

MINUTES
APRIL 2020
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**MINUTES
ORDINARY MEETING OF COUNCIL
15 APRIL 2020**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.40pm

2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr JN Germain	Member
Cr BC Bamess	Member
Cr KR Stephens	Member
Cr TD Borgward	Member
Cr RA Jury	Member

Staff

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
GD Mathewson	Works Manager

Members of the Public

Nil

Apologies

Cr AL Smith	Member
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3 DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
Nil
- **Proximity Interest:**
Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE

6 CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 Ordinary Meeting of Council held on Wednesday 18 March, 2020

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 March, 2020 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

OCM1920/135 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr TD Borgward / Cr KV Johnston

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 20 November, 2019 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 7/0
By Simple Majority**

6.2 Local Emergency Management Committee (LEMC) meeting held 25 March, 2020

That the minutes of the Local Emergency Management Committee (LEMC) meeting held 25 March, 2020 be noted.

OCM1920/136 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr RA Jury

That the minutes of the Local Emergency Management Committee (LEMC) meeting held 25 March 2020 be noted.

**CARRIED 7/0
By Simple Majority**

6.3 Local Emergency Management Committee (LEMC) meeting held 31 March, 2020

That the minutes of the Local Emergency Management Committee (LEMC) meeting held 31 March, 2020 be noted.

OCM1920/137 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr KV Johnston

That the minutes of the Local Emergency Management Committee (LEMC) meeting held 31 March 2020 be noted.

**CARRIED 7/0
By Simple Majority**

6.4 Local Emergency Management Committee (LEMC) meeting held 7 April, 2020

That the minutes of the Local Emergency Management Committee (LEMC) meeting held 7 April, 2020 be noted.

OCM1920/138 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr TD Borgward / Cr BC Bames

That the minutes of the Local Emergency Management Committee (LEMC) meeting held 7 April 2020 be noted.

**CARRIED 7/0
By Simple Majority**

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9 OFFICERS REPORTS**9.1.1 MONTHLY FINANCIAL REPORTS TO 31 MARCH 2020**

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> Monthly Financial Reports to 31 March 2020

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

15 April 2020 – Ordinary Meeting of Council

RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 31 March 2020

OCM1920/139 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr RA Jury

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 March, 2020**

**CARRIED 7/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2020

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A
ATTACHMENTS:	Schedule of Accounts as at 31 March 2020

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council endorse the payments from the Municipal Fund and Trust Fund:

Municipal Fund	\$528,690.59
Trust Fund	\$ 1,200.00
Direct Debits	<u>\$144,324.59</u>
TOTAL	\$674,215.18

OCM1920/140 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr KR Stephens / Cr BC Bamess****That Council endorse the payments from the Municipal Fund and Trust Fund:**

Municipal Fund	\$528,690.59
Trust Fund	\$ 1,200.00
Direct Debits	<u>\$144,324.59</u>
TOTAL	\$674,215.18

**CARRIED 7/0
By Simple Majority****9.1.3 STATUS OF COUNCIL DECISIONS – MARCH 2020**

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Council Resolution Register

PURPOSE

To inform Council of the actions taken in relation to Council decisions.

BACKGROUND

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

COMMENT

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

STATUTORY IMPLICATIONS

Local Government Act (1995), Section 5.41

The CEO's functions are to:-

c) Cause Council decisions to be implemented

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Community Strategic Plan 2017-2027**

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Council Resolutions Register for the month of March 2020.

OCM1920/141 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr KV Johnston

That Council receive the Council Resolutions Register for the month of March 2020.

**CARRIED 7/0
By Simple Majority**

9.1.4 DRAFT COVID-19 FINANCIAL HARDSHIP POLICY

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	ADM54.10
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • DRAFT COVID-19 Financial Hardship Policy

PURPOSE

Council to consider the adoption of a Hardship Policy to support the community during the COVID-19 pandemic.

BACKGROUND

Local Governments are being requested by the WA Premier and Minister for Local Government to consider developing a policy to support communities meet the unprecedented challenges arising from the COVID-19 pandemic that may result in financial hardship for businesses and families during this difficult time.

The policy outlines the criteria for applications for financial hardship, which is intended to be flexible in its approach, to consider a range of individual circumstances.

COMMENT

The policy is intended to provide support for the whole community and ensure that we offer this support in a fair, equitable, consistent and dignified manner while treating all members of the community with respect and understanding.

It is a reasonable expectation that those ratepayers with the capacity to pay their rates will continue to do so. The policy is intended to provide rate relief for those ratepayers who are able to provide evidence of financial hardship.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Council does not have a policy in relation to financial hardship.

FINANCIAL IMPLICATIONS

As the majority of rates have already been paid the impact on the shire finances will be minimal.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027:

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Adopt the DRAFT COVID-19 Financial Hardship Policy to support the community during the COVID-19 pandemic.

OCM1920/142 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr BC Bamess / Cr TD Borgward

Council adopt the DRAFT COVID-19 Financial Hardship Policy to support the community during the COVID-19 pandemic.

**CARRIED 6/1
By Simple Majority**

9.1.5 PERMISSION TO COLLECT NATIVE PLANT SEED FROM SHIRE RESERVES – FORMOSA FLORA

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	Formosa Flora
LOCATION:	Shire of Kent Vested Reserves
AUTHOR:	Paul Leoni – NRM Community Support Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	053.1.5
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council to consider an application from Formosa Flora to collect native plant seed from April 2020 to April 2021 (*timeline revised based on phone call on 31 March 2020*) from reserve land vested in/responsible with the Shire of Kent.

BACKGROUND

The following submission was received on 16 January 2020 from Formosa Flora:

"05/11/2019

Re – expression of interest to collect native seed from Shire of Kent – written approval

Dear CEO,

I am writing to request permission for Keith Smith & Sam Stone of Formosa Flora to collect native seed from the Shire of Kent from January 2020 till November 2020. In particular from those areas that are overhanging roadsides, and from reserves for the purposes of obtaining seed for a large biodiverse carbon offset in your shire.

Formosa Flora currently operates from Torbay near Albany, and fulfills seed revegetation requirements for multiple catchment groups and the Gondwana Link projects. Approval to collect from the Kent Shire would enable more complete seed mixes with a greater diversity for this project although the bulk of seed will be obtained from private land. Formosa Flora works closely with Bush Heritage, Greening Australia and Nindethana Seed Service. The particular work will be in the Cowcher Rd, Rabbit Proof Fence area.

All seed is harvested by hand with tools specific to each species and sustainably with mindfulness given to each plants specific reproductive requirements According to legislation we must not jeopardize the survival of a plant or population. We are required to remove no more than 20% of the available seed set for a year from a plant.

Formosa Flora also holds Personal Accident and Public Liability Insurance policies and can happily forward copies of permits, licenses and insurances in due course.

Should you wish to discuss any areas of my request please do not hesitate to contact me on the numbers below

Kind Regards

*Keith Smith
98 451 516
0428 451516"*

COMMENT

This has been a regular annual request from various stakeholders including Parks and Wildlife (DBCAs), Greening Australia or others working on their behalf, such as Formosa Flora in this case. Permission to collect seed will be recommended, but only for seed collecting within Shire vested and/or responsible reserves, since the Shire cannot approved activities for/on non- Shire lands such private properties or other state and national government lands.

In the last few years the Shire has granted permission to Department of Biodiversity and Attractions (DBCAs) and commercial seed collectors.

As per the inserted correspondence from Formosa Flora this collected seed will be contributing towards Woodside's biodiverse carbon offset revegetation project in the Cowcher Road/Rabbit Proof Fence Road area of the Shire of Kent.

I am not aware of any issues that have been raised in regards to any previous collections.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Biodiversity Conservation Act 2016

Biodiversity Conservation Regulations 2018

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Environment Objective - Conserve, protect and enhance our natural and built environment

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grant 'Formosa Flora' permission to access reserves vested in the Shire of Kent (including road reserves) for the purpose of native seed collection subject to the following conditions:

- (i) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license
- (ii) Permission is for a twelve month period, commencing April 2020.
- (iii) This letter allows for collection only by Formosa Flora staff members.
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
- (v) All care will be taken to avoid the disturbance of fauna habitat.
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.

- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.

OCM1920/143 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr KV Johnston / Cr TD Borgward

That Council grant 'Formosa Flora' permission to access reserves vested in the Shire of Kent (including road reserves) for the purpose of native seed collection subject to the following conditions:

- (i) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license**
- (ii) Permission is for a twelve month period, commencing April 2020.**
- (iii) This letter allows for collection only by Formosa Flora staff members.**
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.**
- (v) All care will be taken to avoid the disturbance of fauna habitat.**
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.**
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.**

**CARRIED 7/0
By Simple Majority**

9.1.6 DELEGATIONS OF AUTHORITY – REVIEW

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	Shire of Kent
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.4.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Revised Delegations Authority Register

PURPOSE

To comply with the provisions of the *Local Government Act 1995*, Council is required to review the Delegations Register.

BACKGROUND

Section 5.18 of the *Local Government Act 1995*, requires a local government to keep a Register of Delegations and review the delegations at least once every financial year.

The aim of delegated authority is to assist with improving the time taken to make decisions subject to any constraints determined by Council or by the relevant legislation. The Delegations Register is consistent with the Shire's Community Strategic Plan directions. In particular it assists Council to achieve the Shire of Kent's Mission and Objectives, including its obligations at law to carry out the statutory responsibilities of Local Government.

The Register identifies the relevant document(s) from which the delegated authority is derived, including legislation and policies. This has been provided to enable cross-referencing between the delegations and other relevant documents.

COMMENT

In 2019 the Delegated Authority Register underwent a major change with the previous register being revoked and the revamped 2019 version adopted. The current version is working well and therefore only minor amendments have been proposed in this years review.

The purpose of these amendments is mainly driven by the Covid-2019 pandemic to assist in more efficient lawful decision making to ensure that the Shire of Kent can continue ongoing operations.

Amendments have been recommended by WA Local Government Association (WALGA) due to the Covid-19 pandemic. Amendments are as follows:

Delegation#	Title	Amendment	Details
1.2.3	Information to be Available to the Public	Addition of clause	6. Authority to manage public enquiries seeking statutory information, when this information is not critical during the event of a pandemic/emergency.
2.1.2	Payments from the Municipal or Trust Funds	Addition of Sub-Delegate	Executive Support/Project Officer
4.1.1	Close Roads/Thoroughfares to Vehicles	Addition of clause	8. If directed by the Commissioner of Police, the authority to close a thoroughfare or road in the event of a pandemic or emergency.

For Councillors information the following definitions are provided to explain the variance between the Sections within the Delegations Register.

Delegation from the Council to the CEO – Are instances where the Council delegates the role of undertaking certain roles and responsibilities to the CEO or the CBFCO.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for example the Dog Act 1997 or the Bush Fires Act 1954.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the Bush Fires Act 1954 (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the Local Government Act 1995 where a delegated authority exists.

STATUTORY IMPLICATIONS

5.41. Functions of CEO

The CEO's functions are to:

- (a) advise the council in relation to the functions of a local government under this Act and other written laws
- (b) ensure that advice and information is available to the council so that informed decisions can be made
- (c) cause council decisions to be implemented
- (d) manage the day to day operations of the local government
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions
- (f) speak on behalf of the local government if the mayor or president agrees
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees)
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s.13⁸.]

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty and

- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4)*

Conditions include qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s.14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely;*
 - and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing –*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications in this report.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

- a) Accepts completion as the Delegator, the 2019/20 annual statutory review of the Delegations Register.
- b) Accepts the following amendments:

Delegation#	Title	Amendment	Details
1.2.3	Information to be Available to the Public	Addition of clause	6. Authority to manage public enquiries seeking statutory information, when this information is not critical during the event of a pandemic/emergency.
2.1.2	Payments from the Municipal or Trust Funds	Addition of Sub-Delegate	Executive Support/Project Officer
4.1.1	Close Roads/Thoroughfares to Vehicles	Addition of clause	8. If directed by the Commissioner of Police, the authority to close a thoroughfare or road in the event of a pandemic or emergency.

- c) Approves the revised Delegations Register as presented.

OCM1920/144 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr RA Jury / Cr TD Borgward

That Council:

- d) Accepts completion as the Delegator, the 2019/20 annual statutory review of the Delegations Register.
- e) Accepts the following amendments:

Delegation#	Title	Amendment	Details
1.2.3	Information to be Available to the Public	Addition of clause	6. Authority to manage public enquiries seeking statutory information, when this information is not critical during the event of a pandemic/emergency.
2.1.2	Payments from the Municipal or Trust Funds	Addition of Sub-Delegate	Executive Support/Project Officer
4.1.1	Close Roads/Thoroughfares to Vehicles	Addition of clause	8. If directed by the Commissioner of Police, the authority to close a thoroughfare or road in the event of a pandemic or emergency.

- f) Approves the revised Delegations Register as presented.

CARRIED 4/3

By Absolute Majority

Cr KR Stephens voted against the motion and wished his name recorded

- NOTE: Motion carried in error as absolute majority for Shire of Kent requires a minimum of 5 "For" votes to be carried. Item to be presented again at OCM 20 May 2020.

9.1.7 COVID 19 PANDEMIC LEAVE AND OTHER EMPLOYMENT FLEXIBILITIES

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	153.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	PSLR Circular 6/2020-Leave arrangements for COVID-19

PURPOSE

To consider approving Covid 19 pandemic leave in addition to existing leave entitlements to acknowledge the self-isolation requirements and to protect the health of shire employees.

BACKGROUND

It is acknowledged that during a Pandemic, there are likely to be employees who may need to take extended periods of leave due to personal ill health or in order to care for vulnerable family members including children, elderly, disabled or those with pre-existing medical conditions.

Under its general duty of care, the Shire must ensure that all employees attending work are fit to undertake the duties and responsibilities of their position. Managers may require an employee to leave the workplace if they believe the employee is not fit for work and/or to obtain a medical certificate to confirm fitness to return to work following a period of ill health or absence to care for family members (to avoid transmission of infection). In the current environment and the high risk of transmission staff may need to be stood down on pay to protect the workforce and operations of Council.

COMMENT

Council needs to determine the conditions for payment of employees who are absent from work.

At present there are several options available:

These options include:

1. Personal (Sick or Carer's) leave entitlements.
2. Accrued annual or long service leave entitlements.
3. Additional hours accrued in lieu of overtime or through flexible working arrangements.
4. Pro-rata annual leave (up to four weeks maximum, pro-rata for part time employees).
5. Leave without pay (Sickness Benefits may be available via Centrelink).

The State Government recently announced the following:

The McGowan Government will introduce 'COVID-19 leave' for all Western Australian public sector workers to make sure those who are sick stay home, ensuring a safe work environment and helping to reduce the spread of the virus.

Up to 20 days' leave will be available to all public sector employees whose paid personal, carers, or sick leave entitlements are exhausted. This will not affect an employee's annual leave or long service leave.

The COVID-19 paid leave will also be available to casual public sector staff.

It will be available for employees who:

- *have contracted the virus themselves;*
- *who have to self-isolate;*
- *need to care for a dependant who has the virus or because of school closure or disruption to other care arrangements; or*

- *cannot attend work because of transport or other disruptions.*

Alan Leeson, CEO at the Shire of Moora contacted WALGA Employee Relations who have effectively said it is a decision of individual local governments as to how they manage this issue where self-isolation is imposed. They recommended it should be a case by case assessment as to qualification / eligibility for an additional 10 days paid leave in the event of what is outlined below, and also sound documentation around each case. It appears WALGA will not be sending anything out endorsing an industry wide application of an additional 10 days paid leave associated with COVID-19 as they have with Public Sector Employees.

Another discretionary option may include taking annual or sick leave in advance (up to a maximum of two weeks, pro-rata for part time employees) to be deducted from future accrual until repaid or deducted from the termination pay where the employee ceases employment prior to accruing sufficient entitlements.

I have received advice that some Councils who have looked at this, have generally applied the Public Sector guidelines and allowed for up to 20days additional leave.

I have referenced Public Sector Labour Relations – Circular6/2020 – Leave arrangements for COVID-19 as it provides a good guideline on application of the leave for genuine circumstances.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Wages are already included in the budget therefore the cost would be minimal unless wide scale stand-downs were implemented that required additional staff/contractors to fulfil core Council operational duties.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

Outcome 4.2 An employer of choice

4.2.1 Provide a positive, desirable workplace

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. Approve the additional paid sick leave to Shire employees affected by the COVID19 Pandemic once other leave entitlements have been exhausted , excluding Long Service and Annual leave, up to a maximum of 20 days;
2. Authorise the CEO to use Public Sector Labour Relations – Circular6/2020 – Leave arrangements for COVID-19, as a guideline when considering applications for the specified leave;
3. Advise that these special leave provisions will cease three months after the removal of the WA Government declared State Emergency and Public Health Emergency in relation to the COVID-19 Pandemic.

OCM1920/145 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr TD Borgward / Cr JN Germain

That Council:

- 1. Approve the additional paid sick leave to Shire employees affected by the COVID19 Pandemic once other leave entitlements have been exhausted , excluding Long Service and Annual leave, up to a maximum of 20 days;**
- 2. Authorise the CEO to use Public Sector Labour Relations – Circular 6/2020 – Leave arrangements for COVID-19, as a guideline when considering applications for the specified leave;**
- 3. Advise that these special leave provisions will cease three months after the removal of the WA Government declared State Emergency and Public Health Emergency in relation to the COVID-19 Pandemic.**

**CARRIED 7/0
By Absolute Majority**

9.1.8 POLICY 3.1.2 PURCHASING AND CREDITOR CONTROL

PROPOSED MEETING DATE:	15 April 2020
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.4.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	Amended 3.1.2 Purchasing and Creditor Control

PURPOSE

Council to consider amending Council Policy 3.1.2 to reflect legislative changes due to COVID19 Pandemic and to allow procurement efficiencies.

BACKGROUND

The COVID-19 Pandemic has resulted in State Government making legislative changes to allow Local Governments to respond in a timelier manner to mitigate the detrimental impact of the Pandemic. This requires the Councils purchasing policy to be amended to reflect these changes and others to improve the procurement process.

COMMENT

In order to allow the Shire to swiftly respond to the COVID-19 emergency, Council is requested to amend the Purchasing Policy. The recommended amendments to the Policy are to increase the Shire's purchasing limits where a single quotation is required and to reflect the Government's increase of tender requirements to \$250,000.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

3.1.2 Purchasing and Creditor Control

FINANCIAL IMPLICATIONS

Minimal impact within current budget but policy may direct the activities of the shire into the future and specifically, actions to address COVID-19

STRATEGIC IMPLICATIONS**Community Strategic Plan 2017-2027****Economic Objective - Support growth and progress, locally and regionally.****Outcome 1.1 Growth in business opportunities**

1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business.

1.1.2 Promote the Shire of Kent and the Region in general.

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community**Outcome 4.1 An efficient and effective organisation**

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt Council Policy 3.1.2 Purchasing and Creditor Control as presented and amended.

OCM1920/146 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr RA Jury

That Council adopt Council Policy 3.1.2 Purchasing and Creditor Control as presented and amended.

**CARRIED 6/1
By Simple Majority**

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

Nil

12. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

Nil

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6.30pm.