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## MINUTES

### Shire of Wandering Council Meeting 15 February 2024

#### OUR VISION

***Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.***

*These Minutes of the Council meeting held 15 February 2024 are confirmed as a true and correct record of proceedings without amendment. Confirmed on 21 March 2024 by the Presiding Member, Cr I Turton.*

  
.....  
Cr Turton Presiding Member

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The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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Alan Hart  
Chief Executive Officer

## SHIRE OF WANDERING

Minutes of the Ordinary Meeting of Council held in the Council Chambers on Thursday 15 February 2024.

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**1. Declaration of Opening / Announcements of Visitors**

The Presiding member opened the meeting at 3.55pm

**2. Attendance / Apologies / Approved Leave of Absence**

**Councillors**

Cr Ian Turton (Shire President)  
Cr Sheryl Little (Deputy Shire President)  
Cr Lou Cowan  
Cr Gillian Hansen  
Cr Dennis Jennings  
Cr Alan Price  
Cr Max Watts

**Staff**

Alan Hart (Chief Executive Officer)  
Karl Mickle (Operations Manager)

**Apologies**

**Members of the Public**

Mr Bob Treasure

**3. Announcements by the Presiding Member**

- Welcome to former Shire President, Bob Treasure, to the meeting.
- Acknowledgement of the recent successful Australia Day event and thanked Steph Cornish for her speech and congratulated Stephen Bullock on his award.
- Thanks to Lou Cowan for his work as Project Manager for the Community Centre Upgrade.
- The Shire President and Deputy will be meeting with the chair of the Road Safety Council.
- The Shire President has joined the committee for the Wheatbelt Secondary Freight Route.
- WSNF funding not approved for this year.
- The CEO KPI report will be presented to March's meeting.

**4. Response to Previous Public Questions Taken on Notice**

Nil.

**5. Public Question Time**

Nil.

**6. Petitions / Deputations / Presentations / Submissions**

Nil.

**7. Applications for Leave of Absence**

Nil.

**8. Disclosures of Interest**

Nil.

**9. Confirmation of Minutes of Previous Meetings Held**

**9.1 Ordinary Council Meeting Minutes – 14 December 2023**

**Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the Council or the committee, as the case requires, for confirmation.

**Voting Requirements:**

Simple Majority

**030224 Moved: Cr G Hansen Seconded: Cr S Little**

**Recommendation and Council Decision:**

**That the Minutes of the Ordinary Meeting of Council held on 14 December 2023 be confirmed as true and correct.**

Carried 7/0

**For: Cr Turton, Cr Little, Cr Cowan, Cr Hansen, Cr Jennings, Cr Price, Cr Watts.**

**Against: Nil**

## 10. Reports of Committees of Council

### 10.1 Compliance Audit Return 2023

<b>File Reference:</b>	<b>04.041.04109</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>12 February 2024</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Compliance Audit Return 2023</b>
<b>Previous Reference:</b>	<b>N/A</b>

#### **Summary:**

To adopt the Compliance Audit Return in accordance with the *Local Government (Audit) Regulations 1996*.

#### **Background:**

The Compliance Audit Return process ensures that each Local Government has processes in place that allows Council to monitor how the organisation is functioning. The Compliance Audit Return is one of the tools available to assist Council with this monitoring role.

The *Local Government (Audit) Regulations* require the Compliance Audit Return to be reviewed by the Audit Committee, then presented to Council.

After the Return has been presented to Council a certified copy of the Return along with the relevant section of the Minutes and any additional information is to be submitted to the Department by 31 March each year..

At the Audit Committee meeting held on 9 February 2024 the Compliance Audit Return was reviewed where it was recommended it be adopted.

#### **Comment:**

Nothing further.

#### **Consultation:**

Nil.

#### **Statutory Environment:**

*Local Government (Audit) Regulations 1996*

*r14. Compliance audits by local governments*

*(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

*(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

*(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

*(3) After the audit committee has reported to the council under sub-regulation (3A), the compliance audit return is to be —*

*(a) presented to the council at a meeting of the council; and*

*(b) adopted by the council; and*

*(c) recorded in the minutes of the meeting at which it is adopted.*

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance Develop and maintain our Strategic Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan and Long Term Financial Plan Service Level Plans detail operational roles, responsibilities and resources Engage with local, regional, state and federal stakeholders to grow mutually beneficial relationships

**Sustainability Implications:**

- Environmental: There are no known significant environmental considerations.
- Economic: There are no known significant economic considerations.
- Social: There are no known significant social considerations.

**Risk Implications:**

Nil.

**Voting Requirements:**

Simple Majority

**030224 Moved: Cr M Watts Seconded: Cr S Little**

**Committee Recommendation and Council decision:**

**That Council:**

- **adopts the attached Compliance Audit Return for the period 1 January to 31 December 2023.**
- **authorises the Chief Executive Officer and the Shire President to sign and submit the 2023 Compliance Audit Return to the Department of Local Government.**

Carried 7/0

**For: Cr Turton, Cr Little, Cr Cowan, Cr Hansen, Cr Jennings, Cr Price, Cr Watts.**

**Against: Nil**

# Compliance Audit Return

- Start ✓
- Details ✓
- Commercial Enterprises ✓
- Delegation ✓
- Disclosure of Interest ✓
- Disposal of Property ✓
- Elections ✓
- Finance ✓
- Integrated Planning and Reporting ✓
- Employees ✓
- Conduct ✓
- Other ✓
- Tenders ✓
- Documents ✓

Review

Finalise

## Details

### Local Government

Wandering, Shire of

### Created By

Alan Hart

### Year of Return

2023

### Status

Draft

# Commercial Enterprises by Local Governments

1. Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023? \*

N/A

Add comments

—

2. Has the local government prepared a business plan for each major land transaction that was not exempt in 2023? \*

N/A

Add comments

—

3. Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2023? \*

N/A

Add comments

—

4. Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2023? \*

N/A

Add comments

—



5. During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? \*

N/A

Add comments

---

## Delegation of Power/Duty

1. Were all delegations to committees resolved by absolute majority? \*

N/A

Add comments

---

2. Were all delegations to committees in writing? \*

N/A

Add comments

---

3. Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995? \*

N/A

Add comments

---

4. Were all delegations to committees recorded in a register of delegations? \*

N/A

Add comments

—  
**5. Has council reviewed delegations to its committees in the 2022/2023 financial year? \***

N/A

**Add comments**

—  
**6. Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995? \***

Yes

**Add comments**

—  
**7. Were all delegations to the CEO resolved by an absolute majority? \***

Yes

**Add comments**

—  
**8. Were all delegations to the CEO in writing? \***

Yes

**Add comments**

**9. Were all delegations by the CEO to any employee in writing? \***

Yes

**Add comments**

—

**10. Were all decisions by the Council to amend or revoke a delegation made by absolute majority? \***

N/A

**Add comments**

—

**11. Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees? \***

Yes

**Add comments**

—

**12. Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year? \***

Yes

**Add comments**

—

**13. Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19? \***

Yes

**Add comments**

---

# Disclosure of Interest

1. Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter? \*

Yes

**Add comments**

**Please enter comments \***

21/9/23 Cr Max Watts

2. Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting? \*

Yes

**Add comments**

---

3. Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made? \*

Yes

**Add comments**

---

4. Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day? \*

Yes

**Add comments**

—  
**5. Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023? \***

Yes

**Add comments**

—  
**6. On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return? \***

Yes

**Add comments**

—  
**7. Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995? \***

Yes

**Add comments**

—  
**8. Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28? \***

Yes

**Add comments**

**9. When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person? \***

Yes

**Add comments**

---

**10. Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return? \***

Yes

**Add comments**

---

**11. Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A? \***

Yes

**Add comments**

---

**12. Did the CEO publish an up-to-date version of the gift register on the local government's website? \***

Yes

**Add comments**

---

**13. When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people? \***

Yes

**Add comments**

---

**14. Have copies of all records removed from the register under section 5.89A(6) of the Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure? \***

Yes

**Add comments**

---

**15. Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report? \***

N/A

**Add comments**

---

**16. Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application? \***

N/A

**Add comments**

---

**17. Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered? \***

N/A

**Add comments**

---

**18. Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct? \***

Yes

**Add comments**

—

**19. Did the local government adopt additional requirements in addition to the model code of conduct? \***

No

**Add comments**

—

**20. Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website? \***

Yes

**Add comments**

—

**21. Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? \***

Yes

**Add comments**

—

**21a. Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website? \***

Yes

## **Disposal of Property**



1. Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)? \*

N/A

Add comments

—

2. Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) in the required local public notice for each disposal of property? \*

N/A

Add comments

—

## Elections

1. Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulation 30G(1) and regulation 30G(2) of the Local Government (Elections) Regulations 1997? \*

Yes

Add comments

—

2. Did the CEO remove any disclosure of gifts forms relating to unsuccessful candidates, or successful candidates that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997? \*

N/A

Add comments

—

**3. Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997? \***

N/A

**Add comments**

—

## **Finance**

**1. Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995? \***

Yes

**Add comments**

—

**2. Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority? \***

N/A

**Add comments**

—

**3. Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023? \***

Yes

**Add comments**

—

**4. Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters? \***

N/A

Add comments

—

**5. Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government? \***

N/A

Add comments

—

**6. Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website? \***

N/A

Add comments

—

**7. Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit? \***

N/A

Add comments

—

## **Integrated Planning and Reporting**

**1. Has the local government adopted by absolute majority a strategic community plan? \***

Yes

**Add comments**

**Please provide the adoption date or the date of the most recent review \***

04/04/2019

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**2. Has the local government adopted by absolute majority a corporate business plan? \***

Yes

**Add comments**

**Please provide the adoption date or the date of the most recent review \***

20/05/2021

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**3. Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)? \***

Yes

**Add comments**

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## **Local Government Employees**

**1. Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A? \***

N/A

**Add comments**

---

2. Was all information provided in applications for the position of CEO true and accurate? \*

N/A

Add comments

—

3. Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995? \*

N/A

Add comments

—

4. Did the CEO inform council of each proposal to employ or dismiss senior employee? \*

N/A

Add comments

—

5. Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so? \*

N/A

Add comments

—

## Official Conduct

1. Has the local government designated an employee to be its complaints officer? \*

Yes

Add comments

—

**2. Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995? \***

Yes

**Add comments**

**Please enter comments \***

No complaints received

**3. Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995? \***

N/A

**Add comments**

—

**4. Has the CEO published an up-to-date version of the register of the complaints on the local government's official website? \***

Yes

**Add comments**

## **Other**

**1. Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2) (c) within the three financial years prior to 31 December 2023?**

Yes

**Add comments**

**Please provide the date of council's resolution to accept the report. \***

19/05/2022

---

**2. Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023?**

Yes

**Add comments**

**Please provide the date of council's resolution to accept the report. \***

19/08/2021

---

**3. Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?**

N/A

**Add comments**

---

**4. Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?**

Yes

**Add comments**

**Please enter comments \***

16/03/2023

---

**5. Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?**

Yes

**Add comments**

—

**6. Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?**

Yes

**Add comments**

**Please enter comments \***

16/03/2023

**7. Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?**

Yes

**Add comments**

—

**8. By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?**

Yes

**Add comments**

—

**9. When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?**

Yes

**Add comments**



# Tenders for Providing Goods and Services

1. Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less? \*

Yes

Add comments

—

2. Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations? \*

N/A

Add comments

Please enter comments \*

No tenders advertised in the 2023 year

3. When regulations 11(1), 12(2) or 13 of the Local Government (Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)? \*

N/A

Add comments

—

4. Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract? \*

N/A

Add comments

—

**5. If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation? \***

N/A

**Add comments**

—

**6. Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16? \***

N/A

**Add comments**

—

**7. Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website? \***

N/A

**Add comments**

—

**8. Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender? \***

N/A

**Add comments**

—

**9. Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept? \***

N/A

**Add comments**

---

**10. Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted? \***

N/A

**Add comments**

---

**11. Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22? \***

N/A

**Add comments**

---

**12. Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice? \***

N/A

**Add comments**

---

**13. Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer? \***

N/A

**Add comments**

---

**14. Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24? \***

N/A

**Add comments**

—

**15. Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE? \***

N/A

**Add comments**

—

**16. If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation? \***

N/A

**Add comments**

—

**17. Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application? \***

N/A

**Add comments**

—

**18. Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG? \***

N/A

**Add comments**

—

**19. Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications? \***

N/A

**Add comments**

—

**20. Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept? \***

N/A

**Add comments**

—

**21. Did the CEO send each applicant written notice advising them of the outcome of their application? \***

N/A

**Add comments**

—

**22. Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F? \***

N/A

**Add comments**

—

# Documents

There are no notes to display.

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**11. Reports from Councillors**

**Cr Ian Turton (President)**

**Cr Sheryl Little (Deputy President)**

**Cr Lou Cowan**

**Cr Gillian Hansen**

**Cr Dennis Jennings**

**Cr Alan Price**

**Cr Max Watts**

## **12. Chief Executive Officer**

### **12.1 Shire of Wandering Policy Manual Review**

<b>File Reference:</b>	<b>11.111.11101</b>
<b>Author:</b>	<b>Lisa Boddy, Executive Assistant</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>5 February 2024</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Policy 38 - Habitual or Vexatious Complainants Policy 42 – Memorials on Land Under Control of Council Policy 46 – Private Works</b>
<b>Previous Reference:</b>	<b>Item 12.1 Ordinary Council Meeting 14 December 2023</b>

#### **Summary:**

To continue with the process of reviewing all Council policies to ensure they are still relevant and correct for the day to day workings of the Shire.

#### **Background:**

At the Ordinary Council Meeting held on 18 August 2022 Council resolved to adopt Policy 83 – Policy Manual which states that:

***All policies within the Policy Manual are to be reviewed by Council every three years, being one third of Council's policies each year in a three year period. Council may review an individual policy at any time before the next review date if it determines it to be necessary.***

As there are currently 90 policies of the Shire it is proposed that each month several policies are reviewed by Council, this will ensure that all policies are reviewed in the stated three year period.

#### **Comment:**

Three policies are to be reviewed this month:

- Policy 38 – Habitual or Vexatious Complainants
- Policy 42 – Memorials on Land Under Control of Council
- Policy 46 – Private Works

These policies were presented to the General Planning Forum on 14 December 2023. Changes were made to only one policy, Policy 42, as highlighted in the attachment.

#### **Consultation:**

Chief Executive Officer  
Elected Members

#### **Statutory Environment:**

*Local Government Act 1995 S.2.7(2)(b)*

#### **Policy Implications:**

As reviewed.

#### **Financial Implications:**

Nil.



**Strategic Implications:  
Provide Strong Leadership**

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance Service Level Plans detail operational roles, responsibilities and resources.

**Sustainability Implications:**

- Environmental: There are no known significant environmental considerations.
- Economic: There are no known significant economic considerations.
- Social: There are no known significant social considerations.

**Risk Implications:**

Not regularly updating the Shire’s Policy manual poses a reputable risk with a medium risk rating. In order to maintain transparency and to facilitate appropriate decision making processes, it is imperative that policy statements reflect the current position of Council and work practices at the Shire as well as best practice approaches.

**Voting Requirements:**

Simple Majority

**040224 Moved: Cr G Hansen Seconded: Cr R Cowan**

**Officer Recommendation:**

**That Council adopts the following policies with any amendments made.**

- **Policy 38 – Habitual or Vexatious Complainants**
- **Policy 42 – Memorials on Land Under Control of Council**
- **Policy 46 – Private Works**

Carried 7/0

**For: Cr Turton, Cr Little, Cr Cowan, Cr Hansen, Cr Jennings, Cr Price, Cr Watts.  
Against: Nil**

<b>POLICY TYPE:</b>	<b>GOVERNANCE AND COUNCIL MEMBERS</b>	<b>POLICY NO:</b>	<b>38</b>
<b>DATE ADOPTED:</b>	18/07/2019	<b>DATE LAST REVIEWED:</b>	17/09/2020 16/09/2021
<b>LEGAL (PARENT):</b>	<i>Local Government Act 1995</i>	<b>LEGAL (SUBSIDIARY):</b>	
<b>DELEGATION OF AUTHORITY APPLICABLE:</b>		<b>DELEGATION NO.</b>	

ADOPTED POLICY	
<b>TITLE:</b>	Habitual and Vexatious Complainants
<b>OBJECTIVE:</b>	<ul style="list-style-type: none"> <li>To describe a framework for identifying and dealing with habitual or vexatious complainants</li> </ul>

### DEFINITIONS

“Habitual” means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action.

For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

- (a) The repeated and/or obsessive pursuit of:
- Unreasonable complaints and/or unrealistic outcomes; and/or
  - Reasonable complaints in an unreasonable manner.

### POLICY STATEMENT

The Shire of Wandering acknowledges that habitual or vexatious complaints can be a problem for employees and elected members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

- (a) To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be “habitual or vexatious” and ways of responding to these situations.
- (b) This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

### **1. SCHEDULE A – CRITERIA FOR DETERMINING HABITUAL OR VEXATIOUS COMPLAINTS**

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

- (a) Persist in pursuing a complaint where the Shire’s complaints process has been fully and properly implemented and exhausted.
- (b) Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
- (c) Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- (d) Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Shire to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

- (e) Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgment will be used in applying these criteria.
- (f) Have threatened or used physical violence towards employees at any time. This will cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Shire is to be made.
- (g) Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact considering the specific circumstances of each individual case.
- (h) Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
- (i) Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- (j) Make unreasonable demands on the Shire and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- (k) Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
  - Clearly does not have any serious purpose or value; or
  - Is designed to cause disruption or annoyance; or
  - Has the effect of harassing the public authority; or
  - Can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- (l) Make repetitive complaints and allegations which ignore the replies which Council employees have supplied in previous correspondence.

### **3. SCHEDULE B – OPTIONS FOR DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS**

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed:

- (a) A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- (b) Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
- (c) Notify the complainant, in writing, that the Shire has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Shire does not intend to engage in further correspondence dealing with the complaint.
- (d) Inform the complainant that in extreme circumstances the Shire will seek legal advice on habitual or vexatious complaints.
- (e) Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

<b>POLICY TYPE:</b>	<b>COMMUNITY</b>
<b>DATE ADOPTED:</b>	18/07/2019

<b>POLICY NO:</b>	<b>42</b>
<b>DATE LAST REVIEWED:</b>	17/09/2020 16/09/2021

<b>LEGAL (PARENT):</b>	<i>Local Government Act 1995</i>
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<b>LEGAL (SUBSIDIARY):</b>	<i>Land Administration Act 1997</i>
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<b>DELEGATION OF AUTHORITY APPLICABLE:</b>
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<b>DELEGATION NO.</b>
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<b>ADOPTED POLICY</b>	
<b>TITLE:</b>	Memorials on Land under Control of Council
<b>OBJECTIVE:</b>	<ul style="list-style-type: none"> <li>To preserve the amenity of public reserves by managing the placement of private monuments and memorials; and</li> <li>To provide guidelines on what memorials may be placed in public places and the process that needs to be followed to gain consent for the placement of a memorial.</li> <li>The application of this policy is to be in conjunction with the Shire of Wandering Council members, employees and community members.</li> </ul>

## **DEFINITIONS**

**Memorials and Monuments** means structures made of concrete, natural stone, marble or timber or the like which have words inscribed onto them and make take on a variety of sizes and shapes including monuments. Headstones in cemeteries are an example of a memorial or monument.

**Plinths** means structures onto which plaques are attached. They may be made of concrete, natural stone, marble or timber or the like.

**Public Land** – means freehold land, road verges or Reserves under the care and control of the Shire.

## **POLICY STATEMENT**

### **1. MEMORIALS LOCATED ON PUBLIC LAND**

The creation or placement of memorials or monuments on public land is not permitted unless the consent of the Shire of Wandering is provided.

#### **1.1 SEATS**

Council approval is required for the placement of seats with plaques, including any proposed wording on the plaque on public land. Applications must be made in writing describing the proposed location and wording of the plaque.

The purchase and placement of the seat will be at the expense of the applicant and the seat must meet the specifications set by the Shire, depending upon the location.

If installation of the proposed seat is required, the cost will be charged in accordance with the Council's Adopted Fees and Charges.

#### **1.2 PLINTHS AND ROCKS WITH PLAQUES**

Council approval is required for the placement of plinths and/or rocks with plaques on public land. As a guide, Council expects the person, event or location is of historical significance.

The purchase and placement of the plinth and/or rock will be at the expense of the applicant and the plinth and/or must meet the specifications set by the Shire, depending upon the location.

If installation of the proposed plinth and/or rock is required, the cost will be charged in accordance with the Council's Adopted Fees and Charges.

### 1.3 TREES

Council approval is required for the planting of trees on public land. Council will generally not approve plaques to be placed on any tree.

The purchase and placement of the trees will be at the expense of the applicant and the location must meet the specifications set by the Shire, depending upon the location.

If installation of the proposed trees are required, the cost will be charged in accordance with the Council's Adopted Fees and Charges.

### 1.4 SCATTERING OF ASHES

The Chief Executive Officer may determine applications for the scattering of ashes on public land.

## 2. GENERAL

- (a) This policy does not apply to the erection of memorials and plaques to be placed in a cemetery or memorial gardens.
- (b) All plaques may be no larger than 150mm x ~~150mm~~, 150mm, with the surrounding plinth or support / surround no larger than 200mm x 200mm.
- (c) No responsibility is to be taken by the Shire of Wandering for the ongoing maintenance of the memorials or plaques.
- (d) No responsibility is to be taken by the Shire of Wandering for any damage to any memorial or for their unauthorised removal.
- (e) The Shire of Wandering reserves the right to remove any memorials at any time.
- (f) In any cases not expressly covered by this Policy, Council adopts the Main Roads WA Roadside Memorial Policy and Guidelines.

<b>POLICY TYPE:</b>	<b>COMMUNITY</b>
<b>DATE ADOPTED:</b>	18/07/2019

<b>POLICY NO:</b>	<b>46</b>
<b>DATE LAST REVIEWED:</b>	17/09/2020 16/09/2021

<b>LEGAL (PARENT):</b>	<i>Local Government Act 1995</i>
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<b>LEGAL (SUBSIDIARY):</b>	
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<b>DELEGATION OF AUTHORITY APPLICABLE:</b>	
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<b>DELEGATION NO.</b>	
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<b>ADOPTED POLICY</b>	
<b>TITLE:</b>	Private Works
<b>OBJECTIVE:</b>	<ul style="list-style-type: none"> <li>To provide the framework for undertaking works for external individuals, companies or public agencies. The Shire undertakes private works to assist external clients provide infrastructure and services where this is of benefit to the community and can be undertaken without detriment to the Shire's own works program.</li> </ul>

### **DEFINITION**

Private works include:

- (a) Provision of works or services to external individuals, companies or government agencies
- (b) Supply of Shire materials
- (c) Hire of Shire plant.

Significant nature – means works, services or materials with a total value exceeding \$50,000 excluding GST per event.

### **POLICY STATEMENT**

#### **1. PRINCIPLES**

The following principles guide the Shire's involvement in private works:

- (a) The Shire will not knowingly tender against private contractors for external contracts within the Shire of Wandering;
- (b) Private works of a significant nature will be subject to approval by Council, and will incorporate appropriate project management and reporting processes;
- (c) Private works will be priced as per Council's adopted Schedule of Fees & Charges.
- (d) The Shire will carefully assess any risk associated with the undertaking of private work in accordance with the Shire's Risk Management Policy.

#### **2. RISK**

The Shire will exercise a high level of due diligence in the pricing and design of work and ensure contracts are written to ensure all costs are the responsibility of the external party.

### **ASSOCIATED DOCUMENTS**

Shire of Wandering Purchasing and Tender Policy

Shire of Wandering Records Keeping Plan and Policy

## 12.2 Committees of Council

<b>File Reference:</b>	<b>04.041.04112</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Executive Assistant</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>6 February 2024</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 11.1 Special Council Meeting 26 October 2023</b>

### Summary:

At the Special Meeting of Council held on 26 October 2023 the external committees of Council members were updated. There is one update to be made.

### Background:

At the Special Meeting of Council held on 26 October 2023 the following appointments were made to the external committees of Council:

#### STANDING COMMITTEES OF COUNCIL

Audit Committee	All Elected Members
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#### OTHER COMMITTEES

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Central Wheatbelt WALGA Zone	Bi-monthly	Cr Turton	Cr Little	As required
Regional Road Group	Quarterly	Cr Turton	Cr Price	Cr Little
Secondary Freight Routes Group	As required	Cr Watts	Cr Turton	Cr Price
Voluntary Regional Organisation of Councils (VROC)	Quarterly	Cr Hansen	Cr Cowan	Cr Little
Bush Fire Advisory Committee	Twice yearly	Cr Cowan	Cr Hansen	Cr Price
Development Assessment Panel (DAP)	As required			
Peel Harvey Catchment Council	Bi-monthly	Cr Watts	Cr Hansen	Cr Jennings Cr Price
LEMC	Bi Monthly	Cr Turton	Cr Little	Cr Cowan
Worsley Alumina Community Liaison Committee	Quarterly	Cr Hansen	Cr Jennings	Cr Watts
Newmont Goldcorp Boddington Community Reference Group	Quarterly	Cr Watts	Cr Price	Cr Jennings
Wandering Community Centre Upgrade Committee	As Required	Cr Hansen	Cr Little	Cr Watts (Delegate 3)
	<i>Community Members</i>	Lee Muller	Darralyn Ebsary	Brendan Whitely
CEO Performance Review Committee	As Required	Ex Cr Parsons	Ex Cr Treasure	Nil

**Comment:**

The following update is required:

- Change to Secondary Freight Routes Group - Delegate 1 Cr Turton, Delegate 2 Cr Price, and Proxy Cr Watts

**Consultation:**

Nil.

**Statutory Environment:**

*Local Government Act 1995*

**Policy Implications:**

There are no current policy implications.

**Financial Implications:**

There are no financial implications.

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

**Sustainability Implications:**

- Environmental: There are no known significant environmental considerations.
- Economic: There are no known significant economic considerations.
- Social: There are no known significant social considerations.

**Risk Implications:**

Nil.

**Voting Requirements:**

Simple majority.

**050224 Moved: Cr G Hansen Seconded: Cr M Watts**

**Officer Recommendation:**

**That Council endorses the update of the appointment listed below:**

**OTHER COMMITTEES**

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Secondary Freight Routes Group	As required	Cr Turton	Cr Price	Cr Watts

Carried 7/0

For: Cr Turton, Cr Little, Cr Cowan, Cr Hansen, Cr Jennings, Cr Price, Cr Watts.

Against: Nil



### 12.3 Review of the Wandering Community Resource Centre

<b>File Reference:</b>	<b>13.134.13421</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>8 February 2024</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Wandering CRC Review Report</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary:**

For Council to consider the recommendations in the Wandering Community Resource Centre (CRC) Review that was undertaken in 2023.

#### **Background:**

A review of the Wandering Community Resource Centre was undertaken in 2023. The purpose of the review was to determine if the services provided and the level of service was meeting the communities expectations and if there are any changes to the services provided and/or the level of service provided needs to alter.

#### **Comment:**

The review that was undertaken was done in two phases. Firstly there were two community meetings where members of the community had their direct input into the operations of the CRC. Following this a survey was drafted based on the input of the two community meetings. Copies of the survey were available at the CRC, on the Shire's Website and a copy was mailed to all mailboxes. A total of 48 participants took part in the review. Full details of what participants said are in the attached report.

Out of the review, five recommendations have been made. These recommendations are designed to ensure the continued operations of the CRC, to develop a plan to expand the CRC and to ensure that in the future, the community has continual input into the CRC's activities and operations.

#### **Consultation:**

Councillors  
Wandering Community

#### **Statutory Environment:**

N/A

#### **Policy Implications:**

N/A

#### **Financial Implications:**

The Wandering CRC is funded through a mix of grant and shire funds. In the 2023/24 year, the Shire committed \$77,000 towards the operations of the Wandering CRC.

**Strategic Implications:  
Provide Strong Leadership**

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
People feel safe, connected and actively involved in the community	Facilitate and support activities that optimise use of our facilities

**Risk Implications:**

Nil

**Voting Requirements:**

Simple Majority

**060224 Moved: Cr R Cowan Seconded: Cr S Little**

**Officer Recommendation:**

**That Council receive the Wandering Community Resource Centre Review report and endorse the recommendations as detailed in the report.**

Carried 7/0

For: Cr Turton, Cr Little, Cr Cowan, Cr Hansen, Cr Jennings, Cr Price, Cr Watts.

Against: Nil