



## **SHIRE OF BEVERLEY NOTICE OF MEETING**

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, 136 Vincent Street Beverley, on Tuesday 22 August 2023. Please arrive by 2:50pm if attending the meeting.

### **Program**

3.00pm – 5.00pm                      Ordinary Meeting

A handwritten signature in black ink, appearing to read "SG", is written over a horizontal line.

Stephen Gollan  
Chief Executive Officer

18 August 2023

### **DISCLAIMER**

*The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Beverley warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Beverley for any act, omission or statement or intimation occurring during a Council meeting.*



**22 August 2023**

**ORDINARY MEETING**

**AGENDA**

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## **1. OPENING**

The Presiding Member to declare the meeting open.

The Shire of Beverley acknowledge the Traditional Owners of the land on which we meet, the Ballardong People. We pay our respects to Elders past and present.

## **2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

### **2.1 Members**

Cr DC White	Shire President
Cr DW Davis	
Cr PJ Gogol	
Cr SW Martin	
Cr JR Maxwell	
Cr MH Norman	
Cr TWT Seed	

### **2.2 Staff**

Mr SP Gollan	Chief Executive Officer
Mr SK Marshall	Deputy Chief Executive Officer
Mr SP Vincent	Manager of Works
Mr BS de Beer	Manager of Planning and Development Services
Mrs A Lewis	Executive Assistant

### **2.3 Observers And Visitors**

### **2.4 Apologies and Approved Leave of Absence**

Cr CJ Lawlor	Deputy President	Approved Leave of Absence
Cr AFC Sattler		Apologies

### **2.5 Applications for Leave of Absence**

## **3. DECLARATIONS OF INTEREST**

## **4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **5. PUBLIC QUESTION TIME**

## **6. CONDOLENCES**

The Shire of Beverley flew the flag at half-mast, as a mark of respect to:

FERGUSON

Kathleen Marion

21 July 2023

## **7. CONFIRMATION OF MINUTES**

### **7.1 Minutes Of The Ordinary Council Meeting Held 25 July 2023**

#### **OFFICER'S RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held Tuesday 25 July 2023 be confirmed.

## **7.2 Minutes Of The Cropping Committee Meeting To Be Held 22 August 2023**

### **OFFICER'S RECOMMENDATION**

That the Minutes of the Cropping Committee Meeting to be held Tuesday 22 August 2023 be received and the recommendations be endorsed.

Minutes to be provided prior to the Ordinary Council Meeting.

The following recommendations are subject to the Committee Minutes and may change:

### **OFFICER RECOMMENDATION ONE**

That the Cropping Committee recommends to Council that the Lease for Reserve 38798 Mt Kokeby is advertised with advice that a new lease is being drawn up between the Shire of Beverley and Department of Lands.

### **OFFICER RECOMMENDATION TWO**

That the Cropping Committee recommends to Council that Lease for the Reserve 25266 Bethany Farm be discontinued.

### **OFFICER RECOMMENDATION THREE**

That the Cropping Committee recommends to Council that it call for submissions for the remaining six leases via the October edition of the Beverley Blarney and weekly on Facebook.

### **OFFICER RECOMMENDATION FOUR**

That the Cropping Committee recommends to Council that it write to the current lease holders to advise them of the next lease advertising period and which blocks will be leased.

### **OFFICER RECOMMENDATION FIVE**

That the Cropping Committee recommends to Council it continue with the lease period of 3 years, 1 April 2024 to 31 March 2027; and allow hay to be cut once in the three year period.

## **8. TECHNICAL SERVICES**

Nil

## **9. PLANNING SERVICES**

### **9.1 Application for Exploration Licence – 70/5941**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 22 August 2023</b>
<b>Report Date:</b>	<b>15 August 2023</b>
<b>Applicant:</b>	<b>M. Van Dongen (Datum Peg Mining Title Solutions)</b>
<b>File Reference:</b>	<b>ADM 0071</b>
<b>Author and Position:</b>	<b>Stefan de Beer, Manager of Planning</b>
<b>Previously Before Council:</b>	<b>No</b>
<b>Disclosure(s) Of Interest:</b>	<b>None</b>
<b>Attachments:</b>	<b>DMIRS Letter, Application Form and Locality Map</b>

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#### **SUMMARY**

A Notification of an application for an Exploration Licence has been received from *Department of Mines, Industry Regulation and Safety* (DMIRS) – applicant: Michael Van Dongen. As instructed previously the application is presented to Council to put on record a formal acknowledgement of the proposal and for public record purposes. General conditions will be presented to Council that will be recommended be imposed for the period of exploration.

#### **BACKGROUND**

Datum Peg Mining Title Solutions (Mr. Darren McAulay) acts on behalf of Mr. Michael Ron Van Dongen on this matter.

In accordance with the Mining Act notification was submitted that an Exploration Licence Application was lodged at the DMIRS.

The applicant confirmed that the application is not for a fully fledged mining operation and only for exploration purposes, as per submission received and quoted below:

*I have attached a copy of the application form (F21). On it, you will read that the applicant has sought to exclude reserves – R26543, R26816, R27628 and R39366 as they intersect within the application area. I have also attached a map of the application area.*

*On the attached map:*

- *Black polygon - = application area*
- *Yellow - = R26543*
- *Pink - = R26816*
- *Green - =R27628*
- *Blue - = R39366.*

*There are also a number of freehold lots. Within the application area – the applicant does not seek access to these.*

*The area the applicant seeks access to is the large area of UCL land – which, since application, has been set aside as “SWS0012192773 South West Native Title Settlement Reserve with power to lease”. He will deal with the NT party as required on that.*



## COMMENT

The proposal for an exploration licence is noted. It will be recommended that Council consider imposing conditions for the orderly operation of exploration activities and rehabilitation post exploration, as presented in the *Officer's Recommendation* section of this report.

## STATUTORY ENVIRONMENT

Mining Act 1978 & Regulations.

## FINANCIAL IMPLICATIONS

There are no Financial Implications relative to this issue.

## STRATEGIC IMPLICATIONS

There are no Strategic Plan Implications relative to this issue.

## POLICY IMPLICATIONS

There are no Policy Implications relative to this issue.

## RISK IMPLICATIONS

It is considered that the proposal has insignificant risks.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council acknowledges the application for an exploration licence 70/5941, from Datum Peg Mining Title Solutions (through DMIRS – applicant, Michael Ron Van Dongen), and advise of the following conditions:

1. All service holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
2. All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six months after excavation unless approved by the district mining engineer.
3. Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of the exploration program.
4. No activities taking place to the detriment of any roads, streets or verges.
5. Minimum disturbances being made to the natural vegetation.
6. Adequate suppression control methods and practices being used.
7. Except with the approval of the Shire of Beverley, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated to the satisfaction of the Shire of Beverley.
8. All works comply with the Environmental Protection (Noise) Regulations 1997.
9. All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.





## Attachment 9.1



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

Our ref: FM:E70/5941  
Enquiries F. Mitchell  
(08)92223741  
f.aye.mitchell@dmirs.wa.gov.au

<b>SHIRE OF BEVERLEY</b>			
<b>25 OCT 2022</b>			
FILE REF:			
<input type="checkbox"/> CEO	<input type="checkbox"/> SP	<input type="checkbox"/> TO	
<input type="checkbox"/> DCEO	<input type="checkbox"/> EHOBS	<input type="checkbox"/> PO	
<input type="checkbox"/> ESM	<input type="checkbox"/> DESM	<input type="checkbox"/> .....	

**BY EMAIL: [admin@beverley.wa.gov.au](mailto:admin@beverley.wa.gov.au)**

Chief Executive Officer  
Shire of Beverley  
PO Box 20  
BEVERLEY WA 6304

Dear Sir/Madam,

**APPLICATION FOR EXPLORATION LICENCE 70/5941**

**BY MICHAEL RON VAN DONGEN**

**SITUATED ON WESTDALE TOWNSITE BOUNDARY AND DAMSITE RESERVE  
26543, CAMPING AND CARAVAN PARK RESERVE 26816, GRAVEL RESERVE  
27628, RUBBISH DISPOSAL SITE RESERVE AND BEVERLEY WESTDALE ROAD  
RESERVE**

Under Sections 23 to 26 of the *Mining Act 1978* (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townships, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

The Minister for Mines and Petroleum has therefore directed that I commence the consultation process and obtain your Council's comments and recommendation with regard to the impact of the application on the reserve listed above.

Should your response be favourable, could you please advise if you agree to have the following endorsement and condition imposed upon the above tenement.

**Endorsement:** The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.

**Condition:** Access to the surface of land within **Beverley** Township for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Mineral House 100 Plain Street East Perth Western Australia 6004  
Postal address: Locked Bag 100 East Perth WA 6892  
Telephone +61 8 9222 3333 Facsimile +61 8 9222 3862  
[www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)  
ABN 69 410 335 356

3/005692.faye.mitchell

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## Attachment 9.1



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

I have enclosed a copy and plan of the application for this purpose.

Your reply in due course would be appreciated please.

Yours sincerely

*Faye Mitchell*

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Faye Mitchell  
Project Officer  
Resource Tenure Division  
18 October 2022

## Attachment 9.1

Online Lodgement - Submission: 20/10/2021 12:59:35; Receipt: 20/10/2021 12:59:35

Form 21

WESTERN AUSTRALIA  
Mining Act 1978  
(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

### APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Exploration Licence	No. E 70/5941
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /	(c) SOUTH WEST
(c) Mineral Field		
For each applicant:	(d) and (e)	(f) Shares
(d) Full Name and ACN/ABN	VAN DONGEN, Michael Ron 47 DULWICH ST, BECKENHAM, WA, 6107	100
(e) Address		
(f) No. of shares		
(g) Total No. of shares		(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR:		
(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)		
(h) Locality	(h) Westdale	
(i) Datum Peg	(i)	
(j) Boundaries	This application affects Private Property. Details of Private Property Affected: Sub-surface rights only are applied for where this application encroaches private property. The application has the following general land exclusions: R26543, R26816, R27628 and R39366.	
(k) Area (ha or km <sup>2</sup> )	(k) 1 BL	
(l) Signature of applicant or agent (if agent state full name and address)	(l) Darren M. McAulay PO BOX 5010 (CENTREPOINT), MIDLAND, WA, 6056	Date: 20/10/2021

#### OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 24th day of November 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	12:59:35	on	20 October	2021	with fees of
Application	\$414.00				
Rent	\$406.00				
TOTAL	\$820.00				
Receipt No:	17889610503				

**Mining Registrar**

#### NOTES

##### Note 1: EXPLORATION LICENCE

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

##### Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

##### Note 3: GROUND AVAILABILITY

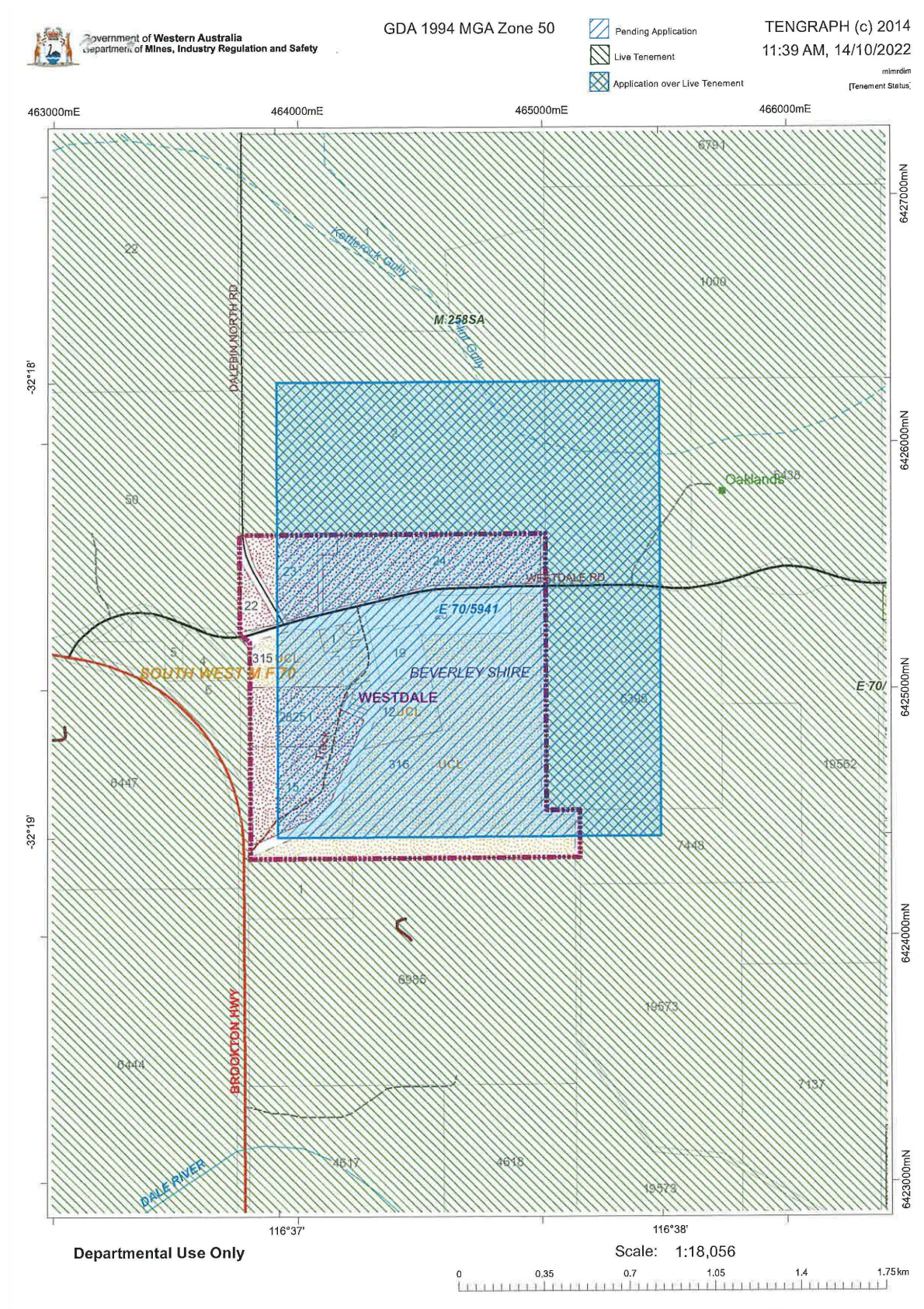
- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

##### Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



## Attachment 9.1



## **10. BUILDING SERVICES & ENVIRONMENTAL HEALTH SERVICES**

Nil



## **11. FINANCE**

### **11.1 Monthly Financial Report**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 22 August 2023</b>
<b>Report Date:</b>	<b>16 August 2023</b>
<b>Applicant:</b>	<b>N/A</b>
<b>File Reference:</b>	<b>N/A</b>
<b>Author and Position:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>July 2023 Financial Reports</b>

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#### **SUMMARY**

Council to consider accepting the financial report for the period ending 31 July 2023.

#### **BACKGROUND**

There is a statutory requirement that the Local Government is to prepare, each month, a statement of financial activity reporting on sources and applications of its funds and to present the statement to Council.

Council adopted a budget variance reporting parameter of 10% on budgeted items of \$10,000 or greater at the July 2023 Ordinary Meeting, item 11.4.

#### **COMMENT**

The monthly financial reports for the period ending 31 July 2023 have been provided and include:

- Financial Activity Statement by Nature;
- Statement of Net Current Assets;
- Statement of Financial Position; and
- Investment of Surplus Funds Report.

#### **STATUTORY ENVIRONMENT**

Section 6.4(1) of the *Local Government Act* provides that a local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and

(c) such other information considered relevant by the local government.

### FINANCIAL IMPLICATIONS

All revenue and expenditure, unless disclosed in the notes to material variances, are as per the 2023/24 Budget.

### STRATEGIC IMPLICATIONS

Nil

### POLICY IMPLICATIONS

AF004 – Investing Surplus Funds

### RISK IMPLICATIONS

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that a Statement of Financial Activity is prepared within two months of the end of the reporting period. This report mitigates the risk of non-compliance.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That the monthly financial report for the month of July 2023 be accepted and material variances be noted.

**SHIRE OF BEVERLEY**  
**STATEMENT OF FINANCIAL ACTIVITY BY NATURE**  
**FOR THE PERIOD ENDING**  
**31 July 2023**

Description	Budget 2023/24	YTD Budget 2023/24	YTD Actual 2023/24	YTD Variance	Notes To Material Variances
<b>Operating Revenue</b>					
Rates	3,241,771.00	0.00	0.00	0.00	
Operating Grants, Subsidies and Contributions	569,235.00	170,563.00	166,321.61	(4,241.39)	
Profit On Asset Disposal	27,900.00	0.00	1,617.98	1,617.98	
Service Charges	0.00	0.00	0.00	0.00	
Fees & Charges	798,854.00	49,283.00	56,415.49	7,132.49	
Interest Earnings	166,267.00	1,541.00	(4,518.81)	(6,059.81)	22/23 Accrual Reversals.
Other Revenue	592,112.00	50,220.00	3,922.52	(46,297.48)	On Cost timing variations.
Non-Operating Grants, Subsidies and Contributions	6,597,684.00	181,936.00	179,098.00	(2,838.00)	
<b>Total Operating Revenue</b>	<b>11,993,823.00</b>	<b>453,543.00</b>	<b>402,856.79</b>	<b>(50,686.21)</b>	
<b>Operating Expenditure</b>					
Employee Costs	(2,448,524.00)	(135,934.00)	(130,625.94)	5,308.06	
Materials & Contracts	(2,275,089.00)	(145,383.00)	(143,914.75)	1,468.25	
Utilities	(222,075.00)	(17,035.00)	(14,111.78)	2,923.22	
Depreciation On Non-Current Assets	(2,455,402.00)	(204,610.00)	(225,325.03)	(20,715.03)	Depreciation expense higher than anticipated due to 22/23 Infrastructure revaluation.
Interest Expenses	(67,594.00)	(7,212.00)	11,770.79	18,982.79	22/23 Accrual Reversals.
Insurance Expenses	(286,484.00)	(130,548.00)	0.00	130,548.00	Timing variance - 50% to be paid in August.
Other Expenditure	(84,001.00)	(874.00)	(8,024.61)	(7,150.61)	
Loss On Asset Disposal	(6,300.00)	(457.00)	0.00	457.00	
Loss on Revaluation of Non-Current Assets	0.00	0.00	0.00	0.00	
<b>Total Operating Expenditure</b>	<b>(7,845,469.00)</b>	<b>(642,053.00)</b>	<b>(510,231.32)</b>	<b>131,821.68</b>	
<b>Net Operating</b>	<b>4,148,354.00</b>	<b>(188,510.00)</b>	<b>(107,374.53)</b>	<b>81,135.47</b>	
<b>Capital Income</b>					
Self Supporting Loan - Principal Repayment	0.00	0.00	0.00	0.00	
Proceeds from Sale of Assets	264,400.00	12,000.00	11,818.18	(181.82)	
New Loan Raised	1,000,000.00	0.00	0.00	0.00	
<b>Total Capital Income</b>	<b>1,264,400.00</b>	<b>12,000.00</b>	<b>11,818.18</b>	<b>(181.82)</b>	

**SHIRE OF BEVERLEY**  
**STATEMENT OF FINANCIAL ACTIVITY BY NATURE**  
**FOR THE PERIOD ENDING**  
**31 July 2023**

Description	Budget 2023/24	YTD Budget 2023/24	YTD Actual 2023/24	YTD Variance	Notes To Material Variances
<b>Capital Expenditure</b>					
Land and Buildings	(3,343,000.00)	0.00	0.00	0.00	
Plant and Equipment	(637,500.00)	(35,000.00)	(34,565.56)	434.44	
Office Furniture and Equipment	(33,000.00)	0.00	0.00	0.00	
Road Construction	(5,382,773.00)	0.00	(33,600.00)	(33,600.00)	AGRN1061 Project Management expenses.
Other Infrastructure	(2,041,855.00)	0.00	0.00	0.00	
Land Under Control	0.00	0.00	0.00	0.00	
Leases	(6,837.00)	0.00	0.00	0.00	
Loans - Principal Repayments	(117,135.00)	0.00	0.00	0.00	
<b>Total Capital Expenditure</b>	<b>(11,562,100.00)</b>	<b>(35,000.00)</b>	<b>(68,165.56)</b>	<b>(33,165.56)</b>	
<b>Net Capital</b>	<b>(10,297,700.00)</b>	<b>(23,000.00)</b>	<b>(56,347.38)</b>	<b>(33,347.38)</b>	
<b>Adjustments</b>					
Depreciation Written Back	2,455,402.00	204,610.00	225,325.03	20,715.03	Depreciation expense higher than anticipated due to 22/23 Infrastructure revaluation.
Movement in Leave Reserve Cash Balance	0.00	0.00	0.00	0.00	
Movement in Non-Current Loan Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current SSL Income	0.00	0.00	0.00	0.00	
Movement in Non-Current Lease Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current Investments	0.00	0.00	0.00	0.00	
Movement in Non-Current LSL Provision	0.00	0.00	0.00	0.00	
Movement in Non-Current Deferred Pensioner Rates	0.00	0.00	0.00	0.00	
(Profit)/Loss on Disposal of Assets Written Back	(21,600.00)	0.00	(1,617.98)	(1,617.98)	
Loss on Revaluation of Non-Current Assets Written Back	0.00	0.00	0.00	0.00	
Rounding	0.00	0.00	0.00	0.00	
<b>Add Funding From</b>					
Transfer (To)/From Reserves	1,089,240.00	0.00	0.00	0.00	
Opening Surplus/(Deficit)	2,626,304.00	2,626,304.00	2,626,304.21	0.21	
<b>Total Adjustments</b>	<b>6,149,346.00</b>	<b>2,830,914.00</b>	<b>2,850,011.26</b>	<b>19,097.26</b>	
<b>CLOSING SURPLUS/(DEFICIT)</b>	<b>0.00</b>	<b>2,619,404.00</b>	<b>2,686,289.35</b>	<b>66,885.35</b>	

<b>SHIRE OF BEVERLEY</b> <b>STATEMENT OF NET CURRENT ASSETS</b> <b>FOR THE PERIOD ENDING</b> <b>31 July 2023</b>		
<b>Description</b>	<b>Actual 2022/23</b>	<b>YTD Actual 2023/24</b>
<b>Current Assets</b>		
Cash at Bank	1,627,645.56	1,114,424.94
Cash - Unrestricted Investments	1,271,666.73	1,516,645.84
Cash - Restricted Reserves	2,280,553.31	2,280,553.31
Cash on Hand	700.00	700.00
Accounts Receivable	663,428.06	806,066.33
Prepaid Expenses	0.00	0.00
Self Supporting Loan - Current	0.00	0.00
Inventory - Fuel	9,932.34	8,380.00
<b>Total Current Assets</b>	<b>5,853,926.00</b>	<b>5,726,770.42</b>
<b>Current Liabilities</b>		
Accounts Payable	(652,689.79)	(473,069.44)
Loan Liability - Current	(117,135.16)	(117,135.16)
Lease Liability - Current	(6,836.60)	683.77
Annual Leave Liability - Current	(234,280.71)	(234,280.71)
Long Service Leave Liability - Current	(197,874.12)	(197,874.12)
Doubtful Debts	0.00	0.00
<b>Total Current Liabilities</b>	<b>(1,208,816.38)</b>	<b>(1,021,675.66)</b>
<b>Adjustments</b>		
Less Restricted Reserves	(2,280,553.31)	(2,280,553.31)
Less Self Supporting Loan Income	0.00	0.00
Add Leave Reserves - Cash Backed	144,612.74	144,612.74
Add Loan Principal Expense	117,135.16	117,135.16
<b>Total Adjustments</b>	<b>(2,018,805.41)</b>	<b>(2,018,805.41)</b>
<b>NET CURRENT ASSETS</b>	<b>2,626,304.21</b>	<b>2,686,289.35</b>

**SHIRE OF BEVERLEY**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT**  
**31 July 2023**

Description	Actual 2022/23	YTD Actual 2023/24	Movement
<b>Current Assets</b>			
Cash and Cash Equivalents	5,180,565.60	4,912,324.09	(268,241.51)
Accounts Receivable	465,875.06	608,513.33	142,638.27
Contract Asset - Current	197,553.00	197,553.00	0.00
Prepaid Expenses	0.00	0.00	0.00
Self Supporting Loan - Current	0.00	0.00	0.00
Inventory	9,932.34	8,380.00	(1,552.34)
<b>Total Current Assets</b>	<b>5,853,926.00</b>	<b>5,726,770.42</b>	<b>(127,155.58)</b>
<b>Current Liabilities</b>			
Accounts Payable	(527,898.79)	(348,278.44)	179,620.35
Contract Liability - Current	(124,791.00)	(124,791.00)	0.00
Loan Liability - Current	(117,135.16)	(117,135.16)	0.00
Lease Liability - Current	(6,836.60)	683.77	7,520.37
Annual Leave Liability - Current	(234,280.71)	(234,280.71)	0.00
Long Service Leave Liability - Current	(197,874.12)	(197,874.12)	0.00
Doubtful Debts	0.00	0.00	0.00
<b>Total Current Liabilities</b>	<b>(1,208,816.38)</b>	<b>(1,021,675.66)</b>	<b>187,140.72</b>
<b>Non-Current Assets</b>			
Non-Current Debtors	161,234.90	161,234.90	0.00
Non-Current Investments	61,117.14	61,117.14	0.00
Land and Buildings	29,149,181.97	29,087,023.16	(62,158.81)
Plant and Equipment	2,369,732.12	2,371,921.63	2,189.51
Furniture and Equipment	98,756.30	96,463.93	(2,292.37)
Infrastructure	140,931,963.00	140,826,865.00	(105,098.00)
Self Supporting Loan - Non Current	0.00	0.00	0.00
<b>Total Non-Current Assets</b>	<b>172,771,985.43</b>	<b>172,604,625.76</b>	<b>(167,359.67)</b>
<b>Non-Current Liabilities</b>			
Loan Liability - Non Current	(2,001,137.54)	(2,001,137.54)	0.00
Lease Liability - Non Current	0.00	0.00	0.00
Annual Leave - Non Current	0.00	0.00	0.00
Long Service Leave Liability - Non Current	(52,492.51)	(52,492.51)	0.00
<b>Total Non Current Liabilities</b>	<b>(2,053,630.05)</b>	<b>(2,053,630.05)</b>	<b>0.00</b>
<b>Net Assets</b>	<b>175,363,465.00</b>	<b>175,256,090.47</b>	<b>(107,374.53)</b>

**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL POSITION  
AS AT  
31 July 2023**

<b>Description</b>	<b>Actual 2022/23</b>	<b>YTD Actual 2023/24</b>	<b>Movement</b>
<b>Equity</b>			
Accumulated Surplus	(47,528,324.75)	(47,420,950.22)	107,374.53
Reserves - Cash Backed	(2,280,553.31)	(2,280,553.31)	0.00
Reserve - Revaluations	(125,554,586.94)	(125,554,586.94)	0.00
<b>Total Equity</b>	<b>(175,363,465.00)</b>	<b>(175,256,090.47)</b>	<b>107,374.53</b>

SHIRE OF BEVERLEY						
INVESTMENT OF SURPLUS FUNDS						
AS AT 31 July 2023						
Account #	Account Name	Amount Invested (\$)		Term	Interest Rate	Maturation
<b>4146657</b>	<b>Reserve Funds Bendigo</b>					
	Long Service Leave	144,612.74				
	Airfield Emergency	41,544.88				
	Plant	101,234.66				
	Emergency Services	29,712.58				
	Building	583,632.52				
	Recreation Ground	604,663.23				
	Cropping Committee	176,018.62				
	Avon River Development	0.00				
	Annual Leave	0.00				
	Community Bus	40,904.45				
	Infrastructure	222,866.61				
	Senior Housing	231,682.16				
	Mainstreet Development	0.00				
	Avondale Mach Museum	62,399.38				
	ITC Renewal Reserve	41,281.48	2,280,553.31	3 mnths	4.95%	22/09/2023
<b>4367217</b>	<b>Term Deposit Bendigo</b>	250,000.00		3 mnths	4.50%	8/08/2023
<b>4377091</b>	<b>Term Deposit Bendigo</b>	261,108.85		3 mnths	4.50%	17/08/2023
<b>4446835</b>	<b>Term Deposit Bendigo</b>	500,000.00		3 mnths	5.00%	24/10/2023
<b>4321867</b>	<b>Term Deposit Bendigo</b>	505,536.99	1,516,645.84	3 mnths	4.95%	26/09/2023
	<b>Total</b>		<b>3,797,199.15</b>			



## **11.2 Accounts Paid by Authority**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 22 August 2023</b>
<b>Report Date:</b>	<b>16 August 2023</b>
<b>Applicant:</b>	<b>N/A</b>
<b>File Reference:</b>	<b>N/A</b>
<b>Author and Position:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>N/A</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>July 2023 List of Reports (Contact Shire)</b>

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### **SUMMARY**

Council to consider authorising the payment of accounts.

### **BACKGROUND**

The following list represents accounts paid by authority for the month of 2023.

### **COMMENT**

Unless otherwise identified, all payments have been made in accordance with Council's 2023/24 Budget.

### **STATUTORY ENVIRONMENT**

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

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

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name;
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction;

and

- (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
  - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

### FINANCIAL IMPLICATIONS

Unless otherwise identified, all payments have been made in accordance with Council's 2023/24 Budget.

### STRATEGIC IMPLICATIONS

Nil

### POLICY IMPLICATIONS

Authority to Purchase – All acquisitions should be in accordance with budget provisions or to a maximum specified cost.

### RISK IMPLICATIONS

Failure to present a detailed listing in the prescribed form would result in non-compliance *Local Government (Financial Management) Regulations 1996*, this report mitigates the risk of non-compliance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

### VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That the List of Accounts as presented, be received:

### July 2023:

#### (1) Municipal Fund – Account 016-540 259 838 056

##### Cheque vouchers

24 July 2023	1892-1892	(1)	\$	50.87	(authorised by CEO S Gollan and Pres D White)
28 July 2023	1893-1893	(1)	\$	114.00	(authorised by CEO S Gollan and Cr D Davis)
<b>Total of cheque vouchers for July 2023 incl</b>			<b>\$</b>	<b>164.87</b>	<b>previously paid.</b>

##### EFT vouchers

03 July 2023	EFT 9444-9477	(34)	\$	117,659.65	(authorised by CEO S Gollan and DCEO S Marshall)
04 July 2023	EFT 9478-9478	(2)	\$	2,972.31	(authorised by CEO S Gollan and DCEO S Marshall)
05 July 2023	EFT 1-38	(38)	\$	61,271.57	(authorised by CEO S Gollan and DCEO S Marshall)
07 July 2023	EFT 9480-9482	(3)	\$	6,852.39	(authorised by CEO S Gollan and DCEO S Marshall)
12 July 2023	EFT 9483-9511	(29)	\$	98,694.36	(authorised by CEO S Gollan and DCEO S Marshall)
14 July 2023	EFT 9513-9521	(9)	\$	18,304.76	(authorised by DCEO S Marshall and Pres D White)
19 July 2023	EFT 1-38	(38)	\$	64,955.99	(authorised by CEO S Gollan and Pres D White)
21 July 2023	EFT 9533-9541	(9)	\$	36,056.24	(authorised by CEO S Gollan and Pres D White)
24 July 2023	EFT 9543-9548	(6)	\$	248,959.49	(authorised by CEO S Gollan and Pres D White)
25 July 2023	EFT 9550-9551	(2)	\$	3,819.10	(authorised by CEO S Gollan and DCEO S Marshall)
28 July 2023	EFT 9554-9571	(18)	\$	127,076.95	(authorised by CEO S Gollan and Cr D Davis)
<b>Total of EFT vouchers for July 2023 incl</b>			<b>\$</b>	<b>786,622.81</b>	<b>previously paid</b>

#### (2) Trust Fund – Account 016-259 838 128

##### Cheque vouchers

Nil vouchers

<b>Total of cheque vouchers for July 2023 incl</b>			<b>\$</b>	<b>0.00</b>	<b>previously paid.</b>
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##### EFT vouchers

14 July 2023	EFT 9512-9512	(1)	\$	200.00	(authorised by DCEO S Marshall and Pres D White)
24 July 2023	EFT 9542-9542	(1)	\$	10,000.00	(authorised by CEO S Gollan and Pres D White)
25 July 2023	EFT 9549-9549	(1)	\$	200.00	(authorised by CEO S Gollan and DCEO S Marshall)
28 July 2023	EFT 9553-9533	(1)	\$	200.00	(authorised by CEO S Gollan and Cr D Davis)
<b>Total of EFT vouchers for July 2023 incl</b>			<b>\$</b>	<b>10,600.00</b>	<b>previously paid.</b>

(3) Direct Debit Payments totalling \$ 98,279.61 previously paid.

(4) Credit Card Payments totalling \$ 1,595.30 previously paid.

### **11.3 Community Grants – 2023/24 Round 1**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 22 August 2023</b>
<b>Report Date:</b>	<b>16 August 2023</b>
<b>Applicant:</b>	<b>Various Applicants</b>
<b>File Reference:</b>	<b>ADM 0428</b>
<b>Author and Position:</b>	<b>Ashleigh Fleay, Projects Officer</b>
<b>Previously Before Council:</b>	<b>Occurs every August &amp; February</b>
<b>Disclosure(s) Of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>

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#### **SUMMARY**

Council to consider awarding various grants as presented.

#### **BACKGROUND**

At the July 2013 Council meeting, it was agreed to set up a Community Grants scheme to assist individuals, Not for Profit and Incorporated local organisations in the development of their respective interests. Council has two rounds of applications being July and January each financial year. Personal Development Grants for individuals are open all year round.

#### **COMMENT**

The first round of Community Grants for 2023/24 financial year was advertised in the July 2023 Beverley Blarney, on social media networks and on the Shire of Beverley website. Applications opened on 1st July and closed on 31<sup>st</sup> July 2023. A total of three applications were received, two for Major Grants and one for Minor Grants.

Clubs had to pass the compliance criteria to be considered eligible. The compliance criteria consisted of: Incorporation, Beverley Based Group/Club and 50:50 matched funds (for grants over \$1,001).

**Minor Grants:** Applications for under \$1,001 have to fall within one of the following categories: Early Years (0 to 4yrs); Environment; History and or Heritage; Seniors; Tourism; Volunteer/Upskilling; or Youth (5 to 18yrs)

**Major Grants:** Applications for over \$1,001 have to fall within one of the following categories: Art and Culture; Disability/Aging; Education & Training; Environment; Event; Minor infrastructure/equipment or development; or Sport and Recreation.

The total major grant funding requested \$6,117.00; the total minor grant funding requested \$1,000.00 As it is the start of the new financial year, there is \$10,000.00 available in both the major grant category and minor grants category.

The table below outlines the Grant Applications, the activities groups wish to use the money for, the amount they requested and the amount with reasoning that we are suggesting they receive. All applications met the compliance criteria.

All applications have been received, assessed and presented for Councils consideration.

Club/Group	Members	Activity	Amount Requested	Amount Recommended
<b>Beverley Bowling Club</b>	66 members	<b>Minor Category:</b> Sport & Recreation <b>Total Project Cost:</b> \$1,812.12  <b>Project as described by applicant:</b> Security lighting upgrade at the Beverley Bowling Club. Project will include new lighting, signage and CCTV installation. Project has been recommended by local Police after a number of break ins at the Bowling Club building. <ul style="list-style-type: none"> <li>▪ 4th Application</li> <li>▪ Application complete, quotes provided.</li> </ul>	\$1,000.00	\$1,000.00
Club/Group	Members	Activity	Amount Requested	Amount Recommended
<b>Beverley District High School P&amp;C Association Inc</b>	66 Members	<b>Major Category:</b> Education & Training <b>Total Project Cost:</b> \$6,472.74  <b>Project as described by applicant:</b> Community education presentation on the Safe4Kids program focusing on child abuse prevention. The program as a whole will be presented to students, staff and community members over a two-day period. <ul style="list-style-type: none"> <li>▪ 5<sup>th</sup> application received</li> <li>▪ Incorporated</li> <li>▪ Application complete, quotes/estimate provided</li> </ul>	\$3,237.00	\$3,237.00
<b>Beverley Agricultural Society Inc</b>	150 Members	<b>Major Category:</b> Event <b>Total Project Cost:</b> \$5,960.00  <b>Project as described by applicant:</b> Replacement of 48 poultry cages for the Agricultural Society Show. Replace ageing decrepit cages that are damaged and are no longer suitable for showing. <ul style="list-style-type: none"> <li>▪ 4<sup>th</sup> application received</li> <li>▪ Incorporated</li> </ul> Application complete, quotes/estimate provided	\$2,880.00	\$2,880.00

2023/24 Budget \$20,000.00	Remaining Balances	Amount requested
Minor Grants - \$1,000 or less	\$10,000.00	\$1,000.00
Major Grants - \$1,001 - \$5,000	\$10,000.00	\$6,117.00
Total	\$20,000.00	\$7,117.00
Personal Development 2023/24 Budget \$2,000.00	\$2,000.00	Nil

## STATUTORY ENVIRONMENT

N/A

## FINANCIAL IMPLICATIONS

Community Grant Program

2023/2024 Total Minor Grants \$10,000 – Available funds balance: \$10,000.00

2023/2024 Total Major Grants \$10,000 – Available funds balance: \$10,000.00

## STRATEGIC IMPLICATIONS

Strategic Community Plan

Goal 7 – Increase all forms of club participation

Goal 8 – Beverley continues to be an inclusive, friendly and caring community

Goal 9 – We have a safe and health community

Goal 12 – Council leads the organisation and engages with community in an accountable and professional manner.

## RISK IMPLICATIONS

Low (2) – It is considered there is minimal risk to awarding the grants. The grants assist volunteer run associations to make further contributions to the Community and foster participation and inclusiveness.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## POLICY IMPLICATIONS

Community Grant Policy

## VOTING REQUIREMENTS

Absolute Majority

**OFFICER'S RECOMMENDATION**

That Council award the following Community Grants under the first round of submissions for the 2023/2024 financial year.

1. Beverley Bowling Club \$1,000.00
2. Beverley DHS P&C \$3,237.00
3. Beverley Agricultural Society \$2,880.00

## **12. ADMINISTRATION**

### **12.1 Code of Conduct Annual Review**

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<b>Submission To:</b>	<b>Ordinary Council Meeting 22 August 2023</b>
<b>Report Date:</b>	<b>11 August 2023</b>
<b>Applicant:</b>	<b>Administration</b>
<b>File Reference:</b>	<b>ADM 0300</b>
<b>Author and Position:</b>	<b>Stephen Gollan, Chief Executive Officer</b>
<b>Previously Before Council:</b>	<b>August 2022</b>
<b>Disclosure(s) Of Interest:</b>	<b>None</b>
<b>Attachments:</b>	<b>Code of Conduct</b>

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#### **SUMMARY**

Council to review the Code of Conduct for Council Members, Committee Members and Candidates.

#### **BACKGROUND**

The Code of Conduct for Council Members, Committee Members and Candidates was adopted by Council in April 2021 after a new model template was provided by the Department of Local Government following the gazettal of *The Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* (collectively the New Regulations) on Tuesday 2 February 2021.

#### **COMMENT**

The Shire of Beverley Code of Conduct for Council Members, Committee Members and Candidates remains compliant with the *Local Government (Model Code of Conduct) Regulations 2021* and management suggest no changes be made. Review of the Code serves as best practise and acts as a reminder to all of appropriate conduct.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Model Code of Conduct) Regulations 2021*

*Local Government (Administration) Amendment Regulations 2021*

#### **CONSULTATION**

Council

#### **FINANCIAL IMPLICATIONS**

N/A

#### **STRATEGIC IMPLICATIONS**

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

#### **POLICY IMPLICATIONS**

N/A



## RISK IMPLICATIONS

Shire of Beverley Council has a long history of successful and effective operation and conduct. Review of the Code of Conduct mitigates and reminds elected members of their conduct obligations.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council review the Code of Conduct for Council Members, Committee Members and Candidates and update the record of review.



# Shire of Beverley

## Code of Conduct for Council Members, Committee Members and Candidates

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# **Shire of Beverley Code of Conduct for Council Members, Committee Members and Candidates**

## **Policy Purpose:**

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

## **Division 1 — Preliminary provisions**

### **1. Citation**

This is the Shire of Beverley Code of Conduct for Council Members, Committee Members and Candidates.

### **2. Terms used**

(1) In this code —

**Act** means the Local Government Act 1995;

**candidate** means a candidate for election as a council member;

**complaint** means a complaint made under clause 11(1);

**publish** includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

## **Division 2 — General principles**

### **3. Overview of Division**

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

### **4. Personal integrity**

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
  - (b) participate in decision making in an honest, fair, impartial and timely manner; and
  - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
  - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## **5. Relationship with others**

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

## **Division 3 — Behaviour**

### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

### **8. Personal integrity**

(1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

### **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints. The Chief Executive Officer was appointed as the Complaints Officer at the 23 February 2021 Ordinary Council meeting.

## **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

### **13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

### **14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
  - (a) in writing; and
  - (b) given to a person authorised under clause 11(3).



## 15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## Division 4 — Rules of conduct

*Notes for this Division:*

1. *Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

## 16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

## 17. Misuse of local government resources

- (1) In this clause —

***electoral purpose*** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

***resources*** of a local government includes —

- (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

## 18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or

- (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

## **19. Prohibition against involvement in administration**

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## **20. Relationship with local government employees**

- (1) In this clause —  
**local government employee** means a person —
  - (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
  - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

## **21. Disclosure of information**

- (1) In this clause —

**closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

**document** includes a part of a document;

**non confidential document** means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
  - (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## **22. Disclosure of interests**

- (1) In this clause —

**interest** —

  - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

### **23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Document Control Box							
<b>Document Responsibilities:</b>							
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<b>Compliance Requirements:</b>							
<b>Legislation:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Model Code of Conduct) Regulations 2021</a>						
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<b>Version #</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>					
1.	27 April 2021	Initial Adoption by Council					
2.	23 August 2022	Annual review and adoption (no changes made)					
3.							

**13. ELECTED MEMBERS' MOTIONS WHERE NOTICE HAS BEEN GIVEN**

Nil.

**14. NEW BUSINESS ARISING BY ORDER OF THE MEETING**

New Business of an urgent matter only arising by order of the meeting.

**15. CLOSURE**

The Chairman to declare the meeting closed.