

John Rich Real Estate

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Ordered by Listed date (Newest - Oldest)
Printed Friday, 13 November 2020

BOYUP BROOK 50 Cailles Road

\$290,000

Exclusive

ID: 134844026



House 2 | 1 | 1 | 5

Beautifully Presented 2 Bedroom 1 Bathroom Home

This home is perfect for the first home buyer, home base for the traveller or investor looking for a low maintenance rental property. This spacious 2-bedroom home with 1 bathroom with a shower, handbasin, toilet and laundry. The renovated kitchen with walk-in pantry and dishwasher will be home to ma...

Contact: Lisa Freer Mob: 0429111848

Email: admin@johnrichrealestate.com.au

BOYUP BROOK 4 Forrest Street

\$312,000

Exclusive

ID: 134830286



House 3 | 2 | 2 | 7

Beautifully Refurbished 4x2 Home

This character home has been fully refurbished, all asbestos has been removed, new timber & colourbond cladding and a new roof. Total area under the main roof is approx. 330m2 with nice high ceilings and wide verandas at the front and back and a carport on each side. This home has 2 large bedrooms a...

Contact: John Rich Mob: 0429101264 Email: info@johnrichrealestate.com.au

BOYUP BROOK 11 Cowley Street

\$129,500

Open

ID: 134668270



House 3 | 1 | 1 | 4

Don't Miss Out on Your Dream

This first starter home gives you the opportunity to get into your first home if you are looking for a project to renovate or perhaps you have been thinking of taking on the role as a landlord then this is the one for you. Watch the world go by under the front verandah of your lovely 3 bedroom 1 bat...

Contact: Lisa Freer Mob: 0429111848

Email: admin@johnrichrealestate.com.au

BOYUP BROOK 3 Blechynden Street

\$149,000

Open

ID: 134173242



House 3 | 1 | 1 | 1

Perfect Location for Your Family Home

Located on a no through road, this house is perfect for families. A 3x1 on a huge 910 m2 leveled block, with an amazing grassed backyard, entertaining area and large two door shed with mezzanine storage. There is endless space for the kids to play. A double gated side entrance through the driveway ...

Contact: Lisa Freer Mob: 0429111848

Email: admin@johnrichrealestate.com.au

BOYUP BROOK 64 Cailles Road

\$215,000

Open

ID: 133728038



House 3 | 1 | 1 | 3

Cosy 3 Bedroom 1 Bathroom Home

This 3 Bedroom home 1 bathroom home is constructed of concrete blocks with a tile roof, bull nose veranda and has polished floor boards throughout. You enter the home into the well-lit sitting room which can also used as an office space, this leads to the large lounge room a place the whole family c...

Contact: Lisa Freer Mob: 0429111848

Email: admin@johnrichrealestate.com.au

NANNUP 45 Redtail Ramble

\$425,000

Open

ID: 132899822



House 1 | 1 | 1 | 5

Your Home among the Gum Trees in Nannup

Very attractive 2.5 acre property only 4 Kms from town with potential to extend the living area. A new 26m x 8m Steel building with approval for permanent living, large modern electric Kitchen. Open plan dining room with timber vinyl floors which flows through to an enclosed veranda which is perfec...

Contact: John Rich Mob: 0429101264 Email: info@johnrichrealestate.com.au

COLLIE 41 Krakouer Street

FROM \$295,000

Open

ID: 132067702



Acreage/Semi-Rural 3 1 3

Unique 5 Acre Riverfront Property

Only 4 kms from the Town Centre Welcome to this unique property with 285 Metres of the Collie River on 2 boundaries, in popular North Collie. Great opportunity to create your own self sustained life-style Excellent sandy loam soils suitable to grow any Fruit/Vegetables/ Flowers. Would be a good pr...

Contact:John Rich Mob:0429101264 Email:info@johnrichrealestate.com.au

BOYUP BROOK 2 Forrest Street

\$315,000

Exclusive

ID: 130199010



House 4 1 4

Large 4x1 Family Home in Town

A beautifully refurbished 4 bedroom, 1 bathroom family home, on a large 1574 sqm block in town The kitchen is central to the two separate living areas and is beautifully appointed with double cooker, range hood, dishwasher and a large pantry. 2 spacious and bright living areas open onto the large e...

Contact:Lisa Freer Mob:0429111848

Email:admin@johnrichrealestate.com.au

BOYUP BROOK 43 Inglis Street

\$315,000

Exclusive

ID: 127566202



House 3 1 5

Ultimate Family Home

Located in the Heart of Boyup Brook on one of the best streets in town with just a short walk to schools and shops. With lovely views to the North across town to the rolling farmland typical of the Blackwood Valley. With nothing to spend here, this one is well worth a look. Good Investment returning...

Contact:John Rich Mob:0429101264 Email:info@johnrichrealestate.com.au

BRIDGETOWN 1 Coronation Street

\$270,000

Exclusive

ID: 127105502



House 2 1 2

Fantastic Location with Great Views

Located close to the Blackwood River, cafe's and shops in town this beautiful 2x1 cottage is perfect for the artist or retiree. Very roomy open planned kitchen, dining and lounge room heated by slow combustion wood heater. This home boasts 2 bedrooms one small office or study, laundry and a nice bat...

Contact:John Rich Mob:0429101264 Email:info@johnrichrealestate.com.au

BOYUP BROOK 63 Abel Street

\$150,000

Exclusive

ID: 126394566



Other 1 2 4

Quality Built, well maintained

This building was a bank and is a very secure and well maintained property. Suitable for many uses from a retail store to professional offices. Comprises of a large front showroom, private office, kitchen, male & female toilets and 2 store rooms total area is 179m2 Also a private parking area at the...

Contact:John Rich Mob:0429101264 Email:info@johnrichrealestate.com.au

BOYUP BROOK 15 Proctor

\$210,000

Exclusive

ID: 125904898



House 3 1 3

Great Family Home with Plenty of Outdoor Space

Recently Reduced to \$210,000. This home is built of a jarrah frame and weatherboard cladding within walking distance of all town amenities. Bedroom 1 is a Queen Size with a sitting room or office, Bedroom 2 is Queen Size and bedroom 3 is a Double. Nice large country kitchen with plenty of room for a...

Contact:Lisa Freer Mob:0429111848

Email:admin@johnrichrealestate.com.au

KANGAROO GULLY 294 Campbells Road

REDUCED TO \$515,000

Exclusive

ID: 125784562



House 3 2 7

3 x 2 Double Brick Home on a Beautiful 5 Acres 5KM from Bridgetown

This lovely 5 acre, lifestyle / hobby farm ticks all the boxes for comfortable living with plenty of space for all the family. Set amidst a lovely tree-lined frontage sits the double brick family home offering:- 3 large bedrooms, ensuite to main Fully ducted reverse cycle refrigerated air con Insul...

Contact:John Rich Mob:0429101264 Email:info@johnrichrealestate.com.au

BOYUP BROOK 14 Lee-Steere Drive**From \$740,000**

House 5 | 2 | 9

Country Lifestyle at its Best!

This 8.5 Acre property has all the ingredients to be self-sufficient and provides a fantastic opportunity to enjoy a country lifestyle located close to town. The beautiful organic gardens are home to several raised garden beds for vegetables with and an established orchard which will provide you wi...

Contact: John Rich Mob: 0429101264 Email: info@johnrichrealestate.com.auExclusive
ID: 123028734**BOYUP BROOK 65 Abel Street****\$460,000**

House 4 | 1 | 3

Beautiful Double Brick Home and Office

Given the size and potential of this property, it would be a shame to miss this residential/commercial property for Sale for \$460,000. This Art Deco home has all the embellishments of the era with detailed wood work, high ceilings, 5 beautiful fire places, and wide, jarrah floorboards with plenty...

Contact: John Rich Mob: 0429101264 Email: info@johnrichrealestate.com.auExclusive
ID: 121722658



WILGA PROGRESS ASSOCIATION

Helen Shields (Secretary)

PO Box 17, Wilga, WA 6243

Joanna Kaye
Research and Development Coordinator

Shire of Boyup Brook

Abel Street, Boyup Brook, 6244.

Hi Joanna,

Due to Covid restrictions and the age of the participants, the proposed Old Time Dance has been postponed until 2021. As it is unlikely to go ahead before the end of the 2020-2021 financial year, the Wilga Progress Assoc inc. requests that the donation agreed to for this event, be redirected to the Wilga Endurance Ride to be held 20th March, 2020.

It is unlikely that the Endurance Ride will be cancelled, as it is an individual event with competitor's able to maintain social distancing throughout the course. It is not an event that draws spectators or crowds together.

Funding raising from this event provides for the maintenance and upkeep of the Wilga Hall and its surrounds. Wilga Community Hall is the hub of the Community providing a place for residents and the wider community to come together for the purpose of recreation and socialization.

The Wilga Progress Association members provide extensive volunteer hours, before, after and during the event, as well as other associated monetary costs incurred such as; insurance, WAERA affiliation, drafting of management plans, provision of two veterinarians, and payments to the Shire of Boyup Brook for the Camping permit and approvals of the Risk Management and Traffic Management plans.

Therefore, we request that the approved grant be directed towards the funding of the Wilga Endurance Ride.

Kind regards,

Helen Shields

Secretary

Wilga progress Association Inc.

| Shire of Boyup Brook Council Submission Local Government (Administration) Amendment Regulations (No.2) 2020 | | |
|--|--|---|
| This submission by the Shire of Boyup Brook was endorsed by Council on the 26th November 2020 and sets out the Shire of Boyup Brook position in respect of the draft Local Government (Administration) Regulations 2020. | | |
| Relevant Section in Amendment Act, LG Act and / | | Council Submission |
| 1 Regulation 18A - Vacancy in position of CEO or Senior Employee to be advertised | | SUPPORT |
| 2 Regulation 18C - Selection and appointment for CEO's | | SUPPORT |
| 3 Regulation 18D - Performance review of CEO, Local government duties as to | | SUPPORT |
| 4 Regulation 18FA - Prescribed model standards for CEO recruitment, performance and termination | | SUPPORT |
| 5 Regulation 18FB - certification of compliance with adopted standard for CEO recruitment | | SUPPORT |
| 6 Regulation 18FC - certification of compliance with adopted standards for CEO termination | | SUPPORT |
| 7 Division 2 - Standards for recruitment of CEO's Regulation 4 - Application of Division | | REJECT |
| 8 Regulation 5 - Determination of selection criteria and approval of Job Description form | | SUPPORT |
| 9 Regulation 6 - Advertising Requirements | | SUPPORT - vacant position REJECT - after 10 years SUPPORT |
| 10 Regulation 7 - Job description form to be made available by local Government | | |

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| 11 Regulation 8 - Establishment of selection panel for appointment of CEO | SUPPORT |
| 12 Regulation 9 - Recommendation by selection panel | SUPPORT |
| 13 Regulation 10 - New process to be commenced if no suitable applicants | SUPPORT |
| 14 Regulation 11 - Offer to appointment to position of CEO | SUPPORT |
| 15 Regulation 12 - Appointment to position of CEO | SUPPORT |
| 16 Regulation 13 - Recruitment to be undertaken on expiry of certain CEO contracts | REJECT |
| 17 Regulation 14 - Confidentiality of information | SUPPORT |
| 18 Division 3 0 Standards for review of performance of the CEO's Regulation 15 - sets out the standards | SUPPORT |
| 19 Regulation 16 - Performance review process to be agreed between local government and CEO | SUPPORT |
| 20 Regulation 17- Carrying out a performance review | SUPPORT |
| 21 Regulation 18 -Endorsement of performance review by local government | SUPPORT |
| 22 Regulation 19 - CEO to be notified of results of performance review | SUPPORT |
| 23 Division 4 - Standard for termination of employment of CEO's Regulation 20 - sets out the standards to be observed | SUPPORT |
| 24 Regulation 21 - General principals applying to any termination | SUPPORT |
| 25 Regulation 22 - Additional principles applying to termination for performance related reasons | SUPPORT |
| 26 Regulation 23 - Decision to terminate | SUPPORT |
| 27 Regulation 24 - Notice of termination of Employment | SUPPORT |

Western Australia

Local Government (Administration) Amendment Regulations (No. 2) 2020

Contents

| | | |
|--|---|---|
| 1. | Citation | 1 |
| 2. | Commencement | 1 |
| 3. | Regulations amended | 1 |
| Part 1 — Preliminary | | |
| Part 2 — Council and committee meetings | | |
| Part 3 — Electors' meetings | | |
| Part 4 — Local government employees | | |
| 18A. | Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3)) | 2 |
| 18B. | Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c)) | 3 |
| 18E. | False information in application for CEO position, offence | 4 |
| 18F. | Remuneration and benefits of CEO to be as advertised | 4 |
| 18FA. | Prescribed model standards for CEO recruitment, performance and termination (Act s. 5.39A(1)) | 4 |
| 18FB. | Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7)) | 5 |
| 18FC. | Certification of compliance with adopted standards for CEO termination (Act s. 5.39B(7)) | 5 |
| 18G. | Delegations to CEOs, limits on (Act s. 5.43) | 6 |
| 19. | Delegates to keep certain records (Act s. 5.46(3)) | 6 |

Contents

| | | |
|------|--|----|
| 19A. | Payments in addition to contract or award, limits of (Act s. 5.50(3)) | 6 |
| | Part 5 — Annual reports and planning | |
| | Part 6 — Disclosure of financial interests and gifts | |
| | Part 7 — Access to information | |
| | Part 8 — Local government payments and gifts to members | |
| | Part 9 — Codes of conduct for employees | |
| | Part 10 — Training | |
| | Schedule 1 — Forms | |
| | Schedule 2 — Model standards for CEO recruitment, performance and termination | |
| | Division 1 — Preliminary provisions | |
| 1. | Citation | 9 |
| 2. | Terms used | 9 |
| | Division 2 — Standards for recruitment of CEOs | |
| 3. | Overview of Division | 10 |
| 4. | Application of Division | 10 |
| 5. | Determination of selection criteria and approval of job description form | 10 |
| 6. | Advertising requirements | 11 |
| 7. | Job description form to be made available by local government | 11 |
| 8. | Establishment of selection panel for appointment of CEO | 11 |
| 9. | Recommendation by selection panel | 11 |

| | | |
|-----|---|----|
| 10. | New process to be commenced if no suitable applicants | 12 |
| 11. | Offer of appointment to position of CEO | 13 |
| 12. | Appointment to position of CEO | 13 |
| 13. | Recruitment to be undertaken on expiry of certain CEO contracts | 14 |
| 14. | Confidentiality of information | 15 |
| | Division 3 — Standards for review of performance of CEOs | |
| 15. | Overview of Division | 15 |
| 16. | Performance review process to be agreed between local government and CEO | 15 |
| 17. | Carrying out a performance review | 15 |
| 18. | Endorsement of performance review by local government | 16 |
| 19. | CEO to be notified of results of performance review | 16 |
| | Division 4 — Standards for termination of employment of CEOs | |
| 20. | Overview of Division | 16 |
| 21. | General principles applying to any termination | 16 |
| 22. | Additional principles applying to termination for performance-related reasons | 17 |
| 23. | Decision to terminate | 17 |
| 24. | Notice of termination of employment | 17 |

Local Government (Administration) Amendment Regulations (No. 2) 2020

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations (No. 2) 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* section 22 comes into operation.

3. Regulations amended

These regulations amend the *Local Government (Administration) Regulations 1996*.

[The following text is the Local Government (Administration) Regulations 1996 showing proposed amendments in track changes. A formal amending instrument will be drafted at a later stage.]

Part 1 — Preliminary

[There are no amendments to this Part.]

Part 2 — Council and committee meetings

[There are no amendments to this Part.]

Part 3 — Electors' meetings

[There are no amendments to this Part.]

Part 4 — Local government employees

[Heading inserted: Gazette 26 Aug 2011 p. 3482.]

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to give Statewide public notice of the position ~~advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —~~
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice ~~An advertisement referred to in subregulation (1) is to contain —~~
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (da) a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and

- (f) any other information that the local government considers is relevant.

[Regulation 18A inserted: Gazette 31 Mar 2005 p. 1037-8; amended: Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted: Gazette 13 May 2005 p. 2086.]

~~**18C. Selection and appointment process for CEOs**~~

~~— The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.~~

~~— *[Regulation 18C inserted: Gazette 31 Mar 2005 p. 1038.]*~~

~~**18D. Performance review of CEO, local government's duties as to**~~

~~— A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.~~

~~— *[Regulation 18D inserted: Gazette 31 Mar 2005 p. 1038.]*~~

r. 18E

18E. False information in application for CEO position, offence

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.

Penalty: a fine of \$5 000.

[Regulation 18E inserted: Gazette 31 Mar 2005 p. 1038-9; amended: Gazette 19 Aug 2005 p. 3872; 4 Mar 2016 p. 650.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted: Gazette 31 Mar 2005 p. 1039.]

18FA. Prescribed model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))

(1) In this regulation —

adopted standards means the standards adopted by a local government under section 5.39B or, if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.

(2) This regulation applies if —

(a) a local government appoints a person to the position of CEO of the local government; and

(b) the local government's adopted standards in relation to the recruitment of CEOs apply to the appointment.

(3) At the time of appointing the person to the position of CEO, the local government must, by resolution*, certify that the person was appointed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

(4) A copy of the resolution must be given to the Departmental CEO within 14 days after the resolution is passed by the local government.

18FC. Certification of compliance with adopted standards for CEO termination (Act s. 5.39B(7))

(1) In this regulation —

adopted standards has the meaning given in regulation 18FB(1).

(2) This regulation applies if a local government terminates the employment of the CEO of the local government.

(3) At the time of terminating the CEO's employment, the local government must, by resolution*, certify that the CEO was terminated in accordance with the local government's adopted

r. 18G

standards in relation to the termination of the employment of CEOs.

* Absolute majority required.

- (4) A copy of the resolution must be given to the Departmental CEO within 14 days after the resolution is passed by the local government.

18G. Delegations to CEOs, limits on (Act s. 5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

[Regulation 18G inserted: Gazette 31 Mar 2005 p. 1039.]

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local

government finishes after 1 January 2010 is not to exceed in total —

- (a) the value of the person's final annual remuneration, if the person —
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
- or
- (b) in all other cases, \$5 000.

- (2) In this regulation —

final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

*[Regulation 19A inserted: Gazette 31 Mar 2005 p. 1032;
amended: Gazette 13 Jul 2012 p. 3218.]*

Part 5 — Annual reports and planning

[There are no amendments to this Part.]

Part 6 — Disclosure of financial interests and gifts

[There are no amendments to this Part.]

Part 7 — Access to information

[There are no amendments to this Part.]

Part 8 — Local government payments and gifts to members

[There are no amendments to this Part.]

Part 9 — Codes of conduct for employees

[There are no amendments to this Part.]

Part 10 — Training

[There are no amendments to this Part.]

Schedule 1 — Forms

[There are no amendments to this Schedule.]

Schedule 2 — Model standards for CEO recruitment, performance and termination

[r. 18FA]

Division 1 — Preliminary provisions

1. Citation

These are the *[insert name of local government] Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause [5(2)];

local government means the *[insert name of local government]*;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause [5(1)] and set out in the job description form;

selection panel means the selection panel established by the local government under clause [8] for the appointment of a person to the position of CEO.

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the appointment of a person to the position of CEO.

- (2) This Division does not apply —

- (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause [13(2)].

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of that particular local government.

- (2) The local government must, by a resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

- (a) the duties and responsibilities of the position; and
- (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause [13] applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for appointment of CEO

- (1) The local government must establish a selection panel to conduct the recruitment and selection process for the appointment of a person to the position of CEO.
- (2) The selection panel must comprise —
 - (a) council members (the number of which is to be determined by the local government); and
 - (b) at least 1 person who is neither a council member nor an employee of the local government.

9. Recommendation by selection panel

- (1) The selection panel must assess each applicant's knowledge, experience, qualifications and skills against the selection criteria.

(2) Following the assessment referred to in subclause (1), the selection panel must —

- (a) recommend to the local government one or more applicants who the selection panel considers are suitable for appointment to the position of CEO; or
- (b) if the selection panel considers that none of the applicants are suitable for appointment to the position of CEO — advise the local government of that fact.

(3) If the selection panel considers that none of the applicants are suitable for appointment to the position of CEO, the selection panel may recommend to the local government the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

- (a) in an impartial and transparent manner; and
- (b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(a) unless the selection panel has —

- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
- (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
- (c) whether by contacting referees provided by the applicant or making any other enquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

10. New process to be commenced if no suitable applicants

(1) If the selection panel advises the local government under clause [9(2)(b)] that the selection panel considers that none of the applicants are suitable for appointment to the position of CEO, the local government must carry out a new recruitment and selection process for the position in accordance with these standards.

(2) However, unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause [5] does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the local government under clause [5] is the job description form for the purposes of the new recruitment and selection process.

11. Offer of appointment to position of CEO

(1) Any decision by the local government to make an offer of appointment to the position of CEO to an applicant must be made by a resolution of an absolute majority of the council.

(2) The resolution must approve —

(a) the making of the offer of appointment to the applicant; and

(b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Appointment to position of CEO

(1) In this clause —

negotiated contract means the contract of employment referred to in paragraph (b) of the definition of *successful applicant*;

successful applicant means an applicant who —

(a) has been made an offer of appointment to the position of CEO under clause [11]; and

(b) has negotiated with the local government the terms of the contract of employment to be entered into by the local government and the applicant; and

(c) following that negotiation, has accepted the offer of appointment.

(2) Any appointment of a successful applicant to the position of CEO by the local government must be made by a resolution of an absolute majority of the council.

(3) The resolution must —

- (a) endorse the appointment of the successful applicant to the position of CEO; and
- (b) approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause —

commencement day means the day on which the *Local Government (Administration) Amendment Regulations (No. 2) 2020* regulation [regulation inserting new r. 18FA] comes into operation.

(2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —

- (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

- (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;

and

- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be appointed to the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be appointed to the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

(1) The local government and the CEO must agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses [17], [18] and [19].

(3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

(1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

- (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by a resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause [18], the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and

- (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

- (2) The local government must not terminate the CEO's employment unless the local government has —

- (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and

- (b) informed the CEO of the performance issues; and

- (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

- (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by a resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

Local Government (Administration) Amendment Regulations (No. 2) 2020

Schedule 2 Model standards for CEO recruitment, performance and termination

Division 4 Standards for termination of employment of CEOs

cl. 24

Clerk of the Executive Council

Policy M.15

Council Agenda Briefing and Strategic/Concept forums

Objective

This policy provides the purpose, procedures and conduct of briefings and forums involving Councillors, other than ordinary and special meetings and meetings of standing or occasional committees established under section 5.9 of the Act.

Scope

This policy applies to all Councillors, staff and members of the public that attend Council briefings and forums convened by the Shire.

Policy

General Provisions

- The Shire President or Deputy Shire President in his or her absence will preside at agenda briefing and strategic/concept forums. If neither President nor Deputy is present, a Councillor will be chosen by those Councillors present.
- No formal minutes are required to be taken. Records will only be kept of attendance, conflict of interest disclosures and items / topics discussed.
- No decisions are to be made as decisions will be made at the Council meeting.

Agenda Briefing

- The start time of agenda briefing is to be advertised on the shire website, facebook and other mediums where necessary.
- Agenda briefings are open to members of the public, except where items are confidential in nature under the Act. Confidential items will be discussed once the open briefing has closed and members of the public have left.
- The presiding member will manage receiving of questions from the public. Public questions are to be confined to five minutes per person and a maximum of 15 minutes and are limited to questions regarding items in the agenda briefing. Public questions that members of the public wish to be recorded in the minutes of the ordinary meeting of Council will be required to ask that question at the ordinary meeting of council.
- All questions and answers must be through the chair and relate to the upcoming ordinary council meeting agenda.
- There is to be no free-flowing discussion between Councillors and debate is strictly prohibited.

- The legislation does not require disclosure of conflicts of interest at agenda briefings however in the interest of transparency and accountability and the provisions of the rules of conduct, it is considered not acceptable to participate in a matter if there is a conflict of interest.
- Councillors and officers will therefore be required to declare an interest in accordance with the provision of the Act as it applies to ordinary council meetings.

Strategic / Concept forums

- Strategic / Concept forums are a mechanism by which Shire employees can confidentially update councillors on developments related to specific projects, strategic, conceptual or sensitive matters.
- In these circumstances it is important for Councillors to be involved and to be able to speak freely without members of the public in attendance.
- The forums allow a free flowing discussion between Councillors and staff, however there is to be no debate on any matter.
- Council may decide to, at a future date, open the discussion on major projects and or to invite members of the public to participate in workshops.

Definitions

Agenda Briefing - a monthly briefing to discuss the agenda for the following council meeting.

Strategic / Concept forums – a briefing to update Councillors on strategically significant issues or projects that are in a concept stage.

Relevant Policies / Administration Practice

Nil

Legislative / Local Law requirement

Section 5.23 Local Government Act 1995

Rules of Conduct regulations 2007

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| POLICY NO. | M.15 |
| POLICY SUBJECT | Council Agenda Briefing and Strategic/Concept forums Policy |
| ADOPTION DATE | 26 November 2020 |

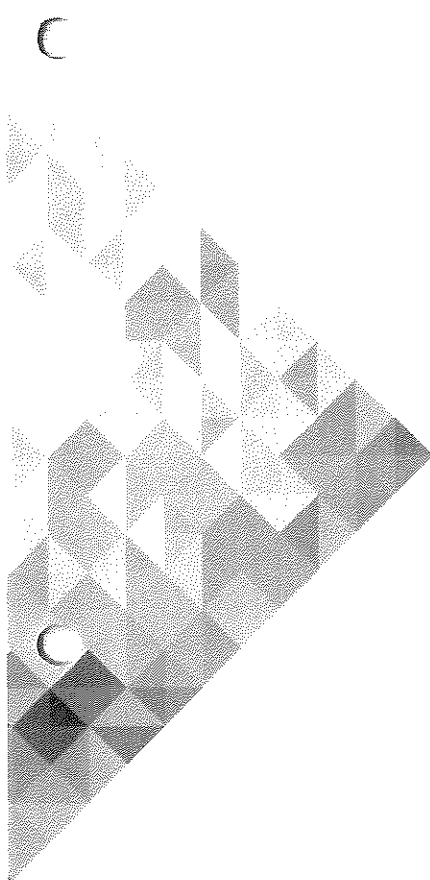


Government of Western Australia
Department of Local Government and Communities

Local Government Operational Guidelines

Number 05 – January 2004

Council Forums



1. Introduction

Over recent years many local governments have introduced procedures that allow elected members and officers to meet and discuss matters relating to the operation and affairs of their local government outside of the formal council meeting framework. This has been done through an informal meeting process that has been given a range of titles including briefing or information sessions, workshops and corporate discussions. For the purposes of this guideline the term “forum” will be used to encompass such meetings.

The forum approach has allowed the ordinary meeting of council to focus on the decision-making needs of the local government. Many local governments that have adopted the forum process in preference to standing committees claim that it has led to better informed elected members and a more efficient and effective decision-making regime. This guideline is designed to assist those local governments that do conduct forums by listing appropriate procedural and behavioural controls. The adoption of such controls should reassure the community that the council decision-making mechanisms are accountable, open and transparent.

Local government forums range from one-off events discussing a particular issue through to regular, structured meetings, albeit not convened under the auspices of the *Local Government Act 1995* (the Act). This guideline is intended to address those forums that are held on a regular basis.

While acknowledging that regular forums are invaluable and legitimate, the Department advises that the conduct of such has generated complaints regarding the potential for a reduced level of transparency in the decision-making process and hence a reduction in accountability to and involvement by the community. Local governments need to make a clear distinction between forums and the formal debate and decision-making process.

It is recognised that local governments may conduct other sessions or workshops which would include items such as team building exercises, strategic planning workshops and community input forums. It is not intended that these guidelines would necessarily be applied to such sessions, but some of the suggested procedural controls may have relevance.

Issues relating to council forums that are addressed in these guidelines include:

- accountability;
- openness and transparency;
- probity and integrity;
- authority for the presiding person;
- participation by elected members and staff;
- proposals under Town Planning Schemes;
- formulating management documents; and
- forums immediately prior to an ordinary meeting of council.

2. Principles of the Act

Part 5 of the Act sets out the framework whereby elected members meet as the governing body for the purpose of decision-making on behalf of the local government.

It is an intention of the Act that councils conduct business and make decisions –

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

The Act establishes ordinary, special and committee meetings. Each council must decide the meeting structure it will adopt within the legal framework for it to achieve the most efficient and effective decision-making process. It is a legal requirement that all decisions made on behalf of the local government are to be made at meetings called and convened under the provisions of the Act.

In addition to ordinary and special meetings, elected members can meet as a committee, membership of which may vary in number from three to all members of council. Committees can discuss matters and make recommendations to the council or, if given delegated authority by the council, can make decisions on its behalf. A council does not need to have committees and can have all matters presented to it directly for decision. A recent trend has been

for councils to abolish the system of standing committees or limit the number and/or range of committees and adopt a forum approach.

3. Council Forums

Local government forums range from a once-only event to discuss and explore a particular issue, a number of sessions to address matters such as a specific project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives.

Regular forums run in local governments exhibit two broad categories which we have titled agenda and concept. They are differentiated by the stage of development of issues which are discussed by elected members and staff. The two types are described below along with the variations in procedural controls and processes suggested for each.

Concept Forums

Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Elected members and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include –

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

Discussion on such proposals in a public forum would be counter-productive. Privacy and informality allows elected members to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views.

The privacy and informality of concept forums also has pitfalls including the risk of neglecting proper standards of probity and public accountability. Over time, participants can become too familiar, and therefore more lax, with the procedure and purpose of the meeting. Unless procedures are adopted and rigorously applied to these forums, there is a danger that collective or collaborative decisions may be made, implied and otherwise.

Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members. Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed agenda forums. It is considered they are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that agenda forums are run with strict procedures.

4. Principles Governing Procedural and Behavioural Controls for Forums

Local governments that conduct forums or are considering doing so have the right to implement a forum system that best suits their needs. The principles and associated procedures set out below, if adopted by local governments when conducting

forums, will ensure that all requirements of accountability, openness and transparency are satisfied.

The identified principles and associated procedures are accountability, openness and transparency, probity and integrity, authority for the chair and meeting notification. Each of these is explained below.

Accountability

The Act requires that ordinary and special council meetings and committee meetings that have delegated authority must be open to the public. Most local governments also open committee meetings even where there is no delegated authority. This openness allows the community to view the decision-making process from the time an issue is first presented to elected members through to the final decision.

There must be no opportunity for a collective council decision or implied decision that binds the local government to be made during a forum.

Agenda forums should be for staff presenting information and elected members asking questions, not opportunities to debate the issues. A council should have clearly stated rules that prohibit debate or vigorous discussion between elected members that could be interpreted as debate. Rules such as questions through the chair and no free-flowing discussion between elected members should be applied.

If there is minimum debate in the ordinary meeting because the elected member attitudes have been established through the item being thoroughly canvassed in the agenda forum then the community

is denied the opportunity to witness any debate and understand how the council reached its decision. Other concerns relate to elected members agreeing on movers, seconders and/or amendments. Such an approach must not be allowed by the council whether the agenda forum is open or closed to the public but a closed forum will almost certainly generate a perception by the community of secret meetings where the decisions are made beyond public scrutiny.

Councils, when considering conducting closed forums, need to consider their reasons for justification against the likely damage to their public standing from the perception of secrecy. A policy that the forums will generally be open to the public will make a significant contribution to the community perception of council accountability. A clearly delineated distinction between agenda and concept forums is important for these reasons.

Openness and Transparency

A significant strength of local government is the openness and accessibility of its processes to the community. In conducting forums each local government should make a conscious decision to promote the community perception that it embraces the concept of openness and transparency. Therefore, whenever appropriate, forums should be open to the public.

Probity and Integrity

The legislation provides that in ordinary meetings and committee meetings elected members must disclose conflicts of interest and exclude themselves from proceedings where they have a financial interest.

Disclosure in forums is a matter of ethics. The disclosure requirements only apply to meetings that are convened under the provisions of the Act. Elected members can legally participate at forums without being in breach of the legislation even where they have a clear financial interest or conflict of interest. Such participation is ethically unacceptable and is clearly at odds with the probity and accountability principles of the Act and codes of conduct. It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all forums. Disclosure should lead to an individual departing the forum.

Authority for the Chair

Many councils have established a forum process without specifying how the forums should be chaired and what authority the chair is given to control proceedings. In some local governments, the CEO chairs the forums in certain circumstances. This latter approach is not supported because it confuses the roles and relationships established in the Act.

It is recommended that the mayor or president or, if appropriate, another elected member, chairs all forums that involve elected members. Properly managed forums rely on strength and leadership from the chair. Therefore, a forum's chair should be supported by established rules similar to the standing orders that apply to formal meetings.

Meeting Notification

The provisions of the Act are designed to ensure that members are given timely notice of, and information for, council and committee meetings. Formal provisions

do not apply to forums but the principles remain the same. Adequate notice needs to be given of the time, location and content of the forum.

The forum process is most successful in those local governments where forums are held on a regular basis such as on the alternative weeks to the ordinary council meeting (where they are held fortnightly) or a week before the ordinary council meeting. By setting the dates for forums well in advance, elected members, staff and the community can plan for their attendance.

Forums that are organised without adequate notice or a proper agenda are often poorly attended and inefficiently run. This will be detrimental to the purpose of the forum.

5. Particular Issues of Concern in the Forum Process

There are a number of concerns relating to the content and conduct of forums. These are set out below. Councils need to be aware of these and take action to overcome the concerns if such apply to them.

Dealing With Proposals Under the Town Planning Scheme

The discretion available to council when making decisions under the Act is not always available when making decisions under town planning legislation. When a council is dealing with town planning matters, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority (ie Western Australian Planning Commission) and an elected member the

role of a planning commissioner. Council is not only constrained by the conditions of its Town Planning Scheme but also by the relevant State Acts.

Decision-making in town planning matters requires the decision-maker to maintain a high degree of independence from the process leading up to the decision being made. The elected member needs to be in a position of being able to make his or her decision after taking into account the relevant and material facts and circumstances as presented to all fellow elected members. These same comments apply whether councils do or do not work with specialist planning committees. Elected members need to be wary of involvement in the lead-up process to a certain decision, especially as a sole agent or member of a small group and being subjected to information from the developer or parties associated with the developer. This may be interpreted as reducing the independence of the decision-maker.

Councils will often have briefings relating to development issues and these are important in terms of the elected members becoming fully informed on the matter on which they have to vote. The nature of the decision means that briefing sessions involving planning matters should be conducted with the strictest of rules. There should be no implication of debate between elected members; the session should primarily involve information being given by the relevant officer and other parties with questions from the floor directed through the chair. In cases where an elected member has relevant information on a development matter to be conveyed to the meeting, it must be done through the chair so that all decision-makers are privy to that information.

Formulating Management Documents

Many local governments prepare their management documents, such as budgets, plans for the future and policy manuals, through a forum process. In many cases this involves a number of forums to which all elected members are invited and the public are excluded. Such forums are not set up under the auspices of the Act. There are no formal decisions made as in due course the documents are adopted at a formal meeting of council. Nevertheless, as the forums proceed and the document is developed, some issues are included, some are discarded and others may need further research by staff. If records of the matters discussed at the forums are not kept, development stages of the documents will be uncertain and hence any orderly progress inhibited. Additionally, the process may lack accountability and the probity of elected members and staff could be challenged. Change of membership of the group by either staff or elected members would again place doubt on the validity of the process.

A more suitable procedural process for the development of management documents would be the formal establishment of a committee under the Act with that assigned purpose. Although the committee meetings, if no power or duty has been delegated to the committee, are not required by legislation to be open to the public, the integrity of the process is protected by the legislative requirement for the agenda and minutes to be available for public inspection. Such committees, upon completion of their assigned task(s), could be wound up or reconvened the following year when the task was again required. Examples would be a committee reviewing standing orders and a "Budget

Committee". The former would be wound up upon submission of its report to council. The "Budget Committee" would be an ongoing but occasional committee which would meet each year from (say) March to early July.

Some committees could have a select and limited membership whereas others (such as the budget committee) could include all elected members.

Forums Immediately Prior to an Ordinary Meeting of Council

Some local governments hold forums immediately prior to ordinary council meetings. Anecdotal evidence suggests that in discussing the agenda of the forthcoming meeting at such forums implied decisions may be made. This familiarity with the issues and known attitudes can lead to debate at the ordinary council meeting being stifled or non-existent much to the chagrin of the public who are not privy to the earlier discussions. Forums held immediately prior to ordinary council meetings cause more complaints of secret meetings and predetermined decisions than any other type of forums.

Pre-meeting forums may be beneficial where an elected member has additional or alternative information to that contained in a staff report which may be controversial or cause problems within the ordinary meeting at the time the item is discussed. Certainly, it is an advantage for the CEO, council and particularly the presiding member to be aware of potential problems in the forthcoming ordinary meeting. While a pre-meeting forum provides the opportunity to inform others of the potential problem it would be preferable to raise the matter with likely concerned

parties such as the presiding member, CEO and reporting officer much earlier than immediately before the meeting. Early advice will give those concerned the opportunity to undertake action to address the identified problems.

It is recognised that with many local governments, especially those that are in rural locations, the timing of the pre-meeting forum is understandable in that the elected members can only get together once a month because of travel time and they need an opportunity to discuss issues with the freedom of a forum.

After consideration of these issues, it is recommended that if a council determines that the only time available for a forum is prior to an ordinary council meeting and it is to be closed to the public, then it be established as a concept forum and reference to the forthcoming agenda should be prohibited unless a special circumstance is conveyed to the presiding member. An example of a special circumstance would be information additional to, or contradicting the staff report which is likely to lead to non-adoption or significant variation of the recommendation and it has not been possible to convey such information at an earlier time. Adoption of the concept forum approach means elected members needing additional information or explanations from staff on forthcoming agenda items will have to make alternative arrangements to meet their requirements.

The adoption of such rules on pre-meeting forums should be conveyed to the public. Advice of the conducting of such a forum and its general content at the ensuing ordinary meeting will reinforce the openness and accountability of council.

6. Forums that Incorporate Both Concept and Agenda Items

Many local governments will run only one forum and it will cover both agenda items to be addressed at the next council meeting and wide-ranging concept issues. It is suggested that the different requirements of the two types are recognised and they be categorised as such in the forum agenda. The most important aspect is that the presiding person apply appropriate procedures regarding debate and discussion between elected members when agenda items are being covered.

Such forums should also be open to the public.

7. Model Procedures for Forums

Before introducing, or continuing with forums, councils have a responsibility to weigh carefully the risks as well as the benefits associated with such a process and consider if there are better, alternative ways of achieving the desired outcomes.

Councils that hold forums should adopt meeting rules and processes to ensure that proper standards of probity and public accountability are adhered to. Particular emphasis must be placed on ensuring that there is no decision-making during these forums and that this is rigidly enforced.

Procedures Applying to Both Concept and Agenda Forums

The Department recommends that councils adopt a set of procedures for both types of forums which include the following –

- Dates and times for forums should be set well in advance where practical;
- The CEO will ensure timely written notice and the agenda for each forum is provided to all members;
- Forum papers should be distributed to members at least three days prior to the meeting;
- The mayor/president or other designated elected member is to be the presiding member at all forums;
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed;
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meeting room;
- There is to be no opportunity for a person with an interest to request that they continue in the forum; and
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

Procedures Specific to Concept Forums

The Department recommends that councils adopt specific procedures for concept forums which include the following –

- Concept forums may be open to the public when an issue is being discussed that council believes would benefit from public awareness and debate;

- Discussion between members is to be limited to those issues which are in the preliminary development stages. Items already listed on a council meeting agenda are not to be discussed; and
- As discussion items are not completely predictable there is to be some flexibility as to disclosures of interest. A person may disclose an interest at the time discussion commences on an issue not specifically included on the agenda.

Procedures Specific to Agenda Forums

The Department recommends that councils adopt specific procedures for agenda forums which include the following –

- Agenda forums should be open to the public unless the forum is being briefed on a matter for which a formal council meeting may be closed;
- Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings (or period deemed appropriate);
- Briefings will only be given by staff or consultants for the purpose of ensuring that elected members and the public are more fully informed; and
- All questions and discussions will be directed through the chair. There will be no debate style discussion as this needs to take place in the ordinary meeting of council when the issue is set for decision.

8. General Discussions in Councils Without Forums

Travel and time constraints mean that many councils can convene for a limited time; for many, only one day per month. As a result, some local governments have continued with the traditional ordinary meeting format where the decision-making is combined with wide-ranging discussion on other matters. A major problem with this approach is that the wide-ranging discussions result in meetings continuing for long periods of time.

There are benefits to elected members, the public and the staff if the issues requiring decision are dealt with during one continuous stage early in the meeting.

Elected members can have more effective broad ranging discussion during the same time frame as the traditional council meeting with a revised structure. It is suggested a better format would be for the ordinary meeting to be closed as soon as the required decisions have been made. The general discussions would then be pursued in a concept format environment. The advantages of this approach are the opportunity for councillors to discuss issues of concern in an informal environment.

9. Summary

With most local governments, elected members need opportunities to discuss issues outside of the formal ordinary meeting process. The Department acknowledges this approach because those elected members that have the maximum opportunities for input will obtain the greatest satisfaction emanating from their time in local government.

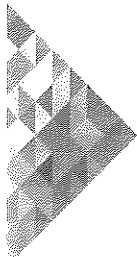
The opportunity for input can be best gained through forums or committees of the full council.

Councils that wish to hold forums of either the concept or agenda type are encouraged to adopt rules and processes that are in line with these guidelines. This will assist with openness and accountability, minimise public criticism and lead to a more effective and efficient local government.

These guidelines are also available on the Department's website at www.dlgc.wa.gov.au



Government of Western Australia
Department of Local Government and Communities



Local Government Advisory Hotline
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About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.



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Review of Ward Boundaries and Representation Discussion Paper

December 2020

All submissions must be received by 4pm Thursday January 28, 2021





Background

The review will be as per Schedule 2.2. of the *Local Government Act 1995*, which requires local governments with Wards to carry out a review of the Ward Boundaries and the number of Elected Members of each Ward from time to time so that no more than eight years elapse between successive reviews.

The last review of the Ward boundaries and Elected Member representation was undertaken in 2017.

There are two basic options available to the community when considering the structure of the Council: either no Wards or more than one Ward. There are both advantages and disadvantages in applying either of the two options and these are addressed in the notes.

According to the Local Government Advisory Board:

Ward System

Many local governments have a Ward system and find that it works well for them.

The **advantages** of a Ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interest amongst Elected Members;
- There is more opportunity for Elected Members to have a greater knowledge and interest in the issue of the Ward; and
- It may be easier for a candidate to be elected if they only need to canvass one Ward.

The **disadvantages** of a Ward system may include:

- Elected Members can become too focused on their Wards and less focused on the affairs of other Wards and the whole local government;
- An unhealthy competition for resources can develop when electors in each Ward come to expect the service and facilities provided in other Wards, whether they are appropriate or not;
- The community and Elected Members can tend to regard the local government in terms of Wards rather than as a whole community;
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community; and
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

No Ward System

The **advantages** of a No Ward system may include:

- Elected Members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result in broadening the views beyond the immediate concerns of those in a Ward;



- The smaller town sites and rural areas have the whole Council working for them;
- Members of the community who want to approach an Elected Member can speak to any Elected Member;
- Social networks and community of interest are often spread across a local government and Elected Members can have an overview of these;
- Elected Members can use their specialty skills and knowledge for the benefits of the whole local government;
- There is balanced representation with each Elected Member representing the whole community; and
- The election process is much simpler for the community to understand and for the Council to administer.



The **disadvantages** of a No Ward System may include:

- Electors may feel that they are not adequately represented if they do not have an affinity with any of the Elected Members;
- Elected Members living in a certain area may have a greater affinity and understanding of the issues specific to that area;
- There is potential for an interest group to dominate the Council;
- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues; and
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

Number of Elected Members



The **advantages** of a reduction in the number of Elected Members may include the following:

- The decision making process may be more effective and efficient if the number of Elected Members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier;
- There is also more scope for team spirit and cooperation amongst a smaller number of people;
- The cost of maintaining Elected Members is likely to be reduced;
- The increase in the ratio of Elected Members to electors is unlikely to be significant;
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local Elected Member;
- A reduction in the number of Elected Members may result in an increased commitment from those elected reflecting in greater interest and participation in Council's affairs;
- Fewer Elected Members are more readily identifiable in the community;
- Few positions on Council may lead to a greater interest in elections with contested elections and those elected obtaining a greater level of support from the community; and



Review of Ward Boundaries and Representation Discussion Paper

- There is a state-wide trend for reduction in the number of Elected Members and many local governments have found that fewer Elected Members works well.

The **disadvantages** of a reduction in the number of Elected Members may include the following:

- A smaller number of Elected Members may result in an increased workload and may lessen effectiveness. A demanding role may discourage others from nominating for Council;
- There is the potential for dominance in the Council by a particular interest group;
- A reduction in the number of Elected Members may limit diversity around the Council table;
- Opportunities for community participation in Council's affairs may be reduced if there are fewer Elected Members for the community to contact; and
- An increase in the ratio of Elected Member to electors may place too many demands on Elected Members.

This discussion paper has been developed to assist the community in considering options and ideas as well as clarifying factors that will form part of the review. The options presented are a few of the possible options and scenarios that are open to the Shire to consider.

This discussion paper will outline five options, and provide an overview of each scenario assessed against the following criteria:

- Community of interests
- Physical and topographical features
- Demographic
- Economic factors
- Ratio of Elected members to electors in the various Wards.

The Shire will determine a preferred option relating to Ward boundaries and Elected Member representation following consideration of all submissions.

Public Submissions

All residents and / or business operators within the Shire of Boyup Brook are encouraged to review this discussion paper and provide your feedback on the options presented.

Members of the community are invited to make a submission about any aspect of Ward boundaries and representation. This can be made to the Executive Assistant by:

In Person: Attend the Administration Office

Email: EA@boyupbrook.wa.gov.au

Mail: Shire of Boyup Brook
PO Box 2
Boyup Brook WA 6244

All submissions are to be received by **4pm Thursday January 28, 2021.**



Current Situation

The Shire of Boyup Brook comprises of Nine Elected Members, and is divided into four Wards; Boyup Brook, Benjinup, Dinninup, and Scotts Brook Ward.

The Boyup Brook Ward has three elected members and the other wards each have two elected members.



| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|--------------|--------------------|---------------------------|--------------------------------|-------------------|
| Boyup Brook | 504 | 3 | 168 | -25.48% |
| Benjinup | 248 | 2 | 124 | 7.39% |
| Dinninup | 236 | 2 | 118 | 11.87% |
| Scotts Brook | 217 | 2 | 108 | 18.96% |
| Shire | 1205 | 9 | 134 | |

Table 1: Shire of Boyup Brook elector to Elected Member ratios – situation as at 30 September 2020.



Review of Ward Boundaries and Representation Discussion Paper

The % ratio deviation gives a clear indication of the % difference between the average Elected Member / elector ratio for the whole local government and for each Ward.

It is evident that there are significant imbalances in representation across the Shire with the Scotts Brook and Dinninup Wards overrepresented and the Boyup Brook Ward underrepresented. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

At present, the Shire of Boyup Brook comprises of 1205 electors with nine Elected Members. The ratio of Elected Member to electors is 1:134. The number of electors per locality are as follows:

| | |
|--------------|--------------|
| Benjinup | 90 |
| Boyup Brook | 629 |
| Chowerup | 22 |
| Dinninup | 94 |
| Kulikup | 85 |
| Mayanup | 131 |
| McAlinden | 46 |
| Scotts Brook | 52 |
| Tone Bridge | 11 |
| Wilga | 45 |
| Total | 1,205 |

Cost Per Elected Member

Under the *Local Government Act 1995*, Elected Members are entitled to fees, reimbursement of expenses and allowances. The total cost to the Shire of Boyup Brook of these fees and allowances would vary depending on the number of Elected Members. Costs regarding support services and overheads would not change greatly if there was to be a change in the number of Elected Members or Wards. The fees and allowances paid to an Elected Member is outlined below:

Elected Member Allowance

- Elected Member Annual Meeting Fees \$7,615
- Information Technology \$1,280

Elected Members are also reimbursed for Elected Member related expenses for travel and childcare costs if claimed.



Elected Member Representation at Other Band 4 Local Governments

Below is a comparison of the Elected Member representation level at other Band 4 local governments, the number of Wards and corresponding ratio of Elected Member to electors:

| Local Government | Number of Electors | Number of Elected Members | Number of Electors to Elected Member | Number of Wards |
|---------------------------------|--------------------|---------------------------|--------------------------------------|-----------------|
| Shire of Beverly | 1330 | 9 | 148 | 0 |
| Shire of Boddington | 1146 | 6 | 191 | 0 |
| Shire of Brookton | 671 | 7 | 96 | 0 |
| Shire of Broomehill - Tambellup | 698 | 7 | 100 | 0 |
| Shire of Bruce Rock | 650 | 9 | 72 | 0 |
| Shire of Carnamah | 382 | 7 | 55 | 0 |
| Shire of Chapman Valley | 979 | 8 | 122 | 0 |
| Shire of Coorow | 743 | 8 | 93 | 0 |
| Shire of Corrigin | 815 | 7 | 116 | 0 |
| Shire of Cranbrook | 730 | 9 | 81 | 0 |
| Shire of Cuballing | 629 | 6 | 105 | 0 |
| Shire of Cue | 123 | 7 | 18 | 0 |
| Shire of Cunderdin | 792 | 8 | 99 | 0 |
| Shire of Dowerin | 478 | 8 | 60 | 0 |
| Shire of Dumbleyung | 46 | 8 | 6 | 4 |
| Shire of Dundas | 339 | 6 | 57 | 0 |
| Shire of Gnowangerup | 744 | 9 | 83 | 0 |
| Shire of Goomalling | 670 | 7 | 96 | 0 |
| Shire of Jerramungup | 758 | 7 | 108 | 0 |
| Shire of Kellerberrin | 804 | 7 | 115 | 0 |
| Shire of Kent | 334 | 8 | 42 | 0 |
| Shire of Kondinin | 534 | 8 | 67 | 0 |
| Shire of Koorda | 264 | 7 | 38 | 0 |
| Shire of Kulin | 337 | 9 | 37 | 4 |
| Shire of Lake Grace | 898 | 9 | 100 | 0 |
| Shire of Menzies | 196 | 6 | 33 | 2 |
| Shire of Mingenew | 294 | 7 | 42 | 2 |
| Shire of Morawa | 394 | 7 | 56 | 0 |
| Shire of Mount Magnet | 215 | 7 | 31 | 0 |
| Shire of Mount Marshall | 330 | 7 | 47 | 0 |
| Shire of Mukinbudin | 374 | 9 | 42 | 0 |
| Shire of Murchison | 70 | 6 | 12 | 0 |
| Shire of Nannup | 1030 | 8 | 129 | 3 |
| Shire of Narenbeen | 523 | 8 | 65 | 0 |
| Shire of Ngaanyatjaraku | 692 | 8 | 87 | 0 |
| Shire of Nungarin | 162 | 7 | 23 | 0 |
| Shire of Perenjori | 294 | 7 | 42 | 0 |



Review of Ward Boundaries and Representation Discussion Paper

| | | | | |
|--------------------------|------|----|-----|---|
| Shire of Pingelly | 773 | 7 | 110 | 0 |
| Shire of Quairading | 742 | 8 | 93 | 0 |
| Shire of Sandstone | 57 | 6 | 10 | 0 |
| Shire of Sharkbay | 497 | 7 | 71 | 2 |
| Shire of Tammin | 243 | 6 | 41 | 0 |
| Shire of Three Springs | 320 | 7 | 46 | 0 |
| Shire of Trayning | 239 | 7 | 34 | 0 |
| Shire of Upper Gascoyne | 115 | 7 | 16 | 0 |
| Shire of Victoria Plains | 555 | 7 | 79 | 4 |
| Shire of Wagin | 1287 | 10 | 129 | 0 |
| Shire of Wandering | 319 | 7 | 46 | 0 |
| Shire of West Arthur | 582 | 7 | 83 | 0 |
| Shire of Westonia | 186 | 6 | 31 | 0 |
| Shire of Wickpin | 500 | 8 | 63 | 0 |
| Shire of Williams | 671 | 8 | 84 | 0 |
| Shire of Wiluna | 172 | 7 | 25 | 0 |
| Shire of Wongan-Ballidu | 923 | 6 | 154 | 0 |
| Shire of Woodanilling | 301 | 6 | 50 | 0 |
| Shire of Wyalkatchem | 337 | 6 | 56 | 0 |
| Shire of Yalgoo | 107 | 6 | 18 | 0 |

A review of the Elected Member Representation at other Band 4 Local Governments show that:

- 88% have no Wards (50 of 57)
- 63% have seven or less Elected Members (36 of 57)
- 2% have more Elected Members than the Shire of Boyup Brook (1 of 57)
- 86% have less Elected Members than the Shire of Boyup Brook (49 of 57)
- No local government has five Elected Members.

Names of Wards

The names of Wards will also need to be considered.

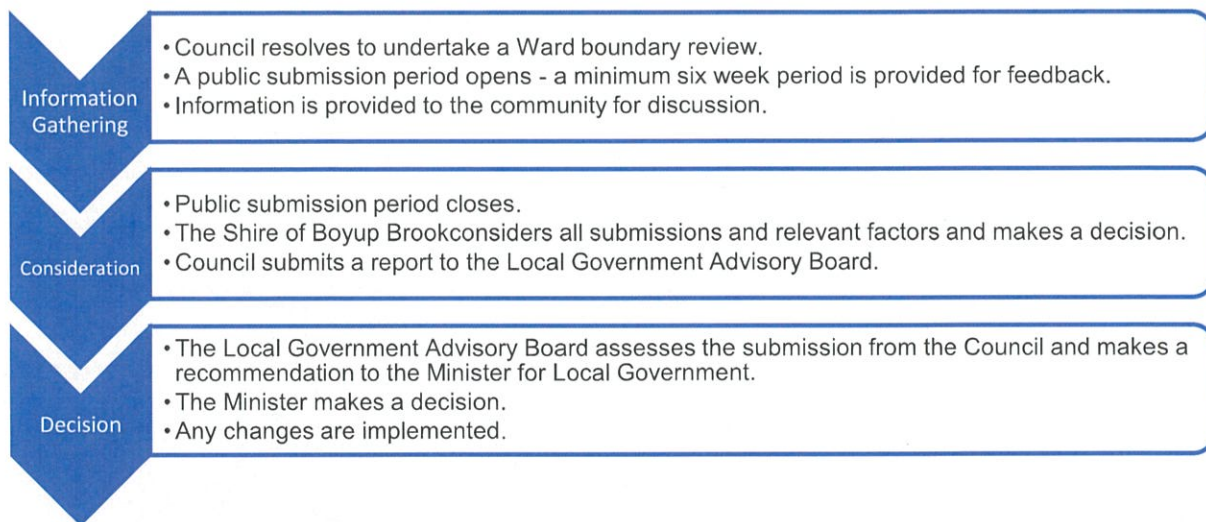
For example, it may be preferable to use names of localities, the names of landmarks within the district, or simply North, South, East, West, etc.

Generic names have been used in the following options to allow for suggestions from the community.



Ward Boundary Review Process

The Ward boundary review process must be carried out in accordance with the provisions of the *Local Government Act 1995*. This involves a number of steps:



The next Council election will be held on the 16th October 2021. To ensure any required changes are made to the Shire of Boyup Brook Ward Structure, the Shire will need to make a submission to the Local Government Advisory board by the 12th February 2021.

More details about the Local Government Advisory Board, and its roles and process are available at:

<https://www.dlgsc.wa.gov.au/local-government/local-governments/boards-and-commissions#advisory>

Timeline

The following timeline is proposed in respect to the Ward and Representation review:

| | |
|-------------------|--|
| November 26, 2020 | Council Meeting – Council decision to undertake a Ward Review. |
| December 10, 2020 | Public notice period commences inviting submission – six week minimum statutory advertising. |
| January 28, 2021 | Public notice period finishes – Officers finalise accessing public submissions and prepare report and recommendation. |
| February 11, 2021 | Council meeting – Council to resolve preferred Ward representation option for forwarding to the Local Government Advisory Board. |



Options to Consider

The Council will consider the following options and take into account any public submissions:

- Option 1:** No Ward boundaries with between five to nine Elected Members.
- Option 2:** No changes to current Ward boundaries, with one Elected Member for Scotts Brook, Dinninup and Benjinup Ward and two Elected Members for Boyup Brook Ward.
- Option 3A:** Create two Wards; Ward A comprising the locality of Boyup Brook, with three Elected Members and Ward B comprising the remainder of the Shire with three Elected Members.
- Option 3B:** Create four Wards; Ward A comprising the locality of Boyup Brook with three Elected Members, Ward B comprising the localities of Benjinup, McAlinden and Wilga, with one Elected Member, Ward C comprising the localities of Dinninup and Kulikup, with one Elected Member, and Ward D comprising the localities of Chowerup, Mayanup, Scotts Brook and Tone Bridge with one Elected Member.
- Option 4A:** Create four Wards; Ward A comprising the localities of Benjinup, McAlinden and Wilga, with one elected member, Ward B comprising the localities of Dinninup and Kulikup, with one elected member, Ward C comprising the localities of Chowerup, Scotts Brook, Tone Bridge and 2/3 Mayanup with one elected member, and Ward D comprising the locality of Boyup Brook and 1/3 Mayanup with four Elected Members.
- Option 4B:** Create five Wards; Ward A comprising the localities of Benjinup, McAlinden and Wilga, with one Elected Member, Ward B comprising the localities of Dinninup and Kulikup, with one Elected Member, Ward C comprising the localities of Chowerup, Scotts Brook, Tone Bridge and 2/3 Mayanup with one Elected Member, Ward D comprising the northern part of the locality of Boyup Brook with two Elected Members, and Ward E comprising the southern part of the locality of Boyup Brook and 1/3 of Mayanup with two Elected Members.
- Option 5:** Keep the current Wards and Elected Member representation, with an additional 20 electors in the locality of Boyup Brook transferred to the Benjinup Ward, an additional 32 electors in the locality of Boyup Brook transferred to the Dinninup Ward and 51 electors in the locality of Boyup Brook transferred to the Scotts Brook Ward.



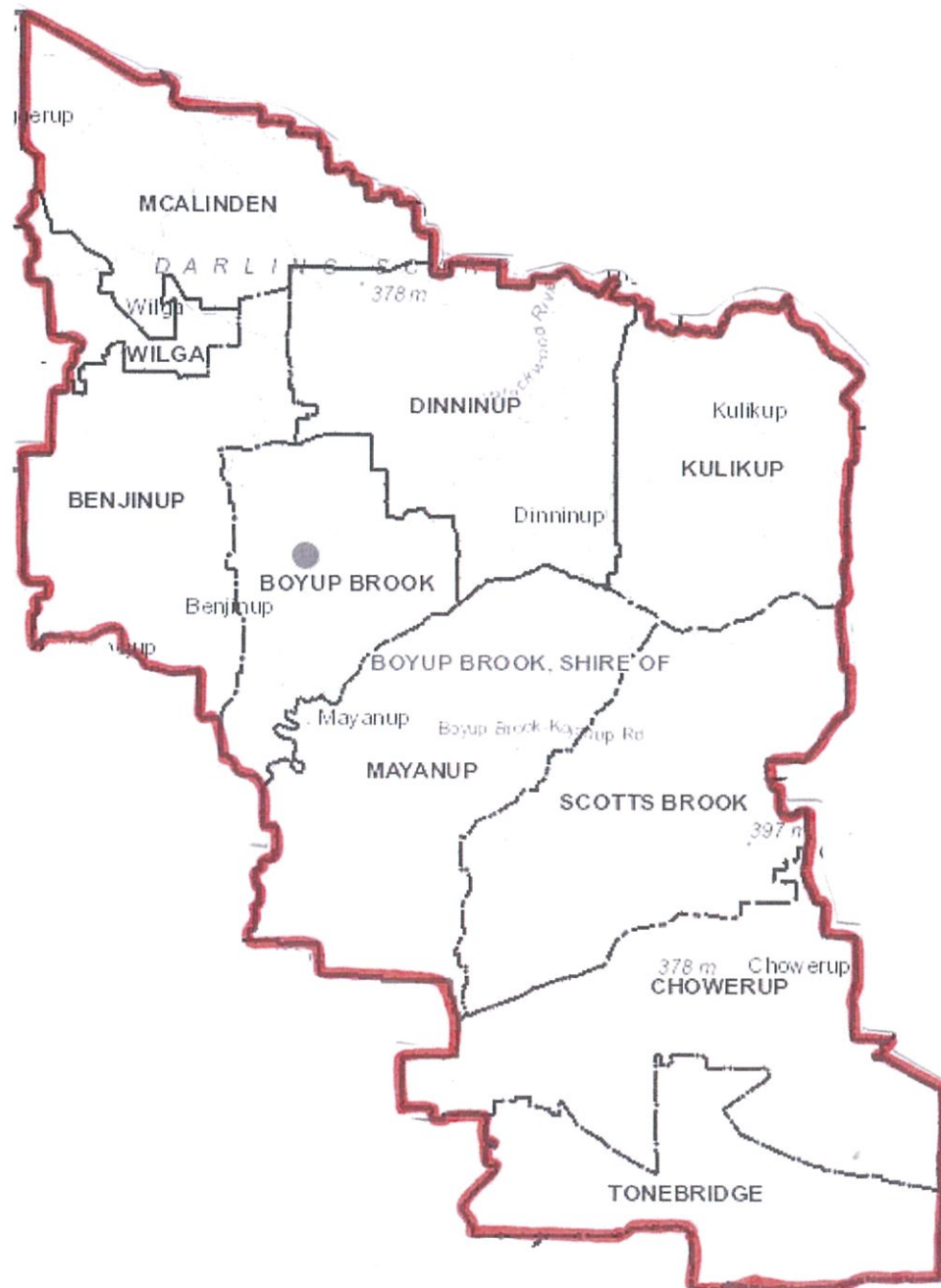
Review Options

The options suggested in this discussion paper are to assist with community input and discussion and is not meant to be exhaustive. Further options for consideration by Council are welcome.

A feedback form can be found on page 25 of this discussion paper. Preferred options can be stated, changes to options can be described and / or new options can be presented.

Please note that all feedback must be received by the Shire by **4pm Thursday 28th January 2021** to be included in this review of Ward Boundaries and Representation.

Option 1 – No Wards





Strengths

- Elected Members are elected by all electors of the district and not just one section of the district.
- Members of the community are able to approach all Elected Members without the perceived barrier of having to approach the Ward Elected Member.
- Each Elected Member represents the whole district and not a specific Ward.
- Social networks and communities of interest are often spread across the district.
- Due to the small population, having no Wards will mean there will be no need for further Ward Boundary changes and removes any concerns with over and unbalanced Elected Member representation.
- Only one election will be held every two years, instead of the current four elections that are held every two years.

Weakness

- Some electors may feel that they are losing their local community representative.
- It may be more difficult to canvas for Local Government Elections.

Community of Interest

- All councillors represent all the Shire of Boyup Brook constituents.

Physical and Topographical Features

- This district boundary follows boundaries of localities.

Demographic

- This is not a factor considered in this proposed representation of the districts.

Economical Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

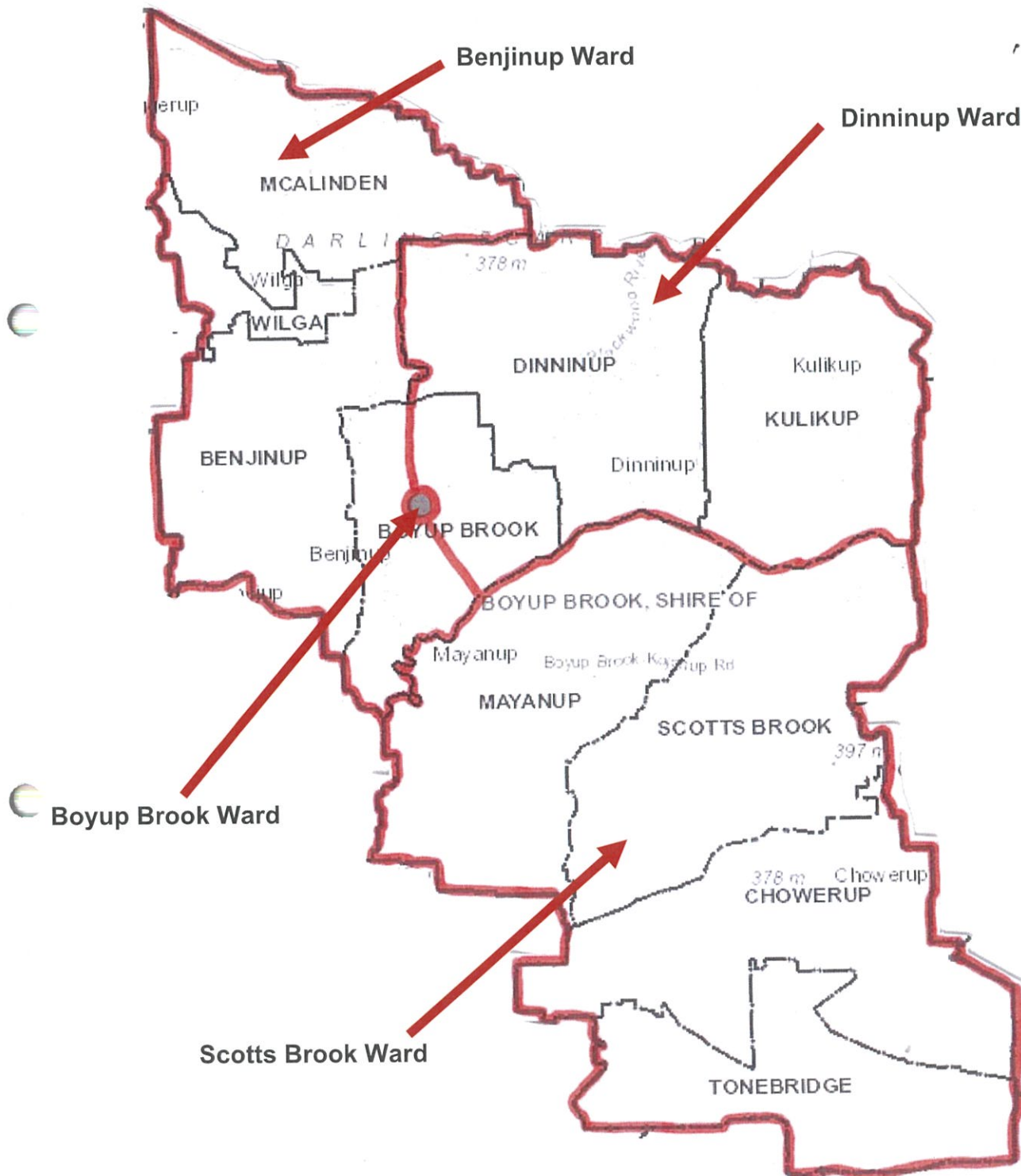
- This option results in a balanced representation across the Shire.

| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|-------|--------------------|---------------------------|--------------------------------|-------------------|
| Nil | 1205 | 5 | 241 | N/A |
| Nil | 1205 | 6 | 201 | N/A |
| Nil | 1205 | 7 | 172 | N/A |
| Nil | 1205 | 8 | 151 | N/A |
| Nil | 1205 | 9 | 134 | N/A |



Review of Ward Boundaries and Representation Discussion Paper

Option 2 - No changes to current Ward boundaries, with one Elected Member for Scotts Brook, Dinninup and Benjinup Ward and two Elected Members for Boyup Brook Ward.





Review of Ward Boundaries and Representation Discussion Paper

Strengths

- No changes to the current boundaries, which will result in less confusion.
- Significant ongoing savings due to the largest reduction in Elected Members from current numbers.

Weakness

- There would need to be ongoing Ward reviews and boundary changes due to the Shire's small population.
- The Benjinup, Scotts Brook and Dinninup Ward will only have an election every four years.

Community of Interest

- Remain the same as currently.

Physical and Topographical feature

- Remain the same as currently.

Demographic

- This is not a factor considered in this proposed representation of the district.

Economic Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

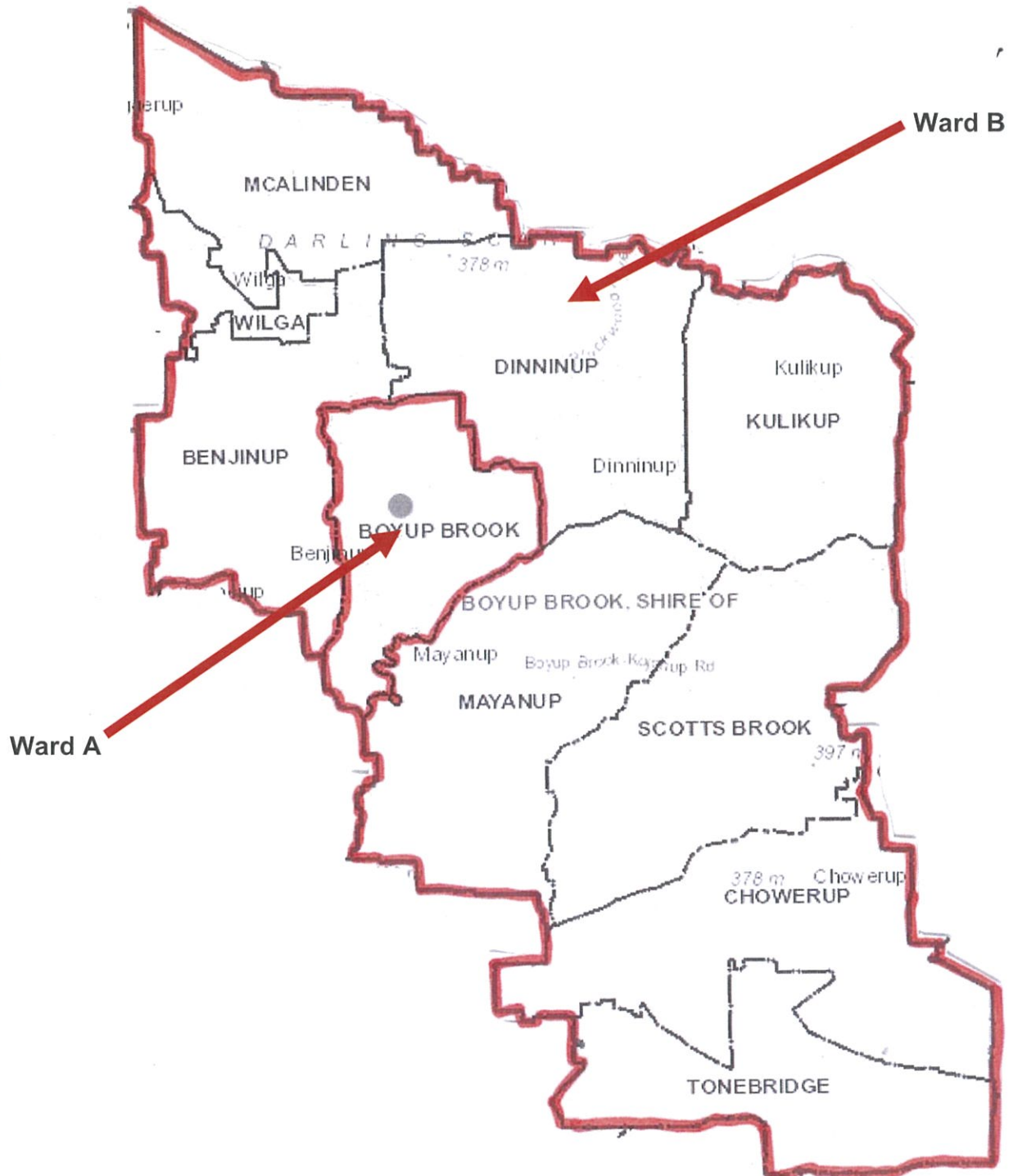
- This option results in a balance representation across the Shire.

| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|--------------|--------------------|---------------------------|--------------------------------|-------------------|
| Boyup Brook | 504 | 2 | 252 | -4.56% |
| Benjinup | 248 | 1 | 248 | -2.90% |
| Dinninup | 236 | 1 | 236 | 2.07% |
| Scotts Brook | 217 | 1 | 217 | 9.96% |
| Shire | 1205 | 5 | 241 | |



Review of Ward Boundaries and Representation Discussion Paper

Option 3A: Create two Wards; Ward A comprising the locality of Boyup Brook, with three Elected Members and Ward B comprising the remainder of the Shire with three Elected Members.





Strengths

- Limited need for ongoing Ward reviews and boundary changes.
- The ward boundaries would be based on locality boundaries.
- No locality is split over two or more wards.
- Large ongoing savings due to the second largest reduction in Elected members from current numbers.

Weakness

- May lead to a them (town) and us (rural) mentality, with decisions not made in the best interest of the whole Shire of Boyup Brook.
- Significant land mass of the Shire in one Ward.

Community of Interest

- Ward A represents the town area of the Shire of Boyup Brook.
- Ward B represents the rural area of the Shire of Boyup Brook.

Physical and Topographical feature

- Ward A follows the boundary of the locality of Boyup Brook.
- Ward B follows the boundary of the remaining localities of the Shire of Boyup Brook.

Demographic

- This is not a factor considered in this proposed representation of the district.

Economical Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

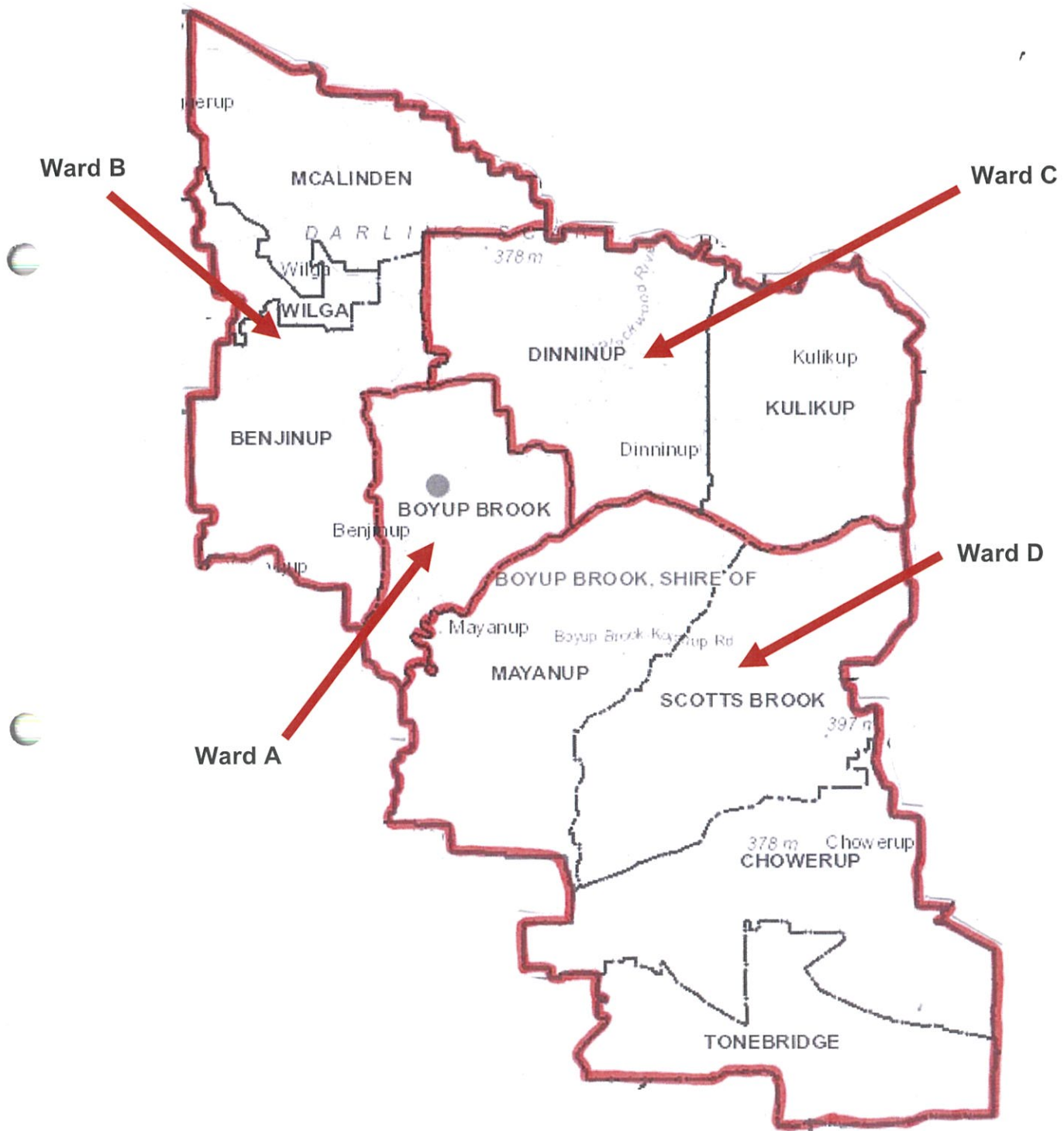
- This option results in a balanced representation across the Shire.

| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|-------|--------------------|---------------------------|--------------------------------|-------------------|
| A | 629 | 3 | 210 | -4.48% |
| B | 576 | 3 | 192 | 4.48% |
| Shire | 1205 | 6 | 201 | |



Review of Ward Boundaries and Representation Discussion Paper

Option 3B: Create four Wards; Ward A comprising the locality of Boyup Brook with three Elected Members, Ward B comprising the localities of Benjinup, McAlinden and Wilga, with one Elected Member, Ward C comprising the localities of Dinninup and Kulikup, with one Elected Member, and Ward D comprising the localities of Chowerup, Mayanup, Scotts Brook and Tone Bridge with one Elected Member.





Strengths

- The Ward boundaries would be based on locality boundaries.
- No locality is split over two or more Wards.
- Large ongoing savings due to the second largest reduction in Elected Members from current numbers.

Weakness

- May lead to a them (town) and us (rural) mentality, with decisions not made in the best interest of the whole Shire of Boyup Brook.
- Significant land mass of the Shire in one Ward.
- There would need to be ongoing Ward reviews and boundary changes due to the Shire's small population.



Community of Interest

- Ward A represents the town area of the Shire of Boyup Brook.
- Ward B, C and D represents the rural area of the Shire of Boyup Brook.

Physical and Topographical feature

- Ward A follows the boundary of the locality of Boyup Brook.
- Ward B follows the boundary of the localities of Benjinup, McAlinden and Wilga.
- Ward C follows the boundary of the localities of Dinninup and Kulikup.
- Ward D follows the boundary of the localities of Chowerup, Mayanup, Scotts Brook and Tone Bridge.

Demographic

- This is not a factor considered in this proposed representation of the district.



Economical Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

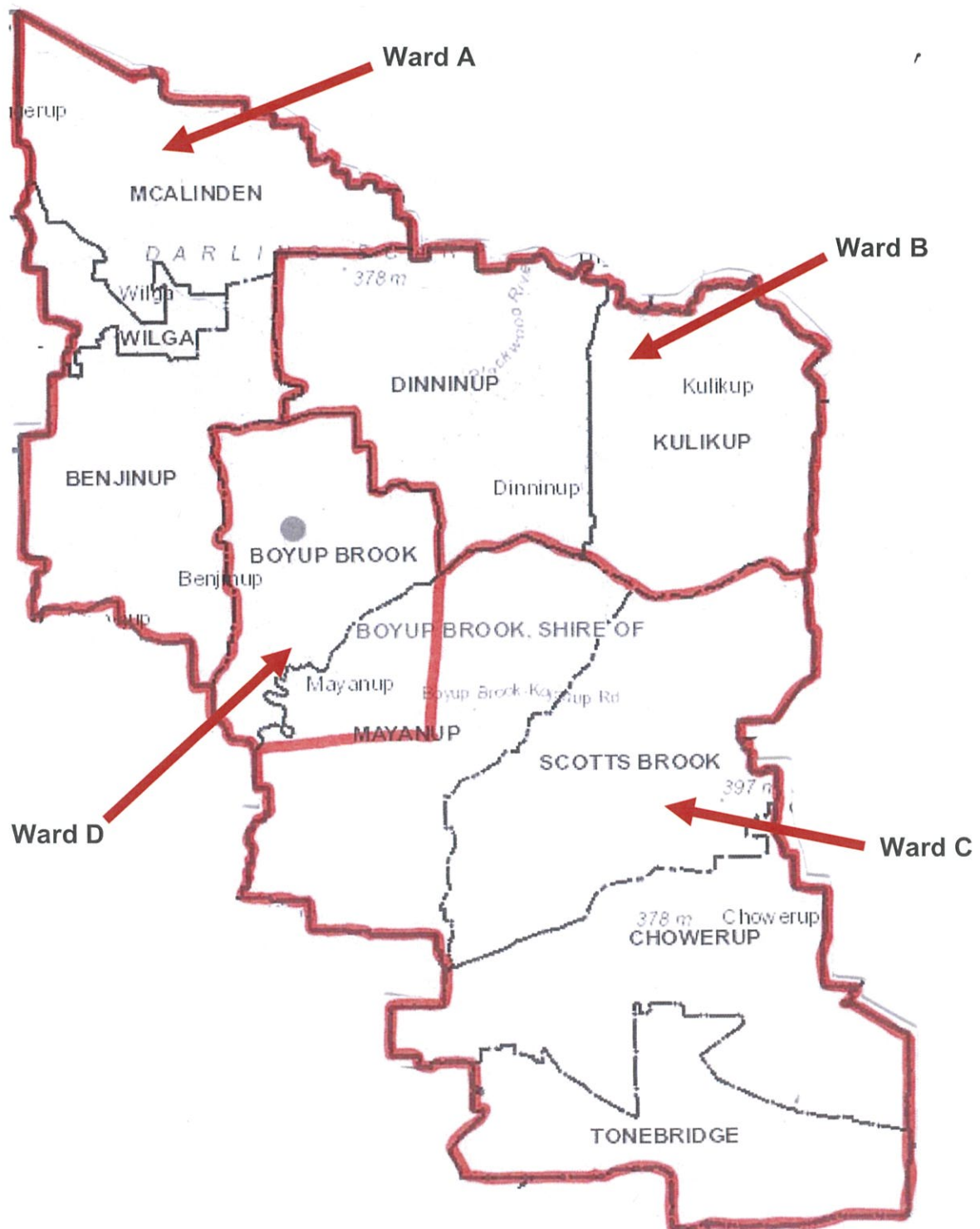
- This option nearly results in a balanced representation across the Shire.
- This could be addressed by relocating at least two electors from Ward D into Ward C.

| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|--------|--------------------|---------------------------|--------------------------------|-------------------|
| Ward A | 629 | 3 | 210 | -4.48% |
| Ward B | 181 | 1 | 181 | 9.95% |
| Ward C | 179 | 1 | 179 | 10.90% |
| Ward D | 216 | 1 | 216 | -7.46% |
| Shire | 1205 | 6 | 201 | |



Review of Ward Boundaries and Representation Discussion Paper

Option 4A: Create four Wards, Ward A comprising the localities of Benjinup, McAlinden and Wilga, with one Elected Member, Ward B comprising the localities of Dinninup and Kulikup, with one Elected Member, Ward C comprising the localities of Chowerup, Scotts Brook, Tone Bridge and 2/3 Mayanup with one Elected Member, and Ward D comprising the locality of Boyup Brook and 1/3 Mayanup with four Elected Members.





Strengths

- Provides a compliant option for 7 elected members.

Weakness

- Dissects the locality of Mayanup between wards.
- Will require regular and ongoing ward reviews.

Community of Interest

- Ward A, B and C represents the vast majority of the rural area of the Shire of Boyup Brook.
- Ward D represents vast majority of the town area of the Shire of Boyup Brook.

Physical and Topographical feature



- Ward A follows the boundary of the localities of Benjinup, McAlinden and Wilga.
- Ward B follows the boundary of the localities of Dinninup and Kulikup.
- Ward C follows the boundary of the localities of Chowerup, Scotts Brook, Tone Bridge and 2/3 Mayanup.
- Ward D follows the boundary of the locality of Boyup Brook and 1/3 of Mayanup.

Demographic

- This is not a factor considered in this proposed representation of the district.

Economical Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

- This option results in a balanced representation across the Shire.

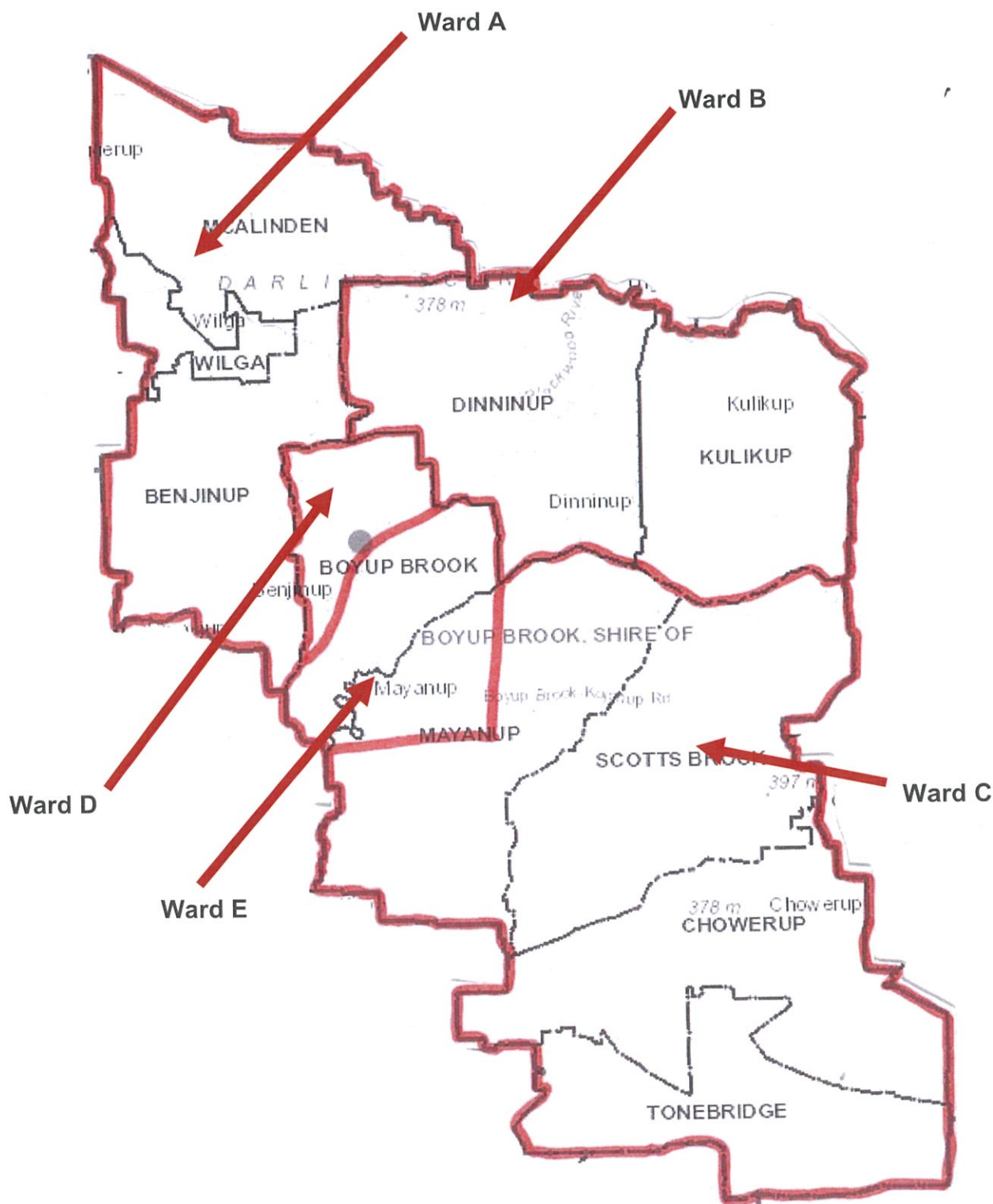


| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|--------------|--------------------|---------------------------|--------------------------------|-------------------|
| Ward A | 181 | 1 | 181 | -5.23% |
| Ward B | 179 | 1 | 179 | -4.07% |
| Ward C | 172 | 1 | 172 | 0.00% |
| Ward D | 673 | 4 | 168 | 2.18% |
| Shire | 1205 | 7 | 172 | |



Review of Ward Boundaries and Representation Discussion Paper

Option 4B: Create five Wards, Ward A comprising the localities of Benjinup, McAlinden and Wilga, with one Elected Member, Ward B comprising the localities of Dinninup and Kulikup, with one Elected Member, Ward C comprising the localities of Chowerup, Scotts Brook, Tone Bridge and 2/3 Mayanup with one Elected Member, Ward D comprising the northern part of the locality of Boyup Brook with two Elected Members, and Ward E comprising the southern part of the locality of Boyup Brook and 1/3 of Mayanup with two Elected Members.





Strengths

- Provides a compliant option for 7 Elected Members.

Weakness

- Dissects the locality of Boyup Brook and Mayanup between Wards.
- Will require regular and ongoing Ward reviews.
- Confusing.
- Splits the town into two Wards.
- Increase in Wards – goes against state trend.

Community of Interest

- Ward A, B and C represents the vast majority of the rural area of the Shire of Boyup Brook.
- Ward D and E represents vast majority of the town area of the Shire of Boyup Brook.

Physical and Topographical Features

- Ward A follows the boundary of the localities of Benjinup, McAlinden and Wilga.
- Ward B follows the boundary of the localities of Dinninup and Kulikup.
- Ward C follows the boundary of the localities of Chowerup, Scotts Brook, Tone Bridge and 2/3 Mayanup.

Demographic

- This is not a factor considered in this proposed representation of the district.

Economical Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

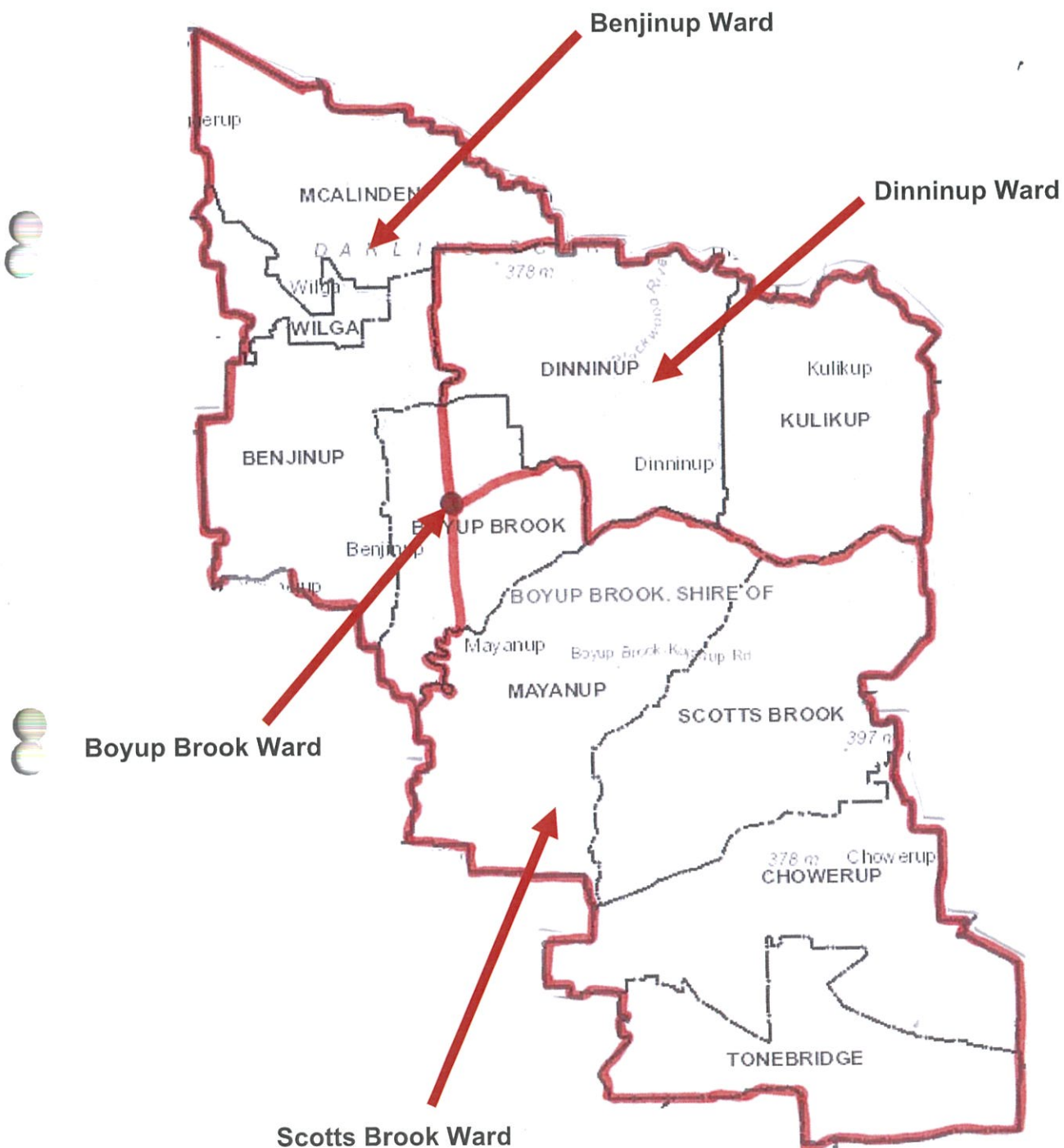
- This option results in a balanced representation across the Shire.

| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|--------|--------------------|---------------------------|--------------------------------|-------------------|
| Ward A | 181 | 1 | 181 | -5.23% |
| Ward B | 179 | 1 | 179 | -4.07% |
| Ward C | 172 | 1 | 172 | 0.00% |
| Ward D | 337 | 2 | 168 | 2.03% |
| Ward E | 336 | 2 | 168 | 2.32% |
| Shire | 1205 | 7 | 172 | |



Review of Ward Boundaries and Representation Discussion Paper

Option 5: Keep the current Wards and Elected Member representation, with an additional 20 electors in the locality of Boyup Brook transferred to the Benjinup Ward, an additional 32 electors in the locality of Boyup Brook transferred to the Dinninup Ward and 51 electors in the locality of Boyup Brook transferred to the Scotts Brook Ward.





Strengths

- Keeps the current nine Elected Members.
- Keeps the current Wards with boundary adjustments only required.
- Will not require a complete spill of Elected Members.
- Will only require the locality of Boyup Brook to move between Wards to enable correct Elected Member ratio in future.

Weakness

- The locality of Boyup Brook is split across four Wards.
- Keeps the current nine Elected Members.
- No cost savings.
- High number of Elected Members for size of population.
- Goes against state trend of no Wards.

Community of Interest

- Remains similar to what is currently.

Physical and Topographical feature

- Remains similar to what is currently.

Demographic

- This is not a factor considered in this proposed representation of the district.

Economical Factors

- This district boundary does not reflect the areas of economic activity.

Ratio of Elected Members to Electors

- This option results in a balanced representation across the Shire.

| Wards | Number of Electors | Number of Elected Members | Elected Member / Elected Ratio | Ratio Deviation % |
|--------------|--------------------|---------------------------|--------------------------------|-------------------|
| Boyup Brook | 401 | 3 | 134 | 0.00% |
| Benjinup | 268 | 2 | 134 | 0.00% |
| Dinninup | 268 | 2 | 134 | 0.00% |
| Scotts Brook | 268 | 2 | 134 | 0.00% |
| Shire | 1205 | 9 | 134 | |



Feedback Form

You can provide this feedback to the Shire of Boyup Brook in a number of ways:

Attention: Executive Assistant
In Person: Attend the Administration Office
Email: EA@boyupbrook.wa.gov.au
Mail: Shire of Boyup Brook
Abel Street
Boyup Brook WA 6244

All submissions must be received by **4pm Thursday January 28, 2021**



1. What do you think is the ideal number of Elected Members for the Shire of Boyup Brook?

- ☐ Nine
- ☐ Seven
- ☐ Less than seven

Comments:

2. Do you have a preferred option out of those presented in the Discussion Paper?



- a) Option 1 ☐
- b) Option 2 ☐
- c) Option 3 ☐
i) A
ii) B
- d) Option 4 ☐
i) A
ii) B
- e) Option 5 ☐

Comments:



Review of Ward Boundaries and Representation Discussion Paper

3. If you have a preferred option, do you have a suggestion for the names of the Wards?

Comments:

4. Do you have a suggestion for the number of Wards and Representation for the Shire of Boyup Brook?

Comments:

5. Do you have any further comments regarding the Review of Ward Boundaries and Representation Discussion Paper?

Comments:

Thank you for your interest and involvement in this review. The Shire welcomes your comments on any matter that may assist in making informed and responsible decisions for the benefit of the community of the Shire of Boyup Brook.



MINUTES

Rylington Park Transitional Committee
held at the Shire Chambers
commenced at 4.00pm, Wednesday 4 November 2020

Attendance

Cr R Walker – Shire President
Cr O’Connell
Mr M Chambers
Mr R Turner
Mr P Reid
Mr D Putland – Chief Executive Officer
Mr A Bowman – Deputy Chief Executive Officer
Mrs M Lane – Executive Assistant

Order of business:

1. Previous minutes attached – 30th September 2020

Moved: Mr R Turner

Seconded: Mr M Chambers

That the Minutes of the Rylington Park Transitional Committee held on 30 September 2020 be accepted as a true and correct record.

Carried 5/0

Helen O’Connell

- Late applicants for 2020 Rylington Park Scholarships.

Committee Recommendation

Moved: Mr M Chambers

Seconded: Cr H O’Connell

That the committee accept the 2 late applications with a minimum amount of \$800 each.

Carried 4/1

Richard Turner against the motion.

- Scholarship (confidential)

Committee Recommendation

Moved: Cr H O'Connell

Seconded: Mr R Turner

That the committee recommends to Council to delegate to the Chief Executive Officer approval to authorise payments for successful scholarship based on advice from the interview panel, with the Shire President to present the Scholarship awards.

Carried 5/0

Committee Recommendation

Moved: Mr M Chambers

Seconded: Mr R Turner

That the women's field day be required to have a break even budget.

Carried 5/0

- RPMI Financials 1 March 2020 – 30 June 2020 for Shire audit requirements
Aaron Bowman has provided information to the Accountant.
- New Rylington Park Management Inc Constitution
The Constitution is a working document and will evolve over a period of time (please refer to attachment).

Richard Turner

- Financials for Rylington.
Aaron Bowman provided information on the financials (please refer to attachment)
 - Update of the progress of the Long term future of Rylington (structure).
Renegotiate a lease for 5 or 10 years with an annual review every 2 years.
2. Next meeting date for the Rylington Park Transitional Committee to be held on Wednesday, 2nd December 2020 at 4pm.
 3. Closure of meeting
There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 5.18pm.

Rylington Park Management Inc. New Constitution Notes

NAME OF THE ASSOCIATION

The name of the Association is: **Rylington Park Management Committee Inc.**

OBJECTS OF THE ASSOCIATION

The objects of the Association are:

- a) To control and manage the property known as Rylington Park Boyup Brook for the purposes of providing agricultural education and work experience to agricultural students and for ancillary or similar purposes and for agricultural research purposes.
- b) To promote, coordinate and conduct education and training in agriculture
- c) To promote, coordinate and conduct agricultural experiment and research
- d) To partner with other organisations and government agencies in carrying out the aforementioned objectives.

NOT-FOR-PROFIT BODY

giving money to the Shire for community projects --- This payment to be a yearly lease payment?

- (1) The property and income of the Association must be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (3).
- (3) A payment to a member out of the funds of the Association is authorised if it is —
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

Note for this rule-

Section 5(1) of the Act provides that an association is not eligible to be incorporated under the Act if it is formed or carried on for the purpose of securing pecuniary profit for its members from its transactions, and section 5(3) of the Act provides details about when an association is not ineligible under section 5(1) of the Act.

Act Requirements – Powers of Incorporated Association - Under section 14 of the Act the Association may do all things necessary or convenient for carrying out its objects or purposes. Section 14(1)(a)-(g) provides particular examples.

MEMBERSHIP OF THE ASSOCIATION

ELIGIBILITY FOR MEMBERSHIP most of this is part of the Act

- (a) Any individual who supports the objects or purposes of the Association is eligible to apply to become a member.
- (b) An individual who is under the age of 18 years is not eligible to apply for membership.
- (c) An individual is prohibited for membership to the Association if they:
 - Are an undischarged bankrupt or their affairs are under insolvency laws;
 - Have been convicted of an offence ...etcas per Act

Affairs of the Association to be governed by the RYLINGTON PARK BOARD OF MANAGEMENT

Voting rights to all RYLINGTON PARK MEMBERSHIP

- **Membership of Association:**

- open to all members of the community who support the objects of the Association

Membership application form to have this statement, which the applicant will sign

Do they need to be nominated by an existing member?

Membership fee – set at AGM - \$1.00 per year?

Should all memberships be considered by the Board of Management?

Membership/voting rights cannot be transferred

- **Board of Management**

The Board of Management are the persons who, as the Management committee of the Association, have the power to manage the affairs of the Association.

Five to seven members:

- The Chairperson
- The Deputy-Chairperson
- Secretary
- Treasurer
- One (1) to three (3) other Members

Term of management four years (alternate expiry years)

Guidance note – Record of Office Holders - detailed information about what must be included in the record of office holders is included under rule 68.

Any Eligible Member of the Association may nominate for a position on the Board of Management.

Notice of Vacancies on the Board of Management for the Association will be advertised in the Local Newspaper and on various media channels

Applications must be made in writing, outlining their skills and expertise in the development of the objects of the Association.

A list of Nominated Applicants will then be voted on by 'order of preference' at the Annual General Meeting by members of the Association to fill the expired terms on the Board of Management.

or Does a selection panel have the say? Comprising of who ?

On expiry of his/her term, a Board Member may be re-elected for a further four (4) year term.

Can members nominate for 'vacant' positions on the board any time of the year? (eg – if existing board member resigns or is suspended - does not comply with the Act)

How? - just apply and get approved by the Board? – or vote by the Members of the Association?

Financial Year

1st March to 28th or 29th February

Board of Management meeting frequency :

- at least eight times per year, but may meet as often as it is deemed necessary

Association Member meeting attendance:

Only the AGM?

Special meetings as required for Special Resolutions (eg changing of the constitution)

Quorum at meetings –

Board of Management: 50% of Board membership, plus one

AGM – 50% of membership, plus one

A special meeting may be convened by request of 50% of the Association membership in writing to the Chairperson.

Proxies allowed?

The appointment of a proxy must be in writing

Only one proxy permitted per Board member in attendance at meeting

Allow other Association member to attend on a Board members behalf as nominated proxy?

Payment of funds:

The circumstances (if any) in which payment may be made to a member of the committee out of funds of the association.

- (1) A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred —
 - (a) in attending a committee meeting or
 - (b) in attending a general meeting; or
 - (c) otherwise in connection with the Association's business.

Conflicts of interests

Committee members must not put themselves in a position where there is a conflict between their duties and responsibilities to the association and their personal interests. The Act requires committee members to disclose any material personal interest they may have in any matter being considered by the committee.

A committee member has a material personal interest when that member has a personal interest in a matter which could be seen to influence their decision. The interest may be financial or non-financial. For example:

- the committee member owns a business that contracts with the association;
- a committee member's spouse applies for employment with the association; and
- the committee member serves on the committee for two associations that are competing for the same tender or grant.

It must be remembered that not all personal interests are 'material' in the context of the decision being made and common sense should apply.

If a committee member declares an interest in a matter being considered, the Act requires that:

1. the disclosure must be recorded in the minutes of the meeting and include the nature and extent of the interest;
2. the committee member with the conflict of interest must not discuss or vote on the contract and must leave the meeting while the matter is being considered

First Appointment of Board of Management:

At the commencement of the first appointment process of the Board of Management to be held after the adoption of this Constitution, the appointment of the Board of Management shall be selected by a selection panel consisting of:

- a) the Rylington Park Management Inc. Committee appointed at the 2020 AGM
- b) The Boyup Brook Shire President
- c) The Boyup Brook Chief Executive Officer

The terms offered at the first appointment of the Board of Management members will be:

- a) 4 x 2 year terms – expiry 28.2.22
- b) 4 x 4 year terms – expiry 29.2.24
(this is opposite year to Elected member terms)

In the event of eight (8) appointments not being made, the terms will be decided by the Board, with $\frac{1}{2}$ the newly elected Board members being appointed for two (2) years and $\frac{1}{2}$ being appointed for four (4) years.

Trial Balance

Rylington Park

GST Exclusive
Months : Mar 2020 to Oct 2020
Accounts : Shire of Boyup Brook

| <u>Category</u> | <u>Debit</u> | <u>Credit</u> |
|-----------------------------------|--------------|---------------|
| 3 Chemicals | \$23,970.11 | |
| 5 Fertilizer | \$55,993.05 | |
| 6 Seed cleaning | \$3,732.02 | |
| 7 Seed Costs | \$9,923.00 | |
| 8 Crop Contracting | \$3,813.91 | |
| 12 Stock Contracting | \$20,384.67 | |
| 13 Stock Feedstuffs | \$22,936.12 | |
| 14 Stock Selling Costs | \$4,880.80 | |
| 15 Wool Selling Costs | \$2,044.89 | |
| 16 Fuel and Lubricants | \$4,712.83 | |
| 17 Workshop Expenses | \$1,118.95 | |
| 18 Plant R & M | \$5,519.75 | |
| 19 Buildings/Fencing/Water repair | \$23,029.53 | |
| 20 Wages Shearing School | \$9,653.52 | |
| 21 Wages contractors shearing | \$10,921.33 | |
| 23 Wages | \$60,279.02 | |
| Returns to Wages | | \$12,010.00 |
| 24 Wages Superannuation | \$4,217.51 | |
| 26 Travel Ex Shearing School | \$2,393.50 | |
| 27 Professional Fees | \$2,360.00 | |
| 28 Admin & Office Expenses | \$1,224.24 | |
| 29 Telephone | \$644.96 | |
| 30 Electricity | \$1,254.08 | |
| 32 Insurance | \$4,052.64 | |
| Returns to Insurance | | \$796.17 |
| 34 Purchase- Sheep | \$5,000.00 | |
| 35 Purchase- Plant & Equip | \$13,757.73 | |
| 36 Agronomy | \$1,375.00 | |
| 37 Licences | \$1,870.04 | |
| Returns to Licences | | \$164.00 |
| 38 Management Functions | \$1,216.79 | |
| 40 Shearing School expenses | \$1,762.88 | |
| 42 Stock expenses | \$20,504.70 | |
| 45 Working dog Expenses | \$227.73 | |
| 47 Reefinator work | \$10,400.00 | |
| 50 Advertising | \$9.09 | |
| 55 Waste | \$431.82 | |
| 60 Subscriptions | \$185.00 | |
| 61 Scholarship | \$3,000.00 | |
| 62 Staff Allowances | \$882.98 | |
| 66 Wool Freight | \$360.00 | |
| 67 Sheep freight | \$677.40 | |
| 68 Cropping Freight | \$2,482.80 | |
| 100 Sheep Sales | | \$73,504.69 |
| 101 Wool sales | | \$40,969.99 |
| 107 Refund | | \$15,000.00 |
| 109 Fuel Rebate | | \$1,075.00 |
| 113 Shearing School Contract | | \$16,965.00 |
| 138 PAYG Tax | \$5,827.00 | |
| 161 Money transfer | | \$737,129.30 |
| 196 GST Payments | \$17,544.00 | |
| Returns to GST Payments | | \$17,544.00 |

Rylington Park

Trial Balance

| <u>Category</u> | <u>Debit</u> | <u>Credit</u> |
|----------------------------|----------------------------|----------------------------|
| GST Control | \$28,607.90 | |
| Shire of Boyup Brook | \$518,560.61 | |
| <u>Report Total</u> | <u>\$913,743.88</u> | <u>\$915,158.15</u> |

| <u>Account</u> | <u>Opening</u> | <u>Closing</u> | <u>Change</u> |
|----------------------|----------------|----------------|---------------|
| GST Control | (\$57,811.75) | (\$29,203.86) | \$28,607.90 |
| Shire of Boyup Brook | \$0.00 | \$518,560.61 | \$518,560.61 |
| Total | (\$57,811.75) | \$489,356.75 | \$547,168.51 |

*** End of report ***

Trial Balance

Rylington Park

GST Exclusive
Months : Mar 2020 to Nov 2020
Accounts : Rylington Park Management Comm

| <u>Category</u> | <u>Debit</u> | <u>Credit</u> | |
|-----------------------------------|---------------------|---------------------|---------------|
| 5 Fertilizer | \$2,747.59 | | |
| 13 Stock Feedstuffs | \$1,265.99 | | |
| 14 Stock Selling Costs | \$5,137.90 | | |
| 15 Wool Selling Costs | \$3,038.61 | | |
| 16 Fuel and Lubricants | \$77.00 | | |
| 17 Workshop Expenses | \$86.41 | | |
| 18 Plant R & M | \$178.10 | | |
| 19 Buildings/Fencing/Water repair | \$14,648.83 | | |
| 23 Wages | \$9,055.67 | \$1,699.87 | |
| Returns to Wages | \$2,618.57 | | |
| 24 Wages Superannuation | \$1,185.60 | | |
| 25 Shearing Superannuation | \$182.73 | | |
| 28 Admin & Office Expenses | \$1,246.26 | | |
| 29 Telephone | \$1,200.00 | | |
| 32 Insurance | \$330.86 | | |
| 35 Purchase- Plant & Equip | \$962.81 | | |
| 37 Licences | \$90.91 | | |
| 38 Management Functions | \$1,560.73 | | |
| 40 Shearing School expenses | \$835.86 | | |
| 41 Shearing Shed Requisites | \$648.25 | | |
| 42 Stock expenses | \$15,264.90 | | |
| 44 Women's day Expenses | \$205.09 | | |
| 45 Working dog Expenses | \$44,174.45 | | |
| 49 Hire Purchase | \$377.00 | | |
| 66 Wool Freight | \$122,574.68 | | |
| 74 Funds transfer | | \$77,424.69 | |
| 100 Sheep Sales | | \$53,457.64 | |
| 101 Wool sales | | \$10.46 | |
| 106 Interest received | | \$2,849.09 | |
| 107 Refund | | \$1,312.14 | |
| 108 Rebate | | \$809.09 | |
| 110 Accomodation | | \$5,913.64 | |
| 112 Women's day | | \$622.23 | |
| 124 Dividend | | \$75,814.38 | |
| Rylington Park Management Comm | | | |
| <u>Report Total</u> | <u>\$229,694.80</u> | <u>\$219,913.22</u> | |
| <u>Account</u> | <u>Opening</u> | <u>Closing</u> | <u>Change</u> |
| Rylington Park Management Comm | \$85,415.72 | \$9,601.34 | (\$75,814.38) |
| Total | \$85,415.72 | \$9,601.34 | (\$75,814.38) |

*** End of report ***