representatives.
- (4) Each State Council Representative shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any Ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but

excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

- (5) Except as provided in this clause, all motions at a State Council meeting shall be passed by a Simple Majority of the State Council Representatives, or by their deputy representatives, Present and entitled to vote. The following resolutions shall not be passed by the State Council unless they receive an Absolute Majority of State Council:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (6) At any meeting of the State Council, thirteen (13) State Council Representatives Present and entitled to vote shall form a quorum.
- (7) The President shall preside at all meetings of the State Council.
- (8) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (9) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a State Council Representative to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (10) State Council shall adopt Standing Orders that will apply to all meetings.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The Board may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The Board may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the Board determines and as set out in the Corporate Governance Charter or in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the Board.
- (3) Subject to the control of the Board, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.

- (2) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.
- (3) The number of Zones shall be determined from time to time by the Board and State Council under clauses 10(6)(c) and 12(5)(c) accordingly.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (5) The term of a person who is a Delegate of an Ordinary Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the Local Government Act.
- (6) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (7) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (8) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (9) Applications for changes in membership between Zones shall be determined by the Board (in consultation with State Council). In considering such applications, the Board shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application and the views of State Council. The Board (in consultation with State Council) may approve or refuse any application, advising accordingly and including any reason therefore.
- (10) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by the Board. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (11) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.

- (12) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (13) An Associate Member of a Zone may not:
- (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election, other than to elect the President or Deputy President, held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - i. the candidate who receives the greatest number of votes; and
 - ii. the candidate who receives the next highest number of votes; and
 - iii. the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the-post";
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect the President from amongst the primary State Council Representatives.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected as a State Council Representative.
- (4) The Constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as President beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its State Council Representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for Deputy President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as Deputy President beyond two (2) full consecutive terms.

21. BOARD MEMBER REPRESENTATIVES

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, and the election of the Deputy President pursuant to clause 18 of this Constitution, the State Council shall elect 6 Board Member Representatives from amongst its State Council

Representatives, provided that 3 are from the Metropolitan Constituency and 3 are from the Country Constituency.

- (2) The Board Member Representatives shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for the Board Member Representatives and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Board Member Representative may seek re-election for a consecutive term.
- (4) Where a Board Member Representative seeks and is re-elected for a consecutive term, subject to clause 19(9), that person shall not hold office as Board Member Representative beyond four (4) full consecutive terms.

22. VACANCY – PRESIDENT, DEPUTY PRESIDENT AND BOARD MEMBER REPRESENTATIVES

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council Representative elected to fill a vacancy of President or Deputy President pursuant to this clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.
- (7) If a Board Member Representative is elected to fill a vacancy of President or Deputy President pursuant to this clause 19, their position as a Board Member Representative is declared vacant.
- (8) If the office of a Board Member Representative becomes vacant or if for any other reason the Board Member Representative is unable to take or hold office, then the State Council shall meet to elect from among their number a Board Member Representative who shall hold the office for the balance of the term of the Board Member Representative replaced, provided the new Board Member

Representative represents the same Constituency as the Board Member Representative who is being replaced.

- (9) A State Council Representative elected to fill a vacancy of Board Member Representative pursuant to this clause 19 shall still be eligible for election for a subsequent four (4) full consecutive terms.

23. VACATION OF OFFICE

A person shall cease or be disqualified from being a Board Member, a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) except in respect of an Independent Board Member, ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the Local Government Act;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive Ordinary Board or Ordinary State Council meetings (as applicable);
- (h) except in respect of an Independent Board Member, is a member of a Local Government that ceases to be a member of the Association;
- (i) except in respect of an Independent Board Member, is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4);
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the Local Government Act; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

24. COMMITTEES AND SUB-COMMITTEES

- (1) The Board may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
- (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a decision of the Board pursuant to sub-clause 10(6) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the Board.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the Board.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.

25. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the Board, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the Board or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the Board considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the Board is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

26. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the Board or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.

- (3) At a Special General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) Where the Board considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the Board is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

27. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a Delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the General Meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.

28. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings, Board meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting, Board meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a General Meeting, Board meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the General Meeting, Board meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting, Board meeting or State Council meeting, as the case requires.
- (3) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting, Board meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

29. AUDIT

- (1) At least once a year the Board shall cause the Association's accounts to be audited by a person or persons appointed by the Board or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

30. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the Board, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the Board may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a decision of the Board.
 - (b) The Board on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

31. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the Board and every use of that common seal must be recorded in the minutes of the Board meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer and any Board Member.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the Board from time to time decides.

32. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A Special Majority resolution at any meeting of the Board; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special Majority of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

33. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the Board on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the Board meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by decision of the Board.

34. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a Member and another Member; or
 - (b) a Member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the Board having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the Board may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the Board considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985* (WA) and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

35. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The Board shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

36. TRANSITIONAL PROVISIONS

- (1) The Transitional Provisions shall apply in accordance with their terms as if set out in this Constitution in full.
- (2) In the case of any inconsistency between the Transitional Provisions and any other provision of this Constitution, the Transitional Provisions will prevail.
- (3) The Transitional Provisions shall have continuing force and effect in accordance with their terms.



SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the Board resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are: <ul style="list-style-type: none"> • organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; • not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or • Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	Affixation of the Common Seal <ul style="list-style-type: none"> • Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; • In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; • A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and • WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	Honours Panel <ul style="list-style-type: none"> • Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. • Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. • Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. • Overseeing the annual budget set for the Association's Honours Program. • Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. • Reviewing the Honours Policies and supporting documentation as deemed necessary.



SCHEDULE THREE TRANSITIONAL PROVISIONS

1. For the purposes of these Transitional Provisions:

 “**Effective Date**” means 18 September 2023 OR the date of the Annual General Meeting at which the Members approved the amendments to this Constitution.

 “**Transition Date**” means 6 December 2023 OR the date that the first Ordinary Meeting of State Council is held in December 2023 following the biennial Local Government elections.
2. These Transitional Provisions come into effect on and from the Effective Date.
3. With respect to those holding constitutionally recognised offices as at the Effective Date, the following provisions shall apply:
 - (a) Subject to clause 3(b) of this Schedule, the members of State Council remain in office until the day immediately before the Transition Date.
 - (b) The President and Deputy President remain in office until the newly formed State Council (as referred to in clause 4 of this Schedule) conducts its election on the Transition Date.
4. The election by the Zones for the primary State Council Representatives and deputy representatives to the State Council from amongst the Delegates to the Zones under clause 11(2) of the Constitution, shall be conducted in November 2023 to form the new State Council to take office on the Transition Date.
5. The Board is constituted at the conclusion of the elections conducted at the first Ordinary Meeting of State Council held on the Transition Date.
6. On and from the Effective Date until the close of the first Ordinary Meeting of State Council held on the Transition Date, all references to the Board, and its role, powers and functions as specified in the Constitution, are to be read as references to the State Council and may be exercised by State Council, and State Council remains the governing body of the Association during this period.
7. The Corporate Governance Charter and State Council Standing Orders in effect as at the Effective Date, remain in effect until the Transition Date. Upon the Transition Date:
 - (a) the Board is deemed to have approved the Corporate Governance Charter; and
 - (b) the State Council approves State Council Standing Orders,to apply on and from the Transition Date, as tabled at the meeting, which have been amended to be consistent with the amendments made to the Constitution and to the governance structure of the Association.

5.6 Proposed Amendments to WALGA's Constitution

Executive Member to move:

MOTION

That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the attached mark-up.

VOTING REQUIREMENT: SPECIAL MAJORITY

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the second item, which proposes amendments to the existing Constitution to make some necessary changes whilst still retaining the current governance model.
- The proposed changes are intended to address inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted by WALGA in 2001.

Attachment

- WALGA Constitution – Proposed Amendments Mark-Up

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*

5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will only be presented to Members if the first item (recommending a new Constitution to give effect to the alternate model) does not receive 75 percent approval from Members.

If the first item (for a new Constitution) is successfully passed by a special majority of Members, this item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

The proposed amendments to the Constitution under this item will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - the inclusion of new definitions for “General Meeting”, “Ordinary Meeting” and “Special Meeting”; and
 - the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again

empower State Council to decide the number of Zones, rather than the Members at a General Meeting.

- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in [September 2021](#) which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
[18 September 2023]

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association ([dissolved in August 2003](#)), the Country Urban Councils' Association ([dissolved in August 2002](#)) and the Local Government Association ([dissolved in August 2003](#)).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is **“Western Australian Local Government Association”**.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“Absolute Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of voting positions of representatives or delegates (whether present and voting or not);

“Annual General Meeting” means the meeting convened under clause 22 of this Constitution;

“Association” means Western Australian Local Government Association (WALGA);

“Associate Member” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(9);

“Chief Executive Officer” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all State Council members.

“Commissioner” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

“Constituency” means the Country Constituency and the Metropolitan Constituency (as the case may require);

“Corporate Governance Charter” means the instrument approved by State Council and used to implement good governance policies, procedures and practices;

“Councillor” has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

“Country Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia, as determined by State Council, the details of which are contained in the Corporate Governance Charter;

“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone by State Council in accordance with sub-clause 14 (2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia, as determined by State Council, the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting” means one of the four scheduled meetings of the State Council referred to under clause 10(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer

“Representative” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);

“**Secretariat**” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by State Council;

“**Special General Meeting**” means the meeting convened under clause 25 of this Constitution.

“**Special Majority**” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be at least 75% of the number of representatives or delegates (whether present and voting or not);

“**Special Meeting**” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“**Simple Majority**” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of representatives or delegates that are present;

“**State Council**” means the governing board of the Association established pursuant to clause 9;

“**WALGA**” means the Western Australian Local Government Association constituted under section 9.58 of the *Local Government Act 1995*; and

“**Zone**” means a geographically based subdivision containing Ordinary Members and incorporated within a country and metropolitan constituency. The country and metropolitan zones are set out in the Register of Zone Membership referred to in sub-clause 14(8).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (d) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (e) to speak on behalf of Local Government in Western Australia;
- (f) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (i) to provide services to Local Government in Western Australia;
- (j) to promote Local Government issues of importance by involvement with national bodies;

- (k) to do all and any such other things as in the opinion of the State Council may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (l) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clause 12(3).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the *Local Government Act 1995* including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.

- (5) Subject to subclause (4), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or
- (6) State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (5) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The State Council from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time on a simple majority resolution of the State Council.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The State Council or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the State Council for subscriptions to be paid, unless the State Council decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.

- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the State Council, including such other Committees as the State Council may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the State Council for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the State Council.
- (2) Subscription levels shall be submitted for approval by the State Council together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the State Council may decide having regard to all relevant circumstances.

9. STATE COUNCIL

- (1) The State Council is to be the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council shall include:
 - (a) 12 Councillors elected as representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (ex-officio).
- (2) Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The State Council shall be the body responsible for establishment and review of the processes which are to be applied by the Zones of the metropolitan and country constituencies to determine the election of their representatives and deputy representatives to the State Council.

- (4) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their representatives and deputy representatives to the State Council.
- (5) A deputy representative elected from amongst the delegates to that Zone to act in the capacity of a representative unable to attend a meeting of the State Council shall exercise all rights of that representative.
- (6) If for any reason, a representative or deputy representative is unable to hold office for the full period for which the representative or deputy representative was appointed, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a representative or deputy representative. The representative or deputy representative so appointed shall hold office for the balance of the term of the representative or deputy representative originally elected.

10. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than four times in each year.
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (3) At any meeting of the State Council, thirteen (13) representatives present and entitled to vote shall form a quorum.
- (4) The President shall preside at all meetings of the State Council.
- (5) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (6) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a representative of the State Council to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (7) The State Council shall establish a Corporate Governance Charter as the instrument to be used by State Council in implementing good governance policies, procedures and practices.
- (8) The State Council shall establish a Code of Conduct to which all State Council members must comply.
- (9) State Council shall adopt Standing Orders that will apply to all meetings.

11. NOTICE OF STATE COUNCIL MEETINGS

- (1) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (2) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Councillors of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of the representatives to the State Council.

12. RESOLUTIONS OF STATE COUNCIL

- (1) Except as provided in this clause, all motions concerning the affairs of the Association shall be passed by a simple majority of the representatives of the State Council or by their deputy representatives.
- (2) The following resolutions shall not be passed unless they receive a Special Majority of the State Council or by their deputy representatives:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the membership of Ordinary Members to Zones.
- (3) The annual budget, including annual subscriptions, shall not be adopted unless passed by an absolute majority of representatives of the State Council or by their deputy representatives.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The State Council may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the State Council determines and the scope of which are set out in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the State Council.
- (3) Subject to the control of the State Council, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.

- (2) The membership of Ordinary Members to Zones shall be determined from time to time by State Council.
- (3) The number of Zones shall be determined from time to time by State Council.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (4a) The term of a person who is a Delegate of a Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the *Local Government Act 1995*.
- (5) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (6) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (7) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (8) Applications for changes in membership between Zones shall be determined by the State Council. In considering such applications, State Council shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (9) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by State Council. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (10) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone

shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.

- (11) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (12) An Associate Member of a Zone may not:
 - (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election other than to elect the President or Deputy President held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the-post";
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect a President from amongst those of its members that are representatives from the Zones of the metropolitan and country constituencies or were originally elected to State Council in that capacity.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected by the metropolitan or country constituencies as a representative on the State Council.
- (4) The metropolitan or country constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its Metropolitan and Country representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

21. VACANCY – PRESIDENT AND DEPUTY PRESIDENT

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19 (5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.

22. VACATION OF OFFICE

A person shall cease or be disqualified from being a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the *Local Government Act 1995*;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive ordinary State Council meetings;
- (h) is a member of a Local Government that ceases to be a member of the Association;
- (i) is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuence of sub-clause 17(4);

- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

23. COMMITTEES AND SUB-COMMITTEES

- (1) The State Council may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
 - (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a resolution of the State Council pursuant to sub-clauses 12(2) or 12(3) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the State Council.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the State Council.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.

24. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the State Council or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.

- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

25. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the State Council or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.
- (3) At a Special General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) Where the State Council considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the State Council is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

26. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.

- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the general meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.
- (5) At any Annual General Meeting or Special General Meeting of the Association, greater than one half of the Delegates who are eligible to vote must be present to form a quorum.

27. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that-
 - (a) the General Meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

28. AUDIT

- (1) At least once a year the State Council shall cause the Association's accounts to be audited by a person or persons appointed by the State Council or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

29. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the State Council, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the State Council may deem appropriate.

- (3) (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a resolution of the State Council.
- (b) The State Council on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

30. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the State Council and every use of that common seal must be recorded in the minutes of the State Council meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer, the President and the Deputy President.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the State Council from time to time decides.

31. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A resolution at any meeting of the State Council on the receipt of a Special Majority of representatives or by their deputy representatives; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special Majority of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

32. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the State Council on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the State Council meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by resolution of State Council.

33. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a member and another member; or

- (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the State Council having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the State Council may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the State Council considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

34. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The State Council shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.



SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and

- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the State Council resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are: <ul style="list-style-type: none"> • organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; • not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or • Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	Affixation of the Common Seal <ul style="list-style-type: none"> • Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; • In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; • A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and • WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	Honours Panel <ul style="list-style-type: none"> • Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. • Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. • Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. • Overseeing the annual budget set for the Association's Honours Program. • Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. • Reviewing the Honours Policies and supporting documentation as deemed necessary. •

- 10 APPLICATIONS FOR LEAVE OF ABSENCE
- 11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED
- 12 QUESTIONS FROM MEMBERS WITHOUT NOTICE
- 13 NEW BUSINESS OF AN URGENT NATURE (INTRODUCED BY DECISION OF THE MEETING)
- 14 MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT, 1995, SECTION 5.23(2)

PROCEDURAL MOTION

Moved Cr
 Seconded Cr

That Council moves into a confidential session at **0.00pm** as per *Local Government Act 1995*, Section 5.23(2)(a)(b)(c)(e)

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (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; and
- (e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (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; and

to discuss:

- 14.1** Award of Quote – RFQ2324-09 (Shed)
- 14.2** Award of Tender – RFT2223-05 (WSFN)*
- 14.3** Dalwallinu Medical Centre*
- 14.4** Award of Tender – RFT2324-01 (Asphalt)*
- 14.5** CEO Annual Performance Review & Proposed New Contract*

0/0



14.1 Award of RFQ2324-09 – Supply & Installation of 20x30m Shed

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	FM/28
Previous Meeting Reference	Nil
Prepared by	Marc Bennett, Manager Works & Services
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

Council is requested to approve the awarding of RFQ2324-09, Supply & Installation of 20x30m Shed at the Dalwallinu Recreation Centre.

Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0

14.2 Award of RFT2223-05 – Road Rehabilitation Works*

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	FM/28 – Financial Management - Tendering
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	1. Combined Tender Prices 2. Tender Matrix

Purpose of Report

Council is requested to consider the tenders received for RFT2223-05 Road Rehabilitation Works for Wheatbelt Secondary Freight Network (WSFN) projects for 2023-2024.



Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0

14.3 Dalwallinu Medical Centre – Extension of Lease*

Report Date 22 August 2023
Applicant Three Sons Pty Ltd (Dr Olufemi Onikola)
File Ref CS/45 – Service Provision – Medical Services
Previous Meeting Reference Nil
Prepared by Jean Knight, Chief Executive Officer
Supervised by Jean Knight, Chief Executive Officer
Disclosure of interest Nil
Voting Requirements Simple Majority
Attachments 1. DRAFT Medical Services Agreement
 2. Current Lease Agreement for Dalwallinu Medical Centre
 3. Residential Tenancy Agreement

Purpose of Report

Council is requested to consider endorsing the DRAFT lease extension for the use of the Dalwallinu Medical Centre at 19 Myers Street, Dalwallinu and the residence at 1 Salmon Gum Place, Dalwallinu and the DRAFT Medical Services Agreement with Three Sons Pty Ltd (Dr Olufemi Onikola) for the provision of medical services to the Shire of Dalwallinu for a further three (3) years.

Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

0/0



14.4 Award of RFT2324-01 – Supply & Lay Asphalt*

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	FM/28 – Financial Management - Tendering
Previous Meeting Reference	OCM 25 July 2023 (M10110)
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Nil
Voting Requirements	Simple Majority
Attachments	1. Tender Matrix

Purpose of Report

Council is requested to consider the tenders received for RFT2324-01 Supply & Lay Asphalt for works included in the 2023-2024 road program.

Recommendation/Resolution

MOTION

Moved	Cr
Seconded	Cr

0/0

14.5 Chief Executive Officer – Annual Performance Review & Proposed New Contract*

Report Date	22 August 2023
Applicant	Shire of Dalwallinu
File Ref	PE/139 – Personal File
Previous Meeting Reference	Nil
Prepared by	Jean Knight, Chief Executive Officer
Supervised by	Jean Knight, Chief Executive Officer
Disclosure of interest	Financial Interest
Voting Requirements	Absolute Majority
Attachments	1. Key Result Area Update 2. Summary of Survey Responses 3. Updated Key Performance Indicators 4. DRAFT Contract 2024-2029

Purpose of Report

Council is requested to consider the annual performance review and remuneration package of the Chief Executive Officer and consider renewing the Chief Executive Officer contract that is due to expire on 16 April 2024.



Recommendation/Resolution

MOTION

Moved Cr
Seconded Cr

A 0/0

PROCEDURAL MOTION

Moved Cr
Seconded Cr

That the meeting come from behind closed doors at **0.00pm**.

0/0

15 SCHEDULING OF MEETING

The next Ordinary Meeting of Council will be held on 26 September 2023 at the Shire of Dalwallinu Council Chambers, Dalwallinu commencing at 3.30pm.

16 CLOSURE

There being no further business, the Chairperson closed the meeting at _____pm.

