



MINUTES

Ordinary Council Meeting

18 April 2024

**SHIRE OF BROOMEHILL-TAMBELLUP
NOTICE OF MEETING**

**An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup was held
in the Tambellup Council Chambers 46-48 Norrish Street, Tambellup
on 18 April 2024 commencing at 4.30pm.**



**Karen Callaghan
Chief Executive Officer**

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This document is available in other formats on request for people with disability.

Strategic Community Plan 2023-2033

'People Power'

Community Vision *a region driven by community spirit*

Broomehill-Tambellup Point-of-Difference

By Dec 2026 we have;

1. A Distinct BT Brand

- 1.1 BT identity
- 1.2 BT brand spotlight
- 1.3 BT storytelling and communications
- 1.4 BT piggy-back brand

2. A United Community

- 2.1 BT well-being and safety
- 2.2 BT volunteering
- 2.3 BT community creativity

3. An Appreciated Culture

- 3.1 BT community reconciliation
- 3.2 BT history appreciation
- 3.3 BT 'Open to All' campaign
- 3.4 'Colour BT'
- 3.5 BT recreation

Broomehill-Tambellup Economy

By Dec 2026 we have;

4. Versatile Accommodation

- 4.1 Broomehill short-stay accommodation renewal
- 4.2 Tambellup short-stay accommodation development
- 4.3 BT quality house and land options
- 4.4 BT accommodation-of-the-future project

5. Healthy Existing Businesses

- 5.1 BT telecommunications
- 5.2 BT BEC activation
- 5.3 BT business support
- 5.4 T school maximisation

6. Attracted New Businesses

- 6.1 BT trade incentive
- 6.2 BT Noongar business development
- 6.3 BT visitation stopover services
- 6.4 BT new business

Broomehill-Tambellup Lifestyle

By Dec 2026 we have;

7. Celebrated Natural Environments

- 7.1 Gordon River advancement
- 7.2 Indigenous significance sites
- 7.3 Boot Rock Reserve
- 7.4 Tambellup Water Reserve

8. Enjoyed Built Environments

- 8.1. Broomehill Heritage Precinct renewal
- 8.2 Tambellup Railway Precinct development
- 8.3 Tambellup Civic and Community Precinct exploration

9. Unique BT Interactions

- 9.1 Anytime trails and adventure
- 9.2 Anytime gardens, parks and play
- 9.3 Community shared experiences

SoBT Shire Support

By Dec 2026 we have;

10. Grown Shire Leadership

- 10.1 SoBT community engagement program
- 10.2 SoBT community training and development
- 10.3 SoBT contribution to environment
- 10.4 SoBT workforce development

11. Delivered Shire Trust and Performance

- 11.1 SoBT monitoring and reporting
- 11.2 SoBT financial sharing
- 11.3 SoBT workforce satisfaction
- 11.4 SoBT community revenue

12. Collected Region-wide Knowledge

- 12.1 SoBT community data
- 12.2 SoBT Shire data
- 12.3 SoBT celebrating milestones
- 12.4 SoBT digital literacy

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**Minutes for the Ordinary Council Meeting to be held on 18 April 2024
in the Tambellup Council Chambers, 46-48 Norrish Street, Tambellup.**

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White declared the meeting open at 4.31pm.

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CM Dewar	
Cr SH Penny	
Cr SJ Robinson	
Cr JL Wills	

Staff

KP Callaghan	Chief Executive Officer
KP Squibb	Manager of Finance & Administration
PA Hull	Strategic Support & Projects Officer
TO Korthuis	Governance & Executive Assistant
P Vlahov	Manager of Works

Apologies

Cr CJ Letter

3. DISCLOSURE OF INTEREST

Nil.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

7. APPLICATION FOR LEAVE OF ABSENCE

Nil.

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING 21 MARCH 2024

Recommendation:

Moved Cr Dewar, seconded Cr Penny that the minutes of the Ordinary Meeting of Council held on 21 March 2024 be confirmed as a true and accurate record of proceedings.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 029/24

10. KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE

Nil.

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

11.1 ACQUISITION OF THE WATER CORPORATION’S JAM CREEK ROAD DAM AND CATCHMENT

ATTACHMENT(S)	11.1.1 - Tambellup Dam Advice to Shire 11.1.2 - Tambellup Dam Proposed Subdivision 11.1.3 - Asset Condition and Site Investigation Report 11.1.4 - Dam Safety Advice Memorandum
FILE NO	ADM0072
APPLICANT	Water Corporation
AUTHOR	Tash Korthuis, Governance & Executive Assistant
DATE	4 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Economy	
No specific community outcome	No specific corporate initiative

SUMMARY

The purpose of the report is for the Council to consider the acquisition of the Jam Creek Road dam and catchment from the Water Corporation.

BACKGROUND

Over several years negotiations have taken place regarding the possible sale of the Water Corporation’s Jam Creek Road dam and catchment assets to the Shire. The dam is known as Tambellup No 1 dam.

The Shire entered into an agreement with the Water Corporation in 2010 to purchase water from the No 1 dam for use by the Tambellup Primary School and for the Shire’s parks and gardens in the Tambellup townsite. The agreement allowed for installation of infrastructure in that year to supply the Shire’s oval, parks and gardens as well as the Tambellup Primary School’s oval.

In March 2014 and again in February 2017 the Council resolved to acquire a portion of the dam and the Water Corporation were advised of the Council’s decision in both instances, however the land transfer did not progress. The Water Corporation has reached out again in January 2024 and now has internal authority to progress the matter.

COMMENT

The Water Corporation facility on Jam Creek Road Tambellup has not been utilised as a potable water supply for the townsite for some time. The town is serviced with scheme water.

The Shire has made numerous approaches over the years to the Water Corporation attempting to obtain ownership of the facility should it become surplus to their requirements. In January 2024 the Chief Executive Officer at the time met with representatives from the Water Corporation and further discussed acquisition of the dam. The Water Corporation advised that the dam is now surplus to requirements and would like to progress with the disposal of the dam to the Shire.

The Water Corporation confirm that internal authority has been received to progress and conclude negotiations on the following basis:

- The freehold land and assets to be acquired by the Shire are indicated on the enclosed Tambellup Dam Proposed Subdivision Plan (Attachment 11.1.2). Description of the land to be subdivided is Lot 1 on Plan 6877 being the whole of the land in Certificate of Title Volume 1205 Folio 240.
- The Shire accepts the land, dam, catchment and other assets (Assets) on an 'as is' condition basis and will conduct its own independent due diligence prior to entering into the contract for sale.
- Water Corporation makes no warranty as to the condition of the Assets or their suitability for the Shire's intended purpose.
- Preparation and lodgement by the Shire of a Deposited Plan of Subdivision (including proposed easements and road reserves) at Landgate to the satisfaction of Water Corporation.
- The Assets are to be transferred at NIL consideration, however the costs of subdivision, fencing and all other transaction costs (including Water Corporation solicitors' costs) are to be met by the Shire.
- Gravel extraction from Proposed Lot 2 by the Shire to cease.
- Water Corporation's Solicitors to prepare the contract for sale.
- Shire to provide a current resolution to acquire the Assets upon these terms.

While the Shire is gaining a significant asset at no cost, by accepting the Water Corporation's offer costs will be incurred to proceed with the subdivision of the land parcel, fencing and transactional costs for the land transfer. An estimate of these costs would be in the vicinity of \$20,000 to \$40,000.

The advantages of acquiring the water facility include the ability to manage the site, make improvements as required and guarantee access to an ongoing supply to meet the watering demands of Shire's oval, parks and gardens in the Tambellup townsite and for the Tambellup Primary School's oval.

It is recommended that the Council accept the proposal to acquire the Jam Creek Road dam and catchment from the Water Corporation.

CONSULTATION

Kym Walker – Water Corporation
Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

While the assets will be transferred for no consideration, the costs of subdivision, fencing and all other transactions (including the Water Corporation's solicitors' costs) may be significant and will be met by the Shire. Provision to commence this process can be met in the current 2023/2024 budget with further provision to be made in 2024/2025 to complete the subdivision, land transfer and fencing.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

The item has been evaluated against the Shire's Risk Assessment and Acceptance Criteria. The level of risk is considered to be "low risk and can be managed by existing procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

A new asset will be acquired if Council agrees to proceed with acquisition of this dam, and its future maintenance and renewal costs will need to be factored into the Asset Management Plan. Infrastructure to access the water from this dam is already in place and is provided for in the Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Dewar, seconded Cr Penny that the Chief Executive Officer writes to the Water Corporation and confirms that -

- The Shire of Broomehill-Tambellup accepts, for no consideration, acquisition of freehold land and assets as indicated on the enclosed Tambellup Dam Proposed Subdivision Plan (Attachment 11.1.2). The description of the land to be subdivided is Lot 1 on Plan 6877 being the whole of the land in Certificate of Title Volume 1205 Folio 240;
- The Shire accepts the land, dam, catchment and other assets on an 'as is' condition basis and will conduct its own independent due diligence prior to entering into the contract for sale;
- A Deposited Plan of Subdivision (including proposed easements and road reserves) will be prepared by the Shire and lodged with Landgate to the satisfaction of the Water Corporation;
- The costs of subdivision, fencing and all other transaction costs (including Water Corporation solicitors' costs) will be met by the Shire;
- Gravel extraction from Proposed Lot 2 by the Shire will cease;
- The contract of sale will be prepared by the Water Corporation's Solicitors.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 030/24

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE

Nil

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

13.1 FINANCIAL STATEMENTS – MARCH 2024

ATTACHMENT(S)	13.1.1 Financial Statements March 2024
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	8 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	11.2.1 Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

SUMMARY

The Council to consider the monthly financial statements for March 2024.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within two months after the end of the month to which the report relates.

COMMENT

Each financial year, the Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances. As part of the 2023/24 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

The statement of financial activity identifies material variances, which is a requirement of the *Local Government (Financial Management) Regulations 1996*.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

- (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 the previous month (the **relevant 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 relevant month; 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 relevant month and a note containing a summary explaining the composition of the net current assets.
- (2) Each statement of financial activity is to be accompanied by documents containing –
- (a) [deleted].
 - (b) an explanation of each of the material variances referred to in subregulation (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 must be shown according to nature classification.

FINANCIAL IMPLICATIONS

The report represents the financial position of the Shire at the end of the reporting period.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Wills, seconded Cr Penny that the monthly financial statement for the period ending 31 March 2024 be received.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills

Motion No 031/24

13.2 MONTHLY LIST OF PAYMENTS – MARCH 2024

ATTACHMENT(S)	13.2.1 Monthly Payments Listing March 2024
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	8 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	11.2.1 Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during March 2024.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* prescribe that a list of accounts paid under delegated authority by the CEO is to be prepared each month, providing sufficient information to identify the transactions.

The list is to be presented to the Council at the next ordinary meeting after the list is prepared and recorded in the minutes of that meeting.

The Regulations were amended, effective 1 September 2023, to include new regulation 13A which prescribes the reporting of payments made via purchasing cards. The reporting requirements are the same as those of payments made from the Municipal and Trust Funds. Credit card purchases have always been disclosed to the Council on the monthly list of payments, however the list of payments has been amended to report purchases using the Fleetcard fuel cards (issued to the Chief Executive Officer, Manager of Finance and Administration and Manager of Works).

COMMENT

Summary of payments made for the month –

March 2024

	\$	
Municipal Fund	434,307.25	
Trust Fund	0.00	
Purchasing Cards	2,764.81	
TOTAL	<u>437,072.06</u>	

Any comments or queries regarding the list of payments is to be directed to the Manager of Finance and Administration prior to the meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r13. Lists of accounts

(1) If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared–

- (a) the payee’s name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

r13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared –

- (a) the payee’s name;*
- (b) the amount of the payment;*
- (c) the date of the payment;*
- (d) sufficient information to identify the payment.*

FINANCIAL IMPLICATIONS

The List of payments reports the payments made for the previous month from the Municipal and Trust Funds, and purchases made using Shire credit cards or purchasing cards.

POLICY IMPLICATIONS

Council Policy ‘2.1 Purchasing Policy’ provides guidance and restrictions relative to purchasing commitments.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Wills, seconded Cr Penny that, in accordance with regulations 13(1) and 13A(1) of the *Local Government (Financial Management) Regulations 1996* the list of payments paid under delegated authority or with Shire purchasing cards be noted for March 2024 comprising -

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$434,307.25; and
- Credit/Purchasing Card payments totalling \$2,764.81.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 032/24

13.3 CORPORATE BUSINESS PLAN – QUARTERLY PROGRESS REPORT JANUARY-MARCH 2024

ATTACHMENT(S)	13.3.1 – Corporate Business Plan 2023-2027 quarterly progress report – January-March 2024
FILE NO	ADM0382
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	3 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill Tambellup Shire Support	
11. Delivered Shire Trust and Performance 11.1 SoBT monitoring and reporting. This is the Shire workforce scoring all SCP pieces of work with a traffic light scoring system, and passing these results to all community members, quarterly.	11.1.1 Undertake quarterly assessment of all Corporate Business Plan initiatives using a traffic light scoring system, and reporting these in a meaningful summary (showing highlights) to the community via the Topics, Facebook and Shire website.

SUMMARY

The purpose of this report is for the Council to receive the Corporate Business Plan 2023-2027 Quarterly Report for the period January-March 2024.

BACKGROUND

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to have a plan for the future of the district. In accordance with the *Local Government (Administration) Regulations 1996*, all local governments in Western Australia are required to have adopted two key documents: a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP). These documents are supported by informing plans, strategies, and other documents. Together these documents drive the development of each local government's Annual Budget.

The Corporate Business Plan outlines the Shire's key priorities and actions over the next four years and sets a road map to achieve the community's aspirations as outlined in 'People Power', the community's ten year Strategic Plan which was adopted by the Council on 17 November 2022. This plan integrates the community's aspirations into the Shire's operations and sets out the specific actions that will deliver on the objectives and strategies outlined in 'People Power'.

The Corporate Business Plan 2023-2027 was adopted by the Council on 18 May 2023.

Initiatives contained in the Corporate Business Plan are centered on the four Key Pillars of the Strategic Community Plan ‘People Power’:

- Broomehill-Tambellup Point of Difference
- Broomehill-Tambellup Economy
- Broomehill-Tambellup Lifestyle
- SoBT Shire Support

Twelve (12) aspirational areas sit under the Key Pillars, and it is within each of these that the Corporate Business Plan initiatives sit. Each initiative has been assigned to a member of the Senior Management Team as the coordinating officer and each member of the team has provided input into the Quarterly Report.

COMMENT

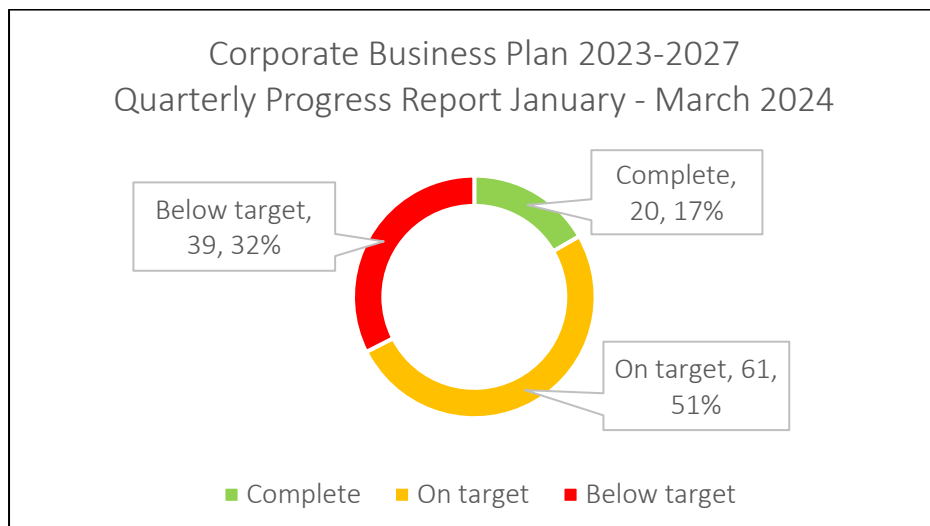
The Quarterly Report is provided as an attachment to the agenda for the Council’s reference. The report provides an update on progress of the first year initiatives (2023/2024) for the period January-March 2024. Initiatives not scheduled to be actioned this financial year are not reported on.

The status of each initiative has been colour coded using a traffic-light system as follows:

- Green – initiative is ‘Complete’ – action has been completed;
- Orange – initiative is ‘On Target’ – action has commenced and is on track to be delivered on time and on budget;
- Red – initiative is ‘Below Target’ – action has not commenced or has fallen behind its projected timeframe.

The following table illustrates progress against the 120 initiatives scheduled to be actioned in 2023/2024:

Status	Definition	Number of initiatives	%
Complete	Action has been completed	20	17%
On target	Action has commenced and is on track to be delivered on time and on budget	61	51%
Below target	Action has not commenced or has fallen behind its projected timeframe.	39	32%
		120	100%



The following initiatives have been completed since the last progress report (to the end of December 2023):

3.2.1	Review Municipal Heritage Inventories from Shires (pre-amalgamation) into one unified Shire BT Heritage List.	Local Heritage Survey and List adopted December 2023 OCM. Local Planning Policy - Heritage Places adopted at March 2024 OCM
3.4.7	Sealing and kerbing of all streets within both town sites	Crawford St East and West, Donald, Bridge, Nelson and Chillicup Sts sealed. Kerbing repairs completed where required.
10.3.6	Becoming an active contributor to the Gillamii Centre.	Formalisation of three year financial contribution and partnership endorsed by the Council at the March 2024 OCM.

The progress on initiatives noted as ‘On Track’ ranges from just commenced, to almost complete, and ongoing. Many initiatives noted as ‘Below Target’ are not yet commenced.

A number of initiatives are noted as ‘On Target’, however are largely complete. These include:

- 3.2.6 Implementation of an electronic cemetery administration system – the final amendments to the online niche wall displays are being implemented by the contractor. The online sites are live and links will be added to the Shire’s website.
- 5.2.3 Assist the Business Enterprise Centre (BEC) to have certainty of land tenure - lobbying of Department of Land to assist process. BEC needs to finalise through Taylor, Nott & Molinari.
- 8.1.1 Implementation of the Broomehill Heritage Precinct Master Plan – most initiatives have been implemented by either the Shire or the Broomehill Heritage Group. The Plan requires review to determine which actions are still needing to be completed.
- 10.3.3 Identification of energy efficiency improvements and installation of solar PV systems on Shire owned buildings that are major power consumers – solar panels are to be installed on the Tambellup Community Pavilion, scheduled for the end of April 2024.

The report as attached will be published for community information through the Shire website and in Topics.

CONSULTATION

Senior Management Team

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

FINANCIAL IMPLICATIONS

Provision is made in the annual budget for the delivery of initiatives in the Corporate Business Plan.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Failing to provide the Council with updates such as the attached progress report will contribute to a lack of Council knowledge about the Shire’s current business activities. Quarterly updates as proposed will allow Councillors to provide accurate responses to resident enquiries.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Robinson, seconded Cr Barritt that the Corporate Business Plan 2023-2027 Quarterly Progress Report for the period January-March 2024, as presented, be received.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barritt, Cr Wills
Motion No 033/24

13.4 DISPOSAL OF ISUZU JETPATCHER

ATTACHMENT(S)	Nil
FILE NO	PTT18
APPLICANT	Nil
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	12 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: BT Shire Support	
No specific community outcome	No specific corporate plan initiative

SUMMARY

The purpose of this report is to seek authority to dispose of the Isuzu Jetpatcher (the Jetpatcher) which was included in a recent public auction conducted by Smith Broughton Auctioneers.

BACKGROUND

The sale of the Jetpatcher has been included in the annual budget for a number of years; it is a costly, high maintenance piece of equipment with minimal usage.

Section 3.58(2) of the *Local Government Act 1995* allows for disposal of property to either the highest bidder at a public auction or the most acceptable tender from a public tender.

The Manager of Works sought advice from various auctioneers, and Smith Broughton Auctioneers were selected to offer the Jetpatcher for sale by public auction. The auction was conducted on 4-11 April 2024 and, at the close of the auction, the highest bidder had submitted a price of \$70,000 (including GST) to purchase the Jetpatcher.

The estimated proceeds from the sale included in the 2023/24 Budget is \$80,000. As the offer from the auction (\$63,636.36 excluding GST) is significantly below the budgeted amount, the Councils permission is required to either accept or reject the offer.

COMMENT

While below the budget estimate, the offer submitted to purchase the Jetpatcher provides a decent return on an aging piece of equipment. There are currently no staff on the works crew trained to use the Jetpatcher and maintenance required after each use is becoming prohibitive.

It is recommended that the Council accept the offer submitted at auction of \$70,000 (including GST).

CONSULTATION

Chief Executive Officer
Manager of Works

STATUTORY ENVIRONMENT

Local Government Act 1995

s3.58 Disposing of Property

(1) In this section —

***dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

***property** includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

FINANCIAL IMPLICATIONS

A reduction in revenue of \$16,363.64 if the Council agrees to accept the final offer from the highest bidder at auction. The proceeds from the sale of the Jetpatcher are budgeted to be transferred to the Plant Reserve, accepting the offer will result in a lesser transfer to the Reserve.

Smith Broughton Auctioneers charge a 2.5% commission (approximately \$1,750) and this will be allocated as an operating expense in plant maintenance.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Once sold, the Isuzu Jetpatcher will be removed from the asset register and Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Barritt, seconded Cr Dewar that, in accordance with section 3.58(2)(a) of the *Local Government Act 1995*, the auction bid of \$70,000 (including GST) submitted to Smith Broughton Auctioneers for purchase of the Isuzu Jetpatcher be accepted.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills

Motion No 034/24

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

COUNCIL DECISION

Moved Cr Wills, seconded Cr Robinson that in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting is closed at 4.53pm to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (e) a matter that if disclosed, would reveal –
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 035/24

14.1 CONFIDENTIAL – SUNDRY DEBTORS WRITE OFF

ATTACHMENT(S)	14.1.1 – CONFIDENTIAL Sundry debtor listing
FILE NO	ADM
APPLICANT	Nil
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	4 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome	No specific corporate plan initiative

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Penny, seconded Cr Wills that the following sundry debtor accounts, totalling \$13,030.42, be written off –

Debtor #	Invoice #	Balance
100	4697	250.00
11	2795	4,400.00
11	2965	2,475.00
198	4712	250.00
207	4696	250.00
469	3953	271.90
602	2341	10.00
657	4715	250.00
658	2690	80.00
685	3005	37.98

704	4424	250.00
704	4727	250.00
733	3319	80.00
734	3305	190.00
774	3626	360.00
792	3733	92.48
822	3947	271.90
822	4705	250.00
856	4717	250.00
857	4698	250.00
861	4429	250.00
861	4695	250.00
863	4432	400.00
885	4693	250.00
886	4694	250.00
888	4702	250.00
894	4716	250.00
896	4722	87.00
899	5094	274.16
B21078	4713	250.00

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 036/24

14.2 CONFIDENTIAL - RATES OUTSTANDING; ASSESSMENT A265

ATTACHMENT(S)	14.2.1 – Palisade Corporate Law ‘Scope of Engagement’
FILE NO	A265
APPLICANT	Nil
AUTHOR	Kay Squibb – Manager of Finance & Administration
DATE	5 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome	No specific corporate plan initiative

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Wills, seconded Cr Penny that the Council, pursuant to section 6.64(1)(b) of the *Local Government Act 1995*, proceed with the sale of assessment A265 14 (lot 234) Tambellup West Road, Tambellup which has rates in arrears for three or more years, on the basis of being unable to locate the owner of the property despite having made reasonable efforts to do so; and from the proceeds of sale recover the outstanding rates and charges on the assessment.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 037/24

14.3 CONFIDENTIAL - ASSESSMENT A1061; WRITE OFF PENALTY INTEREST

ATTACHMENT(S)	Nil
FILE NO	A1061
APPLICANT	Nil
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	2 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Economy	
6. Attracted New Businesses 6.4 BT new business This is the Shire making it easy for any new business to be attracted to the area such as a supportive Town Planning Scheme, commercial and industrial land development and encourage value-adding to current business and industry.	6.4.1 Support existing businesses through innovative methods for Shire support to ensure their continuation and the basic provision of service for both visitors and local residents.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Barritt, seconded Cr Wills that penalty interest of \$9,838.35 be written off on rate assessment A1061 in accordance with section 6.12 of the *Local Government Act 1995*.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 038/24

PRODECURAL MOTION

Moved Cr Barritt, seconded Cr Wills that council re-opens the meeting to members of the public at 4.58pm.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 039/24

15. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE

17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

COUNCIL DECISION

Moved Cr Penny, seconded Cr Dewar that council consider the agenda item circulated regarding the Compliance with CEO Standards.

CARRIED 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills
Motion No 040/24

17.1 LATE ITEM – CERTIFICATION OF COMPLIANCE WITH THE SHIRE’S ADOPTED MODEL STANDARD FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

ATTACHMENT(S)	Nil
FILE NO	ADM0650
APPLICANT	Nil
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	16 April 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Shire Support	
No specific Community Outcome	No specific Corporate Initiative

SUMMARY

This report recommends the Council’s certification in accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*, that the recruitment process for the appointment of a Chief Executive Officer (CEO) was conducted in accordance with the adopted Model Standards for CEO Recruitment, Performance and Termination.

BACKGROUND

On 2 February 2021, changes to the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* were promulgated. These changes mandated all local governments to follow a model set of standards when dealing with CEO recruitment, performance management and termination.

At the Ordinary Meeting of the Council held on 20 May 2021, the Council adopted pursuant to *section 5.39B (2) of the Local Government Act 1995*, the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination (Policy 1.28). At the Ordinary Meeting of the Council held on 17 June 2021 the Council also adopted the process for the appointment of a CEO including provision to enable the appointment of an independent person as required by the Model Standards.

Regulation 18FB(3) of the Local Government (Administration) Regulations 1996 provides that a local government must certify, by an absolute majority resolution, that the process that was followed in relation to the recruitment of the Chief Executive Officer, was carried out in accordance with the local government's adopted Standards for CEO Recruitment, Performance and Termination.

COMMENT

The recruitment process was undertaken between the dates of 26 October 2023, on which date the Council adopted the selection criteria and job description pursuant to Schedule 2 clause 5(2) of the *Local Government (Administration) Regulations Act 1996* and 19 December 2023, on which date the contract of employment was executed by the Shire President, incumbent CEO Anthony Middleton, and appointed CEO Karen Callaghan.

Each of the clauses that provide a requirement from the Standards are listed below, with a brief outline of those requirements and what the Shire did to satisfy the requirements of that clause.

Clause 5 – Determination of selection criteria and approval of job description form

Local governments are required to determine the selection criteria for the position of CEO based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to perform the duties of the CEO, as well as adopting (by absolute majority) the job description form.

At the Special Meeting of the Council held on 26 October 2023, the Council adopted the selection criteria and job description pursuant to Schedule 2 clauses 5(1) and 5(2) of the *Local Government (Administration) Regulations Act 1996*.

Clause 6 – Advertising requirements

Local governments are required to comply with section 5.36(4) of the Act and regulation 18A of the Local Government (Administration) Regulations 1996, which requires the local government to advertise the position by Statewide public notice, and the notice must contain:

- *The details of the remuneration and benefits offered.*
- *Details of the place where applications for the position are to be submitted.*
- *The date and time for the closing of applications of the position.*
- *The duration of the proposed contract.*
- *A website address where the job description form for the position can be accessed.*
- *Contact details for a person who can provide further information about the position.*
- *Any other information the local government considers relevant.*

The position was advertised on Saturday 4 November 2023 and Saturday 11 November 2023 in the Local Government employment section of the West Australian newspaper; also on SEEK, LinkedIn and the Shire's website and Facebook pages. The advertisements and application pack contained all information as prescribed above.

Clause 7 – Job description form to be made available by local government

Local governments are required to provide a copy of the job description form to anyone who requests it by either referring to the web address listed in the advertisement (requirement of clause 6 above) or by emailing or posting a copy to the person if unable to access the website.

On all occasions, where a request for the job description form was requested, this request was actioned.

Clause 8 – Establishment of selection panel for employment of CEO

Local governments are required to establish a selection panel to conduct the recruitment of the CEO. This must consist of council members (as determined by the local government) and at least one independent person.

The Council resolved, at its meeting held on 26 October 2023 -

‘A Chief Executive Officer Selection Panel be established as a committee of the Council pursuant to Section 5.9(2)(d) of the *Local Government Act 1995* as follows:

- a) The Committee shall be known as the CEO Selection Committee and is formed to satisfy Clause 8 of Schedule 2 of the *Local Government (Administration) Regulations 1996* relating to the establishment of a Selection Panel for the employment of a CEO;
- b) The duties of the Committee shall be to recommend to the Council a person to be appointed as CEO of the Shire of Broomehill-Tambellup pursuant to section 5.36 of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*;
- c) The members of the Committee shall number 5 being the Shire President Cr White, Deputy Shire President Cr Barritt, Cr Wills, Cr Robinson, Cr Dewar and Bruce Trevaskis as an Independent Person as defined by Clause 8(1) of Schedule 2 of the *Local Government (Administration) Regulations 1996*; and
- d) The committee shall disband upon the signing by both parties of a suitable contract of employment with the selected candidate unless disbanded earlier.’

Clause 9 – Recommendation by selection panel

Local governments are required to:

- *Assess each applicant’s knowledge, experience, qualifications against the selection criteria by or on behalf of the selection panel.*
- *Provide a summary of the panel’s assessment of each applicant and a recommendation as to which applicant(s) are suitable to be employed as a CEO to the Council.*
- *If none of the applicants are considered suitable, recommend that a new recruitment process be carried out and any changes that should be made to the duties and responsibilities of the position.*

The selection panel must not recommend an applicant to the local government unless the selection panel has:

- *assessed the applicant as having demonstrated that their knowledge, experience, qualifications and skills to meet the selection criteria; and*
- *verified any academic or other tertiary level qualifications the applicant claims to hold; and*
- *whether by contacting referees provided by the applicant or making any other inquiries considered appropriate, verified the applicants character, work history, skills performance and any other claims made by the applicant.*

During the selection committee’s deliberations, and through interviews with suitable candidates, the selection committee made assessments based on the adopted criteria and made a recommendation to the Council in accordance with the model standards requirements in a confidential report, which was prepared by Peter Casey of Mills Recruitment.

The recommendation was made following the candidate undergoing the Shire’s selection processes including but not limited to, the candidate’s ability to demonstrate that their knowledge, experience, qualifications and skills met the selection criteria, verifying their academic, or other tertiary level, qualifications and contacting referees to verify their character, work history, skills, performance and any other claims made by the candidate.

Clause 10 – Application of clause 5 where new process carried out

This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3) (a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

This clause does not apply to this recruitment process, as the selection panel recommended an applicant as suitable to be employed in the position of CEO.

Clause 11 – Offer of employment in position of CEO

Local governments are to approve by absolute majority the making of an offer of employment to an applicant and the proposed terms of the contract of employment to be entered into with the applicant before making an offer of employment to that applicant.

The Shire did not make an offer of employment to the successful candidate prior to the resolution of the Council at its Ordinary Meeting of 15 December 2023, where the Council approved the offer by absolute majority.

Clause 12 – Variations to proposed terms of contact of employment

This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government.

This clause does not apply to this recruitment process, as the terms of the contract that was executed with the preferred candidate did not differ from the terms approved by the Council at its Ordinary Meeting of 15 December 2023.

Clause 13 – Recruitment to be undertaken on expiry of certain CEO contracts

Where the incumbent CEO will have held the position of CEO for a period of 10 or more consecutive years and the same time period has elapsed since a recruitment an selection process for the position was carried out, and the CEO has notified the local government that they wish to have their contract renewed upon its expiry, then before the expiry of the contract, the local government must carry out a recruitment process in accordance with these standards. Nothing prevents that CEO from being able to be selected as the preferred candidate.

This clause does not apply to this recruitment process, as this process was triggered by the departure of the previous substantive Chief Executive Officer.

Clause 14 – Confidentiality of information

Local governments must ensure that information relating to a recruitment process is not disclosed or made use of, except for the purpose of, or in connection with, that recruitment or selection process.

No breach of confidentiality occurred during the recruitment process.

Certification process

If the Council adopts the Officer recommendation to certify that the CEO recruitment process was performed in accordance with the adopted Model Standards of CEO Recruitment, Performance and Termination, the Chief Executive Officer will write to the Department of Local Government, Sport and Cultural Industries and provide a copy of the Council resolution, as required.

CONSULTATION

The Council appointed recruitment agency Mills Recruitment to facilitate the CEO recruitment process in accordance with *Schedule 2 – Model standards for CEO recruitment, performance and termination of the Local Government (Administration) Regulations 1996*.

STATUTORY ENVIRONMENT

The processes to be followed when recruiting a Chief Executive Officer must be in accordance with the terms set by the *Local Government Act 1995, Local Government (Administration) Regulations 1996* and the Shire of Broomehill-Tambellup's adopted Model Standards for CEO Recruitment, Performance and Termination.

The Shire has complied with these requirements in the performance of its functions and roles in the recruitment process.

Regulation 18FB(3) of the *Local Government (Administration) Regulations 1996* provides:

18FB. Certification of compliance with adopted standards for CEO recruitment

- (3) *As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.*
- (4) *The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government*

** Absolute majority required.*

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Policy 1.28 Standards for CEO Recruitment, Performance and Termination.

RISK MANAGEMENT IMPLICATIONS

The risk implications if the Shire did not follow the adopted Standards for CEO Recruitment, Performance and Termination, is that the process may be challenged and cause negative outcomes to the Shire, as well as exposing it to reputational risk.

If the Council does not certify that the Standards were followed in the recruitment of the CEO, the Shire may be in breach of the *Local Government (Administration) Regulations 1996*.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Robinson, seconded Cr Dewar that, *in accordance with regulation 18FB of the Local Government (Administration) Regulations 1996, –*

- 1. the recruitment process for appointment of the Chief Executive Officer is certified as having been undertaken in accordance with the model Standards for CEO Recruitment, Performance and Termination; and*
- 2. a copy of the Council resolution is provided to the Departmental CEO for the Department of Local Government, Sport and Cultural Industries as required.*

CARRIED BY ABSOLUTE MAJORITY 6/0

For: Cr Dewar, Cr Robinson, Cr Penny, Cr White, Cr Barrit, Cr Wills

Motion No 041/24

18. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at 5.02pm.