



CONFIDENTIAL ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

21 October 2020 at 4:30pm

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MINUTES OF THE ORDINARY COUNCIL MEETING

16 SEPTEMBER 2020

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS AT 21 VICTORIA STREET, MINGENEW ON 16 SEPTEMBER 2020 COMMENCING AT 4.30PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4:30pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS

GJ Cosgrove	Shire President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
AR Smyth	Councillor	Town Ward
CV Farr	Councillor	Town Ward

MEMBERS OF THE PUBLIC

Mr Peter Horwood

STAFF

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer
R Brennan	Works Supervisor

APOLOGIES

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME / PUBLIC STATEMENT TIME

Mr Peter Horwood raised two questions which are summarised below, along with the response provided by the Shire President:

1. Will the Shire consider reducing the speed limit along Moorriary Road to 70 km/h, especially for large trucks, in consideration of the current condition and expected standard of the road given the increased traffic (landowners and mining companies)?

Cr Cosgrove firstly outlined that the Shire does not have authority to set speed limits (this sits with Main Roads WA including on Shire-managed roads), except in relation to the Restricted Access

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 September 2020

Vehicle (RAV) network, and secondly, any approach the Shire takes needs to be consistent across the Shire's road network. Councillors have had an opportunity to discuss this issue with the CEO and agreed on a strategy to educate and communicate with local road users and business owners with a campaign targeting drivers at CBH during harvest, encouraging driving to conditions and being mindful of overall impact of road wear/damage to ratepayers and contractors. The Shire will also be inspecting certain hazardous sections of Moorriary Road and placing hazards signs up to reduce the speed where appropriate.

2. Why did the Shire promote a no rate increase when some ratepayers have experienced an overall increase to their rates?

The Shire President outlined that the Shire made the decision not to increase the rate in the dollar but cannot control the valuation completed by the Valuer General that resulted in a variance (increase or decrease) for some properties. As the Shire is not able to set a rate for individual properties the approach for setting no increase rate in the dollar Shire-wide was considered a reasonable one. The Shire did advocate for the Valuer General to not conduct valuations this year in light of the COVID-19 pandemic as part of a wider industry campaign, to no avail.

Mr Peter Horwood left the meeting at 4:35pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 19 AUGUST 2020

OFFICER RECOMMENDATION - ITEM 7.1 – RESOLUTION# 16092001

MOVED: Cr HR McTaggart SECONDED: Cr JD Bagley

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 19 August 2020 be confirmed as a true and accurate record of proceedings.

VOTING:

CARRIED BY SIMPLE MAJORITY 7/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Cr JD Bagley disclosed a direct financial interest in Item 11.1 Yandanooka Water Reserve 18110 – Water Use Agreements.

Cr AR Smyth disclosed an indirect financial interest in Item 15.1 Proposed Change of Valuation/Rating Methodology.

10.0 RECOMMENDATIONS OF COMMITTEES

Nil.

11 CHIEF EXECUTIVE OFFICER REPORTS

Prior to commencing discussion on Item 11.1, Cr JD Bagley disclosed a financial interest in the item being a party to the Water Use Agreements, left the meeting at 4:40pm and did not participate in the discussions or voting.

11.1 YANDANOOKA WATER RESERVE 18110 – WATER USE AGREEMENTS

Location/Address: Reserve 18110, Yandanooka, Shire of Mingenew
Name of Applicant: D & M Bagley
Ikewa Grazing Company
Beattie Peta SMSF Pty Ltd
L Cocking
Disclosure of Interest: Nil
File Reference: ADM0256
Date: 24 June 2020
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider the renewal of Water Use Agreements that permit neighbouring landowners to access water from Yandanooka Reserve 188110 and authorise the preparation and execution of new water use agreements with the current property owners.

Key Points

- The Shire's current Water Use Agreements were last presented to Council in August 2015 for a 5-year term and expire 30 June 2020 (noting that RA Campbell's agreement was transferred to L Cocking in 2018).
- The Water Use Agreements were established to allow landowners neighbouring the Yandanooka spring located on Reserve 188110 to access water for certain purposes.
- The Agreements provide for prioritising water usage should the water availability or capacity diminish.
- Those who currently hold an agreement with the Shire have indicated they wish to continue under the same arrangements and propose no changes.

OFFICER RECOMMENDATION – ITEM 11.1 – RESOLUTION# 16092002

MOVED: Cr HM Newton **SECONDED:** Cr RW Newton

That Council lay on the table Item 11.1 Yandanooka Water Reserve 18110 – Water Use Agreements in order for staff to clarify whether the approved purposes allows for spraying and other non-intensive farming activities.

VOTING:

CARRIED BY SIMPLE MAJORITY 6/0

OFFICER RECOMMENDATION – ITEM 11.1

That Council;

1. Approves the 2020-2025 Water Use Agreement, as presented in attachment: 15.1.1- 15.1.4, for the purposes of regulating the drawing of water from the Yandanooka spring located on Reserve 18110;
2. Authorises the CEO and Shire President to execute the 2020-2025 Water Use Agreements on behalf of the Shire of Mingenew with the following landowners:
 - a) D & M Bagley as landowners of neighbouring land parcels

Victoria Location 9995
Victoria Location 9996
Victoria Location 9997
Victoria Location 9998;

b) Ikewa Grazing Company Pty Ltd as landowners of neighbouring land parcels

Lot 104 Yandanooka North East Road
Lot 107 Yandanooka North East Road
Lot 16, Victoria Location 1929
Lot 17, Victoria Location 1929;

c) Beattie Peta SMSF Pty Ltd as landowners of neighbouring land parcels

Lot 61, Victoria Location 1910;

d) L Cocking as the landowner of neighbouring land parcels

Lot 18, Victoria Location 1929
Lot 19, Victoria Location 1929.

Attachment

15.1.1 2020 – 2025 Water Use Agreement – L Cocking [demonstrates tracked changes for Council to evidence the expired contract's content]

15.1.2 2020 – 2025 Water Use Agreement – D & M Bagley

15.1.3 2020 – 2025 Water Use Agreement – Ikewa Grazing Pty Ltd

15.1.4 2020 – 2025 Water Use Agreement – Beattie Peta SMSF Pty Ltd

Background

The *Rights in Water and Irrigation Act 1914* provides the legislative basis for the planning, regulation, management, protection and allocation of water resources in Western Australia. The objectives of the legislation include providing for the management, sustainable use and development of water resources to meet the needs of current and future users, and for the protection of their ecosystems and the environment in which water resources are situated.

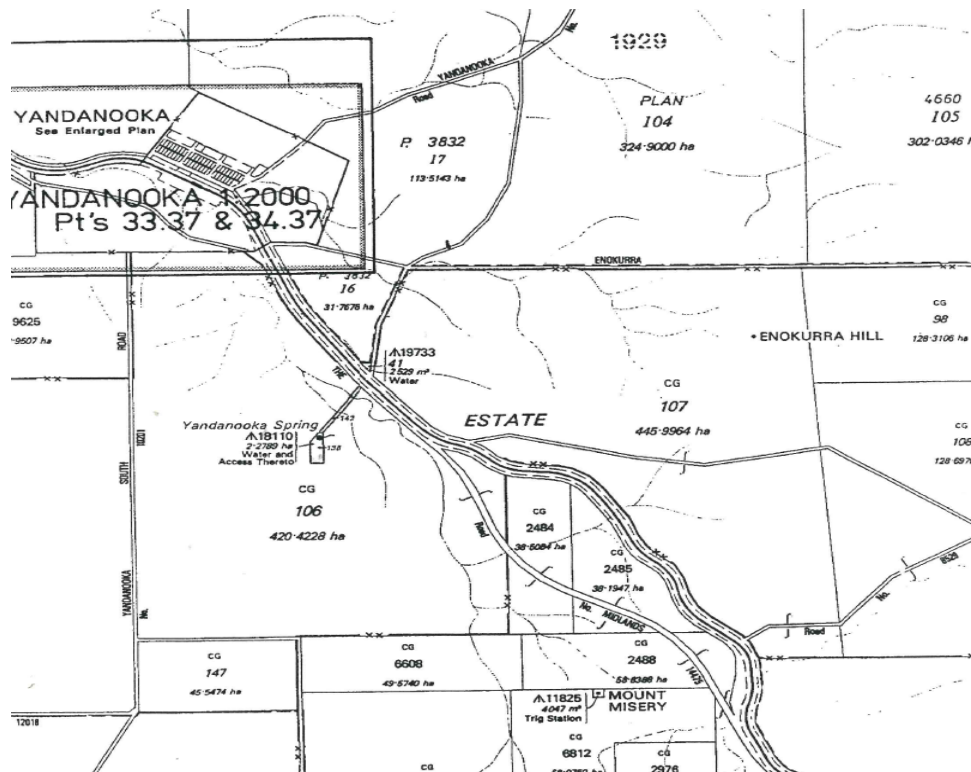
Whilst the *Rights in Water and Irrigation Act 1914* requires that a licence be obtained through the Department of Water and Environment Regulation (DWER) for the use of groundwater and the construction of a bore, the use / purpose for extracting water in these circumstances is exempt in accordance with s25(2), as the use meets the following criteria:

- (a) for domestic and ordinary use; and
- (b) for firefighting; and
- (c) for watering cattle or other stock, other than those being raised under intensive conditions as defined in section 21(4); and
- (d) for any other purpose that is prescribed by a local by-law referred to in subsection (1).

The Yandanooka Reserve 188110 was originally vested with the Shire (formerly as the Mingenew Road Board) in 1938 for the public purpose of water supply. The spring has historically fed the Bundanoon area and Yandanooka townsite, and more recently neighbouring properties.

The 2015 – 2020 Water Use Agreements were considered and renewed by Council at the August 2015 Ordinary Council meeting which originally included RA Campbell for Lots 18 & 19, Victoria Location 1929. The Water Use Agreement with RA Campbell was then transferred to the new property owner (L Cocking) as a result of a Council decision at the November 2018 Council meeting (Resolution# 17101810).

The below map outlines the spring location and neighbouring land parcels:



Comment

All agreements, existing and proposed are identical in content. Attachment 15.1.1 demonstrates the proposed changes in the contract document whilst the other agreements (attachment 15.1.2-15.1.4) have the proposed changes incorporated and are the finalised version.

Changes to the existing contract proposed-

1. Amendment to clause 3.3

To accurately reflect the “Last On, First Off” concept, the priority of allocation / usage is to be amended to read as follows:

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

It is worth noting that whilst the current agreement provides for the protection of water allocation in the case of natural diminution as above, there is no formal monitoring of water reserve levels being undertaken by, or required of, the Shire to provide oversight on water quantity levels.

2. Amendment to clause 6.1 & inclusion of clause 6.2

The permitted use under Clause 6.1 of the now expired agreement outlines “The Grantee may use the water from the Spring to water livestock, and for domestic, and commercial purposes.” DWER have provided the following advice regarding water usage and licences:

“No licences are required if water is only taken from the water table aquifer and is used for:

- *Domestic purposes*
- *A garden up to 0.2 hectares*
- *Stock raised under non-intensive conditions*

- *Fire fighting*

Only if the neighbouring landowners are considering doing something else with the land that needs water, then they would need licencing, or an agreement clause added to the Shire of Mingenew's existing groundwater licence."

Therefore, to provide clarity around acceptable water use under the agreement, the word 'commercial' has been removed and the criteria as provided by DWER inserted.

Clause 6.2 has been added to reflect the advice that a change to the usage of water (from the Reserve), could result in licensing requirements and additional conditions / monitoring requirements imposed on the Shire. Should Council receive a submission requesting amended usage, then consideration will need to be given to cost recovery and/or imposition of conditions onto the landowner to compensate for any costs the Shire will need to expend to meet licence conditions.

Consultation

Justin Bagley
Peter Mills, Ikewa Grazing
Leonard Cocking
Rodney Beattie

Mick Major, Department of Water and Environment Regulations
Gary Little, WALGA – Environmental Division

Statutory Environment

Local Government Act 1995
Rights in Water and Irrigation Act 1914

Policy Implications

Nil.

Financial Implications

No fee has historically been collected for the Water Use Agreements.

The Shire incurs a minimal administration cost in the review and execution of the documents. If Council were to consider establishing a fee, it is recommended that the fee be paid upon renewal.

Strategic Implications

Strategic Community Plan 2019-2029
Strategy 1.4.1 Manage and protect water resources and infrastructure

Prior to commencing discussion on Item 11.2, Cr JD Bagley returned to the meeting at 4:49pm.

11.2 WALGA ANNUAL GENERAL MEETING – 25 SEPTEMBER 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0118
Disclosure of Interest: Nil
Date: 8 September 2020
Author: Erin Greaves
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Minority

Summary

To consider and vote on the WALGA Annual General Meeting motions and submit those to the Association.

Key Points

- The WALGA Annual General Meeting is scheduled to be held on 25 September 2020 commencing at 1:30pm.
- The AGM Association Standing Orders, 2019 Annual General Meeting Minutes and 2019/20 Annual Report are presented.
- There are two Executive and Member Motions to be considered at the meeting (submitted by the Shire of Dundas), relating to:
 - 3.1 Drought in Western Australia
 - 3.2 State Owned Unallocated Crown Land (UCL) House Blocks

OFFICER RECOMMENDATION – ITEM 11.2 – RESOLUTION# 16092003

MOVED: Cr AR Smyth SECONDED: Cr RW Newton

PART A

That Council supports the motions provided in the 25 September 2020 WALGA Annual General Meeting Agenda, as follows:

1. That the AGM Association Standing Orders be adopted.
2. That the Minutes of the 2019 Annual General Meeting be confirmed as a true and correct record of proceedings.
3. That the 2020 Annual Report including the 2019/20 Audited Financial Statements be received.

PART B

That Council supports the member motions submitted by the Shire of Dundas, as follows:

MOTION 3.1

That WALGA:

1. Requests assistance from the Federal Minister for Agriculture, Water and Environment, to reconsider the Federal Government's approach when determining the criteria on what areas are eligible and the whole of the Pastoral Range Lands be reconsidered for inclusion; and,
2. Requests the State Minister for Agriculture and Food, to reconsider the State Government approach of not assisting with the drought situation, and if the State cannot help under their Water Deficiency Program that is implemented to cart water, then an alternative assistance package be considered.

MOTION 3.2

That WALGA request the Minister for Local Government, Hon. David Templeman to consider a review into the justification and fairness of the State Government not paying rates on Unallocated Crown Land (UCL).

VOTING

CARRIED BY SIMPLE MAJORITY 7/0

Attachment

11.1.1 WALGA AGM Agenda – 25 September 2020

11.1.2 WALGA Annual Report and Financial Statements 2020

Background

The WALGA AGM Agenda provides significant background around each member motion presented for decision however a summary and comment for each Item is provided below:

Motion 3.1 presented by the Shire of Dundas, relates to concern over a large proportion of WA areas being impacted by drought but being excluded from government funding. The motion advocates for eligibility and assistance for drought funding across Western Australia that reflects current and future need.

The Shire of Mingenew has recently benefited from the Federal Government's Drought Communities funding program that is likely to deliver positive outcomes for drought recovery and resilience within the community.

Motion 3.2 presented by the Shire of Dundas requests that a review be undertaken into the justification and fairness of the State Government not paying rates on Unallocated Crown Land (UCL). Given that the responsibility (financial and operational) to maintain infrastructure and services directly and indirectly related to these properties lies with Local Government, the Shire of Dundas believes that a contribution in the form of full rates or a minimum annual maintenance fee be paid. Without having gone through a formal review of Unallocated Crown Land within the Shire of Mingenew, it is likely that rate revenue from UCLs would have a significant impact on the Shire's rate revenue.

Comment

The AGM Agenda also includes an update on the actions taken based on resolutions from the 7 August 2019 WALGA AGM. In summary, these include:

- 3.1 Coastal Erosion – advocate to the Federal and State Governments with respect to the importance of responding to increasing challenges faced by Coastal Councils and develop policy initiatives (various). This matter does not have any impact on the Shire of Mingenew.
- 3.2 Department of Housing Leasing Residential Property to Charitable Organisations – WALGA was tasked with advocating to the Minister for Housing to include in the lease agreements with charitable institutions that the must pay Local Government Rates on behalf of the Department of Housing recognising the services Local Government provides to its tenants. Whilst WALGA has corresponded with the Minister on this issue and raised the matter as part of the Local Government Act Review, no undertaking has been made to reform the rates system in this regard.
- 3.3 Motorist Taxation Revenue and Spending in WA – advocacy for a fairer distribution of funding from revenue collected from WA motorists to address WA road infrastructure needs and road safety matters and push to hold an inquiry into road user pricing and broader tax reform for motorists.
- 3.4 Biosecurity Groups (RBGs) – WALGA revokes its position of not supporting the establishment and operations of RBGs and whether to support RBGs is to rest with individual Local Governments. WALGA currently participates in the Biosecurity Senior Officers Group to oversee the development of Terms of Reference and a review of the *Biosecurity and Agriculture Management Act 2007*.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 September 2020

- 3.5 WALGA Members support for waste to Energy – WALGA was to seek firm commitments from the State Government about how the waste avoidance, resource recovery and diversion from landfill targets will be achieved, including local options for reprocessing, recycling and waste to energy. Advocacy continues but no firm commitment has been made by the State Government to-date.
- 3.6 Membership of the Development Assessment Panels (DAPs) – WALGA continues to advocate for Local Government Membership on DAPs. Any changes to presentation will require an amendment to the DAP Regulations (before April 2021) therefore, there will be further opportunity to provide feedback.
- 3.7 Review of the *Mining Act 1978* – at the WALGA AGM it was resolved to request the Minister to undertake a review of the *Mining Act 1978* with a view to maximising benefits to local communities and its impact on local communities, specifically including an MOU in the mining application process with Local Governments that ensures some contribution to local infrastructure. The matter has been referred to the Mining Communities Policy Forum and further advocacy is ongoing.
- 3.8 Financial Assistance Grant – WALGA were to lobby to retain the FAG at 1% of the Commonwealth Taxation Revenue. This advocacy is on hold considering COVID-19 response activities and economic recovery.
- 3.9 Third Party Appeal Rights – amendment sought to the Third-Party Appeals Process Preferred Model to allow third parties in addition to Local Government may make an appeal, including closely associated parties in additions to Local Governments when appealing to the WA Planning Commission and State Administrative Tribunal. This position was presented at the May 2020 WALGA State Council and was not supported.

Consultation

WALGA

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Community Strategic Plan

Strategy 1.2.2 Enhance open and trusting communication between Council and the community and deliver high quality services in partnership with external stakeholders.

11.3 COMMUNITY ASSISTANCE SCHEME PANEL MEMBERS 2020/2021

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0518
Disclosure of Interest: Nil
Date: 8 September 2020
Author: Erin Greaves
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Minority

Summary

To appoint two Councillors to the Shire of Mingenew Community Assistance Scheme Panel for 2020/2021.

Key Points

- The Shire's Supporting the Community Policy outlines Council's governance structure for reviewing and approving community grants
- The Panel is to be comprised of the Community Services Coordinator (now Community Development Officer), the Chief Executive Officer and two Councillors
- This is not a formal Committee of Council and therefore, does not require an Absolute Majority vote

OFFICER RECOMMENDATION – ITEM 11.3 – RESOLUTION# 16092004

MOVED: Cr AR Smyth SECONDED: Cr CV Farr

That Council:

- 1. appoints Cr RW Newton and Cr HM Newton to the Panel responsible for considering community grants in accordance with Policy 1.4.2 Supporting the Community, and**
- 2. updates Policy 1.4.2 Supporting the Community to recognise the Community Development Officer as the appropriate staff representative for the Panel (removing reference to the Community Services Coordinator).**

VOTING

CARRIED BY SIMPLE MAJORITY 7/0

Attachment

11.3.1 Amended Policy 4.2.1 Supporting the Community

Background

Cr HM Newton and Cr RW Newton have previously represented Council on the Panel.

The current Policy states:

"All community grants will be considered by a panel, comprising of the Community Services Coordinator, the Chief Executive Officer and two Councillors, who are to assess and prioritise the applications in accordance with the above listed criteria.

Criteria to award grant/commit Shire funds:

- 1. Applicants must be incorporated, not-for-profit, community-based organisations, groups and event organisers. Local state and federal government departments, private companies, private and public schools including employees of these bodies acting on behalf of their employers (excluding relevant community purpose representative bodies such as P&C Associations are ineligible.*

2. *The activity, event, competition, project or celebration must be offered within the Shire of Mingenew local government boundaries and open for attendance by the local community;*
 - a. *Where Shire funds are used towards an event, it is preferable that entry for locals be free of charge*
3. *The activity, event, competition, project or celebration must demonstrate alignment with the Shire's Community Strategic Plan;*
4. *The Community Organisation is not to have already received funding from the Shire by way of a Sponsorship, Donation, Community Assistance Scheme Funding or Council Contribution or received financial assistance from the Shire for the project for which the application has been made under any existing written agreement during the relevant financial year.*
5. *Applicants acknowledge that funding is subject to an Acquittal and Evaluation Form being completed and submitted to the Shire within 8 weeks of the stated completion date of the project or activity, or before the 20 June of the current financial year, whichever falls first. Failure to complete this step will result in disqualification for the next round of funding."*

The 1.4.2 Supporting the Community Policy was last reviewed in April 2019 and is scheduled for triennial review (next due October 2022) or as required. It appears that the Community Services Coordinator reference was not updated at the time of that review as the position title had not been amended at the time. It is therefore, recommended that this be updated.

Comment

Now that the Community Assistance Scheme (CAS) has been operating for almost two years, Council may wish to review the governing policy 1.4.2 Supporting the Community, to ensure it adequately reflects current practice and operational needs, in consideration of community participation.

Consultation

Margaret Rowe, Community Development Officer

Statutory Environment

Local Government Act 1995

Policy Implications

1.4.2 Supporting the Community

Financial Implications

Nil.

Strategic Implications

Community Strategic Plan

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner.

12.0 FINANCE AND ADMINISTRATION MANAGER REPORTS

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2020

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0304
Attachment/s:	Monthly Financial Report – August 2020
Disclosure of Interest:	Nil
Date:	8 September 2020
Author:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

Summary

This report recommends that the Monthly Financial Report for the period ending 31 August 2020 as presented to the Council be received.

Key Points

OFFICER RECOMMENDATION – ITEM 12.1 – RESOLUTION# 16092005
MOVED: Cr HM Newton SECONDED: Cr HR McTaggart

That the Monthly Financial Report for the period 1 July 2020 to 31 August 2020 be received.

VOTING

CARRIED BY SIMPLE MAJORITY 7/0

Attachment

Monthly Financial Report for period ending 31 August 2020

Background

The Monthly Financial Report to 31 August 2020 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 August 2020	
Municipal Funds	\$1,121,554.53
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 0.9%	\$164,613
Trust Fund	\$1
Reserve fund - 3 Month Term Deposit @ 0.9%	\$427,012

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2020/21 financial year.

The Financial Report for the year ending 30 June 2020 has not yet been audited and is subject to change. The Opening Funding Surplus on 1 July 2020 is different to the Closing Funding Surplus at 30 June 2020. The reason for this is that the Closing Funding Surplus at 30 June 2020 was estimated in order to prepare the budget, due to the June 2020 accounts not yet being finalised. There were a number of adjustments made after year end, mainly to do with legislation changes (the treatment of income, the treatment of leases and the treatment of loss allowances). The largest of these adjustments was to do with the Bridge Funds received in 2016/17 but not yet spent, amounting to \$146,667. An adjustment was required as the funds received needed to be shown as a liability rather than as income. When the funds get paid to MRWA for the work done, they will be transferred back to income and increase the Funding Surplus once more.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Nil

12.2 LIST OF PAYMENTS FOR THE PERIOD 1 AUGUST 2020 TO 31 AUGUST 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – August 2020
Disclosure of Interest: Nil
Date: 8 September 2020
Author: Helen Sternick, Senior Finance Officer
Authorised by: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Simple Majority

Summary

This report recommends that Council receive the list of payments for period 1 August 2020 to 31 August 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION 12.2 – RESOLUTION# 16092006

MOVED: Cr HM Newton **SECONDED:** Cr JD Bagley

That Council receive the attached list of payments for the period of 1 August 2020 to 31 August 2020 as follows:

\$145,996.99 Municipal EFT's;
\$16,111.85 Municipal Direct Debit Department of Transport (Licencing) Payments;
\$53,728.61 Municipal Direct Debit Other;
\$1,276.74 Municipal Other Charges;
\$70,449.61 Net Salaries

Totalling \$287,563.80 as per attached list of payments.

VOTING

CARRIED BY SIMPLE MAJORITY 7/0

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING

Nil

14.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15.0 CONFIDENTIAL ITEMS

PROCEDURAL MOTION – ITEM 15.0 – RESOLUTION# 16092007

MOVED: Cr RW Newton SECONDED: Cr HM Newton

That Council closes the meeting to the public at 5.02 pm in accordance with s5.23(2)(e)(iii) of the *Local Government Act 1995*, in order to consider Item 15.1 PROPOSED CHANGE OF VALUATION/RATING METHODOLOGY which if discussed, would reveal information about the business, professional, commercial or financial affairs of a person.

VOTING

CARRIED BY SIMPLE MAJORITY 7/0

Prior to discussion on Item 15.1, Cr AR Smyth disclosed an indirect financial interest, left the meeting at 5:03pm and did not participate in the discussions or voting.

15.1 CONFIDENTIAL - PROPOSED CHANGE OF VALUATION/RATING METHODOLOGY L32 & L33 DP68473

OFFICER RECOMMENDATION – ITEM 15.1 – RESOLUTION# 16092008

MOVED: CR RW Newton SECONDED: Cr JD Bagley

That Council:

1. Provisionally endorses a change to the rating methodology of L33 on DP68473 and the portion of L32 on DP68473 as identified in attachment 15.1.3, on the grounds that it believes the predominant use of that land is non-rural in nature; and
2. Directs the Chief Executive Officer to:
 - a. Notify the landholder of this decision in writing; and
 - b. Provide the landholder with at least 28 days to make a submission back to the Council on this matter, in accordance with the WA State Government's Rating Policy: Valuation of Land.

VOTING

CARRIED BY SIMPLE MAJORITY 6/0

Cr Smyth returned to the meeting at 5:11pm.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 September 2020

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 21 October 2020 commencing at 4.30pm.

17.0 CLOSURE

The meeting was closed at 5:12pm.

These minutes were confirmed at an Ordinary Council meeting on 21 October 2020.

Signed _____
Presiding Officer

Date: _____



BUSHFIRE ADVISORY COMMITTEE MEETING

MINUTES FOR THE SHIRE OF MINGENEW BUSHFIRE ADVISORY COMMITTEE MEETING TO BE HELD AT THE SHIRE CHAMBERS ON 14 SEPTEMBER COMMENCING AT 6PM.

1.0 DECLARATION OF OPENING

Murray Thomas, Chair, declared the meeting open at 6.05pm

2.0 RECORD OF ATTENDANCE / APOLOGIES

Attendees:

- Alex Pearse
- Andrew Green
- Anthony Smyth
- Grant Fidock (Shire of Mingenew)
- Jared Heitman
- Jon Holmes
- Malcolm Taylor (DBCA)
- Matt Dadd (DFES)
- Murray Thomas
- Neal Boonzaaier (WA Policy)
- Nils Hay (Shire of Mingenew)
- Paul Flanders
- Rob Holmes
- Rocky Brennan (Shire of Mingenew)

Apologies:

- Ben Cobby
- Ben MacTaggart
- Jamie MacTaggart
- Justin Bagley
- Nick Duane

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

3.1 Bushfire Brigades' AGM held 11 March 2020

BRIGADES' DECISION – ITEM 3.1

Moved: Anthony Smyth

Seconded: Jon Holmes

That the Minutes of the Bushfire Brigades' Annual General Meeting of the Shire of Mingenew held 11 March 2020 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS: Carried

4.0 OFFICERS REPORTS

4.1 CBFCO REPORT – MURRAY THOMAS

- Preview of the 20/21 Fire Season

4.2 CAPTAINS' REPORTS

All Captains to remark on level of training of its volunteers and any identified gaps or training requirements.

- 4.2.1 Yandanooka
- 4.2.2 Lockier
- 4.2.3 Guranu
- 4.2.4 Mingenew North
- 4.2.5 Mingenew Town

4.3 SHIRE CEO REPORT

- Fuel Cards
 - Thanks to Ben Cobley for assistance in converting the Motorpass cards to credit at BP Dongara
 - Working with DFES to try to find a better long-term solution (for us, and other small communities who only have 24 hour fuel services)
 - Everyone who has not already is strongly encouraged to go and access their fuel
 - Fire captains are strongly encouraged to ensure they and their brigade members are doing so
- Fire Shed
 - Funding application for current financial year unsuccessful (grant round oversubscribed and locations without existing sheds were prioritised)
 - Application will be tweaked and resubmitted for next year
- Bushfire Risk Management Officer
 - Our Shire is eligible to access a DFES Bushfire Risk Management Officer
 - This person would conduct a detailed audit of bushfire risk for our Shire and develop a mitigation strategy
 - The Plan will be Shire-wide, but will give an opportunity for a closer look at any perceived problem areas, like Depot Hill Reserve
 - The Risk Management Plan they develop can then be used to request mitigation funding through DFES
- Fast Attack Change-over
 - Approved by DFES in FY18/19 but they are working through backlog (17/18 approvals should all be built and distributed by end of the current financial year)
 - It's a new build, which is going out for testing in the coming couple of months before moving into full-scale production
 - Actual change-over for ours expected in FY21-22
- Mobile App for Essential Service Volunteers has been released
 - www.esvolunteers.org.au
 - Would be interested in feedback from members; DFES are encouraging its use
- Burning behind Autumn Centre
 - Have spoken with Water Corp and DFES; they are still keen to proceed
 - They will take advice from us around timing
 - March/April 2021
- Depot Hill Firebreaks

- Have forwarded queries from last meeting to DBCA. They will attend BFAC meeting to discuss.
- Weather Stations
 - Farmers can install and have their station connected to the Agric network
 - DPIRD currently has no plans to expand network in our Shire
 - Ag Department pay a nominal service fee (\$198/yr) for access
- Vehicle Stickers
 - The application form for Vehicle Identifier stickers has been attached to the agenda for any party wishing to apply
- Defibrillators
 - Defibrillator units have been provided for the two fire vehicles, along with a training device
 - It's suggested some training be arranged so that volunteers are familiar with its use
- Volunteer Register
 - Please see the attached listing of brigade members, please provide any relevant updates
- Equipment/PPE needs for current year ESL expenditure

4.4 DFES UPDATE

Matt Dadd; Acting Area Officer and Bushfire Risk Management Officer

- Ian Comben (Combo) still in acting role
- Kyle Pollitt working in Goldfield/Midlands
- Training still occurring post-COVID, but more compressed
- Fire Control Officer training in Morawa on 29 September
 - Deals with legislation/reporting around fire management (permitting etc.)
- Introduction to bushfire fighting course modules exist for volunteers who haven't had much experience
 - If they get 5-6 or more people, they can run a course locally
 - Possibility before harvest?
 - Maybe; it's a 3-4 day course
 - **ACTION: Matt** to look into possibility of training
 - Defibrillator training?
 - Suggest talking to St. John's
 - **ACTION: Nils** to engage with St. John's

4.5 DBCA UPDATE

- Depot Hill
 - Plan and layout of existing firebreaks & widths
 - Can be produced; no internal firebreaks within Depot Hill
 - Incomplete firebreaks on inside border of entire reserve
 - Notably on east side and south of the river
 - Scope for landholders to increase firebreak size on the estate?
 - No, would have to be under DBCA authority
 - Fire management plan for the reserve?
 - If there is a bushfire on the reserve, given DBCA crew distance from Depot Hill (and Mingenew Hill Reserve) BFB response would be expected first
 - If DBCA was to respond, they would seek to contain fire in the block that it was burning in (burn off the edges), as opposed to putting breaks inside those blocks
 - Break-up of the reserve is greater than for most other reserves of similar size
 - Concern that landholders bear majority of responsibility, but are restricted in their ability to take management action to address fire risk

MINGENEW BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES – 14 September 2020

- Bushfire Risk Management Plan (BRMP) will be produced for the Shire; DBCA have a Bushfire Risk Management Framework and a Regional Fuel Management Plan (currently under development for Mid West, due around Q1 2021)
- The combination of the Shire's BRMP and DBCA's Fuel Management Plan will inform next steps for fire mitigation in the reserve
- Question from DBCA is degree to which added breaks increase protection to both Depot Hill and surrounding private land
 - Noting that there have no been recent fires originating from the Reserve
- Feeling by members that there is a double-standard placed on landholders vs public agencies
- Review of land tenure map; in terms of bushfire response:
 - Within DBCA reserve, it's understood that it will take a while for DBCA to get there, and therefore BFB would be first responder
 - In that instance, advice would be to burn to the breaks
 - The land also has a reasonably high chance of unexploded ordinance, as a result they would only stick to existing breaks and not go off track
- Depot Hill remains a low priority for DBCA;
 - To get an effective burn to carry due to the fuel type would require weather conditions above preferred intensity for a nature reserve
 - Burning would be from existing breaks to ~500m depth; this would be challenging under the expected conditions
- DBCA understand and accept the risk that a fire could burn out one of the portions of the reserve; noting that firebreak construction along the boundaries are unlikely to prevent that type of fire
- Would need a survey from DFES or similar in order to justify installing further breaks
- Lance Jackson, Regional DBCA Fire Coordinator, has resigned; role is currently open for recruitment
- Malcolm to finish up in Mid-November

5.0 GENERAL BUSINESS

Murray:

- Mobile ground pump: If you have one, put it near the tank where you're harvesting in case a fire starts
 - Don't forget about the pump on the trailer in the shed
- Raised discussion about water tank at the airstrip
 - Eneabba have put facilities for waterbombing at their airstrip
 - DBCA prefer a tank of about 150kL
 - Don't need a high flow bore (bombers only take about 3000L)
 - This element is part of a larger project for airstrip upgrades with the Shire, for coming years
- Coles Gift Cards
 - **ACTION: Nils** to get an update
- Suggestion for a whatsapp group for landholders
 - Allows a pin-drop
 - Jared has one in place for South Mingenew
 - **ACTION: Murray** to investigate set-up of group

Grant:

- Pole-top fire letter mentioned at recent DOAC meeting
 - Western Power reps in attendance
 - There will be more silicon and cleaning work across the region (approx. 8 year lifespan)
 - Acknowledged that they are behind; was limited maintenance for 15-20 years

Anthony:

- Trucks have been serviced
- Slow take-up of fuel cards; encourage all to access the fuel at BP Dongara

MINGENEW BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES – 14 September 2020

- New gear in the shed to be distributed after the meeting

Rob:

- Aimee unable to use fuel card in Dongara
 - o **ACTION: Nils** to follow up and find out why

Jon:

- Encourage landholders to keep investing in firefighting equipment as numbers on farm reduce
- Best number to call in case of a fire?
 - o 000 – gets the incident logged
 - o Shire or Murray can get a text message sent out if you call them

Neal:

- If you have concerns about motorist safety due to a fire near a road, contact local police and they may be able to assist.
 - o Alternatively, call DFES and they can put it through the WAPOL hierarchy in region

6.0 TIME AND DATE OF NEXT MEETING

Next Bush Fire Brigades' Meeting will be the AGM, to be held at a date TBC in March 2021.

7.0 CLOSURE

Meeting closed at 7.10pm



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**
(NLM201401)

Between
SHIRE OF MINGENEW

AND

DAVID AND MICHELLE BAGLEY

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **DAVID RUSSELL BAGLEY and MICHELLE ANNE BAGLEY** of Beatonsfield Yandanooka via Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement unless inconsistent with the context or the subject matter the following terms have the following meanings:

'Acts' - includes all acts and statutes (state or federal) for the time being enacted and all modifications, regulations, by-laws, requisitions or orders made to or under any act from time to time by any statutory, public or other competent authority;

'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

'Term' - means the term specified in Item 2 of the Schedule;

'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

In this Deed, unless the contrary intention appears:

- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. GRANT OF USE AGREEMENT

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. WATER SUPPLY

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.
- 3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept: -

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

- 3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.

4. NO WARRANTY AS TO SUPPLY

- 4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

- 5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.
- 5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

6. USE OF WATER

6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.

6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.

6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licencee and must not adversely impact the water use for other users.

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or

- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ DAVID RUSSELL BAGLEY

Signature _____ MICHELLE ANNE BAGLEY

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Victoria Location 9995
 - (b) Victoria Location 9996
 - (c) Victoria Location 9997
 - (d) Victoria Location 9998



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**
(NLM201404)

Between
SHIRE OF MINGENEW

AND

IKEWA GRAZING COMPANY PTY LTD

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **IKEWA GRAZING COMPANY PTY LTD** of PO Box 92, Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

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'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

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'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

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- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. GRANT OF USE AGREEMENT

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. WATER SUPPLY

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.
- 3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept: -

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

- 3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.

4. NO WARRANTY AS TO SUPPLY

- 4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

- 5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.
- 5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

6. USE OF WATER

6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.

6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.

6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licensee and must not adversely impact the water use for other users.

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or

- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ IKEWA GRAZING COMPANY PTY LTD

Signature _____ IKEWA GRAZING COMPANY PTY LTD

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Lot 104 Yandanooka North East Road
 - (b) Lot 107 Yandanooka North East Road
 - (c) Lot 16, Victoria Location 1929
 - (d) Lot 17, Victoria Location 1929



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**
(NLM201402)

Between
SHIRE OF MINGENEW

AND

BEATTIE PETA SMSF PTY LTD

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **BEATTIE PETA SMSF PTY LTD** of PO Box 144, Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement unless inconsistent with the context or the subject matter the following terms have the following meanings:

'Acts' - includes all acts and statutes (state or federal) for the time being enacted and all modifications, regulations, by-laws, requisitions or orders made to or under any act from time to time by any statutory, public or other competent authority;

'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

'Term' - means the term specified in Item 2 of the Schedule;

'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

In this Deed, unless the contrary intention appears:

- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. GRANT OF USE AGREEMENT

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. WATER SUPPLY

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.
- 3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept: -

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

- 3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.

4. NO WARRANTY AS TO SUPPLY

- 4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

- 5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.
- 5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

6. USE OF WATER

6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.

6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.

6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licensee and must not adversely impact the water use for other users.

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or

- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ BEATTIE PETA SMSF PTY LTD

Signature _____ BEATTIE PETA SMSF PTY LTD

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Lot 61, Victoria Location 1910



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**

(NLM201403)

Between
SHIRE OF MINGENEW

AND

LEONARD JOHN WARD COCKING

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **LEONARD JOHN WARD COCKING** of PO Box 162, Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement unless inconsistent with the context or the subject matter the following terms have the following meanings:

'Acts' - includes all acts and statutes (state or federal) for the time being enacted and all modifications, regulations, by-laws, requisitions or orders made to or under any act from time to time by any statutory, public or other competent authority;

'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

'Term' - means the term specified in Item 2 of the Schedule;

'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

In this Deed, unless the contrary intention appears:

- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. **GRANT OF USE AGREEMENT**

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. **WATER SUPPLY**

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.

~~3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept.:-~~

<u>Priority Status</u>	<u>Grantee</u>
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

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~~3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.~~

~~3.3 The Grantor and Grantee agree that the following schedule of priorities be adhered to in the event of any natural diminution in the quantity of water available from the Reserve: -~~

- ~~• Bundanoon~~
- ~~• Yandanooka Townsite~~
- ~~• Cocking/Bagley/ikewa Grazing bore~~
- ~~• Beattie Peta SMSF Pty Ltd bore~~

~~Any future applications to obtain water from this Reserve will be upon approval of the Grantor and under the conditions that in the event of any natural diminution in the quantity of water available, then the "Last On, First Off" concept will be implemented.~~

4. **NO WARRANTY AS TO SUPPLY**

4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.

5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

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6. USE OF WATER

~~6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.~~

~~6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.~~

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~~6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licensee and must not adversely impact the water use for other users.~~

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~~6.1 The Grantee may use the water from the Spring to water livestock, and for domestic, and commercial purposes.~~

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or
- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ LEONARD JOHN WARD COCKING

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Lot 18, Victoria Location 1929
 - (b) Lot 19, Victoria Location 1929



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**
(NLM201404)

Between
SHIRE OF MINGENEW

AND

IKEWA GRAZING COMPANY PTY LTD

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **IKEWA GRAZING COMPANY PTY LTD** of PO Box 92, Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement unless inconsistent with the context or the subject matter the following terms have the following meanings:

'Acts' - includes all acts and statutes (state or federal) for the time being enacted and all modifications, regulations, by-laws, requisitions or orders made to or under any act from time to time by any statutory, public or other competent authority;

'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

'Term' - means the term specified in Item 2 of the Schedule;

'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

In this Deed, unless the contrary intention appears:

- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. GRANT OF USE AGREEMENT

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. WATER SUPPLY

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.
- 3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept: -

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

- 3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.

4. NO WARRANTY AS TO SUPPLY

- 4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

- 5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.
- 5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

6. USE OF WATER

6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.

6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.

6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licensee and must not adversely impact the water use for other users.

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or

- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ IKEWA GRAZING COMPANY PTY LTD

Signature _____ IKEWA GRAZING COMPANY PTY LTD

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Lot 104 Yandanooka North East Road
 - (b) Lot 107 Yandanooka North East Road
 - (c) Lot 16, Victoria Location 1929
 - (d) Lot 17, Victoria Location 1929



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**
(NLM201402)

Between
SHIRE OF MINGENEW

AND

BEATTIE PETA SMSF PTY LTD

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **BEATTIE PETA SMSF PTY LTD** of PO Box 144, Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement unless inconsistent with the context or the subject matter the following terms have the following meanings:

'Acts' - includes all acts and statutes (state or federal) for the time being enacted and all modifications, regulations, by-laws, requisitions or orders made to or under any act from time to time by any statutory, public or other competent authority;

'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

'Term' - means the term specified in Item 2 of the Schedule;

'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

In this Deed, unless the contrary intention appears:

- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. GRANT OF USE AGREEMENT

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. WATER SUPPLY

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.
- 3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept: -

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

- 3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.

4. NO WARRANTY AS TO SUPPLY

- 4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

- 5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.
- 5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

6. USE OF WATER

6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.

6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.

6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licencee and must not adversely impact the water use for other users.

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or

- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ BEATTIE PETA SMSF PTY LTD

Signature _____ BEATTIE PETA SMSF PTY LTD

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Lot 61, Victoria Location 1910



2020 – 2025

**WATER USE AGREEMENT
FOR RESERVE 18110**

(NLM201403)

Between
SHIRE OF MINGENEW

AND

LEONARD JOHN WARD COCKING

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WATER USE AGREEMENT

DEED dated 2020

BETWEEN: **SHIRE OF MINGENEW** of PO Box 120 Mingenew 6522 Western Australia ('the Grantor')

AND: **LEONARD JOHN WARD COCKING** of PO Box 162, Mingenew 6522 Western Australia ('the Grantee')

RECITALS

- A. By a vesting order gazetted on 17th February 1938, the Reserve was vested in the Grantor's predecessor in title, the Mingenew Road Board, for the purpose of water supply.
- B. On the Reserve is the Spring.
- C. The Grantee is the registered proprietor of the Neighbouring Land.
- D. Water from the Spring is supplied to the Grantee by a piped water reticulation system as shown on the Plan.
- E. The Grantor has agreed to grant the Grantee the right to draw water from the Spring upon the terms and conditions contained in or implied by this Agreement.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement unless inconsistent with the context or the subject matter the following terms have the following meanings:

'Acts' - includes all acts and statutes (state or federal) for the time being enacted and all modifications, regulations, by-laws, requisitions or orders made to or under any act from time to time by any statutory, public or other competent authority;

'Commencement Date' - means the commencement date of this Agreement specified in Item 1 of the Schedule;

'Engine' - means the engine and all ancillary fittings located at or near the Spring and used to pump water from the Spring to the Neighbouring Land;

'Grantee's Covenants' - means the terms covenants and conditions expressed or implied in this Agreement and on the part of the Grantee to be observed and performed;

'Grantee's pipes' - means all the Grantee's pipes within the Reserve for the conveyance pumping or storage of water drawn from the Spring;

'Neighbouring Land' - means the land specified in Item 3 of the Schedule;

'Reserve' - means Reserve 18110;

'Schedule' - means the schedule to this Deed;

'Term' - means the term specified in Item 2 of the Schedule;

'Windmill' - means the windmill located at or near the Spring used to pump water from the Spring to the Neighbouring Land.

1.2 **INTERPRETATION**

In this Deed, unless the contrary intention appears:

- a) a reference to this Deed, the Agreement or any other instrument includes:
 - i. both express and implied terms, covenants and conditions of those documents; and
 - ii. all variations, additions and deletions to the terms, covenants and conditions contained in those documents whenever effected;
- b) a reference to a person includes a reference to the person's personal representative, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- c) a reference to any person if that person ceases to exist is reconstituted, renamed or replaced or its powers or functions are transferred to any other person, refers respectively to the person established or constituted in its place or succeeding to its powers or functions;
- d) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- e) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- f) a reference to any thing includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group;
- g) a reference to a clause or the schedule is a reference to a clause in or the schedule to this Deed; and
- h) the index and all headings have been included for ease of reference only and they are not to be used to construe or interpret any part of this Deed.

2. **GRANT OF USE AGREEMENT**

- 2.1 In consideration of the Grantee's covenants the Grantor grants to the Grantee for the Term the right to draw water from the Spring and the non-exclusive right to use those parts of the Reserve in common with others required for the purpose of drawing water from the Spring.
- 2.2 This grant by the Grantor to the Grantee for the Term is subject to the Grantee obeying and performing the Grantee's Covenants.

3. **WATER SUPPLY**

- 3.1 Subject to Clause 3.2, the Grantor will from the Commencement Date allow sufficient quantity of water from the Spring to be pumped to the Grantee's pipes to provide a substantial and continuous flow of water in the Grantee's pipes.
- 3.2 The Grantee will be entitled to use the quantity of water from the Spring it requires but if there is a natural diminution in the quantity of water available for distribution from the Spring the Grantor may acting reasonably impose a quota on the amount of water that the Grantee can draw from the Spring.

~~3.3 The Grantor and Grantee agree that should natural diminution of the quantity of water available from the Reserve occur, usage will be limited based on the "Last On, First Off" concept.:-~~

<u>Priority Status</u>	<u>Grantee</u>
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

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~~3.4 The Bundanoon area and Yandanooka townsite have priority for water use over the agreement holders.~~

~~3.3 The Grantor and Grantee agree that the following schedule of priorities be adhered to in the event of any natural diminution in the quantity of water available from the Reserve: -~~

- ~~• Bundanoon~~
- ~~• Yandanooka Townsite~~
- ~~• Cocking/Bagley/Ikewa Grazing bore~~
- ~~• Beattie Peta SMSF Pty Ltd bore~~

~~Any future applications to obtain water from this Reserve will be upon approval of the Grantor and under the conditions that in the event of any natural diminution in the quantity of water available, then the "Last On, First Off" concept will be implemented.~~

4. **NO WARRANTY AS TO SUPPLY**

4.1 The Grantor does not warrant or guarantee the supply or quality of water from the Spring and will not be liable to the Grantee for any loss or damage arising as a result of diminution in the quantity of water or quality of the water from the Spring for any reason.

5. GRANTEE TO COMPLY WITH ACTS

5.1 The Grantee must at its expense carry out any tests of the water drawn from the Spring that are required by any Acts and including without limitation the Australian Drinking Water Guidelines.

5.2 The Grantee must duly and punctually comply with and observe and indemnify the Grantor in respect of all Acts which relate or apply in any way to this Agreement and the Grantee's use and occupation of the Reserve.

5.3 The Grantee is to ensure full compliance with any requirement imposed upon the Grantor by the Water & Rivers Commission

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6. USE OF WATER

~~6.1 The Grantee may use the water from the Spring for domestic purposes (including to water a garden up to 0.2 ha), to water livestock and/or for firefighting purposes.~~

~~6.2 Application for alternative purposes may be made to the Department of Water and Environmental Regulation (DWER) under the *Rights in Water and Irrigation Act 1914*. Should a Licence be issued to the Grantee, the Grantee must notify the Grantor of the Licence and conditions under which it is granted as soon as practicable.~~

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~~6.3 Any costs associated with meeting any Licence conditions are to be borne by the Licensee and must not adversely impact the water use for other users.~~

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~~6.1 The Grantee may use the water from the Spring to water livestock, and for domestic, and commercial purposes.~~

7. EQUIPMENT INSTALLED ON THE RESERVE

7.1 The Grantee must at its expense maintain and repair in good working order and condition the Grantee's pipes, the Windmill (if any) and any other equipment installed or erected on the Reserve by the Grantee with the Grantor's prior approval.

7.2 The Grantee acknowledges and agrees with the Grantor that any equipment to be installed on the Reserve must receive the prior approval of the Grantor and that any equipment installed on the Reserve by the Grantee is at the Grantee's risk in all respects and the Grantee releases and indemnifies the Grantor from all costs claims, actions, proceedings, demands, expenses, judgements, damages or losses of any kind attributable or relating to loss of life, personal injury or damages to any property and equipment wherever occurring.

8. ASSIGNMENT AND SUBGRANTING AND SALE OF THE GRANTEE'S PROPERTY

8.1 The Grantee shall not assign or transfer the rights of the Grantee pursuant to this Agreement without the prior written consent of the Grantor.

8.2 The Grantee shall not subgrant any person to draw water from the Spring.

8.3 If the Grantee sells or otherwise disposes of the Neighbouring Land and the purchaser or assignee of the Neighbouring Land desires to draw water from the Spring then the Grantee will not sell or dispose of the Neighbouring Land without first obtaining the execution of such purchaser or assignee of an agreement with the Grantor at the cost of the Grantee in the same terms and conditions as are contained in this Deed or otherwise in such forms as the Grantor and its Solicitors shall approve.

9. TERMINATION OF USE AGREEMENT

9.1 If:

- a) the Grantee breaches or fails to observe or perform any other of the Grantee's Covenants and that breach non-observance or non-performance continues after the expiration of 14 days of written notice to the Grantee to remedy the same; or
- b) in the reasonable opinion of the Grantor and due to circumstances beyond the control of the Grantor the Spring no longer supports the Grantee drawing water from it, or the quality of the water is not suitable for the use specified in clause 5,

the Grantor may at any time and without any notice or demand immediately terminate this Agreement by written notice but without affecting any right of the Grantor under the Agreement.

9.2 At the expiration or sooner determination of the Term, the Grantee must: -

- a) deliver up possession of the Reserve in good and substantial order and condition;
- b) remove from the Reserve all items which have been erected or installed by the Grantee; and
- c) make good to the satisfaction of the Grantor any damage caused to the Reserve by the removal of items erected or installed on the Reserve by the Grantee.

10. INDEMNITY

10.1 The Grantee indemnifies the Grantor against any claim made or expenses incurred by the Grantor arising from anything which may occur in the Reserve or arising from the existence of the Grantee's pipes, damage to or destruction of the Grantee's pipes or the flow of water from the Grantee's pipes.

11. RESERVE MANAGEMENT

The Grantees are collectively responsible for the management of Reserve No. 18110 which will incorporate areas such as: -

F10.1 Firebreaks - It is the responsibility of the Grantees to collectively ensure that all Firebreaks along the boundaries of this Reserve are installed in accordance with the requirements of the Shire of Mingenew Local Laws relating to Fire Control Orders unless otherwise determined by Council to exempt this particular land from boundary firebreaks.

P40 Public Access - no access is allowed to this Reserve unless prior authorisation is received from the Shire of Mingenew and/or the Grantees of this Reserve.

R10 Rare and Endangered Species Control - The Grantees are collectively responsible to comply with the requirements of the Wildlife Conservation Act relevant to the protection of rare flora and fauna.

V20 Vermin (Feral Animals) Control - The Grantees are collectively responsible for the control, containment or eradication of all vermin (feral animals) if and when identified by the Agriculture Board of WA.

W20 Noxious Weed Control - The Grantees are collectively responsible for the control, containment or eradication of all declared weeds as identified by the Agriculture Protection Board of WA.

12. **SIGNATORIES**

EXECUTED by the parties:

SHIRE OF MINGENEW

The Common Seal of the Shire of Mingenew was hereto affixed

on the day of 2020

in the presence of:

GJ COSGROVE
SHIRE PRESIDENT

NILS HAY
CHIEF EXECUTIVE OFFICER

ON THIS _____ DAY OF _____ 2020

GRANTEE

Signature _____ LEONARD JOHN WARD COCKING

ON THIS _____ DAY OF _____ 2020

SCHEDULE FORMING PART OF THE WATER USE AGREEMENT

1. This Agreement shall operate from 1st July 2020
2. The period of the Agreement shall be for five years
3. The Agreement is approved for the following land parcels considered to be neighbouring land
 - (a) Lot 18, Victoria Location 1929
 - (b) Lot 19, Victoria Location 1929

Tuesday, 22 September 2020

Nils Hay (CEO)
Shire of Mingenew
PO Box 120
MINGENEW WA 6524

Dear Nils

Re **Variation of ARA PTA Licence to Occupy L4235 Yandanooka**
Shire of Mingenew – Community Purpose to include Stargazing Project

Pleased to confirm that

- ✚ PTA (as Licensor) has agreed to Shire of Mingenew (as Licensee)' request extend the area of L4235 Yandanooka to allow for public parking access and activities associated with the Shire's Stargazing Project
- ✚ Attached is the new plan for L4235 showing the increased area

Rather than go to the bother of completely new Licence to Occupy documentation, PTA proposes, *with Shire of Mingenew's approval* to vary the area of L4235 Yandanooka by way of an exchange of letter

If Shire of Mingenew is agreeable to this process – simply sign below and E-Mail a copy back to this office

I/We.....for and on behalf of Shire of Mingenew hereby agree as of this day, to the PTA Proposal to vary the area of Licence to Occupy L4235 Yandanooka – dated 18th October 2019 from the existing 32 M2 (ie the Mail Delivery Shed) to 9,408 M2 as shaded blue on the attached plan L4235 Rev B attached to allow for the Shire's Stargazing Project at Yandanooka

Signed _____

Dated / / 2020

Full Name _____
(printed)

Naturally should you have any queries please feel free to contact this office

Yours faithfully



Jim Mullins
Senior Property Manager
PTAWA

E-MAIL jmullins@burgessrawson.com.au

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
1	The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure.	WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation in its intent.
2	The Panel recommends the following statement of intent (vision) for a new Act: An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.	WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation in its intent.
3	The Panel recommends the adoption of the following objectives for a new Act: a) Democratic and accountable local government that recognises the diversity of and within Western Australia's communities. b) Recognition of the specific needs and culture of Western Australia's Aboriginal people. c) Promotion and improvement of the community's economic, social and environmental well-being. d) An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level. e) Open and transparent community participation in the decisions and affairs of local governments. f) Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability. g) Efficient and effective service delivery and regulation that is responsive to current and future community needs. h) Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities. i) Accountability of local governments to their communities through processes that demonstrate good governance. j) Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government	WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation in its intent. Notes that detail of implementation will be key.
4	The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.	WALGA: SUPPORTS recommendation. LGP: Shorter and less prescriptive legislation is	SUPPORT Panel recommendation and general intent to reduce the size of the new Act and associated regulations. A less complex legislative

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
		considered valuable.	framework will be more manageable for smaller local governments like ours.
5	The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.	<p>WALGA: OPPOSES the recommendation.</p> <p>LGP: This policy position is welcomed but how this will occur is not explained. The multi-tiered legislative framework that the Association campaigned for has been rejected.</p>	OPPOSE Panel recommendation. We welcome recognition of diversity of Local Governments but note that the Panel has rejected a legislative framework that recognises diversity in size and scale by providing for a tiered approach. The new Act, under this approach, will further entrench the reality that the Shire of Mingenew and Shire of Stirling are required to administer and navigate the same legislative framework.
6	The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.	WALGA: SUPPORTS recommendation.	SUPPORT Panel recommendation in its intent
7	<p>The Panel recommends that the following overarching guiding principles are included in the new Act:</p> <p>To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:</p> <ul style="list-style-type: none"> a) Provide democratic and effective representation, leadership, planning and decision making; b) Be transparent and accountable for decisions and omissions; c) Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land; d) Consider the long term and cumulative effects of actions on future generations; e) Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand; f) Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community; g) Seek to continuously improve service delivery to the community in response to performance monitoring; h) Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and i) Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives 	WALGA: SUPPORTS recommendation.	SUPPORT Panel recommendation in its intent. Notes that detail of implementation will be key.

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
8	<p>The Panel recommends:</p> <ul style="list-style-type: none"> a) The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission, and including the functions of the Grants Commission in accordance with Commonwealth legislation. b) The role of the Local Government Commission should be to: <ul style="list-style-type: none"> i. Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms; ii. Manage the distribution of Commonwealth grant funding to local governments in WA; and iii. Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly. c) Members should be appointed to the Local Government Commission on the basis of their skills rather than as representatives. d) The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister. e) The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice. f) The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General. g. Minor boundary adjustments where both local governments agree should be handled by the department. 	<p>WALGA: SUPPORTS recommendation.</p>	<p>SUPPORT Panel Recommendation, noting that it's critical that any Commission is both independent, and sufficiently resourced to carry out its function.</p>
9	<p>The Panel supports a legislative framework for a system of local government which promotes local democracy and has the in-built flexibility to enable different models of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community.</p>	<p>WALGA: Conditionally SUPPORTS the recommendations: Recommendations 9 and 10 on condition that the poll provisions in Clause 8, Schedule 2.1 of the Local Government Act are not removed.</p>	<p>SUPPORT WALGA Position.</p>
10	<p>The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system.</p> <ul style="list-style-type: none"> a) Revised processes for boundary changes and mergers. b) Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries. c) Provision for the establishment of community boards within local government areas. 	<p>LGP: While the recommendation makes no specific proposals for change to facilitate amalgamations, a further consideration of options to deliver boundary changes and mergers is mentioned.</p> <p>WALGA: Conditionally SUPPORTS the recommendations: Recommendations 9 and 10 on condition that the poll provisions in Clause 8, Schedule 2.1 of the Local Government Act are not</p>	<p>SUPPORT WALGA Position</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
11	The Panel recommends an additional legislative option for local governments to establish community boards.	<p>removed.</p> <p>LGP: The formal establishment of community boards represents a new legislative concept. Supporting such boards could have significant workload implications for local government officers and increase complexity for senior officers who have to deal with two distinct bodies.</p> <p>WALGA: SUPPORTS recommendation.</p>	<p>SUPPORT Panel Recommendation, on condition that establishment of boards are optional, at the discretion of the Local Government.</p> <p>This recommendation may provide value for larger metropolitan Local Government, or future amalgamated local governments, but it is unclear how the board will interface with elected members and what new complexity the arrangement will bring to local government officers, who will presumably be required to support and advise the new board, as well as the elected Council.</p>
12	<p>Regional cooperation to be mandated</p> <ul style="list-style-type: none"> a) Making increased collaboration a specific objective and principle. b) Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39). c) Requiring regional cooperation as part of IPR (see also Recommendation 35) 	<p>LGP: Mandating cooperation diminishes local autonomy and could have significant workload implications for local government officers with, potentially, unclear benefits.</p> <p>WALGA: SUPPORTS recommendation.</p>	<p>OPPOSE Panel Recommendation.</p> <p>Recommendation considered too broad, the Shire does not support mandated cooperation if was to be to the Shire's detriment.</p> <p>Cooperation should be encouraged where it provides efficiencies, access to skilled personnel and improved function of the local government. Improved systems to enable better cooperation are welcomed.</p> <p>Where mandated cooperation threatens local autonomy or results in loss of staff and population from small regional centres, it should be opposed.</p>
13	The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues between governments and with other key stakeholders	<p>LGP: It is unclear how such a 'regional authority' would operate and what role individual local governments would be asked to play.</p> <p>WALGA: SUPPORTS recommendation.</p>	<p>OPPOSE Panel Recommendation.</p> <p>Recommendation difficult to support without additional details. A well-resourced and efficient regional authority could be of great value to the local governments within its region; it could just as equally be nothing more than additional bureaucracy delivering no value back to</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
			communities. Further clarity and definition required before support provided.
14	The Panel recommends: a) The regional council model is discontinued. b) A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable: i. collaboration between local governments; and/or ii. involvement of local government in economic development including commercial activities.	LGP: This recommendation will have significant implications for employees of regional councils. WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation in principle. Flexible, voluntary arrangements are supported. It does not directly impact Shire of Mingenew, but it's noted that the Panel does not address the future of employees of existing regional councils.
15	The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.	LGP: A clarification of role and obligations could be either beneficial or negative depending on what is contained in the clarification. This is not explained. WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation, noting that the outcome of this will be contained in the detail of any future State Local Government Partnership agreement.
16	The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.	WALGA: SUPPORTS recommendation	SUPPORT Panel Recommendation in principle.
17	The Panel recommends that further consideration is given to the manner of recognition, and the options for inclusion, engagement and shared decision making between local governments and Aboriginal communities, through consultation with the Department of Premier and Cabinet and the Aboriginal Advisory Council of Western Australia, and with reference to practices in other states, the Northern Territory and New Zealand.	WALGA: SUPPORTS recommendation	SUPPORT Panel Recommendation, noting concerns that this recommendation raises the prospect of another administrative body within the local government environment.
18	The Panel recommends further consideration is given to the issue of service delivery by local governments in remote communities, and appropriate adjustments to Integrated Planning and Reporting requirements.	WALGA: Conditionally SUPPORTS the recommendations: Recommendation 18 and reiterate WALGA's current advocacy position that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities.	SUPPORT Panel Recommendation in principle.
19	Optional preferential voting be adopted in place of the current first past the post system.	WALGA: OPPOSES the recommendation	SUPPORT Optional preferential voting, by Council decision, supported.
20	The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.	WALGA: Conditionally SUPPORT Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.	SUPPORT WALGA position

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
21	Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.	WALGA: Conditionally SUPPORT Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.	SUPPORT WALGA position
22	Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.	WALGA: Requests further consultation be undertaken	SUPPORT WALGA Position
23	Local Government elections should be overseen by the Western Australian Electoral Commission	LGP: This recommendation runs counter to the request from Local Government Professionals WA that there be greater competition in terms of who can run an election. It will also take the conduct of elections away from local government officers and increase costs for smaller local governments. WALGA: OPPOSES the recommendations.	OPPOSE Panel Recommendation. This would simply increase the cost of running elections for small regional Local Governments. Allowing competition in the market, or for local governments to conduct their own elections, would be preferable.
24	Provision is to be made for electronic voting; but this will only be introduced in the future once the integrity of the process can be assured	LGP: The panel does not believe that electronic voting is currently mature enough to allow its introduction. This is disappointing and Local Government Professionals WA argued strongly for this policy position. WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation in principle
25(a)	Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.	WALGA: OPPOSES recommendation.	OPPOSE Panel Recommendation in favour of providing local governments with the option to determine the method best suited to them.
25(b)	The election process extended to provide more time for the issuing and receipt of postal votes.	WALGA: SUPPORTS recommendations	SUPPORT Panel Recommendation. However, consider giving greater flexibility to compliment postal with in-person lodgement would be welcomed.
25(c)	The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period.	WALGA: SUPPORTS recommendation.	SUPPORT Panel Recommendation in principle.
25(d)	A caretaker policy should be introduced by all local governments with a	LGP: Such a policy is likely to have implications for a	SUPPORT Panel Recommendation in principle.

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	requirement to comply included within the Code of Conduct	number of local governments. Further, as penalties are not attached to breaches of the Code of Conduct, it is difficult to see how the caretaker policy proposal will be effective. Under these circumstances, additional pressure is likely to be placed on local government senior officers. WALGA: SUPPORTS recommendations.	
25(e)	The donor and the candidate should co-sign each declaration of a gift made.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle
25 (f)	Donations via crowd funding platforms should be regulated so far as possible.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle.
26(a)	Population should be used to determine the number of elected member positions: i. Population of up to 5,000 – 5 councillors (including President). ii. Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President). iii. Population of above 75,000 – 9 to 15 councillors (including Mayor).	WALGA: SUPPORTS , conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis: (i) Populations up to 5,000 – 5 to 7 Councillors (incl. President) (ii) Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President) (iii) Populations above 75,000 – up to 15 Councillors (incl. Mayor);	SUPPORT WALGA position
26(b)	Boundary reviews to be conducted every four years by the Office of the Electoral Distribution Commissioners	LGP: Currently, such reviews are required every eight years and are undertaken by the local government. This will take some pressure away from local government officers who may currently be required to undertake the reviews but the increased frequency will add to local government costs. WALGA: SUPPORTS recommendations.	SUPPORT WALGA position , provided that the Office is sufficiently resourced to carry out this duty
26(c)	Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.	WALGA: OPPOSES the recommendations.	OPPOSE Panel recommendation; whilst we have recently abolished our own ward system, we believe this should be a decision for the individual Local Government to make
26(d)	The changes to wards and elected member numbers due to the above recommendations should be phased in.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation, noting support for WALGA position on item 26(a)
26(e)	With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle.

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
26(f)	No restriction should be placed on the number of terms an elected member or mayor/president can serve.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle.
27	The Panel recommends further consideration should be given to strengthening the provisions of the City of Perth Act to reflect the unique role the City of Perth plays in the development of the State economy. In addition, consultation should be undertaken with the City of Perth and other relevant stakeholders as to whether property franchise voting should be retained in the City of Perth.	WALGA: Conditionally Support Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.	NO POSITION
28	The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.	LGP: These changes could have a very significant impact on local government officers. Any significant change requires further explanation about what is intended. WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle. Whilst there will be positive outcomes from sensible changes/improvements to the various statements of roles and responsibilities, more detail will be required.
29	The Panel recommends the following as the role of council: The council — a) considers the diversity of interests and needs of the local community; b) is accountable to the community for the local government's performance; c) ensures adequate opportunities and mechanisms for engagement with the local community; d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these; e) develops and adopts strategic plans and a budget for the local government; f) keeps the local government's resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review; g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government's functions in accordance with the Local Government Act and local government's policies; h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year; i) provides a safe working environment for the CEO, officers and councillors; j) reviews annually the delegations of the council; and k) performs such other functions as are given to a council by this Act or any other written law	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle but note there is no detail on how performance of this role will be judged or enforced.

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
30	<p>The Panel recommends the following as the role of councillors: A councillor —</p> <ul style="list-style-type: none"> a) without bias represents the current and future interests of all people who live, work and visit the district; b) provides leadership and guidance to the community in the district; c) facilitates communication between the community and the council; d) accurately represents to the community the policies and decisions of the council; e) participates in the development of strategic plans; f) must be prepared to — <ul style="list-style-type: none"> i. participate with an open mind in the local government's decision-making processes; ii. be an active and contributing member of the council; and iii. make considered and well-informed decisions; g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and h) performs such other functions as are given to a councillor by this Act or any other written law 	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation but note there is no detail on how performance of this role will be judged or enforced.</p> <p>Recommendation also fails to note how Council interacts with newly proposed community board</p>
31	<p>The Panel recommends the following as the role of the mayor/president: In addition to the responsibilities of a councillor, the mayor or president —</p> <ul style="list-style-type: none"> a) provides leadership and guidance to the community in the whole district; b) carries out civic and ceremonial duties on behalf of the local government; c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government; d) encourages good working relations between councillors, and between the council and the CEO; e) provides guidance to councillors about what is expected of a councillor including in relation to: <ul style="list-style-type: none"> i. the role of a councillor; ii. the councillor code of conduct; and iii. standing orders f) liaises with the CEO on the local government's affairs and the performance of its functions; g) presides at meetings in accordance with this Act; h) leads the development of strategic plans; i) promotes partnerships between the council and key stakeholders; j) leads and facilitates the presentation of the annual Council budget; k) initiates the annual performance appraisal of the CEO; and l) performs such other functions as are given to the mayor or president by this Act or any other written law 	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation but note there is no detail on how performance of this role will be judged or enforced.</p> <p>Recommendation also fails to note how this role interacts with either community board or updated Audit Committee arrangements.</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
32	<p>A new list of functions for a CEO:</p> <ol style="list-style-type: none"> 1) The CEO's functions are to — <ol style="list-style-type: none"> a) advise and assist the council in relation to the functions of a local government under this Act and other written laws; b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made; c) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role; d) advise the council on appropriate forms of community engagement; e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council; f) prepare, in consultation with the mayor and council, the draft budget; g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner; h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council; i) ensure the effective and efficient management of the local government in a way that promotes — <ol style="list-style-type: none"> i. the effective, efficient and economical management of public resources; ii. excellence in service delivery; and iii. continual improvement; j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the local government to the council and community; k) speak publicly on behalf of the local government when approved by the mayor or president to do so; l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that — <ol style="list-style-type: none"> i. promote equal employment opportunities; ii. are responsive to the local government's policies and priorities; and iii. provide a safe working environment; m) ensure the local government complies with this Act and any other written law; n) ensure that records, proceedings and documents of the local 	<p>LGP: The functions suggested for CEOs appear reasonable on initial review.</p> <p>WALGA: SUPPORTS recommendations 32(1)(a) to (o) and 32(a). OPPOSES 32(2)(b) and (c)</p>	<p>SUPPORT WALGA position; Council should not have a role in the appointment/ management of senior officers – their sole employee is the CEO and 32(b) and (c) confuse that relationship</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	<p>government are properly kept for the purposes of this Act and any other written law; and</p> <p>o) perform any other function specified or delegated by the council or imposed under this Act or any other written law as a function to be performed by the CEO.</p> <p>2) The CEO must inform and consult the council when determining, or making, significant changes to –</p> <p>a) the organisational structure for the staff of the local government; or</p> <p>b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or</p> <p>c) the appraisal scheme that is to apply to senior executive officers</p>		
33	<p>The Panel recommends that the following community engagement principles should be included in the new Act:</p> <p>a) Councils actively engage with their local communities;</p> <p>b) Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;</p> <p>c) Community engagement processes have clearly defined objectives and scope;</p> <p>d) Participants in community engagement have access to objective, relevant and timely information to inform their participation;</p> <p>e) Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement;</p> <p>f) Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and</p> <p>g) Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making</p>	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation but acknowledge that the additional resourcing requirements of the proposed principles are not clear.</p>
34	<p>The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.</p>	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation, again noting that the additional resourcing requirements of the proposed Charter are not clear</p>
35	<p>Annual Electors Meetings be replaced by Annual Community Meetings whereby:</p> <p>a) As a minimum, councils provide information on their achievements and future prospects;</p> <p>b) Councils report on the local government's financial performance and performance against relevant Council Plans;</p> <p>c) Both the mayor/president and the Chair of the Audit Committee</p>	<p>LGP: Rather than eliminating such meetings, as Local Government Professionals WA proposed, the new recommendation could increase the prominence of these meetings.</p> <p>WALGA: OPPOSES the recommendations.</p>	<p>OPPOSE Panel Recommendation in favour of retaining non-compulsory Annual Elector's Meetings</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	<p>address the meeting;</p> <p>d) There is ample time for questions; and</p> <p>e) Wider community participation is encouraged through different delivery mechanisms</p>		
36	<p>The Panel recommends the following IPR Principles are included in the new Act:</p> <p>a) Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;</p> <p>b) Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;</p> <p>c) Strategic planning addresses the community's vision;</p> <p>d) Strategic planning takes into account the resources needed for effective implementation;</p> <p>e) Strategic planning identifies and addresses the risks to effective implementation; and</p> <p>f) Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances</p>	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation, noting that it is critical – if the same framework is to be applied to all local governments – that the resourcing requirements of any mandated suite of plans is taken into consideration. It is important that the diversity of local governments is recognised in allowing flexibility in approach to IPR. For example, template documents would potentially make planning easier, but would then take away from the ability for individuality between local governments. Any templates produced should have consideration for size and scale.</p>
37	<p>The Panel recommends</p> <p>a) IPR be given greater prominence in the new Act as the centrepiece of 'smart' planning and service delivery.</p> <p>b) The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.</p> <p>c) IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).</p> <p>d) IPR provisions and guidelines should be amended to, amongst other things –</p> <ol style="list-style-type: none"> i. Highlight the central goal of advancing community well-being (economic, social, cultural and environmental). ii. Replace the current requirement for a Strategic Community Plan with a more flexible framework for 'Community Strategies'. iii. Reframe Corporate Business Plans as broader 'Council Plans' prepared by each incoming council. iv. Mandate deliberative community engagement in the preparation of both Community Strategies and Council 	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation in principle, again noting the importance of considering the capacity of smaller local governments to resource complex IPR frameworks.</p> <p>Also noting that d)iii. – even assuming a shift to 4-yearly elections – could make it very difficult to plan effectively beyond a 4-year horizon. In an environment when we deal with infrastructure and assets with decades-long lifespans, this has the potential to be problematic.</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	<p>Plans.</p> <p>v. Require a 'regional issues and priorities' section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments</p>		
38	<p>Minimum Service Levels</p> <p>(a) As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations.</p> <p>(b) The Minister should have the power to direct a local government if it fails to provide or offer these services.</p> <p>(c) The new Act should incorporate financial sustainability principles which also link to the IPR framework.</p> <p>(d) Local government services and programs should be aligned to the IPR framework. e. Local governments conduct regular reviews of services and service levels including community consultation</p> <p>(e) Local governments conduct regular reviews of services and service levels including community consultation</p>	<p>WALGA: SUPPORTS recommendations, 38(c), (d) and (e); however, OPPOSES recommendations 38(a) and (b).</p>	<p>SUPPORT WALGA Position. The introduction of a legislated minimum standard of service delivery ignores the diversity of local government and will have greatest impact on small regional and remote local governments</p> <p>The alignment of financial sustainability and service level review with the IPR is supported in principle, but – as noted elsewhere – the implementation (and complexity and rigidity of the proposed planning and reporting framework) will dictate the degree to which small local governments are able to effectively manage it.</p>
39	<p>The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels. The IPR framework should encourage local governments to be cognisant of State Government plans when developing strategies for economic development.</p>	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation in principle but query primacy of State over Community plans and desires when the two are in conflict.</p>
40	<p>The Panel recommends that the new Act should provide the freedom for local governments to be involved in commercial activities where it is in the public interest and subject to competitive neutrality principles.</p>	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation but note reservations around potential risks to long-term operations if the Local Government is limited to a 4-year planning horizon as a result of 37 d) iii)</p>
41	<p>The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following:</p> <p>a) Local government autonomy to establish a single or joint subsidiary to:</p> <ol style="list-style-type: none"> i. Carry out any scheme, work or undertaking on behalf of the council; ii. Manage or administer any property or facilities on behalf of the council; iii. Provide facilities or services on behalf of the council; and/or iv. Carry out any other functions on behalf of the council. <p>b) The subsidiary to be established through a charter.</p>	<p>LGP: Local Government Professionals WA argued that the Act should be amended to allow councils to establish bodies corporate for commercial activities. The recommendation rejects this idea.</p> <p>WALGA: SUPPORTS recommendations, 41(a) to (g) and (i); however OPPOSES the recommendation 41(h).</p>	<p>SUPPORT WALGA Position.</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	<ul style="list-style-type: none"> c) The charter to be certified by an independent and suitably experienced legal practitioner as within power and National Competition Policy. d) Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged. e) The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment). f) The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property. g) Dividends able to be paid to member local governments. h) The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the jurisdiction of the Western Australian Industrial Relations Commission. i) No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included 		
42	<p>The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.</p>	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation in principle.</p>
43	<p>The Panel recommends the following financial management principles be included in the new Act:</p> <ul style="list-style-type: none"> a) Councils should have regard to achieving intergenerational equity, including ensuring the following: <ul style="list-style-type: none"> i. Policy decisions are made after considering their financial effects on future generations; ii. The current generation funds the cost of its services; and iii. Long life infrastructure may appropriately be funded by borrowings. b) Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans; c) Financial risks are monitored and managed prudently having regard to economic circumstances; d) Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and e) Accounts and records that explain the financial operations and 	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation in principle.</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
44	<p>financial position of the council are kept</p> <p>Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:</p> <ul style="list-style-type: none"> a) Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency. b) Local governments should be able to use freehold land to secure debt. c) Debt should not be used for recurrent expenditure except in an emergency situation. d) Notice should continue to be required to be given for borrowings not included in the local government's annual budget. e) Building upgrade finance is permitted for specific purposes such as cladding, heritage and green improvements. f) Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity. g) Local governments should report on the percentage of their expenditure spent on local businesses in their annual report 	<p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT Panel Recommendation in principle. Noting concerns around a) given the proposed new powers, and diminished role of elected members, on the proposed Audit, Risk & Improvement Committee.</p> <p>Also, whilst supporting local business is important, query the value of g); it is unclear what benefit this information will provide, given that most Local Governments already have regional price preference policies and procurement policies which seek to favour local business.</p>
45	<p>The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):</p> <ul style="list-style-type: none"> a) Tender threshold (currently \$250,000); b) Procurement rules and methods for goods and services under the tender threshold; c) Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and d) Using TendersWA as the primary tender platform 	<p>LGP: While an increased tender threshold was supported by Local Government Professionals WA, it is unclear what new rules and methods would be introduced under this recommendation.</p> <p>WALGA: SUPPORTS recommendations.</p>	<p>SUPPORT recommendations a)-c) in principle; however, any changes to procurement model should support buy-local and keeping economic stimulus in regions.</p> <p>OPPOSE 45(d). Welcome the ability to utilise the TendersWA platform where it is advantageous for the Local Government, but note that there will be situations where other methods/ platforms will be more suitable, and provide greater opportunity to local businesses and contractors, and there should be total flexibility to use such platforms where appropriate.</p>
46	<p>The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it should to be required to explain its reasoning to the responsible State Government agency.</p>	<p>LGP: This reflects a one size fits all approach and could have a significant impact on those working in smaller local governments.</p> <p>WALGA: SUPPORTS recommendations.</p>	<p>OPPOSE Panel Recommendation on the grounds that it fails to recognise the diversity of the sector; again, small regional and remote local governments will be subjected to the same framework as large metro organisations – and will be forced to go through a bureaucratic process to justify why this may not be suitable. A model</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
			Policy to use as basis is welcomed, the process around variation is opposed.
47	The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation, provided the proposed 'enhancement' improves the ease of establishing and managing panel contracts and helps to maximise the benefits to local governments and their local businesses and contractors.
48	The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.	LGP: The report suggests that it will be up to local governments to determine what is considered 'local' to their community. This will place additional work on local government officers to establish and maintain a register. WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation due to the perceived benefit to and demonstrated support of local businesses.
49	The Panel recommends breaches of the local government procurement rules to be referred to the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation, provided there is clarity around roles of Independent Assessor vs Public Sector Commission vs CCC.
50	The Panel recommends: a) Rate capping should not be introduced. b) Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget. c) The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions. d) The current rates exemptions should be retained until after the ERA review. e) Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption. f) Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties. g) The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations	WALGA: SUPPORTS recommendations. LGP: Re: item d) - Local governments have long campaigned for a more appropriate system of rate exemptions. The panel has postponed a recommendation on this matter until a review is undertaken by the Economic Regulation Authority.	SUPPORT Panel Recommendations in principle, but would seek assurance that the ERA is sufficiently knowledgeable on the operations and requirements of local governments – particularly small, rural local governments – to reasonably undertake the review proposed in item c). This is an item of high interest in particular for local governments who provide significant infrastructure services to support (exempt) CBH facilities in their towns.
51	The Panel recommends that local governments should be able to set reasonable fees and charges according to a rating and revenue	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation on the condition that the 'oversight' provided by the ARI

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	strategy, with the oversight of the Audit, Risk and Improvement Committee.		Committee does not provide the committee with a veto power over Council's ultimate decision.
52	Local Governments and State Government apply cost recovery principles when setting fees	<p>LGP: While a State Government application of cost recovery principles to statutory fees and charges would be welcome, limiting a local government's fees and charges to cost recovery will be inappropriate in certain circumstances. Currently, the Act requires local governments to consider cost when setting fees and charges but the amount a local government sets is generally not limited to cost.</p> <p>WALGA: SUPPORTS recommendations.</p>	SUPPORT Panel Recommendation in principle, noting the comments from LGP.
53	<p>The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:</p> <ol style="list-style-type: none"> The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel. To address the impost on small local governments, the committee could be established on a regional basis 	<p>LGP: This could have a significant impact on local government officers who support these committees. The requirement to have the majority of the committee as 'independent' members reduces the role of Councillors.</p> <p>WALGA: OPPOSES the recommendations, 53(a) and (b).</p>	<p>OPPOSE Panel Recommendation. The unelected nature of the committee majority is opposed in principle. Further, the assertion that a regional committee and establishment of panels would reduce the impost on small local governments is rejected. Raises resourcing concerns for smaller local governments.</p> <p>We currently operate an Audit and Risk committee with an independent member, and the arrangement works well. We believe in encouraging independent involvement where it can add value, but oppose mandating in the way the Panel has outlined.</p>
54	<p>The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:</p> <ol style="list-style-type: none"> Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of the Council Plans; Identifying continuous improvement opportunities and monitoring programs and projects in this area; Conducting the mandatory internal audits as outlined in the audit plan; and Providing advice to the council in relation to these matters 	<p>WALGA: SUPPORTS recommendations.</p> <p>LGP: Regarding c): It is unclear how a committee will actually conduct an audit. These internal audits are normally undertaken by staff or consultants who report to the Audit Committee: an approach which represents good practice governance.</p>	<p>SUPPORT Panel Recommendation in principle; the proposed roles seem reasonable, but clarity around how they are carried out is certainly required. The administrative burden on officers in small local governments is a concern.</p> <p>What is opposed is the associated cost and administrative burden that would be introduced if recommendation 53 was adopted.</p>
55(a)	<p>In relation to governance, the Panel recommends:</p> <p>Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system</p>	<p>LGP: Local governments have different approaches to running their operations. It is unclear what a standardised system would require. It is also difficult to envision how the same, standardized system,</p>	<p>OPPOSE Panel Recommendation on the grounds that, once again, diversity of local government is being ignored and small local governments will be expected to adhere to the same frameworks as</p>

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
		would work effectively for very large and very small local governments at the same time. WALGA: SUPPORTS recommendations	their much larger, different and more heavily resourced counterparts
55(b)	Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle.
55(c)	Elected members who believe that they are unable to maintain impartiality on a particular matter should be permitted to withdraw from that part of the meeting provided a quorum is maintained.	WALGA: OPPOSES the recommendation.	OPPOSE Panel Recommendation in principle
55(d)	All votes should be recorded in the minutes on each motion with details of how each councillor voted	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle.
55(e)	As a minimum, audio recordings of public parts of council meetings should be available on the local government's website when the minutes become available, with livestreaming to be encouraged	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in principle, but note that establishing these systems – especially the recommended livestreaming platforms – will require resourcing.
55(f)	CEO contracts should be standardized and consistent with the Public Sector Commission's policy and relevant conditions for public sector employees	LGP: There is currently a model contract in place for local government CEOs established through Local Government Professionals WA. A standardized contract could have significant implications for CEOs and senior officers if it is less favourable than the current arrangement. WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation provided that the standard contract provides sufficient flexibility to manage the diverse circumstances that come with the CEO role across the various WA Local Governments.
55(g)	CEO positions must be re- advertised after two terms of no more than five years each	LGP: There is no rationale given for this proposal within the report which reduces the autonomy of Council and adds unnecessary recruitment costs. It will also encourage turnover amongst CEOs who are approaching the conclusion of their second term with their local governments which is undesirable if a good relationship exists between the Council and the CEO. Local Government Professionals WA has, and will continue to argue strongly against this recommendation. WALGA: OPPOSES the recommendation.	OPPOSE Panel Recommendation; potentially adds unnecessary recruitment costs and will likely encourage the turnover of CEOs approaching the end of their second term.
55(h)	The Department should facilitate additional oversight in the recruitment and management process of CEOs	LGP: This broadly reflects the request of Local Government Professionals WA that the Public Sector Commission should have a greater role in the process. However, exactly what the oversight will involve is not detailed.	SUPPORT Panel Recommendation, noting that – to be effective – this will require that the Department be sufficiently resourced and have skilled staff to undertake this critical function.

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
		WALGA: SUPPORTS recommendations.	
55(i)	Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision-making.	WALGA: SUPPORTS recommendations.	SUPPORT Panel Recommendation in the interest of transparency and in support of existing disclosure requirements; however, with the recommendation that further clarity is required on definition of 'associations'.
56	<p>The Panel recommends the following in relation to training:</p> <ul style="list-style-type: none"> a) New CEOs (including CEOs moving to a substantially larger local government) should be required to undertake training and ongoing professional development as recommended by the selection panel. b) There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and presidents. c) Training modules for all councillors should include in-depth material on IPR and land use planning. d) The Minister should have discretion to exempt completion of training within the stipulated time on compelling grounds. e) Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments 	<p>WALGA: SUPPORTS recommendations.</p> <p>LGP: Regarding a): Local Government Professionals WA had sought a legislative provision which required a council to establish a training budget and a training plan for officers.</p> <p>This recommendation purely focuses on training for CEOs.</p>	<p>SUPPORT Panel Recommendations in principle, noting that clarity is required regarding what constitutes a "new" CEO, and a "substantially larger" local government. LGP's comments are also taken on board: similar training for other – particularly senior executive – staff would also have value.</p> <p>The costs of the increased training must also be taken into consideration.</p>
57	The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.	<p>LGP: This would provide a new model for the Department to work with individual local governments to improve their performance. It is unclear how exactly the new model would work and what legislation is required to deliver this outcome.</p> <p>WALGA: SUPPORTS recommendations.</p>	SUPPORT Panel Recommendation in principle; more detail is required around potential role of the Department and how it will be resourced to deliver on this.
58	The Minister should have the power to direct local governments during a declared state of emergency	<p>LGP: While this could be considered reasonable, it represents a very broad power which could be used in many different ways.</p> <p>WALGA: OPPOSES the recommendation.</p>	OPPOSE Panel Recommendation on the grounds that the proposed power is incredibly broad
59	<p>The Panel recommends establishing an Office of the Independent Assessor that should:</p> <ul style="list-style-type: none"> a) Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints. b) Be a statutory appointment by the Governor. 	<p>LGP: The Standards Panel has not worked well and, consequently, a new approach is considered valuable as long as it is designed and established to function effectively.</p> <p>WALGA: SUPPORTS recommendations.</p>	SUPPORT Panel Recommendation in principle, but call for the OIA to also have a role in addressing vexatious complainants.

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
	<ul style="list-style-type: none"> c) Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint. d) Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties. e) Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process. f) Be required to notify the CEO and council of any matters on a confidential basis 		
60	The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor	<p>LGP: An independent process to deal with such complaints is supported.</p> <p>WALGA: OPPOSES the recommendations.</p>	OPPOSE Panel Recommendation in its current form: Complaints relating to senior employees should be managed by the CEO. Broadly support the concept of an independent party to investigate complaints made by an elected member against the CEO.
61	<p>The Panel recommends:</p> <ul style="list-style-type: none"> a) The new Act should set principles for determining classification bands for local governments. b) These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters 	WALGA: OPPOSES the recommendations.	SUPPORT Panel Recommendations in principle with the note that recommendation 26c) - mandatory removal of wards in Band 3 & 4 Councils – is opposed.
62	The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions.	<p>LGP: This recommendation does not take account of Local Government Professionals WA's two requests in this area. The first was to eliminate the requirement to consult on model local laws and the second was to eliminate the need to periodically review model local laws adopted.</p> <p>WALGA: SUPPORTS recommendations.</p>	SUPPORT Panel Recommendation in principle, provided that the harmonisation process provides flexibility in recognition of the diversity of WA local governments.
63	The Panel recommends requiring local governments to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions.	<p>LGP: This provision reduces local government autonomy and will make it more difficult to introduce local laws which are not model laws.</p> <p>WALGA: SUPPORTS recommendations.</p>	SUPPORT Panel Recommendation on the condition that the model local laws or deemed provisions are sufficiently flexible as to recognise the diversity of WA local governments. Again, the potential for the need for such justifications to fall

Rec. #	Recommendation	WALGA / LGP Comment	Shire of Mingenew Comment
			disproportionately to small, region and remote local governments is a concern (as the expectation is that the model documentation is drafted with larger, metropolitan Local Governments in mind)
64	<p>In relation to WALGA, the Panel recommends:</p> <ul style="list-style-type: none"> a) WALGA not be constituted under the new Act; b) A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and c) Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing 	<p>WALGA: Requests further consultation be undertaken on recommendations 64(a) and (b) - WALGA.</p>	<p>SUPPORT Panel Recommendations in principle, noting that further consultation – as requested by WALGA – is reasonably expected</p>
65	<p>The Panel also identified the following operational matters to be considered when drafting the new Act:</p> <ul style="list-style-type: none"> a) The powers of entry in the current Local Government Act should be retained. b) The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments. c) The new Act should be updated to reflect the modern signing of contracts. d) A more streamlined ability to dispose of impounded goods needs to be developed for the new Act. e) The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings. f) Employment entitlements for local government employees should be transferrable across all three levels of Government 	<p>WALGA: SUPPORTS recommendations a) – e) and requests further consultation take place regarding f)</p> <p>LGP: Regarding f): This is considered beneficial for employees who wish to move between the spheres of Government.</p>	<p>SUPPORT Panel Recommendations in principle; noting that in the case of e) remote access is problematic in regional areas.</p>



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Local Government Review Panel

Final Report

Recommendations for a new Local Government Act
for Western Australia

May 2020



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FOREWORD

‘Rates, Roads and Rubbish’ was a catch-cry I heard frequently when I was elected to Local Government 15 years ago. This ‘Roads Boards’ viewpoint was not appropriate then, and is certainly not fit-for-purpose for Western Australian communities in 2020 and into the future.

Since the 1995 Act was proclaimed, our society and the technologies we use continue to change at an unstoppable pace, and with this change, community needs and expectations of local government are also increasing. These demands on the sector will continue to expand, especially in the aftermath of, and recovery from, the COVID-19 pandemic.

The recommendations in this review are a road-map to more agile and inclusive local governments, with a clear purpose to deliver for the enhanced wellbeing of their communities.

A new legislative framework that ensures community consultation and integrated planning is a centrepiece of a local government’s operations, as well as an emphasis on regional and intergovernmental collaboration.

The recommended renewed focus on integrity, self-regulation and accountability will give local governments the tools to ensure good governance and continuous improvement.

An Act based on this report would prepare local governments in Western Australia not just for the challenges of today, or the next few years, but for the long-term, and would put them in good stead to continue to foster healthy, connected and engaged local communities.

Thank you to the many contributors to this report, including those in the sector and community who made a submission or otherwise assisted in the process.

I especially thank panel members for their significant individual contributions, as well as the secretariat at the Department who supported the panel with high quality research and assistance, as without their diligence, this report would not have been possible.

David Michael MLA
Chair



BACKGROUND

In 2017 the McGowan Government announced a review of the *Local Government Act 1995*. This is the most significant and comprehensive reform of local government legislation conducted in more than two decades. The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. The vision is for local governments to be agile, smart and inclusive.

Given the breadth of matters covered by the Local Government Act, a staged approach to the review has been adopted:

- Stage one: priority reforms
- Stage two: wide ranging reforms

The majority of the stage one priority reforms are now in place following the passage of the *Local Government Legislation Amendment Act 2019*. These reforms include:

- A new gift framework for elected members;
- A mandatory online induction for all candidates;
- Universal training for elected members;
- Changes to the Standards Panel; and
- Easier access to information to provide greater transparency to the community.

The remaining priority reforms which are expected to be implemented later this year include:

- New mandatory code of conduct for elected members, committee members and candidates;
- Best practice standards for Chief Executive Officer (CEO) recruitment, performance review and early termination; and
- Further transparency measures.

Extensive community consultation was conducted on stage two topics between September 2018 and March 2019 by the Department of Local Government, Sport and Cultural Industries (the Department) with the input of a stakeholder reference group.

More than 3,000 survey responses and written submissions were received from community members, ratepayer associations, industry groups, local governments, elected members, and peak bodies.

After this significant community and sector consultation to better understand the issues confronting local government, the areas in need of reform and possible options for reform, a panel of experts was formed to provide more detailed consideration and to develop policy responses to guide the development of the new Act. The role of the Panel was to guide the review's strategic direction and to consider and recommend high level guiding principles of the new Act.



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The members of the Panel are:

- Mr David Michael MLA, Member for Balcatta (Chair)
- Professor John Phillimore, Executive Director, John Curtin Institute of Public Policy
- Mr Graham Sansom, Adjunct Professor, Institute for Public Policy and Governance, University of Technology Sydney
- Ms Anne Wood, Partner, Kott Gunning Lawyers
- Mr Henry Zelones OAM LGM JP, former Mayor City of Armadale
- Mr Duncan Ord OAM, Director General, Department of Local Government, Sport and Cultural Industries

Commencing in November 2019, the Panel formally met on nine occasions. In addition, invitations were extended to a range of organisations to provide advice and test ideas at separate roundtables.

It should be noted that an overwhelming majority of recommendations were agreed to unanimously by all members of the panel, with only a small number either having a minority of panellists expressing an opposing view or excluding themselves due to a potential conflict of interest.

Meetings were structured around the following six broad topic areas:

1. A Vision for Local Government
2. Planning for a New Local Government Act
3. Supporting Communities and Local Democracy
4. Growing the Economy
5. Sustainable Service Delivery
6. Building Trust and Integrity

This report reflects the work of the Panel. It is divided into two sections: Part A provides the strategic overarching direction, with Part B outlining the Panel's detailed recommendations within that framework.



PART A – THE STRATEGIC FRAMEWORK

The Minister asked the Panel members to consider and recommend overarching, high-level directions for local government that would flow into policies and principles to guide the development of a ‘new’ Local Government Act. This Part of the Panel’s report sets out a strategic framework for the new Act that addresses not only the underlying issues identified when the Panel began its work, but crucially the emerging imperatives that flow from the COVID-19 crisis and its aftermath.

Why a ‘New’ Act?

When the Western Australia Government launched the Local Government Act Review its objectives were to produce ‘a new, modern Act that empowers local governments to better deliver for the community’, and that local government should be ‘Agile, Smart and Inclusive’. Those objectives remain valid, but there is now also the question of how they can and should be pursued in the aftermath of COVID-19.

Western Australia’s system of local government has remained largely unchanged for several decades. Even before the COVID-19 crisis, local governments demonstrated the full spectrum of capacities and behaviours, ranging from outstanding to good, to average, to, in a few cases, poor. This is not surprising given the very large number of local governments and their variable size and capacity. Many have responded positively and swiftly to the crisis with initiatives to support local communities and businesses – through rate freezes, waiving of fees, increased flexibility in dealing with planning applications, and so on – complementing the State government’s initiatives. However, the crisis has also highlighted the system’s limited capacity, sustainability and resilience. Rather than being a crucial and reliable source of support to communities, many local governments themselves require considerable funding from other levels of government simply to perform their basic statutory obligations and keep their operations running, rather than to expand services.

Having numerous local governments, including a majority that are small in terms of population and/or area and that lack financial and human resources, also makes the system cumbersome and costly to operate. In addition to financial support, local government requires significant State Government resources for oversight, advice, capacity building and regulation, including interventions to ensure good governance.

Further areas of concern are the generally low levels of community participation and regional cooperation. Local government should be truly the level of government ‘closest to the people’, but the system of voluntary, first-past-the-post voting attracts only a low turnout at elections, and the extent to which many councils can be considered to be properly representative of their diverse communities can be questioned. At the same time, only limited use is being made of opportunities for local governments to share information, skills and resources at a regional level, and to undertake collaborative planning and service delivery.

So, can local government in Western Australia ‘better deliver for the community’ without fundamental change? Is it sufficient for councils simply to perform their current functions more efficiently and effectively? What sort of local government will be needed to tackle a slow and fragile post-COVID-19 recovery and to play a valued ongoing role in advancing community wellbeing and regional development?



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The Panel's view is that the new Act must address these questions and underpin a program of systemic reform to ensure that local government can meet the needs of communities in what may well be a very different operating environment. The Act itself must be truly renewed. It should look and feel different, 'tell the story' of change, and outline a fresh agenda. The Panel's package of key reforms is set out below.

What Sort of 'New' Act?

Local Government Acts are among the most lengthy and complex pieces of legislation in any jurisdiction. As a result, their strategic intent and important linkages between different sections of the Act can easily be lost in the mass of detail. Currently the 1995 Western Australia Act and Regulations run to more than 700 pages, while there are also elements of the *Local Government (Miscellaneous Provisions) Act 1960* that are still operational.

Some jurisdictions have tackled this problem by having multiple Acts: Queensland has a separate Electoral Act; New Zealand has a separate Rating Act; British Columbia has a 'Community Charter' that deals with key elements of local democracy and complements the Local Government Act.

So, what should a new Western Australian Act look like? How can it 'tell a story' rather than swamp the reader (and the sector) with a torrent of regulatory detail? The Panel proposes the following:

- Start with an introductory section that sets the tone – the Northern Territory Act offers an excellent example of how this can be done (refer to **Attachment 1**).
- Structure the new Act around strategic issues and the ways in which local government relates to its communities and partners, rather than the mechanics of local administration.
- Include sets of principles that offer guidance on how key objectives of the new Act should be pursued.
- Shorten the main text considerably (aim for at least a 50% reduction) by consigning regulatory detail to schedules or a separate 'operations' Act (the Panel was advised that extensive use of schedules may be inconsistent with current drafting practice).
- Incorporate new measures to expand self-regulation (notably independent Audit, Risk and Improvement Committees) as part of a flexible regulatory regime that can respond quickly to unexpected circumstances (such as COVID-19).
- Minimise the use of Regulations (which tends to enable more extensive and detailed oversight and intervention, and which requires time-consuming parliamentary drafting) by providing standardised guidelines and model codes, charters and local laws. Local governments could modify these 'minimum' provisions but would have to justify significant departures from them to the Joint Standing Committee on Delegated Legislation.

Moving Quickly

The current direction of the review, reflected in the initial instructions to the Panel, is for a complete re-write of the existing Local Government Act. However, experience in other States indicates that will require more resources than appear available at present and take a very long time, and that bold new directions may get lost along the way. The Panel is therefore of the view that the Government's objectives could best be achieved by developing the new Act in two stages, focusing first on a limited number of strategic elements (such as overarching principles, building the sector's capacity, Integrated Planning and Reporting (IPR), and enhanced accountability), while leaving matters of operational detail (a number of which require further investigation) until later.



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The Panel also believes that the Government needs to legislate as soon as possible in order to strengthen local government's capacity for the post-COVID-19 recovery and likely ongoing changes in its operating environment. While it appreciates that resources are currently focused on short-term responses to the impact of COVID-19, the Panel's assessment is that a substantial package of strategic changes to the Local Government Act is required within months, not years. This could be done in one of three ways:

- (a) Amend and restructure the existing Local Government Act to bring together its key strategic elements as a 'front end', but leaving most of its provisions unchanged for the time being;
- (b) A new 'framework' Act initially limited to essential changes, but which would later progressively absorb updated material from the current Act (along the lines of the approach taken previously when the *Local Government Act 1995* and the *Local Government (Miscellaneous Provisions) Act 1960* replaced the *Local Government Act 1960*); or
- (c) A permanent 'companion' Act to the current Act that deals with 'high-level directions' (similar to the approach taken in British Columbia with its 'Community Charter' Act).

The decision on how to proceed is of course one for Government and will depend on several factors including other Parliamentary priorities. On balance, the Panel favours options (b) or (c), which most decisively reflect the Government's commitment to produce a 'new' Act – something that 'looks and feels' different. The risk with option (a) is that it could become too complex and might boil down to just a series of amendments scattered through hundreds of pages of existing provisions, without clearly setting out a fresh agenda. This is what happened after the 2013 review in New South Wales.

The High-Level Package

The critical high-level elements of the legislative package proposed by the Panel are detailed below. These elements need to be drafted and juxtaposed in a new or restructured Act or Acts in such a way that the inter-relationships between them are made clear. In several instances supportive policy statements will be essential to convey fully Government's intentions.

Clear Legislative Intent

- **An introductory section** that acknowledges the status of local government as a sphere of government and the importance of all facets of local democracy; that recognises the rights and interests of Aboriginal peoples; that focuses on the need to enhance community wellbeing, including acceptable standards of local government service delivery for all; and that calls for open, accountable and ethical governance (refer to **Attachment 1** for an example).
- **A statement of the role and functions of local governments**, including the power of general competence (refer to **Attachment 2** for an example of the functions of a local government).
- **Guiding principles** for effective local and regional governance, complemented by more detailed policy principles in those parts of the Act for IPR, community engagement, decision-making, financial management, integrity and inter-government relations.



An Agile System

- **Establishment of a Local Government Commission** that brings together and extends the work of the Grants Commission and Advisory Board to promote and facilitate capacity building and continuous improvement across the sector as well as, where necessary, structural reform (including mergers and/or regional governance).
- **A fresh approach to enabling structural reform**, including voluntary mergers and the option of replacing merged councils with community boards (see below) – recognising that the ‘Dadour’ provisions can now be by-passed by simply extending the boundaries of one council to subsume its neighbour, and the consequent need for a new pathway for change (refer to **Attachment 3** for an example).
- **Expanded regional cooperation**, including streamlined arrangements for the establishment of joint subsidiaries (which could then replace existing regional local governments); requirements for cooperative regional planning as part of IPR; and if necessary, a new form of ‘regional authority’ that overlays local government areas and can bring together local governments, state and federal agencies and other key stakeholders (for example Aboriginal communities) to address specific issues.
- **Advancing inter-governmental relations** through a set of legislated principles that could be linked to the State Local Government Partnership Agreement (refer to **Attachment 4** for an example); additional consultative mechanisms if required; and arrangements for collaborative governance at the regional level (including involvement of federal agencies where appropriate).

Inclusive Local Democracy

- **Specific provisions for engagement with Aboriginal peoples and communities**, including new consultative mechanisms and an obligation to plan for, and where appropriate undertake, delivery of essential services to local communities.
- **Four-yearly elections for all councillors**, plus a continued requirement for regular ‘representation reviews’ that involve the community in consideration of electoral issues such as the number of councillors, how the mayor is elected, the use of wards and whether the councillors are sufficiently representative of the broader community.
- **Re-definition of roles and responsibilities** for the governing body of council (councillors working collectively), mayors, individual councillors and CEOs, coupled with the new principles for decision-making.
- **More effective community engagement and governance**, including a requirement for all local governments to formulate and adhere to a Community Engagement Charter and an option to establish community boards in selected localities (similar to the New Zealand model).



Smart Planning and Efficient Service Delivery

- **Improved IPR**, clearly positioned as the centrepiece of local governments' operations and linking strategic and corporate planning, regional cooperation, community engagement, financial management, service delivery and monitoring and reporting of outcomes.
- **Increased Ratepayer Value for Money** through the introduction of a Rating and Revenue Strategy to increase transparency in setting rates, fees and charges, aligning services and programs to the IPR framework, a new focus on continuous improvement and reporting on a wider set of financial and service delivery indicators.
- **Modernised financial management**, based on a new set of principles, and including requirements for program budgets and regular service reviews involving community consultation.
- **New provisions for local and joint subsidiaries** that enable local governments to play an effective role in economic and regional development, and in the case of joint subsidiaries, provide a vehicle for regional cooperation.
- **Ensuring a minimum level of service** from local government is available to all Western Australians

Enhanced Accountability, Self-Regulation and Integrity

- **Robust accountability and self-regulation** through standardised performance and annual reporting; a revamped Annual Community Meeting along the lines of a company Annual General Meeting; and the establishment of independent Audit, Risk and Improvement Committees to undertake a wide range of internal audit functions and ensure good governance and continuous improvement.
- **A renewed focus on integrity** through the work of Audit, Risk and Improvement Committees and the establishment of a new Office of the Independent Assessor to deal with conduct complaints (similar to the Queensland model).
- **Rigorous training and professional development** of mayors/presidents, councillors and CEOs.
- **A new 'early intervention' framework** to support local governments experiencing governance or operational problems (a variation of the Victorian model of municipal monitors).



PART B – DETAILED RECOMMENDATIONS

Clear Legislative Intent

Introduction

1. The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the ‘two Acts’ options presented in Part A, at least as a transitional measure.

The basis for this recommendation was explained in Part A. The Panel considers it essential to move decisively and as quickly as possible to strengthen the capacity and resilience of Western Australian local government, and to set a fresh agenda, particularly in light of the COVID-19 crisis and its likely aftermath.

2. The Panel recommends the following statement of intent (vision) for a new Act:

An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.

It was determined that the vision for local government included in a new Act should be responsive to the changing face of Western Australia’s communities. The long title of a legislative instrument is intended to provide a clear statement of the legislature’s intention. The Panel considered how a statement of intent (vision) for a local government legislative framework would meet the future needs of Western Australia’s communities and local government sector.

3. The Panel recommends the adoption of the following objectives for a new Act:
 - a. Democratic and accountable local government that recognises the diversity of and within Western Australia’s communities.
 - b. Recognition of the specific needs and culture of Western Australia’s Aboriginal people.
 - c. Promotion and improvement of the community’s economic, social and environmental well-being.
 - d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.
 - e. Open and transparent community participation in the decisions and affairs of local governments.
 - f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.
 - g. Efficient and effective service delivery and regulation that is responsive to current and future community needs.



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- h. Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities.**
- i. Accountability of local governments to their communities through processes that demonstrate good governance.**
- j. Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.**

The Panel considered what the objectives for a legislative framework would be to support local governments having the agility, adaptability and flexibility to respond to changing community expectations and technology, and deliver long-term sustainability. In doing so, the Panel considered examples from across Australian jurisdictions and international best practice.

4. The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.

The Panel endorsed the Western Australian Local Government Association's (WALGA) call for a principles-based approach to the development of a new legislative framework.

This approach needs to be supported by robust processes for planning and decision-making, as well as model charters, guidelines and templates to set appropriate standards in areas such as establishment of subsidiaries, community engagement and local laws.

An enhanced internal audit and reporting regime is also essential to promote effective self-regulation and greater accountability to local communities (refer to Recommendation 59 regarding Audit, Risk and Improvement Committees).

5. The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.

The Panel considered the capacity and capability of Western Australia's local government sector more broadly, and the application of a legislative framework to support this.

The Panel explored having different requirements and obligations under the new Act depending on a local government's size, scale and/or demographics. However, finding the balance of what local governments should be required to do and for what reasons proved difficult. The Panel decided that a more practical approach was for the new Act to apply minimum standards to all local governments and, where applicable, to provide flexibility within the new Act that enables a diversity of obligations to be placed on or assumed by local governments dependent on their capacity and capability.



The Role and Functions of Local Government

- 6. The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.**

Communities and stakeholders need to be able to distinguish between local governments' basic statutory responsibilities for planning, service delivery and good governance on the one hand, and their discretionary activities on the other. This can be achieved by including a short statement that summarises statutory obligations. The South Australian Act offers a useful model (refer to **Attachment 2**).

The power of general competence provides significant autonomy to local governments. Under the *Local Government Act 1995* local governments are considered to be autonomous bodies established to provide for the good government of persons in their district. This general competency power is not, however, unlimited – local governments must comply with Commonwealth and State legislation.

Guiding Principles

- 7. The Panel recommends that the following overarching guiding principles are included in the new Act:**

To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:

- a. **Provide democratic and effective representation, leadership, planning and decision-making;**
- b. **Be transparent and accountable for decisions and omissions;**
- c. **Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land;**
- d. **Consider the long term and cumulative effects of actions on future generations;**
- e. **Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand;**
- f. **Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community;**
- g. **Seek to continuously improve service delivery to the community in response to performance monitoring;**
- h. **Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and**
- i. **Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives.**



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When developing the principles, the Panel considered the following to be important:

- Local governments should be effective, accountable and transparent institutions with inclusive processes which actively engage communities, build trust in government, and are responsive to their communities' needs;
- A collaborative approach across all levels of government to support sustainable development and effective decision making for the economic, social and environmental well-being of all Western Australians;
- A system of local government which supports continuous improvement and a highly capable local government sector, with accountable councils and administrations.
- Transparent and appropriate governance processes which uphold principles of integrity and build trust in the local government sector.



An Agile System

Establishment of a Local Government Commission

8. The Panel recommends:

- a. **The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission, and including the functions of the Grants Commission in accordance with Commonwealth legislation.**
- b. **The role of the Local Government Commission should be to:**
 - (i) **Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms;**
 - (ii) **Manage the distribution of Commonwealth grant funding to local governments in WA; and**
 - (iii) **Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly.**
- c. **Members should be appointed to the Local Government Commission on the basis of their skills rather than as representatives.**
- d. **The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister.**
- e. **The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice.**
- f. **The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General.**
- g. **Minor boundary adjustments where both local governments agree should be handled by the department.**

The Panel considered that there were substantial opportunities and benefits in combining the existing Grants Commission and Advisory Board and in providing the new body with a more strategic role. The Grants Commission has access to considerable financial data on local governments and an understanding of the challenges facing the sector. This could be valuable in making recommendations to the Minister on boundary changes and other matters.

The Grants Commission's visiting program also means that it is in a position to identify and promote best practice and to identify local governments that would benefit from capacity building.

It was agreed that the new body should continue to provide recommendations on significant local government boundary changes and amalgamations, including all of those proposals where parties were not in agreement. To remove unnecessary regulatory burden, boundary changes of a minor nature which had the agreement of both local governments and the ratepayers in the affected area should be handled by the department in a streamlined process. Examples of this would be changing the responsibility for a road or park, or ensuring that a property (such as a farm) is in a single district.



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In addition to managing the distribution of Commonwealth grant funding to local governments in Western Australia and making recommendations on boundary changes, the role of the combined body should include monitoring the overall health of the sector by identifying issues and trends and advising the Minister. This combined body should be charged with providing frank and fearless advice to the Minister, the department, and local governments.

The new body should be constituted of members of varied skills, with administrative support provided by the department.

Enabling Structural Reform

9. **The Panel supports a legislative framework for a system of local government which promotes local democracy and has the in-built flexibility to enable different models of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community.**
10. **The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system. Those options should include:**
 - a. **Revised processes for boundary changes and mergers.**
 - b. **Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries.**
 - c. **Provision for the establishment of community boards within local government areas.**

Making specific proposals for structural reform – in particular ‘forced’ amalgamations – was beyond the Panel’s terms of reference. However, as noted in Part A of this report, the COVID-19 crisis has focused attention on the need to maximise the capacity and resilience of the *system* of local government. Various options for structural reform have a role to play, and the new Act should include measures to facilitate necessary adjustments.

The Panel sees significant flaws in the current provisions for boundary changes and amalgamations of local government areas. Procedures for minor boundary changes appear unnecessarily complex, whilst the use of the boundary change mechanism to undertake de facto amalgamations – as approved by the Supreme Court in 2014 – raises serious issues about due process. It effectively bypasses the ‘Dadour’ provisions for local referenda, which themselves can be seen as unduly restrictive when local government needs to adapt to changing circumstances.

These issues have been debated repeatedly across Australia. The Panel saw potential in the new provisions for boundary changes and mergers adopted in early 2019 in South Australia (sections 26-28). The process was negotiated with the Local Government Association. It is based on a set of principles (refer to **Attachment 3**); administered *independently* by the Grants Commission; requires detailed investigation and extensive community consultation on major boundary adjustments and amalgamations; but has no requirement for referenda.



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The new Local Government Commission proposed under Recommendation 8 could play a similar role in Western Australia, monitoring the capacity and health of the local government system, identifying action required to address any deficiencies, and handling major boundary changes. The Panel is also recommending that the structural reform 'toolkit' be augmented with an improved model of joint subsidiaries (Recommendations 14 and 39), plus a new option for establishing community boards (Recommendation 11). Robust, multi-functional joint subsidiaries could offer an alternative to amalgamations, whilst community boards could be used to maintain local identity, democracy and services in merged local government areas.

11. The Panel recommends an additional legislative option for local governments to establish community boards.

The Panel noted that with 137 local governments ranging in populations from less than 200 to over 200,000, Western Australian local governments can be either too small to meet their responsibilities, or too big to be properly representative of different localities within them, and respond adequately to varying community needs and demands. Accordingly, there is a need for mechanisms in the new Act that would, on the one hand, encourage small councils to combine their efforts 'upwards' through regional cooperation and/or mergers, and on the other, enable large councils to devolve some of their responsibilities 'downwards' in order to promote effective community governance.

The Panel concluded that the new Act should therefore include an option for local governments to establish community boards along the lines of those that have operated successfully in New Zealand for more than 30 years, but with flexibility to tailor implementation of the model to particular local circumstances. Community boards could either replace councils that have been merged into a larger entity, thus maintaining local identity and democracy in former local government areas; or be established for specific localities within a large local government area – a suburb or group of suburbs, a rural district with a distinct identity and a sense of community, a town within a large shire, a remote Aboriginal settlement, and so on.

Key features of the community boards model should include:

- Ultimate authority to rest with the 'parent' local government, which would determine the functions and budgets (if any) of boards in its area – the boards would not be incorporated as local governments in their own right.
- Empowering the Local Government Commission to require the establishment of boards as part of a merger.
- Giving local communities the right to petition the Local Government Commission for the establishment of a board.
- No requirement for boards to cover the whole of a local government area.
- Membership options ranging from a majority being locally elected to all members being appointed by the 'parent' local government after a community nomination process.
- Mechanisms for boards to advocate to the 'parent' local government on behalf of their communities, and to play a significant advisory role in planning and budgeting processes.



Expanded Regional Cooperation

12. The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:

- a. Making increased collaboration a specific objective and principle.**
- b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).**
- c. Requiring regional cooperation as part of IPR (see also Recommendation 35).**

13. The Panel recommends that consideration also be given to the potential need for a new form of ‘regional authority’ to enable collaboration on specific issues between governments and with other key stakeholders.

While there are promising signs of increasing regional cooperation between local governments for certain functions and in some parts of the state, the Panel formed the view that much more could and should be done – as proposed in WALGA’s 2008 report *The Journey: Sustainability into the Future*. The evident limitations of the current model of regional subsidiaries is a particular concern. The Panel proposes that increased collaborative working should be framed as a specific objective of the new Act: that could be realised through a streamlined model of joint subsidiaries and by adding a regional dimension to IPR, as explained under Recommendations 34 and 35.

The Panel also noted the potential need for a new form of collaborative ‘regional authority’ that overlays local government areas and can bring together local governments, state (and where necessary, federal) agencies and other key stakeholders to address specific issues. Such an arrangement might be required when regional issues, such as provision of services to remote Aboriginal communities or complex environmental management problems, exceed the scope of local governments and joint subsidiaries.

14. The Panel recommends:

- a. The regional council model is discontinued.**
- b. A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable:**
 - (i) collaboration between local governments; and/or**
 - (ii) involvement of local government in economic development including commercial activities.**

Greater cooperation and collaboration is one way to address financial sustainability and capacity of local governments without the fear of loss of identity. The Panel noted that there are a range of areas that could potentially be delivered jointly by local governments, such as corporate services, economic development, IPR, waste management and community planning.

The current Local Government Act provides for two formal approaches: regional local governments and regional subsidiaries. The Panel recommends that there would be benefits to having only one broader legislative model of collaboration. A single flexible model could reduce complexity and provide for a more tailored compliance regime. Local governments would still have the flexibility to enter into voluntary arrangements outside of the legislated model. This would remove the regional



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local government model under the new Act, noting the need for appropriate transitional provisions for those already established.

Further discussion and recommendations on this new flexible model, including its use for economic development, can be found under Smarter Planning and Service Delivery at Recommendations 37 to 40.

Advancing Intergovernmental Cooperation

15. The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.

The Panel welcomed the progress being made through the State Local Government Partnership Agreement. It appreciated the difficulty of requiring such agreements under legislation, but at the same time sees an opportunity to promote and support ongoing improvements to state-local relations by including relevant principles in the new Act. The British Columbia Community Charter Act includes a set of principles that may offer a starting point for further discussion (refer to **Attachment 4**). The Panel noted, however, that any set of principles must make clear not only the need for mutual respect, consultation and cooperation, but also local government's responsibility to see itself and act as *government*, and to accept its ongoing obligations to plan, deliver services and provide good governance as part of the broader public sector.



Inclusive Local Democracy

Relations with Aboriginal Peoples and Communities

- 16. The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.**
- 17. The Panel recommends that further consideration is given to the manner of recognition, and the options for inclusion, engagement and shared decision making between local governments and Aboriginal communities, through consultation with the Department of Premier and Cabinet and the Aboriginal Advisory Council of Western Australia, and with reference to practices in other states, the Northern Territory and New Zealand.**

The Panel identified a need for the new Act to include specific provisions for engagement with Aboriginal peoples and communities, including new consultative mechanisms and an obligation to plan for, and where appropriate undertake, delivery of essential services to local communities.

The Panel noted that while legislative statements mandating general recognition of the diversity of communities are common in the local government context, statements recognising the unique role of Aboriginal people in the community and the potential role of local government in partnering to achieve outcomes are less common in local government legislation in Australian State jurisdictions.

Models that should be further explored include the *Local Government Act 2020* (Victoria) where the definition of 'municipal community' includes 'traditional owners of the land in the municipal'; the *Local Government Act 2002* (New Zealand) which specifically references the need to provide opportunities for Maori people to contribute to the decision making process and the *Local Government Act 2008* (Northern Territory) which includes in its preamble "the rights and interests of Indigenous traditional owners, as enshrined in the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and the *Native Title Act 1993* (Cth), must also be recognised and the delivery of local government services must be in harmony with those laws".

- 18. The Panel recommends further consideration is given to the issue of service delivery by local governments in remote communities, and appropriate adjustments to Integrated Planning and Reporting requirements.**

There is a need for local governments to work closely with indigenous communities and accept their responsibilities to ensure that adequate services are offered to all citizens, by the local government itself and/or in conjunction with other governments and agencies. While it was recognised that there are unique challenges with service delivery to remote communities, IPR processes should require identification of their needs, plus effective engagement and shared decision making with Aboriginal people.



Elections

19. Optional preferential voting be adopted in place of the current first past the post system.

The Panel discussed voting methodologies and agreed that the first past the post system can often lead to outcomes that do not adequately represent the community's preferences with successful candidates being elected without a clear majority of votes.

There was support for the adoption of optional preferential voting, a variant to preferential voting whereby the voter can mark their preference of all or some of the candidates on the ballot paper, with "1" indicating their first preference. It was considered that this would provide results that are most representative of the community's views and would not require electors to vote for candidates about which they had little knowledge.

20. The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.

21. Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.

The Panel considered that there are two sides to local democracy: involvement in local decision-making to influence and inform the decisions that are being made by council, and elections. If structures and processes are in place to ensure all segments of the community are engaged, there may no longer be a need to extend election franchise beyond residents of the district.

The Panel noted that the introduction of compulsory voting was previously recommended by the Robson Review and was suggested by several submissions, but believes that before this change is considered, recommendations contained within this report should be implemented to increase voter participation and possibly negate the need for the introduction of compulsory voting.

The Panel considered democratic principles, the right of business owners and operators to participate in and inform local government decision-making, the relatively small take-up of the property electoral franchise and the administrative burden for local governments to retain a separate register for the small number of owner occupiers that are currently registered to vote. The Panel believed that there are other avenues that local governments could and should use to ensure that business and landowner views are adequately heard through mechanisms such as a business advisory group.

22. Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.

The Panel discussed the merits and disadvantages of all elected members being elected at the same time. While acknowledging the potential for loss of corporate knowledge if no councillors were re-elected, the benefits of one election held every four years midway between State Government elections has the potential to increase participation and would reduce costs for local governments.



23. All local government elections should be overseen by the Western Australian Electoral Commissioner.

The Panel decided that the Western Australian Electoral Commission (WAEC) was the most appropriate organisation to coordinate local government elections. Having the one body responsible for conducting elections would allow for greater consistency across local governments. It was acknowledged that there would be higher costs associated with WAEC run elections; however, this would be offset by elections being held only every four years.

24. Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).

While believing that electronic and online voting was not yet mature enough to be introduced, the Panel decided that new technologies would be likely to become practical in the life of the new Act and that the legislation should allow for the piloting and introduction of these. In the event online voting is introduced, postal / in person voting should remain an option.

25. The Panel makes the following further recommendations in relation to elections:

a. Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.

To improve equity, the Panel determined all elections should be postal with the ability to lodge those votes in person, including on election day, being retained. The need for voting to be able to be carried out via the post has been demonstrated by the current COVID-19 pandemic.

b. The election process extended to provide more time for the issuing and receipt of postal votes.

To optimise participation in the electoral process and in recognition of the changes to postal services in Australia, an extension to the electoral timeframe is recommended. This should allow additional time for the issuing of postal votes and more time for electors to return their votes. The timeframe should be set through regulations in consultation with the Western Australian Electoral Commissioner.

c. The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period.

The Panel discussed methods to increase community knowledge of candidates including increasing the length of the candidate profile statements, providing more structure for these, and publishing candidate answers to WAEC approved questions on local governments' websites. The Panel was supportive of additional information being provided by candidates in local government elections. This would enable voters to make more informed voting decisions, rather than relying on the 150-word statement. This could be achieved through set questions in regulations to which candidates would respond in the form of a statutory declaration. The Victorian provisions serve as a model.



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- d. A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.**

The Panel also considered ways to increase transparency and accountability and reduce conflicts during a local government election period. The Panel agreed that the Code of Conduct should include caretaker provisions to be imposed from the close of nominations to the date of the election.

The Panel acknowledged the need to protect the CEO from potential conflicts during the caretaker period and, consistent with Recommendation 59, the CEO would no longer receive or investigate complaints.

- e. The donor and the candidate should co-sign each declaration of a gift made.**

In order to ensure integrity in the election process, the Panel agreed that there should be a requirement for the declaration of a gift to be signed by both the candidate and the donor.

- f. Donations via crowd funding platforms should be regulated so far as possible.**

The Panel also acknowledged the increasing likelihood that candidates will receive donations through crowd funding platforms which makes identifying individual donors difficult and determined that the department should investigate the legality and practicality of regulating crowd funding donations to ensure integrity in the election process is upheld.

26. In respect to elected member representation, the Panel recommends:

- a. Population should be used to determine the number of elected member positions:**

- (i) Population of up to 5,000 – 5 councillors (including President).
- (ii) Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).
- (iii) Population of above 75,000 – 9 to 15 councillors (including Mayor).

- b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as contained in the *Electoral Act 1907*.**

- c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.**

- d. The changes to wards and elected member numbers due to the above recommendations should be phased in.**



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The Panel gave careful consideration to the recommendations of the Local Government Advisory Board in relation to wards and councillor numbers. Wards in local governments with small populations were seen as unnecessarily increasing fragmentation and detracting from the requirement for elected members to act in the best interests of the entire community.

However, the Panel acknowledged there may be situations, for example remote communities, where it is important to ensure there is balanced representation on council. The Panel decided local governments in bands 3 and 4 can apply to the new Local Government Commission for wards should it be necessary to enable local democracy in their districts.

The Panel considered that it was desirable for councils to have an odd number of positions.

e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.

The Panel considered that it was important to provide a council with the ability to elect a new mayor/president to replace one who had lost the confidence of the other members of council within their four-year term. The Panel decided the fairest and most efficient way to do this was to have two year terms for council elected mayors and presidents which will provide the opportunity for council to replace them after this period should there be dissatisfaction with their performance amongst council.

f. No restriction should be placed on the number of terms an elected member or mayor/president can serve.

The Panel agreed that there should be no change made to the current situation with no limits applying to the number of terms a councillor and mayor/president can serve.

27. The Panel recommends further consideration should be given to strengthening the provisions of the City of Perth Act to reflect the unique role the City of Perth plays in the development of the State economy. In addition, consultation should be undertaken with the City of Perth and other relevant stakeholders as to whether property franchise voting should be retained in the City of Perth.

The Panel noted that property franchise voting may nevertheless be appropriate for the City of Perth and suggested that the Department could undertake further consultation to determine if the *City of Perth Act 2016* should be amended so property franchise voting continues to apply in the City of Perth.

The Panel recognised the *City of Perth Act 2016* might be appropriate legislation to further strengthen the relationship between the State Government, business and the City of Perth in promoting the social and economic interests of the whole State.



Redefinition of Roles and Responsibilities

28. The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the ‘council’ which captures the roles and responsibilities of all councillors acting collectively as the council.

The revised statements of roles and responsibilities seek to address more clearly the following issues:

- Community leadership
- Strategic planning
- Continuous improvement
- Executive function (for mayors/presidents)
- Guiding the CEO (for mayors/presidents)
- Training

29. The Panel recommends the following as the role of council:

The council —

- (a) considers the diversity of interests and needs of the local community;
- (b) is accountable to the community for the local government’s performance;
- (c) ensures adequate opportunities and mechanisms for engagement with the local community;
- (d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these;
- (e) develops and adopts strategic plans and a budget for the local government;
- (f) keeps the local government’s resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review;
- (g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government’s functions in accordance with the Local Government Act and local government’s policies;
- (h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year;
- (i) provides a safe working environment for the CEO, officers and councillors;
- (j) reviews annually the delegations of the council; and
- (k) performs such other functions as are given to a council by this Act or any other written law.



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30. The Panel recommends the following as the role of councillors:

A councillor —

- (a) without bias represents the current and future interests of all people who live, work and visit the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) accurately represents to the community the policies and decisions of the council;
- (e) participates in the development of strategic plans;
- (f) must be prepared to –
 - (i) participate with an open mind in the local government’s decision-making processes;
 - (ii) be an active and contributing member of the council; and
 - (iii) make considered and well-informed decisions;
- (g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and
- (h) performs such other functions as are given to a councillor by this Act or any other written law.

31. The Panel recommends the following as the role of the mayor/president:

In addition to the responsibilities of a councillor, the mayor or president —

- (a) provides leadership and guidance to the community in the whole district;
- (b) carries out civic and ceremonial duties on behalf of the local government;
- (c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;
- (d) encourages good working relations between councillors, and between the council and the CEO;
- (e) provides guidance to councillors about what is expected of a councillor including in relation to:
 - (i) the role of a councillor;
 - (ii) the councillor code of conduct; and
 - (iii) standing orders
- (f) liaises with the CEO on the local government’s affairs and the performance of its functions;
- (g) presides at meetings in accordance with this Act;
- (h) leads the development of strategic plans;
- (i) promotes partnerships between the council and key stakeholders;
- (j) leads and facilitates the presentation of the annual Council budget;



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- (k) initiates the annual performance appraisal of the CEO; and
- (l) performs such other functions as are given to the mayor or president by this Act or any other written law.

32. The Panel recommends the following as the functions of the CEO:

- (1) The CEO's functions are to —
 - (a) advise and assist the council in relation to the functions of a local government under this Act and other written laws;
 - (b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made;
 - (c) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role;
 - (d) advise the council on appropriate forms of community engagement;
 - (e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council;
 - (f) prepare, in consultation with the mayor and council, the draft budget;
 - (g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;
 - (h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council;
 - (i) ensure the effective and efficient management of the local government in a way that promotes —
 - (i) the effective, efficient and economical management of public resources;
 - (ii) excellence in service delivery; and
 - (iii) continual improvement;
 - (j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the local government to the council and community;
 - (k) speak publicly on behalf of the local government when approved by the mayor or president to do so;
 - (l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that —
 - (i) promote equal employment opportunities;
 - (ii) are responsive to the local government's policies and priorities; and
 - (iii) provide a safe working environment;



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- (m) ensure the local government complies with this Act and any other written law;
 - (n) ensure that records, proceedings and documents of the local government are properly kept for the purposes of this Act and any other written law; and
 - (o) perform any other function specified or delegated by the council or imposed under this Act or any other written law as a function to be performed by the CEO.
- (2) The CEO must inform and consult the council when determining, or making, significant changes to –
- (a) the organisational structure for the staff of the local government; or
 - (b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or
 - (c) the appraisal scheme that is to apply to senior executive officers.

Community Engagement and Governance

33. The Panel recommends that the following community engagement principles should be included in the new Act:

- a. Councils actively engage with their local communities;**
- b. Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;**
- c. Community engagement processes have clearly defined objectives and scope;**
- d. Participants in community engagement have access to objective, relevant and timely information to inform their participation;**
- e. Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement;**
- f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and**
- g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.**

The Panel considers the community key to the effective functioning of the local government, with the local government being there for and to respond to the community. It is therefore vital that all segments of the community are heard and can participate in decision-making.

34. The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.

The Panel agreed that all local governments should be required to have a Community Engagement Charter, with individual local governments responsible for ensuring they are fit for purpose. The



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department should provide suitable guidance material and templates for those local governments that wish to utilise these.

The Panel proposed that triggers for consultation be included, such as borrowing, change of purpose in land use, and major changes to strategy.

The Panel considered that the Charter should be accessible, flexible, and include the deliberative community engagement requirements for IPR. The Charter should also include a reporting mechanism in the annual report.

The Panel believed that elected members have an important role to play in community engagement in listening to the community and that this should be outlined in the Charter. Training should be available to elected members in this area.

35. The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:

- a. As a minimum, councils provide information on their achievements and future prospects;**
- b. Councils report on the local government's financial performance and performance against relevant Council Plans;**
- c. Both the mayor/president and the Chair of the Audit Committee address the meeting;**
- d. There is ample time for questions; and**
- e. Wider community participation is encouraged through different delivery mechanisms.**

The Panel recommended the retention of an annual meeting (to replace the Annual Electors' Meetings) which will facilitate community participation through more modern delivery mechanisms to reach people who may not be able to attend ordinary council meetings (for example, using Zoom and/or webinars). At this meeting there should be an annual performance statement made by the mayor/president, a report from the chair of the Audit, Risk and Improvement Committee and a question and answer session.



Smart Planning and Service Delivery

Enhanced Integrated Planning and Reporting

36. The Panel recommends the following IPR Principles are included in the new Act:

- a. Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;
- b. Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- c. Strategic planning addresses the community's vision;
- d. Strategic planning takes into account the resources needed for effective implementation;
- e. Strategic planning identifies and addresses the risks to effective implementation; and
- f. Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

37. The Panel recommends:

- a. IPR be given greater prominence in the new Act as the centrepiece of 'smart' planning and service delivery.
- b. The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.
- c. IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).
- d. IPR provisions and guidelines should be amended to, amongst other things –
 - (i) Highlight the central goal of advancing community well-being (economic, social, cultural and environmental).
 - (ii) Replace the current requirement for a Strategic Community Plan with a more flexible framework for 'Community Strategies'.
 - (iii) Reframe Corporate Business Plans as broader 'Council Plans' prepared by each incoming council.
 - (iv) Mandate deliberative community engagement in the preparation of both Community Strategies and Council Plans.
 - (v) Require a 'regional issues and priorities' section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments.
- e. Provision should be made for a baseline reporting system as part of the IPR framework, and local governments should be required over time to report against a



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wider range of performance measures covering financial management, service delivery, governance and community wellbeing.

- f. Annual reports should include a statement of performance against the objectives, programs and projects set out in Community Strategies and Council Plans.**
- g. The Audit, Risk and Improvement Committee (see Recommendations 53 and 54) should monitor the local government's performance in implementing the IPR framework, including compliance with relevant statutory obligations, and report its assessment to the community (for example, as an addendum to the council's annual report and/or as a statement to the Annual Community Meeting proposed in Recommendation 35).**
- h. That all IPR plans be reviewed every four years (to align with the new election cycle), two years or one year depending on the plan.**

The Panel believes that strengthening and reframing the Act's provisions for IPR would promote and link more effective strategic and corporate planning, regional cooperation, community engagement, financial management, service delivery, and monitoring and reporting of outcomes.

The Panel noted some excellent examples of emerging regional cooperation in strategic planning, and opportunities for creative use of IPR to promote a more holistic approach to community wellbeing, and in particular for collaborative planning with Aboriginal peoples and communities. However, it was concerned that the current IPR framework is not fully understood across the sector, and that implementation remains patchy. There is an evident need for more work to develop and explain the framework, and for further assistance to individual local governments and regional groups to enhance their ability both to meet basic IPR requirements, and to grasp opportunities to make better use of IPR as a tool to achieve desired outcomes for places and communities.

The Panel concluded that reframing the current requirements for Strategic Community Plans and Corporate Business Plans would be helpful in explaining the scope and intent of IPR. This would involve:

- Clarifying the difference between 'aspirational' strategies on the one hand, and plans that commit a council to pursue specific courses of action on the other.
- Demonstrating how IPR offers pathways for local governments to work together at a regional level, as well as to plan with communities for districts and neighbourhoods.

The Panel therefore proposes that Strategic Community Plans be replaced by multi-level 'Community Strategies' that could be prepared for regions, individual local government districts, and smaller areas/localities within a local government district. Corporate Business Plans should be reframed as broader 'Council Plans' that give effect (as far as possible) to Community Strategies. These proposals draw on current practice in Victoria (council plans and community planning) and New South Wales (joint organisations developing regional strategies).

The Panel also examined the requirement for Victorian local governments to report on a wide range of key performance indicators and considered this type of reporting to the community to be highly desirable. To alleviate the burden this could place on some local governments, it proposes that reporting should be phased in, starting with indicators for financial management, service delivery and governance, and expanding to broader well-being measures over time. Reporting should be made freely available through a statewide online platform.



Part of the reporting framework could be an annual declaration that the local government is successfully meeting its obligation to provide essential basic services to its community. This could be a function of the Audit, Risk and Improvement Committee.

Minimum Service Levels

38. The Panel recommends:

- a. **As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations.**
- b. **The Minister should have the power to direct a local government if it fails to provide or offer these services.**
- c. **The new Act should incorporate financial sustainability principles which also link to the IPR framework.**
- d. **Local government services and programs should be aligned to the IPR framework.**
- e. **Local governments conduct regular reviews of services and service levels including community consultation.**

The Panel strongly believed that all citizens in Western Australia are entitled to a minimum level of service delivery, whether it be a metropolitan local government or a remote community. However, the diversity of the sector means that services may vary significantly between local governments. The Panel felt that while there are some services where it is reasonable to have discretion, there are some minimum services that all local governments must provide.

The Panel was cognisant of the financial constraints and capability of local governments to be able to deliver basic services and in some cases, providing services independently would be challenging. In these situations, local governments should collaborate using the joint subsidiary model.

As noted earlier, service delivery to remote communities was identified as an area that could be particularly challenging due to financial constraints, isolation and access (among other things). The Panel strongly supported identification of service needs through the IPR process and minimum services being delivered. However, financial and cultural barriers will sometimes need to be addressed through broader whole of government initiatives. New mechanisms may be needed to facilitate such initiatives (such as the South Australian Outback Communities Authority). A community should have the right to decline a particular service or services if they have other arrangements in place.

The Minister should have a qualified reserve power to intervene in certain situations and provide enforceable directions to local governments. This would include where minimum services were not being provided and in the event of a natural disaster or pandemic.

Local and Joint Subsidiaries

39. **The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels. The IPR framework should encourage local governments to be cognisant of State Government plans when developing strategies for economic development.**



40. The Panel recommends that the new Act should provide the freedom for local governments to be involved in commercial activities where it is in the public interest and subject to competitive neutrality principles.

The Panel noted that local government provides an important stimulus in the economy, especially in regional areas, and that it is important that a legislative framework does not unnecessarily restrict the ability for local governments to be involved in economic development.

The Panel was of the view that there are not currently any specific barriers in the Local Government Act that hinder the ability for local government to grow their economy. They also noted that local governments' involvement in economic development should be voluntary, and subject to the needs and desires of the local community. The new Act should provide appropriate governance and accountability measures covering these activities.

41. The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following:

- a. Local government autonomy to establish a single or joint subsidiary to:
 - (i) Carry out any scheme, work or undertaking on behalf of the council;
 - (ii) Manage or administer any property or facilities on behalf of the council;
 - (iii) Provide facilities or services on behalf of the council; and/or
 - (iv) Carry out any other functions on behalf of the council.
- b. The subsidiary to be established through a charter.
- c. The charter to be certified by an independent and suitably experienced legal practitioner as within power and National Competition Policy.
- d. Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged.
- e. The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment).
- f. The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property.
- g. Dividends able to be paid to member local governments.
- h. The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the jurisdiction of the Western Australian Industrial Relations Commission.
- i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.

42. The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.



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The Panel noted that the current regional subsidiaries model could be improved in relation to their establishment, scope of operations and governance. It was noted that the current model has not been utilised by the sector as its scope is perceived to be too limiting.

While the Panel supported local governments being innovative and able to operate when market failure is identified, it was of the view that the new Act should explicitly require that local governments operate in accordance with competitive neutrality principles when establishing a subsidiary and setting fees and charges.

The Panel also noted concerns that a local government may use a subsidiary to reduce employee pay and conditions and considered that this should be prohibited in the Act.

The introduction of a new subsidiaries model, similar to the Tasmanian model, would allow local governments the flexibility to operate on a commercial basis (within reason). It is recommended that if this is to occur, adequate controls would need to be introduced, including community consultation, model charters, appropriate reporting and audit measures and providing the ability for the Minister to intervene if considered necessary.

The legislative framework for the model should provide autonomy for local governments to establish a subsidiary without Ministerial oversight while retaining reserve powers for the Minister if required. There should be measures to ensure greater transparency and accountability to the community.

The Panel also discussed concerns with local governments using the Associations Incorporation Act to establish entities outside the Local Government Act and considered that as a general rule this be prohibited under the new Act. Local governments should encourage non-government providers to establish and govern associations where appropriate for community-led service delivery, with local governments only stepping in if the association cannot operate effectively or needs to be wound up.

Modernise Financial Management

43. The Panel recommends the following financial management principles be included in the new Act:

- a. Councils should have regard to achieving intergenerational equity, including ensuring the following:**
 - (i) Policy decisions are made after considering their financial effects on future generations;**
 - (ii) The current generation funds the cost of its services; and**
 - (iii) Long life infrastructure may appropriately be funded by borrowings.**
- b. Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans;**
- c. Financial risks are monitored and managed prudently having regard to economic circumstances;**
- d. Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and**



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- e. **Accounts and records that explain the financial operations and financial position of the council are kept.**

44. Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:

- a. **Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency.**
- b. **Local governments should be able to use freehold land to secure debt.**
- c. **Debt should not be used for recurrent expenditure except in an emergency situation.**
- d. **Notice should continue to be required to be given for borrowings not included in the local government's annual budget.**
- e. **Building upgrade finance is permitted for specific purposes such as cladding, heritage and green improvements.**
- f. **Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity.**
- g. **Local governments should report on the percentage of their expenditure spent on local businesses in their annual report.**

It is important that local governments are enabled through the legislation to invest their reserves effectively to maximise revenue. Given that the funds are public money, this must be balanced to ensure that local governments and their communities are not unnecessarily exposed to risk. The Panel agreed that local governments should be required to prepare an investment policy, dealing with approved investments and risk levels amongst other things.

Local government legislation in Queensland contains a tiered investment structure, with local governments having the power to invest based on their tier. This takes into consideration risk levels and credit ratings. The Panel suggested that further expert analysis be undertaken to inform potential implementation in Western Australia.

Local governments generally have low levels of debt relative to security, income levels and service responsibilities. The Panel noted that there are benefits to using debt for financial management when the benefits of the capital investment are multi-generational. On this basis, the Panel recommended expanding the ability for local governments to use freehold land to secure debt.

Building upgrade finance, which is operating in some other jurisdictions, is a scheme whereby a local government administers loans issued by financiers to non-residential building owners to upgrade their buildings. The Panel saw merit in allowing the introduction of the scheme for prescribed purposes such as upgrading heritage buildings or environmental upgrades. The introduction of building upgrade finance will need to have appropriate safeguards in place which could be modelled on the approach used in other States.

The Panel was of the view that the budget needs to be more closely integrated with IPR processes. As one measure to achieve this alignment, local governments should transition to budgeting on the basis of service delivery. This would require each service or program to be fully costed, ensuring elected members (and ultimately the community) understand the cost of providing the service and



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encourage critical review of costs. This would also allow the community to provide more informed input into the Council Plans.

Program budgeting will result in better information leading to more informed decisions. Reporting on actual cost of services could result in decisions to allocate limited resources in different ways and gain greater acceptance by the community.

The positive impact a local government can have on their local economy through using businesses within their district and region were noted by the Panel. The view was held that there would be benefits for the community in seeing how much the local government had spent locally and with which businesses. This would be included in the Annual Report as a “local content” report.

Procurement

45. The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):

- a. **Tender threshold (currently \$250,000);**
- b. **Procurement rules and methods for goods and services under the tender threshold;**
- c. **Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where ‘local’ refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and**
- d. **Using TendersWA as the primary tender platform.**

The Panel agreed that procurement needs to be open, transparent, fair and ensure adequate market testing, value for money and local consideration.

The Panel supported aligning local government and State Government procurement frameworks, including the tender threshold, procurement rules under the tender threshold and the publication of tenders and high value contracts on TendersWA. By increasing consistency between State and local government, and transparency of procurement rules and processes it creates a business-friendly environment and increases confidence in the process.

Local governments should be able to advertise tenders on other platforms, in addition to TendersWA, if they so choose.

46. The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it should be required to explain its reasoning to the responsible State Government agency.

In keeping with the recommended alignment to the State procurement framework, a model procurement policy should be developed that is consistent, as much as practicable, with the State rules that apply for purchasing goods under the tender threshold. The Panel believed development of a model procurement policy would assist local governments with the procurement process and increase consistency between local governments. If a local government chose to deviate from the model, local governments should have to justify the deviation by explaining their reasoning.



47. The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.

It was acknowledged that local government preferred supplier panels are important and need to be retained; however, their establishment and operation needs to be regulated. The Panel supported the continuance of the WALGA Preferred Supplier Panel, subject to regular oversight and checks and balances to ensure that it is constituted correctly and there is accountability.

48. The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.

The Panel recommended the introduction of an open register of local businesses where local businesses can register with the local government and outline the services and goods they provide. This will assist local governments to support local businesses when procuring goods under the tender threshold, and in informing them of open tenders. Local governments should determine what is considered 'local' to their community.

49. The Panel recommends breaches of the local government procurement rules to be referred to the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.

There are currently limited penalties for non-compliance with the procurement rules in the Local Government Act. The Panel supported the compliance model in the State Government procurement rules whereby greater oversight and less autonomy is the result of compliance breaches and believed the Office of the Independent Assessor should have the power to address cases of non-compliance. (See Recommendation 54 for more information on the Office of the Independent Assessor).

Rating and Revenue

50. The Panel recommends:

- a. Rate capping should not be introduced.
- b. Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget.
- c. The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions.
- d. The current rates exemptions should be retained until after the ERA review.
- e. Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption.
- f. Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties.



g. The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations.

The Panel noted the importance of rates as local government's principal own source revenue, but equally the need to ensure transparency and fairness in the way rates are calculated and imposed.

With local governments increasingly being required to provide more services and to a higher level to their communities, as well as maintaining their existing assets, the Panel noted that there is concern as to how local governments will continue to fund this in the future given their limited revenue sources.

Of all revenue sources, the most important own source revenue for local governments is rates revenue. Local governments are permitted to impose differential general rates according to land zoning, land use (including if the land is vacant) or a combination of the two.

The Panel was supportive of local governments being required to develop a rates and revenue strategy, as is in place in other jurisdictions. The strategy would include the schedule of fees and charges set by local governments (currently included in the budget), the methodology where the fees are set at cost recovery, the rate/s in the dollar and associated objects and reasons for differential general rates. This would increase transparency for ratepayers and enable local governments to demonstrate the actual cost of services to consumers.

It was acknowledged that there are limitations on local governments' ability to raise revenue due to the current rate exemption categories. Rate exemptions result in local governments needing to cover the rates shortfall by other means, raising the funds from other groups of ratepayers or alternatively reducing services or asset maintenance.

It was accepted that there may be sound reasons why certain exempt categories should be retained, including linkages to State Government policies and initiatives. The Panel recommends that applicants should be required to prove each year that they still fit the criteria for the exemption, especially for organisations claiming charitable status.

51. The Panel recommends that local governments should be able to set reasonable fees and charges according to a rating and revenue strategy, with the oversight of the Audit, Risk and Improvement Committee.

52. The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges.

While local governments have the power to set their own fees and charges generally, there are a number of fees and charges that local governments have no control over. Only a few of these are set under the current Local Government Act.

The Panel agreed that fees and charges set in legislation can provide consistency between local governments. It was also noted that while the fees and charges may be consistent, there is likely to be a different level of service provided by local governments.

It was also noted that while local governments are encouraged to adopt a cost recovery model when setting fees and charges, there may be circumstances where it is appropriate to set them lower for certain population groups (for example, seniors) or to encourage certain outcomes in the community.



Accountability, Self-Regulation and Integrity

Enhanced Accountability and Self-Regulation

53. The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:

- a. The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel.**
- b. To address the impost on small local governments, the committee could be established on a regional basis.**

54. The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:

- a. Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of the Council Plans;**
- b. Identifying continuous improvement opportunities and monitoring programs and projects in this area;**
- c. Conducting the mandatory internal audits as outlined in the audit plan; and**
- d. Providing advice to the council in relation to these matters.**

The Panel supported the expansion and strengthening of the role of local government audit committees to become Audit, Risk and Improvement Committees. Moving to a principles-based Act and providing local governments with more autonomy emphasises the need for self-regulation. This requires a robust process for accountability and transparency, justifying the need for the committee to have an independent chair. The Panel also concluded that, given the committee's expanded and critical role, there should be a majority of members not associated with the local government in any way and appointed and remunerated for their skills.

This aligns with the changes occurring within the State Government and the Office of the Auditor General recommendations.

Audit, Risk and Improvement Committees should be required to review matters such as compliance, risk management, financial management, fraud control and governance of the local government.

The Panel was of the view that an Audit, Risk and Improvement Committee could have a role in providing advice to council on decisions across a range of matters, including good governance, financial and risk management, and continuous improvement. The Chair could have a more public role, including in addressing council on relevant matters, reporting at the Annual Community Meeting and preparing a statement in the local government's annual report.

To address cost and access to suitable personnel to take on this role, regional Internal Audit, Risk and Improvement Committees should be permitted. In addition, consideration should be given to establishing a panel of approved independent members from which councils could choose.



Renewed Focus on Integrity

55. In relation to governance, the Panel recommends:

- a. Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system.
- b. Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings.
- c. Elected members who believe that they are unable to maintain impartiality on a particular matter should be permitted to withdraw from that part of the meeting provided a quorum is maintained.
- d. All votes should be recorded in the minutes on each motion with details of how each councillor voted.
- e. As a minimum, audio recordings of public parts of council meetings should be available on the local government's website when the minutes become available, with livestreaming to be encouraged.
- f. CEO contracts should be standardised and consistent with the Public Sector Commission's policy and relevant conditions for public sector employees.
- g. CEO contracts should be no more than five years and after two terms the local government must readvertise the position.
- h. The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or screening of applicants.
- i. Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision-making.

The Panel discussed ways to ensure council decision-making was transparent and accountable. It recommends that not only should actual conflicts of interest be declared before the council meeting, but that each councillor should make a declaration in relation to any item on the agenda on which they may not be impartial. This would include, for example, items where they had taken a public position or lobbied in relation to the matter before the meeting. If the councillor believes that they are unable to put those interests aside and make a decision in the best interests of the district as a whole, the person should be able to remove themselves from the meeting for that item, providing a quorum is maintained so that a vote can be taken. A declaration prior to the meeting would assist the CEO in determining whether or not a quorum is available for a matter.

While webcasting (livestreaming) of council meetings was preferred, given the technology constraints that could be experienced by some local governments, audio recordings of the meetings was considered as a practical minimum to ensure greater transparency in the decision making process. These recordings would be State records under the *State Records Act 2000*. The recordings should be required to be published on the website by the time the minutes were published.

The Panel agreed that the department should play an active role in assisting the council in the CEO recruitment and performance review processes. Another option is that prior to selection, the



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Department could provide a reference check and possible recommendations for training for the shortlisted candidates for the positions of CEO.

To increase transparency and foster greater trust in local government, the Panel believed that elected members should declare in their Primary and Annual Returns interests that could be perceived as affecting decision-making. This would include membership of political parties, business associations and the holding of any office in an incorporated association such as a sporting club.

Expanded Requirements for Training and Professional Development

56. The Panel recommends the following in relation to training:

- a. New CEOs (including CEOs moving to a substantially larger local government) should be required to undertake training and ongoing professional development as recommended by the selection panel.**
- b. There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and presidents.**
- c. Training modules for all councillors should include in-depth material on IPR and land use planning.**
- d. The Minister should have discretion to exempt completion of training within the stipulated time on compelling grounds.**
- e. Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments.**

The Panel discussed the importance of training for elected members, including training beyond the foundation units in such areas as land use planning. Additional training should also be required of mayors and presidents to provide them with such skills as leadership, conducting meetings and managing disputes. Training for new CEOs was also considered vital so that they had knowledge across the whole portfolio of their responsibilities. This need should be identified during the recruitment process and training should commence shortly after appointments are made. The Department could also identify training needs in CEOs and senior staff and advise the relevant mayor/president.

A New Early Intervention Framework

57. The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.

The Panel agreed that the department should assist councils through early intervention to remedy weaknesses and provide mentoring and support. This would be in addition to the department's role in policy development, legislation and statutory approvals.

A key benefit of an early intervention model would be the ability for the department to work with local governments to improve their performance, governance and compliance with legislation and to strengthen the capacity of local governments.



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This model should enable the department to appoint a monitor to support local governments that are experiencing governance issues. The role of a monitor would be to observe governance processes and report back on issues; provide advice to councils that are experiencing governance issues, and to make recommendations to the Minister for Local Government for further action. The relevant council should be advised of the terms of the monitor appointment.

The Panel saw value in a power to extend the role of a monitor to temporarily take over certain functions of a local government when good governance practices are not being adopted or services are not being delivered to segments of the community.

They also saw value in Department staff having the right of access to council meetings, including closed meetings.

58. The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.

The COVID-19 situation has highlighted the need for the Minister to be able to direct local governments and make declarations without having to apply to the State Emergency Coordinator so that the Local Government Act can be applied flexibly and adapt to the changing environment of an emergency.

Establishment of an Office of the Independent Assessor

- 59. The Panel recommends establishing an Office of the Independent Assessor that should:**
- a. Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints.
 - b. Be a statutory appointment by the Governor.
 - c. Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint.
 - d. Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.
 - e. Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.
 - f. Be required to notify the CEO and council of any matters on a confidential basis.
- 60. The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor.**



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The Panel considered the range of bodies that currently play a role in ensuring the integrity of local governments. They supported the continuation of the Ombudsman's role in dealing with complaints related to local government administrative decisions.

The Panel supported the creation of an Office of the Independent Assessor, an independent "one stop shop" body to investigate and assess complaints against elected members. The Independent Assessor could assess and prioritise all complaints and, depending on the outcome of its investigations, refer it to the relevant agency. This could include the Corruption and Crime Commission, the Public Sector Commission, or the State Administrative Tribunal for mediation, possible further investigation and determination of a sanction/s. Where a complaint involves behaviour it could be referred back to the council to deal with under Part B of the new Code of Conduct provisions. It was suggested that the Queensland model for an Independent Assessor may provide appropriate guidance.

The Office of the Independent Assessor would require a team of investigators and the Panel considered that the Office could take over the department's current role in conducting inquiries and investigations. The Independent Assessor could advise the Minister on suspension and dismissals of elected members and councils. It could also have powers to make recommendations to the State Administrative Tribunal and local governments.

The Office of Independent Assessor would replace the Standards Panel, and have the power to investigate complaints of breach of Part C of the Code of Conduct. Its findings in relation to breaches of conduct could be referred to the State Administrative Tribunal for imposition of the penalty.

The Panel considered that there should be a power under the Act for the appointment of an acting CEO to temporarily take the place of a CEO if an investigation by the Office of Independent Assessor reveals serious deficiencies in the way the local government is administered.



Other Matters

Classification Bands

61. The Panel recommends:

- a. **The new Act should set principles for determining classification bands for local governments.**
- b. **These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters.**

The Panel was of the opinion that the principles behind the setting of bands for the payment of salaries and allowances should be set in the new Local Government Act, rather than by the Salaries and Allowances Tribunal, with the Tribunal responsible for the setting of the monetary figures for each category.

These bands should have wider application; being used to determine whether a local government should have wards, as an example. This would create a level of consistency in treatment of local governments considered to be similar according to the principles.

Local Laws

62. The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions.

63. The Panel recommends requiring local governments to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions.

The Panel saw merit in laws being harmonised throughout the State; however, agreed that there should be flexibility for local governments to tailor local laws to address certain, limited, local matters.

The Panel also saw value in the introduction of deemed provisions which operate in a manner similar to the Planning and Development deemed provisions regulations. Deemed provisions are essentially uniform local laws which will operate across the State. They can also be amended from time to time and will override any inconsistent local laws.

The benefit of deemed provisions is that there is more consistency across the State for matters where harmonisation is considered important. It also reduces the need for local governments to develop their own laws with the accompanying capability and capacity implications.

The development of model local laws which complement the deemed provisions will allow local governments the flexibility to introduce specific provisions to their districts. The “local” would be delivered through the identification of certain elements that could be district or region specific, with the council having the power to specify these.

The Joint Standing Committee on Delegated Legislation, in approving the model local laws or deemed provisions, would approve the extent to which these could be altered without referral back to the Committee. Further public consultation would not be required on these variations but could be undertaken by the local government.



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The use of model local laws and deemed provisions would reduce the administrative burden on local governments to consult. If a local government wanted to introduce provisions outside the model or deemed provisions, consultation would be required and the law would need to be scrutinised by the Joint Standing Committee on Delegated Legislation. The local government should have to justify to the Committee why such a deviation was necessary or desirable.

The Panel also supported a restriction on the range of matters over which a local government could introduce a local law; with approval necessary outside of this.

Western Australian Local Government Association

64. In relation to WALGA, the Panel recommends:

- a. WALGA not be constituted under the new Act;**
- b. A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and**
- c. Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.**

The Panel deliberated the merits of WALGA being constituted under the Local Government Act and determined that it was not appropriate to incorporate a member body under this legislation. This created confusion as to the extent of the Minister's powers over the organisation and WALGA's level of independence.

More appropriate legislation would appear to be the *Associations Incorporation Act 2015*. Transitional provisions should be included in the new Local Government Act to allow for the orderly reconstitution of WALGA without affecting their operations.

This change would not restrict the new Act (or other Acts) from referencing WALGA membership on boards and committees.

The Panel saw merit in the sector being able to use its aggregated buying power through use of WALGA's preferred supplier program and their mutual insurance coverage. Recognition of these initiatives in the legislation should be accompanied by a power for the Auditor General to conduct regular audits of these programs and related processes.



Operational Provisions

- 65. The Panel also identified the following operational matters to be considered when drafting the new Act:**
- a. The powers of entry in the current Local Government Act should be retained.**
 - b. The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments.**
 - c. The new Act should be updated to reflect the modern signing of contracts.**
 - d. A more streamlined ability to dispose of impounded goods needs to be developed for the new Act.**
 - e. The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings.**
 - f. Employment entitlements for local government employees should be transferrable across all three levels of Government.**



ATTACHMENT 1

Example of Introductory Sections

Northern Territory Local Government Act 2019 Part 1.2

Section 4(1).

The underlying principles of this Act are as follows:

- (a) Local government is a distinct and essential sphere of government.
- (b) The system of local government:
 - i. needs to be flexible and adaptable to the diverse interests and needs of the many communities within the Territory; and
 - ii. needs to be comprehensive, democratic, responsive to community needs and accountable both to local communities and the public generally.

Section 5.

The rights and interests of Indigenous traditional owners, as enshrined in the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) and the Native Title Act 1993 (Cth), are to be recognised and the delivery of local government services must be in harmony with those laws.

Section 6.

This Act provides for the following:

- (a) the establishment of a democratic and effective system of local government that recognises the diversity of communities in the Territory;
- (b) the conferral of wide powers on councils to act for the advancement, and in the best interests, of their local communities;
- (c) the enabling of councils to play a broad role in promoting the social, economic, environmental, and cultural well-being of their local communities;
- (d) the imposition of high standards of ethical conduct on council members;
- (e) the requirement on councils of high standards of governance, service delivery, asset management and financial accountability;
- (f) the requirement on councils to promote and assist constructive participation by their local communities in achieving effective local government for their areas.



ATTACHMENT 2

Example of Functions of a Local Government

South Australia Local Government Act

Section 7: Functions of a council

The functions of a council include—

- (a) to plan at the local and regional level for the development and future requirements of its area;
- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- (f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);
- (g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- (h) to establish or support organisations or programs that benefit people in its area or local government generally;
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the council;
- (j) to manage, improve and develop resources available to the council;
- (k) to undertake other functions and activities conferred by or under an Act.



ATTACHMENT 3

Possible Approaches to Structural Reform

South Australia Local Government Act

Following negotiations between the State government and the Local Government Association the South Australian Act was amended in 2018 to introduce a new, more flexible process for structural reform, set out in sections 26-32C (see below). Importantly, section 26(d) states that *the Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.*

Other principles (section 26(1)(c)) are as follows:

- i. the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
- ii. proposed changes should, wherever practicable, benefit ratepayers;
- iii. a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
- iv. a council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
- v. a council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
- vi. a council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes;
- vii. a council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations;
- viii. a council area should incorporate or promote an accessible centre (or centres) for local administration and services;
- ix. the importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters;
- x. residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term);
- xi. a scheme that provides for the performance of functions and delivery of services in relation to 2 or more council (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change.

Key elements of the process set out in sections 27-32C of the Act include:

- Responsibility for processing boundary changes transferred from the former Boundary Adjustments Facilitation Board to the Grants Commission, which operates with a very high level of independence and determines the guidelines under which the process operates.
- The Minister is limited to being one party who can propose boundary changes or mergers for the Commission's consideration, and making the final decision to accept or reject the



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Commission's recommendation – a decision to reject the Commission's recommendation must be reported to Parliament.

- Changes or mergers can also be proposed by local governments (groups or individual), by either house of Parliament, and by a specified number of eligible electors.
- The Commission can decide not to investigate a proposal it considers trivial, a repeat of a previous proposal, or in some other way inappropriate or contrary to the public interest.
- Minor ('administrative') proposals can be processed quickly by the Commission with or without community consultation.
- A two-stage process is required for major ('general') changes – preliminary analysis followed (if considered appropriate) by detailed investigation and extensive community consultation (some sort of public inquiry).
- No requirement for binding referenda.
- All the Commission's findings and recommendations must be reported publicly on a website.



ATTACHMENT 4

Example of Principles for Inter-Governmental Relations

British Columbia Community Charter Act

Section 23. Agreements with other public authorities

- (1) A council may make agreements with a public authority respecting
 - a) activities and services within the powers of a party to the agreement, including agreements respecting the undertaking, provision and operation of activities and services,
 - b) operation and enforcement in relation to the exercise of authority to regulate, prohibit and impose requirements within the powers of a party to the agreement, and
 - c) the management of property or an interest in property held by a party to the agreement.

Principles of municipal-provincial relations (given effect in sections 276 and 277)

- (1) The citizens of British Columbia are best served when, in their relationship, municipalities and the Provincial government
 - a) acknowledge and respect the jurisdiction of each,
 - b) work towards harmonization of Provincial and municipal enactments, policies and programs, and
 - c) foster cooperative approaches to matters of mutual interest.
- (2) The relationship between municipalities and the Provincial government is based on the following principles:
 - a) the Provincial government respects municipal authority and municipalities respect Provincial authority;
 - b) the Provincial government must not assign responsibilities to municipalities unless there is provision for resources required to fulfill the responsibilities;
 - c) consultation is needed on matters of mutual interest, including consultation by the Provincial government on
 - (i) proposed changes to local government legislation,
 - (ii) proposed changes to revenue transfers to municipalities, and
 - (iii) proposed changes to Provincial programs that will have a significant impact in relation to matters that are within municipal authority;
 - d) the Provincial government respects the varying needs and conditions of different municipalities in different areas of British Columbia;



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

- e) consideration of municipal interests is needed when the Provincial government participates in interprovincial, national or international discussions on matters that affect municipalities;
- f) the authority of municipalities is balanced by the responsibility of the Provincial government to consider the interests of the citizens of British Columbia generally;
- g) the Provincial government and municipalities should attempt to resolve conflicts between them by consultation, negotiation, facilitation and other forms of dispute resolution.

SHIRE OF MINGENEW
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 September 2020

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 September 2020
Prepared by: Helen Sternick, Senior Finance Officer
Reviewed by: Jeremy Clapham, Finance & Administration Manager

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities and to the extent they are not in-consistent with the *Local Government Act 1995* and accompanying regulations), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. 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 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 Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 14.

SIGNIFICANT ACCOUNTING POLICES

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is

not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

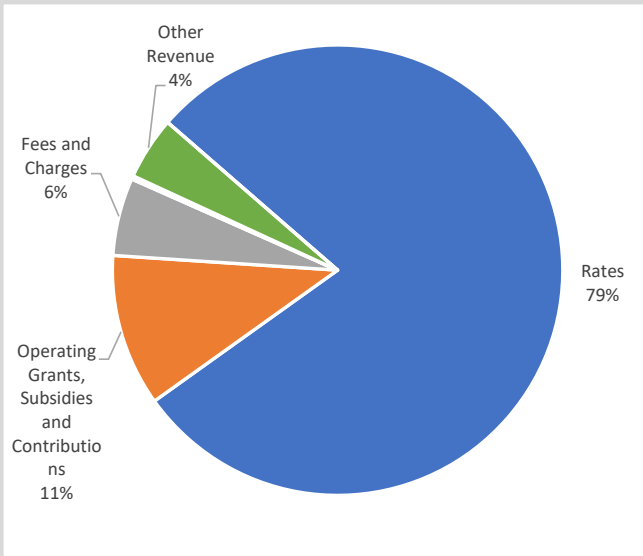
CRITICAL ACCOUNTING ESTIMATES

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 that are 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.

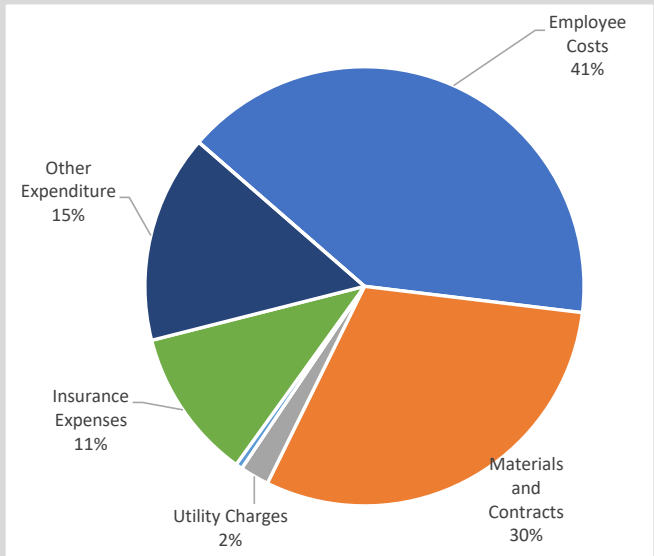
ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

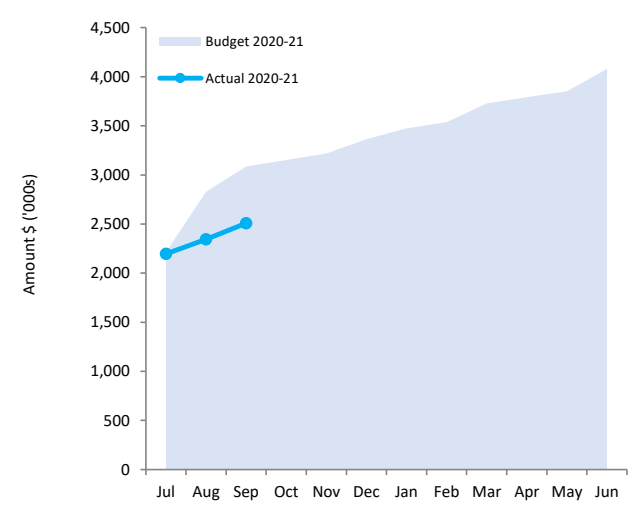
OPERATING REVENUE



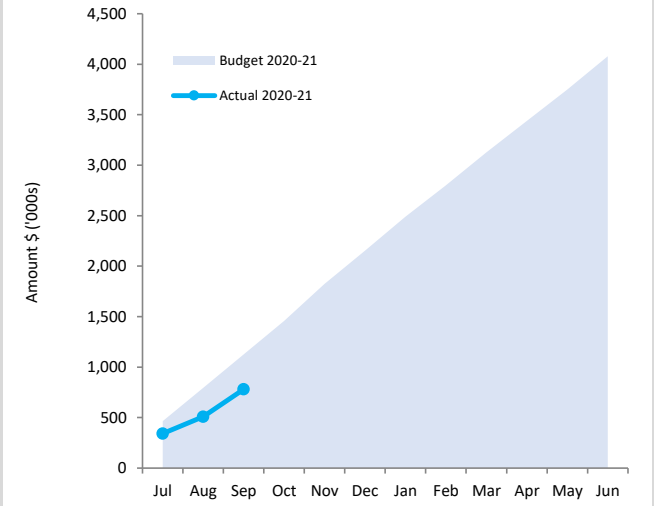
OPERATING EXPENSES



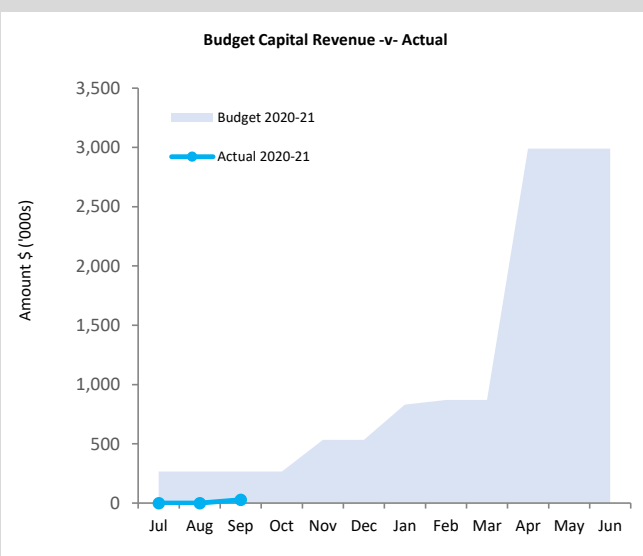
Budget Operating Revenues -v- Actual



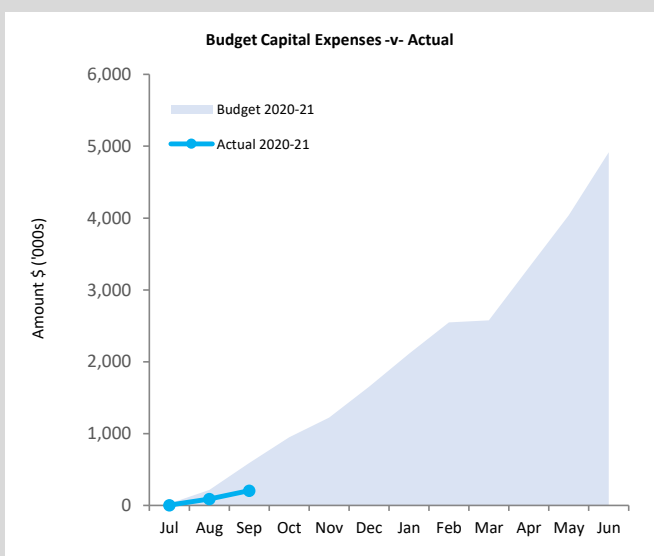
Budget Operating Expenses -v-YTD Actual



CAPITAL REVENUE



CAPITAL EXPENSES



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

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 SEPTEMBER 2020

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

GOVERNANCE

To provide a decision making process for the efficient allocation of scarce resources.

GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

LAW, ORDER, PUBLIC SAFETY

To provide services to help ensure a safer community.

HEALTH

To provide services to help ensure a safer community.

EDUCATION AND WELFARE

To meet the needs of the community in these areas.

HOUSING

Provide housing services required by the community and for staff.

COMMUNITY AMENITIES

Provide services required by the community.

RECREATION AND CULTURE

To establish and manage efficiently, infrastructure and resources which will help the social well being of the community.

TRANSPORT

To provide effective and efficient transport services to the community.

ECONOMIC SERVICES

To help promote the Shire and improve its economic wellbeing.

OTHER PROPERTY AND SERVICES

To provide effective and efficient administration, works operations and plant and fleet services.

ACTIVITIES

Administration and operation of facilities and services to members of council; other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific Council services.

Rates, general purpose government grants and interest revenue.

Fire prevention, animal control and safety.

Food quality, pest control and inspections.

Includes education programs, youth based activities, care of families, the aged and disabled.

Maintenance of staff, aged and rental housing.

Rubbish collection services, landfill maintenance, townsite storm water drainage control and maintenance, administration of the Town Planning Scheme and maintenance of cemeteries.

Maintenance of halls, recreation centres and various reserves, operation of library, support of community events and matters relating to heritage.

Construction and maintenance of streets, roads and footpaths, cleaning and lighting of streets, roads and footpaths, traffic signs and depot maintenance.

The regulation and provision of tourism, area promotion, building control and noxious weeds.

Private works operations, plant repairs and operational costs. Administration overheads.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus / (Deficit)	1(c)	568,521	568,521	405,934	(162,587)	(28.60%)	▼
Revenue from operating activities							
Governance		13,399	3,345	6,858	3,513	105.02%	▲
General Purpose Funding - Rates	6	1,975,991	1,975,241	1,975,046	(195)	(0.01%)	
General Purpose Funding - Other		1,182,941	749,978	190,428	(559,550)	(74.61%)	▼
Law, Order and Public Safety		23,750	4,586	163	(4,423)	(96.45%)	▼
Health		150	39	0	(39)	(100.00%)	▼
Education and Welfare		400	99	200	101	102.02%	▲
Housing		90,440	22,608	27,811	5,203	23.01%	▲
Community Amenities		89,650	75,282	71,188	(4,094)	(5.44%)	
Recreation and Culture		28,780	27,888	28,878	990	3.55%	
Transport		594,400	205,998	175,750	(30,248)	(14.68%)	▼
Economic Services		18,582	5,687	9,567	3,880	68.23%	▲
Other Property and Services		60,500	15,120	22,553	7,433	49.16%	▲
		4,078,983	3,085,871	2,508,442	(577,429)		
Expenditure from operating activities							
Governance		(343,694)	(103,258)	(90,293)	12,965	12.56%	▼
General Purpose Funding		(76,332)	(19,079)	(21,415)	(2,336)	(12.24%)	▲
Law, Order and Public Safety		(66,912)	(17,668)	(19,790)	(2,122)	(12.01%)	▲
Health		(80,167)	(20,025)	(12,399)	7,626	38.08%	▼
Education and Welfare		(111,669)	(28,504)	(19,538)	8,966	31.46%	▼
Housing		(159,522)	(55,949)	(45,706)	10,243	18.31%	▼
Community Amenities		(249,083)	(62,639)	(45,342)	17,297	27.61%	▼
Recreation and Culture		(992,925)	(253,636)	(159,643)	93,993	37.06%	▼
Transport		(1,615,122)	(405,255)	(277,186)	128,069	31.60%	▼
Economic Services		(302,628)	(80,257)	(77,949)	2,308	2.88%	
Other Property and Services		(80,817)	(79,305)	(10,924)	68,381	86.23%	▼
		(4,078,871)	(1,125,575)	(780,185)	345,390		
Non-cash amounts excluded from operating activities	1(a)	1,527,770	383,126	(865)	(383,991)	(100.23%)	▼
Amount attributable to operating activities		1,527,882	2,343,422	1,727,392	(616,030)		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	13(b)	2,990,490	266,000	28,176	(237,824)	(89.41%)	▼
Proceeds from disposal of assets	7	35,000	10,000	5,091	(4,909)	(49.09%)	▼
Purchase of property, plant and equipment	8	(4,915,678)	(590,235)	(205,898)	384,337	65.12%	▼
Amount attributable to investing activities		(1,890,188)	(314,235)	(172,631)	141,604		
Financing Activities							
Repayment of Debentures	9	(161,995)	(40,492)	(40,137)	355	(0.88%)	
Principal element of finance lease payments	10	0	0	(2,235)	(2,235)	0.00%	▲
Transfer to Reserves	11	(44,221)	(1,095)	0	1,095	(100.00%)	▼
Amount attributable to financing activities		(206,216)	(41,587)	(42,372)	(785)		
Closing Funding Surplus / (Deficit)	1(c)	0	2,556,121	1,918,323	(637,798)		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to threshold. Refer to Note 15 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is the greater.

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

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 SEPTEMBER 2020

REVENUE

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service charges.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

BY NATURE OR TYPE

	Ref Note	Adopted Budget \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(a) %	Var.
Opening Funding Surplus / (Deficit)	1(c)	568,521	568,521	405,934	(162,587)	(28.60%)	▼
Revenue from operating activities							
Rates	6	1,975,991	1,975,241	1,975,046	(195)	(0.01%)	
Operating grants, subsidies and contributions	13(a)	1,306,100	837,673	273,937	(563,736)	(67.30%)	▼
Fees and charges		239,292	134,075	140,246	6,171	4.60%	
Interest earnings		24,381	6,093	6,136	43	0.71%	
Other revenue		531,219	132,789	113,077	(19,712)	(14.84%)	▼
Profit on disposal of assets	7	2,000	0	0	0	0.00%	
		4,078,983	3,085,871	2,508,442	(577,429)		
Expenditure from operating activities							
Employee costs		(1,031,488)	(262,470)	(316,179)	(53,709)	(20.46%)	▲
Materials and contracts		(708,353)	(230,403)	(236,980)	(6,577)	(2.85%)	
Utility charges		(93,002)	(23,274)	(16,792)	6,482	27.85%	▼
Depreciation on non-current assets		(1,506,670)	(376,626)	0	376,626	100.00%	▼
Interest expenses		(10,686)	(2,662)	(3,846)	(1,184)	(44.48%)	▲
Insurance expenses		(120,997)	(70,005)	(86,671)	(16,666)	(23.81%)	▲
Other expenditure		(584,575)	(153,635)	(119,717)	33,918	22.08%	▼
Loss on disposal of assets	7	(23,100)	(6,500)	0	6,500	100.00%	▼
		(4,078,871)	(1,125,575)	(780,185)	345,390		
Non-cash amounts excluded from operating activities	1(a)	1,527,770	383,126	(865)	(383,991)	(100.23%)	▼
Amount attributable to operating activities		1,527,882	2,343,422	1,727,392	(616,030)		
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13(b)	2,990,490	266,000	28,176	(237,824)	(89.41%)	▼
Proceeds from disposal of assets	7	35,000	10,000	5,091	(4,909)	(49.09%)	▼
Payments for property, plant and equipment	8	(4,915,678)	(590,235)	(205,898)	384,337	(65.12%)	▼
Amount attributable to investing activities		(1,890,188)	(314,235)	(172,631)	141,604		
Financing Activities							
Repayment of debentures	9	(161,995)	(40,492)	(40,137)	355	0.88%	▲
Principal element of finance lease payments	10	0	0	(2,235)	(2,235)	0.00%	▲
Transfer to reserves	11	(44,221)	(1,095)	0	1,095	100.00%	▼
Amount attributable to financing activities		(206,216)	(41,587)	(42,372)	(785)		
Closing Funding Surplus / (Deficit)	1(c)	0	2,556,121	1,918,323	(637,798)		

KEY INFORMATION

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

Refer to Note 15 for an explanation of the reasons for the variance.

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

(a) Non-cash items 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.

Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
	\$	\$	\$
Non-cash items excluded from operating activities			
Adjustments to operating activities			
Less: Profit on asset disposals	(2,000)	0	0
Less: Fair value adjustments to financial assets	0	0	(865)
Add: Loss on asset disposals	23,100	6,500	0
Add: Depreciation on assets	1,506,670	376,626	0
Total non-cash items excluded from operating activities	1,527,770	383,126	(865)

(b) Adjustments to net current assets in the Statement of Financial Activity

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.

	Last Year Closing 30 Jun 2020	This Year Opening 01 Jul 2020	This Time Last Year 30 Sep 2019	Year to Date 30 Sep 2020
Adjustments to net current assets				
Less: Reserves - restricted cash	11 (427,011)	(427,011)	(308,490)	(427,011)
Less: Cost of acquisition	0	0	(40,394)	0
Add: Borrowings	9 161,995	161,995	158,166	121,859
Add: Lease liabilities	9,331	9,331	7,106	7,095
Add: Provisions - employee	12 136,130	136,130	125,163	136,130
Add: Change in accounting policies - AASB16 Leases	0	0	29,060	0
Total adjustments to net current assets	(119,555)	(119,555)	(29,389)	(161,927)

(c) Net current assets used in the Statement of Financial Activity

Current assets					
Cash and cash equivalents	2	1,088,447	1,088,447	2,990,746	2,731,660
Rates receivables	6	27,369	27,369	470,767	345,614
Receivables	3	18,573	18,573	92,815	36,797
Other current assets	4	0	0	92,945	1,119
Less: Current liabilities					
Payables	5	(130,578)	(130,578)	(54,441)	(50,437)
Borrowings	9	(161,995)	(161,995)	(158,166)	(121,859)
Lease liabilities	10	(9,331)	(9,331)	(7,106)	(7,095)
Contract liabilities	12	(170,866)	(170,866)	(654,910)	(719,420)
Provisions	12	(136,130)	(136,130)	(125,163)	(136,130)
Less: Total adjustments to net current assets	1(b)	(119,555)	(119,555)	(29,389)	(161,927)
Closing Funding Surplus / (Deficit)		405,934	405,934	2,618,099	1,918,323

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.

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
Cash on hand								
Cash on hand	Cash and cash equivalents	100		100			On Hand	
At call deposits								
		0						
Municipal Funds	Cash and cash equivalents	46,355		46,355		NAB	0.25% Cheque A/C	
Municipal Funds	Cash and cash equivalents	1,519,472	574,109	2,093,581		NAB	0.85% On Call	
Term Deposits								
		0						
Municipal Funds	Cash and cash equivalents	0	164,613	164,613		NAB	0.90% 23/12/2020	
Reserve Funds	Cash and cash equivalents	0	427,012	427,012		NAB	0.90% 23/12/2020	
Total		1,565,926	1,165,734	2,731,660	0			
Comprising								
Cash and cash equivalents		1,565,926	1,165,734	2,731,660	0			
Financial assets at amortised cost		0	0	0	0			
		1,565,926	1,165,734	2,731,660	0			

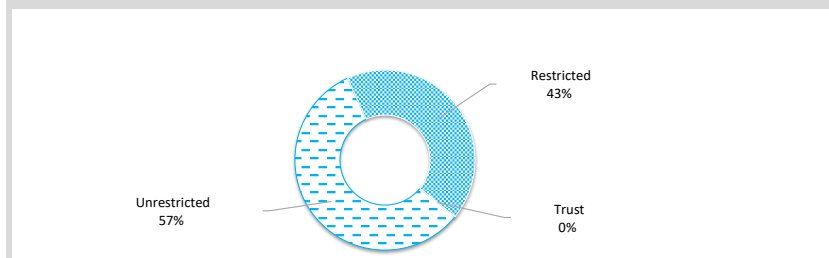
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments 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 and bank overdrafts. 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 assets.



Total Cash	Unrestricted
\$2.73 M	\$1.57 M

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

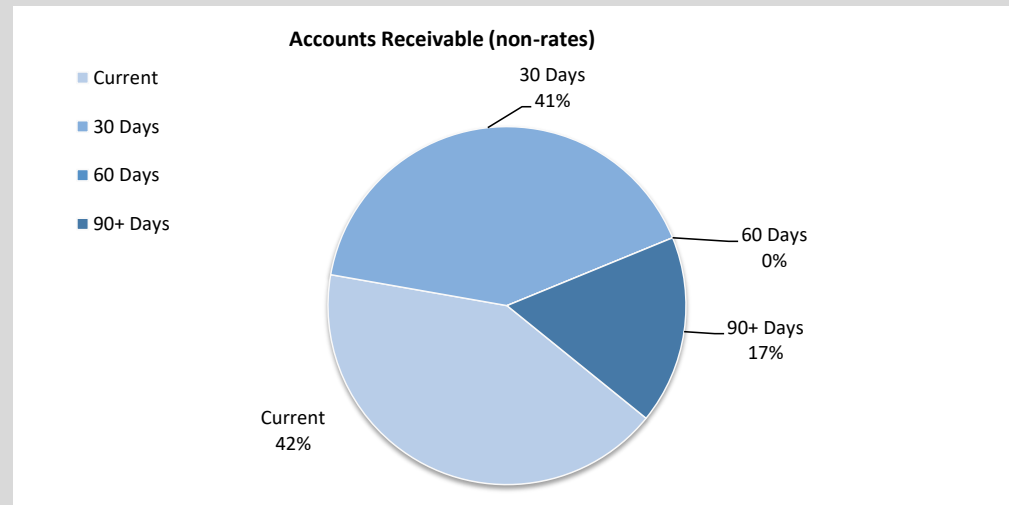
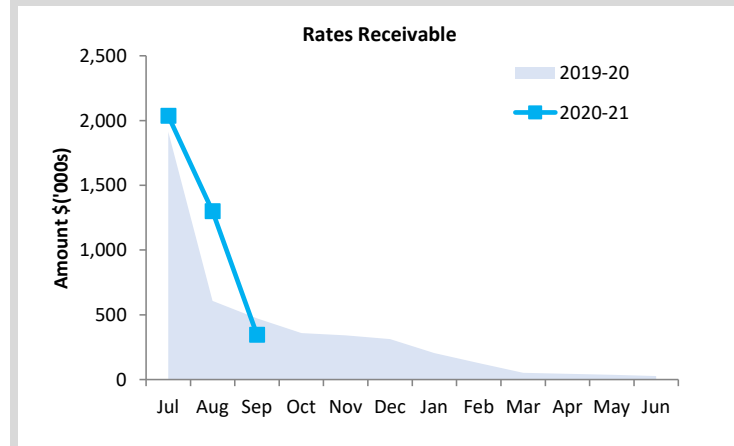
Rates Receivable	30 Jun 2020	30 Sep 20
	\$	\$
Opening Arrears Previous Years	21,379	27,369
Levied this year	1,885,305	1,975,046
Less - Collections to date	(1,879,315)	(1,656,801)
Equals Current Outstanding	27,369	345,614
Net Rates Collectable	27,369	345,614
% Collected	98.6%	82.7%

Receivables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - General	(310)	9,567	9,364	0	3,883	22,504
Percentage	-1.4%	42.5%	41.6%	0%	17.3%	
Balance per Trial Balance						
Sundry receivable						22,504
GST receivable						14,865
Allowance for impairment of receivables						(572)
Total Receivables General Outstanding						36,797

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 sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Debtors Due
\$36,797
Over 30 Days
42%
Over 90 Days
17.3%

Collected	Rates Due
82.7%	\$345,614

	Opening Balance 1 July 2020	Asset Increase	Asset Reduction	Closing Balance 30 September 2020
Other Current Assets	\$	\$	\$	\$
Inventory				
Fuel	0	1,119	0	1,119
Total Other Current assets				1,119
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Inventory

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

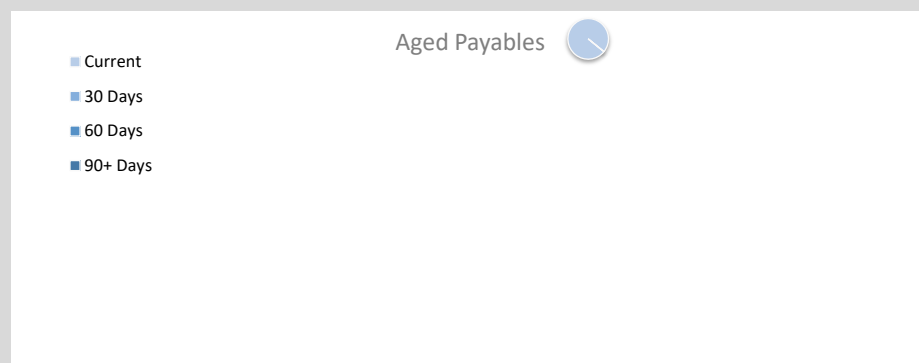
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Payables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - General	0	470	0	0	0	470
Percentage	0%	100%	0%	0%	0%	
Balance per Trial Balance						
Sundry creditors						470
ATO liabilities						31,081
Receipts in Advance						1,297
Other payables - Bonds Held						18,005
* Other payables						(416)
Total Payables General Outstanding						50,437
Amounts shown above include GST (where applicable)						

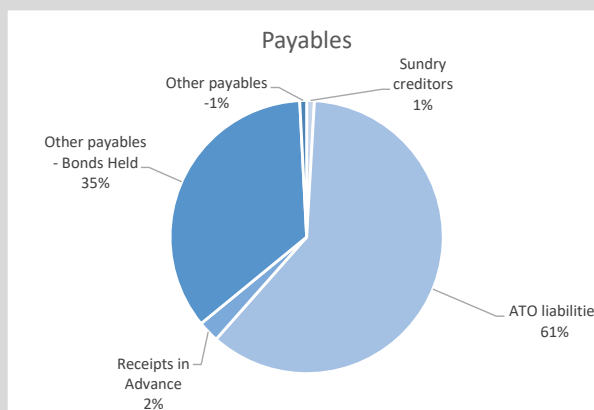
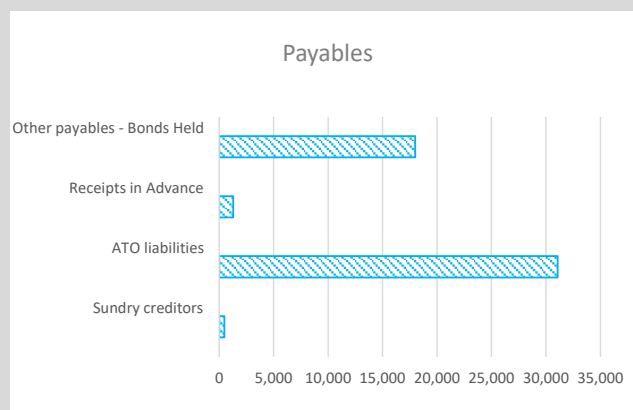
KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire 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.

* Other payables are the adjustments made to ESL through property amalgamations as provided by Landgate and will be recouped from DFES as part of the end of year process.



Creditors Due
\$50,437
Over 30 Days
0%
Over 90 Days
0%



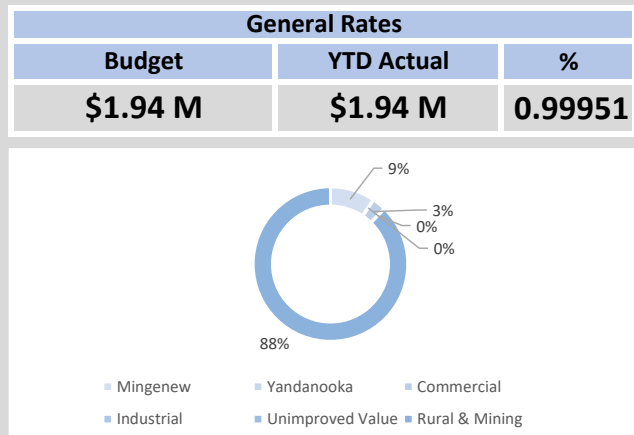
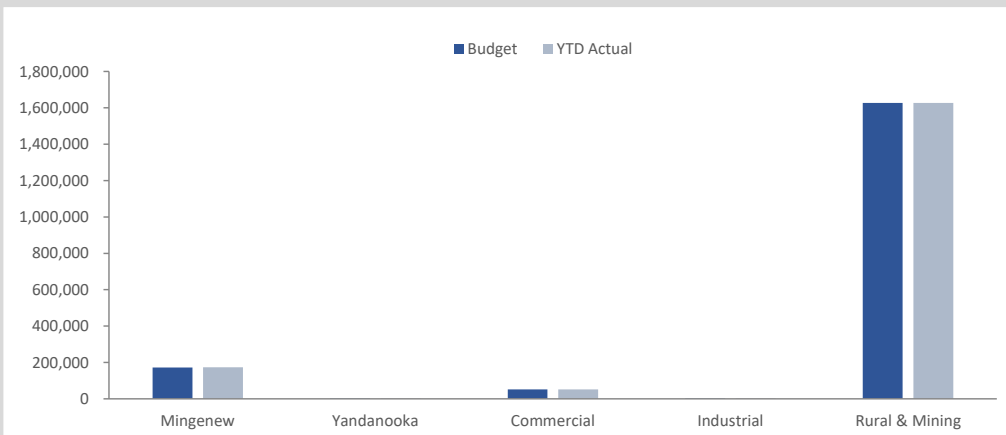
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General Rate Revenue	Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
Gross Rental Value											
Mingenev	0.150280	129	1,144,624	172,014	750	0	172,764	172,010	1,641	0	173,651
Yandanooka	0.150280	2	13,884	2,086	0	0	2,086	2,086	0	0	2,086
Commercial	0.150280	14	346,632	52,092	0	0	52,092	52,091	0	0	52,091
Industrial	0.150280	3	12,480	1,875	0	0	1,875	1,875	0	0	1,875
Unimproved Value											
Rural & Mining	0.012920	112	125,918,500	1,626,867	0	0	1,626,867	1,626,238	801	309	1,627,348
Sub-Total		260	127,436,120	1,854,934	750	0	1,855,684	1,854,300	2,442	309	1,857,051
Minimum Payment	Minimum \$										
Gross Rental Value											
Mingenev	707	59	24,721	41,713	0	0	41,713	41,713	0	0	41,713
Yandanooka	707	0	0	0	0	0	0	0	0	0	0
Commercial	707	9	6,209	6,363	0	0	6,363	6,363	0	0	6,363
Industrial	707	3	2,786	2,121	0	0	2,121	2,121	0	0	2,121
Unimproved Value											
Rural & Mining	1,061	31	773,297	32,891	0	0	32,891	31,815	(1,061)	(177)	30,577
Sub-Total		102	807,013	83,088	0	0	83,088	82,012	(1,061)	(177)	80,774
Concession							(1,045)				(1,043)
Amount from General Rates							1,937,727				1,936,782
Ex-Gratia Rates							38,264				38,264
Total General Rates							1,975,991				1,975,046

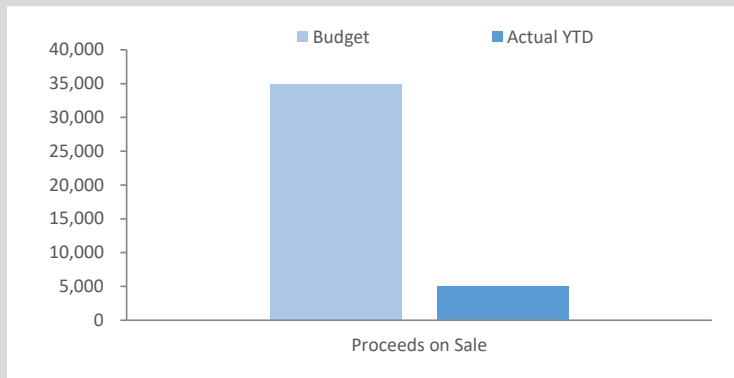
KEY INFORMATION

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.



Asset Ref.	Asset Description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
Plant and equipment									
Transport									
	Crew cab - MI029	8,000	10,000	2,000	0	0	0	0	0
	Water truck*	16,500	10,000	0	(6,500)	0	0	0	0
	JCB backhoe	31,600	15,000	0	(16,600)	0	0	0	0
	Water tanker trailer	0	0	0	0		5,091	0	0
		56,100	35,000	2,000	(23,100)	0	5,091	0	0

KEY INFORMATION



Proceeds on Sale		
Annual Budget	YTD Actual	%
\$35,000	\$5,091	15%

* Note: Incorrect asset used, should have been the Water Tanker (not the Water Truck), will be corrected in the Budget Review in early 2021.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

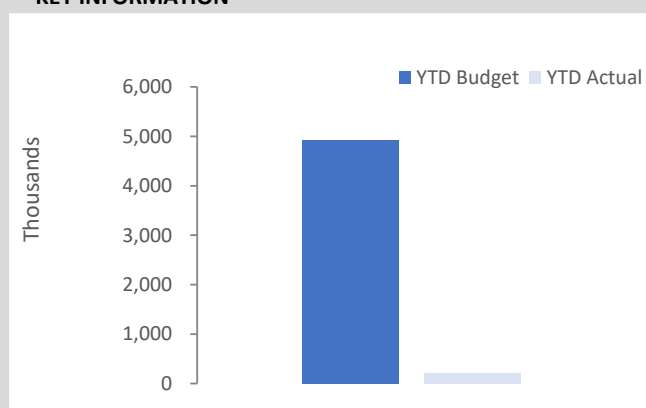
INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital Acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land	0	0	5,000	5,000
Buildings - non-specialised	300,500	35,000	14,666	(20,334)
Buildings - specialised	299,500	25,500	19,846	(5,654)
Plant and equipment	340,000	260,000	4,545	(255,455)
Infrastructure - Roads	1,406,774	146,735	83,865	(62,870)
Infrastructure - bridges	2,266,404	0	0	0
Infrastructure - parks & ovals	200,000	60,000	68,574	8,574
Infrastructure - other	102,500	63,000	9,402	(53,598)
Capital Expenditure Totals	4,915,678	590,235	205,898	(384,337)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	2,990,490	266,000	135,689	(130,311)
Other (Disposals & C/Fwd)	35,000	10,000	5,091	(4,909)
Contribution - operations	1,890,188	314,235	65,118	(249,117)
Capital Funding Total	4,915,678	590,235	205,898	(384,337)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

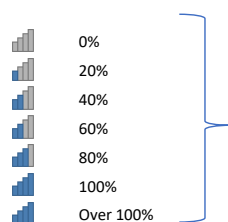
KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$4.92 M	\$.21 M	4%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$2.99 M	\$.14 M	5%

Capital Expenditure Total

Level of Completion Indicators



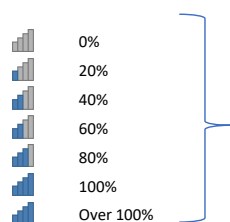
Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

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						
	LC085	25 Victoria Road (Lot 85) - Land	0	0	5,000	5,000
Land Total			0	0	5,000	5,000
Buildings - non-specialised						
	BC083	21 Victoria Road (Lot 83) - Chambers - Building (Capital)	13,000	0	0	0
	BC076	76 Phillip Street (Lot 106) - Daycare Centre - Building (Capital)	150,000	10,000	0	(10,000)
	BC033	33 Victoria Road (Lot 89) - Residence - Building (Capital)	40,000	0	0	0
	BC121	12 Victoria Road (Lot 66) - Unit 1 (APU) - Building (Capital)	3,125	0	0	0
	BC122	12 Victoria Road (Lot 66) - Unit 2 (APU) - Building (Capital)	3,125	0	0	0
	BC123	12 Victoria Road (Lot 66) - Unit 3 (APU) - Building (Capital)	3,125	0	0	0
	BC124	12 Victoria Road (Lot 66) - Unit 4 (APU) - Building (Capital)	3,125	0	0	0
	BC047	47 Linthorne Street (Lot 114) - Depot - Building (Capital)	25,000	0	0	0
	BC054	54 Midlands Road (Lot 71) - MIG Office - Building (Capital)	20,000	0	0	0
	BC050	50 Midlands Road (Lot 73) - Post Office - Building (Capital)	20,000	5,000	2,382	(2,618)
	BC021	21 Victoria Road (Lot 83) - Administration Office - Building (Capital)	20,000	20,000	12,285	(7,715)
Buildings - non-specialised Total			300,500	35,000	14,666	(20,334)
Buildings - specialised						
	BC023	23 Victoria Road (Lot 84) - Toy Library - Building (Capital)	7,000	0	0	0
	BC098	Recreation Centre - Building (Capital)	25,500	25,500	19,846	(5,654)
	BC598	Recreation Centre - Water infrastructure upgrade (capital)	51,000	0	0	0
	BC016	16 Midlands Road - Railway Station - Building (Capital)	216,000	0	0	0
Buildings - specialised Total			299,500	25,500	19,846	(5,654)
Plant and equipment						
	PE029	Crew Cab Truck - MI029 - Capital	80,000	0	0	0
	PE255	Water Truck - MI255 - Capital	90,000	90,000	4,545	(85,455)
	PE262	Backhoe - MI262 - Capital	170,000	170,000	0	(170,000)
Plant and equipment Total			340,000	260,000	4,545	(255,455)
Infrastructure - Roads						
	RC045	Phillip Street (Capital)	100,000	9,999	0	(9,999)
	RC087	Parking Bay South of Midland Road (Capital)	30,000	0	0	0
	RC000	Road Construction General (Budgeting Only)	283,273	70,812	4,300	(15,123)
	RC013	Enokurra Road (Capital)			46,654	
	RC011	Mooriary Road (Capital)			4,735	
	RRG080	Mingenew - Mullewa Road (RRG)	439,500	65,924	364	(65,560)
	RRG024	Milo Road (RRG)	258,000	0	15,000	15,000
	BS002	Yandanooka North East Road (BS)	296,000	0	12,813	12,813
Infrastructure - roads Total			1,406,774	146,735	83,865	(62,870)
Infrastructure - bridges						
	BR0833	Yarragadee - Mingenev - Mullewa Road - Bridge (Capital)	47,000	0	0	0
	BR3019	Lockier River - Coalseam Road - Bridge (Capital)	2,219,404	0	0	0
Infrastructure - bridges Total			2,266,404	0	0	0
Infrastructure - parks & ovals						
	PC011	Skate Park - (Capital)	200,000	60,000	68,574	8,574
Infrastructure - parks & ovals Total			200,000	60,000	68,574	8,574

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.

Account Description	Adopted			Variance (Under)/Over
	Budget	YTD Budget	YTD Actual	
Infrastructure - other				
OC006 Transfer Station - Infrastructure - Capital	30,000	30,000	0	(30,000)
OC002 Mingenew Hill Walk Trail - Capital	32,000	0	0	0
OC007 Astrotourism Project	18,000	18,000	0	(18,000)
OC008 Remote Tourism Cameras	7,500	0	0	0
OC009 Communications tower upgrade	15,000	15,000	9,402	(5,598)
Infrastructure - other Total	102,500	63,000	9,402	(53,598)
Grand Total	4,915,678	590,235	205,898	(384,337)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**FINANCING ACTIVITIES
NOTE 9
BORROWINGS**

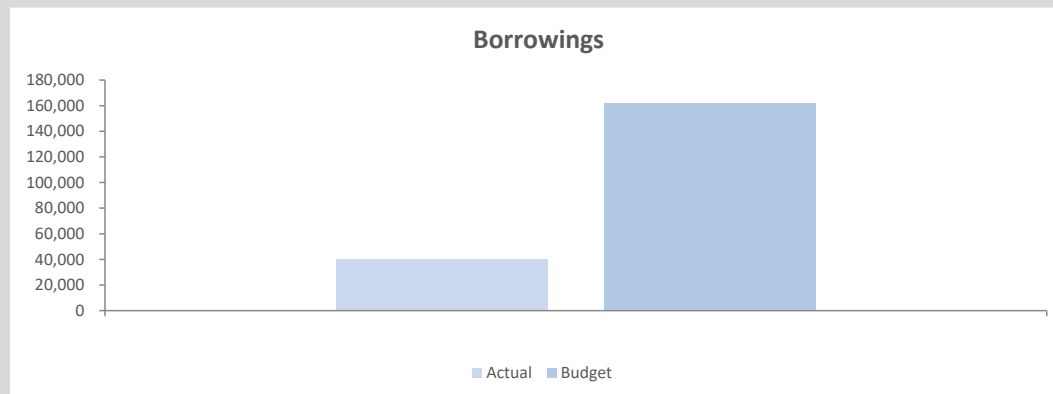
Repayments - Borrowings

Information on Borrowings Particulars	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Education and welfare									
Loan 137 - Senior Citizens Building	44,961	0	0	5,503	22,210	39,458	22,751	455	1,136
Housing									
Loan 133 - Triplex	28,647	0	0	3,506	14,151	25,141	14,496	290	724
Loan 134 - Phillip Street	21,823	0	0	2,671	10,780	19,152	11,043	221	551
Loan 136 - Moore Street	54,423	0	0	6,661	26,884	47,762	27,539	551	1,375
Loan 142 - Field Street	25,107	0	0	3,076	12,415	22,031	12,692	254	635
Recreation and culture									
Loan 138 - Pavilion Fitout	43,163	0	0	5,283	21,321	37,880	21,842	437	1,091
Transport									
Loan 139 - Roller	10,580	0	0	1,295	5,227	9,285	5,353	107	267
Loan 141 - Grader	36,738	0	0	4,496	18,148	32,242	18,590	372	928
Loan 144 - Side Tipper	25,132	0	0	3,076	12,415	22,056	12,717	254	635
Loan 145 - Drum Roller	37,338	0	0	4,570	18,444	32,768	18,894	378	943
	<u>327,912</u>	<u>0</u>	<u>0</u>	<u>40,137</u>	<u>161,995</u>	<u>287,775</u>	<u>165,917</u>	<u>3,319</u>	<u>8,286</u>
Total	327,912	0	0	40,137	161,995	287,775	165,917	3,319	8,286
Current borrowings	161,995					121,860			
Non-current borrowings	165,917					165,915			
	<u>327,912</u>					<u>287,775</u>			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.



Principal Repayments	
\$40,137	
Interest Earned	Interest Expense
\$6,136	\$3,319
Reserves Bal	Loans Due
\$.43 M	\$.29 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

FINANCING ACTIVITIES
NOTE 10
LEASES

Repayments - Lease

Information on Borrowings Particulars	Institution	1 July 2020	New Lease		Lease Principal Repayments		Lease Principal Outstanding		Lease Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Other property and services										
Photocopier	De Lage Landon	10,400	0	0	757	3,732	9,643	6,668	216	960
IT equipment	Finrent	10,318	0	0	1,478	5,599	8,840	4,719	312	1,440
Total		20,718	0	0	2,235	9,331	18,483	11,387	528	2,400
Current lease		9,331					7,095			
Non-current lease		11,387					11,387			
		20,718					18,483			

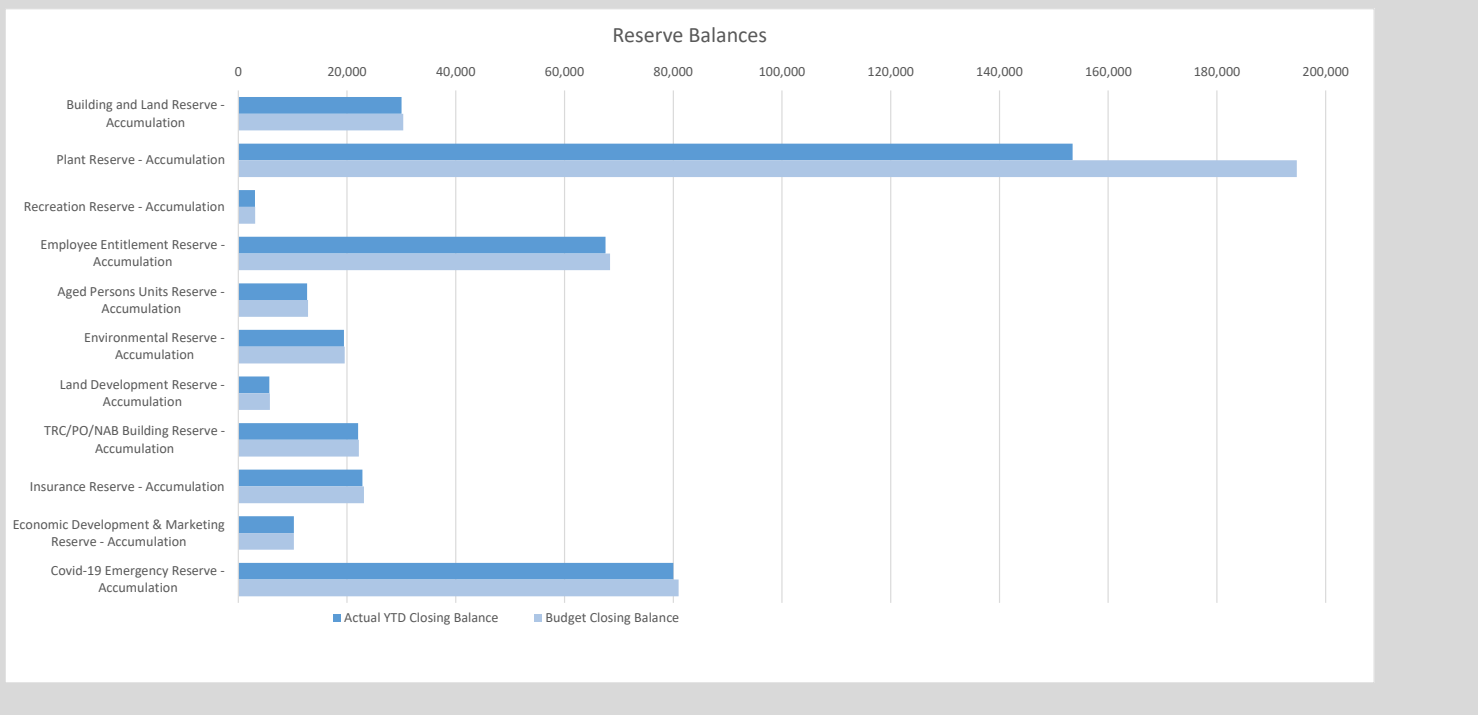
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**OPERATING ACTIVITIES
NOTE 11
CASH RESERVES**

Cash Backed Reserve

Reserve Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
Building and Land Reserve - Accumulation	\$ 30,035	\$ 286	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 30,321	\$ 30,035
Plant Reserve - Accumulation	153,439	1,425	0	39,840	0	0	0	194,704	153,439
Recreation Reserve - Accumulation	3,068	38	0	0	0	0	0	3,106	3,068
Employee Entitlement Reserve - Accumulation	67,534	844	0	0	0	0	0	68,378	67,534
Aged Persons Units Reserve - Accumulation	12,670	158	0	0	0	0	0	12,828	12,670
Environmental Reserve - Accumulation	19,444	118	0	0	0	0	0	19,562	19,444
Land Development Reserve - Accumulation	5,724	72	0	0	0	0	0	5,796	5,724
TRC/PO/NAB Building Reserve - Accumulation	22,023	150	0	0	0	0	0	22,173	22,023
Insurance Reserve - Accumulation	22,842	285	0	0	0	0	0	23,127	22,842
Economic Development & Marketing Reserve - Accumulation	10,232	2	0	0	0	0	0	10,234	10,232
Covid-19 Emergency Reserve - Accumulation	80,000	1,003	0	0	0	0	0	81,003	80,000
	427,011	4,381	0	39,840	0	0	0	471,232	427,011

KEY INFORMATION



Other Current Liabilities	Note	Opening Balance 1 July 2020	Liability Increase	Liability Reduction	Closing Balance 30 September 2020
		\$	\$	\$	\$
Contract Liabilities					
Unspent grants, contributions and reimbursements		170,866	684,243	(135,689)	719,420
Lease liability		9,331	0	(2,236)	7,095
Provisions					
Annual leave		91,767	0	0	91,767
Long service leave		44,363	0	0	44,363
Total Provisions					136,130
Total Other Current assets					862,645
Amounts shown above include GST (where applicable)					

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 13(a) and 13(b)

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 BENEFITS

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 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.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

NOTE 13(a)

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Operating Grant, Subsidies and Contributions Liability					Operating Grants, Subsidies and Contributions Revenue					
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Sep	Current Liability 30-Sep	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating Grants and Subsidies											
General purpose funding											
Grants Commission - General	0	0	0	0	0	154,000	38,500	154,000	0	154,000	37,315
Grants Commission - Roads	0	0	0	0	0	150,000	37,500	150,000	0	150,000	36,634
DCP, BBRF, LRCI	0	371,452	(107,513)	263,939	263,939	851,000	667,000	851,000	0	851,000	107,513
Law, order, public safety											
DFES - LGGS Operating Grant	0	0	0	0	0	18,200	4,550	18,200	0	18,200	59
Transport											
MRWA - Direct Grant	0	0	0	0	0	78,000	78,000	78,000	0	78,000	79,640
	0	371,452	(107,513)	263,939	263,939	1,251,200	825,550	1,251,200	0	1,251,200	261,160
Operating Contributions											
Law, order, public safety											
DFES - Administration contribution	0	0	0	0	0	4,000	0	4,000	0	4,000	0
Transport											
Street Lighting Subsidy	0	0	0	0	0	2,400	0	2,400	0	2,400	0
Other property and services											
Reimbursements - PWO	0	0	0	0	0	3,500	873	3,500	0	3,500	3,835
Fuel Tax Credit Scheme	0	0	0	0	0	45,000	11,250	45,000	0	45,000	8,942
	0	0	0	0	0	54,900	12,123	54,900	0	54,900	12,778
TOTALS	0	371,452	(107,513)	263,939	263,939	1,306,100	837,673	1,306,100	0	1,306,100	273,937

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020

NOTE 13(b)

NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Non Operating Grants, Subsidies and Contributions Liability					Non Operating Grants, Subsidies and Contributions Revenue					
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Sep	Current Liability 30-Sep	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual (b)
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non-Operating Grants and Subsidies											
General purpose funding											
Grants Commission - Special Purpose Grant	46,666	0	0	46,666	46,666	0	0	0	0	0	0
Grants Commission - Special Purpose Grant	100,000	0	0	100,000	100,000	0	0	0	0	0	0
Recreation and culture											
DLGSCI - North Midlands Trail Masterplan	24,200	0	0	24,200	24,200	0	0	0	0	0	0
Transport											
Regional Road Group	0	186,000	(15,364)	170,636	170,636	465,000	186,000	465,000	0	465,000	15,364
Roads to Recovery	0	42,041	0	42,041	42,041	2,325,490	0	2,325,490	0	2,325,490	0
Black Spot	0	80,000	(12,813)	67,188	67,188	200,000	80,000	200,000	0	200,000	12,813
	170,866	308,041	(28,176)	450,731	450,731	2,990,490	266,000	2,990,490	0	2,990,490	28,176
Non-Operating Contributions											
Recreation and culture											
Youth Precinct - Playground Equipment	0	4,750	0	4,750	4,750	0	0	0	0	0	0
	0	4,750	0	4,750	4,750	0	0	0	0	0	0
Total Non-operating grants, subsidies and contributions	170,866	312,791	(28,176)	455,481	455,481	2,990,490	266,000	2,990,490	0	2,990,490	28,176

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**NOTE 14
BONDS & DEPOSITS**

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

Description	Opening Balance 1 July 2020	Amount Received	Amount Paid	Closing Balance 30 Sep 2020
	\$	\$	\$	\$
BCITF Levy	1,339	83	0	1,422
BRB Levy	57	114	(57)	114
Autumn Committee	974	0	0	974
Community Bus	1,775	0	(415)	1,360
ANZAC Day Breakfast Donation	501	0	0	501
Building Relocation Bond	1,000	0	0	1,000
Mingenew Cemetery Group	4,314	0	0	4,314
Cool Room Bond	140	0	0	140
Other Bonds	200	205	0	405
Weary Dunlop Memorial	87	0	0	87
Joan Trust	6	0	(6)	0
Youth Advisory Council	746	0	0	746
Centenary Committee	897	0	0	897
Community Christmas Tree	432	0	0	432
NBN Rental	1,240	0	0	1,240
Railway Station Project	4,372	0	0	4,372
	18,081	402	(477)	18,005

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

**NOTE 15
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 2020-21 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %		Timing/ Permanent	Explanation of Variance
	\$	%			
Opening Funding Surplus / (Deficit)	(162,587)	(28.60%)	▼	Permanent	End of year allocations, after budget adoption, including additional receivables, reduced other payables and accounted for contract liabilities and lease liabilities
Revenue from operating activities					
Governance	3,513	105.02%	▲	Timing	Received half of the insurance rebate earlier than anticipated
General Purpose Funding - Other	(559,550)	(74.61%)	▼	Timing	Changes to valuations prior to rates billing; Timing of instalment interest received; Anticipated more interest than received; Anticipated receipt of instalments from DCP, BBRF, LRCI grant funds
Law, Order and Public Safety	(4,423)	(96.45%)	▼	Timing	Anticipated receiving ESL operating grant
Health	(39)	(100.00%)	▼	Timing	Timing of health licences
Education and Welfare	101	102.02%	▲	Timing	Timing of Autumn Centre hire
Housing	5,203	23.01%	▲	Timing	Timing of rental revenue
Transport	(30,248)	(14.68%)	▼	Timing	Received additional funds from MRWA Direct Grant; Received more DOT commission than anticipated; Received less DOT licensing than anticipated
Economic Services	3,880	68.23%	▲	Timing	Timing of commercial property lease and community bus hire
Other Property and Services	7,433	49.16%	▲	Timing	Private works completed earlier than anticipated; Reimbursed workers compensation claim; Reimbursement of Velpic online training platform earlier than anticipated; Anticipated more fuel rebate than received
Expenditure from operating activities					
Governance	12,965	12.56%	▼	Timing	Less training and development for Councillors than anticipated; Less use of consultants than anticipated; Less building maintenance on Council Chambers than anticipated; Anticipated final payment of insurance
General Purpose Funding	(2,336)	(12.24%)	▲	Timing	Timing of change in valuation expenditure
Law, Order and Public Safety	(2,122)	(12.01%)	▲	Permanent	Additional insurance costs than budgeted; Anticipated quarterly payment of contracted ranger/community emergency services; Anticipated purchase of ESL protective clothing
Health	7,626	38.08%	▼	Timing	Anticipated expense for contract EHO; Doctor visited less than anticipated
Education and Welfare	8,966	31.46%	▼	Timing	Depreciation not raised due to finalisation of the 19/20 Financial Year; Less maintenance than anticipated for daycare building
Housing	10,243	18.31%	▼	Timing	Depreciation not raised due to finalisation of the 19/20 Financial Year; Additional staff housing costs reallocated than budgeted for; Less maintenance than anticipated for residences; Anticipated minor assets to be purchased

Reporting Program	Var. \$	Var. %		Timing/ Permanent	Explanation of Variance
	\$	%			
Community Amenities	17,297	27.61%	▼	Timing	Depreciation not raised due to finalisation of the 19/20 Financial Year; Timing of processing contract services for refuse collection; Less contract town planning expense than anticipated; Less maintenance than anticipated at the cemetery and public conveniences
Recreation and Culture	93,993	37.06%	▼	Timing	Depreciation not raised due to finalisation of the 19/20 Financial Year; Anticipated Community Grants Scheme payment; Timing of employee, contracts and materials at parks, gardens and ovals and buildings
Transport	128,069	31.60%	▼	Timing	Depreciation not raised due to finalisation of the 19/20 Financial Year; Less DOT payments than anticipated; Anticipated loss on sale of asset; Less ancillary maintenance than anticipated; Additional road maintenance than anticipated
Other Property and Services	68,381	86.23%	▼	Timing	Depreciation not raised due to finalisation of the 19/20 Financial Year; In lieu on notice; Additional internal plant repairs than budgeted; Additional training for outside staff; Plant insurance paid in full; Less external parts and repairs and fuel than anticipated; Workers compensation not anticipated; Three pays for the month of September was not accounted for in the monthly allocation
Investing Activities					
Non-operating Grants, Subsidies and Contributions	(237,824)	(89.41%)	▼	Timing	Regulation changes, revenue will be allocated once projects are completed
Proceeds from Disposal of Assets	(4,909)	(49.09%)	▼	Timing	Anticipated disposal of asset Timing of capital projects including roadworks, building and astrotourism
Capital Acquisitions	384,337	65.12%	▼	Timing	
Financing Activities					
Transfer to Reserves	1,095	(100.00%)	▼	Timing	Anticipated interest received on reserves

Shire of Mingenew - List of Payments - September 2020

Chq/EFT	Date	Name	Description	Amount	Totals
NAB0920	01/09/2020	NAB	NAB Merchant Fee September 2020	-\$1,168.31	
PRINT0920	07/09/2020	DE LAGE LANDEN	Photocopier Lease September 2020	-\$356.80	
SEP1300	15/09/2020	BUSINESS 1300	Live Answering Services September 2020	-\$99.00	
IT0920	28/09/2020	FINRENT PTY LTD	IT Equipment Lease - September 2020	-\$656.57	
NAB0280920	28/09/2020	NAB	NAB Connect Fee September 2020	-\$39.24	
FEE0920	30/09/2020	NAB	NAB BANK FEE - September 2020	-\$36.30	
FEES0920	30/09/2020	NAB	NAB Bank Fee - September 2020	-\$50.00	
BPAY0920	30/09/2020	NAB	NAB BPay Fee - September 2020	-\$70.09	-\$2,476.31
DD9418.1	08/09/2020	SYNERGY	Various Electricity charges for the period 25/6/20 to 24/8/20	-\$7,792.53	
DD9421.1	09/09/2020	Australian Taxation Office	BAS August 2020	-\$8,443.00	
DD9428.1	13/09/2020	WA Super	Payroll deductions	-\$2,492.47	
DD9428.2	13/09/2020	Australian Super	Superannuation contributions	-\$1,154.51	
DD9428.3	13/09/2020	Sun Super	Superannuation contributions	-\$961.44	
DD9428.4	13/09/2020	loof Portfolio Service Superannuation Fund	Superannuation contributions	-\$370.93	
DD9428.5	13/09/2020	ANZ Smart Choice Super	Superannuation contributions	-\$75.71	
DD9428.6	13/09/2020	Host Plus Superannuation Fund	Superannuation contributions	-\$209.16	
DD9428.7	13/09/2020	Prime Super	Superannuation contributions	-\$274.04	
DD9431	22/09/2020	SYNERGY	Various electricity charges for the period 18/6/20 - 8/9/20	-\$1,077.20	
DD9434.1	21/09/2020	BP Australia Pty Ltd	Fuel August 2020	-\$395.03	
DD9437.1	24/09/2020	WATER CORPORATION	Service charges 1/3/20 to 30/4/20 - 5 and 7 Broad Street	-\$89.36	
DD9442.1	27/09/2020	WA Super	Payroll deductions	-\$2,519.13	
DD9442.2	27/09/2020	Australian Super	Superannuation contributions	-\$1,154.51	
DD9442.3	27/09/2020	Sun Super	Superannuation contributions	-\$961.44	
DD9442.4	27/09/2020	loof Portfolio Service Superannuation Fund	Superannuation contributions	-\$368.22	
DD9442.5	27/09/2020	ANZ Smart Choice Super	Superannuation contributions	-\$61.10	
DD9442.6	27/09/2020	Host Plus Superannuation Fund	Superannuation contributions	-\$175.70	
DD9442.7	27/09/2020	Prime Super	Superannuation contributions	-\$274.04	
DD9444.1	29/09/2020	Western Australian Treasury Corporation	Loan Repayment - September 2020	-\$42,103.55	
DD9448.1	30/09/2020	NAB BUSINESS VISA	Credit Card Charges - September 2020, Transfer of registration plates prior to disposal, Dropbox Licence x 4 (09.09.2020 - 09.09.2121), Fuel, Zoom - Monthly Subscription, Panaceum: Pre-employment Medical, Refreshments, Crown Promenade: Accommodation - Cr Cosgrove, WALGA Meeting - Cr Cosgrove, Survey Monkey - Monthly Subscription	-\$2,033.71	-\$72,986.78
DOT280820	01/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 28/08/2020	-\$1,655.05	
DOT310820	02/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 31/08/2020	-\$781.05	

Chq/EFT	Date	Name	Description	Amount	Totals
DOT010920	03/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 01/09/2020	-\$67.40	
DOT020920	04/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 02/09/2020	-\$1,729.90	
DOT030920	07/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 03/09/2020	-\$1,756.25	
DOT040920	08/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 04/09/2020	-\$1,037.25	
DOT070920	09/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 07/09/2020	-\$3,315.90	
DOT080920	10/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 08/09/2020	-\$925.85	
DOT090920	11/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 09/09/2020	-\$1,681.85	
DOT100920	14/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 10/09/2020	-\$1,650.20	
DOT110920	15/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 11/09/2020	-\$1,171.75	
DOT140920	16/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 14/09/2020	-\$55.60	
DOT150920	17/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 15/09/2020	-\$56.35	
DOT160920	18/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 16/09/2020	-\$292.00	
DOT170920	21/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 17/09/2020	-\$1,532.35	
DOT180920	22/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 18/09/2020	-\$18.40	
DOT210920	23/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 21/09/2020	-\$480.75	
DOT220920	24/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 22/09/2020	-\$79.25	
DOT230920	25/09/2020	DEPARTMENT OF TRANSPORT	DOT Licencing Transactions: 23/09/2020	-\$8,033.30	
DOT240920	29/09/2020	DEPARTMENT OF TRANSPORT	DOT Licensing Transactions: 24/09/2020	-\$1,021.35	
DOT250920	30/09/2020	DEPARTMENT OF TRANSPORT	DOT Licencing Transactions: 25/09/2020	-\$2,190.95	-\$29,532.75
EFT13810	10/09/2020	Five Star Business & Communications	Kyocera 7052CI: Billing Period for May 2020	-\$76.19	
EFT13811	10/09/2020	AUSTRALIA POST	Postage Fees: August 2020	-\$118.92	
EFT13812	10/09/2020	ABCO PRODUCTS	Various Items Purchased: Puregiene Sovereign and Superior Towel	-\$435.73	
EFT13813	10/09/2020	Afgrri Equipment	Blade for mower	-\$370.61	
EFT13814	10/09/2020	AIT SPECIALISTS PTY LTD	Fuel tax credit calculation	-\$318.01	
EFT13815	10/09/2020	BOC GASES	Depot Maintenance - Oxygen, Dissolved Acetylene, Argoshiel Universal and Cellamix	-\$48.54	
EFT13816	10/09/2020	BREEZE CONNECT PTY LTD	Subscription Charges for 01/08/2020 to 31/08/2020: Trunk ID: 12347 and Trunk ID: 18850	-\$243.75	
EFT13817	10/09/2020	Toll Transport Pty Ltd	Freight Charges from JR A Heisey (Dwellingup)	-\$10.73	
EFT13818	10/09/2020	CLEANAWAY	Waste Collection for Domestic Refuse for Town Site and External Town Site: 31/08/2020	-\$4,242.17	
EFT13819	10/09/2020	CHILD SUPPORT AGENCY	Payroll deductions	-\$262.01	
EFT13820	10/09/2020	Central Fumigation & Pest Management Services	Termite Treatment at Council Properties: Mingenew Depot	-\$418.00	
EFT13821	10/09/2020	CRAIGES AUTO ELECTRICAL & AIR CONDITIONING	Aircon service for MI027	-\$550.88	
EFT13822	10/09/2020	LANDGATE	Consultancy Services	-\$5,469.40	
EFT13823	10/09/2020	DONGARA DRILLING & ELECTRICAL	Light installation at workshop plus parts required	-\$617.30	
EFT13824	10/09/2020	DONGARA FENCING	Colourbond fence	-\$3,121.00	

Chq/EFT	Date	Name	Description	Amount	Totals
EFT13825	10/09/2020	GERALDTON MOWER & REPAIR SPECIALIST	Supply of Super Sharp 12V Sharpener for Chainsaw	-\$97.00	
EFT13826	10/09/2020	GERALDTON AG SERVICES	Purchase of Slasher Blades and Kit B6000	-\$75.59	
EFT13827	10/09/2020	GREENFIELD TECHNICAL SERVICES	Grant app - Commodity Freight Route Funding for Coalseam Rd	-\$2,750.00	
EFT13828	10/09/2020	GERALDTON AIR COMPRESSORS	Onsite Inspection for 2 x Air Compressors	-\$806.85	
EFT13829	10/09/2020	GARRARDS PTY LTD	Drift granules 20L	-\$344.77	
EFT13830	10/09/2020	IRWIN PLUMBING SERVICES	Supply Materials and Labour to APU's to complete the full installation of new 15m leech drain	-\$16,472.50	
EFT13831	10/09/2020	INFINITUM TECHNOLOGIES	Service Monthly Maintenance: September 2020 - Service Agreement, Offsite Backup, Citrix Virtual Apps License, Disk-Cached, Disk-Pure, Instance High Memory/Standard, Microsoft Windows Server License, Public Internet Data Transit, Public IP Addresses, Veeam License, Office 365 Business Essentials, Office 365 Enterprise and Azure PBX Hosting	-\$5,966.98	
EFT13832	10/09/2020	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	Bronze membership - 2020/21	-\$735.00	
EFT13833	10/09/2020	LATERAL ASPECT	Service Fee: August 2020 and Facebook/Display Ads	-\$7,652.02	
EFT13834	10/09/2020	LGRCEU	Payroll deductions	-\$20.50	
EFT13835	10/09/2020	SHIRE OF MINGENEW	Payroll deductions	-\$100.00	
EFT13836	10/09/2020	ML COMMUNICATIONS	Works conducted to Communications Tower Upgrade	-\$10,342.20	
EFT13837	10/09/2020	MINGENEW PAINTING GROUP	Donation to Mingenew Painting Group	-\$100.00	
EFT13838	10/09/2020	MIDWEST MOWERS & SMALL ENGINES	Purchase of Blade and Chain for Husqvarna Polesaw	-\$198.00	
EFT13839	10/09/2020	MINGENEW SPRING CARAVAN PARK	Dentist accommodation	-\$943.00	
EFT13840	10/09/2020	MARKETFORCE	Backhoe tender advert	-\$329.37	
EFT13841	10/09/2020	MINGENEW IGA X-PRESS & LIQUOR	Supplies for August 2020	-\$325.58	
EFT13842	10/09/2020	Mid West Lawyers	Professional Fees, Office Costs and Disbursements: Purchase of Lot 85 Victoria Road, Mingenew	-\$2,513.60	
EFT13843	10/09/2020	Officeworks	Various Stationery Items: Foldback Clips, Lever Arch Files, Dividers, Document Tray and Delivery Fee	-\$48.67	
EFT13844	10/09/2020	OILTECH FUEL	Fuel Purchase from Palm Roadhouse: 26/08/2020 to 08/09/2020	-\$2,673.95	
EFT13845	10/09/2020	Telstra Corporation	SMS service	-\$35.84	
EFT13846	10/09/2020	UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (WA)	Settlement Fee for Sale of Lot 85 Victoria Road, Mingenew	-\$697.20	
EFT13847	10/09/2020	VELPIC	Monthly Velpic Fees for August 2020 - Midwest Local Government Contractor Induction Part A/Employee Induction Part A	-\$459.80	
EFT13848	24/09/2020	Five Star Business & Communications	Kyocera 7052CI: Billing Period for September 2020	-\$464.06	
EFT13849	24/09/2020	CR Justin Bagley	Councillor Sitting Fees: Councillor Sitting Allowance September 2020	-\$941.00	
EFT13850	24/09/2020	A-SPACE AUSTRALIA PTY LTD	Supply and Deliver Playground Equipment at Cecil Newton Park	-\$36,930.96	

Chq/EFT	Date	Name	Description	Amount	Totals
EFT13851	24/09/2020	BUNNINGS Group Limited	Various Items Purchased: Wire Clothesline	-\$20.90	
EFT13852	24/09/2020	Behind the Meter Energy	Solar Power System - Mingenew Recreation Centre	-\$35,343.76	
EFT13853	24/09/2020	Gary John Cosgrove	Councillor Sitting Fees: President's Sitting Allowance and Councillor Sitting Allowance September 2020	-\$3,433.00	
EFT13854	24/09/2020	CHILD SUPPORT AGENCY	Payroll deductions	-\$270.40	
EFT13855	24/09/2020	CENTRAL REGIONAL TAFE	Course Fees: Auschem Basic Course	-\$1,026.66	
EFT13856	24/09/2020	CRAIGES AUTO ELECTRICAL & AIR CONDITIONING	Replace parts and repair airconditioner for 2011 Caterpillar CT610A On-Highway Truck - MIO28	-\$1,430.53	
EFT13857	24/09/2020	DELTA CLEANING SERVICES GERALDTON	Cleaning of Shire Office Building for the month of September 2020	-\$1,230.90	
EFT13858	24/09/2020	DONGARA DRILLING & ELECTRICAL	Chemical Cleaning of the Bores located at Mingenew Recreation Centre	-\$5,924.98	
EFT13859	24/09/2020	Department of Mines, Industry Regulation & Safety	BSL August 2020 - 13 Bride Street, Mingenew	-\$56.65	
EFT13860	24/09/2020	ELDERS LIMITED	Purchase of Rapidset Cement and Metsulfuron	-\$61.60	
EFT13861	24/09/2020	CAROL FARR	Councillor Sitting Fees: Councillor Sitting Allowance September 2020	-\$941.00	
EFT13862	24/09/2020	GREENFIELD TECHNICAL SERVICES	Engineering Consultancy and Professional Services to Draft and Design Upgrade of the Yandanooka NE Road and Mingenew Morawa Road Intersection	-\$9,374.75	
EFT13863	24/09/2020	IT Vision	SynergySoft Mapping/GIS Additional User	-\$821.70	
EFT13864	24/09/2020	IRWIN PLUMBING SERVICES	Supply Materials and Labour to 54 Midlands Road (Lot 71) - MIG Office to replace pump	-\$5,106.20	
EFT13865	24/09/2020	INFINITUM TECHNOLOGIES	Purchase of Epson Workforce Pro WF-C5790 Printer for Depot	-\$647.19	
EFT13866	24/09/2020	LENANE HOLDINGS	Gravel Pushing at Carey Road - 6000 Cubic Metres	-\$16,500.00	
EFT13867	24/09/2020	LGRCEU	Payroll deductions	-\$20.50	
EFT13868	24/09/2020	SHIRE OF MINGENEW	Payroll deductions	-\$100.00	
EFT13869	24/09/2020	MIDWEST AERO MEDICAL AIR AMBULANCE P/L	Pre-employment Medical	-\$196.50	
EFT13870	24/09/2020	GERALDTON TOYOTA	50,000 Km Service for Toyota Hilux Dualcab SR	-\$384.08	
EFT13871	24/09/2020	Mach 1 Auto One	Purchase of Various Parts for 40A Auto Reset on Bomag BW24R Roller	-\$139.60	
EFT13872	24/09/2020	HELLENE MCTAGGART	Councillor Sitting Fees: Councillor Sitting Allowance September 2020	-\$941.00	
EFT13873	24/09/2020	CR Robert William Newton	Councillor Sitting Fees: Deputy President Sitting Allowance and Councillor Sitting Allowance September 2020	-\$1,400.00	
EFT13874	24/09/2020	CR HELEN NEWTON	Councillor Sitting Fees: Councillor Sitting Allowance September 2020	-\$941.00	
EFT13875	24/09/2020	OILTECH FUEL	Fuel Purchase from Palm Roadhouse: 09/09/2020 to 22/09/2020	-\$3,884.30	
EFT13876	24/09/2020	RED SPARK COMMUNICATIONS	Facebook Training and Coaching	-\$800.00	

Chq/EFT	Date	Name	Description	Amount	Totals
EFT13877	24/09/2020	Anthony Smyth	Councillor Sitting Fees: Councillor Sitting Allowance September 2020	-\$941.00	
EFT13878	24/09/2020	Stargazers Club WA	Astrotourism Towns Membership and Astrotourism Town Community Event	-\$5,500.00	
EFT13879	24/09/2020	Telstra Corporation	Telstra Account for August 2020: Office Telstra Account, Councillors Ipads, Fire Officer Mobile and Gardening Mobile	-\$1,150.16	
EFT13880	24/09/2020	Walga	CEO Attendance at WALGA - AGM Breakfast	-\$90.00	
EFT13881	24/09/2020	WESTRAC PTY LTD	Purchase of Grader Blades for 2008 Caterpillar 12M Motor Grader (MI 541)	-\$174.03	
EFT13882	24/09/2020	MINGENEW FABRICATORS	Supply of Hydraulic Hose and Bolts for JCB CX3 Contractor APC Backhoe Loader inc Bucket Forks (MI 262)	-\$111.63	
EFT13883	24/09/2020	WORK HEALTH PROFESSIONALS PTY LTD	Onsite Hearing, Drug and Alcohol Testing for Outdoor and Administration Staff	-\$1,028.50	-\$208,320.20
			Net Salaries	-\$101,234.81	-\$101,234.81
				-\$414,550.85	-\$414,550.85