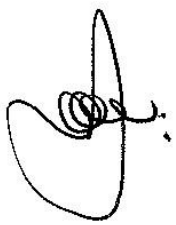
ORDINARY MEETING OF THE SHIRE OF KULIN COUNCIL AGENDA

Wednesday, 21 October 2026 4:00pm, Shire of Kulin Council Chambers, 38 Johnston Street Kulin

DISCLAIMER: The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used. Please note this agenda contains recommendations, which have not yet been adopted by Council.



Alan Leeson
Chief Executive Officer
16 October 2026

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1 DECLARATION OF OPENING

The President declares the meeting open.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

In accordance with Section 5.23A of the *Local Government Act 1995,* and Part 2A of the *Local Government (Administration) Regulations 1996*, this Council meeting is being digitally recorded (audio). All recordings will be retained as part of the Shire of Kulin's records and will be made available to the public via Council's website, excluding recordings of matters that Council take behind closed doors.

3 RECORD OF ATTENDANCE

ATTENDANCE

G Robins	President
B Smoker	Deputy President
J Noble	Councillor
C Mullan	Councillor
R Bowey	Councillor
B Miller	Councillor
L Siviour	Councillor
A Leeson	Chief Executive Officer
F Murphy	Executive Manager Financial Services
T Scadding	Executive Manager Community Development
C Lewis	Executive Manager of Governance and Risk
J Hobson	Executive Manager Works
C Higgins	Executive Support Officer

APOLOGIES

LEAVE OF ABSENCE
Nil

4 DECLARATIONS OF INTEREST BY MEMBERS

4.1 Declarations of Financial Interest

4.2 Declarations of Proximity Interest

4.3 Declarations of Impartiality Interest

4.4 Declarations of Indirect Financial Interest

5 PUBLIC QUESTION TIME

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Previous Council Meetings

Minutes of Shire of Kulin Ordinary Council meeting held on 23 September 2026, provided to Councillors via the Shire's portal.

OFFICER'S RECOMMENDATION

That the minutes of the Shire of Kulin Ordinary Council meeting held on 23 September 2026, be confirmed as a true and correct record.

VOTING REQUIREMENTS

Simple majority.

Attachment 1- Minutes of Shire of Kulin Ordinary Council Meeting 23 September 2026

7.2 Committee Meetings

7.2.1 Shire of Kulin Local Emergency Management Committee 31 August 2026

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Shire of Kulin Local Emergency Management Committee meeting held on 31 August 2026 be received.

VOTING REQUIREMENTS

Simple majority.

Attachment 2 – Unconfirmed minutes of the Shire of Kulin Local Emergency Management Committee 31 August 2026

7.2.2 Shire of Kulin Bush Fire Brigades Meeting 10 September 2026

OFFICER'S RECOMMENDATION

That the unconfirmed minutes of the Shire of Kulin Bush Fire Brigades Meeting held on 10 September 2026 be received.

VOTING REQUIREMENTS

Simple majority.

Attachment 3 – Unconfirmed minutes of the Shire of Kulin Bush Fire Brigades Meeting 10 September 2026

8 PRESENTATIONS / DEPUTATIONS

9 Agenda Business - Matters Requiring Decision

9.1 List of Accounts Paid During the Month of September 2026

Responsible Officer:	Chief Executive Officer
File Reference:	12.06
Author:	Fiona Murphy, Executive Manager Financial Services
Strategic Reference:	*Shire of Kulin Strategic Integrated Plan 2025-2035 – Goal 12 – Accurate forward planning to achieve community priorities*
Disclosure of Interest:	Nil
Attachment:	Attachment 4 – Copy of Schedule of Payments, Credit Card Summary and Credit Card Statement September 2026

SUMMARY

For Council to receive the list of accounts paid from the municipal fund and the trust fund, and payments made using purchasing cards under the Chief Executive Officer's delegated authority, during the month of September 2026, in accordance with its statutory obligations under *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996.*

BACKGROUND & COMMENT

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's Municipal and Trust funds.

Regulation 13 – List of Accounts

In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996,* a list of accounts paid by the Chief Executive Officer is to be provided to Council each month.

Lists detailing the payments for September 2026 are attached within **Attachment 4.**

The table below summarises the payments made during September 2026.

September 2026	
Fund	Amount
Municipal	$923,196.63
Trust	$1,000
Total	**$924,196.63**

Regulation 13A – Credit, Debit and Other Purchasing Cards

Regulation 13A of the *Local Government (Financial Management) Regulations 1996* requires a list of payments made using credit, debit or other purchasing cards to be prepared and presented to Council each month.

Lists of payments made using credit, debit and other purchasing cards in September 2026 are attached within **Attachment 4.**

FINANCIAL IMPLICATIONS

The expenditure explained in this report is in accordance with the Annual Budget, as adopted or amended by Council. Relevant financial delegations for the expenditure have been granted by Council (last reviewed in June 2026).

STATUTORY AND PLANNING IMPLICATIONS

Regulations 13 and 13A of the *Local Government (Financial Management) Regulations 1996* are set out below:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and
(b) the amount of the payment; and
(c) the date of the payment; and
(d) sufficient information to identify the transaction.

(2) a list of accounts for approval to be paid is to be prepared each month showing –

(a) for each account which requires council authorisation in that month –
(i) the payee's name; and
(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment;

(d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS
Nil

COMMUNITY CONSULTATION
Nil

WORKFORCE IMPLICATIONS
Nil

OFFICER'S RECOMMENDATION
That Council receive:

1. the list of accounts paid from the Municipal and Trust accounts during the month of September 2026, totalling $924,196.63 as detailed within Attachment 4; and
2. the list of payments made using credit, debit and purchasing cards in September 2026, as detailed within Attachment 4.

VOTING REQUIREMENTS
Simple majority required.

Attachment 4 - Copy of Schedule of Payments Credit Card Summary and Credit Card statement September 2026

9.2 Financial Report – September 2026

Responsible Officer:	Chief Executive Officer
File Reference:	12.01
Author:	Fiona Murphy, Executive Manager Financial Services
Strategic Reference:	*Shire of Kulin Strategic Integrated Plan 2025-2035 - Goal 12 – Accurate Forward Planning To Achieve Community Priorities*
Disclosure of Interest:	Nil
Attachment:	Attachment 5 - Monthly Financial Report September 2026

SUMMARY
Council is provided with the financial report for the month ended 30 September 2026 for review, in accordance with its statutory obligations under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. The monthly financial report is attached as **Attachment 5.**

BACKGROUND & COMMENT
The monthly financial report includes:
- an update on revenue and expenditure in comparison to the annual budget;
- a statement of financial position;
- the basis of preparation;
- an explanation of material variances (greater than $10,000 and 10%) are included in the monthly financial report; and
- other supplementary financial information relevant to the report month.

FINANCIAL IMPLICATIONS
Nil

STATUTORY AND PLANNING IMPLICATIONS

Council is required by section 6.4 of the *Local Government Act 1995* to prepare financial reports as prescribed. Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* require preparation of monthly financial activity statements and statements of financial position.

Regulations 34 and 35 are set out below:

34. Financial activity statement required each month (Act s.64)

(1A) in this regulation –

***committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the **relevant month**) in the following detail —*
- *(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- *(b) budget estimates to the end of the relevant month; and*
- *(c) actual amounts of expenditure, revenue and income to the end of the relevant month; and*
- *(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- *(e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.*

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(2) Each statement of financial activity is to be accompanied by documents containing —
- *[(a) deleted]*
- *(b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- *(c) such other supporting information as is considered relevant by the local government.*

(3) The information in a statement of financial activity must be shown according to nature classification.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- *(a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and*

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percent or value, calculated in accordance with the ASS, to be used in statements of financial activity for reporting material variances.

35. Financial position statement required each month

(1) *A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the **previous month**) and —*

(a) the financial position of the local government as at the last day of the previous financial year; or

(b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

(2) A statement of financial position must be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and

(b) recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS
Nil

COMMUNITY CONSULTATION
Nil

WORKFORCE IMPLICATIONS
Nil

OFFICER'S RECOMMENDATION
That Council, in accordance with Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996*, receive the Monthly Financial Report including Statement of Financial Activity, Statement of Financial Position and supporting documentation for the period ending 30 September 2026, as presented in Attachment 5.

VOTING REQUIREMENTS
Simple majority required.

Attachment 5 – Monthly Financial Report September 2026

9.3 Amendment to APOG – Waiver of Facility Hire Fees for Funerals

Responsible Officer:	Chief Executive Officer
File Reference:	04.04 Policy Manual
Author:	Cassi Lewis, Executive Manager Governance & Risk
Strategic Reference:	*Shire of Kulin Strategic Integrated Plan 2025-2035 – Goal 11: High Standard of Governance*
Disclosure of Interest:	Nil
Attachment:	Attachment 6 - Proposed amendment APOG A13 – Fees & Charges – Discounts

SUMMARY

Council is requested to consider amending the Shire's Administrative Procedures and Operational Guidelines (APOG) to expand the existing facility hire waiver provisions relating to funerals and memorial services.

The current provisions provide for a waiver where churches and religious groups use Shire facilities for services, including funerals. The proposed amendment would recognise funerals and memorial services as an eligible purpose in their own right and provide for a waiver where the deceased was a current or former resident of the Shire of Kulin, or a person with a significant connection to the Kulin community.

It is proposed that the funeral waiver be limited to hire of the Kath and Phil Freebairn function rooms.

BACKGROUND & COMMENT

The Shire's APOG includes provisions under A13 – Fees & Charges – Discounts for the waiver of facility hire fees for a number of community and Shire activities.

The current provisions include churches and religious groups providing services, including funerals. This provision is relatively narrow, as it links the waiver to the organisation hiring the facility rather than the purpose of the hire. It does not specifically provide for a family, funeral director or other person arranging a funeral or memorial service directly, nor does it address funerals for former residents or people who have had a significant connection with the Kulin community.

Funerals and memorial services may be considered important community occasions, with Shire facilities providing an appropriate venue for families and the wider community to come together. It is therefore proposed that funerals and memorial services be recognised as a separate eligible category under the APOG.

The proposed waiver would apply to funerals or memorial services for:

- a current resident of the Shire of Kulin;
- a former resident of the Shire of Kulin; or
- a person with a significant connection to the Kulin community.

Consideration has also been given to the extent of the waiver.

The Kath and Phil Freebairn function rooms can generally accommodate funerals and memorial services without significant alteration to the facility or substantial additional staff resources.

Larger funerals may require use of the Freebairn Recreation Centre indoor court area. Use of this area requires considerably greater staff resources to prepare and reinstate the facility, including laying and lifting carpet and setting up and removing chairs and tables.

On this basis, it is proposed that the waiver be limited to hire of the Kath and Phil Freebairn function rooms.

A separate agenda item considers the introduction of a flat funeral hire fee for use of the Freebairn Recreation Centre indoor court area.

It is proposed that the Waiver of Fees – Community and Shire Activities provisions within A13 be amended as shown in the attachment.

FINANCIAL IMPLICATIONS

The amendment will result in the standard hire fee for the Kath and/or Phil Freebairn function rooms being waived for eligible funerals and memorial services. This reflects the practice previously adopted by staff, although the waiver of function room hire for funerals is not provided for under the current wording of APOG A13. As this reflects the approach historically applied by staff, the proposed amendment is not expected to result in a significant additional financial impact.

STATUTORY AND PLANNING IMPLICATIONS

Section 2.7 of the *Local Government Act 1995* provides that Council's governing role includes determining the local government's policies.

Section 6.12 of the Act provides for a local government to waive or grant concessions in relation to amounts of money owing to the local government.

POLICY IMPLICATIONS

A13 – Fees & Charges – Discounts within the Shire's APOG will be amended to recognise eligible funerals and memorial services as a separate category for the waiver of facility hire fees.

COMMUNITY CONSULTATION

Nil.

WORKFORCE IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

That Council approves the amendment to A13 – Fees & Charges – Discounts within the Shire of Kulin Administrative Procedures and Operational Guidelines, as shown in the attachment.

VOTING REQUIREMENTS

Simple majority required.

Attachment 6 - Proposed Amendment APOG A13 – Fees & Charges – Discounts

9.4 Funeral Hire Fee – FRC Indoor Court Area

Responsible Officer:	Chief Executive Officer, Alan Leeson
File Reference:	12.04 Budget
Author:	Cassi Lewis, Executive Manager Governance & Risk
Strategic Reference:	*Shire of Kulin Strategic Integrated Plan 2025-2035 - Goal 11: High Standard of governance*
Disclosure of Interest:	Nil
Attachment:	Nil

SUMMARY

Council is requested to consider introducing a flat fee for funerals and memorial services held within the Freebairn Recreation Centre indoor court area.

The proposed fee is intended to complement the proposed amendment to the Shire's Administrative Procedures and Operational Guidelines (APOG) relating to funeral hire waivers. Under the proposed policy, eligible funerals and memorial services held within the Kath and Phil Freebairn function rooms may have the standard room hire fee waived.

Where attendance numbers require use of the indoor court area, considerably more staff resources are required to prepare and reinstate the facility. Administration therefore proposes a flat fee of $1,500(exc GST) to provide certainty to families while recovering a proportion of the costs incurred by the Shire.

BACKGROUND & COMMENT

As part of the review of the Shire's facility hire waiver provisions, Council has considered expanding the existing waiver arrangements for funerals and memorial services.

The proposed APOG wording would provide for the waiver of standard facility hire fees for:

> *funerals or memorial services for a current or former resident of the Shire of Kulin, or a person with a significant connection to the Kulin community, limited to the Kath and Phil Freebairn function rooms.*

The Kath and Phil rooms can generally accommodate funerals and memorial services without significant alteration to the facility or substantial additional staff resources.

Conservative estimates show that the approximate cost to the Shire of accommodating a funeral within the court area may be in the vicinity of $2,000-$3,000, depending on the setup required and staff resources involved. Administration considers that charging the full estimated cost may be inconsistent with the intent of the proposed funeral waiver provisions, which recognise funerals as an important community occasion and seek to provide some support to local families.

The Shire's adopted Fees and Charges currently provide for indoor court hire together with an Event Set Up Fee charged at cost plus 10%, which includes carpet laying and lifting.

The proposed $1,500 flat fee would include the hire of the indoor court area together with the standard setup and pack-down required for a funeral or memorial service, including carpet laying and lifting and the setup and removal of chairs and tables. Any additional services or charges outside the standard setup would continue to apply in accordance with the Shire's adopted Fees and Charges.

FINANCIAL IMPLICATIONS

The Shire has historically accommodated funerals within the indoor court area without recovering the full cost of providing the service. As mentioned, the estimated cost of providing this service may be in the vicinity of $2,000-$3,000. The proposed $1,500 flat fee would recover a proportion of these costs, with the balance effectively representing a Shire contribution towards the funeral or memorial service. The financial impact will depend on the number of funerals requiring use of the indoor court area each year.

STATUTORY AND PLANNING IMPLICATIONS

Section 6.16 of the *Local Government Act 1995* provides that a local government may impose and recover a fee or charge for the use of a local government facility and for services or work provided at the request of a person.

Section 6.17 of the Act requires Council, when determining the amount of a fee or charge, to consider the cost to the local government of providing the service, the importance of the service to the community and the price at which the service could be provided by an alternative provider. The proposed fee has regard to the estimated cost to the Shire and the community nature of funerals and memorial services.

As the proposed fee is being introduced after adoption of the 2026–27 Annual Budget, its imposition requires an absolute majority decision of Council.

Section 6.19 requires local public notice to be given before a new fee or charge imposed after adoption of the annual budget is introduced.

POLICY IMPLICATIONS

The proposal is consistent with the proposed amendment to the APOG provisions relating to facility hire waivers.

COMMUNITY CONSULTATION

Local public notice of the proposed new fee will be given in accordance with section 6.19 of the *Local Government Act 1995* following Council approval.

WORKFORCE IMPLICATIONS

No additional workforce implications. The service will continue to be provided using existing staff resources.

OFFICER'S RECOMMENDATION

That Council:

1. Approves the introduction of a $1,500 (exc GST) per event fee for funerals and memorial services held in the Freebairn Recreation Centre indoor court area, inclusive of standard court hire, setup and pack-down; and
2. Authorises the Chief Executive Officer to give local public notice of the new fee in accordance with section 6.19 of the *Local Government Act 1995,* with the fee to take effect from the date specified in the notice.

VOTING REQUIREMENTS

Absolute majority required.

9.5 Kulin Retirement Homes Inc. – Waiving Back Rates and Interim Rates for New Dwelling

Responsible Officer:	Chief Executive Officer, Alan Leeson
File Reference:	25.02
Author:	Fiona Murphy, Executive Manager of Financial Services
Strategic Reference:	*Shire of Kulin Strategic Integrated Plan 2025-2035 - 6 Community – Safe Caring & Healthy Lifestyle*
Disclosure of Interest:	Nil
Attachment:	Nil

SUMMARY

For Council to consider waiving back rates and interim rates levied on the new dwelling constructed by Kulin Retirement Homes Inc.at Workman Estate.

BACKGROUND & COMMENT

Kulin Retirement Homes wrote to Council in May 2026 requesting that rates for 2026/27 be waived. At its September 2026 meeting, Council approved waiving the 2026/27 rates for Kulin Retirement Homes properties at Kulinda Village and Workman Estate.

Kulin Retirement Homes constructed a new dwelling at Workman Estate during the 2025/26 financial year. The Shire has recently received a revised valuation from Landgate for this property, increasing the Gross Rental Value of assessment A1422 from $27,768 to $35,618.

The revised valuation has resulted in an interim rates adjustment is $373.06 for 2025/26 back rates and $943.17 for 2026/27 rates.

It is recommended that Council waive these additional rates as a contribution to Kulin Retirement Homes Inc. in recognition of its ongoing operation as a not-for-profit community organisation.

FINANCIAL IMPLICATIONS

Neither the additional rates income nor the corresponding write off were included in the 2026/27 budget. Therefore, there is no financial implication from waiving the additional rates.

STATUTORY AND PLANNING IMPLICATIONS

Section 6.47 of the Local Government Act 1995 permits a local government, subject to the Rates and Charges (Rebates and Deferments) Act 1992, to waive rates or grant other concessions in relation to rates. A decision to waive rates requires an absolute majority of Council.

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

WORKFORCE IMPLICATIONS

Nil

RECOMMENDATION

That Council waive the following rates levied on Kulin Retirement Homes Inc. for assessment A1422 at Workman Estate:

1. Back rates of $373.06 for the 2025/26 financial year; and
2. Interim rates of $943.17 for the 2026/27 financial year;

as a contribution from the Shire of Kulin in recognition of the organisation's ongoing operation as a not-for-profit community organisation.

VOTING REQUIREMENTS

Absolute Majority required.

9.6 Curtin Medical School – Curtin University – Waive Hostel Charges

Responsible Officer: Chief Executive Officer, Alan Leeson
File Reference: 05.20

Author: Taryn Scadding, Executive Manager of Community Services
Strategic Reference: *Shire of Kulin Strategic Integrated Plan 2025-2035 Goal 6: Community – Safe Caring & Healthy Lifestyle*
Disclosure of Interest: Nil
Attachment: Nil

SUMMARY

Council is requested to waive Kulin Hostel accommodation fees totalling $5,280 for 30 students and three staff participating in Curtin Medical School's Year Two Rural Week Immersion Program.

BACKGROUND & COMMENT

Curtin Medical School's annual Year Two Rural Week Immersion Program introduces medical students to rural communities, helping them develop an understanding of rural health needs and the challenges of delivering healthcare in regional areas.

The program has traditionally relied on host families in Kulin and Kondinin. However, securing sufficient families has become increasingly difficult, limiting the number of students able to participate. Curtin University has also revised its accommodation arrangements to meet legal requirements for fieldwork programs. The Kulin Hostel meets these requirements.

Providing the Hostel at no charge for four nights would accommodate 30 students and three staff, supporting the program's continuation in the area and giving future medical practitioners valuable exposure to rural community life and healthcare needs.

FINANCIAL IMPLICATIONS

30 students and 3 staff for four nights' accommodation (linen included) total $5,280 to be waived.

	Number of beds	Fee per night	Total Fee per night	Total for 4 nights
School Group 4 nights	33	$ 40	$ 1,320	**$ 5,280**

The Shire will remain responsible for the usual costs of providing the accommodation, including cleaning, linen laundering and utilities.

STATUTORY AND PLANNING IMPLICATIONS

Section 6.12(1)(b) of the Local Government Act 1995 provides for a local government to waive or grant concessions in relation to amounts owing, other than rates and service charges.

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

WORKFORCE IMPLICATIONS

Nil

RECOMMENDATION

That Council waive the Kulin Hostel accommodation fees totalling $5,280.00 for Curtin Medical School's Year Two Rural Week Immersion program.

VOTING REQUIREMENTS

Simple Majority required.

9.7 Adoption of Revised Code of Conduct for Council Members Committee Members & Candidates

Responsible Officer:	Chief Executive Officer
File Reference:	13.02 Code of Conduct
Author:	Cassi Lewis, Executive Manager Governance & Risk
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035; Strategic Pillar 4: Civic Leadership - Responsible, accountable and transparent leadership to deliver our priorities*
Disclosure of Interest:	Nil
Attachment:	Attachment 7 Revised Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates

SUMMARY

Council is requested to adopt the revised Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates. The revised Code incorporates the amendments to the prescribed model code that commenced on 1 January 2026.

BACKGROUND & COMMENT

Council initially adopted the Shire's Model Code of Conduct for Council Members, Committee Members and Candidates on 19 May 2021. The Code has subsequently been reviewed through the annual Policy Manual review process, including a specific A1 review in May 2025 and a minor editorial amendment in June 2026.

The *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025* amended the *Local Government (Model Code of Conduct) Regulations 2021* with effect from 1 January 2026. Section 5.104(2) of the *Local Government Act 1995* requires a local government, within three months after amendments to the model code commence, to amend its adopted Code to incorporate those amendments. The attached revised Code is therefore presented to Council to bring the Shire's adopted instrument into line with the current prescribed model.

The changes principally affect the way behavioural breach complaints are referred, monitored and determined. The general principles, core behavioural standards and most rules of conduct remain unchanged.

Key changes

Area	Change to the model code	Practical effect
Mandatory referral for repeated behavioural breaches	New regulation 3A and clauses 11(4) to (6) require a complaint to be referred to the Inspector where the respondent has previously been found to have committed behavioural breaches on at least two occasions on or after 1 January 2026.	The Shire's authorised complaints officer must check the respondent's prior findings and refer a qualifying complaint to the Inspector. If the Inspector refers the matter back, the Shire resumes dealing with it under clauses 12 to 15.
Appointment of a monitor	New clause 14A allows the Inspector to appoint a monitor to assist the Shire with matters raised by a complaint and to direct the Shire to defer further action until the monitor reports.	Council must comply with an Inspector's direction and accommodate the monitor's involvement in the complaint process.
Decision-maker for complaints	New clause 14B provides that the functions under clauses 12 and 13 are performed by Council. By absolute majority, Council may authorise a council-member-only committee or an eligible independent person. A resolution appointing an independent person must address qualifications, experience and impartiality.	The decision-making role cannot be assigned administratively to Shire employees or the other excluded persons listed in clause 14B. Employees may still provide advice and assistance.

Transitional complaints	Clause 15(3) provides that clauses 14A and 14B do not apply to complaints made before 1 January 2026.	The date a complaint was made determines whether the new monitor and decision-maker provisions apply.
Conduct breach framework	The notes to Division 4 are updated to align with the new Part 8A framework, including the terms conduct breach and behavioural breach and the current process for dealing with conduct breaches.	Terminology and statutory references in the Code now align with the amended Act. The substantive rules of conduct remain largely unchanged.
Closed meeting definition	Clause 21 now covers a meeting, or part of a meeting, closed under section 5.23(2), (3) or (4), and preserves the position for meetings closed before 1 January 2026.	The disclosure-of-information rule reflects the expanded meeting closure provisions and applies consistently to earlier closed meetings.
Legislative notes and cross-references	Notes and cross-references are inserted or updated in clauses 11, 12 and 15 and Division 4.	Readers are directed to the current Inspector, complaint and breach provisions. These notes form part of the prescribed model text but do not create separate local requirements.

FINANCIAL IMPLICATIONS

There is no immediate financial impact from adopting the revised Code.

STATUTORY AND PLANNING IMPLICATIONS

Local Government Act 1995:

• section 5.103 - prescribed model code of conduct

• section 5.104(2) - amendment of the adopted Code within three months, by absolute majority

• section 5.104(7) - publication of the current adopted Code on the Shire's official website

• section 5.105 - dealing with complaints alleging behavioural breaches

Local Government (Model Code of Conduct) Regulations 2021, including Schedule 1, current from 1 January 2026.

Local Government (Local Government Inspector) Regulations 2025.

POLICY IMPLICATIONS

The revised Code will supersede Policy Manual A1. As the Code is a statutory governance instrument rather than a discretionary Council policy, it is proposed to maintain it separately within the Shire's governance document framework. The Policy Manual should be updated to remove A1 and provide a cross-reference to the adopted Code if required.

COMMUNITY CONSULTATION

Community consultation is not required because the amendments are prescribed by legislation. Following adoption, the CEO must publish the current Code on the Shire's official website.

WORKFORCE IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

That Council, by absolute majority:

1. Adopts, pursuant to section 5.104(2) of the *Local Government Act 1995*, the revised Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates included at Attachment 7;

2. Notes that the revised Code incorporates the prescribed model code amendments commencing on 1 January 2026 and contains no additional local behavioural requirements;

3. Removes the superseded Policy Manual A1 from the Policy Manual and maintains the adopted Code as a standalone governance document; and

4. Requests the Chief Executive Officer to publish the current adopted Code on the Shire's official website in accordance with section 5.104(7) of the *Local Government Act 1995* and update the Shire's associated governance records and complaint procedures.

VOTING REQUIREMENTS

Absolute Majority required.

Attachment 7 - Revised Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates

9.8 Endorsement of Advocacy – Proposal for a Heavy Vehicle Access Governance Working Group

Responsible Officer:	Chief Executive Officer
File Reference:	13.0
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035; Strategic Pillar – Economy – Goal 1: Safe, capable and efficient transport network*
Disclosure of Interest:	Nil
Attachment:	Attachment 8 – Proposal Paper

SUMMARY

The purpose of this discussion item is to brief Council on progress of a proposed State-wide advocacy initiative seeking support from Regional Road Groups across Western Australia for the establishment of a collaborative Working Group to review Heavy Vehicle Access Governance, Accredited Mass Management Scheme operations and the long-term sustainability of Western Australia's road network.

As Shire President of the Shire of Kulin, Cr Grant Robins prepared and issued a Proposal Paper to Regional Road Group Chairpersons across Western Australia to seek to encourage a practical, regionally informed discussion about road funding, network planning, compliance, freight productivity and long-term road asset stewardship across Western Australia.

The proposal is intended to support a constructive, evidence-based review that protects public road infrastructure, supports freight productivity and ensures decisions about higher mass vehicle access, compliance, funding and renewal are informed by reliable data and sound engineering principles.

BACKGROUND & COMMENT

The Proposal Paper was prepared by Shire President, Cr Robins,

Whilst this work initially arose from concerns surrounding recent higher mass vehicle access initiatives, it evolved into a much broader discussion regarding whether governance arrangements, infrastructure investment and long-term asset renewal are keeping pace with the increasing freight task being carried across Western Australia.

The attached Proposal Paper identified a number of matters that may warrant further consideration, including the relationship between axle group loading and pavement deterioration, the visibility of compliance and enforcement data, the adequacy of renewal and reconstruction programs, and the need for improved State-wide data on network condition, asset renewal rates, freight demand and long-term funding requirements.

The paper did not seek to oppose freight productivity or higher productivity vehicles. Rather, it sought a united regional position that recognises the road network as a critical economic asset supporting mining, agriculture, freight, regional communities and State prosperity, and calls for a sustainable replacement, management and funding framework to protect that asset over the long term.

The objective has been to encourage each Regional Road Group to consider the proposal within its own region and, where supported, progress the matter through its respective WALGA Zone with a view to developing broad regional support for consideration by WALGA. Circulation of the Proposal Paper presented an opportunity for local government to take a leadership role in initiating a constructive discussion regarding the long-term sustainability of Western Australia's road network, particularly where increasing freight volumes and higher mass vehicle access may have implications for pavement performance, maintenance requirements and asset life.

This report seeks Council endorsement and support to authorise the Chief Executive Officer to formally present a report to WALGA concerning these matters on behalf of the Shire of Kulin at the next Central Country Zone Meeting to be held on 13 November 2026.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. Over the longer term, improved governance of heavy vehicle access and a stronger understanding of road asset performance may assist in reducing pavement deterioration, extending asset life and improving the effectiveness of future road maintenance, renewal and infrastructure investment.

STATUTORY AND PLANNING IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Not applicable.

WORKFORCE IMPLICATIONS

Nil.

OFFICER'S RECOMMENDATION

That Council:

1. Formally endorses the attached Proposal Paper circulated to Regional Road Group Chairpersons by Shire President Cr Grant Robins regarding Heavy Vehicle Access Governance and Road Asset Sustainability;

2. Endorses the proposed advocacy strategy of seeking support from Regional Road Groups across Western Australia for the establishment of a collaborative State-wide Working Group;

3. Endorses advocacy to WALGA regarding establishment of a State-wide Working Group to address issues such as those raised in the Proposal Paper and authorises the Chief Executive Officer and/or the Shire President to author and finalise a submission on behalf of the Shire of Kulin;

4. Authorises and requests the Chief Executive Officer to submit an Agenda item on behalf of the Shire of Kulin for presentation to the WALGA Central Country Zone Meeting (to be held on 13 November 2026) and authorises the Chief Executive Officer and/or Shire President to present at that meeting to speak further to the Agenda item if the opportunity is available;

VOTING REQUIREMENTS

Simple majority required.

Attachment 8 – Proposal Paper

9.9 MRWA AMMS Network Sustainability Review – Endorsement of Submission

Responsible Officer:	Chief Executive Officer
File Reference:	28.0
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035; Strategic Pillar - Economy – Goal 1 - Safe, capable and efficient transport network*
Disclosure of Interest:	Nil
Attachment:	Attachment 9.1 – AMMS-RAV Discussion Paper Attachment 9.2 – Draft Shire of Kulin Submission – MRWA AMMS Network Sustainability Review

SUMMARY

This report presents the AMMS–RAV Discussion Paper in Attachment 9.1 for Council's consideration and seeks endorsement of a submission to Main Roads Western Australia on the proposed network sustainability arrangements for Accredited Mass Management Scheme ("AMMS") Level 2 and 3 access. The Discussion Paper provides the detailed policy and operational analysis underpinning the draft submission contained in Attachment 9.2 The draft submission supports the objective of protecting road assets but raises concerns about the review's scope, the practical definition of the Freight Generator, the allocation of obligations, consistency between Road Managers, administrative burden, compliance and enforcement, and the need for meaningful Local Government and industry involvement.

BACKGROUND & COMMENT

Main Roads WA Heavy Vehicle Services ("HVS") emailed the Shire of Kulin on Friday, 2 October 2026 inviting feedback on the proposed Accredited Mass Management Scheme Network Sustainability arrangements, described as a replacement for the former CA07 access condition approach. The consultation is directed to Road Managers, Transport Operators, Freight Generators, industry associations and other interested stakeholders and is open for four weeks.

HVS advised that the CA07 wording had been amended after legal concerns were identified with directly linking road maintenance fees to RAV access approvals and enabling third parties to effectively switch Main Roads access approvals on and off. HVS has since worked with WALGA and a reference group of Local Government representatives on the proposed replacement model, including the proposed NS1 condition and Road Maintenance Agreement Confirmation Letter process.

Shire staff have prepared the AMMS–RAV Discussion Paper for Council's consideration at Attachment 9.1 to consolidate the key policy and practical issues arising from the proposal. It examines the relationship between the AMMS review and the broader RAV Network, seasonal and cumulative freight impacts, Freight Generator responsibilities, State-wide consistency, materiality and risk triggers, administrative demands, compliance and enforcement, Working Group representation and practical scenario testing. The Discussion Paper has informed the draft submission in Attachment 9.2.

The proposal allows a Transport Operator to commence using the road after lodging an application. Where a new agreement is required, the Freight Generator would have two months to negotiate with the Road Manager while operations continue. Main Roads has advised that, once arrangements are finalised, Transport Operators will be given six months to comply.

The objective of protecting road infrastructure from extraordinary wear is supported. AMMS also provides substantial freight productivity benefits, and the proposed framework should preserve those benefits while directing additional maintenance arrangements toward freight tasks that create a material and identifiable impact.

Several matters warrant representation to Main Roads WA before the framework is finalised.

Scope of the review

The review is confined to AMMS Level 2 and 3, although many underlying issues—road capacity, pavement condition, freight intensity, route suitability, cumulative movements, seasonal vulnerability, Road Manager involvement and compliance—also arise across the broader Restricted Access Vehicle Network. The draft submission asks why AMMS is being considered in isolation and whether the work could support a more integrated and readily understood RAV access framework.

Different freight tasks

A formal Road Maintenance Agreement is well suited to sustained and identifiable mining, quarrying, industrial or major construction tasks involving a known generator, route, tonnage and operating period. Agricultural freight can involve multiple producers, operators, origins, destinations and routes, with grain, fertiliser, hay, fodder, livestock and other movements occurring at different stages of the agricultural cycle. A single model may not adequately address these differences.

Freight Generator and allocation of obligations

The proposal depends on identifying the Freight Generator, but this may be unclear where the party producing, purchasing, arranging, transporting or receiving a commodity differs. The draft submission seeks an unambiguous definition and a State-wide responsibility matrix identifying who applies, notifies, negotiates, reports tonnage, contributes to maintenance, monitors impacts, monitors vehicle compliance and responds to a breach.

Consistency, thresholds and timing

Road Managers must retain appropriate discretion informed by local road construction, condition and seasonal vulnerability. However, common definitions, assessment criteria, documentation and materiality thresholds are needed to avoid inconsistent requirements across adjoining Local Governments. The proposed two-month negotiation period may also be ineffective for short, intensive freight tasks that could be substantially completed before an agreement is finalised.

Administration, compliance and enforcement

Applications, confirmation letters, negotiations, reporting, auditing, invoicing and renewals may be reasonable for significant sustained tasks but disproportionate if applied broadly. Road Maintenance Agreements address administration and asset management; they do not establish whether vehicles comply with approved axle group masses. The draft submission therefore requests details of HVS monitoring, enforcement resources, risk-based compliance activity, information sharing and the role expected of Road Managers.

Governance and practical testing

Further information is sought on the membership and Terms of Reference of the Committee or Working Group, including representation from WALGA, regional Local Governments, transport operators, Freight Generators and agricultural, mining and other freight sectors. Practical testing against representative scenarios, including agricultural, industrial, construction and multi-jurisdiction freight tasks, would assist in identifying unintended consequences before implementation.

Proposed position

The attached AMMS–RAV Discussion Paper provides the detailed basis for the proposed position. Consistent with that paper, the draft submission supports the network sustainability objective while recommending a proportionate, risk-based approach that distinguishes routine AMMS operations, seasonal or high-intensity freight, and extraordinary or sustained freight tasks that warrant a formal agreement or maintenance contribution.

FINANCIAL IMPLICATIONS

No direct financial implications arise from endorsing and lodging the draft submission. The final MRWA framework may create future administrative, monitoring and road maintenance implications for Local Government; these cannot be quantified until the framework, thresholds and allocation of responsibilities are settled.

STATUTORY AND PLANNING IMPLICATIONS

The proposal relates to Main Roads WA's administration of heavy vehicle access under the State's RAV and AMMS arrangements and to Local Government's responsibilities as a Road Manager. No immediate statutory change is created by endorsing the submission.

POLICY IMPLICATIONS

No immediate policy amendment is required. Any final framework may require review of heavy vehicle access, road maintenance contribution, asset management and administrative procedures.

COMMUNITY CONSULTATION

No community consultation has been undertaken. The submission advocates meaningful consultation and practical testing with Local Government, transport operators, Freight Generators and relevant industry sectors before implementation.

WORKFORCE IMPLICATIONS

No immediate workforce implications arise from the submission. Depending on its final design, the framework may increase engineering, administrative, agreement-management, reporting and monitoring workloads, particularly for smaller regional Local Governments.

RECOMMENDATION

That Council:

1. Notes the AMMS–RAV Discussion Paper at Attachment 9.1 and the key issues identified for the proposed network sustainability framework;

2. Endorses the draft Shire of Kulin submission at Attachment 9.2 for lodgement with Main Roads Western Australia and authorises the Chief Executive Officer to also make any necessary inclusions or amendments (or issue supplementary correspondence) that Council:
   (i) Requests that Main Roads WA clarify the rationale for limiting the review to AMMS Level 2 and 3 and explain how the proposed arrangements will integrate with the broader RAV Network framework;
   (ii) Requests that there be clear State-wide definitions, materiality thresholds and an allocation of responsibilities between the Freight Generator, Transport Operator, Road Manager and Main Roads Heavy Vehicle Services;
   (iii) Requests details of the Committee or Working Group membership, Terms of Reference and Local Government and industry representation be provided; and
   (iv) Indicates that Council supports practical scenario testing and a proportionate, risk-based framework before implementation.

3. Authorises the Chief Executive Officer to author the submission and/or correspondence, including the above matters, and to make all necessary editorial amendments before lodgement provided they do not alter the substance of the submission.

VOTING REQUIREMENTS

Simple majority.

Attachment 9.1- AMMS-RAV Discussion Paper
Attachment 9.2 - Draft Shire of Kulin Submission – MRWA AMMS Network Sustainability Review

9.10 Support for Shire of Wagin Advocacy: Volunteer Bushfire Response Legislative Protections

Responsible Officer:	Chief Executive Officer
File Reference:	9.0
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035; Strategic Pillar 2: Community – Goal 5 – Provide opportunity to grow our resident population Strategy 5.1 – Support the volunteer base and volunteer leaders in our communities. Strategic Pillar 3: Environment – Goal 9 – Protection of natural and built assets; Strategy 9.3 – Ensure currency of the LEMA and undertake regular scenario planning. Strategy 9.4 – Facilitate opportunities to ensure emergency service volunteers are trained and resourced across towns.*
Disclosure of Interest:	Nil
Attachment:	Attachment 10.1 – Extract from Central Country Zone Meeting Minutes – 14 August 2026 Attachment 10.2– Unconfirmed minutes of the Shire of Kulin Bush Fire Control Officers Meeting – 10 September 2026

SUMMARY

This report seeks Council's support for advocacy initiated by the Shire of Wagin concerning uncertainty and unintended legal exposure arising from the interaction of the *Work Health and Safety Act 2020*, the *Bush Fires Act 1954* and the *Fire and Emergency Services Act 1998*. The issue particularly affects registered and unregistered volunteers, landholders, workers and local governments involved in rural bushfire response.

BACKGROUND & COMMENT

At its meeting on 14 August 2026, the WALGA Central Country Zone considered a paper submitted by the Shire of Wagin outlining practical and legal uncertainty that can arise when a bushfire is first attacked by landholders, employees, registered brigade members and other community members before formal emergency resources arrive. The paper identified uncertainty about who holds duties under work health and safety legislation, who may be considered a person conducting a business or undertaking, how operational control is established, and when volunteers and spontaneous responders receive insurance or civil liability protection.

The Central Country Zone resolved to write to the Minister for Emergency Services, the Minister for Commerce and the Minister for the Wheatbelt, provide the issues paper and request a review of the intersections between the three Acts. The purpose of the advocacy is to ensure the sustainability of volunteer fire response and provide clear, practical protections for volunteers and emergency services personnel.

The Shire of Kulin Bush Fire Control Officers considered the matter on 10 September 2026 and unanimously recommended that the Shire support the Shire of Wagin's advocacy and make similar representations to the relevant Ministers. Rural bushfire response depends heavily on immediate community-led action. The current uncertainty may cause responders to hesitate, discourage volunteer participation and expose individuals, employers and local governments to obligations or liabilities that are difficult to identify in fast-moving fireground conditions. Supporting coordinated advocacy is therefore consistent with maintaining an effective and sustainable volunteer bushfire response model.

FINANCIAL IMPLICATIONS

There are no material financial implications arising from supporting the advocacy. Minor administrative costs associated with preparing correspondence can be accommodated within existing resources. Any future legislative or operational changes may have financial implications and would be reported separately if required.

STATUTORY AND PLANNING IMPLICATIONS

The matter concerns the interaction and practical application of the *Work Health and Safety Act 2020*, the *Bush Fires Act 1954* and the *Fire and Emergency Services Act 1998*. Council is not being asked to determine the legal interpretation of these Acts, but to support advocacy seeking legislative clarity and practical protections for rural bushfire responders.

POLICY IMPLICATIONS

There are no direct policy implications. Any future changes to legislation, guidance or insurance arrangements may require a review of Shire policies, procedures and volunteer bushfire brigade arrangements.

COMMUNITY CONSULTATION

No community consultation has been undertaken. The matter has been considered by the Central Country Zone and the Shire of Kulin Bush Fire Control Officers, whose recommendation provides direct operational input from local volunteer fire personnel.

WORKFORCE IMPLICATIONS

There are no immediate workforce implications. Greater legislative clarity would assist Shire employees, Fire Control Officers and volunteers to understand their respective responsibilities during bushfire response and may reduce uncertainty in operational decision-making.

OFFICER'S RECOMMENDATION

That Council:

1. Notes and supports the resolution of the WALGA Central Country Zone dated 14 August 2026, calling for a review of the intersections between the *Work Health and Safety Act 2020*, the *Bush Fires Act 1954* and the *Fire and Emergency Services Act 1998* to ensure the sustainability of volunteer fire response and provide clear and practical protections for volunteers and emergency services personnel; and

2. Supports the Shire of Wagin's advocacy in raising this matter and authorises the Chief Executive Officer to write to the Minister for Emergency Services, the Minister for Commerce and the Minister for the Wheatbelt to express the Shire of Kulin's support for the Central Country Zone resolution and the requested legislative review.

VOTING REQUIREMENTS

Simple majority required.

Attachment 10.1 – Extract from Central Country Zone Meeting Minutes – 14 August 2026
Attachment 10.2 – Unconfirmed minutes of the Shire of Kulin Bush Fire Control Officers Meeting – 10 September 2026

9.11 Fire Weather Officer Appointment and Amendment to Delegation C.3

Responsible Officer:	Chief Executive Officer
File Reference:	9.02
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035 – Community safety, emergency management and sound governance*
Disclosure of Interest:	Nil
Attachment:	Attachment 11 – Proposed amended Delegation C.3 - *Bushfire Prohibited/Restricted Burning Periods – Changes to*

SUMMARY

Council is asked to revoke Alan Leeson's appointment as Fire Weather Officer; appoint Mr Rod Diery, Chief Bush Fire Control Officer, as Fire Weather Officer under section 38(8) of the *Bush Fires Act 1954* ("the Act") and appoint Mr Evan Wyatt, Deputy Chief Bush Fire Control Officer, and Mr Judd Hobson, Fire Control Officer, as Deputy Fire Weather Officers under section 38(10) of the Act.

These appointments are subject to the Shire being an approved local government and to all statutory appointment and notification requirements. Delegation C.3 – *Bushfire Prohibited/Restricted Burning Periods – Changes to* is to be amended by removing the Chief Executive Officer as a delegate and delegating the function in section 17 and 18 of the Act to vary the prohibited and restricted burning periods jointly to the Shire President and Chief Bush Fire Control Officer.

The Chief Executive Officer's role remains limited to usual lawful administrative support and does not include statutory Fire Weather Officer, Bush Fire Control Officer or delegated prohibited burning-period powers.

BACKGROUND & COMMENT

Alan Leeson, Chief Executive Officer, is presently recorded as Fire Weather Officer but is not a Bush Fire Control Officer. Section 38(8) permits an approved local government to appoint a senior Bush Fire Control Officer as Fire Weather Officer. Accordingly, subject to the Shire being an approved local government and completion of all statutory appointment and notification requirements, Mr Rod Diery, Chief Bush Fire Control Officer, should be appointed as Fire Weather Officer. Under section 38(10), Mr Evan Wyatt, Deputy Chief Bush Fire Control Officer, and Mr Judd Hobson, Fire Control Officer, should be appointed as Deputy Fire Weather Officers.

Sections 17(10) and 18(5C) permit the relevant local government functions to be delegated jointly to the Shire President and Chief Bush Fire Control Officer and require those functions to be exercised jointly. Delegation C.3 will therefore be amended to remove the Chief Executive Officer and confer the relevant section 17 and 18 functions jointly on those two office holders.

The statutory appointments and Delegation C.3 are distinct. The Chief Executive Officer may continue only an administrative role: taking or obtaining and recording weather information, applying adopted procedures, facilitating Harvest and Vehicle Movement Ban processes under separate lawful authority, issuing notifications and maintaining records. That role does not authorise the Chief Executive Officer to exercise Fire Weather Officer or Bush Fire Control Officer powers, vary restricted or prohibited burning periods, issue burning permits, direct suppression or brigades, assume incident control, or exercise entry or enforcement powers.

The Chief Executive Officer may continue to provide administrative support for weather observations, harvest and vehicle movement ban processes, notifications and recordkeeping where supported by applicable legislation, Council procedure and a separate lawful authorisation. This support does not confer authority to exercise the statutory delegated powers, Fire Weather Officer powers or Bush Fire Control Officer powers.

- taking, obtaining and recording local fire weather observations and relevant fire danger information;
- applying Council's adopted thresholds, criteria and operating procedure;
- consulting the Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer where practicable;
- implementing, varying or lifting a Harvest and Vehicle Movement Ban under a separate lawful authorisation;
- issuing public and operational notifications; and
- maintaining a record of the readings, information considered, decision and relevant times.

The ongoing administrative role expressly provides no authority to suspend, shorten, extend or otherwise alter a restricted or prohibited burning period; issue permits to burn; exercise any power of a Bush Fire Control Officer; direct bushfire suppression; assume incident control; direct brigades or volunteers; or exercise entry or enforcement powers. Further, an amendment to delegated C3 Bushfire prohibited/Restricted Burning Period – Changes to, will

be required to appropriately align with this change. Section 17(10) of the Act empowers Council to resolve to delegate to its 'mayor, or president and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections 17(7) and (8) of the Act. These powers relate to delegation of the power to vary prohibited burning times and give appropriate notice to adjoining Shires. As the Chief Executive Officer is not the Chief Bush Fire Control Officer, it is appropriate that the power vests in the CBCFO and/or President and is delegated, especially in times of urgency.

FINANCIAL IMPLICATIONS

No material financial implications are identified. Administrative updates can be undertaken within existing resources.

STATUTORY AND PLANNING IMPLICATIONS

Sections 17, 18 and 38 of the Act and relevant provisions of the *Bush Fires Regulations 1954* apply. The appointments of Mr Rod Diery under section 38(8) of the Act and Mr Evan Wyatt and Mr Judd Hobson under section 38(10), are subject to the Shire being an approved local government and to every applicable statutory appointment and notification requirement. Under section 17(10), with section 18(5C) applying that provision to restricted burning times, the relevant local government functions may be delegated jointly to the Shire President and Chief Bush Fire Control Officer and must be exercised jointly. The resolution does not confer those delegated or statutory powers on the Chief Executive Officer.

POLICY IMPLICATIONS

Delegation C.3 – *Bushfire Prohibited/Restricted Burning Periods – Changes to,* will be amended to remove the Chief Executive Officer as a delegate and to provide for joint exercise by the Shire President and Chief Bush Fire Control Officer. The Delegations Register and relevant procedures and records will be updated accordingly.

COMMUNITY CONSULTATION

No community consultation is required for these governance and statutory alignment decisions. Any notices required by applicable legislation must continue to be given.

WORKFORCE IMPLICATIONS

The CEO may continue the specified administrative support tasks only where supported by applicable legislation, Council procedure and a separate lawful authorisation. The resolution does not confer statutory Fire Weather Officer, Bush Fire Control Officer or burning-period variation powers on the CEO.

OFFICER'S RECOMMENDATION
That Council:

1. Revokes Alan Leeson's appointment as Fire Weather Officer;

2. Appoints Mr Rod Diery, Chief Bush Fire Control Officer, as Fire Weather Officer under section 38(8) of the *Bush Fires Act 1954;*

3. Appoints Mr Evan Wyatt, Deputy Chief Bush Fire Control Officer, and Mr Judd Hobson, Fire Control Officer, as Deputy Fire Weather Officers under section 38(10) of the *Bush Fires Act 1954*;

4. Amends Delegation C.3 – *Bushfire Prohibited/Restricted Burning Periods – Changes to,* by removing the Chief Executive Officer as a delegate and delegating the relevant section 17 and 18 functions jointly to the Shire President and Chief Bush Fire Control Officer, to be exercised jointly;

5. Notes that the Chief Executive Officer's role is limited to lawful administrative support for weather observations, Harvest and Vehicle Movement Ban processes, notifications and recordkeeping, and does not include statutory Fire Weather Officer, Bush Fire Control Officer or delegated burning-period powers; and

6. Directs that all required registers, notices, appointment records, delegation records and related administrative records be updated to reflect this resolution.

VOTING REQUIREMENTS
Absolute majority required (for amendment to delegation).
Attachment 11 – Proposed amended delegation C.3 - Bushfire Prohibited/Restricted Burning Periods – Changes to

9.12 Review of Local Laws

Responsible Officer:	Chief Executive Officer
File Reference:	19.03
Author:	Cassi Lewis, Executive Manager Governance and Risk
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035; Goal 11: High standard of governance*
Disclosure of Interest:	Nil
Attachment:	Nil

SUMMARY

Council is requested to consider the completed consultation and assessment of the Shire's five principal local laws and determine, under section 3.16(4) of the *Local Government Act 1995*, whether each law should be repealed, amended or remain unchanged. It is recommended that all five principal local laws remain unchanged at this time. Known obsolete references and drafting issues are recorded below. A further report on the Health Local Law will be presented within 12 months, and the other identified matters will be considered through subsequent reports as required.

BACKGROUND & COMMENT

Staff have undertaken an assessment of the Shire's five local laws, including the continued need for each law and any changes to legislation since each law commenced. All five laws are recommended to remain unchanged at this time.

In reviewing the records of the 2020 local laws process, staff identified several older by-laws relating to reserves, swimming pools and the sports pavilion as follows:

- Reserve (17191) Control & Management of Kulin — 17 November 1978
- Reserve & Equipment thereon (Res 17191) Control of — 9 August 1967
- Reserves — 24 April 1931
- Swimming Pool — 17 November 1978
- Swimming Pool Control & Management of — 6 December 1974
- Swimming Pool Control of Kulin Memorial — 17 December 1968
- Swimming Pool War Memorial — 16 December 1965
- Sports Pavilion Control & Management of — 9 November 1973

These were listed in the May 2020 Council report but do not appear to have been expressly repealed through the General Repeal Local Law 2020. They were not included in the consultation for the current review. Further information has been sought from the adviser who assisted with the 2020 process to confirm whether these by-laws remain in force, whether their review was completed and what further action is required. These matters will be reported separately to Council as required.

The assessment findings for each of the Shire's five local laws are outlined below, including identified obsolete references, their implications for administration and any proposed follow-up action.

Health Local Law 2016

The Health Local Law 2016 contains references to regulations and statutory processes that have been repealed or superseded through the implementation of the *Public Health Act 2016*. The following obsolete references have been identified:

Provision	Obsolete reference
Clause 2.6 — Temporary works	Health (Temporary Sanitary Conveniences) Regulations 1997
Clause 2.8(1) — Ventilation of toilets	Sewerage (Lighting, Ventilation and Construction) Regulations 1971
Clause 2.12(1)(b) — Bathrooms	Health Act (Laundries and Bathrooms) Regulations
Part 9 — Offensive trades	Consent and registration processes associated with the former offensive-trade framework
Clause 9.4(b) — Registration of premises	Fees prescribed under the Health (Offensive Trades Fees) Regulations 1976

These matters do not necessarily invalidate the local law as a whole. However, retaining the law does not authorise the Shire to exercise powers that are no longer available. It is recommended that the local law remain unchanged at this time, with its administration subject to current State legislation.

A further report will be presented to Council within 12 months addressing any amendments or replacement required.

Animals Environment and Nuisance Local Law 2016

The animal-keeping and nuisance controls continue to serve a local purpose. However, clauses 2.26(2) and 2.28(1) still rely on registration of abattoirs or piggeries under section 191 of the former health framework. The 2018 amendments update the name of the Act but do not remove that dependency.

It is recommended that the local law, as amended in 2018, remain unchanged at this time. Staff will not require or issue registrations under the former framework. The remaining provisions will continue to be administered where they remain operative and consistent with current State legislation.

Cemeteries Local Law 2020

The Cemeteries Local Law 2020 remains suitable for its principal purpose and is recommended to remain unchanged at this time. Corrections to the offence schedule will be considered in a subsequent report. There is also an inconsistency in the reserve number references. The reserve number will be verified and corrected if necessary through the appropriate process.

Dogs Local Law 2020

No specific legislative changes requiring amendment has been identified in this assessment. The recommended outcome is that the law remain unchanged.

Standing Orders Local Law 2020

The Standing Orders Local Law 2020 continues to provide a framework for the orderly conduct of Council, committee and electors' meetings. The State Government is developing standardised meeting procedures, with commencement yet to be confirmed. It is recommended that the local law remain unchanged at this time to avoid undertaking amendments that may shortly be superseded. The Shire will assess any consequential changes required when the State procedures are finalised.

FINANCIAL IMPLICATIONS
No financial impact at this stage as the local laws remain unchanged. Any costs for specialist advice or future drafting, advertising and publication will be identified in the subsequent report and subject to the applicable budget allocation.

STATUTORY AND PLANNING IMPLICATIONS
Section 3.16(3) requires consideration of submissions and preparation of a report to Council. Under section 3.16(4), Council must determine by absolute majority whether each local law should be repealed, amended or remain unchanged.

Schedule 9.3 clause 65 contains transitional review provisions. The December 2026 deadline under clause 65(9) and (10) concerns laws that commenced before 7 December 2016 and for which no qualifying review notice was given during the relevant preceding eight-year period. The five principal laws in this report commenced in 2017 or 2020 and do not meet that commencement date condition. Council is nevertheless completing the current review to address identified issues and maintain a clear review record.

POLICY IMPLICATIONS
Nil

COMMUNITY CONSULTATION
The principal public notice invited submissions until 25 September 2026. The supplementary consultation period opened on the 28 August 2026 and closed on 12 October 2026. No submissions were received.

WORKFORCE IMPLICATIONS
Nil

OFFICER'S RECOMMENDATION

That Council:

1. Determines, under section 3.16(4) of the *Local Government Act 1995*, that the following local laws remain unchanged:

    - Health Local Law 2016;
    - Animals, Environment and Nuisance Local Law 2016, as amended in 2018;
    - Cemeteries Local Law 2020;
    - Dogs Local Law 2020; and
    - Standing Orders Local Law 2020.

2. Requests the Chief Executive Officer to present a further report within 12 months addressing any amendments or replacement required for the Health Local Law 2016.

VOTING REQUIREMENTS

Absolute majority required.

9.13 Draft Policy – Kulin Caravan Park Site Occupancy

Responsible Officer:	Chief Executive Officer
File Reference:	21.0
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035; Strategic Pillar 1: Economy; Goal 2: Increase awareness and visitation to our communities; Strategy 2.9: Investigate strategies to activate, increase usage or repurpose Shire-owned assets*
Disclosure of Interest:	Nil
Attachment:	Attachment 12 - Draft Policy – Kulin Caravan Park Site Occupancy

SUMMARY

Council is requested to consider adopting a draft policy establishing standard occupancy limits and operating requirements for caravan bays and tent sites at the Kulin Caravan Park. The proposed policy is intended to provide clear and consistent guidance for guests and staff, prevent overcrowding, protect access and amenity, and support the safe and orderly operation of the facility.

BACKGROUND & COMMENT

The Kulin Caravan Park accommodates a range of visitors using caravans, camper trailers, motorhomes, tents and swags. In the absence of a clearly documented occupancy standard, staff may be required to make individual decisions about the number of people, vehicles and accommodation units that can reasonably be placed on a site.

The draft policy proposes a maximum of six persons per caravan bay or tent site, inclusive of adults and children. It also limits each site to one guest vehicle, provides guidance on ancillary tents and swags, requires all equipment to remain within the allocated site, and allows the Chief Executive Officer or an authorised employee to approve reasonable variations where safety, access, amenity and orderly operation are maintained.

The policy is not intended to discourage larger families or travelling groups. Where a group cannot reasonably be accommodated on one site, staff will seek to offer adjoining or nearby sites where availability permits. Adoption of the policy will provide a transparent basis for booking decisions and a consistent response to proposed arrangements that may overcrowd a site or affect neighbouring guests.

The draft policy provides a practical and balanced framework for managing occupancy at the Kulin Caravan Park. It establishes clear standard limits while retaining sufficient discretion to respond to reasonable variations and the needs of larger groups.

FINANCIAL IMPLICATIONS

There are no material financial implications associated with adopting the draft policy. Where an additional site is required, normal booking fees will apply. Administration and implementation can be managed within existing operational resources.

STATUTORY AND PLANNING IMPLICATIONS

The policy is to be administered consistently with the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*, including requirements relating to the allocation and use of sites. No local planning implications have been identified.

POLICY IMPLICATIONS

Adoption will establish a new Council policy for Kulin Caravan Park site occupancy. The policy will provide a consistent administrative framework for bookings, site allocation and the management of requests that fall outside the standard limits.

COMMUNITY CONSULTATION

No community consultation has been undertaken in preparing the draft policy. The proposed requirements relate to day-to-day management of a Shire facility. Council may determine whether any further consultation is required before final adoption.

WORKFORCE IMPLICATIONS

The policy can be implemented by existing staff. Brief guidance should be provided to relevant employees to support consistent booking decisions, communication with guests and referral of proposed variations to an authorised officer.

OFFICER'S RECOMMENDATION

That Council adopts the Draft Policy – *Kulin Caravan Park Site Occupancy*, as presented in the attachment.

VOTING REQUIREMENTS
Simple majority required.

Attachment 12- Draft Policy – Kulin Caravan Park Site Occupancy

9.14 Office Closure – Christmas 2026

Responsible Officer:	Chief Executive Officer
File Reference:	13.0
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035: Goal 11 – High Standard of Governance*
Disclosure of Interest:	Nil
Attachment:	Nil

SUMMARY

Council is requested to approve the proposed Christmas/New Year closure arrangements for the Shire Administration Office, Depot, Kulin Childcare Centre and Freebairn Recreation Centre.

The proposed closures are:

Facility	Closure period	Reopening
Shire Administration Office	From close of business at 4.30pm on Wednesday 23 December 2026 to Sunday 3 January 2027 inclusive	8.30am Monday 4 January 2027
Depot	Friday 18 December 2026 to Sunday 3 January 2027 inclusive	7:00am Monday 4 January 2027
Kulin Childcare Centre	Closed for bookings from Tuesday 22 December 2026 to Tuesday 19 January 2027 inclusive	Bookings resume Wednesday 20 January 2027
Freebairn Recreation Centre	Monday 21 December to Sunday 3 January 2027	Monday 4 January 2027

Childcare staff will undertake pack-down and set-up activities during the closure period, with staff attendance arranged to meet operational requirements.

BACKGROUND & COMMENT

The Shire generally closes selected facilities over the Christmas/New Year period, allowing staff to take leave while maintaining arrangements for essential services and emergency responses.

The public holidays falling within the proposed closure periods are:

- Friday 25 December 2026 – Christmas Day.
- Saturday 26 December 2026 – Boxing Day.
- Monday 28 December 2026 – additional Boxing Day public holiday.
- Friday 1 January 2027 – New Year's Day.

For Administration Office staff working a standard Monday-to-Friday roster, the proposed closure includes three weekday public holidays and four other working days: Thursday 24 December and Tuesday 29 to Thursday 31 December 2026. Leave requirements for staff at other facilities will reflect their respective closure periods and rosters. Absences will be managed through applicable industry holidays, annual leave, rostered days off, time off in lieu or approved unpaid leave, according to individual entitlements and approved arrangements.

During the closure period, usual practice is to ensure a senior staff member is available in Kulin to coordinate Harvest and Vehicle Movement Bans and respond to emergencies as required. The Chief Executive Officer will confirm these arrangements once staff holiday movements are known. Emergency contacts will be established for Administration, Works, Bushfire and Ranger services, and arrangements made to ensure payroll is processed on time.

The community and childcare families will be advised of the closures and reopening dates through the Shire's usual communication channels.

FINANCIAL IMPLICATIONS

Staff salaries and leave entitlements are provided for in the 2026/2027 Budget. The proposed closures will allow staff to utilise accrued leave, with no additional expenditure anticipated.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Community will be advised in the Kulin Update, Shire noticeboards and on the Shire Facebook page of the closure.

WORKFORCE IMPLICATIONS

The Chief Executive Officer will establish emergency contacts for Administration, Works, Bushfire and Ranger services during the period.

The FRC and Aquatic Centre will operate as normal during this time period, with specific operating times advertised in advance.

RECOMMENDATION

That Council approves the following closures for the 2026/27 Christmas/New Year period:

1. Shire Administration Office: from 4.30pm on Wednesday 23 December 2026, reopening at 8.30am on Monday 4 January 2027.
2. Depot: from Friday 18 December 2026, reopening at 7.00am on Monday 4 January 2027.
3. Kulin Childcare Centre: closed for bookings from Tuesday 22 December 2026 to Tuesday 19 January 2027 inclusive, with bookings resuming on Wednesday 20 January 2027.
4. Freebairn Recreation Centre: from Monday 21 December 2026 to Sunday 3 January 2027 inclusive, reopening on Monday 4 January 2027.

VOTING REQUIREMENTS

Simple majority required.

9.15 State Road Funds to Local Government Advisory Committee (SAC) – Nomination of Cr Grant Robins

Responsible Officer:	Chief Executive Officer
File Reference:	13.0
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Plan 2025-2035: Goal 11 – High Standard of Governance*
Disclosure of Interest:	Nil
Attachment:	Attachment 14 - Board Vacancy - State Road Funds to Local Government Advisory Committee

SUMMARY

The purpose of this report is to seek Council's formal endorsement of the nomination of Shire President, Cr Grant Robins to the State Road Funds to Local Government Advisory Committee (SAC).

The Western Australian Local Government Association (WALGA) has called for nominations for one Local Government representative to serve on the Committee for a two-year term.

Nominations close at 5.00pm on Wednesday 4 November 2026, after which time the selection committee will meet and resolve on preferred candidates or make recommendations on preferred candidates to the WALGA State Council.

BACKGROUND & COMMENT

The State Road Funds to Local Government Advisory Committee operates under the State Road Funds to Local Government Agreement 2023/24 – 2027/28 and provides strategic oversight of State funding allocated for Local Government road programs across Western Australia.

The Committee is responsible for overseeing the administration and operation of the Agreement, monitoring program delivery, and endorsing the annual Local Roads Program to the Managing Director of Main Roads Western Australia.

The Committee also provides strategic advice regarding the allocation and redistribution of road funding and responds to issues raised by Local Governments, Regional Road Groups and Main Roads Western Australia in relation to the delivery of Local Government road infrastructure programs.

The officer's recommendation is that Council formally endorse and support Cr Robin's nomination for the SAC.

Cr Robins was first elected to the Shire of Kulin Council in October 2013 and has since developed extensive experience in regional road governance and freight network issues. He currently serves as Chairperson of the Wheatbelt South Regional Road Group and is a member of the Wheatbelt Secondary Freight Network Program Steering Committee (currently Deputy Chairperson), working closely with Main Roads Western Australia and regional Local Governments on road planning and funding matters.

In addition, Cr Robins owns and operates Kulin Transport, a rural freight transport business operating across the Wheatbelt and surrounding regions transporting agricultural machinery, grain and fertiliser. This provides him with practical, day to day insight into regional road network performance, heavy vehicle access and the broader economic importance of reliable freight routes.

Given his combined experience in Local Government governance, regional road funding processes and freight network operations, Cr Robins is well placed to contribute constructively to the work of the State Road Funds to Local Government Advisory Committee and represent the interests of regional Local Governments.

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with Council endorsing the nomination. Meeting attendance costs and travel associated with the Committee are managed in accordance with WALGA policies.

RISK IMPLICATIONS

Nil.

COMMUNITY AND STAKEHOLDER CONSULTATION

Nil.

RECOMMENDATION

That Council**:**

1. Endorse and support the nomination of Cr Grant Robins to the State Road Funds to Local Government Advisory Committee (SAC); and
2. Authorise the Chief Executive Officer to submit Council's endorsement to the Western Australian Local Government Association (WALGA) in support of Cr Robins' nomination.

VOTING REQUIREMENTS

Simple majority required.

Attachment 14 - Board Vacancy - State Road Funds to Local Government Advisory Committee

10 Compliance

10.1 Compliance Reporting – General and Financial Compliance September 2026

Responsible Officer:	Chief Executive Officer
File Reference:	04.05
Author:	Alan Leeson, Chief Executive Officer
Strategic Reference:	*Shire of Kulin Strategic Integrated Plan 2025-2035 - Goal 4 – Civic Leadership – accurate forward planning to achieve community priorities*
Disclosure of Interest:	Nil
Attachment:	Attachment 13 - General and Financial Compliance Checklist – September 2026

SUMMARY

This report addresses General and Financial Compliance matters for September 2026. The report provides a guide to the compliance requirements being addressed as part of staff workloads and demonstrates the degree of internal audit being completed.

BACKGROUND & COMMENT

The General and Financial Compliance Checklist is an internal working document. This document is regularly reviewed and updated where required.

FINANCIAL IMPLICATIONS

Usual administration expenses associated with complying with Council obligations.

STATUTORY AND PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS

Identified as necessary. For this report - Nil.

COMMUNITY CONSULTATION

N/A

WORKFORCE IMPLICATIONS
Nil

OFFICER'S RECOMMENDATION

That Council receive the General and Financial Compliance Checklist for September 2026.

VOTING REQUIREMENTS

Simple majority required.

Attachment 13 – General and Financial Compliance Checklist September 2026

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 MOTIONS FROM MEMBERS WITHOUT NOTICE

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

14 MEETING IS CLOSED TO THE PUBLIC

15 CLOSURE / DATE AND TIME OF NEXT MEETING

There being no further business the President declares the meeting closed.

The next Ordinary Meeting of Council will be held on Wednesday 18 November 2026 at 4:00pm.