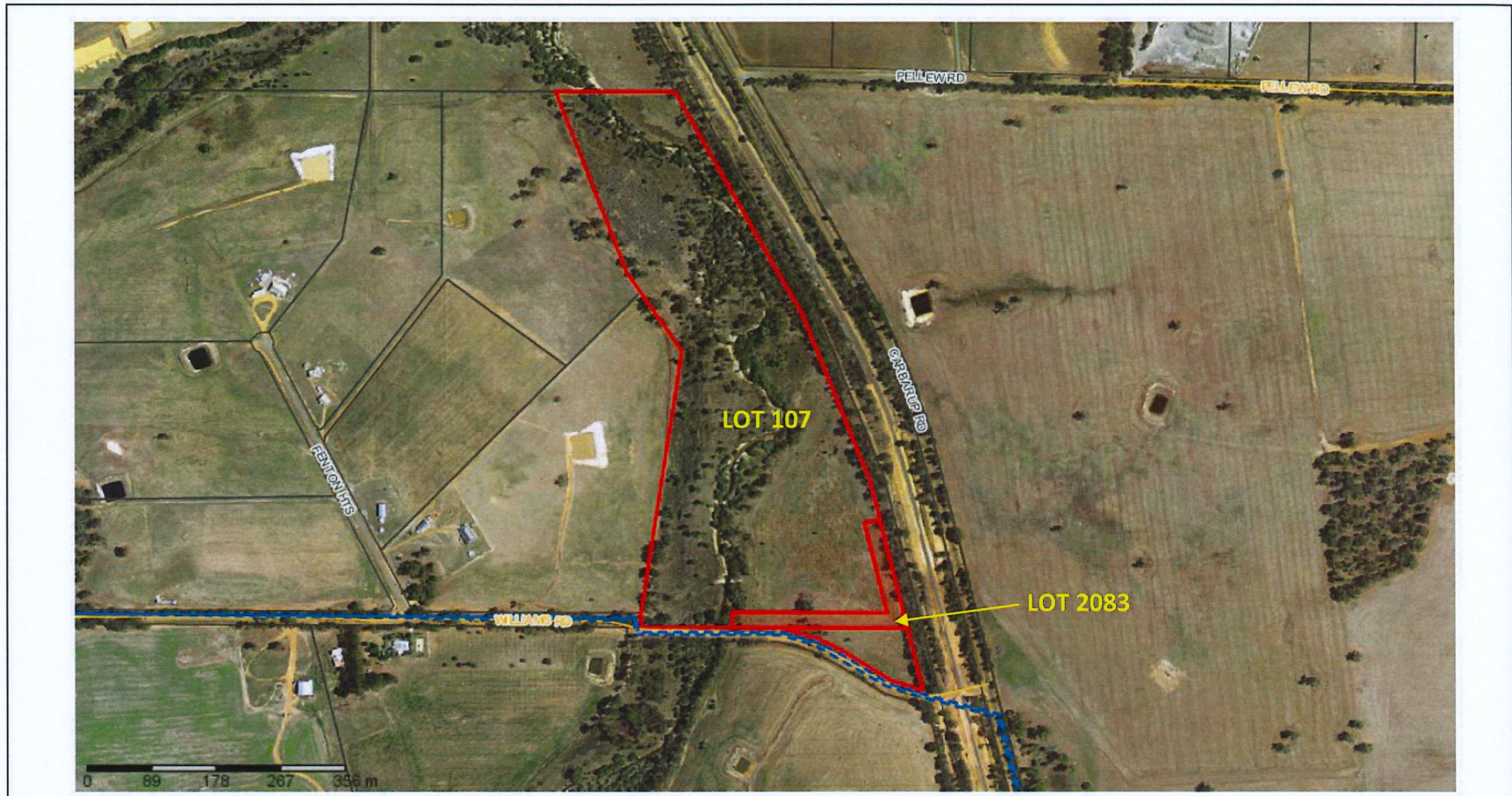


LOT 2083 WILLIAMS ROAD KENDENUP –  
PROPOSED SALE

Plan showing Lots 2083 and 107 Williams Road  
Kendenup

Meeting Date: 19 May 2020

Number of Pages : 2



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22/01/2020

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**LOTS 2083 AND 107 WILLIAMS ROAD KENDENUP**

Council

POLICY REVIEW – A/L/1 – LEGISLATIVE  
COMPLIANCE

Policy with Amendments

Meeting Date: 19 May 2020

Number of Pages : 4

**LEGISLATIVE COMPLIANCE**

<b>DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
Corporate Services	Administration	Legislative Compliance

**‘OBJECTIVE**

To ensure that the Shire of Plantagenet complies with legislative requirements.

**1. BACKGROUND**

- 1.1. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.
- 1.2. The Shire of Plantagenet has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met.
- 1.3. Regulation 14 of the Local Government (Audit) Regulations 1996 requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit is structured by the Department of Local Government, **Sport and Cultural Industries and Communities** and relates to key provisions of the Local Government Act 1995.
- 1.4. Regulation 17 of the Local Government (Audit) Regulations 1996 also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

**2. POLICY STATEMENT**

- 2.1 The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Council.
- 2.2 These processes and structures will aim to:-
  - a) Develop and maintain a system for identifying the legislation that applies to the Shire’s activities.
  - b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented.
  - c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
  - d) Provide people with the resources to identify and remain up-to-date with new legislation.
  - e) Establish a mechanism for reporting non-compliance.
  - f) Review accidents, incidents and other situations where there may have been non-compliance.

- g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

## 2.3 Roles and Responsibilities

### 2.3.1 Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

### 2.3.2 Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

### 2.3.3 Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

### 2.3.4 Implementation of Legislation

The Council will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

## 3. LEGISLATIVE COMPLIANCE PROCEDURES

### 3.1 Identifying Current Legislation

The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au). Direct access to this site is provided from the Council's networked computers.

### 3.2 Identifying New or Amended Legislation

#### ~~3.2.1 Western Australian Government Gazette~~

~~The Council receives hard copies of the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia. Copies of Government Gazettes are distributed to Senior Staff and other designated staff. It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.~~

#### 3.2.12 Department of Local Government, Sport and Cultural Industries

The Council receives regular circulars from the Department of Local Government, Sport and Cultural Industries on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the CEO and relevant Council officers for implementation.

#### 3.2.23 Department of Planning

The Council receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the relevant Council officers for implementation.

3.2.34 Western Australian Local Government Association (WALGA)

The Council receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

3.3 Obtaining advice on Legislative Provisions

The Council will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, WALGA or the relevant initiating government department for advice.

3.4 Informing Council of Legislative Change

3.4.1 If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

3.4.2 The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

3.5 Review of Incidents and Complaints of Non-compliance

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

3.6 Reporting of Non-compliance

3.6.1 All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and then report the matter to the relevant Manager.

3.6.2 The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.'

**ADOPTED: 1 APRIL 2014**

**LAST REVIEWED: 24 APRIL 2018**

Council

MOUNT BARKER REGIONAL SALEYARDS –  
PROPERTY LOCAL LAW DETERMINATION

Regional Price Preference Policy – Summary of  
Submission

Meeting Date: 19 May 2020

Number of Pages : 4



## REGIONAL PRICE PREFERENCE POLICY SUMMARY OF SUBMISSIONS

Submission No.	Submitter	Submission	Recommendation
1.	Local transporter and buyer of small cattle numbers	<ol style="list-style-type: none"> <li data-bbox="611 402 1350 528">1. As Corona virus restrictions are being eased by our government, it seems unnecessary to pass this determination as we have been following the necessary guidelines up to this point.</li> <li data-bbox="611 564 1350 724">2. This determination will need to be rescinded in the near future and it appears to be a waste of time to push ahead with it, assuming there is a guarantee that access will return to normal once the government approves lessening of restrictions.</li> <li data-bbox="611 761 1350 855">3. Lack of access is an impediment of trade as buyers are not able to sight the animals they are interested in buying.</li> </ol>	<p data-bbox="1368 402 2004 528">At this stage restrictions are easing. The determination could be lifted at any time, however, the preference is to do that in line with the national approach, following advice from ALMA and ALPA.</p> <p data-bbox="1368 564 1525 595">See 1. above.</p> <p data-bbox="1368 761 2004 991">The larger buyers who have been operating out of the saleyards during the Covid-19 restricted period do and have always had access to view the cattle prior to purchasing. Buyers of relatively small numbers of cattle are being asked to deal through an agent to buy on their behalf. Agents could send a photo or video of cattle prior to purchase.</p> <p data-bbox="1368 1027 2004 1257">The fact is that there was a requirement to reduce numbers of people attending sales to be able to implement social distancing. This has disadvantaged some people. The possible alternative was that the major buyers and also agents could have refused to attend sales, which would put the continuation of sales at risk.</p>



		<p>4. There is no clarification as to what is a genuine buyer, surely if a farmer is interested in buying one cow then he is a genuine buyer that should be able to be registered. Only allowing access to those that are buying large numbers is penalizing small buyers whose purchases are just as important to their livelihoods as those who are buying large numbers.</p> <p>5. Sellers are penalised by not being able to participate in sales and may then need to put unrealistic reserves on their cattle as they have no access to see how the sale is progressing.</p> <p>6. It the Council continues with this determination they should be obliged to waive yards fees as farmers are unable to attend and will find it difficult to place a realistic reserve on their stock.</p> <p>7. In no way am I inferring this. But it may be seen by others that some saleyards employees are also farmers and there could be a conflict of interest as employees would have direct access to an agent during a sale if stock was selling at reduced prices.</p>	<p>A genuine buyer is nominated by the agents and those nominations are put on a 'buyers list' and given to all that monitor the entry/access to saleyards. Further, buyers become 'registered' when they are nominated to saleyards staff.</p> <p>Saleyards staff and agents have worked co-operatively to implement a solution which would have been problematic and expensive to implement without the assistance of agents.</p> <p>The vast majority of sellers do not attend the sale. They employ the agents to market the cattle to get the best possible price on the day. Most of those attending are locals, but their attendance or otherwise should not materially influence the sale outcome.</p> <p>The fees relate to the livestock being sold. The ability to attend the sale should have no bearing if the seller has decided to sell on that basis. Those that are sending stock to the yards are still going through all the necessary selling processes, and should be charged accordingly.</p> <p>Noted. There has only been one occasion of saleyards staff purchasing cattle out of the sale since the Covid-19 restriction, the person involved did so at an agreed max price limit through an agent operating out of the saleyards. Shire staff as well as agents are in a privileged position to observe parts of the progress of cattle sales. The Shire's Code of Conduct requires employees to ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.</p>
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		<p>8. Agents and their employees are scrutinising visitors to the Saleyards, not Saleyards staff therefore how are they to decide if who is a genuine buyer if the buyer is not associated with this agent.</p> <p>9. Lastly, I would like to point out that sellers, buyers and the general public have always been granted to the Saleyards as it is a public entity paid for by the taxpayers and ratepayers of the region it should stay that way.</p>	<p>It is noted and agreed that this situation is not ideal. See 4 above.</p> <p>The saleyards facility has been funded by Shire of Plantagenet ratepayers in the past. With the payout of loans by the State Government from the sale of the Midland saleyards, the facility has been operating on a self sustaining basis from industry based fees, with no impact on ratepayers. Although it is a local government owned facility, there is no guarantee that entry can be granted in extenuating circumstances.</p>
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