



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
18 MARCH 2020
COMMENCING AT 4.00 PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
18 MARCH 2020**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 18 March 2020, in the Council Chambers, Railway Road, Three Springs commencing at 4pm.

**Keith Woodward
Chief Executive Officer**

12 March 2020

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on

☐ Special Council Meeting held
on

☐ Committee Meeting held on

☐ Other

Report No

Report Title

Name

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

Type of Interest (**see overleaf for further information*)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

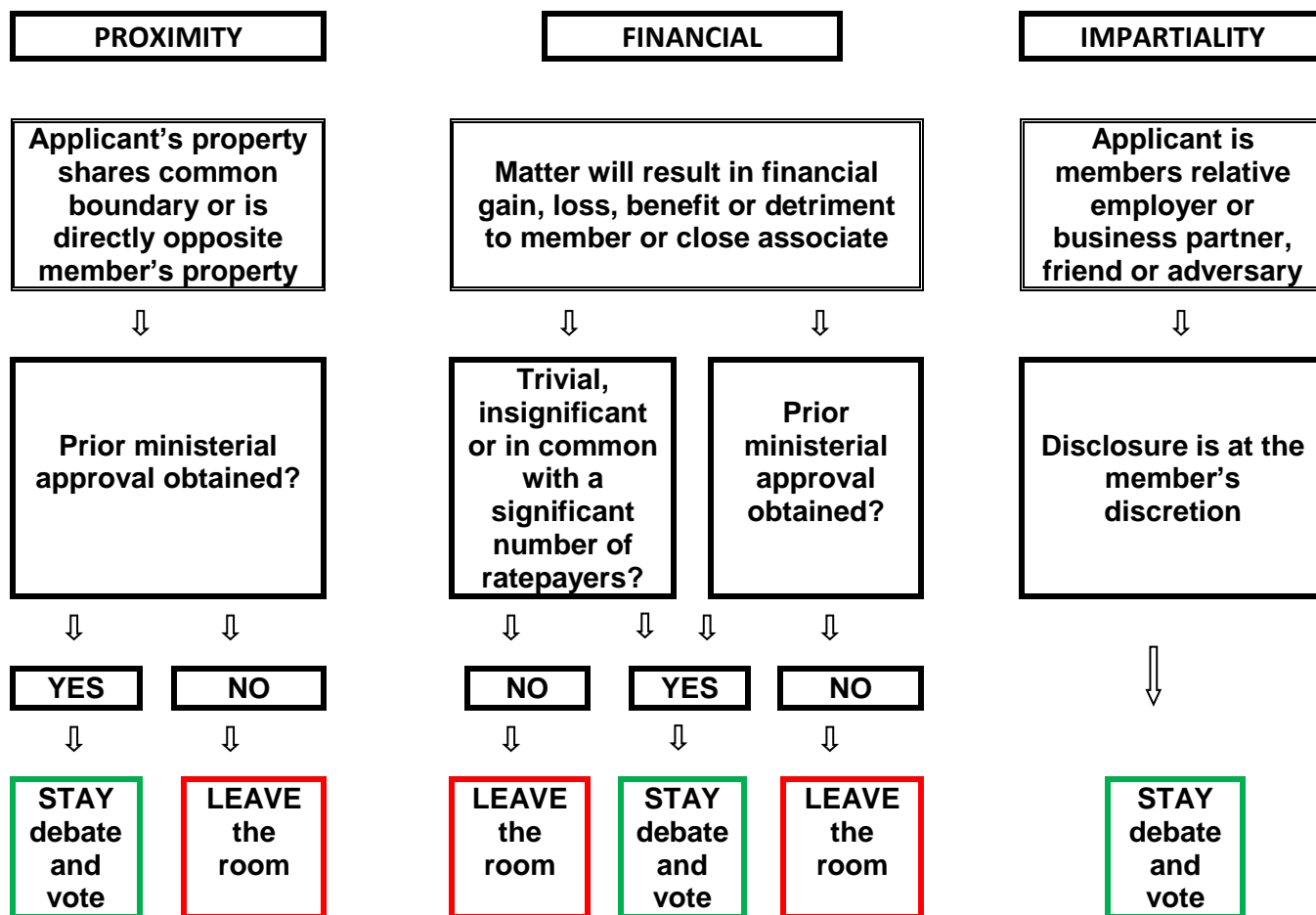
CEO

Signed:

Date:

:

* Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

Welcome to Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane			
Councillor Connaughton			
Councillor Heal			
Councillor Mutter			
Councillor Mills			
Councillor Ennor			
Councillor Eva			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager Works			
Minutes Clerk			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

	Date	Moved	Seconded	Vote
6.1		Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1. Good Governance in Practice	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	18 March 2020
Author:	Chief Executive Officer
Attachment (s):	

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☒ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for month of February 2020.
2. Actions Performed under Delegated Authority for the month of February 2020.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the CEO duties which require the management of legislative compliance.

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Officer's Comment:

Compliance Table for February 2020

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Compliance Frequency	Position Title Officer Responsible for Action Compliance	Date Completed	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	DLGSC WA Local Government Accounting Manual	Monthly	DCEO	March 2020 OCM	Minutes March 2020 OCM	
Emergency Services Levy - Option A Remittance Due by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES - ESL Manual of Operating Procedures	Monthly	DCEO	N/A	N/A	
Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted	Local Government Act 1995	s.2.25		Quarterly	CEO	Feb-20	Register of Leave	Register of Leave inspected. No breaches.
Compliance Audit Return - Finalise Audit Complete the Compliance Audit Return as an internal audit and prepare Council report for consideration via Audit Committee.	Local Government Act 1995	s.7.13(1)(i) Audit. Regs. 13, 14 and 15		Annually	CEO	February 2020 OCM	February 2020 OCM-Minutes	Will be submitted to the DLG, due by the 31 March 2020.
Rate Exempted Properties - Review In preparation for next financial year, review previously approved rate exempt properties to determine if the basis of exemption remains unchanged. Advise owners where status is changed or approval has expired.	Local Government Act 1995	s.6.26(20)		Annually	DCEO	Feb-20	SFO has developed a Rates Exempted Properties Register.	Status remains unchanged. Council Resolution 140395 17/10/2018, Deed of Settlement for next five years to expire 2023/24.
Authorised Persons - Review the LG's authorised persons to ensure authorisations are accurate, valid and the correct certificates of authorisation and / or identity cards have been issued	Various		WALGA - Governance Subscription - Decision Making in Practice Toolkit - Part 3 Authorisations	Annually	CEO	Feb-20	Authorised Persons file established in the Governance Recording system.	Local Government Act Review amendments are expected to change how Authorised Persons are appointed. WALGA will update this guide once the legislation is in place (expected to be sometime in 2019/20)

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Execution of Delegation for February 2020

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
6-Feb-20	ADM0203 OPA2088	DS011 - Shire of Three Springs Town Planning Scheme No. 2	Proposed Signage Three Springs General Store Lots 93-94 Railway Rd	M Elliott	Chief Executive Officer	Replace existing Lottery west wall mounted signage at the Three Springs General Store
14-Feb-20	Chq 11596	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Water Corp	NAB	Deputy Chief Executive Officer	Creditors Payment - Water Corp # 11596 - \$1,974.00
14-Feb-20	PMT ID: 154520055	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 154520055 for \$36,733.25
19-Feb-20	PMT ID: 154752292	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 18 Feb 2020 - \$34,952.45
24-Feb-20	PMT ID: 155007153	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Municipal Account to Maximiser Account	NAB	Deputy Chief Executive Officer	Transfer \$200,000 from Muni A/C to Maximiser A/C
25-Feb-20	PMT ID: 155090147	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 24/02/2020 - \$1,328.50
26-Feb-20	PMT ID: 155172627	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - WA Treasury Loan Repay plus Health Insurance	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 155172627 for \$16,370.62
17-Feb-20	PMT ID: 154574357	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 14/02/20 - \$59.60
18-Feb-20	PMT ID: 154651363	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 17/02/20 - \$690.75
19-Feb-20	PMT ID: 154752292	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Payment from Municipal Account	NAB	Senior Finance Officer	Payroll Payment PPE 18/02/2020 - \$34,952.45
24-Feb-20	PMT ID: 155007627	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 20/02/2020 - \$369.35
24-Feb-20	PMT ID: 155007978	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 21/02/2020 - \$727.75
24-Feb-20	PMT ID: 155007153	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Municipal Account to Maximiser Account	NAB	Senior Finance Officer	Transfer \$200,000 from Muni A/C to Maximiser A/C
25-Feb-20	PMT ID: 155090147	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 24/02/2020 - \$1,328.50
26-Feb-20	PMT ID: 155174025	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 25/02/2020 - \$325.35
26-Feb-20	PMT ID: 155172627	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 155172627 for \$16,370.62
27-Feb-20	PMT ID: 155262162	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 26/02/2020 - \$433.45
14-Feb-20	PMT ID: 154491938	CS002 - Payments from Municipal	Transfer Funds between Muni Accounts	NAB	Finance Officer	Transfer Funds to Licensing Account for Banking - \$737.75

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		Fund and Trust Fund				
13-Feb-20	PMT ID: 154399065	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 12/02/20 - \$15.60
17-Feb-20	PMT ID: 154574357	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 14/02/20 - \$59.60
18-Feb-20	PMT ID: 154651363	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 17/02/20 - \$690.75
24-Feb-20	PMT ID: 155007627	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 20/02/2020 - \$369.35
24-Feb-20	PMT ID: 155007978	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 21/02/2020 - \$727.75
26-Feb-20	PMT ID: 155174025	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 25/02/2020 - \$325.35
27-Feb-20	PMT ID: 155262162	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 26/02/2020 - \$433.45
28-Feb-20	PMT ID: 155397517	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 27/02/2020 - \$135.60

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Administration Part 5, Division 4, S.5.40

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures
- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
 - (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
 - (3) The CEO is to report to the audit committee the results of that review.

Policy Implications:

Council Policy 1100 Risk Management. The risk management objectives of this policy are:

1. Optimise the achievement of our vision, mission, strategies, goals and objectives.
2. Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
3. Enhance risk versus return within our risk appetite.
4. Embed appropriate and effective controls to mitigate risk.
5. Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
6. Enhance organisational resilience.
7. Identify and provide for the continuity of critical operations

The Good Governance in Practice Principles 'compliance and reporting' align with Council policy and legislation reducing organisation's risk.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

‘Corporate Business Plan 2017 – 2021’.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer’s Recommendation:

OFFICERS RECOMMENDATION:	10.1
That Council Accepts: 1. The Governance Compliance Calendar report for February 2020. 2. The Execution of Delegation report for February 2020	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Report Title: Local Government House Trust – Deed of Variation	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	WALGA
File Reference:	ADM0118
Disclosure of Interest:	Nil
Date:	18 March 2020
Author:	Chief Executive Officer
Attachment (s):	1. Email of explanation from WALGA 2. A copy of the Deed of Variation 3. Excerpt of Clause 12 of the Trust Deed

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association (WALGA). Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade, West Leederville.

WALGA has requested that Council consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust.

Background:

Shire of Three Springs is a unit holder and beneficiary to the Local Government House Trust, holding 4 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exemption status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Three Springs is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to the trust in writing.

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation).
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
22.1 Any Trustee of the Trust may retire as Trustee of the Trust.—**Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:
22.3 **The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.**
22.4 **The Beneficiaries may at any time by Special Resolution:**
 - (a) remove a Trustee from the office as Trustee of the Trust;**
 - and**
 - (b) appoint such new or additional Trustee.**
3. Variation 2.3 inserts a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Officer's Comment:

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

The CEO has read the attachments and can see no impediment to Council supporting WALGA by agreeing to the Deed of Variation being agreed to.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Councils approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
<p>That Council:</p> <p>Authorise the Chief Executive Officer to advise the Chief Executive Officer of WALGA that the Shire of Three Springs fully supports the Variations detailed below and agrees to the WALGA President and Chief Executive Officer Signing the Deed of Variation Local Government House Trust.</p> <p>1. Variation 2.1 amends clause 22.1 to point to additional clause:</p> <p style="padding-left: 40px;">22.1 Any Trustee of the Trust may retire as Trustee of the Trust. Subject to clause 22.3 the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.</p> <p>2. Variation 2.2 inserts two new clauses:</p> <p style="padding-left: 40px;">22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries</p> <p style="padding-left: 40px;">22.4 The Beneficiaries may at any time by Special Resolution: (a) remove a Trustee from the office as Trustee of the Trust;</p>	

and

(b) appoint such new or additional Trustee

3. Variation 2.3 inserts a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries) the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Report of Manager of Works and Services	
10.3 Capital Works Progress Update 2019-2020	
Agenda Reference:	ADM
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	4 March 2020
Author:	Manager of Works
Attachment (s):	Capital Works Status Report

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, local planning schemes and policies. |
| <input checked="" type="checkbox"/> | Review | When Council reviews decisions made by Officers. |
| <input type="checkbox"/> | Quasi-judicial | When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT). |

Report Purpose:

That Council:

Accepts the Capital Works Report for February 2020.

Background:

This report provides Council with the 2019-2020 Capital Works progress update.

Officer's Comment:

Refer to the attached status report.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Purchasing Policy 3007.1

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2019-2020

Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'. Foundation 4: Civic Leadership	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'. Governance/Leadership	
Scope Statement:	Project Outputs:
<i>Built Environment /Infrastructure</i>	Road condition Improvement
Roads Program	Safer roads
<i>Community</i>	Paths which link key arrears and increase accessibility
Pathways Program	

Voting Requirements:

Absolute Majority.

Officers Recommendation:

OFFICERS RECOMMENDATION:	10.3
That Council: Accepts The Capital Works Report for February 2020	

10.4 REPORTS OF OFFICERS

Corporate Services	
10.4. Report Title: Mid-Year Budget Review 2019-2020	
Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0130
Disclosure of Interest:	Nil
Date:	18 March 2020
Author:	Deputy Chief Executive Officer
Attachment (s):	10.4 Mid-Year Budget Review 2019-20

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council adopt the 2019-2020 Mid-Year Budget review prepared as at 31 January 2020 for the period ending 31 January 2020.

Background:

A budget review report incorporating year to date budget variations and forecasts to 30 June 2020 for the period ending 31 January 2020 is presented in Attachment 10.4.

Local Government Financial Regulations 33A requires that local government conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of adoption of the review.

Local governments are required to conduct a budget review in order to establish whether they are meeting their budget commitments and/or to determine any areas

of savings, over-spend/concern or required changes, and give consideration to receipt of income and incurred expenditure in accordance with adopted budget. Once officers have completed the review, the council is required to consider the review submitted and determined whether or not to adopt the review or any recommendations made.

The Shire of Three Springs budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulation 1996 and Australian Accounting Standards.

When adopting the 2019-2020 annual budget, the council adopted 10% and \$10,000 (whichever is the highest) as the trigger-point for reporting of material variances to be used in the statements of financial activity.

Officer's Comment:

Budget Comment:

1. The council adopted the original 2019/2020 budget on 21 August 2019.
2. The budget was amended on 4 September 2019.
3. As a result of this midyear budget review, the closing fund has a projected surplus of \$0, representing a balanced budget result.
4. The opening budget surplus for 2018-19 has been adjusted by (\$19,954) being the difference between the estimated surplus brought forward of \$1,890,870 and the actual audited surplus of \$1,870,916. The difference of (\$19,954) between budget and actual are accounting transactions that occurred after budget adoption but before the previous year's financial statement and audit.

Revenue from Operating Activities

Revenue exceeding budget by \$25,550

- Reimbursement nett increase \$1,200
- Fees & Charges nett increase \$21,250 – Private works and housing rentals
- Interest earning decreased by \$7,800 – Lower interest rates
- Other revenue increase by \$10,900 – Employment Subsidy

Expenditure from Operating Activities

Expenditure exceeding budget by \$72,990

- Employee cost increase by \$6,900 – Training
- Material and Contracts nett increase \$118,090 – Various Note 4.2.2
- Other expenditure nett increase by \$8,000 - Member's Training
- Depreciation on Non-Current Assets is non-cash item - \$743,955.

Investing Activities – Capital Receipts and Expenses

Capital Receipts and expenses decreased \$352,640

- Non-operating grant decreased \$410,000 – Black Spot \$400K & \$10K RRG Refund to MRWA
- Land & Building nett decreased \$137,500 – ECLC \$125K and Housing \$12.5K

- Infrastructure Roads nett decreased \$625,140 – Decrease Black Spot \$650K RRG \$60 and Increase Lovelock \$10K Extra on Muni Road \$80K – Note 4.4.5

Transfer to Reserve increased by \$225,246

Consultation:

Chief Executive Officer
Manager of Work and Services

Statutory Environment:

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

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

***Absolute majority required.**

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

Policy Implications:

Nil

Financial/Resources Implications:

Specific financial implications are outlined in the budget review statement.

The budget review is a legislative requirement but also establishes a system for sound and prudent financial management of the shire, as the budget underpins the Shire's ability to meet current and future demands/requirements for works, services and programmes.

Strategic Implications:

The adopted budget and subsequent review has been developed using the existing strategic planning documents adopted by the Council.

The budget is based on principles contained in the Community Strategic Plan, Corporate Business Plan, and forward Capital Works Plan as well as other operational plans that make up the integrated planning framework.

‘Strategic Community Plan 2018-2028’.	
Council Objectives:	Outcome:
Nil	

This item is relevant to the Council’s approved ‘Corporate Business Plan 2017 – 2021’.

‘Corporate Business Plan 2017 – 2021’.	
Scope Statement:	Project Outputs:
Nil	

Voting Requirements:

Absolute Majority.

Officer’s Recommendation:

OFFICERS RECOMMENDATION:	10.4
That Council adopt: <ol style="list-style-type: none">1. the budget review for the period 1 July 2019 to 31 January 2020 as per the projected figures indicated in the Budget Review Report – Attachment 10.42. the 2019-2020 budget be hereby amended as follows:-	

SHIRE OF THREE SPRINGS
NOTES TO THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 31ST JANUARY 2020

5. BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Description	Classification	Depn.	Reduce Budget	Increase Budget	Comments
			\$	\$	\$	
Budget Adoption		Opening Surplus(Deficit)			(19,954)	Difference between adopted surplus and audited
Proposed amendments - February						Difference between adopted surplus and audited
1743	Contributions/Reimbursements - Other Revenue	Contributions - operating	Operating Revenue	2,200		Increase Contributions Other Income Housings
2915	Contributions	Contributions - operating	Operating Revenue		(1,000)	Decrease income - Pool contributions
0620	Asset Depreciation (SCH12)	Depreciation	Non Cash Item	(743,955)		Adjust Depreciation for Infrastructure Roads - Non Cash
	Non-cash Depreciation written back	Depreciation	Non Cash Item	743,955		Adjust Depreciation for Infrastructure Roads - Non Cash
0272	Salaries (Muni Fund)	Employee Costs	Operating Expenses		(6,900)	Re-Allocate Contract cost to Salary
1723	Charges Rent/Leases	Fees & Charges	Operating Revenue	7,500		Increase Rental Income Housing
1733	Other Minor Charges	Fees & Charges	Operating Revenue		(1,250)	Decrease Other Minor Income - Housing
1883	Charges - Kadathinni Units	Fees & Charges	Operating Revenue		(5,000)	Reduce Rental Income Kadathinni Units
4333	Charges - Private Works Various	Fees & Charges	Operating Revenue	20,000		Increase income Private Works
3523	Grants - RRG Projects MRWA	Grants - Non operating	Capital Revenue		(10,000)	Decrease Grant Income - MRWA
3543	Grants - Blackspot Funding	Grants - Non operating	Capital Revenue		(400,000)	Decrease Grant Income - MRWA Black Spot
0613	Interest on LSL Reserves	Interest Earnings	Operating Revenue	1,000		Decrease Interest Income
1666	Interest on CCC Reserve	Interest Earnings	Operating Revenue		(8,500)	Decrease Interest Income
1807	Reserve Interest - Refuse Site Rehab	Interest Earnings	Operating Revenue		(800)	Transfer to correct account
1833	LGCHP Reserve Interest	Interest Earnings	Operating Revenue	1,000		Transfer to Approp A/C
1853	Housing Reserve Interest	Interest Earnings	Operating Revenue		(500)	Reduce Interest Income
0012	Conference expenses	Materials & Contracts	Operating Expenses		(6,000)	WALGA Conference
0072	Public Relations - Other	Materials & Contracts	Operating Expenses		(10,000)	Council Chamber
0082	Public Relations - Yakabout	Materials & Contracts	Operating Expenses	1,500		Reduction in Yakabout Cost
0122	Refreshments & Functions	Materials & Contracts	Operating Expenses		(5,000)	Increase Meeting Refreshments
0172	Expenses - others	Materials & Contracts	Operating Expenses		(1,000)	No Budget Set
0192	WCRC - Info/Tech Standardisation	Materials & Contracts	Operating Expenses	2,500		Reduction in ICT - Tablet etc
0272	Salaries (Muni Fund)	Materials & Contracts	Operating Expenses	40,000		Re-Allocate Contract cost to Salary
0272	Salaries (Muni Fund)	Materials & Contracts	Operating Expenses	15,000		Re-Allocate Contract cost to Salary
0372	Bank Charges	Materials & Contracts	Operating Expenses		(1,200)	Increase Bank Fees & Charges
0382	Printing & Stationery	Materials & Contracts	Operating Expenses		(10,000)	Increase Printing & Stationery
0392	Telephone/Facsimile/Internet	Materials & Contracts	Operating Expenses	4,500		Decrease Telephone Charges
0422	Advertising	Materials & Contracts	Operating Expenses	7,500		Decrease Advertising for Staffs Etc
0452	Admin Office Maintenance	Materials & Contracts	Operating Expenses		(7,500)	Increase Office Maint
0462	Audit Fees	Materials & Contracts	Operating Expenses	3,500		Decrease Audit Fees
0602	Accounting Support	Materials & Contracts	Operating Expenses	7,500		Decrease Accounting Support
0692	Fire Control - Other	Materials & Contracts	Operating Expenses		(15,000)	Increase to allow for F&F at fire shed.
0722	Admin Allocation	Materials & Contracts	Operating Expenses		(5,000)	Increase Admin Allocation
0762	Website Maintenance	Materials & Contracts	Operating Expenses		(1,250)	Increase Website Maint
0773	Building Maintenance - Fire Shed (New)	Materials & Contracts	Operating Expenses		(5,000)	Increase Build Maint Fire zShed
0932	Community Emergency Services - Expenditure	Materials & Contracts	Operating Expenses		(10,000)	Increase CES Eps
1662	Child Care Centre	Materials & Contracts	Operating Expenses		(5,000)	Increase Child Care Maint Cost
1722	Housing Other Maintenance	Materials & Contracts	Operating Expenses		(12,500)	Increase Housing Maint
1772	Rubbish Site Maintenance	Materials & Contracts	Operating Expenses		(5,000)	Increase Rubbish Tip Maint
2102	Townscape Project	Materials & Contracts	Operating Expenses		(5,140)	Transfer to approp account #2132
2302	Cemetery Operation/Maintenance	Materials & Contracts	Operating Expenses	10,000		Reduce Maint Cost
2642	Public Parks, Gardens & Reserves	Materials & Contracts	Operating Expenses		(10,000)	Increase Main Cost Parks & Gardens
2652	Other Sporting Amenities	Materials & Contracts	Operating Expenses		(10,000)	Increase Main Cost Other Sporting

3402	Depot Maintenance	Materials & Contracts	Operating Expenses		(10,000)	Increase Depot Maint Cost
3432	Street Cleaning	Materials & Contracts	Operating Expenses	20,000		Decrease Street Cleaning cost - Using a Sweeper
3462	RoMan - Annual Maintenance	Materials & Contracts	Operating Expenses		(500)	Increase RAMM cost
4282	Private Works - Various	Materials & Contracts	Operating Expenses		(20,000)	Increase expense Private Works
4492	Parts & Repairs	Materials & Contracts	Operating Expenses		(20,000)	Increase R&M Parts
4552	Consumables	Materials & Contracts	Operating Expenses		(5,000)	Increase Consumable
6264	Minor Tool Purchases (< \$5,000)	Materials & Contracts	Operating Expenses		(10,000)	Increase Minor Tools
6952	Long Term Financial Plan - Exp A/C	Materials & Contracts	Operating Expenses		(10,000)	Increase LTFP
6962	Corporate Business Plan	Materials & Contracts	Operating Expenses	30,000		Assets Re-valuations # GL 6962 Offset
0532	Asset Management Expenditure	Materials & Contracts	Operating Expenses		(40,000)	Reduction in Election Cost
0562	Computer S/W & H/W Enhancement	Materials & Contracts	Operating Expenses		(20,000)	Reduction in Yakabout Income
0022	Election expenses	Other Expenses	Operating Expenses	1,500		Transfer from Training - # 0232
0023	Contributions Yakabout	Other Expenses	Operating Expenses		(3,500)	Transfer to Donations - # 0222
0222	Donations & Gifts	Other Expenses	Operating Expenses		(1,000)	Councillor Compulsary Training
0232	Expenses - Members of Council Training	Other Expenses	Operating Expenses	1,000		Centerlink Subsidy
0232	Expenses - Members of Council Training	Other Expenses	Operating Expenses		(6,000)	Increase Income Insurance Rebate
0113	Sundry Income - Other	Other revenue	Operating Revenue	10,000		Reduce Sundry Income
0513	Insurance Scheme Credit	Other Revenue	Operating Revenue	1,000		Assets Re-valuations # GL 6962 Offset
1943	Sundry Income	Other revenue	Operating Revenue		(100)	Increase Software updates
1615	Child Care Facility - ECLC		Capital Expenses	125,000		Decrease Capital Budget - ECLC
1732	Buildings Capital - Housing Other (input taxed)		Capital Expenses	12,500		Decrease Housing Capital
1773	Charges - Other Houses		Operating Revenue		(8,300)	Transfer to Approp Income Account Housing
1784	Reserves - Interest Transfer		Capital Expenses		(1,000)	Transfer to Approp A/C
1823	Charges - 89 Williamson Street		Operating Revenue	8,300		Transfer to Approp Income Account Housing
2132	Main Street Re-vitalisation Project		Capital Expenses	5,140		Transfer to approp account #2132
2410	Lovelocks Soak		Capital Expenses		(10,000)	Increase Maint Cost Lovelock Soak
3104	Blackspot Grant - Projects		Capital Expenses	650,000		Blackspot Project to be re-budget in 2020-21
3124	Roads to Recovery Grants		Capital Expenses	60,000		Decrease RTR Cost
3164	Road Construction - Muni Fund		Capital Expenses		(80,000)	Increase Road Constructions cost Muni Funds
117940	Transfer to reserves - housing		Capital Expenses		(224,246)	

Amended Budget Cash Position as per Council Resolution

01,048,140(1,048,140)

	Note 4 {TAB}	0
Opening Surplus(Deficit)	Note 4.5.3	(19,954)
Grants, Subsidies	Note 4.1.3	1,200
Employee Cost	Nbote 4.2.1	(6,900)
Fees & Charges	Note 4.1.2	21,250
Grants, Subsidies	Note 4.3.1	(410,000)
Interest Earning	Note 4.1.7	(7,800)
Material and Contrcats	Note 4.2.2	(118,090)
Depreciation	Note 4.2.4	(743,955)
Other Expenditure	Note 4.2.7	(8,000)
Other Revenue	Note 4.1.8	10,900
Furniture & Equipments	Note 4.4.4	
Land & Buildings	Note 4.4.2	137,500
Infrastructure Road	Note 4.4.5	625,140
Transfer to Reserve	Note 4.5.10	(225,246)
Non-Cash Write Back	Note 4.5.3	743,955
		0

10.5 REPORTS OF OFFICERS

Corporate Services	
10.5. Financial Statement for Period Ending 29 February 2020	
Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	18 March 2020
Author:	Deputy Chief Executive Officer
Attachment (s):	10.5 SOTS Financial Report Feb 20

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts:

The monthly financial report for the period ending 29 February 2020.

Background:

The Provision of the Financial Management Regulations 1996 (FM) and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

- (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.

Officer's Comment:

Refer to Financial/Resources Implications

Consultation:

Nil

Statutory Environment:

The preparation of Monthly Financial reports is prepared under Section 6.4 of the Local Government Act 1995.

In accordance with FM regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by the council of \$10,000 or 10% whichever is greater. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

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/Resources Implications:

As at 29 February 2020 the operating revenue was \$3,036,740.00. The operating Revenue is made up of Rates 71%, Grants & Subsidies 19%, Fees and Charges 6% and others 4%.

The Operating Expenditure is \$2,669,421. The Operating expenditure is made up of Employee Costs 37%, Depreciation 38%, Insurance 7%, Materials & Contracts 11%, Utilities 6% and others 1%.

Rates notices were issued on 25 September 2019. Third instalment is due on 13 March 2020. The Shire has collected as at 29 February 2020 89.3% of total outstanding rates. Outstanding rates debtors \$233,249 and General Debtors \$75,185.

Total Cash Available is \$3,660,928. Total cash is made up of Unrestricted cash \$2,109,096 and Restricted cash \$1,491,832 backed by various reserves.

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.4
That Council accepts: The monthly financial report for the period ending 29 February 2020	

Corporate Services	
10.6 Accounts for Payments as at 29th February 2020	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	18 March 2020
Author:	Finance and Payroll Officer
Attachment (s):	Lists of creditors paid as at 29 th February 2020 is attached at 10.7.1

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts:

The payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:

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

Officer's 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 costing and that the amounts shown were due for payment.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated 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; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2019-2020.

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2017 – 2021'.

'Corporate Business Plan 2017 – 2021'.	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.7
<p>That Council accepts:</p> <ol style="list-style-type: none"> 1. The accounts for payment as presented for February, 2020 from the Municipal Fund totalling \$301,973.79, Represented by Electronic Fund Transfers No's 15871 - 15937, Cheque No's 11591 – 11596 and Direct Debits 12188.1 – 13188.7, 12193.1, 12194.1, 12202.1 – 12202.8 & 12209.1. 2. Licensing Fund totalling \$10,660.95 represented by Direct Debit No 12217.1. 	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1. ELECTED MEMBERS

12.2. STAFF

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday 15th April 2020 at 4pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE