

Shire of Perenjori

MINUTES

Special Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 24th January 2019, commenced at 1.00 pm.

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19011.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

1.00 pm - Shire President L Butler declared the meeting open.

19011.2 OPENING PRAYER

Shire President L Butler led the opening prayer.

19011.3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Cr L Butler – Shire President

Cr P Waterhouse – Deputy President

Cr J Cunningham

Cr G Reid

Cr J Hirsch

Cr K Pohl

Cr L Smith

Cr R White

Pascoe Durtanovich – A/CEO

Mr Adrian Robinson and Mr Tony Friday from Azure Advisory attended the meeting at 1.05 pm to discuss performance measurement criteria for the Chief Executive Office.

19011.4 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

Proximity Interest – Local Government Act s 5.60B

Interest Affecting Impartiality – Local Government - Code of Conduct

Cr R White declared a financial interest in Item 19012.5.

Cr J Hirsch declared an interest affecting impartiality in Item 19012.5.

19011.5 PUBLIC QUESTION TIME

Nil.

19012 SPECIAL BUSINESS

19012.1 PERFORMANCE CRITERIA – CHIEF EXECUTIVE OFFICER

APPLICANT:	Not applicable
FILE:	HR Files
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER:	PASCOE DURTANOVICH – A/CEO
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS:	NIL

Executive Summary

In accordance with the CEO's contract of employment council is required to negotiate and develop performance criteria for the CEO

Background

Nil

Comment

Azure Advisory has been engaged to work with Council to develop a draft set of performance measures for the newly appointed CEO. Mr Adrian Robinson from Azure will attend at 1pm to facilitate this.

Discussion will also be held with Mr Robinson in respect to ongoing performance appraisal of the CEO, during the probationary period and beyond.

Statutory Environment

Performance measures are to be negotiated and determined, as required under the contract of employment.

Policy Implications

Nil

Financial Implications

As per quote for service submitted by Azure Advisory.

Strategic Implications

Nil

Risk Management

Risk Statement	Level of Risk	Risk Mitigation Strategy
Performance measures are required to assist the CEO and Council to deliver good governance to the ratepayers and residents of the shire. If realistic criteria is not set financial risk increases.	medium	Set realistic performance criteria and implement a constructive CEO performance review program and process.

Consultation

Not applicable

Voting Requirements – Simple Majority

Officers Recommendation and Council Decision – Item 19012.1	
Moved: Cr J Hirsch	Seconded: Cr R White
<p>That the Acting CEO and Azure Advisory, Adrian Robinson, discuss the performance criteria determined with the Chief Executive Officer and the final KPI's for the CEO's probationary period be submitted to the February meeting of Council for adoption.</p>	
Carried: 8/0	

Mr Robinson and Mr Friday left the meeting at 2.30 pm.

19012.2 EXTRAORDINARY ELECTION

APPLICANT:	Not applicable
FILE:	HR Files
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER:	PASCOE DURTANOVICH – A/CEO
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS:	NIL

Executive Summary

In accordance with the CEO's contract of employment council is required to negotiate and develop performance criteria for the CEO

Background

Nil

Comment

Azure Advisory has been engaged to work with Council to develop a draft set of performance measures for the newly appointed CEO. Mr Adrian Robinson from Azure will attend at 1pm to facilitate this.

Discussion will also be held with Mr Robinson in respect to ongoing performance appraisal of the CEO, during the probationary period and beyond.

Statutory Environment

Performance measures are to be negotiated and determined, as required under the contract of employment.

Policy Implications

Nil

Financial Implications

As per quote for service submitted by Azure Advisory.

Strategic Implications

Nil

Risk Management

Risk Statement	Level of Risk	Risk Mitigation Strategy
Performance measures are required to assist the CEO and Council to deliver good governance to the ratepayers and residents of the shire. If realistic criteria is not set financial risk increases.	medium	Set realistic performance criteria and implement a constructive CEO performance review program and process.

Consultation

Not applicable

Voting Requirements – Simple Majority

Officers Recommendation and Council Decision – Item 19012.2

Moved: Cr P Waterhouse

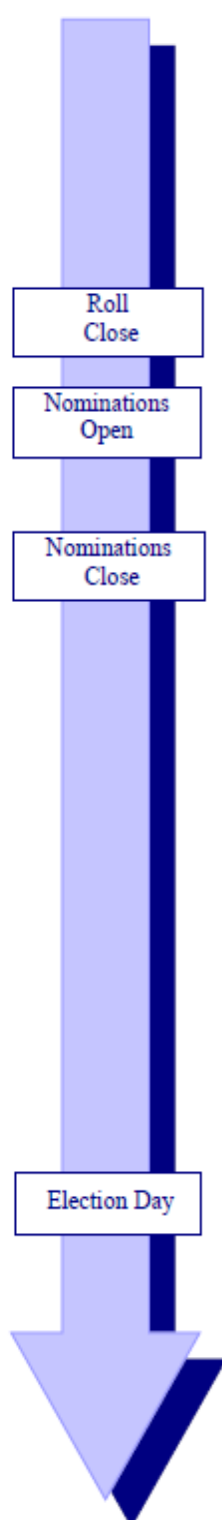
Seconded: Cr J Cunningham

That the in – person extraordinary election, to fill the vacancy in the Caron/Latham Ward, be held on Saturday 6 April 2019.

Carried: 8/0



ELECTION TIMETABLE Voting In-Person Election



Days to Election Day	Local Government Act	References to Act/Regs	Day	Date
70	First day for the CEO is to give Statewide public notice of the time and date of close of enrolments.	LGA 4.39(2)	Sat	26/01/2019
56	Last day for the CEO is to give Statewide public notice of the time and date of close of enrolments.	LGA 4.39(2)	Sat	9/02/2019
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day.	LGA 4.47(1)	Sat	9/02/2019
56	Last day for CEO to advise Electoral Commissioner of the need to prepare a residents roll	LGA 4.40(1)		9/02/2019
50	Close roll 5.00pm	LGA 4.39(1)	Fri	15/02/2019
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	20/02/2019
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	21/02/2019
38	If a candidate's nomination is withdrawn not later than 4pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	27/02/2019
37	Close of Nominations 4.00pm on the 37th day before election day.	LGA 4.49(a)	Thu	28/02/2019
36	CEO to prepare an owners' & occupiers' roll for the election. Electoral Commissioner to prepare residents' roll.	LGA 4.41(1) LGA 4.40(2)	Fri	1/03/2019
31	Notice of Election advertisement		Wed	6/03/2019
31	Commencement of absent voting (Date of election notice)	Reg. 54(2)	Wed	6/03/2019
31	Commencement of early voting (Date of election notice)	Reg. 59(2)	Wed	6/03/2019
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	15/03/2019
19	Last day for the Returning Officer to give Statewide public notice of the election.	LGA 4.64(1)	Mon	18/03/2019
4	Absent voting closes 4.00pm	Reg. 54(2)	Tue	2/04/2019
1	Early voting closes 4.00pm	Reg. 59(2)	Fri	5/04/2019
0	Correction of Roll The last day the Returning Officer may alter the residents' and owners' and occupiers' rolls.	LGA 4.43(3)	Sat	6/04/2019
0	Election Day Close of poll 6.00pm	LGA 4.7	Sat	6/04/2019

Post Election Day	Post Declaration	References to Act/Regs	Day	Date
5	Public Notice of the result.	LGA 4.77	Thu	11/04/2019
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Sat	20/04/2019
28	An Invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Sat	4/05/2019

19012.3 APPOINTMENT OF COMMITTEE MEMBER AND DELEGATE TO GROUPS AND ORGANISATIONS

APPLICANT:	N/A
FILE:	NIL
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER:	PASCOE DURTANOVICH – A/CEO
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS	NIL

Executive Summary

With the resignation of Councillor Spencer Council is required to appoint a replacement delegate to various groups and organisations and a replacement on Council committees.

Background

Councillor Spencer was a Deputy Member on the following Council committees:

1. Finance Committee
2. Audit Committee.

and was a delegate to the following external Groups and Committees:

1. Wildflower Country Tourism Group.
2. North Midlands Education Industry Training Alliance
3. Tourism Committee.

Comment

The replacement is required up to October 2019 as new elections/appointments are made at that time, following the Local Government Ordinary Election.

Statutory Environment

None

Policy Implications

Policy No 9008 – Elected Member Representation – Committees, Community applies.

Financial Implications

There are no financial or budget implications.

Strategic Implications

None

Risk Management

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not appointing a replacement will minimise Perenjori representation	Low	Appoint a replacement, particularly to the Wildflower Country Tourism Group.

Consultation

Not applicable

Voting Requirements – Simple Majority**Officers Recommendation – Item 19012.3**

That: -

1. Cr _____ be appointed Deputy Member to the Shire of Perenjori Finance Committee and Shire of Perenjori Audit Committee.
2. Cr _____ be appointed the Shire of Perenjori Delegate to the Wildflower Country Tourism Group.
3. Cr _____ be appointed the Shire of Perenjori Delegate to the Perenjori Tourism Committee.
4. Cr _____ be appointed the Shire of Perenjori Delegate to the North Midlands Education Industry Training Alliance.

Council Decision – Item 19012.3

Moved: Cr G Reid

Seconded: Cr K Pohl

That: -

1. Cr J Cunningham be appointed Deputy Member to the Shire of Perenjori Finance Committee and Shire of Perenjori Audit Committee.
2. Cr P Waterhouse be appointed the Shire of Perenjori Delegate to the Wildflower Country Tourism Group.
3. Cr R White be appointed the Shire of Perenjori Delegate to the Perenjori Tourism Committee.
4. Cr L Smith be appointed the Shire of Perenjori Delegate to the North Midlands Education Industry Training Alliance.

Carried: 8/0

19012.4 LOCAL GOVERNMENT ORDINARY ELECTIONS – OCTOBER 2019

APPLICANT:	Not applicable
FILE:	ADM 0026
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER:	PASCOE DURTANOVICH – A/CEO
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS:	NIL

Executive Summary

The purpose of this item is for Council to determine whether to appoint the WA Electoral Commission to conduct a Postal Election for the 2019 annual councillor elections or to conduct an in-person poll utilising Shire resources.

Background

The State Electoral Commission has commenced planning for the 2019 annual Local Government elections.

Local Government Elections are scheduled for Saturday 19 October 2019. The Shire of Perenjori has 4 vacancies in 2019, Cr Hirsch - Caron/Latham Ward, Cr? – Caron/Latham Ward (Who fills the vacancy at the extraordinary election will be up for re-election in 2019), Cr Cunningham – Bowgada Ward and Cr Pohl – Perenjori Ward.

Comment

At this point in time the State Electoral Commission is the only organisation approved to conduct Postal Elections. A cost estimate of \$9,700 has been provided by the Commission to conduct a Postal Election in 2019.

There are benefits of having a Postal Election, mainly increased voter participation and is seen to be conducted by an impartial WA Electoral Commission.

There is only approximately 300 registered electors for the three wards subject to vacancies in 2019. The cost quoted to hold a Postal Election is hard to justify, given the minimal number of electors. The cost of conducting an in-person election is approximately \$1,000 to \$2,000. The election would be conducted in house.

Statutory Environment

Section 4.61 of the Local Government Act 1995, states in part as follows:

4.61. Choice of methods of conducting the election

- (1) The election can be conducted as a postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or Voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

* Absolute majority required.

- (3) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election.

Policy Implications

Nil

Financial Implications

Costs associated with the 2019 election will be included in the 2019/2020 budget.

Strategic Implications

Not applicable

Risk Management

Risk Statement	Level of Risk	Risk Mitigation Strategy
The election process is not conducted as per statutory requirements	Low to medium	Provide adequate training on the election process to existing staff.

Consultation

Not applicable

Voting Requirements

Simple majority for an in-person election.

Absolute majority for a Postal Election

Officers Recommendation and Council Decision – Item 19012.4	
Moved: Cr L Smith	Seconded: Cr J Hirsch
That the 2019 Ordinary Elections be conducted as a voting in person election.	
Carried: 8/0	

Cr R White declared a financial in Item 19012.5 on the basis that he is the applicant and left the room at 2.55 pm.

Cr J Hirsch declared an impartiality interest in Item 19012.5 on the basis that Cr R White is employed by Cr J Hirsch.

19012.5 PROPOSED RESIDENTIAL BUILDING (HOLIDAY HOME)

APPLICANT:	RUSSELL WHITE
FILE:	A512
DISCLOSURE OF INTEREST:	2
AUTHOR:	KATHRYN JACKSON – ACTING MANAGER OF PLANNING – SHIRE OF CHAPMAN VALLEY
RESPONSIBLE OFFICER:	JOELENE DENNIS - MCDS
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS	APPLICATION LETTER, EME REPORT, SITE AND ELEVATION PLANS

Executive Summary

This report recommends conditional approval for a residential building (holiday home) upon 5 (Lot 135) Livingstone Street, Perenjori.

Background

Lot 135 ('subject property') is a 1011.71m² lot located within the Perenjori townsite. The property contains an existing 3-bedroom, 1-bathroom house that has recently been renovated and three outbuildings to the rear of the home.

Figure 1 – Location Map for subject property



The applicant is seeking approval to operate the property as a holiday home in order to accommodate up to 6 guests on a short-term basis.

It is proposed that potential guests will make their bookings online or by telephone and would make arrangements for their stay and access to the property. All management and cleaning of the holiday home will be undertaken locally so as to be able to assist guests where needed and respond to any issues should they arise in a timely manner.

It is considered that the house has an adequate number of bedrooms and sufficient facilities and space for off-street parking for the proposed use of the property as a holiday home.

The applicant’s submitted covering letter, management statement and site plan for the proposal has been included as **Attachment 1**.

Figure 2 – Aerial Photograph of subject lot



Figures

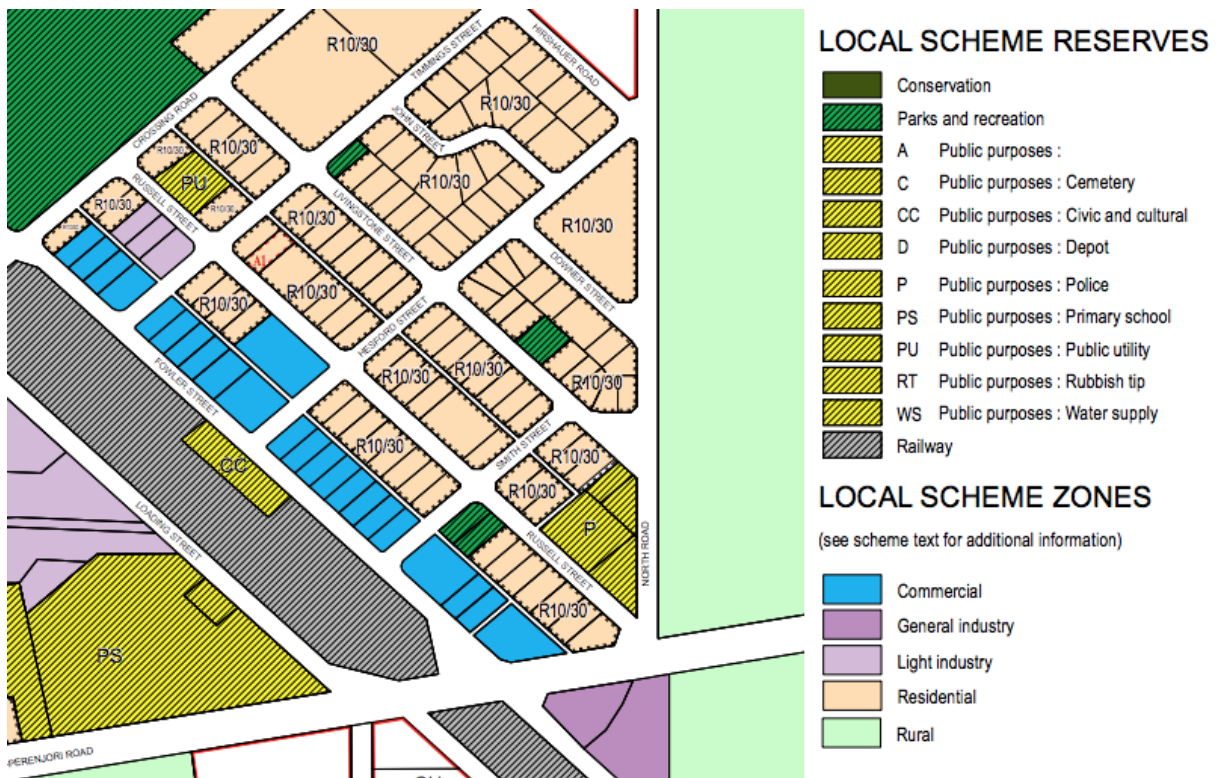
3 & 4 – Aerial Photograph of subject lot



Statutory Environment

Lot 135 Livingstone Street, Perenjori is zoned ‘Residential R10/30’ under the Shire of Perenjori Local Planning Scheme No.2 (‘the Scheme’).

Figure 4 – extract from Shire of Perenjori Local Planning Scheme No.2



A ‘Residential Building’ is also listed as an ‘A’ use in the ‘Residential’ zone by the Scheme which means that the use is not permitted unless the local government has exercised its discretion following advertising.

‘Residential Building’ is defined under the Residential Design Codes 2015 as meaning:

“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”

It is considered that the use of the home as holiday accommodation falls within the Residential Building land use classification.

It is recommended within the officer’s recommendation of this report that the application be advertised for a period of 14 days. Should no objections be received then delegation be afforded to the CEO to approve the application subject to conditions.

The Health Act 1911 states that any building used for the accommodation of more than 6 persons is considered a lodging house:

“lodging-house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward...”

As per this definition the holiday home would be required to comply with the requirements of the Health Act 1911 in regards to maximum occupancy based on available floor area and facilities should more than 6 persons reside at the premises at any one time. Therefore, maximum occupancy for the home will be conditioned to be no more than 6 persons. Should the applicant wish to accommodate a greater number of occupants this will be subject to a separate application.

Policy Implications

Nil.

Financial Implications

The applicant has been charged the relevant planning application fee. Applications for ‘Holiday Homes’ once approved are charged an annual renewal fee of \$73. The application would not have a budgetary impact to Council.

Strategic Implications

Holiday accommodation where visitors stay in a vacant house is becoming increasingly common in residential areas. It is acknowledged that this form of development can have the potential to be intrusive in permanent living areas, however, it is also noted that the economic drivers for landowners in placing their underutilised properties on websites such as Airbnb and HomeAway and the demand for accommodation of this nature, means that local government has generally adopted a management rather than a restriction role. With every booking there is opportunity for other businesses to positively benefit as visitors spend money in the townsite.

Risk Management

Nil.

Consultation

Should Council support this application the application is required to be advertised prior to the development application being issued. Council is required to undertake community consultation in accordance with Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The recommendation contained within this report suggests that should Council support the application that delegation be afforded to the CEO to undertake advertising of the application and should no substantial, author identified objections be received that cannot otherwise be addressed through the suggested conditions that the application be issued approval. Should a substantial author identified objection be received that cannot be satisfactorily addressed through the conditions then this matter will be returned to a future meeting of Council for consideration of the application in light of the received submissions.

Comment

Council may consider that the application should be supported based on the following:

- the use is primarily 'residential' in nature (i.e. occurs within a dwelling used for habitation);
- the development would not cause an inconsistency in the existing streetscape as the use of the dwelling as a holiday home will not require any changes to the external appearance of the building;
- such developments are generally considered to meet the objectives and requirements of the 'residential' zone;
- there is the ability for issues that may arise with such developments (e.g. noise, nuisance and parking) to be addressed by conditions of approval and making the approval subject to a 12 month annual renewal period whereby Council retains the right to review its approval in the event of complaint being received, or concern being raised, over the operation of the development.

Voting Requirements – Simple Majority

Officers Recommendation and Council Decision – Item 19102.5	
Moved: Cr G Reid	Seconded: Cr L Smith
That Council:	
1	Advertise the application for a period of no less than 14 days in accordance with Schedule 2 Part 8 Clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.
2	Delegate authority to the Chief Executive Officer that should no author-identified substantial objection be received during the advertising period, that formal planning consent be issued for a Residential Building (Holiday Home) upon 5 (Lot 135) Livingstone Street, Perenjori subject to compliance with the following:
	Conditions
1	The development shall be in accordance with the attached approved management statement and plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed management statement and plan shall not be modified or altered without the prior written approval of the local government.
2	The approval is valid for a period of 1 year after which time the application shall be considered by the Shire CEO (under the delegated authority of Council) as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
3	The approval is issued only to the landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid.
4	Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
5	The use hereby permitted shall not cause injury to or prejudicially affect

the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, vehicle parking and manoeuvring or otherwise.

- 6 All parking of vehicles such as boats and trailers associated with the guests shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.
- 7 Guests are to be accommodated within the existing dwelling only with a maximum occupancy of 6 persons. No accommodation is permitted upon the land or within any other outbuildings located upon the site.
- 8 The short stay accommodation is not to be occupied by single or multiple tenants for a period of greater than 3 months at any one time.
- 9 This planning approval does not extend to signage for the development, for which a separate application will be required.

Notes

- (a) The applicant is advised that this approval is only issued for a trial period of 12 months and the operation of this development will be monitored by the Shire and should complaints arise and not be adequately managed to the satisfaction of the Shire, then it should not be construed that further approval would be granted.
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, Building Regulations 2012 and Health Act 1911. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (c) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision.

3 Delegate authority to the Chief Executive Officer for the annual renewal of the approval, should no written author-identified complaints, be received during the preceding 12-month period, and there being no change in the circumstances under which the previous approval was granted.

Carried: 7/0

Cr R White returned to the meeting at 3.00 pm.

3.02 pm – Cr G Reid left the meeting.

3.05 pm – Cr G Reid returned to the meeting.

19012.6 COUNCILLOR COMMUNICATION PROTOCOL
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APPLICANT:	N/A
FILE:	POLICY MANUAL
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER:	PASCOE DURTANOVICH – A/CEO
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS:	DRAFT PROTOCOL

Executive Summary

To assist in the delivery of good governance to the ratepayers and residents of the Shire council is requested to adopt a Councillors Communication Protocol

Background

In view of recent events it is important that communication processes between councillors and staff, councillors and councillors and councillors and the shire President are reviewed and formalised. It is suggested that a Communication Protocol be adopted for this purpose rather than a council policy.

Comment

The attached draft protocol has been developed by the Acting CEO. Input is sought from councillors to ensure that the final document is something that councillors can and will work with.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Risk Management

Risk Statement	Level of Risk	Risk Mitigation Strategy
Lack of appropriate communications could lead to failure in the delivery of good governance to the district	High	Adopt a workable communication protocol and all parties adhere to it.

Consultation

Not applicable

Voting Requirements

Simple majority

Officers Recommendation and Council Decision – Item 19102.6

Moved: Cr L Smith

Seconded: Cr P Waterhouse

That the draft Councillor Communication Protocol be adopted.

Carried: 8/0

19012.7 COMPLIANCE CALENDAR

APPLICANT:	N/A
FILE:	ADM 0026
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PASCOE DURTANOVICH – A/CEO
RESPONSIBLE OFFICER:	PASCOE DURTANOVICH – A/CEO
REPORT DATE:	24 JANUARY 2019
ATTACHMENTS:	NIL

Executive Summary

A copy of the compliance calendar prepared for use by Administration is provided to Councillors for information.

Background

Legislative compliance is non- negotiable, the Shire of Perenjori, like all local governments in the state, is required to fulfil its functions and duties in accordance with legislation prescribed.

Ratepayers and residents are entitled to expect their local government to be compliant with all legislation when delivering projects and services to the community. Unfortunately, there are many examples throughout the local government industry where this expectation is not met.

Non - compliance is not always intentional, in the main it is due to lack of experience, oversight and lack of resources. A comprehensive compliance calendar will assist administration in ensuring their local government achieves compliance.

Comment

The compliance calendar has been developed using the WALGA template. Non-statutory activities, such as Australia Day celebrations, have been included to act as a reminder to staff.

The calendar does not include all compliance issues and needs to be further developed over time.

Statutory Environment

There is no legal requirement for local governments to have a compliance calendar.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Not applicable

Risk Management

Risk Statement	Level of Risk	Risk Mitigation Strategy
Noncompliance with legislation undermines community confidence and elevates financial risk.	High	Administration utilise and further develop the compliance calendar. Compliance be a KPI for all staff.

Consultation

Not applicable

Voting Requirements

Simple majority

Officers Recommendation and Council Decision – Item 19012.7	
Moved: Cr L Smith	Seconded: Cr J Hirsch
That the Compliance Calendar be noted.	
Carried: 8/0	

Councillors expressed appreciation to the Acting CEO for his contribution to Council and the Shire of Perenjori over the past two and a half months.

**Shire of Perenjori
Communication Protocol**

This protocol covers the following aspects of elected members and appointed staff communications.

1. Relationships between councillors and employees
2. Relationship between councillors and Shire President
3. Relationship between shire president and chief executive officer

Role of President, Councillors and Chief Executive Officer

In Defining the role of the elected members and the chief executive officer the local government Act, 1995 states:

Role of Council

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions
- (2) Without limiting subsection (1), the council is to –
 - (a) oversee all the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies

Role of President

- (1) The President –
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and
 - (e) performs such other functions as are given to the president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions**

Role of Councillors

A Councillor –

- (a) represents the interest of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes

at council and committee meeting and

- (e) performs such other functions as are given to a councillor by this Act or any other written law.

Role of Chief Executive Officer

The CEO's functions are to –

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

Access to information by Council, Committee Members

Relevant to good communications is acknowledgment of the right of Councillors to have access to information held by the local government.

In this regard the local government Act, 1995 states:

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to –
 - (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

Improper use of information

A person who is council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law –

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to local government or any other person.

Relationships between Councillors and Employees

Acknowledging the roles defined in the local government Act, 1995 the following shall apply to Councillors and employees

- Councillors shall not direct or instruct employees and are prohibited from involvement in the shire's administration unless authorised by the Council or the Chief Executive Officer
- Councillors shall undertake their day to day communications with the shire directly through the Chief Executive Officer or the Manager of Corporate and Development Services or the Manager of Infrastructure Services unless the Chief Executive Officer authorises communications on particular matters to occur directly with specified employees.
- The Chief Executive Officer shall email to all Councillors a weekly update of activities under taken by the organisation, meetings attended by the CEO and any other relevant information. The content and extent of the weekly update will be determined by the Chief Executive Officer.
- The Chief Executive Officer shall, in a timely manner, grant access to or provide information on any matter requested by a Councillor.
NO INFORMATION AFFECTING OR RELEVANT TO THE SHIRE SHALL BE KEPT CONFIDENTIAL FROM COUNCILLORS UNLESS IT IS A PERSONAL MATTER AFFECTING AN EMPLOYEE
- The Chief Executive Officer shall undertake a review of the MCDS and MIS performance at least once per annum and shall provide a copy of the review documentation to all Councillors.

Councillors and employees will ensure that, in dealing with each other, they:

- (I) work together as part of the corporate team
- (II) maintain an environment of mutual respect and co-operation;
and
- (III) are respectful, frank and honest in their communications

Relationship between Shire President and Councillors

Acknowledging the role of the Shire President and Councillors defined in the local government Act, 1995, the following shall apply:

- The Shire President shall each month, for inclusion on the Ordinary Council Meeting agenda, submit to the CEO/EA a written report on activities and functions undertaken on behalf of council and meetings attended on behalf of council.
- The Shire President will make all Councillors aware of the meetings scheduled with the CEO so that at which a specific issue

is going to be discussed so that Councillors can attend if they wish.

- Councillors shall also give a verbal report at the monthly ordinary council meetings on activities and functions undertaken and meetings attended on behalf of the shire. Councillor's report shall be recorded in the minutes of the meeting.
- The Shire President and all Councillors should ideally meet at least once every three months, on an informal basis and without staff members, to discuss shire and local government matters.

The Shire President and Councillors will ensure that, in their dealing with each other they:

- (I) work together as part of the shire's corporate team
- (II) maintain an environment of mutual respect and co-operation;
and
- (III) are respectful, frank and honest in their communications.

Relationship between Shire President and Chief Executive Officer

Acknowledging the role of the Shire President and the Chief Executive Officer, as defined in the local government Act, 1995, the following shall apply:

- The Shire President and Chief Executive Officer shall meet as and when required.
- The CEO shall keep a written record of matters discussed.

The Shire President and the Chief Executive Officer will ensure that, in their dealings with each other, they:

- (I) maintain open and frank communication
- (II) maintain regular contact
- (III) exchange information in a timely matter
- (IV) have regard to their individual responsibilities

19013 CLOSURE

Cr L Butler declared the meeting closed at 5.00 pm.