



**AGENDA
FOR
ORDINARY MEETING OF COUNCIL
Wednesday 20 July 2022**

**Council Chambers
Lot 66 Railway Street
Trayning WA 6488**

Commencement: 4.00 pm

Forum Meeting – 3.30 pm
Ordinary Council Meeting – 4.00 pm





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The Shire of Trayning warns that anyone who has any application lodged with the Shire of Trayning must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Trayning in respect of the application.

Signed

Leanne Parola
Chief Executive Officer



AGENDA

Ordinary Meeting of the Trayning Shire Council,
To be held in the Council Chambers, Lot 66 Railway Street, Trayning,
on Wednesday 20 July 2022, commencing at 4.00 pm

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Melanie Brown (Shire President)
Cr Geoff Waters (Deputy Shire President)
Cr Michelle McHugh
Cr Clayton Marchant
Cr Peter Barnes
Cr Mark Leslie

STAFF:

Mrs. Leanne Parola (Chief Executive Officer)
Mr. Stephen Thomson (Works Supervisor)
Miss. Belinda Taylor (Manager of Corporate Services)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:

Mrs. Caroline Robinson – NEWROC Executive Officer



- 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME**
- 5 APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST**
 - 5.1 Applications Previously Approved**
 - 5.2 Leave of Absence**
 - 5.3 Disclosure of Interest**
- 6 PETITIONS/DEPUTATIONS/PRESENTATIONS**
 - 6.1 Petitions**
 - 6.2 Deputations**
 - 6.3 Presentations**

Mrs. Caroline Robinson – NEWROC Executive Officer - Regional Subsidiary
- 7 CONFIRMATION OF MINUTES**
 - 7.1 Ordinary Meeting of Council**
 - Officer Recommendation**
 - That the minutes of the Ordinary Meeting of Council held on 15 June 2022 be confirmed as a true and correct record of the proceedings.
- 8 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS**
- 9 REPORTS OF OFFICERS**
 - 9.1 REGULATORY SERVICES**



9.2 FINANCE REPORTS

9.2.1 Monthly Financial Report for June 2022

Date of Report:	14 July 2022
Proponent:	N/A
File Ref:	N/A
Officer	Wendy Stringer – LG Best Practices
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.1 June 2022 Monthly Financial Report
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 30 June 2022.

Background

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government Act 1995 -

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.

Local Government (Financial Management) Regulations 1996 -

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —
committed assets mean revenue unspent but set aside under the annual budget for a specific purpose.



- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1) (d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub-regulation (1) (d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of the financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to sub-regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The recommendation that follows is consistent with the legislative requirements.



Policy Implications

This proposal incorporates the requirements of policy 7.11 – Investment of Surplus Funds, specifically the requirement to report on Council’s investments within the Monthly Financial Report.

Financial Implications

A copy of the Monthly Financial Report for the period ending 30 June 2022, including the report on significant variances, Investment of Councils reserve and surplus funds and the reconciliation of Councils bank accounts, has been provided to Council via attachment to this report.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer’s Comment

Nil

Officer’s Recommendation

That the Monthly Financial Report for the period ending 30 June 2022 be accepted as presented.



9.2.2 Monthly Payment List June 2022

Date of Report:	14 July 2022
Proponent:	N/A
File Ref:	3.2.2.3 – Accounts Payable (Creditors)
Officer:	Jessi Shannon - Finance Officer
Senior Officer:	Wendy Stringer – LG Best Practices
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.2 June Payments List for Council
Voting Requirements:	Simple Majority

Purpose of Report

To meet legislative requirements under the Local Government (Financial Management) Regulations.

Background

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Statement of Payments each month.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Officer's Comment

The list of payments has been compiled for the month of June 2022 and is attached. These payments have already occurred and Council are not making a decision as to whether payments are to be made.

At the request of Councillors, the Credit Card statement is also attached for information.

Officer's Recommendation

That Council receives the list of payments and credit card statement, as presented, for the month of June 2022, totalling \$557,265.55.



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Management of Volunteer Bush Fire Brigades

Date of Report:	8 July 2022
Proponent:	Chief Executive Officer
File Ref:	5.1.4.1
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

Purpose of Report

Council is requested to provide comments to the Western Australian Local Governments Associations (WALGA) in regard to the proposed Advocacy position on Arrangements for Management of Volunteer Bushfire Brigades in order to allow WALGA to provide guidance in its engagement with the State Government on the drafting of the Consolidated Emergency Services Act (CES Act).

The State Government is proposing to consolidate the Fire Brigades Act 1942, Bush Fires Act 1954 and the Fire and Emergency Services Act 1998, into a single piece of legislation, which is anticipated to be released as a Green Bill for consultation in early 2023.

Background

In May 2022, the Shire received an Infopage and the Proposed Advocacy Position on Arrangements for Management of Bushfire Brigades Paper from WALGA seeking comments from Local Governments that manage bushfire brigades. WALGA has allowed for a six (6) weeks consultation period (comments to be submitted by 8 July 2022) the item will then go to the WALGA State Council in September 2022.

This is a result of the introduction of the Work Health and Safety Act 2020, which has put on additional responsibilities on Local Government for managing Bush Fire Brigades, along with the State Government drafting the Consolidated Emergency Services Act, which combines the Fire Brigades Act 1942, Bush Fires Act 1954 and Fire and Emergency Services Act 1998 into a single piece of legislation.

In 2021, WALGA undertook a comprehensive Local Government Emergency Management Survey to ascertain the sector's sentiment with respect to their emergency management responsibilities. 104 Local Governments responded to the Survey consisting of:

- 36 Chief Executive Officers
- 18 Community Emergency Services Managers
- 50 Local Government officers



The survey also asked Local Governments about their level of satisfaction with current arrangements for managing Bush Fire Brigades, 92 Local Governments (69 of which manage Bush Fire Brigades) provided the following feedback:

93% were not wholly satisfied with the current arrangements for the management of BFBs; and

51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

As a result of these findings, WALGA has proposed the following Advocacy Position:

- “1. *The Association advocates that the State Government must provide for:*
 - a) *A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;*
 - b) *The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;*
 - c) *Mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and*
 - d) *The recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.*
2. *That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a).*
3. *Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility.”*

The recent 2016, Waroona Yarloop bush fires, led to the Public Sector Commission undertaking a special inquiry by Mr Euan Ferguson AFSM, which resulted into recommendations for change in the area of Strategic and Agencies opportunities for improvements. These included 17 Recommendations and 23 Opportunities, including the establishment of a Rural Fire Services established by the State Government, with the options of transferring the management of all Bush Fire Brigades under the Department of Fire and Emergency Services (DFES).

It is understood that in 2017, this recommendation was explored and considered by the Economic Regulation Authority for the Emergency Services Levy, to the extent to which the Emergency Services Levy (ESL) should be available to fund the administrative and operational costs of a rural fire service.



Consultation

WALGA undertook a survey on Local Government Emergency Management 2021 and provide the report and Infopage on its Advocacy Position on the Arrangements for Management of Volunteer Bush Fire Brigades. The process of consultation is being coordinated by WALGA as the lead agency in this process.

Statutory Environment

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

Local Government Act of 1995: Division 3 — Executive functions of local governments, Subdivision 1 — Performing executive functions, s3.18. Performing executive functions: 3(b).

Work Health and Safety Act 2020, mandates the duty of care to volunteers by the person conducting a business undertaking. Senior Local Government officers with decision making and budget allocation control, have a duty of care to volunteer bush fire brigade members.

Bush Fires Act 1954, s36 and s41. Provides for local governments to establish, maintain and equip bush fire brigades.

Policy Implications

There are no policy implications.

Financial Implications

There are no direct financial implications.

Strategic Implications

The Shire of Trayning Services and Facilities Plan 2022-2026 sets out the level of service provided by the Shire in relation to Fire Prevention.

Officer's Comment

The Shire of Trayning does not have any Volunteer Bush Fire Brigades, instead the Department of Fire and Emergency Services operates a Volunteer Fire and Emergency Services Unit within the Shire.

Council appoints a Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer and Fire Control and Weather Officers who are recommended by the VFES Unit. The duties of the Chief Bush Fire Control Officer include liaising with the local government concerning fire prevention / suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn). The Chief Bush Fire Control Officer has delegated authority to impose harvest and vehicle movement bans.



Shire administration provides assistance to the CBFCO and Bush Fire Control Officers. It has no involvement in the operations of the unit, but does provide the emergency services sheds in Kununoppin and Trayning free of charge to DFES for their use.

Officer's Recommendation

That the Shire of Trayning endorse the Western Australian Local Government Associations (WALGA) proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades.



9.3.2 Adoption of the 2022-23 Budget

Date of Report:	14 July 2022
Proponent:	Chief Executive Officer
File Ref:	3.2.7.1 – Annual Budget
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.2 Draft Statutory Budget
Voting Requirements:	Absolute Majority

Purpose of Report

To consider the adoption of the Shire of Trayning 2022-23 Budget.

Background

Councillors participated in Budget Workshops with staff on 18 May 2022 and 12 July 2022.

Consultation

Councillors and staff

Statutory Environment

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications

There are no direct policy implications.

Financial Implications

Sets the Budget for the 2022/23 financial year and enables rates to be raised.

Strategic Implications

The draft budget has been informed by the Shire's adopted Long Term Financial Plan, Asset Management Plan, Council Plan and Services & Facilities Plan.

Officer's Comment

The Long Term Financial Plan adopted by Council on 15 December 2022 included an overall rates increase of 2.8%. The draft budget has been prepared based on this increase.



Given the impact of the COVID 19 pandemic and the war in Ukraine on Australia's economy, it is difficult to estimate a number of costs that have a significant impact on the Shire's budget, including fuel and materials. If there are any major variations from the budgeted increases, they will need to be addressed by way of budget variations or the budget review.

Officer's Recommendations

1. That Council, pursuant to the provision of Section 6.2 of the *Local Government Act 1995* (as modified by Ministerial Order due to COVID-19 pandemic) and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the budget for the Shire of Trayning for the 2021-2022 financial year which includes the following:
 - a) Statement of Comprehensive Income by Nature and Type
 - b) Statement of Cash Flows
 - c) Rate Setting Statement
 - d) Notes to and forming part of the Budget
 - e) Capital Projects
 - f) Schedule of Fees and Charges
2. That Council, pursuant to Sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* impose the following:
 - a) Where the General Rate is to apply, for all rateable properties with Gross Rental Valuations a rate of 22.373 cents in the dollar, with a minimum rate of \$400.00 be imposed
 - b) Where the General Rate is to apply, for all rateable properties with Unimproved Valuations a rate of 1.5428 cents in the dollar, with a minimum rate of \$400.00 be imposed.
3. That Council, pursuant to Section 6.51 (1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 7% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
4. That Council, pursuant to Section 6.45 of the *Local Government Act 1995*, Regulation 68 of the *Local Government (Financial Management) Regulations 1996* and clause 13 of the *local government (COVID-19 Response) Ministerial Order 2020 gazetted on 8 May 2020*, adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.
5. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, offer the following payment options:



a) Option 1

To pay the total of rates and charges included on the rate notice in full by the due date 12 September 2022, which is thirty five (35) days after the date of service. Failure to pay such costs will attract penalty charges.

Option 2

To pay by four (4) instalments. Details of these dates and amounts are included on the rate notice. Failure to pay such costs by the due dates will attract penalty charges. This option can only be selected where the first instalment including all arrears (if any) is paid by the due date.

Payment dates are:

1. 12 September 2022
 2. 14 November 2022
 3. 16 January 2023
 4. 16 March 2023
6. That Council, pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
 7. That Council, pursuant to Section 6.46 of the *Local Government Act 1995*, offers a discount of 5% of current rates levied to ratepayers who have paid their rates in full, including arrears, waste and service charges, by the due date as specified on the rate notice.
 8. That Council, pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007*, impose a Waste Collection Fee in the compulsory areas, as following:
 - a) \$213.00 per annum – for one (1) refuse mobile garbage bin (collected weekly).
 - b) \$130.00 Per annum for one (1) recycling mobile garbage bin (collected fortnightly)
 - c) \$130.00 per annum – for any additional recycling mobile garbage bins (collected fortnightly)
 - d) \$213.00 per annum – for any additional refuse mobile garbage bins (collected weekly).
 9. That Council, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, adopts a variance of 10% and a minimum of \$10,000 to be used in the statements of financial activity and annual budget review.
 10. That Council, pursuant to Section 53 of the *Cemeteries Act 1986*, adopt the Fees and Charges for the Trayning, Kununoppin and Yelbeni Cemeteries as



included in the Schedule of Fees and Charges 2022-23.

11. That Council, pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* adopt a swimming pool inspection fee of \$57.45 inclusive of GST.
12. That Council, pursuant to Section 5.99 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Administration) Regulations 1996*, adopt the following individual meeting attendance fees:

President:
Meeting Attendance: \$380.00
Committee Attendance: \$118.00

Councillors:
Meeting Attendance: \$185.00
Committee Attendance: \$118.00

13. That Council, pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, adopt the following annual allowances for elected members:

Information Technology Allowance - \$2,100.00

Travel Allowance

- \$0.5669 per kilometre for engine displacement 1600cc & under
- \$0.6866 per kilometre for engine displacement 1600cc to 2600cc
- \$0.9554 per kilometre for engine displacement 2600cc & over

14. That Council, pursuant to Section 5.98(5) of the *Local Government Act 1995* and Regulation 33 of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the meeting attendance fee:

President - \$12,350.00

15. That Council, pursuant to Section 5.98A of the *Local Government Act 1995* and Regulations 33A of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition of the meeting attendance fee:

Deputy President - \$3,088.00

16. That Council, pursuant to section 3.18 of the *Local Government Act 1995*, advises it is satisfied that the services and facilities it provides and which are funded in the 2022-23 Annual Budget:

- Integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, State or any public body,



- Do not duplicate, to an extent that the Council considers inappropriate, services or facilities provided by the Commonwealth, State or any other body or person, whether public or private, and
 - Will be managed efficiently and effectively.
17. That Council, pursuant to section 6.47 of the *Local Government Act 1995*, grant a rate concession to the Trayning Red Cross Shop, Lot 27 Coronation Street, Trayning, by waiving the 2022/23 general rates levied.



9.3.3 Proposed NEWROC Regional Subsidiary

Date of Report:	15 July 2022
Proponent:	Chief Executive Officer
File Ref:	4.3.8.2 North Eastern Wheatbelt Regional Organisation Of Councils (NEWROC)
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.3 NEWROC Regional Subsidiary Business Plan and Charter
Voting Requirements:	Simple Majority

Purpose of Report

To consider the proposed Business Plan and Charter for the proposed NEWROC Regional Subsidiary.

Background

The North Eastern Wheatbelt Region of Council (NEWROC) was established in 1994, and is led by Councillors from the Shires of Nungarin, Koorda, Mt Marshall, Mukinbudin, Trayning, Wyalkatchem and Dowerin. NEWROC was established to provide the seven (7) member Councils a united voice advocating, promoting and marketing the communities as a great place to live, work and invest.

The State Government is currently poised to make amendments to the *Local Government Act 1995* (hereafter referred to as the Act). The NEWROC have advocated for changes to the Act to enable the NEWROC to form a Regional Subsidiary as the current Act and regulations are not suitable. If the changes to the Act are sufficient, the NEWROC will be prepared and will subsequently submit its Regional Subsidiary Charter to the Minister.

Consultation

Prior the NEWROC being in a position to apply to the Minister for the establishment of a Regional Subsidiary, the attached Business Plan and Charter for the proposed Regional Subsidiary were advertised by each of the local governments and NEWROC calling for public submissions.

The Shire of Trayning advertised the Business Plan and Charter in the Ninghan News, Shire website and facebook, calling for submissions. A member of the public attended the Ordinary Meeting of Council held 15 June 2022 with questions relating to the proposal. A copy of the questions and responses was included in the minutes of that meeting.

At the time of writing this report, no submissions had been received.

The NEWROC Executive Officer will be making a presentation about the proposed Regional Subsidiary at the July 2022 Ordinary Meeting of Council. Councillors and members of the public will be able to ask questions and make comments at this time.



Statutory Environment

Local Government Act 1995, Division 4 — Regional local governments and regional subsidiaries

Policy Implications

There are no direct policy implications.

Financial Implications

Currently the membership fee for NEWROC is \$13,000 per year. It is anticipated this will remain the same with the creation of a Regional Subsidiary, with other fees relating to specific projects to be determined and agreed to by individual Shires as they arise.

Strategic Implications

The Shire of Trayning Council Plan includes an action to “Work with NEWROC to explore opportunities to improve waste management and establish regional landfill”.

Converting NEWROC from a Voluntary Organisation of Councils to a Regional Subsidiary will enable major projects and services such as the regional landfill to be pursued.

Officer’s Comment

A regional subsidiary will allow its member local governments to pool their resources and cooperate more closely.

In addition to increasing the efficiency of existing services, a regional subsidiary may increase the viability of new services which local governments want to and are required to provide. It may also form a mechanism for groups of local governments to come together to deal with region-specific issues.

A regional subsidiary is:

- Similar to a Voluntary Regional Organisation of Councils (VROC), but is more binding on its members; and
- Similar to a regional council but has more flexibility and fewer reporting requirements.

The regional subsidiary is predominantly governed by its Charter, which can be individually tailored to suit the subsidiary’s activities and role in the community. Under its current voluntary organisation of Councils structure, the NEWROC experiences the following challenges:

- A lead local government is required for projects, shared resources and grant applications which is additional administration for the lead local government as well as compliance and financial management;
- MoU guides the voluntary Region of Councils but requires good faith as its underlying principle;
- No legal entity to apply for grants;



- Chair and CEO positions rotate every two (2) years with a 'host' Council;
- Regional shared equipment requires a 'host' Council to purchase the asset and for it to be shown on their asset management register; and
- NEWROC initiatives and projects are limited by the MoU and the 'host' Council commitments.

Officer's Recommendations

The Shire of Trayning endorse the proposed NEWROC Regional Subsidiary Business Plan and Charter as attached.

10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12 CLOSURE