

MINUTES
MARCH 2021
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**MINUTES
ORDINARY MEETING OF COUNCIL
17 MARCH 2021**

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

- 1 The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.32pm.

2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

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

Leave of Absence Approved

Nil

Apologies

Nil

DECLARATION OF INTERESTS:

- 3.
- **Direct Financial Interest:**
CEO Rick Miller, 9.1.12 Model Standards for CEO Recruitment, Performance and Termination
 - **Indirect Financial Interest:**
Nil
 - **Closely Associated Persons:**
Nil
 - **Impartiality:**
Cr AL Smith, Cr TD Borgward – 9.1.7 Pingrup Race Club Accommodation Donation Request

4 PUBLIC QUESTION TIME

Nil

5 APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1 Ordinary Meeting of Council held on Wednesday 10 February, 2021

That the Minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 10 February, 2021 be CONFIRMED.

OCM2021/072 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr RA Jury

That the Minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 10 February 2021 be CONFIRMED.

**CARRIED 8/0
By Simple Majority**

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Thanks to Gary Mathewson, Works Manager, who is leaving on 19 March 2021.
Thanks to Cr KR Stephens for his time on Council. Cr Stephens is resigning his position on Council due to relocation. Best wishes for his retirement.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9 OFFICERS REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 2021

PROPOSED MEETING DATE:	17 March 2021
PROPOSER:	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 28 February 2021

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

RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 28 February 2021

OCM2021/073 - 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 28 February 2021**

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2021

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	042.6.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Schedule of Accounts as at 28 February 2021

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 for the period ending 28 February 2021:

Municipal Fund	\$ 544,186.40
Trust Fund	\$ 360.00
Direct Debits	<u>\$ 126,274.33</u>
TOTAL	<u>\$ 670,820.73</u>

OCM2021/074 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr BC Bamess

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 28 February 2021

Municipal Fund	\$ 544,186.40
Trust Fund	\$ 360.00
Direct Debits	<u>\$ 126,274.33</u>
TOTAL	<u>\$ 670,820.73</u>

**CARRIED 8/0
By Simple Majority**

9.1.3 STATUS OF COUNCIL DECISIONS – FEBRUARY 2021

PROPOSED MEETING DATE:	17 March 2021
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 February 2021.

OCM2021/075 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr TD Borgward

That Council receive the Council Resolutions Register for the month of February 2021.

**CARRIED 8/0
By Simple Majority**

9.1.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES 18 FEBRUARY 2021

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Suzan Lees – Community Emergency Service Manager
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	044.2.7
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Local Emergency Management Committee (LEMC) Minutes 18 February 2021 2. Shires of Katanning, Kent and Woodanilling joint Local Emergency Management Arrangements (LEMA) 3. Exercise scenario

PURPOSE

Receive the unconfirmed minutes of the Local Emergency Management Committee.

BACKGROUND

The joint Shires of Katanning, Kent and Woodanilling LEMC met on 18 February 2021.

COMMENT

STATUTORY IMPLICATIONS

Emergency Management Act 2005

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 of our community

- 4.1 Continually improve operational efficiencies and provide effective services
- 4.1.2 Continue to enhance communication and transparency.
- 4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the unconfirmed minutes of the joint Shires of Katanning, Kent and Woodanilling Local Emergency Management Committee meeting held on 18 February 2021.

OCM2021/076 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr RA Jury / Cr JN Germain

That Council receive the unconfirmed minutes of the joint Shires of Katanning, Kent and Woodanilling Local Emergency Management Committee meeting held on 18 February 2021.

**CARRIED 8/0
By Simple Majority**

9.1.5 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES – 3 FEBRUARY 2021

PROPOSED MEETING DATE:	17 March 2021
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Suzan Lees – Community Emergency Service Manager
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	044.2.7
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Local Emergency Management Committee (LEMC) Special COVID-19 meeting Minutes 03 February 2021

PURPOSE

Receive the unconfirmed minutes of the Local Emergency Management Committee special COVID-19 meeting.

BACKGROUND

The joint Shires of Katanning, Kent and Woodanilling LEMC met on 3 February 2021 for a special COVID-19 meeting.

COMMENT

STATUTORY IMPLICATIONS

Emergency Management Act 2005

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 of our community

- 4.1 Continually improve operational efficiencies and provide effective services
- 4.1.2 Continue to enhance communication and transparency.
- 4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the unconfirmed minutes of the joint Shires of Katanning, Kent and Woodanilling Local Emergency Management Committee special COVID-19 meeting held on 3 February 2021.

OCM2021/077 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr TD Borgward

That Council receive the unconfirmed minutes of the joint Shires of Katanning, Kent and Woodanilling Local Emergency Management Committee special COVID-19 meeting held on 3 February 2021.

**CARRIED 8/0
By Simple Majority**

9.1.6 REQUEST FOR WAIVING OF HIRE FEES FOR NYABING PAVILION

PROPOSED MEETING DATE:	17 March 2021
PROPOSER:	N/A
LOCATION:	Whole of Shire
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.6.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Letter from Nyabing Kids Art Hub

PURPOSE

Council to consider a request from the Nyabing Kids Art Hub to waive all charges associated with the hire of the Nyabing Pavilion.

BACKGROUND

The Nyabing Kids Art Hub is a newly formed group, created to provide art workshops to children of all ages in our community.

The Hub will be coordinated by Pier Johnston, a former teacher who has a passion for art, and assisted by Jess Browne from Nyabing.

Their aim is to host an initial art day on Monday 15 March 2021 to obtain further interest and commitment from families to continue as an ongoing program. Attendees will be requested to pay a small cover charge to keep running costs low and recuperate costs associated with supplies and materials.

In order to be able to operate the Kids Hub, the Nyabing Kids Art Hub has forwarded a letter to the Shire requesting use of the Nyabing Pavilion and, to assist with running the Hub, that the hire fees associated with booking this facility be waived as they intend to be a not for profit group. In return for Council waiving the fees they have offered to be responsible for the cleanliness of the building after each use.

COMMENTS

In requesting use of the Nyabing Pavilion for the Kids Art Hub, no mention was made of the timeframe required for their activities, however it is assumed that the commencement time would be after school and would run for between approximately one to two hours.

Council has a range of options and fees for the hire of the pavilion and given that the time that the pavilion would be required for would probably be no longer than two hours, a low impact usage fee of \$12 per hour could apply.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Council's current policy is as follows:

3.1.8 REQUESTS FOR DONATIONS AND FINANCIAL ASSISTANCE**Policy Objective**

The purpose of this policy is to provide guidelines for the application; assessment and determination of requests received for funding from not for profit community based organisations, event organisers and individuals to support the promotion and development of projects with social, economical, recreational and cultural benefits to the community.

Policy Scope

This policy will provide guidance to community groups, individuals and organisations seeking financial support from Council.

From this policy, guidance will be provided to Councillors and Council staff in assessing requests for donations and financial support from Council.

Eligibility

The following criteria will be applied when evaluating the eligibility of requests for donations and financial assistance from Council:

- Be a not-for-profit community based group or organisation that are either based within the Shire of Kent or provide services and activities within the area that make a positive contribution to the Shire of Kent.
- Include within the request information that shows direct benefits to the community.
- Demonstrate within the request their contribution in the form of cash, voluntary service, other grant funding or in-kind support.

Ineligibility

Council does not make donations under this Policy to:

Individuals;

- Profit making businesses;
- Political parties or lobby groups (religious groups may be eligible if it can be demonstrated that the program or project is of benefit to the wider community);
- Organisations based outside the boundary of Kent Shire, unless the demonstrated benefits are primarily to the Kent community.
- Council will only enter into a donation arrangement with an organisation/group whose reputation and image is consistent with the values, objectives and policies of the Council.

Halls and Pavilions – Hire Fees

The fee rate for Halls, Pavilions and equipment hire shall be as set annually by Council.

Where the following bodies hire Halls, Pavilions, furniture and equipment, the hire fee will be donated subject to the usual conditions of hire:-

- Health Department of WA Clinics
- Doctors
- Police
- Kent District Based Groups:-
- Church Groups o Country Women's Association o Dancing Schools (volunteer only)
- Guides & Brownies o Kindergartens
- Music Teachers (volunteer only) o Schools
- Parents & Citizens Associations (for the purpose of fundraising only)
- Service Clubs or Sporting Association or St. John Ambulance Association or Craft Groups
- "Other non-profit Community Groups"

The actual setting of fees and charges for the hire of halls, pavilions and equipment is reviewed annually as part of Council's Budget process, and it is therefore inappropriate that any reference to such should be made in Council Policy.

It is appropriate, however, for Council to have a Policy in relation to the provision of facilities to community groups free of charge.

Any users wishing to have free usage of facilities are to apply in writing to Council.

FINANCIAL IMPLICATIONS

Council has a low impact usage fee of \$12 per hour, therefore the total amount being waived would be \$24 per booking.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Social Objective - To provide community facilities and promote social interaction.

Outcome 2.1 Provision of youth services and facilities

2.1.1 Develop and implement a youth services and facilities strategy.

Outcome 2.2 Build a healthier and safer community

2.2.1 Support the continuing provision of community services and facilities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Approve waiving of fees for hire of the Nyabing Pavilion for the Nyabing Kids Art Hub activities.

OCM2021/078 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr JN Germain / Cr KV Johnston

That Council:

Approve waiving of fees for hire of the Nyabing Pavilion for the Nyabing Kids Art Hub activities.

**CARRIED 8/0
By Simple Majority**

9.1.7 PINGRUP RACE CLUB ACCOMMODATION DONATION REQUEST

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	Pingrup Race Club Inc
LOCATION:	Pingrup
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.6.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	Promotional Brochure, Sponsor Advert, Policy 3.1.8

PURPOSE

For Council to consider a request from the Pingrup Race Club for a donation to cover the use of the new accommodation at Pingrup Caravan Park for two nights on the weekend of the Pingrup Races.

BACKGROUND

The Pingrup Races (Murray Reid Memorial Pingrup Cup) will be held on Saturday 20 March 2021 and is currently the main significant local event held in the Shire throughout the calendar year.

Due to the Covid 19 Pandemic the event had to be cancelled in March 2020 and there is a high level of support to see a successful 2021 event.

Funds raised in the last few years has assisted in the building and upgrades of the Pingrup Pavilion \$30,000 and the CRC Building \$10,000.

Other groups that benefit from funds raised include Pingrup St Johns Ambulance, the Church and the Parent and Citizens School committee.

The following correspondence was received from the Pingrup Race Club:

"Dear Rick, Michelle & Team

The Pingrup Race Meeting for 2021 will be held on Saturday 20 March. Our sincere thanks for your donation in 2020. We seek your continued support to make the race day the biggest social event on the Pingrup calendar.

For the upcoming 2021 race meeting the Race Club would to request in kind accommodation. Accommodation at the Pingrup Caravan Park for the Races Weekend 19/20 March (Friday & Saturday).

Attracting around 400 people from the local region, it's a great opportunity to showcase the Shire of Kent.

The Shire of Kent sponsorship package is \$495 including GST. This package includes:

- Advert in the race book*
- Entry tickets (name will be at the gate)*
- Opportunity to display signage at the racecourse.*

Please find attached last year's advert, invoice and promotional poster.

To make alterations to your advert or discuss sponsorship please email details to this email or phone 0427 381 881. Any advert changes required by Friday 12 March.

If you would like printed promotional posters posted please contact Pingrup CRC on 9820 1101 or pingrupcrc@gmail.com

Thank you for your continued support and see you at the races!

Kind regards,

Stacey

Stacey Newman, Sponsorship

Pingrup Race Club Inc.

PO Box 10 Pingrup WA 6343

ABN: 89 544 259 615

P. 08 9820 4047

M. 0427 381 881"

Further correspondence from the Race Club confirmed that the request is for 5 beds on Friday night and 10 beds (which is all units) for the Saturday night.

COMMENT

The Pingrup Race Club has shown that they have run a successful event over the years with attendance up to 500 visitors each year from far and wide. This benefits the businesses and wider community in Pingrup and Nyabing.

The shire supports this event each year not only through the donation but resources are allocated to ensure the town site is neat and tidy and assistance to ensure the race track surface is graded and suitable for use.

We are all well aware that due to the Covid 19 Pandemic, the event had to be cancelled in March 2020 and there is a high level of support to see events brought back as it promotes positive community spirit and resilience in overcoming adversity.

Although the shire is considering providing the accommodation at no cost, it does still have a value based on the shire fees and charges of \$70/night for single units and \$120/night for the disabled 2 bedroom unit.

The request is for 5 beds on Friday night and 10 beds(which is all units) for the Saturday night. This has a total booking value of \$1,030. The shire allocates \$500 per year for the races and they invoice the shire for \$495.

Although there will not be a direct cost in providing the units, there will still be costs associated with admin booking, unit cleaning and washing of linen etc after use. An operational account for the Caravan Park is where these costs are expensed to and are offset by park income.

Council Considerations for discussion in regards to request:

1. Approve request – no charge for accommodation
2. Decline Request
3. Approve part request at Council's discretion
4. If Council considers that it should provide ongoing inkind support then Policy 3.1.8 Requests for Donations and Financial Assistance can be amended include this as recurring donation and negating need for annual request to Council.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

3.1.8 Requests for Donations and Financial Assistance

FINANCIAL IMPLICATIONS

Budget Allocation a/c 04101-5523 \$5,800 – Spent YTD \$2,595.

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.

Outcome 1.2 Increased Tourism

1.2.1 Promote and develop tourism and maintain local attractions.

Social Objective - To provide community facilities and promote social interaction

Outcome 2.3 Existing strong community spirit and pride is fostered, promoted and encouraged

2.3.1 Engage and support community groups and volunteers.

2.3.2 Facilitate and support community events

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. Advise the Pingrup Race Club that in addition to the \$495 sponsorship provided for the 2021 races that, Council will provide additional in kind sponsorship providing free accommodation

- at the Pingrup Caravan Park Accommodation Units for the nights of the 19th and 20th March 2021;
2. Request the Pingrup Race Club to submit to the Shire by the 30 June 2021, a brief report detailing benefits to the Community that the event and funding provided;
 3. Amend Council Policy 3.1.8 Requests for Donations and Financial assistance to provide additional in kind support through the provision of accommodation at the Pingrup Caravan Park in available units.

OCM2021/079 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KR Stephens / Cr KV Johnston

That Council:

1. **Advise the Pingrup Race Club that in addition to the \$495 sponsorship provided for the 2021 races that, Council will provide additional in kind sponsorship providing free accommodation at the Pingrup Caravan Park Accommodation Units for the nights of the 19th and 20th March 2021;**
2. **Request the Pingrup Race Club to submit to the Shire by the 30 June 2021, a brief report detailing benefits to the Community that the event and funding provided;**
3. **Amend Council Policy 3.1.8 Requests for Donations and Financial assistance to provide additional in kind support through the provision of accommodation at the Pingrup Caravan Park in available units.**

**CARRIED 8/0
By Simple Majority**

9.1.8 GREAT SOUTHERN TREASURES—MEMORANDUM OF UNDERSTANDING AND STRATEGIC PLAN

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	132.2.3
ASSESSMENT NO:	N/A
ATTACHMENTS:	1. Great Southern Treasures(GST) Strategic Plan 2. Memorandum of Understanding (MOU)

PURPOSE

Council to consider entering into a MOU with other local governments (GST Group) for the ongoing operation and funding of the Great Southern Treasures Tourism Group and receive the GST Strategic Plan.

BACKGROUND

Great Southern Treasures formally known as Hidden treasures was originally formed around 2001 and its membership comprised all Councils within the Great Southern, except for the City of Albany and Shires of Denmark and Plantagenet. Subsequently the Shire of Jerramungup has withdrawn and the Shire of Plantagenet has joined.

Current members include the following local governments:

- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Gnowangerup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Plantagenet
- Shire of Woodanilling

The Shire of Kent currently contributes \$7,000 ex-GST towards the operations of the Great Southern Treasures. A tiered funding structure forms part of the MOU based on population with the Shire of Kents contribution to remain at \$7,000/year.

A copy of the Great Southern Treasures Strategic Plan and Forward Directions 2020 – 2023 is attached for endorsement.

Over the past 6 years Great Southern Treasures has attracted over \$580,000 in funding to the region and leveraged almost \$2 for every \$1 invested by member local governments.

In order to continue to build on past successes and further develop tourism in the region Great Southern Treasures is seeking the commitment of all its member local governments for funding for the next 3 years. The proposed MOU provides for a 3 year commitment without the option to withdraw until the completion of the MOU term.

COMMENT

Great Southern Treasures has been successful in leveraging investment into the region through the promotion of festivals, events and tourism attractions. Great Southern Treasures also coordinates the Bloom Festival as its major event for the year.

All member local governments have received the benefit for the increased effectiveness of the Great Southern Treasures following the employment of a dedicated Executive Officer.

The objectives for the next three years are clearly outlined in the Strategic Plan and will only be achieved if local governments commit the current level of funding and the ongoing employment of an Executive Officer.

The benefits to the member local governments working together could not be achieved at the same cost if each local government were to go it alone in tourism and destination marketing.

A copy of the proposed MOU is attached to this agenda item, however, the highlights are as follows:

1. The term shall be three (3) years, commencing on 1 January 2021 and expiring on 30 June 2023, unless otherwise agreed or extended by the Member Councils in writing.
2. The purpose of the MOU is to affirm the partnership and collaboration of the local governments and to further the shared aims.
3. The shared aims are as follows:
 - To maximise the economic return from tourists and visitors to the participant local governments
 - To promote and develop the tourism assets of the participant local governments
 - To cooperate and take an active interest in tourism matters affecting the participant communities
 - Nurture industry partners and key stakeholders within the local, regional, state and national tourism industry
4. The values of the member Councils guiding participation in the MOU are that they:
 - Working together to be a preferred regional destination
 - Shared benefits
 - Championing each other's tourism assets

This proposed MOU is a first for the governance and operations of Great Southern Treasures and fills a void that has existed for some time. As such, it is recommended that the MOU be entered into.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Ongoing commitment to annual \$7,000 funding commitment for next 3 years.

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.

Outcome 1.2 Increased Tourism

- 1.2.1 Promote and develop tourism and maintain local attractions.

Social Objective - To provide community facilities and promote social interaction**Outcome 2.3 Existing strong community spirit and pride is fostered, promoted and encouraged**

- 2.3.2 Facilitate and support community events.

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.
- 4.1.3 Continue to search out advantageous resource sharing opportunities.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. Receives the Great Southern Treasures Strategic Plan and Forward Directions 2020 – 2023;
2. Enters into a Memorandum of Understanding for a three year term commencing in 2021 with participating local governments for the funding and operation of Great Southern Treasures tourism organisation; and
3. Authorise the Shire President and Chief Executive Officer to execute and to affix the common seal to the Memorandum of Understanding.

OCM2021/080 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr BC Bamess / Cr JN Germain

That Council:

1. **Receives the Great Southern Treasures Strategic Plan and Forward Directions 2020 – 2023;**
2. **Enters into a Memorandum of Understanding for a three year term commencing in 2021 with participating local governments for the funding and operation of Great Southern Treasures tourism organisation; and**
3. **Authorise the Shire President and Chief Executive Officer to execute and to affix the common seal to the Memorandum of Understanding.**

**CARRIED 8/0
By Simple Majority**

9.1.9 PROPOSED NEW FITNESS FOR WORK POLICY

PROPOSED MEETING DATE:	17 March 2021
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.4.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> ▪ Proposed New Fitness For Work Policy

PURPOSE

Council is requested to consider adopting a proposed new Fitness for Work (Drug and Alcohol) Policy to replace Policy 2.1.4 Drug and Alcohol Policy in the Shire of Kent Policy Manual.

BACKGROUND

A visit to the Shire Administration Office on Wednesday 4 November 2020 by Sue Caswell from The Drug Detection Agency (TDDA) provided an opportunity for our current Drug and Alcohol Policy to be reviewed. This review would offer observations and recommendations for consideration by management to ensure that the policy was compliant, sound and robust enough to withstand a legal challenge.

While our current policy was considered to be more complete than most, there were some areas that required attention due to subsequent changes in legislation and best practice.

Two options were offered to render the policy robust, one being a new policy to be developed using TDDA expertise and finalised by their legal team, and the second option being to retrofit our current policy. Management opted for the second option of retrofitting the current policy due to the minimal changes required.

While reviewing this policy, management consulted with our insurers LGIS to ensure that it met with their requirements and provided clear information for both employers and employees. During this process it was noted that further information should be included in order to provide a policy that incorporated a framework for managing all issues relating to fitness for work, including work and non-work related injuries or illnesses and their management and not just mainly focussing on one aspect.

COMMENT

TDDA provided an updated policy for consideration. Changes were made to the wording in some sections and new information was included in the *Cheating* section, and other new information was provided with the addition of sections for *Search and Surveillance* and *Confidentiality and Privacy Legislations*.

New flow charts and changes were also made to the *Schedule A form for Determining Cause Indicators and Request for Testing* and *Schedule B form for the Health Rehabilitation Contract*, showing clear pathways for managing staff.

LGIS also reviewed our current policy and provided new and updated information on the assessment and management of work, non-work related injuries, illnesses and impairment to ensure that both the Shire of Kent and its employees were provided with a clear policy for Fitness for Work requirements

Management have also amended the policy name to Fitness for Work (Drug and Alcohol) Policy to better reflect the Shire of Kent's commitment to providing a safe, healthy and productive workplace for all.

The proposed new policy now ensures that it is compliant, legally robust and provides clear information so that employees understand the Shire expectations and the way in which the Shire will treat them / hold to account should the policy not be adhered to

STATUTORY IMPLICATIONS

Local Government Act,s2.7(2b) –

2.7. The role of the council

(2) Without limiting subsection (1), the council is to —

(b) determine the local government's policies.

POLICY IMPLICATIONS

Updated to reflect current requirements and practices

FINANCIAL IMPLICATIONS

There is an allocation for Professional Services in Governance in the 2020/2021 Budget for Drug and Alcohol Testing services and therefore there is no financial implication.

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

Simple Majority

RECOMMENDATION

That Council:

Adopt the proposed new Fitness for Work Policy as attached to replace Policy 2.1.4 Drug and Alcohol Policy.

OCM2021/081 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KV Johnston / Cr BC Bamess

That Council:

Adopt the proposed new Fitness for Work Policy as attached to replace Policy 2.1.4 Drug and Alcohol Policy.

**CARRIED 8/0
By Simple Majority**

9.1.10 LOCAL GOVERNMENT CHILD SAFETY OFFICERS AND PROPOSED REPORTABLE CONDUCT SCHEME

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	Department of Local Government, Sport and Cultural Industries (DLGSC)
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	044.1.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Discussion Paper 2. Reportable Conduct Scheme Green Bill (Extract) 3. Reportable Conduct Scheme Information Sheet 4. National Principles for Child Safety Organisations 2019

PURPOSE

That Council consider submitting a response to the DLGSC by the 2 April 2021 to the proposed Local Government Child Safety Officers and the Reportable Conduct Scheme discussion paper.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Western Australian Government (State Government) is implementing reforms from the recommendations of the Royal Commission into Institutional responses to Child Sexual Abuse (the Royal Commission).

The Royal Commission was established to investigate systemic failures by institutions in relation to allegations and incidents of child sexual abuse. The Royal Commission found that across many decades, many of society's institutions failed to protect children.

In response to the Royal Commission, the State Government is:

- developing a system of independent oversight to improve child safety in organisations;
- developing a State policy position on the Royal Commission's recommendation 6.12 specifying that local governments should designate child safety officers from within existing staff profiles. The DLGSC is seeking the Council's response to that suggestion.

The Royal Commission's final report contained 409 recommendations directed towards the development of effective government regulation, improvement in institutional governance and increased community awareness of child sexual abuse in institutions.

The development of an independent oversight system comprises the following four areas:

- organisations to report certain types of misconduct by their employees (including contractors and volunteers) involving children (known as reportable conduct) to an independent oversight body;
- organisations engaged in child related work to comply with child safe standards (known as the National Principles for Child Safe Organisations) and their compliance be monitored by an independent oversight body;
- out-of-home care providers be accredited by an independent oversight body;
- youth detention environment to comply with the National Principles and their compliance be monitored by an independent oversight body.

Ombudsman WA has drafted the Parliamentary Commissioners Amendment (Reportable Conduct) Bill 2020 (Attachment 2 -Cover and contents extract is attached. If you wish to read the bill it can be downloaded from the State WA website or I can email copy on request.)

The Bill obliges heads of organisations, including local governments, to notify an independent body of misconduct involving children, known as reportable conduct, by their employees, volunteers and contractors. Consultation on the draft legislation closes 31 January 2021

The Royal Commission recommended 10 child safe standards to improve child safe cultures and practices across all sectors providing services to children and young people. The standards have since been incorporated into the National Principles for Child Safe Organisations which were endorsed by the Council of Australian Governments in February 2019. The National Principles guide organisations to create child safe cultures and practices (Appendix 4). The Department of the Premier and Cabinet (DPC) is leading community consultation about how the legal compliance with the National Principles should be

implemented. Organisations undertaking child-related work, such as local governments, are encouraged to provide comment by completing an online survey before 26 February 2021. Royal Commission Recommendation 6.12 states that local governments should designate child safety officer positions from within existing staff profiles. The Department of Communities and DLGSC have drafted a discussion paper for the WA Local Government sector to better understand and respond to this recommendation (Attachment 1).

The State Government is seeking a formal response to the discussion paper, preferably through the relevant council, from local governments by 2 April 2021. Responses will inform the development of the State Government's policy position.

The State Government acknowledges that local governments will have differing levels of understanding of the Royal Commission and child safeguarding reforms.

Further information relating to the Independent Oversight System including how to provide a response is available on wa.gov.au.

COMMENT

Critically, the Royal Commission cited the fundamental role local governments play in assisting and resourcing communities across Australia, particularly in regional and remote areas, where access to resources and services is often more limited than for their urban counterparts.

The Royal Commission highlighted the important roles local governments play in communities that impact on the safety of children including:

- providing services to children, for example libraries, swimming pools and childcare;
- providing spaces for community activities, for example halls, theatres and sports grounds;
- funding or contracting services;
- facilitating community education or outreach programs;
- regulating planning and development approvals, infrastructure and property services; and
- water and food inspection

The State Government notes:

“As part of the response to this consultation process it would be useful for local governments to consider how to engage their local communities in relation to this issue. This active engagement can ensure that the community’s expectations and the local government’s outcomes and investment in child safety are well understood.

Local governments undertaking the required periodical review of their Integrated Planning and Reporting, may choose to include discussions on child safety as part of the engagement with the local community.”

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities;
- b) assisting local institutions to access online child safe resources;
- c) providing child safety information and support to local institutions on a need's basis; and
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

The following is extracted from the Royal Commission's findings:

“Child safety officers are intended to promote child safety within the organisation and support smaller community-based organisations providing services to children to create child safe environments. The role would be expected to support local staff and volunteers to build existing capacity around child safety within their organisations by providing information and assistance.

The Royal Commission’s view was that a child safety officer proximate to services and local industries would be especially important in regional and remote areas, given these communities are known to routinely miss out on resources and access to services that are available in urban centres. In regional and remote communities, child safety officers could be a conduit for information.

The Royal Commission's view was that child safety officers should work closely with the independent state oversight body responsible for monitoring and enforcing the National Principles, as they would be well placed to support smaller organisations to understand how they can be child safe.

The intent of the Royal Commission is for local governments to identify where they already have existing staff who could fulfil a role of promoting child safety within the organisation and supporting smaller local organisations to develop capacity in this area. Local governments could create new positions to facilitate implementation of this role where desired and resourcing allows. Volume 6 and Volume 14 of the Royal Commission's Final Report provide this recommendation in detail.

Acknowledging the existing investment local governments make to promoting community safety, including child safety, the Royal Commission stated that local governments do not need to provide additional financial investment into implementing a child safety officer role and suggest that existing community safety positions within local governments could be expanded to align existing responsibility to strengthen child safety.

The following portfolios may have existing roles that could be considered for alignment with child safety responsibilities and it is recognised that significant work is already occurring in these areas within some local governments to promote child safety, as recommended by the Royal Commission:

- Community safety;
- Community and club development;
- Governance and risk;
- Communications; and
- Disability Access and Inclusion.

It is also recognised that not all local governments have existing community safety positions or have limited capacity to expand the functions of these roles to include child safety. In fulfilling the functions of the child safety officer role, it is recognised that local government staff will need access to appropriate training. Where local governments have limited resources to create child safety officer positions the Royal Commission suggested that state and territory governments may be able to provide assistance.

3.1 Functions of the child safety officer

The four key functions of child safety officers, recommended by the Royal Commission, are outlined below with suggestions as to how each function may look in practice. It is noted that some of these examples may represent work already occurring in many local governments.

a) Developing child safe messages in local government venues, grounds and facilities

Developing child safe messages in local government venues, grounds and facilities promotes the knowledge and understanding of child safety by community members. Public messaging promotes the rights of children to feel safe as well as increasing the understanding of child safety by staff, volunteers and community members and acting as a deterrent for those who may intend to cause harm to children.

To implement this function would include:

- *Working with key stakeholders including CCYP and the Working with Children Screening Unit to ensure that nationally consistent child safe messages are identified for use in local governments' venues, grounds and facilities.*
- *Working with internal communication teams to print posters/signs outlining nationally consistent child safe messages for their various venues, grounds and facilities.*

b) Assisting local institutions to access online child safe resources

Institutions in local communities such as sole traders (i.e. music teachers, tennis coaches), private and community organisations (i.e. arts, cultural, community, sport and recreation groups, clubs and associations) may require assistance to access online child safe resources.

To implement this function would include:

- *Facilitating the inclusion of information about child safety on their local government website including links to online child safe resource created by CCYP and the National Office of Child Safety. This would be in line with the current practice of many local governments in providing information and a link to Kidsport on their websites.*
- *Signposting local government staff and local organisations to CCYP, the National Office of Child Safety, and other relevant resources on the local government's website.*

Other local government resources may also assist in facilitating this function. Community Resource Centres and libraries provide physical access to computers and the internet, and library staff could provide support to access suitable online child safe resources. Community, Club Development and Community Safety Officers may signpost to online resources within newsletters.

c) Provide child safety information and support to local institutions on a need's basis

Child safety officers are expected to provide general advice around promoting child safety and the implementation of the National Principles within organisations. For some local governments this may include hosting workshops/seminars with external providers.

It is expected that child safety officers would be supported by relevant agencies, such as CCYP, the National Office of Child Safety, or in the case of child protection concerns, the Western Australia Police Force or Department of Communities in meeting this function.

While it is not the intention of the Royal Commission for local government child safety officers to be a direct point of contact for community members or staff seeking advice on child protection matters, it would be important for anyone in this role to have appropriate knowledge and understanding of child abuse and neglect, as well as local child safeguarding procedures, in order to provide appropriate information, guidance and signposting. It is important for the local government to consider what support mechanisms are in place, to ensure the wellbeing of child safety officers when dealing with these matters and what specific areas of training would be required to build upon existing skills and knowledge of staff.

d) Support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds

Communities within local government areas differ based on social demographics. The needs of supporting children from diverse backgrounds will differ based on the local population.

To implement this function would include:

- Identifying needs within the local community and key services providing support in meeting these needs.*
- Working collaboratively with local government staff, responsible for supporting disability inclusion and access and promoting the needs of Aboriginal and culturally diverse children, to provide advice and support to local organisations on implementing child safe approaches that are accessible and inclusive for children with diverse needs.*
- Linking local institutions with key services, including disability advocacy services, Aboriginal family support services or professional interpreters”.*

Responses to the DLGSC consultation are due to the Department of Communities by close of business on Friday, 2 April 2021.

The National Principles for Child Safe Organisations are:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The requirement to put in place appropriate mechanisms is largely administrative and of no direct financial outlay. The requirement or expectation to appoint (and implement) State and Commonwealth principles associated with Child Safety Officers at every local government in Australia however, will come at a cost, either by reducing services in another area or adding

cost to rates, without appropriate financial and administrative resources from the government agencies already entrusted with this role.

The State Government Agency in WA entrusted with Child Welfare, is primarily the Department of Child Protection (and Police Department). Effectively the State is asking that local governments be 'an extension' or arm of this agency, without offering any promise of resources or financial assistance. Is this an acknowledgement of the failure of the current State Government Agency or inadequate funding for that Agency by the State?

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

The risk, over time, if not initially, is that this burden will grow and expectation of service delivery will grow, such that it will be seen as part of the 'business' of local government, without appropriate resources

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council with respect to Local Government Child Safety Officers and the proposed Reportable Conduct Scheme:

1. Respond by the 2 April 2021 to the Department of Local Government, Sport and Cultural Industries(DLGSC)' Discussion Paper by rejecting the notion that local governments in WA should appoint Child Safety Officers, either to an existing position, or as a role or additional employee, as this role is best delivered by an adequately administered and funded State Government Agency, such as the existing Department of Child Protection, with appropriate trained, skilled and supported officers at regional centres throughout WA, and not through a cost-shifting approach as outlined by the DLGSC.
2. Endorse the principles outlined in the National Principles for Child Safe Organisations.
3. Endorse the principles of local governments being able to support and promote messages about child safety in its venues, facilities and services it provides to children.
4. Endorse the principles of the draft bill.

OCM2021/082 - COUNCIL RESOLUTION

MOVED Cr JN Germain / Cr TD Borgward

That Council with respect to Local Government Child Safety Officers and the proposed Reportable Conduct Scheme:

- 1. Respond by the 2 April 2021 to the Department of Local Government, Sport and Cultural Industries(DLGSC)' Discussion Paper by rejecting the notion that local governments in WA should appoint Child Safety Officers, either to an existing position, or as a role or additional employee, as this role is best delivered by an adequately administered and funded State Government Agency, such as the existing Department of Child Protection, with appropriate trained, skilled and supported officers at regional centres throughout WA.**
- 2. Endorse the principles outlined in the National Principles for Child Safe Organisations.**
- 3. Endorse the principles of local governments being able to support and promote messages about child safety in its venues, facilities and services it provides to children.**
- 4. Endorse the principles of the draft bill.**

**CARRIED 8/0
By Simple Majority**

9.1.11 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEES AND CANDIDATES

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.4.3
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates 2. Draft – Shire of Kent Code of Conduct for Council Members, Committee Members and Candidates 3. Complaint about alleged Breach Draft Template

PURPOSE

For Council to adopt a new Code of Conduct for Council Members, Committee Members and Candidates for a local government election, and to deal with ancillary matters as the government has enacted new state legislation that applies to all WA Local Governments.

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.

In regard to the Local Government (Model Code of Conduct) Regulations 2021, local governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates within three (3) months of the Regulations taking effect.

To account for any breaches the local governments must authorise at least one person to receive complaints from the effective date of 24 February 2021. As an interim measure the CEO has fulfilled this role until a formal decision of Council is made through this agenda report.

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. It is expected that a Model Code will be developed in coming months to meet the three (3) month deadline and its adoption will be the subject of a separate consideration/approval by Council.

In the interim, the Model Code of Conduct has been recommended and appears to be satisfactory. The Chief Executive Officer has proposed replacing the word 'work' in clause 5 of the Model, with 'working' due to Elected Members and Committee Member not considered to be 'workers' or at 'work' from an employer/employee perspective

The guidelines indicate that local governments must authorise at least one person to receive complaints regarding members and candidates. The Regulations state that the local government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints, but they do not specify who that person(s) will be. The Complaints Officer could be:

- President,
- Deputy President (especially for complaints about the President),
- Chief Executive Officer, or
- External Consultant

The DLGSC has also produced a template complaints form as the Regulations state that complaints are to be made in writing in a form approved by the Local Government. The DLGSC template form is another attachment to this item (Attachment 3).

While there is a requirement to appoint a Complaints Office by the 24 February 2021 under the amended Regulations, for clarity, it is noted that there is still a requirement for a local governments to have a Complaints Officer (section 5.120 of the *Local Government Act 1995*). This role is to process allegations of 'Rules of Conduct' breaches, and these alleged breaches are still to be

referred to the Local Government Standards Panel (refer Division 4 of the Model Code of Conduct). The position of Chief Executive Officer is currently designated as that officer. In time, with the development of templates by industry or the Western Australian Local Government Association (WALGA), local governments can determine the most appropriate and effective process for dealing with complaints under Division 3 of the Code of Conduct and how they are prioritised and managed. Having such processes at the moment is not required by the law and nor considered critical.

STATUTORY IMPLICATIONS

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

The Council's existing Code of Conduct, listed as Policy number 1.15.1, must be repealed, as the Act and Regulations now stipulates there are to be at least two separate Codes, one for Council Members, Committee Members and Candidates, and another for local government employees

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Economic Objective - Support growth and progress, locally and regionally.

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 with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election;

1. Repeal the existing Code of Conduct for Council Members, Committee Members and Employees listed as Policy 1.5.1;
2. Note that pursuant to section 5.51A of the Local Government Act 1995, the Chief Executive Officer will be preparing an interim Code of Conduct for all employees of the Shire, including the Chief Executive Officer, based on the repealed version, prior to any model being available from WALGA.
3. Pursuant to section 5.104 of the Local Government Act 1995, adopt the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for Kent, listed as Attachment 2, subject to the deletion of the word 'work' in clause 5 and replacement of it with the word 'working';
4. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;
 - a. Clause 11 (2), adopt the form for lodging complaints, listed as Attachment 3;

- b. Clause 11 (3), authorise the following persons to receive Division 3 complaints and withdrawals of same, relating to about Council Members, Committee Members and Candidates:
 - i. Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;
 - ii. Complaints made by the Shire President excluding those made by the Deputy Shire President – the Deputy Shire President;
 - iii. Complaints about the Shire President – the Deputy Shire President; and
 - iv. Complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members.
- 5. Pursuant to sections 5.551A (3) and 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure that both of the updated / adopted Codes of Conduct are published on the Shire's official website, as soon as practical.

OCM2021/083 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr KR Stephens / Cr BC Bamess

That Council with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election;

1. **Repeal the existing Code of Conduct for Council Members, Committee Members and Employees listed as Policy 1.5.1;**
2. **Note that pursuant to section 5.51A of the Local Government Act 1995, the Chief Executive Officer will be preparing an interim Code of Conduct for all employees of the Shire, including the Chief Executive Officer, based on the repealed version, prior to any model being available from WALGA.**
3. **Pursuant to section 5.104 of the Local Government Act 1995, adopt the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for Kent, listed as Attachment 2, subject to the deletion of the word 'work' in clause 5 and replacement of it with the word 'working';**
4. **Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;**
 - a. **Clause 11 (2), adopt the form for lodging complaints, listed as Attachment 3;**
 - b. **Clause 11 (3), authorise the following persons to receive Division 3 complaints and withdrawals of same, relating to about Council Members, Committee Members and Candidates:**
 - i. **Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;**
 - ii. **Complaints made by the Shire President excluding those made by the Deputy Shire President – the Deputy Shire President;**
 - iii. **Complaints about the Shire President – the Deputy Shire President; and**
 - iv. **Complaints about the Deputy Shire President made by the Shire President – a committee comprising the remaining Council Members.**
5. **Pursuant to sections 5.551A (3) and 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure that both of the updated / adopted Codes of Conduct are published on the Shire's official website, as soon as practical.**

**CARRIED 8/0
By Absolute Majority**

9.1.12 MODEL STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	Department of Local Government, Sport and Cultural Industries (DLGSC)
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	044.1.2
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination 2. Local Government (Administration) Amendment Regulations 2021 – Explanatory Notes 3. Draft Shire of Kent CEO Recruitment and Selection, Performance Review and Termination Standards
DISCLOSURE OF INTEREST	The Author declares both an Impartiality and Financial Interest that requires disclosure as the officer is potentially impacted by adoption or variation of the standards

PURPOSE

For Council to consider the state government 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.

BACKGROUND

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.

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
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

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

Local governments will be required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards (with or without minor permitted variations), the regulations apply.

Local governments that have a CEO recruitment process currently underway, or are about to commence a CEO recruitment process, are encouraged to contact the department to discuss compliance with the new Standards.

COMMENT

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Standards, which is Attachment 1 to this item.

If the local government doesn't adopt the model standards, they are taken to be the Shire's Standards.

The Chief Executive Officer is of the opinion that they are satisfactory to be adopted without modification, (provided at Attachment 3), however the Council is at liberty to adjust them, as long as they are not inconsistent with the default standards in the regulations. There is a requirement to adopt a set of Standards by the 3 May 2021.

STATUTORY IMPLICATIONS

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

- Local Government Act 1995, Section 5.39B;
- Local Government (Administration) Amendment Regulations 2021; and
- Local Government (Administration) Regulations 1996. 5.39B, States:

“Adoption of model standards

(1) In this section —

model standards means the model standards prescribed under section 5.39A(1).

(2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.

* Absolute majority required.

(3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.

* Absolute majority required.

(4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.

(5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.

(6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.

(7) Regulations may provide for —

(a) the monitoring of compliance with adopted standards; and

(b) the way in which contraventions of adopted standards are to be dealt with”.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adoption of the model standard – which is required by law, with only minor variations permitted, and only to the extent that it is not inconsistent, will, in all probability, add to the cost of recruitment of a Chief Executive Officer. This by virtue of the additional administrative requirements of a consultant, if a consultant is utilised, as well as the need for an external person (in addition to the consultant) to be on the recruitment panel – which may require remuneration. Typically, prior to these legislative changes, the recruitment of a Chief Executive Officer, for a band 4 local government, and utilising a consultant (who must be licensed) costs anywhere from \$5,000 to \$20,000, plus advertising. It is not known what additional cost might be incurred with the adoption of the 'minimum' standard, however it conceivably will certainly add administrative time, due to the additional legislated components and recording requirements.

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

17 March 2021 – Ordinary Meeting of Council

RECOMMENDATION

That Council with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers;

1. Adopt, pursuant to section 5.39B (2) of the Local Government Act 1995, the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as detailed in Attachment 3;
2. Publish on the Shire's official website, as soon as practical, pursuant to section 5.39B (6) of the Local Government Act 1995.

OCM2021/084 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr KR Stephens

That Council with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers;

- 1. Adopt, pursuant to section 5.39B (2) of the Local Government Act 1995, the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as detailed in Attachment 3;**
- 2. Publish on the Shire's official website, as soon as practical, pursuant to section 5.39B (6) of the Local Government Act 1995.**

**CARRIED 8/0
By Absolute Majority**

9.1.13 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – PHASE 2

PROPOSED MEETING DATE: PROPONENT: LOCATION: AUTHOR: REPORTING OFFICER: FILE NO: ASSESSMENT NO: ATTACHMENTS:	17 March 2021 NA NA Michelle Bamess – Deputy Chief Executive Officer Rick Miller - Chief Executive Officer 032.2.2 NA <ul style="list-style-type: none"> ▪ Community Survey Results and Comments ▪ LCRI Project Guidelines
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PURPOSE

Council to review the results from the community Survey for the Local Roads and Community Infrastructure (LRCI) program Phase 2 and consider eligible projects for submission.

BACKGROUND

The Shire of Kent received notification on 30 October 2020 that it was to receive an additional allocation of \$349,064 as part of the Local Roads and Community Infrastructure (LRCI) Program. This funding is in addition to the \$501,000 that has already received and that has been included in the 2020/2021 Budget for Roads projects and is to be expended by 31 December 2021.

The guidelines for expending this additional funding stated that projects must be new initiatives and not already included in the current budget. Due to the Roads program being at capacity for the current financial year, Council in previous discussion sought to use this additional funding to deliver a range of projects that focussed on community infrastructure. Council identified a number of projects that funding could be allocated to invited the community to complete a short survey to gauge support and feedback for the suggested projects with a provision to be able to provide input into any other projects or ideas that could also be included for consideration.

The Shire has signed the agreement for the funding but now must submit a schedule of nominated projects for assessment against the eligible criteria and they will then approve expenditure and make progress payments. Due to limited time and staff resources the projects will be delivered over the current financial year and next financial year with the deadline set at 31 December 2021.

The community survey received 55 responses and provided a ranking for the suggested projects. A range of other community infrastructure projects not already listed were also put forward from the community for council consideration as well other further thoughts. The majority of the surveys were positive, and aligned with current and future strategic projects. Some were in areas not under our control but has provided a good snapshot on community thoughts on improving areas in the shire.

These suggestions and comments have been aligned with the four key themes of the Shire's Community Strategic Plan to ensure that any Shire resources used to deliver specific projects meet with the aspirations and expectations of the community.

COMMENTS

The final survey results indicate that there are approximately seven (7) projects that funding could be allocated to for completion by 31 December 2021. The majority of comments from the survey indicate that the community would like to see upgrade to the main streets, playgrounds and unused buildings in both towns. Many of these suggestions could be incorporated into the Main Street Enhancement Project as site visits and community engagement for this are due to commence very soon. Other suggestions from the survey include:

- better communications, ie mobile phone coverage and internet speed
- renewable energy systems for both towns
- back up power for both towns
- improving/creating tourism projects/icons/themes, ie murals, walk trails, signage etc
- community events
- drainage issues in both towns
- expansion of community recycling areas

The attached survey results contain all community infrastructure suggestions and other comments for Council's consideration. The table below shows the ranked projects from the survey with the original rating in the first column. Officer's have reviewed and updated some costings and now put forward a revised priority list after taking into consideration the survey.

Original No	SURVEY RATING	PROJECT (Criteria: no land, buildings, plant or other projects already included in current budget)	ESTIMATED COSTS	COMMENTS	TOTAL
1	1	Main Playgrounds: Shade Structure - Nyabing & Pingrup	\$150,000	quote 15/12/20 - includes removal of existing posts etc.	\$150,000
2	2	Pathway - Burston Park (school) to Sanderson St / CRC - 150m x 2m	\$35,000	estimated	\$185,000
7	3	Battery backup for Nyabing Administration office	\$20,000	estimated	\$205,000
6	4	PV Solar System with Battery Backup for Pavilions	\$60,000	estimated	\$265,000
8	5	Drainage - Coates Close	\$35,000	quoted	\$300,000
11	6	Broken kerbing - Pingrup	\$20,000	estimate	\$320,000
10	7	Solar Pathway Lighting - Nyabing Caravan Park/Parrot's Bridge	\$20,000	estimated	\$ 340,000
9	8	Drainage - Jury Street	\$15,000		\$ 355,000
12	9	Playground equipment	\$20,000		\$ 375,000
5	10	Projector/large TV screen - Pingrup Pavilion	\$15,000	waiting on quote	\$ 390,000
15	11	Carrie Street roadworks	\$0		\$ 390,000
16	12	Main streets - lighting - underground	\$0		\$ 390,000
4	13	Large Screen TV - Nyabing Chambers	\$15,000	waiting on quote	\$ 405,000
3	14	Projector/large TV screen - Nyabing Pavilion	\$25,000	waiting on quote	\$ 430,000
14	15	Nyabing carpark surface	\$0		\$ 430,000
17	16	Bin covers for main street rubbish bins	\$60,000		\$ 490,000
13	17	Revamp Shears	\$10,000		\$ 500,000
		ESTIMATED TOTAL OF PROJECTS	\$500,000		
		TOTAL OF GRANT ALLOCATION	\$349,064		

Officers have reviewed and updated some costings and now put forward a revised priority list after taking into consideration the survey and updated information and costings. The priority ranked list is recommended. Noting that the bottom project may drop off depending on final costings. The top 5 remain the same with some adjustment of the next 3. The main one is the lower priority of the broken kerbing due to the unknown costings of other works that may need to occur first adding an extra complexity that has not been scoped. The list provided reflects the survey results with some adjustment due to extra information. The list provides for up to 8 projects to be delivered, projects can be adjusted or changed at a later date should circumstances change.

SURVEY RANKING	PROPOSED PRIORITY	PROJECT (Criteria: no land, buildings, plant or other projects already included in current budget)	ESTIMATED COSTS	CUMULATIVE TOTAL	COMMENTS
1	1	Main Playgrounds: Shade Structure - Nyabing & Pingrup	\$150,000	\$150,000	quote 15/12/20 - price increased to allow for removal and disposal of shade structures
2	2	Pathway - Burston Park (school) to Sanderson St / CRC - 150m x 2m	\$35,000	\$185,000	estimated
3	3	Battery backup for Nyabing Administration office	\$20,000	\$205,000	estimated
4	4	PV Solar System with Battery Backup for Pavilions	\$60,000	\$265,000	estimated
5	5	Drainage - Coates Close	\$40,000	\$305,000	quoted for drilling - price increased to allow for pits etc.
7	6	Solar Pathway Lighting - Nyabing Caravan Park/Parrot's Bridge	\$20,000	\$325,000	general costings obtained
8	7	Drainage - Jury Street	\$15,000	\$340,000	estimated
9	8	Playground equipment	\$9,064	\$349,064	Balance amount for grant. Combin ewith \$20,00 already in budget
6	9	Broken kerbing - Pingrup	\$20,000	\$369,064	no cost or scope of works available - other road repair works may need to be completed
10	10	Projector/large TV screen - Pingrup Pavilion	\$15,000	\$384,064	estimated
11	11	Carrie Street roadworks		\$384,064	no cost or scope of works available
12	12	Main streets - lighting - underground		\$384,064	Not costed
13	13	Large Screen TV - Nyabing Chambers	\$15,000	\$399,064	waiting on quote
14	14	Projector/large TV screen - Nyabing Pavilion	\$25,000	\$424,064	waiting on quote
15	15	Nyabing carpark surface		\$424,064	Will be assessed with Main Street Master Plan and no costings available
16	16	Bin covers for main street rubbish bins	\$60,000	\$484,064	Will be assessed with Main Street Master Plan
17	17	Revamp Shears	\$10,000	\$494,064	Will be assessed with Main Street Master Plan

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As this funding was received after the 2020/2021 budget was finalised, provision will be made in the budget review to account for this grant allocation. Any unexpended funds will be carried over to the 2021/2022 financial year as the funding is required to be expended by 31 December 2021.

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.

Outcome 1.2 Increased Tourism

1.2.1 Promote and develop tourism and maintain local attractions.

Social Objective - To provide community facilities and promote social interaction.

Outcome 2.1 Provision of youth services and facilities

Outcome 2.2 Build a healthier and safer community

2.2.1 Support the continuing provision of community services and facilities.

Outcome 2.3 Existing strong community spirit and pride is fostered, promoted and encouraged.

2.3.3 Provide community facilities (eg library/recreation).

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

Outcome 3.4 A well maintained built environment

3.4.1 Improve and maintain built environment

3.4.5 Plan for the upgrade of town footpaths

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.

Outcome 4.2 An employer of choice

4.2.1 Provide a positive, desirable workplace

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. Endorses the following projects to be submitted and included in the Local Roads and Community Infrastructure Funding – Phase 2 – totalling \$349,064 ex GST;
 - i) Main Playgrounds Nyabing and Pingrup – Replacement Shade Structures;
 - ii) Pathway – Burston Park(school) to Sanderson St/CRC;
 - iii) Shire Administration Office, Nyabing – Battery Backup
 - iv) Pavilions Nyabing and Pingrup – PV Solar Systems with Battery Backup;
 - v) Drainage Improvements – Coates Close;
 - vi) Solar Pathway Lighting Caravan Park Nyabing to Parrots Bridge/Main Street
 - vii) Drainage Improvements Jury Street;
 - viii) Playground Equipment – Shire Parks.
2. Authorise the CEO to finalise submission and execute agreement documents and schedule.

OCM2021/085 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr BC Bamess

That Council:

1. **Endorses the following projects to be submitted and included in the Local Roads and Community Infrastructure Funding – Phase 2 – totalling \$349,064 ex GST;**
 - i) Main Playgrounds Nyabing and Pingrup – Replacement Shade Structures;**
 - ii) Pathway – Burston Park(school) to Sanderson St/CRC;**
 - iii) Shire Administration Office, Nyabing – Battery Backup**
 - iv) Pavilions Nyabing and Pingrup – PV Solar Systems with Battery Backup;**
 - v) Drainage Improvements – Coates Close;**
 - vi) Solar Pathway Lighting Caravan Park Nyabing to Parrots Bridge/Main Street**
 - vii) Drainage Improvements Jury Street;**
 - viii) Playground Equipment – Shire Parks.**
2. **Authorise the CEO to finalise submission and execute agreement documents and schedule.**

**CARRIED 8/0
By Simple Majority**

9.1.14 ADOPTION OF THE 2020/2021 BUDGET REVIEW

PROPOSED MEETING DATE:	17 March 2021
PROPONENT:	N/A
LOCATION:	Shire of Kent
AUTHOR:	Christie Smith – Senior Finance Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	042.6.3
ASSESSMENT NO:	N/A
ATTACHMENTS:	Budget Review 2020/2021

PURPOSE

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2020 to 28 February 2021.

BACKGROUND

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2021 for the period ending 28 February 2021 is presented for Council to consider.

The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year.

A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

COMMENT

In the past years the budget review has been a very in depth review including all minor amounts on operating accounts. This year the review has been focused only on major budget variations that have the potential to have a major impact. Upon advice received from Moore(Accountants), the budget review is intended to be an opportunity to review major budget variations that will significantly affect the budgeted net current asset position.

Budget review as presented is a balanced budget with a nil surplus/deficit. There is an increase in the brought forward balance of \$368,702, this is due to estimating the brought forward figure at budget preparation. During the audit period, it was found that several amounts required to be adjusted within the balance sheet such as accrued income, contract liability and changes resulting from changes to AASB's.

GENERAL PURPOSE FUNDING

At the time of the budget it was of the understanding that the entire Federal Assistance Grants (FAGS) had been received early and that no further payment would be received in 2020/21. Notification was received in August that an additional \$898,979 would be received.

Due the economic climate the interest due to be received in the muni account has been reduced by \$20,000.

GOVERNANCE

No major adjustments in this program. Savings are from conference, travel and accommodation expenses related to members of council and administration as not all conferences have been attended this financial year.

COMMUNITY AMENITIES

An additional \$52,861 has been received for Landcare funding, this will be offset by expenditure.

TRANSPORT

A \$30,000 saving has been applied from survey costs that were expected to be considerably higher.

OTHER PROPERTY & SERVICES

Due to high staff turnover within the year, the need to advertise and cover other recruitment costs has increased significantly by \$25,000.

As Council are aware there is an ongoing requirement to monitor the groundwater from the old tanks at the Nyabing General Store. An additional amount of monitoring was required which increased expenses by \$45,000.

NON-OPERATING GRANTS

There was a requirement to show portion of the Great Southern Housing Project income as accrued income due the fact that the Shire of Kent had paid for the works but was yet to receive all the income.

CAPITAL – LAND & BUILDING

An opportunity to purchase a house in Pingrup that will be demolished under the urban regeneration project has arisen. Given the future commitment to partnership with the Department of Communities and Department of Education to build housing and lease to them for teacher housing, an extra \$100,000 has been budgeted to acquire the land and demolish existing dwelling. An additional \$43,474 has been budgeted to commence design documentation for this the teacher housing project.

CAPITAL – PLANT REPLACEMENT PROGRAM

There has been a savings of \$64,000 from purchase of plant and equipment.

TRANSFERS TO RESERVE

At the end of budget review there was a surplus of approx. \$500,000. Officers recommend this be transferred into the Land and Building Reserve and can be utilised in the 2021/22 financial year to fund the build of a 4 x 2 house in Pingrup for teacher housing.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute Majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications as all financial variations will be within the existing Adopted Budget.

STRATEGIC IMPLICATIONS

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 adopt the 2020/21 budget review with all variations for the period 1 July 2020 to 28 February 2021 and amend the budget accordingly.

OCM2021/086 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr BC Bamess / Cr KV Johnston

That Council adopt the 2020/21 budget review with all variations for the period 1 July 2020 to 28 February 2021 and amend the budget accordingly.

**CARRIED 8/0
By Simple Majority**

9.1.15 AUDIT COMMITTEE MINUTES - COMPLIANCE AUDIT RETURN 2020

PROPOSED MEETING DATE:	17 March 2021
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.3.3
ASSESSMENT NO:	N/A
ATTACHMENTS:	Minutes Audit Committee and Compliance Audit Return 2020 (to be tabled)

PURPOSE

Council to consider and endorse recommendation from the Audit Committee for the Compliance Audit Return 2020.

BACKGROUND

Under the Local Government Audit Regulations 1996, Local Government is required to carry out a Compliance Audit for the period 1 January 2020 to 31 December 2020. The certified return must be submitted to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2021.

COMMENT

Annual Compliance Audit Return 2020 was submitted for consideration of review by the Audit Committee and is now presented to Council for adoption. In carrying out the compliance return for 2020 there were no areas of non-compliance identified.

STATUTORY IMPLICATIONS

Regulation 14 of the Local Government (Audit) Regulations 1996 provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 provides that:

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

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.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. Receives the minutes of the Audit Committee dated 17 March 2021.
2. Adopts the Compliance Audit Return 2020, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2020;
4. The Compliance Audit Return be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2021 deadline.

OCM2021/087 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr KR Stephens / Cr BC Bamess

That Council:

1. **Receives the minutes of the Audit Committee dated 17 March 2021.**
2. **Adopts the Compliance Audit Return 2020, as presented;**
3. **The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2020;**
4. **The Compliance Audit Return be submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March 2021 deadline.**

**CARRIED 8/0
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.

PROCEDURAL MOTION

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

OCM2021/088 - COUNCIL RESOLUTION

MOVED Cr KR Stephens / Cr JN Germain

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

**CARRIED 8/0
By Simple Majority**

12.1.1 CONFIDENTIAL - PURCHASE OF 6 (LOT 76) PATERSON ST PINGRUP

PROPOSED MEETING DATE:	17 March 2020
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Rick Miller - Chief Executive Officer
FILE NO:	031.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> Confidential - Copy of email from Megan Henry

PURPOSE

Council to consider obtaining by purchase from Mr and Mrs CKE Henry, (Lot 76) 6 Paterson Street Pingrup for the purpose of future housing development.

REASON FOR CONFIDENTIALITY

That in accordance with Section 5.23 (2) of the Local Government Act 1995 which permits the meeting to be closed to members of the public for business relating to the following:

- (c) Commercial Confidentiality

OCM2021/089 - COUNCIL RESOLUTION

MOVED Cr JN Germain / Cr BC Bamess

That Council

- 1. Authorise the CEO to execute the Contract of Sale and affix the common seal (if required) for the purchase of (Lot 76) 6 Paterson Street Pingrup for \$40,000 (inclusive of GST) and, if required, utilise the RCD Exemption Annexure to be added to the Special Conditions on the Contract of Sale;**

and

- 2. Direct the CEO to facilitate the demolition of the house at (Lot 76) 6 Paterson Street Pingrup within six (6) months of the purchase of the property.**

**CARRIED 8/0
By Absolute Majority**

PROCEDURAL MOTION

That Council re-open the meeting to the general public.

OCM2021/090 - COUNCIL RESOLUTION

MOVED Cr JN Germain / Cr BC Bamess

That Council re-open the meeting to the general public.

CARRIED 8/0

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6.05pm.