



Shire of Pingelly

Minutes

Ordinary Council Meeting
21 April 2021

TABLE OF CONTENTS

| | | |
|------|--|----|
| 1. | DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS | 3 |
| 2. | ACKNOWLEDGEMENT OF COUNTRY | 3 |
| 3. | ANNOUNCEMENTS BY THE PRESIDING MEMBER | 3 |
| 3.1 | Council Agenda Reports..... | 3 |
| 4. | RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE | 3 |
| 5. | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 3 |
| 6. | PUBLIC QUESTION TIME | 3 |
| 7. | APPLICATIONS FOR LEAVE OF ABSENCE | 3 |
| 8. | DISCLOSURES OF INTEREST | 3 |
| 9. | CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS..... | 3 |
| 9.1 | Ordinary Meeting | 3 |
| 9.2 | Special Council Meeting | 4 |
| 10. | PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS | 5 |
| 11. | REPORTS OF COMMITTEES OF COUNCIL..... | 5 |
| 12. | REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES..... | 5 |
| 13. | REPORTS FROM COUNCILLORS | 6 |
| 14 | OFFICE OF THE CHIEF EXECUTIVE..... | 7 |
| 14.1 | Annual Electors Meeting – Motion for Council Consideration..... | 7 |
| 14.2 | Review of Strategic Community Plan..... | 9 |
| 14.3 | Town Hall Concept Plan | 12 |
| 14.4 | Chief Executive Officer – Job Description | 15 |
| 14.5 | Code of Conduct for Council Members, Committee Members and Candidates..... | 17 |
| 14.6 | Policy Amendment – Senior Staff Designation and Appointment of Acting Chief Executive Officer | 20 |
| 15. | DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES..... | 23 |
| 15.1 | Monthly Statement of Financial Activity – March 2021 | 23 |
| 15.2 | Accounts Paid by Authority – March 2021 | 26 |
| 15.3 | Pingelly Swimming Pool – Contract for Management Services | 28 |
| 16. | DIRECTORATE OF TECHNICAL SERVICES | 29 |
| 17. | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 30 |
| 18. | NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING | 30 |
| 19. | CLOSURE OF MEETING | 30 |

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 2.02 pm.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past, present and emerging.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

3.1 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Cr W Mulroney (President)
Cr J McBurney (Deputy President)
Cr B Hotham
Cr P Narducci
Cr D Freebairn
Cr A Oliveri
Cr P Wood

STAFF IN ATTENDANCE

Mr D Watkins Acting Chief Executive Officer
Mrs D Sweeney Executive Manager Corporate Services
Mrs V Ward Executive Assistant

VISITORS

Ms Morgan Rapana Member of staff

APOLOGIES

Cr K Camilleri
Ms J Burton Chief Executive Officer

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. DISCLOSURES OF INTEREST

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Meeting

Statutory Environment

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements

Simple Majority

12985 Moved: Cr McBurney

Seconded: Cr Hotham

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 17 March 2021 be confirmed.

CARRIED 7:0

9.2 Special Council Meeting

Recruitment Consultant for CEO position

Statutory Environment

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements

Simple Majority

12986 Moved: Cr Narducci

Seconded: Cr Oliveri

Recommendation and Council Decision:

That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 31 March 2021 be confirmed.

CARRIED 7:0

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

11. REPORTS OF COMMITTEES OF COUNCIL

- Audit Committee Full Council
- Pingelly Recreation & Cultural Committee Member – Shire President
Deputy – Deputy President
- Bushfire Advisory Committee Member – Cr Freebairn
Deputy – Cr Hotham
- Chief Executive Officer Performance Review Committee Member – Shire President
Member – Deputy President
Member – Cr Camilleri

12. REPORTS OF COUNCIL DELEGATES ON EXTERNAL COMMITTEES

- Central Country Zone of WALGA Delegate – Shire President
Delegate – Deputy President
Deputy – Cr Wood
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President
Deputy – Cr Oliveri
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Wood

Deputy – Cr McBurney
Deputy – Cr Hotham
- Pingelly Tourism Group Delegate – Cr Hotham
Deputy – Cr Oliveri
- Regional Waste Group Delegate – Cr Mulroney
Deputy – Cr Wood
- Shires of Pingelly and Wandering Joint Local Emergency Management Committee Delegate – Shire President
Deputy – Cr Freebairn
- Pingelly Youth Network Delegate – Cr Camilleri
Deputy – Cr McBurney
- Pingelly Somerset Alliance Delegate – Shire President
Deputy – Cr McBurney
- Pingelly Early Years Network Delegate – Cr Camilleri

13. REPORTS FROM COUNCILLORS

Cr William Mulronev (President)

Meetings attended

MARCH

18TH Town Hall Reference Group- Discussion of staging project over a period of time.

20th Astrofest PRAAC- Opening and interaction with the Community

22nd Fire Mitigation Planning for Pingelly Shire with CESM and Fire Brigade Reps

24th Shire of Pingelly Annual Electors Meeting

31st Special Council Meeting—Recruitment of CEO

APRIL

1st Blessing of the Roads

9th CCZ Teleconference - Recruitment of Executive Officer for the CCZ

10th Pingelly Studio Gallery Opening.

12th Workshop with Consultant for Recruitment of CEO

14th President, Deputy President and CEO-Agenda Briefing

14th President and Constituent meeting re concerns of Community.

14th PRACC April monthly meeting

17th WAFL Game

21st April Ordinary Council Meeting.

Financial Implications

Nil

Strategic Implications

| | |
|----------------|--|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.2 | The Shire’s community feels community involvement and engagement is working well. |
| Strategy 5.2.1 | The community is provided with opportunities to engage on strategic, corporate, asset and financial plans, and other major plans and issues. |

Risk Implications

| | |
|---|---|
| Risk | The key risk is in relation to the ability of Council to influence the decision of the PRACC Board to the satisfaction of the community, and the subsequent community acceptance of the ultimate decision of the Board. |
| Risk Rating (Prior to Treatment or Control) | Medium (9) |
| Principal Risk Theme | Reputational |
| Risk Action Plan (Controls or Treatment Proposed) | Councils role is to communicate the concerns from the electors meeting to the PRACC Board for their consideration. Following this, no further risk mitigation actions are proposed. |

| Consequence Likelihood | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
|------------------------|---|--------------------|------------|---------------|--------------|-------------------|
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Simple Majority

12987 Moved: Cr McBurney

Seconded: Cr Oliveri

Recommendation and Council Decision:

That Council request the PRACC Board investigate options for displaying the historical Honour Boards in the PRACC Building, to the satisfaction of the community.

CARRIED 7:0

Reasoning for decision as per s5.33 (2) LGA 1995 was that Council determined it was important to convey the message from the ratepayers to the board of the PRACC

14.2 Review of Strategic Community Plan

| | |
|--------------------------------|---|
| File Reference: | ADM0310 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Strategic Community Plan 2020-2030 (revised) |
| Previous Reference: | Nil |

Summary

Council is requested to endorse changes resulting from the minor review of the Strategic Community Plan 2020 – 2030.

Background

All local governments are required to plan for the future of their district under Section 5.56 (1) of the Local Government Act 1995 (the Act). Regulations under Section 5.56 (2) of the Act outline the minimum requirements to achieve this. The minimum requirement is the development of a Strategic Community Plan (SCP) and a Corporate Business Plan.

The Integrated Planning and Reporting Framework (IPRF) incorporates a suite of strategic plans that ensure local governments plan responsibly and sustainably for their community. These plans detail resourcing capabilities for operational services and major projects, maintenance of community assets and predicted long term financial expectations.

The Strategic Community Plan is the strategy and planning document that reflects the longer term (10+ year) community and local government goals and aspirations. The local government is responsible for the developing and reviewing of the Plan, however, its implementation is a shared responsibility with other partners such as state agencies and the community.

To ensure the Strategic Community Plan remains responsive to the changing community, it undergoes a minor review two years after the four-year major review. A major review involves engaging the Community on their aspirations and priorities for the future, followed by an in depth review and analysis of the engagement results. The minor review is generally a desktop review, using information gathered since the last major review to ensure the document still aligns with Community aspirations.

In 2020/21 the Shire of Pingelly is due to conduct the minor review.

Comment

The review, undertaken at a Council and Executive workshop in February 2021, recognised the need to:

- Increase the focus on youth engagement and retention, which was not clearly articulated previously.
- Note the concern around the supply of water, for future development, agricultural and community infrastructure purposes.

Other changes, as discussed during the Strategic Planning Workshop, include:

- Delete 1.1.1, 2.1.3, 2.3.4, and 3.5.1
- Add 2.5.3 Youth development and engagement
- Add 5.7 Governance framework (and associated strategies)
- Revise 2.3.2 to “Act to reduce the risk and impact of disaster and be prepared in terms of emergency response and disaster recovery”
- Revise 3.4.2 to delete the words “according to the direction....strategy”
- Revise 5.3.1 to delete third and fourth bullet points
- Shift 5.1 (and the associated strategy 5.1.1) to Goal 2

All of the above changes are tracked in the attached Strategic Community Plan 2020-2030.

Following adoption by Council, the proposed changes to the SCP will be filtered into the review and amendment of the Shire’s Corporate Business Plan (CBP), which is to be presented to Council in July 2021. The changes will also flow through to the applicable informing plans and reporting documents, including the CBP progress report and annual report.

The changes proposed are minimal, predominantly due to the identification of duplication, or strategies which were not considered applicable for the next 10 years. The DLGSC guidelines state ‘assuming there are no major changes proposed, community engagement is discretionary’. As the Shire had significant community input during 2019, for the major review, and no major changes were made during this minor review process, the need to engage was limited to internal (Executive and Council).

Major Review

Following the completion of the SCP minor review, a major review is required to be completed two years later. The significant difference between a major and a minor review is that to satisfy the advisory standards set out in the DLGSC’s IPR Framework and Guidelines, significant community engagement is required inform the major review. At a minimum, community engagement needs to involve at least 500 people or 10% of community members, whichever is the fewer, and needs to be conducted by at least 2 documented mechanisms. The following process is proposed for the major review:

| Timeframe | Planned Activity |
|------------------------|---|
| May 2021 | Community Survey |
| August/ September 2022 | Workshops with Council and Reference Group |
| October 2022 | Analysis of feedback |
| November 2022 | Draft document prepared |
| December 2022 | Workshop draft document with Council |
| February 2023 | Draft SCP released to community for comment. |
| March 2023 | Final Strategic Community Plan presented to Council for adoption. |

Consultation

As this project is for the minor review of the SCP, community consultation was not undertaken. A workshop was held with Councillors and Executive Staff in February 2021 to ensure the Plan is still aligned with community aspirations.

Statutory Environment

Section 5.56(1) of the Local Government Act 1995
 Local Government Administration Regulations 1996 Reg 19C

Policy Implications

Nil

Financial Implications

There are no specific financial implications from the adoption of this Plan, although many of the priorities will require an injection of both financial and workforce resources.

Strategic Implications

| | |
|----------------|--|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.8 | A strong corporate governance framework is maintained |
| Strategy 5.8.1 | Maintain strategic and corporate planning documents as outlined in the Integrated Planning and Reporting Framework |
| Action 5.8.1.1 | Review the Strategic Community Plan |

Risk Implications

| | |
|------|--|
| Risk | Negative public perception may result from the review of the SCP as the public may not |
|------|--|

| | |
|---|---|
| | <p>understand the process for a minor review and expect to be further engaged.</p> <p>The potential that the Shire will not be able to meet the requirement of completing a minor review by July 2021. Linked to this SCP review is the development of the 2021 Corporate Business Plan (CBP) by July 2021. Delays in endorsing the SCP may result in an inability to complete the CBP.</p> |
| Risk Rating (Prior to Treatment or Control) | Medium (6) |
| Principal Risk Theme | Reputational / Compliance |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

| Consequence Likelihood | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
|------------------------|---|--------------------|------------|---------------|--------------|-------------------|
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Absolute Majority

12988 Moved: Cr Narducci

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council endorses the changes proposed to the Shire of Pingelly Strategic Community Plan 2020 – 2030, resulting from the minor review conducted in accordance with Section 5.56(1) of the Local Government Act.

CARRIED 7:0

14.3 Town Hall Concept Plan

| | |
|--------------------------------|---|
| File Reference: | ADM0618 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Town Hall Concept Design Report Draft Town Hall Concept Plan (Stage 1) |
| Previous Reference: | Nil |

Summary

Council is requested to approve the Town Hall Concept Plan (Stage 1) being released for public comment, as well as an initial schedule of priority works to be carried out under the Local Roads and Community Infrastructure Funding.

Background

The Concept Plan for the Pingelly Town Hall has been developed in collaboration with the Town Hall Reference Group (THRG) during February and March 2021. The THRG membership includes representation from the Tourism Group, Museum Group, Craft Group, Council and community. Architects from the Office of Regional Architecture assisted the THRG to develop a concept plan that reflect the community aspirations outlined throughout the extensive consultation undertaken in 2021. The draft concept plan, as attached, is an overarching spatial allocation of the Hall, and provides for a long term staged redevelopment of the facility.

The project is considered an important aspect of growing Pingelly's attraction as a tourist destination. A lack of easily accessible information and amenities are a tourism inhibitor, and this directly impacts the capacity to grow the tourism industry.

Comment

Stage 1 proposes the creation of a visitors area, which will be the go-to place for tourists and visitors to the town in order to help them make the most of their stay. This stage involves opening the front section of the Hall by combining the current kitchen area and foyer, to create a large usable open space.

Items specifically included in Stage 1 include:

- Removal of the non-structural wall between the entry hall and the kitchen to create an open plan visitor space.
- Remove and replace flooring in the new visitor space.
- Install fitout to new visitor space, including display shelving.
- Improve access to the Hall entry.
- Air-conditioning within the new visitor space.
- Removal of kitchen equipment and fitout within current kitchen space.
- Install doors to toilet main entry points (from foyer)

The initial focus is on Stage 1, as it is an achievable outcome over the short to medium term. It is anticipated that the ultimate concept plan will only be enacted once Stage 1 is functioning to its full capacity, and there is a further need to expand the spaces within the existing Hall. At this time, further community consultation should occur. The works within Stage 1 are the subject of a current Building Better Regions Fund application.

Funding under the Local Roads and Community Infrastructure Program (Phase 2) has also been allocated to improvements to the Town Hall. The proposed schedule of works to be carried out from the LRCI funding available (\$25,000) includes:

| Item | Estimated Cost |
|---|----------------|
| Sand and oil Town Hall main floor area | \$7,750 |
| Install doors at entry to toilets (from foyer) | \$750 |
| Replace doors between foyer and main hall with glass door/s | \$3,000 |
| Install air conditioner to back kitchen to allow museum items to be stored in that room | \$3,000 |
| Install barrier gates on stairs leading to stage to restrict access from main hall area. | \$3,000 |
| Replace window blinds x 2 (front kitchen) | \$500 |
| Repair main entry door to Hall. Install new glass door. | \$3,000 |
| Where the \$4,000 is not required as a contingency for the above items, it is proposed to utilise the funds for the visitor information space. noting that the total cost of cabinetry will be substantially higher than \$4,000. Initially, removal of existing cupboards could occur. | \$4,000 |

These works have been chosen to align with the works identified in Stage 1 of the project and have been confirmed as the THRG priorities.

In addition, \$25,000 has been received from the Western Australian State Government for this project. The specific components to be funded under this allocation are proposed to be decided after the outcome of the Building Better Regions Funding application is known, and when the State Government provides its conditions for the \$25,000 allocation.

Consultation

The Town Hall Concept Plan has been developed in conjunction with the Town Hall Reference Group, led by the Office of Regional Architecture. It is proposed to provide the community with a comment period of a minimum of two weeks in relation to Stage 1 of the project.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are no specific financial implications from the endorsement of this concept, although many of the priorities will require an injection of both financial and workforce resources. It is anticipated that the significant portion of this will be funded from grants over time.

Strategic Implications

| | |
|----------------|--|
| Goal 1 | Economy |
| Outcome 1.3 | The right resources and infrastructure are in place to support business development, including an increase in visitors and visitor spend in the Shire. |
| Strategy 1.3.1 | Support local tourism infrastructure development. |

Risk Implications

| | |
|---|---|
| Risk | The key risk is a lack of acceptance of the town hall direction by the community. This is anticipated to be unlikely, as the community was involved in setting the direction, and the concept aligns with this set direction. |
| Risk Rating (Prior to Treatment or Control) | Medium (9) |
| Principal Risk Theme | Reputational |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

| Consequence Likelihood | | Insignificant | Minor | Moderate | Major | Catastrophic |
|---------------------------|---|---------------|------------|------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Simple Majority

12989 Moved: Cr Hotham

Seconded: Cr Oliveri

Recommendation and Council Decision:

That Council:

1. Endorses the Town Hall Concept Plan (Stage 1), as attached, for public consultation.
2. Notes the schedule of works to be carried out under the Local Roads and Community Infrastructure Funding.

CARRIED 7:0

14.4 Chief Executive Officer – Job Description

| | |
|--------------------------------|--------------------------------------|
| File Reference: | ADM0672 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Draft CEO Application Package |
| Previous Reference: | Nil |

Summary

Council is requested to endorse the application package for the Chief Executive Officer (CEO), in order to inform the recruitment process.

Background

The government has enacted new legislation requiring all local governments to adopt mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The Model CEO Standards provide a framework for local governments to select a CEO, review their performance and terminate their contract of employment early, in accordance with the principles of merit, probity, fairness, equity and transparency.

Comment

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- Local Government (Administration) Amendment Regulations 2021;
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021; and
- Local Government (Model Code of Conduct) Regulations 2021.

Key features of the regulations relating to recruitment, selection, performance review and early termination of local government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- Approve, by absolute majority, the CEO job description form.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

The draft application package including job description has been included in the attachments for Council perusal and endorsement.

Consultation

Lydia Highfield – Human Resource Consultant

Statutory Environment

Local Government (Administration) Regulations 1996 Clause 5(2).

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

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

Policy Implications

Nil

Financial Implications

There will be financial implications with the selection and recruitment of a new CEO in accordance with the previous Council decision to appoint a consultant to undertake the recruitment process.

Strategic Implications

| | |
|-------------|---|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.8 | A strong corporate governance framework is maintained |

Risk Implications

| | |
|---|---|
| Risk | The key risk in relation to the recommendation is the adherence to governance requirements, and to ensure the job description adequately covers the requirements of the role. |
| Risk Rating (Prior to Treatment or Control) | Medium (6) |
| Principal Risk Theme | Reputational / Compliance |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

| Consequence Likelihood | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
|------------------------|---|--------------------|------------|---------------|--------------|-------------------|
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Absolute Majority

12990 Moved: Cr Narducci

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council, with respect to the new mandatory minimum standards that cover the recruitment and selection of local government Chief Executive Officers:

- 1. Pursuant to Schedule 2 clause 5(2) of the Local Government (Administration) Regulations Act 1996, approve the attached Application Package, inclusive of the Job Description, for the recruitment of a Chief Executive Officer.**
- 2. Appoint the full Council to the Selection Panel for the new Chief Executive Officer.**
- 3. Appoint Alan Hodges as the independent person to the Selection Panel for the new Chief Executive Officer.**

CARRIED 7:0

14.5 Code of Conduct for Council Members, Committee Members and Candidates

| | |
|--------------------------------|--|
| File Reference: | ADM0085 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | 1. Existing Code of Conduct for Councillors 2. Draft 2021 Code of Conduct for Councillors, Committee Members and Candidates 3. Model Code of Conduct Guidelines |
| Previous Reference: | Nil |

Summary

The Government has enacted new legislation requiring all local governments to adopt a new Code of Conduct for Council Members, Committee Members and Candidates for a local government election. Council is requested to endorse the draft Code of Conduct.

Background

The following regulations took effect on 3 February 2021, implementing the remaining parts of the *Local Government Legislation Amendment Act 2019*:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*.

The *Local Government (Model Code of Conduct) Regulations 2021* (MCCR) repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007*, and there are associated amendments to s.5.103 of the *Local Government Act 1995*. The effect is that the former Code of Conduct for Council Members, Committee Members and Employees is now replaced with statutory requirements for separate Codes of Conduct for Council Members, Committee Members and Candidates; and for Employees.

The Model Code of Conduct for Council Members, Committee Members and Candidates is contained in Schedule 1 of the MCCR. In addition to redrafted versions of the previous Rules of Conduct (Schedule 1, Division 4), the Model Code includes general principles (Schedule 1, Division 2) and behaviours (Schedule 1, Division 3). The Model Code requires that complaints about alleged breaches of behavioural requirements under Division 3 must be dealt with at a local level by the Local Government.

Local Governments are required to adopt a Code of Conduct that incorporates the Model Code within three months of 3 February 2021, in accordance with s.5.104 of the *Local Government Act 1995*. The responsibility for approving a new Employee Code of Conduct is now a function of the CEO.

Each Local Government will also need to adopt a procedure, in due course, detailing how it will manage Code of Conduct Behaviour Complaints. It is recommended that this is adopted as a Council Policy linked to the adopted Code of Conduct for Council Members, Committee Members and Candidates. Adoption as a Policy ensures the process is publicly transparent and accountable; and periodically reviewed and re-endorsed by the Council.

Comment

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, which is an attachment to this item. There are a number of important points to consider:

- The Code of Conduct adopted by a Local Government must include the Model Code [s.5.104(1)].

- The adopted Code of Conduct may include additional behavioural requirements that are not inconsistent with the Model Code [s.5.104(3) and (4)].

A Council Member induction after adoption may be appropriate to ensure Council Members fully understand the implications and proposed complaints management approach. This may provide an opportunity for consultation with Council Members to consider additional provisions that may be incorporated in the Code of Conduct in future (provided the proposed provisions are not inconsistent with the Model Code).

The industry approach is generally to adopt the Model Code of Conduct in the first instance, with the view to modifying it in the future as required.

Consultation

Department of Local Government Sport and Cultural Industries
Western Australian Local Government Association

Statutory Environment

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

- Local Government Act 1995
- Local Government (Administration) Amendment Regulations 2021
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

| | |
|-------------|---|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.8 | A strong corporate governance framework is maintained |

Risk Implications

| | |
|---|--|
| Risk | The key risk is a lack of compliance with legislation if the Council chooses not to adopt a Code of Conduct. |
| Risk Rating (Prior to Treatment or Control) | Medium (6) |
| Principal Risk Theme | Reputational / Compliance |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

| Consequence Likelihood | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
|------------------------|---|--------------------|------------|---------------|--------------|-------------------|
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Absolute Majority

12991 Moved: Cr Hotham

Seconded: Cr Wood

Recommendation and Council Decision:

That Council:

- 1. Repeal the existing Code of Conduct for Council Members, as attached.**
- 2. Adopt the new Code of Conduct for Council Members, Committee Members and Candidates, as attached.**

CARRIED 6:1

Cr Freebairn requested that it be recorded his vote against the motion

14.6 Policy Amendment – Senior Staff Designation and Appointment of Acting Chief Executive Officer

| | |
|--------------------------------|--------------------------------|
| File Reference: | ADM0487 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Policy 10.3 as amended |
| Previous Reference: | Nil |

Summary

Council is requested to endorse minor changes to the Senior Staff Designation and Appointment of Acting Chief Executive Officer Policy, following new legislative requirements.

Background

The government has enacted new legislation requiring all local governments to adopt a policy that covers the process to be followed by the local government in relation to the following:

- a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

The changes in legislation were pre-empted in 2019, when Council adopted the Senior Staff and Appointment of Acting Chief Executive Officer Policy. This Policy, and the associated delegation, allows the Chief Executive Officer to determine acting arrangements for the filling of the CEO position by existing Senior Staff, for periods up to 20 working days. Any appointments for a period of longer than 20 working days are to be referred to Council for decision.

The current Policy includes the appointment of an existing employee to the role, however, does not cover the *employment* of a temporary Chief Executive Officer.

Comment

Local governments are required to adopt such a policy within a reasonable, but expeditious period of time. WALGA has advised that it is developing a model policy, however, as Council has had an accepted process for almost two (2) years, the Chief Executive Officer is of the opinion that a minor modification to the current process would suffice, from an immediate compliance perspective.

In its guidance on the subject, the Department of Local Government, Sport and Cultural Industries (DLGSC) notes: "Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.

The recommended solution to bring the Council's existing Policy into compliance with the new requirement is to amend the Policy by inserting the following:

- Employment of a person in the position of temporary Chief Executive Officer for a term not exceeding 1 year will be determined by Council resolution.

This change is reflected in the amended policy, attached.

Consultation

Department of Local Government Sport and Cultural Industries
Western Australian Local Government Association

Statutory Environment

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

- Local Government Act 1995, Section 5.39C and 5.36 (2); and
- Local Government (Administration) Amendment Regulations 2021.

Section 5.39C states: “5.39C. Policy for temporary employment or appointment of CEO

- 1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
 - (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

* Absolute majority required.
- 2) A local government may amend* the policy.
* Absolute majority required.
- 3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- 4) The CEO must publish an up-to-date version of the policy on the local government’s official website”.

No regulations have been provided to give guidance on this matter at the current time.

Policy Implications

Policy 10.3 Senior Staff Designation and Appointment of Acting Chief Executive Officer describes the current Council Policy on this matter.

Financial Implications

Nil

Strategic Implications

| | |
|----------------|---|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.8 | A strong corporate governance framework is maintained |
| Strategy 5.8.2 | Ensure compliance with legislative requirements and excellence in business performance. |

Risk Implications

| | |
|---|---|
| Risk | The key risk is a lack of compliance with legislation if the Council chooses not to amend the Policy. |
| Risk Rating (Prior to Treatment or Control) | Medium (6) |
| Principal Risk Theme | Reputational / Compliance |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

| Consequence Likelihood | | Insignificant | Minor | Moderate | Major | Catastrophic |
|------------------------|---|---------------|------------|------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Absolute Majority

12992 Moved: Cr Narducci

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council approve the amendments to Policy 10.3 Senior Staff Designation and Appointment of Acting Chief Executive Officer, as attached.

CARRIED 7:0

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

15.1 Monthly Statement of Financial Activity – March 2021

| | |
|--------------------------------|--|
| File Reference: | ADM0075 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Executive Manager Corporate Services |
| Disclosure of Interest: | Nil |
| Attachments: | Monthly Statements of Financial Activity for the period 1 March 2021 to 31 March 2021 |
| Previous Reference: | Nil |

Summary

In Accordance with the *Local Government Act 1995* Section 5.25 (1) and *Local Government (Financial Management) Regulations 1996*, Monthly Financial Statements are required to be presented to Council, in order to ensure that income and expenditure is in keeping with budget forecasts.

The Monthly Statements of Financial Activity for the month of March 2021 are attached for Council consideration and adoption. This report now incorporates new Australian Accounting Standards Board (AASB) requirements effective from 1 July 2019. AASB 15 Revenue from Contracts with Customers (IFRS 15), AASB 1058 Income for Not-for Profit Entities, AASB 16 Lease replaces AASB 117 (IFRS 16).

Background

In order to prepare the monthly statements, the following reconciliations have been completed and verified:

- Reconciliation of assets, payroll and taxation services;
- Reconciliation of all shire's bank accounts, including term deposits;
- Reconciliation of Rates, including outstanding debtors;
- Reconciliation of Sundry Creditors and Debtors.

Comment

The Monthly Financial report has been prepared in accordance with statutory requirements and provides council with their financial position as at 31 March 2021.

Consultation

Nil

Statutory Environment

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996

Section 34: Financial Reports to be Prepared

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of the month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) The net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing -

- (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
- (c) Such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

- (a) According to nature and type classification;
- (b) By program; or
- (c) By business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), is to be -

- (a) Presented to the council -
 - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
- (b) Recorded in the minutes of the meeting at which it is presented.

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

Policy Implications

There are no policy implications.

Financial Implications

There are no significant trends or issues to be reported. The report and officer recommendation is consistent with Council's adopted Budget 2020/21.

Strategic Implications

| | |
|----------------|---|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.6 | Financial systems are effectively managed |
| Strategy 5.6.1 | Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning requirements |

Risk Implications

| Risk | | Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit. | | | | |
|---|---|--|------------|---------------|--------------|-------------------|
| Risk Rating (Prior to Treatment or Control) | | Low (2) | | | | |
| Principal Risk Theme | | Reputational / Legislative | | | | |
| Risk Action Plan (Controls or Treatment Proposed) | | Nil | | | | |
| Consequence Likelihood | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Simple Majority

12993 Moved: Cr Oliveri

Seconded: Cr Hotham

Recommendation and Council Decision:

That with respect to the Monthly Statements of Financial Activity for the month ending 31 March 2021 be accepted and material variances be noted.

CARRIED 7:0

15.2 Accounts Paid by Authority – March 2021

| | |
|--------------------------------|-------------------------|
| File Reference: | ADM0066 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Finance Officer |
| Disclosure of Interest: | Nil |
| Attachments: | List of Accounts |
| Previous Reference: | Nil |

Summary

Council is requested to receive the list of accounts paid by authority for the month of March 2021.

Background

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to the Committee and to Council.

Comment

Unless otherwise identified, all payments have been made in accordance with Council's adopted 2020/21 Budget.

Consultation

Nil

Statutory Environment

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (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;
 - (b) the amount of the payment;
 - (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;
 - (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 sub regulation (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.

Policy Implications

There are no policy implications arising from this amendment.

Financial Implications

There are no known financial implications upon either the Council's current budget or long-term financial plan.

Strategic Implications

| | |
|----------------|---|
| Goal 5 | Innovation Leadership and Governance |
| Outcome 5.6 | Financial systems are effectively managed |
| Strategy 5.6.1 | Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting) and long-term financial planning requirements |

Risk Implications

| | |
|---|---|
| Risk | Failure to present a detailed listing of payments in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit. |
| Risk Rating (Prior to Treatment or Control) | Low (2) |
| Principal Risk Theme | Reputational / Legislative |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

| Consequence Likelihood | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
|------------------------|---|--------------------|------------|---------------|--------------|-------------------|
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

Voting Requirements

Simple Majority

12994 Moved: Cr Oliveri

Seconded: Cr Narducci

Recommendation and Council Decision:

That Council receive the Accounts for Payments for March 2021 as authorised under delegated authority and in accordance with the Local Government (Financial Management) Regulations 1996:

To 31 March 2021:

| | |
|-------------------------|--------------|
| Municipal Account | \$607,837.53 |
| Trust Licensing Account | \$52,651.30 |

CARRIED 7:0

CONFIDENTIAL ITEM

12995 Moved: Cr McBurney

Seconded: Cr Hotham

THAT pursuant to Section 5.23 of the Local Government Act 1995 the item 15.3 with, with the public excluded as the item deals with a matter relating to a contract.

CARRIED 7:0

15.3 Pingelly Swimming Pool – Contract for Management Services

File Reference: ADM0546/ADM0336
Location: Not Applicable
Applicant: Not Applicable
Author: Executive Manager Corporate Services
Disclosure of Interest: Nil
Attachments: Quotation – Contract Aquatics
Previous Reference: Nil

12996 Moved: Cr Oliveri

Seconded: Cr Hotham

Recommendation and Council Decision:

That Council:

- 1. Accepts the quotation detailed in the attachment, received from Contract Aquatic Services for the provision of Swimming Pool Management Services from 1 May 2021 to 30 April 2024;**
- 2. Authorise the Chief Executive Officer to enter into a 3 year Tenancy Agreement commencing 1 July 2021 with Contract Aquatic Services for unit 9B Webb Street.**

CARRIED 7:0

12997 Moved: Cr McBurney

Seconded: Cr Narducci

Recommendation:

That the meeting be re-opened to the public.

CARRIED 7:0

16. DIRECTORATE OF TECHNICAL SERVICES

Nil

17. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

18. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

Nil

19. CLOSURE OF MEETING

The Chairman declared the meeting closed at 2.26pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 19 May 2021.

Signed.....
Presiding Person at the meeting at which the minutes were confirmed.