Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s and 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 license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace 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 Lake Grace in respect of the application.
## CONTENTS

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS .......................... 5

1.1 CONSTITUTIONAL MATTERS ........................................................................... 5

2.0 DISCLAIMER READING ....................................................................................... 5

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(PREVIOUSLY APPROVED) ................................................................................. 6

3.1 PRESENT ........................................................................................................... 6

3.2 APOLOGIES ..................................................................................................... 6

3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED ........................................ 6

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE ........ 6

5.0 PUBLIC QUESTION TIME .................................................................................. 6

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS ............................................. 6

7.0 NOTATIONS OF INTEREST ............................................................................. 7

7.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT
1995 SECTION 5.60A .......................................................................................... 7

7.2 DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT
ACT 1995 SECTION 5.60B .................................................................................. 7

7.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION
REGULATIONS 1996 SECTION 34C .................................................................. 7

8.0 APPLICATIONS FOR LEAVE OF ABSENCE .................................................... 7

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .. 8

10.0 CONFIRMATION OF MINUTES ...................................................................... 8

10.1 ORDINARY MEETING – 15 JULY 2020 ......................................................... 8

10.2 SPECIAL MEETING – 29 JULY 2020 ............................................................. 8

10.3 ANNUAL MEETING OF ELECTORS ................................................................. 9

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .................. 9

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY
DECISION OF COUNCIL ..................................................................................... 9
13.0 REPORTS OF COMMITTEES ........................................................................................................... 9
13.1 LAKE GRACE LIBRARY RESOURCE & COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE – 4 AUGUST 2020 ......................................................... 9
14.0 REPORTS OF OFFICERS .............................................................................................................. 9
14.1 INFRASTRUCTURE SERVICES .................................................................................................. 9
14.2 PLANNING ................................................................................................................................... 9
14.3 HEALTH AND BUILDING ......................................................................................................... 9
14.4 ADMINISTRATION ..................................................................................................................... 10
14.4.1 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION .................................... 10
14.4.2 ADVANCE HOUSING LTD – CHANGE OF MANAGEMENT AGREEMENT .................. 13
14.4.3 LOCAL GOVERNMENT ACT REVIEW – FINAL REPORT ........................................... 17
14.5 FINANCE .................................................................................................................................... 20
14.5.1 ACCOUNTS FOR PAYMENT – JULY 2020 ................................................................. 20
14.5.2 FINANCIAL REPORTS – 31 JULY 2020 ........................................................................... 23
14.6 COMMUNITY SERVICES ........................................................................................................ 26
15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN ................................................... 26
16.0 INFORMATION BULLETIN – JULY 2020 ................................................................................... 26
17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S52.23 (2) ................ 28
18.1 DATE OF NEXT MEETING - 16 SEPTEMBER 2020 ................................................................. 28
19.0 CLOSURE ........................................................................................................................................ 28
20.0 CERTIFICATION ........................................................................................................................... 28
SHIRE OF LAKE GRACE

Minutes of the Ordinary Meeting of Council held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 19 August 2020.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3:30pm.

1.1 Constitutional Matters

Nil

2.0 DISCLAIMER READING

A recording of the disclaimer is to be played aloud.

No responsibility whatsoever is implied or accepted by the Shire of Lake Grace for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Lake Grace disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s and 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 license, any statement or limitation or approval made by a member or officer of the Shire of Lake Grace during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Lake Grace. The Shire of Lake Grace warns that anyone who has an application lodged with the Shire of Lake Grace 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 Lake Grace in respect of the application.
3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3.1 PRESENT

<table>
<thead>
<tr>
<th>Cr Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr LW Armstrong</td>
<td>Shire President</td>
</tr>
<tr>
<td>Cr R Chappell</td>
<td>Deputy Shire President</td>
</tr>
<tr>
<td>Cr DS Clarke</td>
<td></td>
</tr>
<tr>
<td>Cr RA Lloyd</td>
<td></td>
</tr>
<tr>
<td>Cr AD Marshall</td>
<td></td>
</tr>
<tr>
<td>Cr HL Steicke</td>
<td></td>
</tr>
<tr>
<td>Cr P Stoffberg</td>
<td></td>
</tr>
</tbody>
</table>

In Attendance

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr A George</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr C Elefsen</td>
<td>Manager Infrastructure Services</td>
</tr>
<tr>
<td>Mr Kevin Wilson</td>
<td>Manager Corporate Services</td>
</tr>
<tr>
<td>Mrs Racelis Rose</td>
<td>Executive Assistant – for the Minutes</td>
</tr>
</tbody>
</table>

Observers/Visitors

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Chris Paget</td>
<td>Deputy Chief Executive Officer</td>
</tr>
<tr>
<td>Mr John Lysaught</td>
<td>Advance Housing Ltd.</td>
</tr>
<tr>
<td>Mr Shane Carruthers</td>
<td>Member of Public</td>
</tr>
</tbody>
</table>

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr John Lysaught from Advance Housing Ltd (AHL) spoke to the Council regarding residential tenancy within the Shire of Lake Grace particularly the Newdegate area. Accordingly, the current Tenancy Management Agreement is no longer viable and moving forward, there needs to be a more sustainable agreement to sublease the properties owned by the Shire.
Mr Lysaught informed the Council that Advance Housing Ltd are doing all they can to improve their services so that they can go to a broader market to lease the properties, and this include:

- Exploring a more robust asset management system.
- Creating a strong working relationship with the subcontractors to facilitate maintenance work.
- Employing a full time Asset Manager who will take charge of the 3, 5, and 10 year projection for the management of the properties.

The major change to the agreement is that the funds currently held by AHL in the Shire’s name for maintenance will need to be transferred to AHL for ongoing maintenance. AHL also advised that in the past and because of legislation, some tenants were not allowed to occupy the properties because of income restrictions. There needs to be some income flexibilities in order for the houses to be rented out. Council rates are paid by AHL on the properties that they manage and under the Tenancies Act 1987, the tenant is not liable to pay council rates. AHL is to be charged an annual rental based on the current rates at the time. There are some anomalies in the rates currently being charged and they are currently being investigated.

There are currently around 10-12 vacancies in the Shire owned/joint venture properties in Newdegate, hopefully they will be able to be filled through the increased flexibility.

### 7.0 NOTATIONS OF INTEREST

Nil

### 7.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A

Cr Ross Chappell declared a Disclosure of Financial Interest on item 14.4.2 - Advance Housing Limited – Change of Management Agreement. He is renting Unit 2/2 Bennett Street, Lake Grace WA 6353 which is a Shire Independent Living Unit.

### 7.2 DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

Nil

### 7.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C

Nil

### 8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Peter Stoffberg applied for Leave of Absence from 7 September to 21 September 2020.
RESOLUTION NO. 13286

Moved Cr Chappell
Seconded Cr Clarke

Application for Leave of Absence by Cr Peter Stoffberg from 7 to 21 September 2020 was accepted.

CARRIED: 7/0

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10.0 CONFIRMATION OF MINUTES

10.1 ORDINARY MEETING – 15 JULY 2020

RESOLUTION NO 13287

Moved Cr Stoffberg
Seconded Cr Marshall

That the Minutes of the Ordinary Council Meeting held on 15 July 2020 be confirmed as a true and accurate record.

CARRIED: 7/0

10.2 SPECIAL MEETING – 29 JULY 2020

RESOLUTION NO. 13288

Moved Cr Steicke
Seconded Cr Lloyd

That the Minutes of the Special Council Meeting held on 29 July 2020 be confirmed as a true and accurate record.

CARRIED: 7/0
## 10.3 ANNUAL MEETING OF ELECTORS

Nil

## 11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

## 12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

Nil

## 13.0 REPORTS OF COMMITTEES

### 13.1 LAKE GRACE LIBRARY RESOURCE & COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE – 4 AUGUST 2020

**RESOLUTION NO. 13289**

Moved Cr Marshall  
Seconded Cr Stoffberg

That the minutes of the Lake Grace Library Resource & Community Resource centre Management Committee meeting held on 04 August 2020 be accepted as a true and accurate record of that meeting.

**CARRIED: 7/0**

## 14.0 REPORTS OF OFFICERS

### 14.1 INFRASTRUCTURE SERVICES

Nil.

### 14.2 PLANNING

Nil.

### 14.3 HEALTH AND BUILDING

Nil.
# 14.4 ADMINISTRATION

## 14.4.1 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0030</td>
</tr>
</tbody>
</table>
| Attachments     | 1. Email from WALGA CEO Nick Sloan  
|                 | 2. Deed of Variation (Draft)  
|                 | 3. Clause 12 of Trust Deed 1994 |
| Author          | Alan George  
|                 | Chief Executive Officer |
| Disclosure of Interest | Nil |
| Date of Report  | 29 July 2020 |
| Senior Officer  | Alan George  
|                 | Chief Executive Officer |

### Summary

To seek Council’s consent to a variation to the Trust Deed for the Local Government House Trust (The Trust), as the Shire of Lake Grace is a unit holder and beneficiary to the Local Government House Trust, holding 5 units 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 exempt 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 Lake Grace is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent in writing, to consent for the Trustee to formally execute the Deed of Variation (Attachment 2).

### Background

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**

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. The 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 insert 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.

**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.
Legal Implications
Nil

Policy Implications
There are no relevant policy implications.

Consultation
No external consultation has been undertaken, nor is proposed or deemed required

Financial Implications
There are no relevant financial implications upon the Council’s Budget or Long Term Financial Plan.

One Seventy (170) Railway Parade, (local government house), where WALGA is located, is owned by the Association. The Shire of Lake Grace owns five (5) units in the Trust that owns the ‘local government house’, which were valued at $15,466.80 each (as at 30/6/19). The Shire’s asset register reflects five (5) units held by the Shire of Lake Grace

Supporting the Deed of Variation will only strengthen WALGA’s financial position, which the Shire of Lake Grace is a financial member.

Strategic Implications
Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership Objective Strong governance and leadership, demonstrating fair and equitable community values
Outcome 4.1 A strategically focused, unified Council functioning efficiently
   4.1.3 Provide strategic leadership and governance
Outcome 4.2 An efficient and effective organisation
   4.2.1 Maintain accountability and financial responsibility through effective planning
   4.2.2 Comply with statutory and legislative requirements

RESOLUTION NO. 13290

Moved Cr Marshall
Seconded Cr Clarke

That Council:

- with respect to the Local Government House Trust – Deed of Variation, consent to a variation to the Trust Deed for the Local Government House Trust (The Trust) as detailed in attachment 1; and

- communicate this consent in writing to the Local Government House Trust’s Board of Management

CARRIED: 7/0
Voting Requirements

Simple majority required.

_Cr Ross Chappell left the room at 4:02pm and declared a Disclosure of Financial Interest before Item 14.4.2-Advance Housing Ltd – Change of Management Agreement was discussed._

### 14.4.2 ADVANCE HOUSING LTD – CHANGE OF MANAGEMENT AGREEMENT

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Advance Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0731</td>
</tr>
<tr>
<td>Attachments</td>
<td></td>
</tr>
<tr>
<td>Letters from Advance Housing 13 May 2020 and 02 July 2020</td>
<td></td>
</tr>
<tr>
<td>Residential Tenancy Agreement</td>
<td></td>
</tr>
<tr>
<td>Annexure “A” – Special Conditions</td>
<td></td>
</tr>
<tr>
<td>Annexure “B” – Reference Schedule</td>
<td></td>
</tr>
<tr>
<td>Author</td>
<td>Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Disclosure of Interest</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report</td>
<td>8 August 2020</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>Alan George</td>
</tr>
<tr>
<td></td>
<td>Chief Executive Officer</td>
</tr>
</tbody>
</table>

**Summary**

Advance Housing Ltd (AHL) is requesting a change in arrangements for the management of Shire properties, due to a shift in the legislative and regulatory environment surrounding property management.

**Background**

AHL (formerly Great Southern Community Housing Association) has been working with the Shire since 2009 regarding the rental management of the Shire properties, both owned and joint venture, in the towns of Lake Grace, Newdegate, Lake King and Varley.

In September 2012, a formal agreement was entered into with GSCHA for the full management of the properties.
Comment

In May 2020, AHL advised that it was unable to continue the management agreement in its current form due to progressive shifts in the legislative and regulatory environment around property management in recent years. AHL has now advised that it has taken formal advice that the best option for it, is to seek a long-term lease on all the properties and manage all tenancies under the same arrangements as are now in place.

Details of the main points of the proposed lease agreement are as follows:

- The term of the lease is 10 years.
- AHL will be the tenant and will sub-let to its tenants.
- AHL to be charged a rent equivalent to current Council rates with annual increases in line with any annual rate increases.
- AHL will be responsible for regular, cyclical and responsive maintenance but Council will retain responsibility for structural or major capital works.
- Where AHL have made best efforts to fill vacancies under social or affordable housing criteria and the property remains vacant, AHL will (and Council should) have the discretion to fill the properties from non-complying applications.

Other points to note are:

- AHL will be responsible for all insurances.
- A projected maintenance review of all properties will be undertaken.
- Annual strategic asset planning will be undertaken between the Shire and AHL.
- The current reserves held by AHL for the properties would need to be released for any future maintenance and renewal programs for the properties.

A draft Residential Tenancy Agreement has been prepared.

Basically, there will be nothing different from the previous arrangements other than the reserve funds will be released to AHL for ongoing maintenance requirements.

Clause 4(b) of Annexure “A” states…..

“If the Tenant, using its reasonable endeavours is unable to sublease any part of the Property to low income and moderate income applicants in accordance with the principles in clause 4(a) the Parties acknowledge and agree that the Tenant may sublease that part of the Property at a rent determined by the Tenant to any person the Tenant, in the Tenant’s absolute discretion deems appropriate”

This requires further clarification as there have been instances where some potential tenants have been knocked back due to them not being low or moderate income applicants. There are numerous vacant properties located in Newdegate which remain vacant due to the income restrictions. It is believed that Council should have some control over potential tenants being allocated housing as it has been demonstrated that the current income restrictions are impacting on the ability for employers to provide housing for their employees.
Legal Implications

Residential Tenancies Act 1987 (WA)

Policy Implications

Nil

Consultation

External Mr John Lysaught, - CEO Advance Housing Ltd.

Financial Implications

At present rental payments received by AHL are placed into a reserve fund for maintenance required. As at 30 June 2020, there was $49,414 held in a short term maintenance reserve. Currently, AHL pay the Council rates on the properties managed. Under the Residential Tenancies Act 1987 (WA), tenancy agreements from 1 July 2013 cannot make a tenant liable for paying council rates.

It is proposed that AHL will be charged rent equivalent to the amount of annual Council rates levied. For 20/21 council rates raised to AHL amount to $37,954.88. However, upon investigation into the rates raised to AHL previously, it has been uncovered that there is a great inconsistency with what has been being raised on the various properties with some being charged full rates, others part rates and some for bins only. This needs to be clarified first and Landgate has been contacted to provide valuations to enable this to be done.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Social Objective - A valued, healthy and inclusive community and life-style
Outcome 2.1 An engaged, supportive and inclusive community
   2.1.1 Community services and infrastructure meeting the needs of the district
RESOLUTION NO. 13291

Moved Cr Stoffberg
Seconded Cr Marshall

That Council considers the proposal from Advance Housing Ltd for a change in arrangements for the management of Shire properties due to a shift in the legislative and regulatory environment surrounding property management subject to clarification of;

- an amendment to Clause 4(b) of Annexure “A” which currently states:

  “If the Tenant, using its reasonable endeavours is unable to sublease any part of the Property to low income and moderate income applicants in accordance with the principles in clause 4(a), the Parties acknowledge and agree that the Tenant may sublease that part of the Property at a rent determined by the Tenant to any person the Tenant, in the Tenant’s absolute discretion deems appropriate”

  To include “....the Tenant’s and the Lessor’s absolute discretion deems appropriate.”

- the rating calculations for all properties subject to the lease arrangements

CARRIED: 6/0

Voting Requirements

Simple majority required.

Cr Ross Chappell returned to the room at 4:03pm to join the discussions.
**14.4.3 LOCAL GOVERNMENT ACT REVIEW – FINAL REPORT**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0030</td>
</tr>
<tr>
<td>Attachments</td>
<td>Local Government Act Review – Final Report (Recommendations for a new Local Government Act for Western Australia)</td>
</tr>
<tr>
<td>Author</td>
<td>Mrs Racelis Rose</td>
</tr>
<tr>
<td>Disclosure of Interest</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report</td>
<td>12 August 2020</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>Mr Alan George</td>
</tr>
</tbody>
</table>

**Summary**

Council is asked to read through the Final Report of the Local Government Act submitted by the review panel making note of the recommendations presented.

**Background**

The McGowan government announced in 2017 that a review of the Local Government Act 1995 is essential with the objective that Western Australia must have a modern, agile, smart and inclusive Act that gives power to all local governments to deliver service for the community. The review of the Act has been adopted in two stages:

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

Stage one reforms includes the following changes to the Local Government Legislation Amendment Act (LGLAA) 2019:

- New gift framework for elected members
- Mandatory online induction of all candidates
- Universal training for elected members
- Changes to Standards Panel and
- Easier access to information for greater transparency to the community

Stage two reforms which is expected to be implemented later in 2020 includes:

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

In this review, the Department of Local Government, Sport and Cultural Industries conducted community consultations from September 2018 to March 2019. Around 3,000 survey responses were received from various community members, ratepayer associations, industry groups, local governments, elected members and other peak bodies.

Comment

This report was compiled by the following panel members whose role is to guide the strategic direction of the review and consider high level guiding principles of the new Act.

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

The recommendations in this report were agreed to unanimously by all panel members, with a small minority expressing opposing view or excluded themselves because of conflict of interest.

Legal Implications
Nil

Policy Implications
Nil

Consultation

Internal Mr Alan George – Chief Executive Officer – Shire of Lake Grace

Financial Implications
Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership Objective – Strong governance and leadership, demonstrating fair and equitable community values
Outcome 4.1  A strategically focused, unified Council functioning efficiently
  4.1.1 Provide leadership on behalf of the community
  4.1.3 Provide strategic leadership and governance
Outcome 4.2  An efficient and effective organisation
  4.2.2 Comply with statutory and legislative requirements

RESOLUTION NO. 13292

Moved Cr Clarke
Seconded Cr Lloyd


CARRIED: 7/0

Voting Requirements

Simple majority required.

After the voting, Cr Armstrong advised that he and the Chief Executive Officer attended a State Briefing to Sector webinar on Friday 14 August 2020 conducted by Mayor Tracey Roberts, President of WALGA.

Cr Armstrong expressed concern regarding the recommended changes to councillor representation, the panel’s recommendation that shires with populations of under 5000 residents be represented by only 5 councillors is not regarded as viable in shires such as Lake Grace as it would not give adequate representation across the whole of the shire.
14.5  FINANCE

14.5.1 ACCOUNTS FOR PAYMENT – JULY 2020

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0277</td>
</tr>
<tr>
<td>Attachments</td>
<td>List of Accounts Payable</td>
</tr>
</tbody>
</table>
| Author          | Ms Victoria Gracheva  
Ms Victoria Gracheva Finance Officer |
| Disclosure of Interest | Nil |
| Date of Report  | 7 August 2020   |
| Senior Officer  | Mr Kevin Wilson  
Mr Kevin Wilson Manager Corporate Services |

Summary

For Council to ratify expenditures incurred for the month of July 2020.

Background

List of payments for the month of July 2020 through the Municipal and Trust accounts are attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

(a) The payee’s name
(b) The amount of the payment
(c) Sufficient information to identify the transaction
(d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
Local Government (Financial Management) Regulations 1996 – Reg 13
Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards
Policy 3.7 - Purchasing Policy

Consultation

Nil

Financial Implications

The list of creditors paid for the month of July 2020 from the Municipal and Trust Account Total $512,638.22.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027
Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcomes 4.2 An efficient and effective organisation
  4.2.1. Maintain accountability and financial responsibility through effective planning
  4.2.2 Comply with statutory and legislative requirements

RESOLUTION NO. 13293

Moved Cr Marshall
Seconded Cr Lloyd

That Council ratify the list of payments totalling $512,638.22 as presented for the month of July 2020 incorporating:

<table>
<thead>
<tr>
<th>Payment Method</th>
<th>Cheque/EFT/DD Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust Account</td>
<td>N/A</td>
<td>$0.00</td>
</tr>
<tr>
<td>Electronic Funds Transfers</td>
<td>EFT21154 – EFT21229</td>
<td>$473,885.79</td>
</tr>
<tr>
<td>Municipal Account</td>
<td>36875 - 36877</td>
<td>$11,951.94</td>
</tr>
<tr>
<td>Direct Debits</td>
<td>DD9086.1 – DD9107.1</td>
<td>$26,800.49</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

CARRIED: 7/0

Voting Requirements

Simple majority required.
**Shire of Lake Grace**

**CERTIFICATE OF EXPENDITURE**

*July 2020*

This Schedule of Accounts to be passed for payment, covering

<table>
<thead>
<tr>
<th>Payment Method</th>
<th>Cheque/EFT/DD Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust Account</td>
<td>N/A</td>
<td>$0.00</td>
</tr>
<tr>
<td>Electronic Funds Transfers</td>
<td>EFT21154 – EFT21229</td>
<td>$473,885.79</td>
</tr>
<tr>
<td>Municipal Account</td>
<td>36875 - 36877</td>
<td>$11,951.94</td>
</tr>
<tr>
<td>Direct Debits</td>
<td>DD9086.1 – DD9107.1</td>
<td>$26,800.49</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>512,638.22</strong></td>
</tr>
</tbody>
</table>

To the Municipal and Trust Accounts, totalling $512,638.22, which were submitted to each member of the Council on 19 August 2020, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costing’s and the amounts shown are due for payment.

Mr Alan George

CHIEF EXECUTIVE OFFICER
14.5.2 FINANCIAL REPORTS – 31 JULY 2020

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>0275</td>
</tr>
</tbody>
</table>
| Attachments:     | • Monthly Financial Reports  
|                  | • Bank Reconciliations – July 2020 |
| Author:          | Mr Kevin Wilson  
|                  | Manager Corporate Services |
| Disclosure of Interest | Nil          |
| Date of Report   | 10 August 2020  |
| Senior Officer   | Mr Alan George  
|                  | Chief Executive Officer |

Summary

Consideration of the Monthly Financial Reports for the period ending 31 July 2020, and Bank Reconciliations for the month ending 31 July 2020.

Background

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented at an Ordinary Council meeting within two (2) months of the period end date.

Comment

As at 31 July 2020, operating revenue exceeded target due to the rates revenue being recognised in July following the adoption of the budget in late July and the raising of rate notices before the end of the month.

Operating expenditure is under YTD budget by $173,143 (14.5%) but it is only the first month into the new financial year and is expected.

The capital program is under budget but it will take time before a majority of the projects kick into gear.

Cash at bank is similar to the corresponding period last year.

Outstanding rates is at the level expected considering the rates notices had been sent in the last days of the month.

General debtors is $173,929 with no major outstanding debts to follow up.

The Monthly reports will now be completed in house with Moore Stephens assisting with the 2019/2020 annual financial statements as they have built the history for last financial year. The
monthly financial reports includes the accompanying Local Government special purpose financial statements for the Shire of Lake Grace, which comprises the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 July 2020. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

The Shire of Lake Grace is responsible for the information contained in the financial statements and is responsible for maintenance of an appropriate accounting system in accordance with relevant legislation.

Legal Implications

Section 6.4 of the Local Governments Act 1995 provides for the preparation of financial reports.

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

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027
Leadership – Strong governance and leadership, demonstrating fair and equitable community values
Outcome 4.2 An efficient and effective organisation
  4.2.1 Maintain accountability and financial responsibility through effective planning
  4.2.2 Comply with statutory and legislative requirements
RESOLUTION NO. 13294

Moved Cr Steicke
Seconded Cr Stoffberg

That Council in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 receives the attached:

1. Statements of Financial activity for the period ended 31 July 2020 and
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 July 2020.

CARRIED: 7/0

Voting Requirements
Simple majority required.
14.6 COMMUNITY SERVICES

Nil

15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 INFORMATION BULLETIN – July 2020

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Internal Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No.</td>
<td>Nil</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Information Bulletin</td>
</tr>
<tr>
<td>Author:</td>
<td>RR Rose</td>
</tr>
<tr>
<td></td>
<td>Mrs Racelis Rose</td>
</tr>
<tr>
<td></td>
<td>Executive Assistant</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date of Report:</td>
<td>29 July 2020</td>
</tr>
</tbody>
</table>

Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

Copies of other relevant Councillor information are distributed via email.

Comment

This month’s Information Bulletin Report was emailed to Councillors.

The July 2020 Information Bulletin attachment include:

Reports:

- Infrastructure Services Report – July 2020
- Community Services Report – June 2020
- Environmental Health Officer Report – July 2020 - Nil
- Lake Grace Visitor Centre – July 2020
- Lake Grace Library Report and Statistics – July 2020
- Lake King Library Report and Statistics – July 2020
• Newdegate Library Report and Statistics – July 2020

Circulars, Media Releases, Newsletters, Letters:
• MARKYT Community Resilience Scorecard
• Media Release – Applications Open for key COVID-19 Relief Grants
• WALGA Quarterly Overview Report – 2020 Q2 (April-June) Shire of Lake Grace
• SOS – Talk it and Walk it – Winter Newsletter 2020
• Becoming A Film Friendly “Certified Community”

Legal Implications
Nil

Policy Implications
Nil

Consultation
Nil

Financial Implications
Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027
Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcome 4.1 A strategically focused, unified Council functioning efficiently
  4.1.1 Provide informed leadership on behalf of the community
  4.1.2 Promote and advocate for the community and district
  4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation
  4.2.1 Maintain accountability and financial responsibility through effective planning
  4.2.2 Comply with statutory and legislative requirements

RESOLUTION NO. 13295

Moved Cr Lloyd
Seconded Cr Clarke


CARRIED: 7/0

Voting Requirements
Simple majority required.
17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S52.23 (2)

Nil

18.1 DATE OF NEXT MEETING - 16 SEPTEMBER 2020

The next Ordinary meeting of Council is scheduled to take place on Wednesday 16 September 2020, commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4:09pm.

20.0 CERTIFICATION

I, Leonard William Armstrong, certify that the Minutes of Meeting held on 19 August 2020 as shown were confirmed as a true record of that meeting.

_________________________________________  _____________________