

# Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 28 April 2026 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

3:00pm Briefing Session

5:00pm Council Meeting

CRAIG WATTS  
CHIEF EXECUTIVE OFFICER  
24 April 2026

## DISCLAIMER

### PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Common Acronyms Used in this Document	
BFAC	Bush Fire Advisory Committee
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CWVC	Central Wheatbelt Visitors Centre
DSO	Development Services Officer
EO	Executive Officer
EMCS	Executive Manager Corporate Services
EMIS	Executive Manager Infrastructure Services
EMS&C	Executive Manager Strategy & Community
GECZ	Great Eastern Country Zone
GO	Governance Officer
LEMC	Local Emergency Management Committee
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
OCM	Ordinary Council Meeting
SCM	Special Council Meeting
SRP	Strategic Resource Plan
WAEC	Western Australian Electoral Commission
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



## April Ordinary Council Meeting

1.	OFFICIAL OPENING .....	4
2.	RECORD OF ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE .....	4
3.	PUBLIC QUESTION TIME .....	4
4.	DISCLOSURE OF INTEREST .....	4
5.	APPLICATIONS OF LEAVE OF ABSENCE .....	4
6.	PETITIONS AND PRESENTATIONS .....	5
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	5
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	5
9.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	5
10.	RECEIPT OF MINUTES OF MEETINGS .....	5
11.	RECOMMENDATIONS FROM COMMITTEE MEETINGS FOR CONSIDERATION .....	5
12.	OFFICER’S REPORTS – DEVELOPMENT SERVICES .....	6
13.	OFFICER’S REPORTS – INFRASTRUCTURE SERVICES .....	7
14.	OFFICER’S REPORTS – CORPORATE SERVICES .....	8
14.1	Statement of Financial Activity – March 2026 .....	8
14.2	List of Accounts Paid – March 2026 .....	12
14.3	Councillor Annual Allowances and Meeting Attendance Fees 2026/27 .....	14
14.4	Policy Review – Work Health and Safety.....	19
14.5	Endorsement of Proposed Fees and Charges.....	22
15.	OFFICER’S REPORTS – COMMUNITY SERVICES .....	25
16.	OFFICER’S REPORTS – ADMINISTRATION .....	26
16.1	Update of Delegates and Deputy Delegates to Committees.....	26
16.2	Delegations Register Review - 2025/26.....	33
16.3	Update of Councillor Code of Conduct .....	38
17.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	42
18.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	42
19.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....	42
20.	MATTERS BEHIND CLOSED DOORS .....	43
21.	CLOSURE .....	43

Shire of Merredin  
Ordinary Council Meeting  
5:00pm Tuesday, 28 April 2026.



**1. OFFICIAL OPENING**

*This meeting is being recorded on a digital audio device to assist with minute taking purposes. The public is reminded that copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire and in accordance with Section 8.5 of the Shire of Merredin Standing Orders Local Law 2017, no person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a Committee without the written permission of the Council.*

**2. RECORD OF ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE**

**Councillors:**

Cr D Crook	President
Cr P Van Der Merwe	Deputy President
Cr H Billing	
Cr P Boehme	
Cr P Madigan	
Cr L O'Neill	

**Staff:**

C Watts	CEO
L Boehme	EMCS
C Brindley-Mullen	SCEM
M Hussey	EO
S Doncon	GO

**Members of the Public:**

**Apologies:**

**Approved Leave of Absence:**

**3. PUBLIC QUESTION TIME**

Members of the public may submit questions up to 2pm on the day of the meeting by emailing [ea@merredin.wa.gov.au](mailto:ea@merredin.wa.gov.au).

**4. DISCLOSURE OF INTEREST**

**5. APPLICATIONS OF LEAVE OF ABSENCE**

## 6. PETITIONS AND PRESENTATIONS

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting held on 24 March 2026 (Attachment 7.1A)

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

**That the Minutes of the Ordinary Council Meeting held 24 March 2026 be confirmed as a true and accurate record of proceedings.**

## 8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

## 9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

## 10. RECEIPT OF MINUTES OF MEETINGS

10.1 Minutes of the Shire of Merredin LEMC Meeting held Thursday 5 February 2026. Attachment 10.1A.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

**That Council;**

- 1. RECEIVES the minutes of the Shire of Merredin LEMC Meeting held Thursday 5 February 2026.**

## 11. RECOMMENDATIONS FROM COMMITTEE MEETINGS FOR CONSIDERATION

**Nil**

## **12. OFFICER'S REPORTS – DEVELOPMENT SERVICES**


**Nil**

**13. OFFICER'S REPORTS – INFRASTRUCTURE SERVICES**

**Nil**

**14. OFFICER’S REPORTS – CORPORATE SERVICES**

**14.1 Statement of Financial Activity – March 2026**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As Above
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Author/Responsible Officer declare that they do not have any conflicts of interest in relation to this item.
<b>Attachments:</b>	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report

**Purpose of Report**

- Executive Decision
  Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of March 2026 and be advised of associated financial matters, including consideration of proposed budget amendments.

**Background**

The Statement of Financial Activity, Detailed Statements, Capital Works Progress and Investment Report are attached for Council’s information.

**Comment**

**Statement of Financial Activity**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire to prepare a monthly statement of financial activity for consideration by Council within two (2) months after the end of the month of the report. These reports are included at Attachments 14.1A to D inclusive.

**Budget Amendments**

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
2030112	RATES – Valuation Expenses	\$0,000	\$14,000	\$14,000	Budget zeroed out in error during budget review 2.
BC015	Burracoppin Hall Building (Capital)	\$15,000	\$5,000	\$20,000	Quotes for male toilet renovation received higher than budgeted.
W0075	Merredin Landfill Site	\$564,150	\$12,000	\$576,150	To cover contractor fuel levy.
2100111	SAN – Waste Collection	\$430,450	\$19,000	\$449,450	To cover contractor fuel levy.
Total extra expenditure:			\$50,000		
3110300	REC – Contributions and Donations	\$100,000	\$50,000	\$150,000	Contribution to bowling green not accounted for in current budget
Total extra income:			\$50,000		

The above-mentioned amendments are recommended to ensure that accounts have the required funds for the remainder of the financial year. Explanations for each amendment are contained within the table above.

As the increase to the Shire’s expenditure totals \$50,000 and the increase to the Shire’s income is \$50,000, there is a nil effect to the overall budget.

**Consultation**

**Councillor/Officer Consultation**

No Councillor or Officer consultation is required.

**Community Consultation**

No community consultation is required.

**Policy Implications**

There are no policy implications.

**Statutory Implications**

As outlined in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

**Strategic Implications**

∅ Council Plan 2025-2035

Theme: 4 Communication and Leadership

Strategic Objective: 4.8 Financial Management

Priorities Actions: 4.8.1 Maintain strong fiscal and financial management of Council's budget

### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation.

### Risk Implications

The Statement of Financial Activity is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the CEO has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates.

Materiality reporting thresholds have been established at 10% or \$10,000 whichever is greater, for operating and capital, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud.

The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

There is a compliance risk associated with this Item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be Low (4), which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

### Financial Implications

The adoption of the Statements of Financial Activity is retrospective. Accordingly, the financial implications associated with adopting this are nil.

In regard to the proposed budget amendments, the addition of income and expenditure as suggested will not have any overall impact on the budget.

### Voting Requirements



Simple Majority



Absolute Majority


### Officer's Recommendation

**That Council:**

1. **RECEIVE** the Statements of Financial Activity and Investment Report for the period ending 31 March 2026 in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*; and
2. **APPROVES** amendments to the Shire of Merredin 2025/26 Annual Budget as per the following table, pursuant to section 6.8(1(b)) of the Local Government Act 1995:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
2030112	RATES – Valuation Expenses	\$0,000	\$14,000	\$14,000	Budget zeroed out in error during budget review 2.
BC015	Burracoppin Hall Building (Capital)	\$15,000	\$5,000	\$20,000	Quotes for male toilet renovation received higher than budgeted.
W0075	Merredin Landfill Site	\$564,150	\$12,000	\$576,150	To cover contractor fuel levy.
2100111	SAN – Waste Collection	\$430,450	\$19,000	\$449,450	To cover contractor fuel levy.
<b>Total extra expenditure:</b>			<b>\$50,000</b>		
3110300	REC – Contributions and Donations	\$100,000	\$50,000	\$150,000	Contribution to bowling green not accounted for in current budget
<b>Total extra income:</b>			<b>\$50,000</b>		

## 14.2 List of Accounts Paid – March 2026

<h3>Corporate Services</h3>		
<b>Responsible Officer:</b>	Leah Boehme, EMCS	
<b>Author:</b>	As above	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	The Author/Responsible Officer declare that they do not have any conflicts of interest in relation to this item.	
<b>Attachments:</b>	Attachment 14.2A - Payments Listing February 2026	

### Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of March 2026.

### Background

The attached list of accounts paid during the month of March 2026, under Delegated Authority, is provided for Council's information and endorsement.

### Comment

Nil

### Consultation

#### Councillor/Officer Consultation

No Councillor or Officer consultation is required.

#### Community Consultation

No community consultation is required.

### Policy Implications

There are no policy implications.

### Statutory Implications

As outlined in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

### Strategic Implications

∅ Council Plan 2025-2035

Theme: 4 Communication and Leadership  
Strategic Objective: 4.8 Financial Management  
Priorities Actions: 4.8.1 Maintain strong fiscal and financial management of Council's budget

### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation.

### Risk Implications

There is a compliance risk associated with this Item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be Low (4), which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

### Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

**That Council RECEIVE the schedule of accounts paid during March 2026 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$878,869.89 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.**

**14.3 Councillor Annual Allowances and Meeting Attendance Fees 2026/27**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Craig Watts, CEO
<b>Author:</b>	As above
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Author/Responsible Officer declare that they do not have any conflicts of interest in relation to this item.
<b>Attachments:</b>	Attachment 14.3A – Local Government CEO and Elected Members Determination 2026

**Purpose of Report**

- Executive Decision
  Legislative Requirement

For Council to determine the amount to be provided for in the drafting of the Shire of Merredin (the Shire) 2026/27 Annual Budget, for Elected Members annual allowances and meeting attendance fees.

**Background**

The *Local Government Act 1995* (the Act) 5.98(1)(b) provides for the payment to Members of fees for attending Council Meetings on either a per meeting, or an annual basis.

The amounts are set annually by the Salaries and Allowances Tribunal (SAT). Each Council is placed into a band to determine applicable fees. The Shire is categorised as a band three (3) Council.

The Act also allows for the reimbursement of, or an allowance for, covering certain expenses incurred by council members. The remuneration amounts independently set by SAT, are appropriate to the responsibilities, duties and effort required to fulfil the role of an elected member for the Shire.

Current 2025/26 Fees paid to its elected Members are as follows:

<b>Annual Meeting Fees</b>	
Shire President	\$ 8,790
Deputy President	\$ 8,790
Councillors	\$ 8,790

Annual Allowance	
Shire President	\$ 14,650
Deputy President	\$ 3,660

Comment
---------

The permissible range for attendance fees and allowances are stipulated by *Salaries and Allowance Act 1975 (WA)* and from 1 July 2025 have been determined as follows:

Table 4: Council meeting fees per meeting - local governments

Elected Council Member			Elected Council Member Mayor or President	
Band	Minimum	Maximum	Minimum	Maximum
1	\$725	\$922	\$725	\$1,258
2	\$435	\$684	\$435	\$911
3	\$233	\$482	\$233	\$735
4	\$109	\$280	\$109	\$570

Table 6: Committee meeting and prescribed meeting fees per meeting - local governments

Elected Council Member		
Band	Minimum	Maximum
1	\$363	\$466
2	\$218	\$342
3	\$114	\$244
4	\$57	\$140

Table 8: Committee meeting and prescribed meeting fees per meeting for independent committee members – local government and regional local governments

Independent Committee Member		
Band	Minimum	Maximum
1 - 4	\$0	\$466

Table 9: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees - local governments

For a council member other than the mayor or president			For a council member who holds the office of mayor or president	
Band	Minimum	Maximum	Minimum	Maximum
1	\$28,525	\$36,722	\$28,525	\$55,078
2	\$17,238	\$26,931	\$17,238	\$36,112
3	\$8,917	\$18,977	\$8,917	\$29,379
4	\$4,161	\$11,023	\$4,161	\$22,646

Table 11: Annual allowance for a mayor or president of a local government

For a mayor or president
--------------------------

Band	Minimum	Maximum
1	\$59,414	\$104,032
2	\$17,825	\$73,435
3	\$1,193	\$42,837
4	\$596	\$23,257

### 7.3 Annual Allowance for a Deputy Mayor, Deputy President or Deputy Chair

(1) The percentage determined for the purposes of section 5.98A(1) of the Act is 25 per cent. The SAT annual determination for 2026/27 is a 3.5% increase on the minimum and maximum attendance fees and annual allowance ranges in each band.

Suggested options that Council could consider towards setting 2026/27 annual allowance and meeting fees payable are below:

Option 1 – Apply the minimum band 3 rates (\$8,917 Elected Member)

Option 2 – Apply a percentage increase, within the SAT prescribed amounts (\$8,790 x 3.5% = \$9,097.65 – rounded to nearest \$5 = \$9,100)

Option 3 – Apply a set amount increase, within the SAT prescribed amounts (for example \$300 onto previous year \$8,790 = \$9,090)

For the 2026/27 budget year, the Administration proposes an increase of 3.5% to Councillor remuneration based on the SAT determination, rounded to the nearest \$5. This would result in an increase to Councillors of \$310 each over the course of the year, with the President receiving a further \$515 increase and the Deputy President receiving a \$130 increase.

Below outlines the resulting recommended payments, to be paid to Councillors quarterly in arrears.

Annual Meeting Fees		Annual Allowance	
For a council member other than the mayor or president	For a council member who holds the office of mayor or president	Annual Allowance Shire President	Annual Allowance Deputy President
\$9,100	\$9,100	\$15,165	\$3,790

### Consultation

#### Councillor/Officer Consultation

Councillors have been briefed on this item prior to the Council meeting.

#### Community Consultation

No Community consultation was required.

### Policy Implications

Nil

### Statutory Implications

### **Local Government Act 1995**

Section 5.98 entitles Council Members to be paid fees and reimbursed expenses up to the amount determined by the SAT under the *Salaries and Allowances Act 1975 (WA) (S&A Act)*, Section 7B.

Section 5.98(5) allows the Mayor or President to be paid an additional allowance up to the amount determined by the SAT under the S&A Act Section 7B.

Section 5.98A allows the Deputy Mayor may to be paid an additional allowance up to the amount determined by the SAT under the S&A Act Section 7B.

Section 5.99 allows Council Members to be paid annual allowance instead of meeting fees up to the amount determined by the SAT under the S&A Act Section 7B, subject to an absolute majority decision.

### **Local Government (Administration) Regulations 1996**

Part 8 - Local Government payments and gifts to members; Regulation 30, Meeting Attendance Fees (Act s. 5.98(1) and (2A))

Regulation 31, Expenses to be reimbursed (Act s. 5.98(2)(a))

Regulation 32, Expenses that may be approved for reimbursement (Act s. 5.98(2)(b))

*Salaries and Allowances Tribunal – Local Government CEO and Elected Members Determination, 4 April 2025 (Attachment 14.4A)*

#### **Strategic Implications**

∅ Council Plan 2025-2035

Theme: 4 Communication and Leadership

Strategic Objective: 4.2 Provide accountable leadership, transparent decision making and good governance.

Priorities Actions: 4.2.1 Support the Shire President and Councillors by working in partnership with the Executive to deliver leadership and oversight of the Shire, providing advice, information and guidance to support sound, informed decision making.

#### **Sustainability Implications**

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation as the proposed changes are within the Shire's available resources.

#### **Risk Implications**

There is a compliance risk associated with this Item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be Moderate (6), which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

**Financial Implications**

Based on the proposed increases, this will result in a total expenditure in 2026/27 for annual allowances and meeting attendance fees for the seven Councillors of \$82,655.00.

**Voting Requirements**

- Simple Majority                       Absolute Majority

**Officers Recommendation**

**That Council ENDORSE the following annual allowances and meeting attendance fees for inclusion in the 2026/27 Annual Budget, to be paid quarterly in arrears:**


Annual Meeting Fees		Annual Allowance	
For a council member other than the mayor or president	For a council member who holds the office of mayor or president	Annual Allowance Shire President	Annual Allowance Deputy President
\$9,100	\$9,100	\$15,165	\$3,790

**ALTERNATE RECOMMENDATION**

**That Council ENDORSE the following annual allowances and meeting attendance fees for inclusion in the 2026/27 Annual Budget, to be paid quarterly in arrears:**

Annual Meeting Fees		Annual Allowance	
For a council member other than the mayor or president	For a council member who holds the office of mayor or president	Annual Allowance Shire President	Annual Allowance Deputy President
\$_____	\$_____	\$_____	\$_____

**14.4 Policy Review – Work Health and Safety**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As Above
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Author/Responsible Officer declare that they do not have any conflicts of interest in relation to this item.
<b>Attachments:</b>	Attachment 14.4A – Policy 2.32 – Work Health and Safety – track changes Attachment 14.4B – Policy 2.32 – Work Health and Safety – final

**Purpose of Report**

Executive Decision

Legislative Requirement

For Council to consider proposed changes to the Shire of Merredin Work Health and Safety Policy 2.32.

**Background**

Shire policies should be reviewed regularly to ensure their accuracy and relevance. This Policy was last reviewed in August 2023 and is therefore due for review.

**Comment**

In February 2026, the Work Health and Safety (WHS) Policy was distributed to all members and attendees of the WHS Advisory Committee. They were asked to review the policy over a two week period and provide feedback or suggested amendments to the Executive Manager Corporate Services. Feedback was reviewed and some minor amendments were made to the policy. The updated policy, with the proposed amendments, was then redistributed to the committee with the agenda and related documents for the March 2026 committee meeting.

At the meeting held on 31 March 2026, a motion was moved and carried:

*That the updated Work Health and Safety policy is supported by the WHS Committee as presented in Attachment 1. The WHS Committee seek endorsement of the policy from the Executive Leadership Team and support them presenting the policy to Council for adoption.*

*Moved: Sheree Lowe  
Carried*

*Seconded: Peter Hares*

The Executive Leadership Team (ELT) met on 2 April 2026 and endorsed the proposed amended policy, ready for presentation to Council.

Minimal changes are proposed to the existing policy.

These include:

- Including the word ‘reasonably’ in the dot point which states:  
Providing a safe and healthy working environment for all our workers and visitors as far as reasonably practicable.
- Updating the monitor and review section to move from an annual timeframe to every second year.

### Consultation

#### Councillor/Officer Consultation

This policy was reviewed by the Work Health and Safety Advisory Committee, who recommended it be reviewed by ELT and then presented to Council for adoption.

#### Community Consultation

No Community consultation was required.

### Policy Implications

Policy 2.32 will be updated as per the item, on adoption of the Officer’s Recommendation.

### Statutory Implications

As outlined in the *Local Government Act 1995* and associated regulations.

### Strategic Implications

∅ Council Plan 2025-2035

Theme:	4 Communication and Leadership
Strategic Objective:	4.2 Provide accountable leadership, transparent decision making and good governance.
Priorities Actions:	4.2.1 Support the Shire President and Councillors by working in partnership with the Executive to deliver leadership and oversight of the Shire, providing advice, information and guidance to support sound, informed decision making.

### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer’s recommendation as the proposed changes are within the Shire’s available resources.

### Risk Implications

There is a compliance risk associated with this Item. The risk rating is considered to be moderate (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

### Financial Implications

There are no financial implications associated with this report including within the Long-Term Financial Plan.

### Voting Requirements


Simple Majority

Absolute Majority

### Officers Recommendation

**That Council ADOPTS updated Policy 2.32 Work Health and Safety, as presented in Attachment 14.4B.**

## 14.5 Endorsement of Proposed Fees and Charges

<h3>Corporate Services</h3> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As Above
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Author/Responsible Officer declare that they do not have any conflicts of interest in relation to this item.
<b>Attachments:</b>	Attachment 14.5A – Schedule of Fees and Charges 2026/27 Attachment 14.5B – Fees and Charges Changes Highlighted

### Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider and then provide in-principle endorsement of the proposed amendments to the Shire of Merredin Schedule of Fees and Charges for 2026/27.

### Background

Section 6.16 of the *Local Government Act 1995* (Imposition of fees and charges) enables a local government to apply fees and charges for the goods or services it provides, to recover costs.

The schedule included as Attachment 14.5A – Schedule of Fees and Charges 2026/27, proposes fees and charges for in-principal adoption only at this stage, and will assist towards the preparation of the 2026/27 Annual Budget. Formal adoption of the fees and charges occurs as part of the budget adoption process.

### Comment

The proposed schedule of fees and charges for 2026/27 is included as Attachment 14.5A.

The overall format of the Fees and Charges document has not changed from the previous years, however a review of all service areas has resulted in a number of proposed fee and charge changes.

Council should note that a blanket 5% increase, rounded to the nearest 5c or 10c has been applied as standard across the Shire's fees and charges. Attachment 14.5B outlines the proposed changes that are above or below the 5% rise and includes comments, where necessary, against any requested increase/ decrease, new fees, or fees to be removed.

A fuel levy is also proposed to be included, due to the current fuel crisis that is affecting costs across the organisation.

### Consultation

#### Councillor/Officer Consultation

The Chief Executive Officer, Executive Manager Corporate Services, Executive Manager Strategy and Community and facility Coordinators/Managers have reviewed the proposed fees and charges. Councillors were also briefed on this item during their evening briefing session on 21 April 2026.

#### Community Consultation

No Community consultation was required.

### Policy Implications

There are no policy implications related to this item.

### Statutory Implications

*Local Government Act 1995*, Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 2 - Fees and charges) 6.16. Imposition of fees and charges.

### Strategic Implications

∅ Council Plan 2025-2035

Theme:	4 Communication and Leadership
Strategic Objective:	4.2 Provide accountable leadership, transparent decision making and good governance. 4.8 Implement strong financial management to maintain current services and facilities, while proving for future growth.
Priorities Actions:	4.2.1 Support the Shire President and Councillors by working in partnership with the Executive to deliver leadership and oversight of the Shire, providing advice, information and guidance to support sound, informed decision making. 4.8.1.2 Development of Annual Budget and Annual Financials.

### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation as the proposed changes are within the Shire's available resources.

### Risk Implications

There is a compliance risk associated with this Item as the Shire would be contravening the *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be Low (4), which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

#### Financial Implications

Adopting the proposed fees and charges as detailed, will allow estimated anticipated revenue for the 2026/27 financial year to be calculated for budgeting purposes.

#### Voting Requirements

Simple Majority

Absolute Majority

#### Officers Recommendation

**That Council:**

- 3. PROVIDES in-principle endorsement of the Schedule of Fees and Charges 2026/27, included as Attachment 14.5A to the report; and**
- 4. INCLUDES the proposed schedule within the drafting of the Shire's 2026/2027 Annual Budget for further consideration.**

**15. OFFICER'S REPORTS – COMMUNITY SERVICES**

**Nil**

## 16. OFFICER’S REPORTS – ADMINISTRATION

### 16.1 Update of Delegates and Deputy Delegates to Committees

<h1 style="color: #0056b3;">Administration</h1> 	
<b>Responsible Officer:</b>	Craig Watts, CEO
<b>Author:</b>	Martina Hussey, EO
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Responsible Officer and Author declare that they do not have any conflicts of interest in relation to this item.
<b>Attachments:</b>	Nil

#### Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider appointing Councillor Representatives to both committees of Council and External committees that former Councillor Renee Manning was a member of.

#### Background

There are two types of Committees for consideration:

##### Committees of Council

In accordance with section 5.10 of the *Local Government Act 1995* (the Act), a Councillor is entitled to be a member on any committee of their choice, even though that may exceed the quorum. Additionally, the President is entitled to be a member on any committee of their choice, even though that may exceed the quorum. The CEO is entitled to be on (or appoint a representative to) any committee having employee representation.

In respect the Deputy Delegates, Council protocol appoints the Councillors who are not members to the committee as Deputy Delegates to enable their attendance and participation in committee meetings to ensure quorums.

##### External Committee Representation

Appointment of Council representatives to External Committees will be in accordance with each appropriate constitution and will have regard to the Council endorsement of the selected representative. As such, representation will be voted on by resolution of Council.

#### Comment

Council is requested to nominate elected members to the following committees of Council, together with external committees which representation has been requested.

### Committees of Council

1. Shire of Merredin Audit, Risk and Improvement Committee	
<b>Current Members:</b>	Cr Crook, Cr Manning, Cr O'Neill, Cr Boehme
<b>Deputies:</b>	N/A
<b>Membership:</b>	4 Councillors, 2 Independent Members
<b>Quorum:</b>	4 Members
<b>Purpose:</b>	<p>Regulation 16 of the Local Government (Audit) Regulations 1996 states:</p> <p>“An audit committee —</p> <p>(a) is to provide guidance and assistance to the local government —</p> <ul style="list-style-type: none"><li>(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and</li><li>(ii) as to the development of a process to be used to select and appoint a person to be an auditor; and</li></ul> <p>(b) may provide guidance and assistance to the local government as to —</p> <ul style="list-style-type: none"><li>(i) matters to be audited; and</li><li>(ii) the scope of audits; and</li><li>(iii) its functions under Part 6 of the Act; and</li><li>(iv) the carrying out of its functions relating to other audits and other matters related to financial management; and</li></ul> <p>(c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —</p> <ul style="list-style-type: none"><li>(i) report to the council the results of that review; and</li><li>(ii) give a copy of the CEO's report to the council.”</li></ul>
<b>Meeting Cycle:</b>	At least once annually to recommend adoption of the Annual Report and Compliance Audit Return, and at least once every three years to recommend adoption of the CEO's Report.
2. Western Australian Local Government Association Great Eastern Country Zone (GECZ)	
<b>Current Members:</b>	Cr Crook, Cr Manning
<b>Deputies:</b>	Cr Van Der Merwe, CEO as delegate if required

<b>Membership:</b>	Shires of Bruce Rock, Cunderdin, Dowerin, Kellerberrin, Kondinin, Koorda, Merredin, Mt Marshall, Mukinbudin, Narembeen, Nungarin, Tammin, Trayning, Westonia, Wyalkatchem and Yilgarn
<b>Quorum:</b>	8
<b>Purpose:</b>	<ol style="list-style-type: none"><li>1. To provide a united voice for Local Governments in the GECZ;</li><li>2. To work collectively to enhance the sustainable social, environmental and economic development of the GECZ at strategic and project levels;</li><li>3. To promote the profile of Local Government within the region encompassed within the GECZ;</li><li>4. To speak on behalf of Local Governments in the GECZ;</li><li>5. To elect, nominate and appoint Committees and representatives of the Zone to other organisations,</li><li>6. To enter into agreements, formal or informal, with organisations having similar aims and objectives,</li><li>7. To represent the views of Local Governments within the GECZ at the State Council of the Association;</li><li>8. To do all and any such other things as in the opinion of the Zone may conveniently be carried on by the Zone or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the Zone; and</li><li>9. To use the property and income of the Zone solely for the promotion of the objects or purposes of the Zone. No part of the property or income of the Zone may be paid or otherwise distributed, directly or indirectly, to members of the Zone, except in good faith in the promotion of those objects or purposes.</li></ol>
<b>Meeting Cycle:</b>	GECZ meetings are usually held on a Thursday in the middle of the month in February, April, June, August and November.

### 3. Wheatbelt North (WBN) Regional Road Group (RRG)

<b>Current Members:</b>	Cr Crook
<b>Deputies:</b>	Cr Manning
<b>Membership:</b>	Shires of Chittering, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Gingin, Goomalling, Kellerberrin, Koorda, Merredin, Moora, Mt Marshall, Mukinbudin, Northam, Nungarin, Tammin, Toodyay, Trayning, Victoria Plains, Westonia, Wyalkatchem, Wongan-Ballidu, Yilgarn and York.
<b>Quorum:</b>	N/A

<b>Purpose:</b>	The WBN RRG is provided with State funding from a number of categories contained within the State Road Funds to Local Government Agreement with the RRG able to prioritise, allocate and approve its funding to specific local road projects.
<b>Meeting Cycle:</b>	Twice annually

#### 4. Mid-West/Wheatbelt Development Assessment Panel (DAP)

<b>Current Members:</b>	Cr Crook, Cr Manning
<b>Deputies:</b>	Cr Boehme, Cr Billing
<b>Membership:</b>	Shires of Beverley, Boddington, Brookton, Bruce Rock, Carnamah, Chapman Valley, Chittering, Coolgardie, Coorow, Corrigin, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Dundas, Esperance, Greater Geraldton, Gingin, Goomalling, Irwin, Kalgoorlie-Boulder, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Laverton, Leonora, Merredin, Meekatharra, Menzies, Mingenew, Moora, Morawa, Mt Magnet, Mt Marshall, Mukinbudin, Murchison, Narembeen, Narrogin, Ngaanyatjarraku, Northam, Northampton, Nungarin, Pingelly, Quairading, Ravensthorpe, Sandstone, Tammin, Three Springs, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, West Arthur, Westonia, Wickpin, Williams, Wiluna, Wongan-Ballidu, Wyalkatchem, Yalgoo and Yilgarn.
<b>Quorum:</b>	3 members
<b>Purpose:</b>	To determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.
<b>Meeting Cycle:</b>	As required – DAP’s only meet when there is a DAP application to determine. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under their local planning scheme. Note: panel members must complete compulsory training prior to attending a DAP meeting.

#### 5. Rural Water Council of Western Australia

<b>Current Members:</b>	Cr Manning
<b>Deputies:</b>	Nil (Proxy position available)
<b>Membership:</b>	Local government (paid) membership from the rural and dryland agricultural region, and relevant state government departments.
<b>Quorum:</b>	No information provided
<b>Purpose:</b>	The Rural Water Council was formed in 1953 to promote water issues in rural areas including completion of the Comprehensive

Water Scheme. Today the Group's aims and objectives are focussed on –

1. Raising awareness of water supply issues relating to farmland and communities in rural and dryland agricultural areas.
2. Endeavouring to obtain equitable distribution state wide of funds for water supply improvement to minimise the difficulty caused by the inadequate domestic, spraying and stock water in dryland agricultural areas.
3. Working with all relevant Government agencies, water advisory groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies.
4. Raising awareness of the need to improve and maintain rural and town water supplies and infrastructure.
5. Contributing to regional planning and policies relating to the allocation and use of water resources in rural and dryland agricultural areas.
6. Representing the water needs of our member communities.
7. Raising awareness of the need to effectively manage water resources.
8. Providing input to and seeking membership of appropriate water advisory groups and the like.

Work undertaken by the Wheatbelt Development Commission in relation to regional infrastructure planning highlighted the provision of water, including infrastructure, headwork charges and water allocations as a significant issue. Provision and access to adequate water supply is a major impediment to development throughout rural and dryland agricultural areas.

The Group is supported by the Water Corporation and the Department of Water and Environmental Regulation with representatives attending our meetings and providing updates on programs in the rural and dryland agricultural region.

**Meeting Cycle:**

Meeting dates can vary but generally they are held in March (AGM), July and October.

**Consultation**

**Officer Consultation**

Discussion with Councillors has taken place at the confidential briefing held 21 April 2026.

**Councillor/ Community Consultation**

No Community or Councillor consultation was required.

**Policy Implications**

Council Policy 1.19 – Election of Committees and Representatives is applicable.

### Statutory Implications

Section 5.10 of the *Local Government Act 1995* is applicable and enables all Councillors to become a member of any Council committee of their choosing.

### Strategic Implications

∅ Council Plan 2025-2035

Theme: 4 Communication and Leadership

Strategic Objective: 4.2 Provide accountable leadership, transparent decision making and good governance

Priority Actions: 4.2.1 Support the Shire President and Councillors by working in partnership with the Executive to deliver leadership and oversight of the Shire, providing advice, information and guidance to support sound, informed decision making.

### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation.

### Risk Implications

There is a compliance risk associated with this Item as representation on several of the committees is legislated, leading to non-compliance with the *Local Government Act 1995*. The risk rating is considered to be Moderate (6), which is determined by a likelihood of Possible (3) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

### Financial Implications

There are no financial implications associated with this report including within the Long-Term Financial Plan. Committees and groups requiring payment of a membership have funds already allocated within the 2025/26 annual budget.

### Voting Requirements



Simple Majority



Absolute Majority


### Officers Recommendation

**That Council:**

- 1. In accordance with sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, ENDORSE Councillor \_\_\_\_\_, to be appointed as delegate to the Shire of Merredin Audit, Risk and Improvement Committee;**

2. **ENDORSE Councillor \_\_\_\_\_ to be appointed as delegate to the Western Australian Local Government Association Great Eastern Country Zone;**
3. **ENDORSE Councillor \_\_\_\_\_ to be appointed as Deputy to the Wheatbelt North Regional Road Group;**
4. **ENDORSE Councillor \_\_\_\_\_ to be nominated as for the Shire of Merredin on the Mid-West/Wheatbelt Development Assessment Panel and their nomination be submitted to the Minister for Planning for consideration; and**
5. **ENDORSE Councillor \_\_\_\_\_ to be appointed as delegate to Rural Water Council of WA.**

## 16.2 Delegations Register Review - 2025/26

<h1>Administration</h1> 	
<b>Responsible Officer:</b>	Craig Watts, CEO
<b>Author:</b>	Martina Hussey, EO
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Author and Responsible Officer declare that they do not have any conflicts of interest in relation to this item
<b>Attachments:</b>	Attachment 16.2A – Shire of Merredin Register of Delegated Authority – track changes Attachment 16.2B – Shire of Merredin Register of Delegated Authority - Final

### Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider the recommended changes to the Shire of Merredin Register of Delegated Authority.

### Background

Section 5.46 of the *Local Government Act 1995* (the Act) requires local governments to keep a register of their delegations and review this register at least once every financial year. Council performed an annual review of delegations at its Ordinary Council Meeting held in April 2025 (CMRef 83590).

Delegated authority aims to improve the time taken to make decisions within the constraints of relevant legislation.

Without delegated authority, many decisions of the Shire of Merredin (the Shire) would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allows day to day decisions to be made by the Chief Executive Officer (CEO), who in turn can sub-delegate these to other staff if appropriate.

Under the Act, local governments may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties, other than those prescribed under section 5.43 Limits on Delegations to the CEO.

All delegations made by Council must be by absolute majority as prescribed by sections 5.42 and 5.44 of the Act that legislates Council’s ability to delegate functions to the CEO.

The criteria WALGA recommends for determining when to provide delegated authority is outlined below, and the Administration has considered these when conducting the annual review.

- Does the delegation contribute to sound decision making that complies with legislative obligations?
- Does it improve efficiency and customer service outcomes?
- Does it ensure ‘Routine’ decisions are better managed?
- Have risks and political and community sensitivities been sufficiently managed through the conditions and limitations on the delegation?
- Does the delegate have the skills, technical expertise and training to exercise the delegated powers or duties?
- Are there appropriate policies, procedures and/or training to support decision makers when using the Delegated Authority?

	<b>Comment</b>
--	----------------

The 2025/26 annual review of the Shire of Merredin Register of Delegated Authority was undertaken to determine the following:

1. The appropriateness of the existing delegations; and
2. The need to amend any of those delegations.

The proposed amendments reflect the following:

- Amending existing delegations to improve workflow processes and service delivery;
- Minor wording and formatting changes;
- Removal of Executive Manager Development Services; and
- Addition of Works and Services Manager as a Subdelegate were appropriate.

More significant changes are detailed below:

Delegation	Change
DL1.2 Impounding Goods	Removal of Executive Manager Development Services.
DL1.3 Power of Entry	Removal of Executive Manager Development Services.
DL1.7 Legal Matters	Removal of Executive Manager Development Services.
DL1.8 Appointment of Acting Chief Executive Officer	Removal of Executive Manager Development Services and reference to 4 Executive Managers.
DL2.1 Demolition Permit	Removal of Executive Manager Development Services.
DL2.2 Building Orders	Removal of Executive Manager Development Services.
DL2.3 Grant of Occupancy Certificate and Building Approval Certificate	Removal of Executive Manager Development Services.
DL2.4 Building Permit	Removal of Executive Manager Development Services.
DL2.5 Extension of Period of Duration of	Removal of Executive Manager Development Services.

Occupancy Certificate and Building Certificate Approval	
DL2.6 Consent to Permitted Users	Removal of Executive Manager Development Services.
DL2.7 Caravan Parks and Camping Grounds Act 1995 and Regulations 1997	Removal of Executive Manager Development Services.
DL2.8 Grant of Occupancy Certificate - Strata and Building Approval Certificate - Strata	Removal of Executive Manager Development Services.
DL4.1 Tenders	Removal of Executive Manager Development Services.
DL4.5 Light Vehicles – Replacement	Addition of Works and Services Manager as Subdelegate.
DL4.7 Cash Funding, In-kind Contributions and Fee Waivers	Separation of Fee Waivers to provide clarity of application by applicable entities and State Government Charges.
DL4.12 Payments from the Municipal, Reserve or Trust Funds	Removal of Executive Manager Development Services and removal of reference to requisitions.
DL4.13 Defer, Grant Discount, Waive or Write Off Debts or Small Fees and Charges	Removal of State Government clause and Policy 3.19 Community Funding.
DL5.1 Offences – Bush Fires Act 1954	Removal of Executive Manager Development Services and addition of WA Contract Ranger Services – Contract Ranger as a subdelegate. Changes to subdelegate conditions have been updated in line with these changes.
DL5.4 Dog Act 1976	Removal of Executive Manager Development Services.
DL5.5 Cat Act 2011	Addition of Executive Manager Infrastructure Services as Subdelegate. Addition of EMIS to Subdelegate conditions.
DL5.7 Food Act 2008	Removal of Executive Manager Development Services and addition of Executive Manager Infrastructure Services.
DL5.11 Public Health Act 2016	Removal of Executive Manager Development Services and addition of Executive Manager Infrastructure Services.
DL5.12 Cemetery Law 2002	Removal of Executive Manager Development Services.

In addition to the proposed amendments detailed in Attachment 16.2A, the amendment table at the end of the document does not currently reflect the proposed changes. This table will auto generate once the amendments have been entered into Attain, the Shire’s compliance software.

**Consultation**

**Councillor/Officer Consultation**

Amendments have been discussed and reviewed within the ELT.

### Community Consultation

No Community Consultation is required.

#### Policy Implications

Shire of Merredin Policies are referred to throughout the Register of Delegated Authority.

#### Statutory Implications

Section 5.42 of the *Local Government Act 1995* states that a number of the local government's powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. Section 5.44 of the Act outlines the circumstance under which the CEO may delegate powers and duties to other employees.

Section 5.46 (2) states '*At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*'

As required by Section 5.46 (3) of the *Local Government Act 1995*, the use of exercising the delegated authority is to be recorded.

An absolute majority of Council is required to adopt the Delegations Register as prescribed in Section 5.42 of the Act.

The separate legislation referenced in the individual delegations is also applicable.

#### Strategic Implications

∅ Council Plan 2025-2035

Theme:	4	Communication and Leadership
Strategic Objective:	4.2	Provide accountable leadership, transparent decision making and good governance.
Priority Actions:	4.2.1	Support the Shire President and Councillors by working in partnership with the Executive to deliver leadership and oversight of the Shire, providing advice, information and guidance to support sound, informed decision making.

#### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation.

#### Risk Implications

Council is required to review its delegations under the Act at least once every financial year. Failure to complete the review would result in non-compliance with our statutory responsibilities under these legislative frameworks.

There is a compliance risk associated with this Item as the Shire would be contravening the *Local Government Act 1995* if this Item was not presented to Council. The risk rating is considered to be Moderate (6), which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

#### Financial Implications

There are no financial implications associated with this report including within the Long-Term Financial Plan.

#### Voting Requirements

Simple Majority


Absolute Majority

#### Officer's Recommendation

**That Council:**

- 1. NOTES the review of the Shire of Merredin Register of Delegated Authority for the 2025/26 financial year, which meets the requirement of Section 5.46 (2) of the Local Government Act 1995; and**
- 2. ENDORSES the updated Shire of Merredin Register of Delegated Authority, as per Attachment 16.2B.**

### 16.3 Update of Councillor Code of Conduct

<h2>Administration</h2> 	
<b>Responsible Officer:</b>	Craig Watts, CEO
<b>Author:</b>	As above
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	The Author/Responsible Officer declare that they do not have any conflicts of interest in relation to this item.
<b>Attachments:</b>	Attachment 16.3A Code of Conduct for Council Members Committee Members and Candidates April 2026

#### Purpose of Report

- Executive Decision
  Legislative Requirement

For Council to consider adopting the updated Code of Conduct for Council Members, Committee Members and Candidates.

#### Background

The *Local Government (Model Code of Conduct) Regulations 2021* came into effect on 3 February 2021 and introduced a Model Code of Conduct that applies to every local government in Western Australia. The Shire has applied the Model Code structure and requirements in practice since 2021, with Council adopting the Code of Conduct for Council Members, Committee Members and Candidates May 2021.

#### Comment

The Regulations were substantially amended by the Local Government Legislation Amendment Regulations 2025 and came into effect on 1 January 2026, triggering the requirement for local governments to adopt an updated Code of Conduct by 1 April 2026. Although this was mentioned briefly in a webinar in December 2025, due to focus on ensuring the Audit, Risk and Improvement Committee provisions were met, this was missed.

Changes to the Code of Conduct provide a graduated response to complaints overseen by the Local Government Inspector, which includes new penalties up to the disqualification for a person to hold office in local government for up to ten (10) years. Other changes include:

- The Local Government Inspector and Inspectorate now sit at the centre of the system, with broad powers to investigate breaches and recommend suspension or dismissal of individual councillors or whole councils to the Minister.

- New breach matters now go through the Inspector and appointed Local Government Adjudicators rather than the previous Local Government Standards Panel process.
- Breaches of Division 3 (Behaviour) are classified as “behavioural breaches” and continue to be dealt with by the local government. After two prior behavioural breaches are found, a further behavioural breach can be treated as a conduct breach to be investigated by the Local Government Inspector, effectively tightening consequences for repeated lower-level misconduct.
- The former “minor breach” label has been replaced with “conduct breach”, to emphasise that these matters can be more serious than the old terminology implied. A council member commits a conduct breach if they contravene a rule of conduct (Division 4) or violate a local law made under the Act relating to conduct at council or committee meetings. Conduct breaches are dealt with by the Local Government Inspector.
- Breaches of the specified offences list in Schedule 8A.1 of the Local Government Act 1995 are classified as “specified breaches” and are also dealt with by the Local Government Inspector. The Inspector may progress relevant allegations of these breaches to the State Administrative Tribunal (SAT).
- There are increased penalties for councillor conduct breaches, including: withholding or suspending payment of fees and allowances for up to three months, suspension from a committee, or suspension from council for up to three months.
- A three strikes rule has commenced: if a council member is suspended three times for a breach, they are disqualified from holding office in local government for 10 years.
- For some misconduct offences, maximum fines have been almost doubled, with certain offences now attracting penalties of up to \$24,000 and potential imprisonment for up to two years.
- Any person can now lodge a complaint of a conduct breach with the Inspector, who can use investigative powers (for example, obtaining meeting video) and filter out complaints that are frivolous, vexatious, trivial, misconceived or without substance.
- Adjudicators can order a range of penalties including public censure, apology, counselling or training, withholding of fees and allowances for up to three months and suspension for up to three months. Information about censures and SAT orders is required to be published on the Inspector’s website for 12 years to give electors better visibility of councillor histories. Appeals of a decision of an adjudicator can be made through SAT.

Divisions 1, 2 and 4 of the Model Code are prescribed and must be adopted without amendment. Division 3 (Behaviour) sets out mandatory minimum behavioural requirements but allows local governments to include additional behavioural requirements, provided they are not inconsistent with the Model Code.

To provide clarity, the Administration has expanded the provisions relating to clause 11(3), to confirm that the CEO is authorised to receive and withdraw complaints. Furthermore, it confirms that the Council is responsible for dealing with the complaint, including dismissal, unless it authorises a person to perform these functions (ie third party contractor). To ensure that the complaint can be initially considered, it is recommended that a committee of council be formed to undertake this function initially. It should be noted however that the councillor who made the complaint, or the councillor who the complaint refers to cannot be part of the committee investigating the complaint.

### Councillor/Officer Consultation

No Councillor or Officer consultation is required.

### Community Consultation

The Shire Administration has advised both the Department of Local Government, Industry Regulation and Safety, together with the Local Government Inspector that it has not updated the Code of Conduct for Councillors within the specified timeframe.

#### Policy Implications

The Code of Conduct which is subject to amendment is included within the Shire's Policy manual.

#### Statutory Implications

The *Local Government (Model Code of Conduct) Regulations 2021* were substantially amended by the *Local Government Legislation Amendment Regulations 2025* and came into effect on 1 January 2026, triggering the requirement for local governments to adopt an updated Code of Conduct by 1 April 2026.

#### Strategic Implications

∅ Council Plan 2025-2035

Theme:	4 Communication and Leadership
Strategic Objective:	4.2 Provide accountable leadership, transparent decision making and good governance
Priority Actions:	4.2.1 Support the Shire President and Councillors by working in partnership with the Executive to deliver leadership and oversight of the Shire, providing advice, information and guidance to support sound, informed decision making.

#### Sustainability Implications

∅ Strategic Resource Plan

There is no impact on capacity, resourcing or asset management to carry out the Officer's recommendation.

#### Risk Implications

There is a compliance risk associated with this item as not adopting the revised Code of Conduct for Councillors will see the Shire in breach of the Local Government Act 1995, and see the Shire apply an incorrect approach to complaints lodged in relation to elected members, committee members and candidates. The risk rating is considered to be High (12), which is determined by a likelihood of Likely (4) and a consequence of Moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

### Financial Implications

There are no financial implications associated with this report including within the Long-Term Financial Plan.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

**That Council:**

- 1) **ADOPTS** the amended Code of Conduct for Council Members, Committee Members and Candidates, as provided in Attachment 16.3A;
- 2) **ESTABLISH** the Council Complaints Investigation Committee under section 5.8 of the *Local Government Act 1995* which comprises all Council members, with the exception of the Councillor who is subject to the complaint, and the complainant, where the complainant is a member of Council and **AUTHORISE** the committee to investigate complaints made in relation to the Code of Conduct for Council Members, Committee Members and Candidates; and
- 3) **NOTES** that a Senior Employee of the Shire may provide advice or other assistance to the Council, the committee or a person authorised under clause 14B, to perform the functions under clauses 12 and 13.

**17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**18. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**19. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

## **20. MATTERS BEHIND CLOSED DOORS**

## **21. CLOSURE**

There being no further business, the President thanked those in attendance and declared the meeting closed at \_\_\_pm.

This page has intentionally  
been left blank.