



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
28 JULY 2021
COMMENCING AT 5PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
28 JULY 2021**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 28 July 2021, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

**Keith Woodward
Chief Executive Officer**

21 July 2021

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 Member
- 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: _____

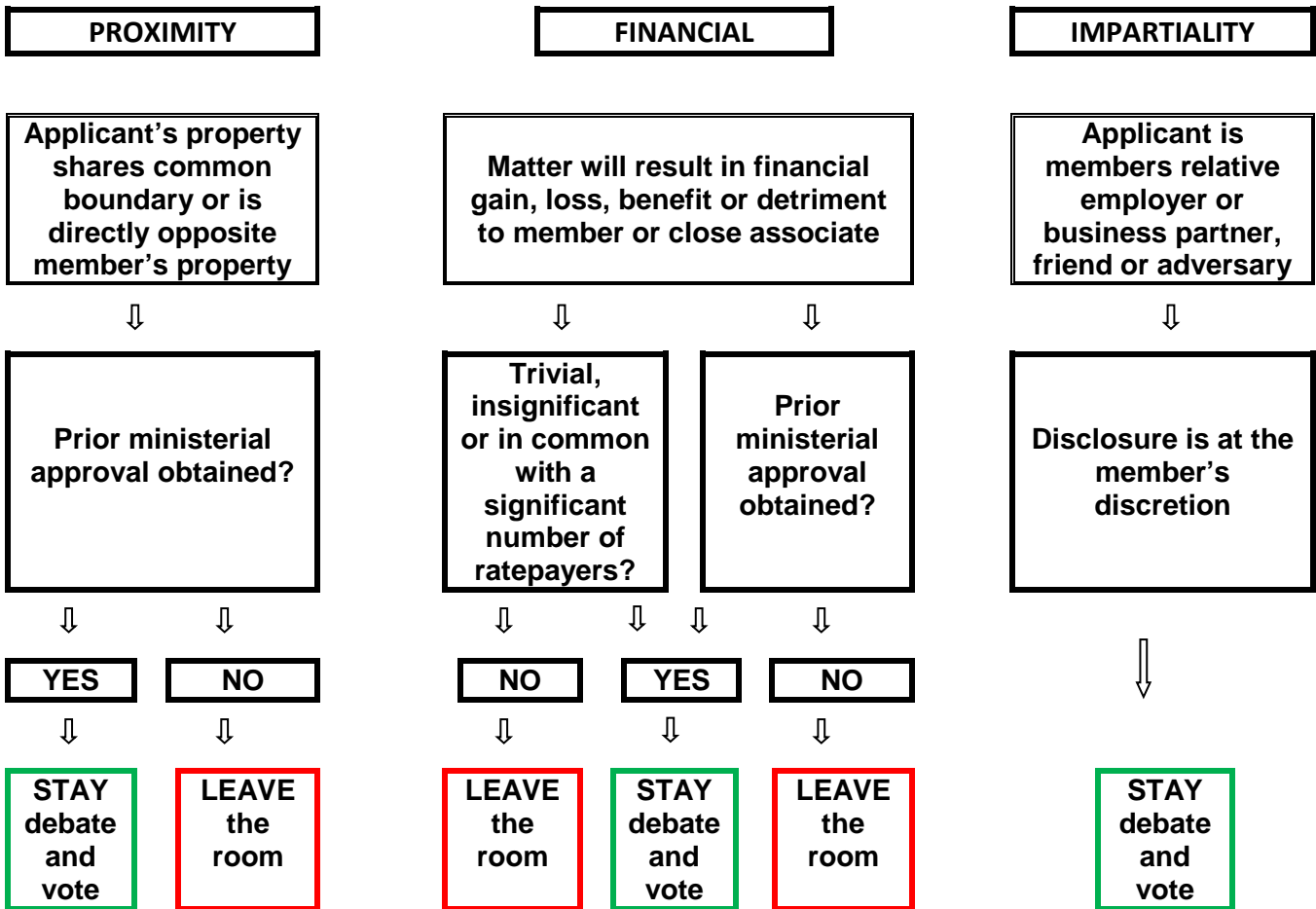
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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 of Works & Services			
Executive Secretary			

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 OCM	23 /06/2021	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:	28 July 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

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 June 2021.
2. Actions Performed under Delegated Authority for June 2021.

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 Office of the CEO.

Officer's Comment:

Compliance Table for June 2021

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	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	June 2021 report submitted to the July 2021 OCM. Reference – Minutes	
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	N/a	
Emergency Services Levy - Option B Payment Due by: 21 June and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures		DFES -ESL Manual of Operating Procedures	May 2021 Creditors	Invoice from DFES received and Shire made payment
Decision Objection and Review Rights - Internal Audit Review the LG's template permits, licences, notices and approval letters issued under the Act and Local Laws to ensure they include advice to the recipient of their objection and review rights.	Local Government Act 1995	s.9.4			The Shire has not received any Objection as prescribed under Part 9, Division 1 s. 9.1 of the LG ACT in 20120-2021.
FOI Annual Statistical Data - Response to Information Commissioner Due by: 30 June	Freedom of Information Act 1992	s.111(3)	Yes - submitted	ICR2115416 July 2020 OCM minutes	Associated report to the July 2021 OCM. Then submission to the F.O.I. Commissioner
Appoint Bush Fire Control Officers - Review appointments and update if necessary	Bush Fires Act 1954	s.38			The associated report will be presented to the August 2021 OCM.
Financial Reporting - Material Variances Each Financial Year, a LG is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial activity for reporting material variances. <i>(adopt and apply in the following Financial Year)</i>	Local Government Act 1995	s.6.4 FM.Reg.34(5)			These directives will be address in the adoption of the Shire 2021/2022 Budget at the August 2021 OCM

Elections - Council Report required determine if Electoral Commission will conduct the Election. Electoral Commission agreement to conduct the election required by: 80th day before Election Day	Local Government Act 1995	s.4.20(2)(3)(4) s.4.61(2)(4)	DLGSC Elections Timetable DLGSC Returning Officer Manual	February OCM 2021 Minutes. Confirmation received from the Electoral Commission	
Revaluation of Assets - Plant and Equipment LG must revalue all assets within the Plant and Equipment Class by the expiry of each 3-yearly interval after 30 June 2016	Local Government Act 1995	FM.Reg.17A(4)		N/A	
Revaluation of Assets - Land, Buildings and Infrastructure LG must revalue all assets within the Land Building and Infrastructure Class by the expiry of each 3-yearly interval after 30 June 2017	Local Government Act 1995	FM.Reg.17A(4)			Griffin Valuation Advisory Reports 30 June 2021. The revaluation of Building, Land and other infrastructure assets completed 30 June 2021.
Revaluation of Assets - All Other Classes of Assets LG must revalue all other classes of assets (other than, Plant and Equipment and Land Building and Infrastructure classes) by the expiry of each 3-yearly interval after 30 June 2018	Local Government Act 1995	FM.Reg.17A(4)			The roads valuation was completed in June 2021 by Tallis
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37		Completed by City of Geraldton	

Execution of Delegation for June 2021

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
2-Jun-21	ADM0399	GO004-Execution of Contract Documents	Execution of Agreement of Variation	Dept of Industry, Science, Energy & Resources	CEO	OCR214288
3-Jun-21	ADM0403	GO004-Execution of Contract Documents	Execution of Regional Traineeship Program Grant Agreement	Dept of Primary Industries and Regional Development	CEO	
17-Jun-21	ADM0183	GO004-Execution of	Execution of Non Road Law	DoT and Shire of	CEO	OCR214323 - Execution of Documents - Local

		Contract Documents	Agreement	Three Springs		Government Act 1995- Sect 9.49A
18-Jun-21	ADM0183	GO004- Execution of Contract Documents	Execution of Agreements for the provision of Licensing Services of Three Springs	DoT and Shire of Three Springs	CEO	OCR214330 - Execution of Documents - Local Government Act 1995- Sect 9.49A
24-Jun-21	ADM0051	CC001- Sponsorships, Donations and Waiver of Fees	Donation of Annual Gym Membership worth \$240 to Three Springs Police Day 26.06.21	CEO	CEO	ICR2115368
09-Jun-21	PMT ID: 183802816	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Deputy Chief Executive Officer	Transfer \$750,000.00 from Muni A/C to Maxi A/C
09-Jun-21	PMT ID: 183811108	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 08 June 2021 - \$43,617.94
10-Jun-21	PMT ID: 183882697	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 09/06/2021 - \$4461.40
14-Jun-21	PMT ID: 184082774	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maximiser Account to the Municipal Account	NAB	Deputy Chief Executive Officer	Transfer Funds from Maxi to Muni Account 14/06/2021 - \$43,000.00 for Creditor Payments
14-Jun-21	PMT ID: 184084039	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 184084039 for \$170,682.40
16-Jun-21	PMT ID: 184241066	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 15/06/2021 - \$157.60
17-Jun-21	ADM0183	GO004- Execution of Contract Documents	Execution of Non Road Law Agreement	DoT and Shire of Three Springs	Deputy Chief Executive Officer	OCR214323 - Execution of Documents - Local Government Act 1995- Sect 9.49A
18-Jun-21	PMT ID: 184432029	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 184432029 for \$59,356.73
18-Jun-21	ADM0183	GO004- Execution of Contract Documents	Execution of Agreements for the provision of Licensing Services of Three Springs	DoT and Shire of Three Springs	Deputy Chief Executive Officer	OCR214330 - Execution of Documents - Local Government Act 1995- Sect 9.49A
23-Jun-21	PMT ID: 184691528	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 22 June 2021 - \$44,684.97
24-Jun-21	PMT ID: 184777389	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 184777389 for \$12,336.99
25-Jun-21	PMT ID: 184935473	CS002 - Payments from Municipal Fund and	Transfer Funds from Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer \$45,000.00 from Maxi A/C to Muni A/C

		Trust Fund				
25-Jun-21	PMT ID: 184942571	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 184942571 for \$100,411.11
30-Jun-21	Chq 11636	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Shire of Chapman Valley	NAB	Deputy Chief Executive Officer	Creditors Payment - Shire of Chapman Valley # 11636 - \$1,232.00
30-Jun-21	PMT ID: 185298009	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 185298009 for \$123,100.58
30-Jun-21	INV: 28- Batch 3855	CS005 - Waiving and Granting of Concession and Write Off of debts other than Rates and Service Charges	Debt Write off - \$300 DA Maintenance	DA Maintenance	Deputy Chief Executive Officer	Unable to trace a Debtor - Sand - DA Maintenance
2-Jun-21	PMT ID: 183341316	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 01/06/2021 - \$454.70
3-Jun-21	PMT ID: 183542052	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 03/06/2021 - \$2,062.40
9-Jun-21	PMT ID: 183801757	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 08/06/2021 - \$197.25
09-Jun-21	PMT ID: 183802816	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Senior Finance Officer	Transfer \$750,000.00 from Muni A/C to Maxi A/C
09-Jun-21	PMT ID: 183811108	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 08 June 2021 - \$43,617.94
14-Jun-21	PMT ID: 183983352	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 10/06/2021 - \$257.05
18-Jun-21	PMT ID: 184425199	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 17/06/2021 - \$336.30
18-Jun-21	PMT ID: 184432029	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 184432029 for \$59,356.73
23-Jun-21	PMT ID: 184691528	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 22 June 2021 - \$44,684.97
24-Jun-21	PMT ID: 184787251	CS002 - Payments from Municipal Fund and	Transfer Funds from Muni Account to Licensing	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 22/06/2021 - \$845.25

		Trust Fund	Account			
24-Jun-21	PMT ID: 184788300	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 23/06/2021 - \$577.95
24-Jun-21	PMT ID: 184777389	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 184777389 for \$12,336.99
25-Jun-21	PMT ID: 184878554	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 24/06/2021 - \$1,216.00
25-Jun-21	PMT ID: 184935473	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Senior Finance Officer	Transfer \$45,000.00 from Maxi A/C to Muni A/C
25-Jun-21	PMT ID: 184942571	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 184942571 for \$100,411.11
30-Jun-21	Chq 11636	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Shire of Chapman Valley	NAB	Senior Finance Officer	Creditors Payment - Shire of Chapman Valley # 11636 - \$1,232.00
30-Jun-21	PMT ID: 185298009	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 185298009 for \$123,100.58
14-Jun-21	PMT ID: 184082774	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maximiser Account to the Municipal Account	NAB	Finance Officer	Transfer Funds from Maxi to Muni Account 14/06/2021 - \$43,000.00 for Creditor Payments
14-Jun-21	PMT ID: 184084039	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	NAB	Finance Officer	Creditor Payment - EFT PMT ID 184084039 for \$170,682.40
16-Jun-21	PMT ID: 184241066	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 15/06/2021 - \$157.60
18-Jun-21	PMT ID: 184425199	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 17/06/2021 - \$336.30
2-Jun-21	PMT ID: 183341316	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 01/06/2021 - \$454.70
3-Jun-21	PMT ID: 183542052	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 03/06/2021 - \$2062.40
9-Jun-21	PMT ID: 183801757	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 08/06/2021 - \$197.25
10-Jun-21	PMT ID: 183882697	CS002 - Payments from Municipal	Transfer Funds from Muni Account to	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 09/06/2021 -

		Fund and Trust Fund	Licensing Account			\$4461.40
11-Jun-21	PMT ID: 183983352	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 10/06/2021 - \$257.05
24-Jun-21	PMT ID: 184787251	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 22/06/2021 - \$845.25
24-Jun-21	PMT ID: 184788300	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 23/06/2021 - \$577.95
25-Jun-21	PMT ID: 184878554	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Customer Service Officer 2	Transfer Funds to Licensing Account Banking 24/06/2021 - \$1216.00

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 sub-regulation (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 2020–2024.

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.1
That Council Accepts:	
<ol style="list-style-type: none">1. The Governance Compliance Calendar report for June 2021.2. The Execution of Delegation report for June 2021.	

10. REPORTS OF OFFICERS

Executive Services	
10.2. Committee of Council - Three Springs Catchment Group	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	
File Reference:	ADM0410
Disclosure of Interest:	Nil
Date:	26 July 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Shire of Three Springs Catchment Group Committee Minutes.

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 endorse the recommendations from 20 July, 2021 Three Springs Catchment Group Committee meeting.

Background:

Nil

Officer's Comment:

As per attached Committee Minutes.

Consultation:

Committee of Council, Three Springs Catchment Group.

Statutory Environment:

Local Government Act 1995, Part 5, Division 2, Subdivision 2, Section 5.8.

Local Government (Administration) Regulation 1996, Part 2.

Policy Implications:

Nil

Financial/Resources Implications:

As per the Committee Minutes.

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
4. 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 Council's approved Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
1.3.3 Support sustainable farming and other industry development.	Investigate diversification opportunities (water supply, horticulture, and aquaculture) and investment for potential pilot projects.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
That Council endorse the Three Springs Catchment Group Committee recommendations:	
<ol style="list-style-type: none">1. The 3Springs Farm Innovators Network incorporates based on the attached Network Structure, Constitution and Strategic Plan.2. 150 Square Strategic Solutions manages the incorporation process. The associated cost is drawn down from the Catchment Reserve.3. The Shire releases an estimated \$94,071.00 over three years at \$31,357 per annum to the incorporated 3Springs Farm Innovators Network with the following conditions:<ul style="list-style-type: none">• 3Springs Innovators Network incorporates in 2021• Provides to the Shire their Annual Report and their Annual Financial Statement	

- Provides to the Shire their Strategic Achievement Report

The Shire of Three Springs Catchment Group committee of Council ceases to function as a committee of Council once the 3Springs Farm Innovators Network incorporates.

10. REPORTS OF OFFICERS

Executive Services	
10.3. Report Title - Freedom of Information Statement 2021	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	21 July 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Draft Freedom of Information Statement 2021

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:

For Council to endorse Shire of Three Springs Freedom of Information Statement 2021.

Background:

The Shire of Three Springs as an agency is required in accordance with section 96(2) of the Freedom of Information Act to either publish a "stand-alone" information statement or include the prescribed information in its annual report.

Where an information statement is produced as a stand-alone document, reference to its existence and details of how it can be inspected or purchased should also be contained in Council's annual report. Council is required to make a copy of its Information Statement available for inspection and/or purchase at its office of administration.

Council may elect to publish its information statement in its annual report and if it does, it must include all the information specified in section 97 to be compliant with the FOI Act. The information need not be all together in one part of the report, in the way it would appear in a stand-alone document, but all the required information must be included.

In the Information Commissioner's 2002 Annual Report, the Commissioner noted and supported the publication of information statement and internal manual online. Many agency websites now utilise this method of publication which is another way of ensuring that the public has access to the information it needs to effectively use FOI.

Officer's Comment:

The Freedom of Information Statement 2021 for Shire of Three Springs has been prepared and updated and on endorsement by Council will be forwarded to Office of the Information Commissioner as required (at intervals of not more than 12 months).

Consultation:

Chief Executive Officer and Finance Officer.

Statutory Environment:

Freedom of Information Act 1992 Part 5 s.96 and 97.

96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act-
 - a) Within 12 months after the commencement of this Act; and
 - b) At subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

(Section 96 amended by No. 47 of 1999 s. 13)

97. Information statement and internal manual, each agency to make available etc.

- (1) An agency (other than a Minister or an exempt agency) has to cause copies of –
 - a) its most up-to-date information statements; and

- b) each of its internal manuals,
- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under Section 96.
- (3) A subcontractor does not have to comply with subsection (1) and (2) if the relevant contractor has complied with those subsections on behalf of the subcontractor.

Policy Implications:

Shire of Three Springs Freedom of Information Statement to be published on Council website.

Financial/Resources Implications:

Fees as determined by Freedom of Information Act.

Strategic Implications:

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

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

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.3
That the council endorse Shire of Three Springs Freedom of Information Statement 2021, forward a copy to Office of the Information Commissioner and publish statement on Council website.	

10. REPORTS OF OFFICERS

Works and Services	
10.4. Capital Works Progress Update 2020-2021	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	28 July 2021
Author:	Marc Bennett, Manager of Works and Services
Attachment (s):	Capital Works Report 2020-21

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 Capital Works Report for June 2021.

Background:

This report provides Council with the 2020-2021 Capital Works progress update.

Officers 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 2020-2021

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 2020–2024.

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Provide and maintain good quality tourism infrastructure and facilities.	Maintain and enhance attractions in line with the asset plan.
Continue to implement the main street revitalisation plan.	Reactivate the development strategy.
Investigate options for water harvesting	Support and encourage best practice water utilization management.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.4
That Council accepts the Capital Works Report for June 2021.	

10. REPORTS OF OFFICERS

Corporate Services	
10.5 Monthly Financial Report for Period 30 June 2021	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	28 July 2021
Author:	Rajinder Sunner, Deputy Chief Executive Officer
Attachment (s):	10.8 Monthly Financial Report 30 June 2021

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 June 2021.

Background:

The Provision of the FM Regulations 1996 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:

At the time of writing this report, there were still several outstanding invoices etc, and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2020-2021 year has been audited.

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:

Total Cash Available as at 30 June 2021 is \$2,820,951. Cash available is made up of Unrestricted cash \$2,820,271 and Restricted cash \$680 backed by various reserves. Reserve funds investment in term deposit with NAB expired on 28 June 2021.

Rates Debtors as at 30 June 2021 \$76,633. We have collected 96.66% of our outstanding Rates as at 30 June 2021. We had collected 96.67% as at 30 June 2020, closing balance of \$76,668. We have collected 100% of our rates for 2020-21 despite COVID-19. A big thank you to all the residents of Three Springs.

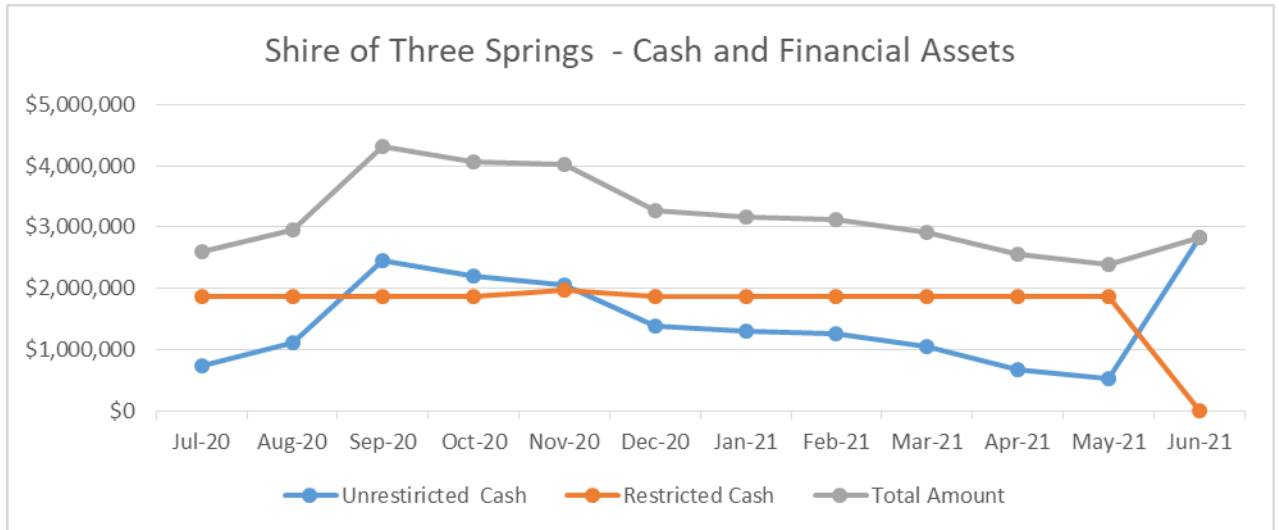
Operating revenue as at 30 June 2021 is \$4,078,789. The breakdown of the Operating revenue; Rates 63%, Operating grants subsidies and contributions 26%, Fees and Charges 7% and Other revenue 4%.

Operating expenses as at 30 June 2021 is \$5,114,730. The breakdown of the Operating expenses; Employee Costs 30%, Materials and Contracts 24%, Depreciation 36%, Insurance Expense 4%, Utility Charges 4% and Others 2%.

Cash and Financial Assets for 2020-21

NAB bank transferred all investment funds to our NAB Muni account on 29 June 2021. Funds were transferred from All NAB Bank Accounts to CBA Bank Accounts on 1 July 2021. NAB Muni account will remain open till December 2021 for direct debit payments or customers paying using old bank account.

The graph below shows Restricted cash zero and unrestricted cash \$2.8M.



Reserve Funds \$2,112,178.70 were reinvested with CBA on 2 July 2021 for six months {Expiring 31 December 2021} at 0.400%.

Date	Description	Debit	Credit	Interest Rate
2/07/2021	Fixed Term Deposit-New deposit		\$2,112,178.70	0.400%

1 transactions found, displaying 1-1 transactions

Strategic Implications:

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

Strategic Implications:

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

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

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.5
That Council accepts the monthly financial report for the period ending 30 June 2021.	

10. REPORTS OF OFFICERS

Corporate Services	
10.6 Accounts for Payments as at 30 June 2021	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	28 July 2021
Author:	Kate O'Donnell, Relief Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 30 June 2021

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 the 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 2020-2021.

Strategic Implications:

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

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

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.6
<p>That Council accepts:</p> <ol style="list-style-type: none"> 1. The accounts for payment as presented for June 2021 from the Municipal Fund totalling \$494,541.11. Represented by Electronic Fund Transfers No's 17145 - 17245, Cheque No. 11636 and Direct Debits 12980.1 – 13029.1 2. Licensing Fund totalling \$17,576.65. Represented by Direct Debit No. 13047.1 <p>Total Payments for May 2021 \$512,117.76</p>	

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 25 August 2021 @ 5pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE