



ORDINARY MINUTES (UNCONFIRMED)

DATE: Wednesday 20 November 2024

TIME: 5.30pm

VENUE: Council Chambers
Nyabing Administration Office
24-26 Richmond Street
NYABING WA 6341

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Christie Smith

CHIEF EXECUTIVE OFFICER

MINUTES
20 November 2024

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 5:33pm.

2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE**ATTENDANCE****Elected Members:**

Cr K Johnston	Shire President
Cr D Gray	Deputy Shire President
Cr S Crosby	Member
Cr D Harris	Member
Cr G Hobley	Member
Cr S Reid	Member

Staff:

C Smith	Chief Executive Officer
G Mathewson	Manager Infrastructure

APOLOGIES

Nil

APPROVED LEAVE OF ABSENCE

Nil

ABSENT

Nil

3. DISCLOSURES OF INTEREST

Section 5.65 and 5.70 of the *Local Government Act 1995*

Elected Member or officer, who has an interest in any matter for discussion and attends at a Committee/Council Meeting, must disclose the nature of the interest in a written notice give to the Chief Executive Officer before the meeting, or at the meeting prior to discussion on the matter.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision-making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of that interest must be stated.

- Declaration of Financial Interests:
- Declarations of Proximity Interests:
- Declarations of Impartiality Interests:

4. PUBLIC QUESTION TIME**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 *Local Government Act 1995*

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 ORDINARY MEETING OF COUNCIL HELD 16 OCTOBER 2024

OCM 2425/049 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

MOVED Cr D Gray/ Cr S Crosby

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Nyabing Council Chambers, on Wednesday 16 October 2024 be CONFIRMED.

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hopley, Cr S Reid, Cr D Harris

Against:

Nil

6.2 OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2024

The outstanding Council Resolutions Register for November 2024 is provided as attachment 6.2 for your information.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1 MONTHLY FINANCIAL REPORTS TO 31 OCTOBER 2024

PROPOSED MEETING DATE:	20 November 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan – Finance Coordinator
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.221
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 31 October
DISCLOSURE OF INTEREST:	2024 Nil

PURPOSE

In accordance with the *Local Government (Financial Management) Regulations 1996*, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

COMMENT

The Monthly Financial Report as presented indicate that Council continues to be in a sound financial position.

Overview

The October report tabled reflects the financial position of the Shire with 33% of the year gone. Noted in the Statement of Financial Activity is a current surplus of \$4,402,852 as of the end of October 2024. At this point of the year, operating revenue sits below the year-to-date (YTD) budget estimate by 2.15 %, and accounts for 74.4 % of the adopted full-year budget estimate. Operating expenditure sits below the YTD budget estimate by 33.3 %, and accounts for 20.3% of the adopted full-year budget estimate.

Term Deposits

In July 2024, \$2m of Municipal funds were shared equally over two term deposits, with investment periods of three and six months respectively. Maturity of the three-month term deposit arose this month, with the principal and interest component being reinvested for a further three months.

Financial Management Review

The Shire has commenced preparation for the 2025 Financial Management Review (FMR) undertaken every three years. This process will include a review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Kent, and will include a review of the Shire’s legislative compliance, internal control and risk management systems and procedures.

Staff are currently assessing the proposals that have been put forward, and hope to inform Council of the successful company at the next meeting. Once a company is appointed, the FMR is expected to commence within a month.

Capital Works

Construction of the two 3x2 residences at 23 Aspendale Street continue to progress well and are currently at 92% of the full-year budgeted expenditure. The administration server and communications upgrade has concluded and while the road asset works and capital housing upgrades progress steadily, sealing works and pavement stabilisation occurring around March next year will see this budget on track.

Purchase of plant and equipment is reported to be behind budget in October, however it should be noted that expenditure of \$400k for the purchase of two work utes, mower and loader, is due to come out of municipal funds in November, bringing this budget area back in line.

Several projects that were expected to commence by October are yet to begin, including the townscape projects and upgrades to the administration building, Nyabing Pavilion and Pingrup Caravan Park.

Note 3 of the Financial Report provides a full listing and explanation of all items considered of significant variance.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM 2425/050 COUNCIL RECOMMENDATION (OFFICER RECOMMENDATION)

MOVED Cr S Reid/ Cr D Harris

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 October 2024**

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

9.2 SCHEDULE OF ACCOUNTS PAID 31 OCTOBER 2024

PROPOSED MEETING DATE:	20 November 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jenni Dolan – Finance Coordinator
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	FIN.226
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 2 – List of credit card and fuel payments
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that only the following information is to be reported to Council and form part of the public minutes:

- a) the payee’s name;
- b) the amount of the payment;
- c) the date of the payment; and
- d) sufficient information that identifies the payment.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4;

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11, 12 and 13.

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council’s accounting concepts and reporting guidelines. To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council’s financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM 2425/051 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

MOVED Cr D Gray/ Cr G Hobley

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 October 2024.

Municipal Fund (EFT)	\$ 501,967.08
Municipal Fund (CHQ)	\$ 1,540.00
Trust Fund	\$ 0.00
<u>Direct Debits</u>	<u>\$ 24,864.52</u>
TOTAL	\$ 528,371.60

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

9.3 COUNCIL MEETING DATES 2025

PROPOSED MEETING DATE:	20 November 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Jess Dolan – Admin/Finance Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.358
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider and adopt Council Meeting dates and times for the year 2025.

BACKGROUND

In accordance with the Regulation 12 of the *Local Government (Administration) Regulation 1996*, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

The dates and times of council meetings in 2024 were as follows:

2024 Council Meetings
Wednesday 21 February 2024 – 4:30pm – Nyabing
Wednesday 20 March 2024 – 9:30am – Pingrup
Wednesday 17 April 2024 – 9:30am – Nyabing
Wednesday 15 May 2024 – 4:30pm – Nyabing
Wednesday 19 June 2024 – 4:30pm – Nyabing
Wednesday 24 July 2024 – 5:30pm – Nyabing
Wednesday 21 August 2024 – 10.30am - Nyabing
Wednesday 18 September 2024 – 10.30am – Nyabing
Wednesday 16 October 2024 – 5.30pm – Nyabing
Wednesday 20 November 2024 – 5.30pm – Nyabing
Wednesday 18 December 2024 – 5.30pm - Nyabing

COMMENT

Council meetings have historically been held on the third Wednesday of each month in Council Chambers, 24-26 Richmond Street Nyabing. There is no Council meeting held during the month of January.

In 2024, Council decided to alternate the times of each meeting to accommodate the preferences of all elected members. It is recommended that council consider the times that they wish to commence each meeting in 2025.

The proposed dates for the 2025 meetings are as follows:

- Wednesday 19 February 2025 – Nyabing
- Wednesday 19 March 2025 – Pingrup
- Wednesday 16 April 2025 – Nyabing
- Wednesday 21 May 2025 – Nyabing
- Wednesday 18 June 2025 – Nyabing
- Wednesday 16 July 2025 – Nyabing
- Wednesday 20 August 2025 – Nyabing
- Wednesday 17 September 2025 – Nyabing
- Wednesday 15 October 2025 – Nyabing
- Wednesday 19 November 2025 – Nyabing
- Wednesday 17 December 2025 – Nyabing

STATUTORY IMPLICATIONS

Local Government Act 1995 - Section 5.25(1)(g). Regulations about council and committee meetings.

Local Government (Administration) Regulations 1996 - Section 12. Meetings

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minimal costs will be incurred for advertising meeting dates and these are allocated within the Budget. Catering costs for all meetings are also allocated in the Budget, as are Councillor and President sitting, communication and travel allowances.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That:

1) **Ordinary Meetings of Council be scheduled for the third Wednesday of each month in 2025 with the following exception:**

i) **No scheduled meeting to be held in January 2025.**

2) **The following dates and locations be approved for the 2025 year for Council Meetings:**

- **Wednesday 19 February 2025 –**
- **Wednesday 19 March 2025 – Nyabing**
- **Wednesday 16 April 2025 – Nyabing**
- **Wednesday 21 May 2025 – Nyabing**
- **Wednesday 18 June 2025 – Nyabing**
- **Wednesday 16 July 2025 – Nyabing**
- **Wednesday 20 August 2025 – Nyabing**
- **Wednesday 17 September 2025 – Nyabing**

- Wednesday 15 October 2025 – Nyabing
- Wednesday 19 November 2025 – Nyabing
- Wednesday 17 December 2025 – Nyabing

- 3) Council advise the commencement time of each meeting on the above specified dates.
- 4) All meeting dates and times to be advertised pursuant to Regulation 12 of *Local Government (Administration) Regulations 1996*.

OCM 2425/052 COUNCIL RESOLUTION
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MOVED Cr S Reid/ Cr G Hobley

That:

- 3) Ordinary Meetings of Council be scheduled for the third Wednesday of each month in 2025 with the following exception:

- i) No scheduled meeting to be held in January 2025.

- 4) The following dates and locations be approved for the 2025 year for Council Meetings:

- Wednesday 19 February 2025 – Pingrup
- Wednesday 19 March 2025 – Nyabing
- Wednesday 16 April 2025 – Nyabing
- Wednesday 21 May 2025 – Nyabing
- Wednesday 18 June 2025 – Nyabing
- Wednesday 23 July 2025 – Nyabing (*4TH Wednesday due to budget*)
- Wednesday 20 August 2025 – Nyabing
- Wednesday 17 September 2025 – Nyabing
- Wednesday 15 October 2025 – Nyabing
- Wednesday 19 November 2025 – Nyabing
- Wednesday 17 December 2025 – Nyabing

- 5) Council advise the commencement time of each meeting on the above specified dates.

TIMES for every Ordinary Meeting of Council in 2025 with the exception of March:

- Briefing Session 5:00pm
- Council Meeting 6:00pm

TIMES for the Ordinary Meeting of Council to be held 19 March 2025:

- Briefing Session 9.30am
- Council Meeting 10.30am

- 6) All meeting dates and times to be advertised pursuant to Regulation 12 of *Local Government (Administration) Regulations 1996*.

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

**Against:
Nil**

9.4 ADOPTION OF POLICY 3.2.6 ANNUAL CLOSURE DURING CHRISTMAS PERIOD

PROPOSED MEETING DATE:	20 November 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.344
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Draft Policy 3.2.6
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To present a new policy for the annual closure of council services during the Christmas period, ensuring clarity and consistency in operations and community communication.

BACKGROUND

Traditionally, the council has observed a closure during the Christmas period; however, this has not been formalised into a policy. The absence of a clear policy may lead to confusion among staff and the community regarding service availability during this time.

Establishing a formal policy will help mitigate misunderstandings and improve planning for both staff and community members.

COMMENT

The proposed policy outlines the specific dates for closure, the services affected, and guidelines for emergency contact protocols during this period.

STATUTORY IMPLICATIONS

This policy aligns with the *Local Government Act 1995*, which allows councils to determine operational hours and service availability. There are no statutory barriers to implementing this policy.

POLICY IMPLICATIONS

Adopting this policy will require the revision of existing operational guidelines to reflect the new closure dates and protocols. It will serve as a framework for future closures and will ensure that all relevant departments are aligned in their approach.

FINANCIAL IMPLICATIONS

The financial impact of the proposed closure is expected to be minimal, as it primarily involves a standard holiday closure.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033
 Civic Leadership Strategic Priorities – Proactive and well governed Shire

This policy supports the council’s strategic goals of enhancing community engagement and operational transparency. By providing clear information regarding service availability, the council can foster stronger relationships with the community and ensure better service delivery.

RISK IMPLICATIONS

The primary risk associated with this policy is the potential for community dissatisfaction if the closure dates are not communicated effectively. To mitigate this, advertising a minimum of three weeks prior to commencement of the closure period will take place to inform residents well in advance of the closure.

VOTING REQUIREMENT

Simple Majority

OCM 2425/053 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

MOVED Cr D Gray/ Cr D Harris

It is recommended that the Council adopt the new policy 3.2.6 Annual Closure During Christmas Period, as presented.

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hoble, Cr S Reid, Cr D Harris

Against:

Nil

9.5 RESOLUTION OF BUSH FIRE ADVISORY COMMITTEE ENDORSEMENTS

PROPOSED MEETING DATE:	20 November 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Ryan Sutherland – Community Emergency Services Manager
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	SAFE.140
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Minutes BFAC Meeting 14 Oct 24
DISCLOSURE OF INTEREST:	Nil

PURPOSE

That Council receive endorsements made by the Shire of Kent Bush Fire Advisory Committee (BFAC) for Council’s consideration and, at their discretion, resolution.

BACKGROUND

As per minutes of the Bush Fire Advisory Committee meeting held on Monday, 14th October 2024, this agenda item is provided to Council to review BFAC endorsements as outlined at “Officer Recommendation”.

COMMENT

Nil.

STATUTORY IMPLICATIONS

Bush Fires Act 1954 (WA)
Work Health and Safety Act 2020 (WA)
Work Health and Safety Regulations 2022 (WA)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costs associated with providing training and equipment to Shire of Kent Bush Fire Brigades.

STRATEGIC IMPLICATIONS

Collaboration with the Emergency Management functions of the Shire of Dumbleyung and Shire of Lake Grace.

RISK IMPLICATIONS

Regulatory non-compliance, volunteer work health and safety, and degradation of operational capability.

VOTING REQUIREMENT

Simple Majority

OCM 2425/054 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

MOVED Cr S Crosby/ Cr G Hobley

That Council motion to:

- 1) resolve that the future Shire Fire Hazard Reduction Notice to require that fire suppression equipment must meet conditions outlined for listed agricultural activities:
 - a. When one harvesting unit is operating, an operational mobile firefighting unit with no less than 600 litres of water (recommended 1200 litres) is required within a two-kilometre radius of the harvesting operation,**
 - b. When two or more harvesting units are operating, one or multiple operational mobile firefighting units with no less than 3,000 litres of water combined are required within a two-kilometre radius of the harvesting operation,**
 - c. Minimum 6 metres of hose (recommended 30 metres) with a controlled nozzle,**
 - d. Self-propelled fire units are preferred with trailer units being accepted only if connected to a tow vehicle at all times.****
- 2) resolve a review the Shire of Kent Bush Fire Service Training Program (2022) in March 2025 at the proceeding meeting of the committee.**
- 3) resolve that the Shire of Kent review the Bush Fire Brigade Operating and provide a copy to all volunteer firefighters to outline roles and responsibilities.**
- 4) resolve that the Shire of Kent, as an interim action, promote the training of Rural Fire Awareness (Online) for any member who does not have training.**
- 5) resolve that the Shire of Kent establish a 24-month training schedule in coordination with the Shires of Dumbleyung and Lake Grace for the provision of Bushfire Safety Awareness and Firefighting Skills training.**
- 6) resolve that the Shire of Kent Establish a volunteer bush firefighter induction package be created which outlines roles and responsibilities, including regarding training, for all joining volunteer firefighters to read and return a signed copy to the Shire when submitting their membership application.**
- 7) resolve that, at the discretion of the CBFCO, when 50% of the Shire of Kent no longer indicates a Fire Behaviour Index of, or in excess of 40 (and a total fire ban is not in effect) a HVMB may be lifted.**

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

9.6 APPOINTMENT OF AUDIT COMMITTEE EXTERNAL MEMBER

PROPOSED MEETING DATE:	20 November 2024
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.109
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to appoint an external member to the Audit Committee for a one (1) year period expiring October 2025.

BACKGROUND

At the Ordinary Meeting of Council held 15 November 2023, the following elected member representatives were appointed to the Audit Committee:

- Cr D Gray
- Cr K Johnston
- Cr G Hobley

In December 2023, Mrs Jenni Dolan was appointed as the external member of the Audit Committee for a two (2) year period ending October 2025.

COMMENT

The Audit Committee Terms of Reference adopted in September 2022, state that the CEO and employees are not members of the committee. As Mrs Jenni Dolan is now a staff member she is not eligible to continue as the external representative on the committee.

In accordance with the Audit Committee Terms of Reference, appointment of external persons shall be made by Council by way of a public advertisement. Advertising for an external member of the Audit Committee commenced on 14 October 2024 with submissions due by 31 October 2024.

Mrs Rachel Kirby has expressed interest in filling the external member role. Mrs Kirby has the following relevant knowledge and experience:

- Owner/operator of a broadacre cropping business, where I am responsible for all aspects of financial management
- Director of company trustee of self-managed super fund, engaging in both financial management of the fund and also the annual audit process
- Councillor at Shire of Mount Marshall 2015-2019, including serving as Shire President for 2 years, being a member of the audit committee and sitting on various regional and zone committees
- Various community roles, including experience in all executive positions across various organisations - Beacon Netball Club, Beacon Progress Association, Beacon Co-operative board (community owned grocery store and post office), Beacon Community Resource Centre, Nyabing School Council

The one year period will align with the October 2025 elections.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Audit) Regulations 1996 Regulation 17

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 - 2033

Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

If no external committee member is appointed there is a risk of being non-compliant with statutory requirements.

VOTING REQUIREMENT

Absolute Majority

OCM 2425/055 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

MOVED Cr G Hobley/ Cr S Crosby

That Council appoint Mrs Rachel Kirby as an external member to the Audit Committee for a period of one (1) year expiring in October 2025.

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

9.7 REVIEW OF DELEGATIONS REGISTER

PROPOSED MEETING DATE:	20 November 2024
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Chief Executive Officer
REPORTING OFFICER:	Christie Smith – Chief Executive Officer
FILE NO:	GOV.4
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – Delegations Register Review 2024 (marked up version) Attachment 2 – Delegations Register Review 2024 (clean version)
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To comply with the provisions of the *Local Government Act 1995*, Council is required to review the Delegations Register.

BACKGROUND

Council last reviewed delegations in October 2023, the requirement review at least once every financial year is due.

The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire’s Community Strategic Plan directions.

In particular it assists Council to achieve the Shire of Kent’s Mission and Objectives, including its obligations at law to carry out the statutory responsibilities of Local Government.

COMMENT

Minor changes include the change in title from Manager Corporate to Deputy Chief Executive Officer. Other changes are detailed below:

ADDITIONS
1.1.6 Enforcement of Legal Proceedings
1.1.7 Administer the Shire’s Local Laws
1.1.8 Minor Amendments to Delegation Register and Policies
1.1.9 Approval of Collection of Native Seed from Council Reserves and Road Reserves
7.1.1 Proceedings under Cat Act 2011
8.1.1 Proceedings under Dog Act 1974
12.5.1 Liquor Licensing Administration – Consumption of Alcohol
12.5.2 Liquor Licensing Administration – Section 39 & 40 Certificates

DELETIONS
7.1.1 Cat Registrations (<i>new overarching delegation</i>)
7.1.2 Approval to Breed Cats (<i>new overarching delegation</i>)
7.1.3 Appoint Authorised Persons (<i>new overarching delegation</i>)
7.1.4 Cat Control Notices (<i>new overarching delegation</i>)
7.1.5 Applications to Keep Additional Cats (<i>new overarching delegation</i>)
8.1.1 Appoint Authorised Persons (<i>new overarching delegation</i>)
8.1.2 Refuse or Cancel Registration (<i>new overarching delegation</i>)

For Councillors information the following definitions are provided to explain the variance between the Sections within the Delegations Register.

Delegation from the Council to the CEO – Are instances where the Council delegates the role of undertaking certain roles and responsibilities to the CEO or the CBFCO.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for example the Dog Act 1997 or the Bush Fires Act 1954.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the *Bush Fires Act 1954* (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the *Local Government Act 1995* where a delegated authority exists.

STATUTORY IMPLICATIONS

Local Government Act 1995:

Sections 5.41 Functions of the CEO;

5.4.2 Delegation of some powers and duties to the CEO;

5.43 Limits on delegations to CEO's;

5.44 CEO may delegate powers and duties to other employees;

5.45 Other matters relevant to delegations under this Division; and

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2023 – 2033; Civic Leadership Strategic Priorities – Proactive and well governed Shire

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

OCM 2425/056 COUNCIL RESOLUTION (OFFICER RECOMMENDATION)

MOVED Cr D Gray/ Cr D Harris

That Council note and accept the attached Delegations Register as presented.

CARRIED 6/0

For:

Cr K Johnston, Cr D Gray, Cr S Crosby, Cr G Hobley, Cr S Reid, Cr D Harris

Against:

Nil

- 10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY A RESOLUTION OF COUNCIL**
- 12. **MATTERS BEHIND CLOSED DOORS**
- 13. **MEETING CLOSED**

There being no further business the Shire President Cr Kate Johnston, closed the meeting at 5.46pm.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 18 December 2024.

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Cr Kate Johnston – Shire President

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Date