

## Shire of Perenjori

## MINUTES

## Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on the 15<sup>th</sup> November 2018, commenced at 7.00 pm.

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**18111 PRELIMINARIES**

**18111.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

Cr L Butler declared the meeting open at 7.08 pm.

**18111.2 OPENING PRAYER**

Cr L Butler led the opening prayer.

**18111.3 DISCLAIMER READING**

**18111.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Cr L Butler

Cr R White

Cr L Smith

Cr J Cunningham

Cr P Waterhouse

Cr J Hirsch

Cr R Spencer

Cr K Pohl

Stephen Tindale – A/CEO

Joelene Dennis – MCDS

Ally Bryant – SFO

Ken Markham – MIS

Bianca Plug – EA

Apologies;

Cr G Reid

**18111.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**18111.6 PUBLIC QUESTION TIME**

Nil.

**18111.7 NOTATIONS OF INTEREST**

**FINANCIAL INTEREST – LOCAL GOVERNMENT ACT S 5.60A**

**PROXIMITY INTEREST – LOCAL GOVERNMENT ACT S 5.60B**



**Executive Summary**

This item recommends that Council accepts the Financial Activity Statement for the period ending 31<sup>st</sup> October 2018.

**Background**

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to the Council.

**Details**

Presented is the Financial Activity Statement Report for the period ending 31<sup>st</sup> October 2018.

The following statements are presented to Council:

- Monthly Summary Information - Charts
- Statement of Financial Activity (Program and Nature& Type) - This provides the budget and actual income and expenditure for operating and non- recurrent as well and the closing surplus to date. (FM Reg 34(1))
- Statement of Capital Acquisitions and Capital Funding
- Net Current (Assets) Funding Position (Note 3). This provides the amount of assets over liabilities within the Balance Sheet. (FM Reg 34 (1)(e))
- Notes to the Financial Statements include:
  - Note 1.- Significant Accounting Policies
  - Note 2. - Explanation of Material Variances
  - Note 3. – Net Current Funding Position
  - Note 4. – Cash & Investments
  - Note 5. – Budget Amendments
  - Note 6. – Receivables
  - Note 7. – Cash Back Reserves
  - Note 8. – Capital Disposals
  - Note 9. – Rating Information
  - Note 10. – Information on Borrowings
  - Note 11. – Grant and Contributions
  - Note 12.- Trust Fund
  - Note 13.- Details of Capital Acquisition

**Legal Compliance**

Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996 states –

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1) (d); and (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation 34 (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Section 6.8 of the Local Government Act 1995 (Expenditure from municipal fund not included in annual budget) states –

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- a. is incurred in a financial year before the adoption of the annual budget by the local government; or
  - b. is authorised in advance by resolution; or
  - c. is authorised in advance by the mayor or president in an emergency.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

**Consultation**

Liaison with CEO, SFO, & MIS.

**Voting Requirements - Simple Majority**

**Committee Recommendation – Item 18112.1**

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report for the period ending 31<sup>st</sup> October 2018.

**Council Resolution – Item 18112.1****Moved: Cr L Smith****Seconded: Cr J Hirsch**

**That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report for the period ending 31<sup>st</sup> October 2018.**

**Carried: 8/0****18112.2 ACCOUNTS FOR PAYMENT – OCTOBER 2018**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>1306P</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>LIZ MARKHAM - AO</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ALLY BRYANT - SFO</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<b>ACCOUNTS FOR PAYMENT</b>

**Executive Summary**

This item recommends that the schedule of accounts for payment for the month ending 31<sup>st</sup> October 2018 be confirmed.

**Background**

The Schedule of Accounts is presented pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

The report identifies payments made from the Municipal and Trust Fund.

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the Local Government (Financial Management) Regulations 1996.

Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

**Legal Compliance**

Section 6.10 (d) of the Local Government Act 1995 refers, i.e.-

6.10. financial management regulations

Regulations may provide for —

- (d) the general management of, and the authorisation of payments out of —
    - (i) the municipal fund; and
    - (ii) the trust fund,
- of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -

**13. Lists of Accounts**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

**Policy Implications**

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

**Financial Implications**

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

**Strategic Implications**

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

**Consultation**

Nil

**Comment**

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

**Voting Requirements – Simple Majority**

**Committee Recommendation – Item 18112.2**

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for the month ending 31<sup>st</sup> October 2018 as attached to and forming part of this report.

**Municipal Account**

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EFT	\$385,993.43
Direct Debits	\$84,538.73
Cheques	\$32,070.83
Corporate MasterCard	\$2,559.65
Bank Fees	\$925.02
<b>Total</b>	<b>\$506,087.66</b>

Trust Account - Shire	
EFT	\$400.00
Cheques	\$2,950.00
Bank Fees	\$
<b>Total</b>	<b>\$3,350.00</b>

Trust Account – Mt Gibson Public Benefit Funds	
EFT	\$
Cheques	\$
Bank Fees	\$
<b>Total</b>	<b>\$</b>

*Totaling \$509,437.66 from Municipal and Trust Accounts for the month ending 31<sup>st</sup> October 2018.*

**Council Resolution – Item 18112.2**
**Moved: Cr L Smith**
**Seconded: Cr J Hirsch**

**That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for the month ending 31<sup>st</sup> October 2018 as attached to and forming part of this report.**

**Carried: 8/0**



Municipal Account	
EFT	\$385,993.43
Direct Debits	\$84,538.73
Cheques	\$32,070.83
Corporate MasterCard	\$2,559.65
Bank Fees	\$925.02
<b>Total</b>	<b>\$506,087.66</b>

Trust Account - Shire	
EFT	\$400.00
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Bank Fees	\$
<b>Total</b>	<b>\$3,350.00</b>

Trust Account – Mt Gibson Public Benefit Funds	
EFT	\$
Cheques	\$
Bank Fees	\$
<b>Total</b>	<b>\$</b>

*Totalling \$509,437.66 from Municipal and Trust Accounts for the month ending 31<sup>st</sup> October 2018.*

Joelene Dennis declared a financial interest in item 18112.3 due to her children attending the Perenjori Early Childhood Centre.

<b>18112.3 PROPOSED NEW FEES PECC 2018/19</b>
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<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0047</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>JOELENE DENNIS - MCDS</b>
<b>AUTHOR:</b>	<b>JOELENE DENNIS - MCDS</b>
<b>RESPONSIBLE OFFICER</b>	<b>JOELENE DENNIS - MCDS</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<b>NIL</b>

**Executive Summary**

A recommendation is made to advertise a new fee structure for the Perenjori Early Childhood Care Centre (PECC) to accommodate changes to the Commonwealth Government's Child Care Subsidy scheme.

**Background**

Changes were made to the Child Care Subsidy scheme on the 1<sup>st</sup> July 2018.

Centres now have until the 1st of January 2019 to implement practices that accurately record drop-off and pick-up times into the records management system. This system is used to create the statements and control the parents accounts. It includes other management functions.

The PECC is licensed for operation from 7.00am until 5.30pm.

Currently the Centre opens at 7:30am. By prior arrangement some children attend from 7:00am. Under the current published fee structure, the Shire is unable to charge a fee for this first half an hour of attendance.

In response to demand, it has been decided to increase PECC operational hours and open at 7:00am daily as of the 14th January 2019 immediately after the normal Christmas Closure.

For this to occur and for the Centre to meet the Government's reporting requirement a new fee structure is proposed which covers the first half hour as shown below.

**Fee Structure**

	Proposed Fee	Current Fee
Before School Care Session: 7:00am-8:30am	\$15.00	\$12.00
Half Day Morning Session (AM): 7:00am- 12:00 noon	\$50.00 (5 hours max)	\$45.00 (4 hours max)
Half Day Afternoon Session (PM): 12:00noon- 5:00pm	\$50.00 (5 hours max)	\$45.00 (4 hours max)
Afterschool Care Session (Mon, Tues, Thurs, Fri): 3:00pm- 5:00pm	\$15.00	\$15.00

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Afterschool Care Session- Early Closure (Weds): 2:30pm- 5:00pm	\$20.00	\$20.00
Full Day Session: 7:00am- 5:00pm	\$75.00	\$75.00
Hourly rate:	\$12.00	\$12.00

**Comment**

In discussions with the PECC team the new fee structure was drafted to allow the centre to meet the change in reporting requirements only.

No fee increases have been made to PECC fees since the opening of the Centre over three years ago and the above table reflects this. It does not propose an increase in the full day fee. This would make the full day more attractive than the half day fee and potentially makes the rostering of staff easier.

It would also allow for full utilisation of ratios for the whole day, rather than the centre being at capacity for half of the day. It also avoids a situation where the centre may be over ratio due to an overlap in children attending the morning or afternoon session.

If the Council believes that an increase is required to cover the earlier opening, then it may want to alter the proposed table of fees by increasing the daily fee to \$80.

**Statutory Environment**

*Local Government Act 1995* S6.16 sets out the requirement for fees and charges as follows:

**6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

\* *Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.

**6.17. Setting level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- 
- (a) the cost to the local government of providing the service or goods; and
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96; or
  - (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

**6.19. Local Government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**1.7. Local public notice**

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
- (a) published in a newspaper circulating generally throughout the district; and
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

**Policy Implications**

Nil

**Financial Implications:**

Allow for fees to accurately reflect the hours utilised.

**Strategic Implications**

**Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment**

**Goal:** *A community that develops and lives sustainably in a thriving natural and quality built environment, which meets and maintains current and future community needs.*

**Area 3: People and Place – Our Community**

**Goal:** *Demonstrating a high quality of life for all, offering relevant activities, facilities and services, to enable people to meet their needs to achieve or exceed their potential.*

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Council not adopting the proposed fees and charges leading to non-compliance with the Child Care Subsidy.	High consequence and medium risk.	Council adopt the fees and charges to support new requirements.

**Consultation**

CEO, MCDS, Coordinator PECC

**Voting Requirements – Absolute Majority**

<b>Officer Recommendation – Item 18112.3</b>	
<b>That Council give local public notice of its intention to adopt the following new fee structure for the Perenjori Early Childhood Care Centre effective as of the 14th January 2019;</b>	
<b>Before School Care Session: 7:00am- 8:30am</b>	<b>\$15.00</b>
<b>Half Day Morning Session (AM): 7:00am- 12:00 noon</b>	<b>\$50.00</b>
<b>Half Day Afternoon Session (PM): 12:00noon- 5:00pm</b>	<b>\$50.00</b>
<b>Afterschool Care Session (Mon, Tues, Thurs, Fri):</b> 3:00pm- 5:00pm	<b>\$15.00</b>
<b>Afterschool Care Session- Early Closure (Weds):</b> 2:30pm- 5:00pm	<b>\$20.00</b>
<b>Full Day Session: 7:00am- 5:00pm</b>	<b>\$75.00</b>
<b>Hourly Rate:</b>	<b>\$12.00</b>

**Council Resolution – Item 18112.3****Moved: Cr J Hirsch****Seconded: Cr R Spencer**

**That Council give local public notice of its intention to adopt the following new fee structure for the Perenjori Early Childhood Care Centre effective as of the 14th January 2019;**

<b>Before School Care Session: 7:00am- 8:30am</b>	<b>\$15.00</b>
<b>Half Day Morning Session (AM): 7:00am- 12:00 noon</b>	<b>\$50.00</b>
<b>Half Day Afternoon Session (PM): 12:00noon- 5:00pm</b>	<b>\$50.00</b>
<b>Afterschool Care Session (Mon, Tues, Thurs, Fri): 3:00pm- 5:00pm</b>	<b>\$15.00</b>
<b>Afterschool Care Session- Early Closure (Weds): 2:30pm- 5:00pm</b>	<b>\$20.00</b>
<b>Full Day Session: 7:00am- 5:00pm</b>	<b>\$75.00</b>
<b>Hourly Rate:</b>	<b>\$12.00</b>

**Carried: 8/0****18112.4 APPOINTMENT OF FIRE OFFICERS**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0468</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>RICK RYAN – CESM</b>
<b>RESPONSIBLE OFFICER:</b>	<b>JOELENE DENNIS - MCDS</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

**Executive Summary**

The purpose of this report is to:

- (a) Appoint the Shire of Perenjori Bush Fire Control Officers, pursuant to Section 38 of the Bush Fires Act 1954;
- (b) Appoint the Chief Fire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer, pursuant to Section 38 of the Bush Fires Act 1954.

**Background**

The Shire of Perenjori appoints officers on an annual basis to ensure adequate resources are available throughout the year.

**Comment**

Similar to the CBFCO persons appointed to the roles of Fire Control Officers should have a good understanding of their roles and fire behaviour in this district.

**Statutory Environment**

Section 38 (1) of the Bush Fires Act 1954 states as follows

*A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*

Section 38 (1) of the Bush Fires Act 1954 states as follows

*(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.*

*(h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.*

*(i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 1: Infrastructure and Natural Assets - Our Natural and Built Environment

*Goal: A community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.*

**Risk Management**

It is a requirement to have appointed officers and would leave the Shire very exposed without such responsible people in place to attend to matters as they arise.

**Consultation**

Bush Fire Advisory Committee

**Voting Requirements – Simple Majority**

**Officers Recommendation – Item 18112.4**

**That Council appoint the following bush fire control officers for the 2018/19 year:**

<b>POSITION</b>	<b>NAME</b>
<b>Chief Bush Fire Control Officer</b>	Phil Page
<b>Deputy Chief Bush Fire Control Officer</b>	Acting CEO Pascoe Durtanovich
<b>Fire Control Officers</b>	Peter Waterhouse Phil Page Ken Markham Rick Ryan Brian Campbell

**Council Resolution – Item 18112.4**

**Moved: Cr R Spencer**

**Seconded: Cr J Cunningham**

**That Council appoint the following bush fire control officers for the 2018/19 year:**

**Carried: 8/0**

<b>POSITION</b>	<b>NAME</b>
<b>Chief Bush Fire Control Officer</b>	Phil Page
<b>Deputy Chief Bush Fire Control Officer</b>	Acting CEO Pascoe Durtanovich
<b>Fire Control Officers</b>	Peter Waterhouse Phil Page Ken Markham Rick Ryan Brian Campbell



**18112.5 REVIEW OF DELEGATIONS REGISTER**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0202</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>JOELENE DENNIS – MCDS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>JOELENE DENNIS – MCDS</b>
<b>REPORT DATE:</b>	<b>15<sup>TH</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS</b>	<b>DELEGATIONS REGISTER</b>

**Executive Summary**

This Item recommends the Council approves the updated Delegation Register for 2018.

**Background**

The local Government Act (s5.42) permits the local government to delegate certain powers and the discharge of some duties contained in the Act and associated regulations to the CEO. Such delegations also include the delegation of powers and discharge of some duties included in the Planning & Development Act 2005, the Bush Fires Act 1954 and the Local Government Miscellaneous Provisions Act 1960 (Strata Titles Act 1995).

To enable efficient functioning of the local government, Section 5.44 of the Act empowers the CEO to delegate some of these powers and the discharge of some duties to any employee of the local government nominated by the CEO.

There are some powers the local government holds and these cannot be delegated to the CEO or any other employee and these are contained in Section 5.43 of the Act. None of the powers contained in this section of the Act are included in this Delegation Register.

The Act also requires the delegations to be reviewed by the delegator (the Council) at least once each financial year.

The attached Delegation Register has been updated in accordance with the Department of Local Government Guidelines for Delegations and the document also includes those delegations made by the CEO to other employees of the Shire.

The sections recommended for amendment are:

Added the Title of CESM to the abbreviations list

1001 Local Laws Administration – Remove the wording ‘and to do all other things that is necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act 1995’ and replace with ‘subject to regard being taken of sections 9.1(1) and 9.4 of the Local Government Act 1995’.

1004 Powers of Entry – Remove ‘In an emergency the CEO is delegated authority to lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the CEO.

Where practical the CEO will give notice to the landowner’.

Change title from 1004 EMERGENCY ENTRY TO LAND to 1004 Powers of Entry

‘The CEO is delegated authority to;

1. Give a Notice of Entry.
2. Seek and execute an Entry under Warrant.
3. Execute an Entry in an Emergency.
4. Give notice and execute the Opening of a Fence’.

1006 Disposing of Confiscated or uncollected goods – Remove –‘If any goods have not been collected in accordance with a notice the CEO is delegated authority to sell or otherwise dispose of them’ replace with ‘Sell or otherwise dispose of any confiscated or impounded goods in accordance with [s3.47 of the Local Government Act 1995 (the Act)].

2. Destroy an impounded animal where it is determined to be too ill or injured to treat [s3.47A(1) of the Act].
3. Where an offender is convicted, recover from the offender expenses incurred for removing, impounding and disposing confiscated or impounded goods [s3.48 of the Act].’

Change title from 1006 Sale of impounded goods to 1006 disposing of confiscated or uncollected goods.

Delete 1007 IMPOUNDING PERIODS, and 1008 IMPOUNDED GOODS – COST RECOVERY, these are covered by the local Government Act 1995 and delegated under 1006.

1018 Expressions of interest and tenders – For supply of Goods and Services – Remove ‘The CEO is delegated authority to invite tenders on the Council’s behalf as required by the Act and Regulations and as determined by the Council’s Annual Budget’ and change to ‘The CEO is delegated authority to; Determine:

1. When to call tenders or not to call tenders [s3.57(1) of the Local Government Act 1995 (the Act) and Reg.11 of the Local Government (Functions and General) Regulations 1996 (the Regulations)].
2. The circumstances to invite tenders, though not required to do so [Reg.13 of the Regulations];
3. Selection criteria for the acceptance of tenders [Reg.14(2a) of the Regulations];
4. The information to be disclosed to those interested in submitting a tender [Reg.14(4)( of the Regulations];
5. Minor variations before entering into a contract [Reg.20 of the Regulations];
6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest [Reg.21 of the Regulations]; and,
7. Where the successful tenderer does not want to accept the contract and a variation or agreement cannot be reached, determine to select the next most appropriate tenderer [Reg.20 of the Regulations].

Change title from 1018 Calling for tenders to 1018 Expressions of interest and tenders – For supply of Goods and Services.

Delete; 1019 CONSIDERATION OF TENDERS NOT REJECTED

1020 RIGHT TO NEGOTIATE A MINOR VARIATION OF TENDER

1021 REFUSAL OF TENDERER TO ACCEPT A VARIATION

1022 SEEKING OF EXPRESSIONS OF INTEREST

1023 CONSIDERING EXPRESSIONS OF INTEREST

1024 PREPARING A REGIONAL PRICING POLICY – Delete this as policy 4006 covers this.

#### 1025 TENDER ACCEPTANCE CRITERIA

The change to the functions to be performed as noted above and the reference to the Local Government Act and various regulations covers all of the functions the CEO is to perform in regard to Expressions of Interest and Tenders. This item has been consolidated for ease of understanding.

#### 2001 Road Closures –

2001.1 Temporary road Closures - Change 'The CEO is delegated authority to temporarily close a thoroughfare or a portion of a street for a period not exceeding 28 days (without providing local public notice) of the opinion that by reason of heavy rain a street is likely to be damaged by the passage of traffic generally or traffic of any particular class.

The CEO is delegated authority to close a thoroughfare for a period in excess of 28 days by providing local public notice in accordance with Section 3.50 of the Local Government Act 1995' and replace with 'The CEO is delegated authority to:

- a) temporarily close a thoroughfare to vehicles;
- i) In cases of emergency
- ii) Where, in the opinion of the CEO that, due to adverse weather conditions it is likely to be damaged by the passage of traffic generally or traffic of any particular class.
- iii) For the conduct of an event, in accordance with the Road Traffic (Events on Roads) Regulations 1991; and
- iv) Where the local government is undertaking repair and maintenance works to a thoroughfare,

Subject to having regard for the requirements of Section 3.50 and 3.50A of the Local Government Act 1995 and for clauses 4, 5 and 6 of the Local Government (Functions and General) Regulations 1996.

- b) To revoke an order to close a road or thoroughfare subject to the provisions of section 3.50(6) of the Local Government Act 1995'.

This change is to simplify the delegations by including all situations under the Local Government Act where the CEO has delegation to temporary close a road.

#### 2009 Events on roads – delete as this is covered by 2001.1 Temporary Road Closures

2010 Permits, Heavy haulage Vehicles – this has been changed to 2009 – Support or oppose restricted access vehicle heavy haulage applications.

Change 'The CEO is delegated authority to make recommendations to Main Roads WA on the issue of permits for access by Class 1 Restricted Access Vehicles (over size and over mass) to Shire roads' to 'Authority to support or oppose restricted access heavy vehicle haulage applications'. This has been reviewed in line with other Councils and the wording changed to reflect this.

2011 Private Works – change policy 3008 to 3003 to reflect correct policy.

2015 continue to carry out work not carried out by owner - add MCDS as a delegate in cases regarding Environment Health and CESM.

2016 Authority to carry out work on private land – add MCDS as a delegate in cases regarding Environment Health and CESM.

2017 AUTHORITY TO ENTER LAND OR PREMISES WITHOUT CONSENT – delegated as the CEO has delegate authority under 1004 Powers of Entry.

2018 Payment of Subsidies – Include in the delegations register.

Replaces 2018 REQUIREMENT TO CONSTRUCT AND REPAIR CROSSING

Replaces 2019 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES

2020 AUTHORITY TO MAKE OPENING IN A FENCE – this has been deleted as the CEO has delegate authority under 1004 Powers of Entry.

3001 Payment of Accounts – Add Council’s conditions on delegation;

This delegation may only be exercised in accordance with policies or strategies formally adopted by Council.

1. Payment of salaries up to the amount required to meet employee entitlements obligations;

and

2. Authorisation of payments made by Electronic Funds Transfer (EFT):

(i) A list of payments made is presented to Council each month as part of the Agenda.

3. In accordance with Council policies and adopted budget.

4. Contract Variations are not to exceed \$500,000, and must be within the approved Council Budget for the project.

Add MIS as a delegate as two people are required to approve payments.

3002 Amend the Rate Record – change the title from RATE RECORD OBJECTION – TIME EXTENSION.

Change the function from ‘extend the time for making the objection’ and replace with ‘amend a rate record up to 5 years preceding the current financial year’. This follows best practice, by coming into line with the 5 years we place a workable cap on the period.

Delete 3003 CONSIDERATION OF RATE OBJECTION and 3004 RATE OBJECTION – WRITTEN NOTICE OF DECISION – this is covered by 3002 and s6.76 of the Local Government Act.

3005 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES changed title from 3005 Rates payments by Agreement.

3006 UNPAID RATES OR SERVICE CHARGES (SECTION 6.64) changed title from 3006 OUTSTANDING RATES RECOVERY. Change function from ‘If a rate or service charge remains unpaid after it becomes due and payable, the CEO is delegated authority to recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction. As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised’ to ‘To take possession of land, and hold the land as against a person having an estate or interest in the land if any rates or service charges which are due in respect of ratable land have been unpaid for at least 3 years and —

(a) from time to time lease the land; or

(b) sell the land; or

(c) cause the land to be transferred to the Crown; or

(d) cause the land to be transferred to itself; or

(e) lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.'

Update reference from section 6.56 (1) Local Government Act to section 6.64 local Government Act.

3007 TAKING POSSESSION OF OR HOLDING LAND FOR UNPAID RATES, SERVICE CHARGES  
3008 LODGING CAVEATS FOR UNPAID RATES OR SERVICE CHARGES – delete these two delegations as they are covered by 3006 Unpaid Rates or Service Charges (Section 6.64).

Delete 3010 LAND UNABLE TO BE SOLD FOR RATES AND TRANSFER TO CROWN, and 3011 LAND REVESTED IN CROWN FOR UNPAID RATES, these are covered by 3006 Unpaid Rates or Service Charges (Section 6.64).

Add reference to Councils Investment Policy to 3012 PROCEDURES FOR CONTROL OVER INVESTMENTS and 3013 INVESTMENT OF SURPLUS FUNDS.

Correct 3014 Council Purchasing Authority to refer to Perenjori Purchasing Policy amended from 4009.

3018 AUTHORITY TO WAIVE, GRANT DISCOUNTS, DEFER OR WRITE OFF DEBTS change the function from 'The CEO is delegated authority to waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government (subject to section 6.12(2) of the Local Government Act 1995' to 'The CEO is delegated authority to;

- To waive or grant concessions in relation to any amount of money (Does not apply to rates and service charges); or

- Write off any amount of money owed to the City;

- Determine conditions to be imposed when granting Concessions'.

3019.1 PRESCRIBED EXPENSE REIMBURSEMENTS TO ELECTED MEMBERS - change function performed wording from 'The CEO is delegated authority to approve reimbursements of prescribed expenses to a Council member subject to Section 5.98 (3) of the Local Government Act 1995' to 'The CEO is delegated authority to;

1. To reimburse a council member who incurs an expense of a kind prescribed as being an expense-

- to be reimbursed by all local governments; or

- which may be approved for reimbursement

Is entitled to be reimbursed for the expense in accordance with subsection (3).

2. The local Government may approve reimbursement of an expense either generally or in a particular case.

Local Government Act (Administration Regulations)1996

32. (1) (a)-(c) Expenses that may be approved for reimbursement.'

This was to include the previous item 3019.2 to consolidate and make it clearer.

4001 FIREBREAK ORDER, VARIATION TO add section of the Bush Fires Act to the reference. Add Deputy Bushfire Control Officer as delegate.

4002 Burning of Roadsides – add CESM as delegate.

Delete 4003 BURNING, PROHIBITED TIMES (VARIATIONS) as this is covered by 4001 Firebreak order, Variation to.

Change 5003 SWIMMING POOL INSPECTIONS to 5003 Private Swimming Pools. Change the function from 'The CEO is delegated authority to ensure that all privately owned swimming pools within the shire are inspected at least every four years to ensure they comply with the relevant Swimming Pool legislation' to '1 Approve alternative requirements to r. 50(4)(b) of the Building Regulations 2012 (the Regulations) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS 1926.1 [r.51(2) of the Regulations]

2 Approve a door for the purposes of r.50(4)(c)(ii) of the Regulations if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [r.51(3) of the Regulations]

3 Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1) of the Regulations]’.

5004 BREACHES OF THE HEALTH ACT AND REGULATIONS has been deleted as the CEO has delegation to administer local laws 1001 and also under the Public Health act 2016.

5005 DELEGATIONS UNDER BUILDING ACT 2011 – the functions to perform wording has been changed to add ‘S17- Uncertified application to be considered by building surveyor,

S18 - Require further information from applicant, S27 - Conditions imposed by permit authority and S145A – Issue certificates. This now covers all of the functions the CEO performs in respect to the Building Act 2011.

Delete 6002 DOG REGISTRATION and 6003 DOG ACT (1976) - INFRINGEMENTS this is included in 6001 Enforcement of dog act and Local Laws. Change to the function performed from 'The CEO is authorised to make such arrangements as is considered necessary for staff, temporary, part-time or otherwise, to effectively administer the Dog Act 1976 within the limitations of the adopted Annual Budget' to 'By providing this delegation the local government expressly authorises the chief executive officer to further delegate the power or duty’.

Delete 6005 CAT ACT 2011 – MICROCHIPPING AND STERILISATION, 6006 CAT REGISTRATION and

6007 CAT ACT 2011 - INFRINGEMENTS, the delegation of this function is included in 6002 Enforcement of the Cat Act.

Delete 7001 RESPONDING TO APPEALS AND REQUESTS FOR RECONSIDERATION, 7002 LAND SUBDIVISIONS/AMALGAMATIONS, 7003 WESTERN AUSTRALIAN PLANNING COMMISSION ACT, 1985, and 7005 AUTHORITY TO SERVE INFRINGEMENT NOTICES ON MINOR OR CLEAR CUT ENFORCEMENT MATTERS. This has been done to simplify the register and to refer it to 7001 Shire of Perenjori Planning Scheme No. 2 and 7002 Planning and Development Act 2005 – OTHER DELEGATIONS. Recommendations have been added to 7002 Planning and Development Act 2005 – OTHER DELEGATIONS and listed in detail in the delegations register to offer more scope and guidance.

### **Statutory Environment**

Local Government Act s5.42, s5.44, s5.46(2)

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils Capacity – Our Leadership

*Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.*

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>The Council delegates to the CEO certain authorities to ensure the efficient and effective management of the local government.</p> <p>The CEO is to keep a register of delegations and sub delegations. Such delegations must be reviewed annually by the delegator.</p>	Low	Provided the Council fully understands the delegated authorities and ensures that the delegations are complied with, the risk of misuse is low.

**Consultation**

CEO

Local Government Act &amp; Regulations

MIS

**Comment**

Nil

**Voting Requirements – Absolute Majority****Officers Recommendation – Item 18112.5**

That Council approves the Delegation Register with the recommended amendments for 2018.

**Council Resolution – Item 18112.5****Moved: Cr L Smith****Seconded: Cr R Spencer****That Council approves the Delegation Register with the recommended amendments for 2018.****Carried: 8/0**

**18114 INFRASTRUCTURE SERVICES**

**18114.1 ROAD MAINTENANCE – OCTOBER 2018**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>R999</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<b>NIL</b>

**Executive Summary**

This item seeks Council's acceptance of the road maintenance report for October 2018.

**Background**

Listed are the roads that were graded for the month of October.

- McDonald Road
- Tremlett Road
- Maya South West Road
- Bryant Road
- Carmichael Road
- Jackson Road
- Willder Road
- Burgess Road
- Maya East Road
- Chisholm Road
- Quinn Road
- Perenjori Rothsay Road
- Warriedar Coppermine Road
- Karara Road

**Comment**

The access roads to Karara mine were again graded along with a couple of school bus routes.

**Statutory Environment**

Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

**Policy Implications**

As per Road Maintenance Policy

**Financial Implications**

As per road maintenance budget



**Strategic Implications**

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not maintaining roads will lead to deterioration of the asset and safety issues for users	High	To maintain roads to a standard and implementation of a Road Maintenance Plan.

**Consultation**

Team Leaders  
Grader Operators

**Voting Requirements – Simple Majority****Officers Recommendation – Item 18114.1**

That the road maintenance report for October 2018 be accepted as received.

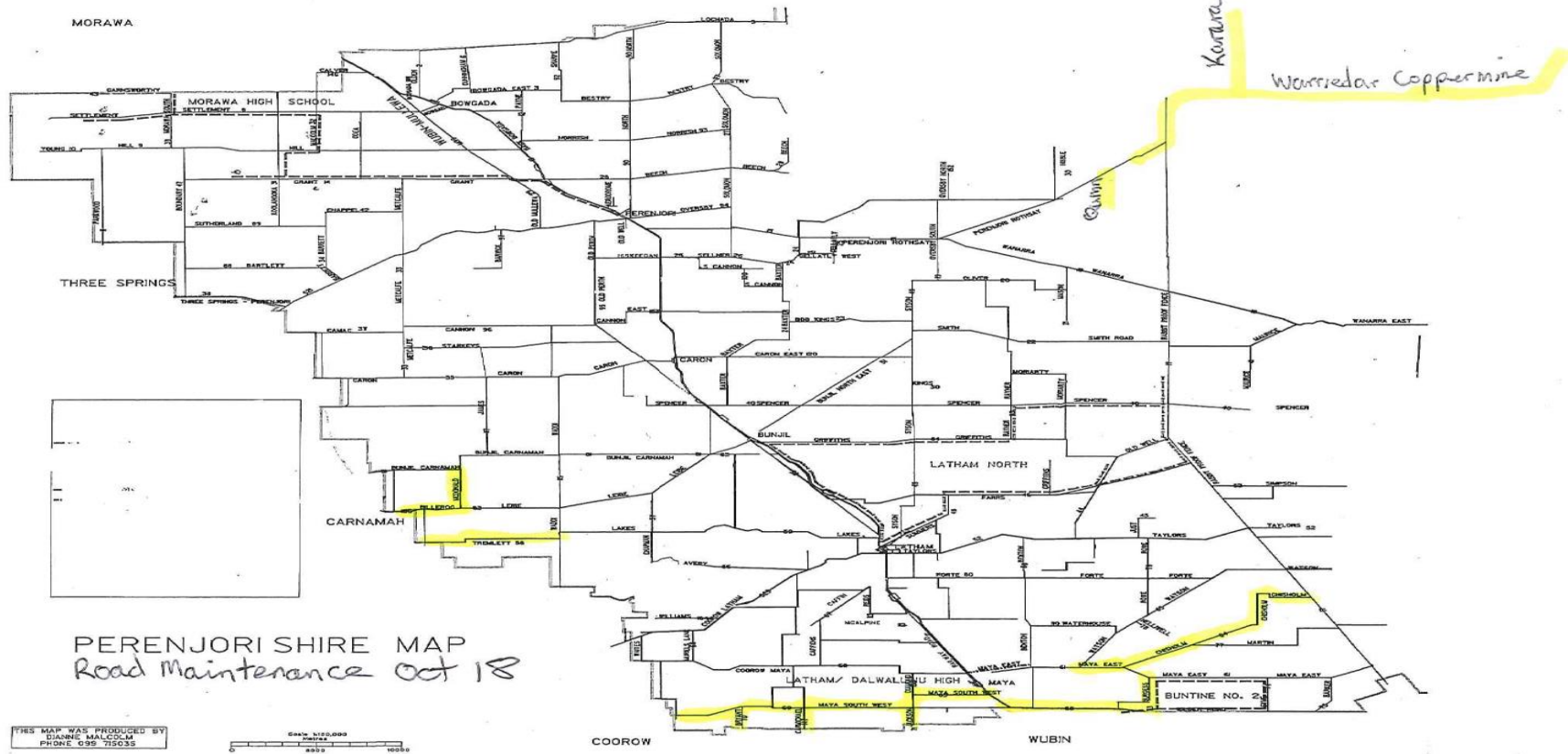
**Council Resolution – Item 18114.1**

Moved: Cr P Waterhouse

Seconded: Cr J Hirsch

That the road maintenance report for October 2018 be accepted as received.

Carried: 8/0



**18114.2 APPLICATION TO COLLECT NATIVE SEEDS**

<b>APPLICANT:</b>	<b>TIM EMMOTT – ESCAPES ENVIRONMENTAL</b>
<b>FILE:</b>	<b>ADM 0159</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS</b>	<b>LETTER</b>

**Executive Summary**

This item seeks Council's consideration on an application from E-Scapes Environmental for the collection of native seed.

**Background**

A letter has been received from Tim Emmott on behalf of E- Scapes Environmental requesting permission from the Shire of Perenjori to collect seed from native vegetation from roads and reserves managed by the Shire.

E- Scapes Environmental abides by the appropriate DPAW licensing conditions and have stated that they will abide by any conditions imposed by the Shire of Perenjori.

The seed is being collected for use in the local revegetation projects where there is a desire to utilise local provenance seed.

**Comment**

If the seed is being used for local rehabilitation projects it would be of benefit to the region to be regenerating local flora.

**Statutory Environment**

NIL

**Policy Implications**

Policy 6001 states: Permission to collect flora (including fire wood and seed harvesting) from land under the control of the Shire (i.e. road reserves, vested reserves, freehold etc.) may only be granted by resolution by the Council and will be subject to the applicant obtaining the necessary approval from the Department of Environment and Conservation or its successor.

**Financial Implications**

NIL

**Strategic Implications**

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Native seed stocks reduced	low	Requirements of Department Biodiversity, Conservation and Attractions adhered to.

**Consultation****Voting Requirements – Simple Majority****Officers Recommendation – Item 18114.2**

That Council permits E- Scapes Environmental to collect native seed from Shire of Perenjori managed roads and reserves with conditions regarding Department of Biodiversity, Conservation and Attractions requirements (formally DPAW) being met.

**Council Resolution – Item 18114.2****Moved: Cr J Hirsch****Seconded: Cr J Cunningham**

**That Council permits E- Scapes Environmental to collect native seed from Shire of Perenjori managed roads and reserves for a two year period with conditions regarding Department of Biodiversity, Conservation and Attractions requirements (formally DPAW) being met.**

**Carried: 8/0**



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E: [tim.emmott@inet.net.au](mailto:tim.emmott@inet.net.au)

10<sup>th</sup> September 2018

Chief Executive Officer  
Shire of Perenjori  
PO Box 22  
Perenjori WA 6620

**RE: Permission to collect native seed**

Dear Sir

E-Scapes Environmental Pty (ESE) is requesting permission from the Shire of Perenjori to collect seed from native vegetation from roads and reserves managed by the Shire of Perenjori

ESE abides by the appropriate DPAW licensing conditions and will adhere to any conditions imposed by the Perenjori Shire.

Seed is being collected for use in local revegetation projects where there is a desire to utilise local provenance seed.

If you would like further information, please contact me on the numbers above. I thank you for your consideration of this request and look forward to your reply.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tim Emmott", written over a horizontal dotted line.

Tim Emmott  
Director  
E-Scapes Environmental Pty Ltd

**18114.3 MAYA EAST ROAD - BUDGET VARIATION**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>R999</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

**Executive Summary**

This item seeks that Council note a budget variation for the Maya East Road project which is to be reflected in the February Budget review.

**Background**

The budgeted project to gravel sections of Maya East Road is under way and it is projected that the budget will not be enough to complete the job.

The project was budgeted at \$140,423 and to date we have spent \$107,485 with still two to three weeks work left. We have spent more time than anticipated on clearing and forming of the road sections and water is now coming from further away.

The funds for the project came from our FAGS allocation. When the budget was adopted we did not know our full allocation but since then we were notified of our amount.

It is proposed that the extra allocation of the FAGS be used to fund the shortfall in the Maya East Road project and that this be reflected in the February budget review.

**Comment**

Unfortunately it has taken longer to prepare the road sections with widening, removal of soil and vegetation which have increased the costs of the project along with water having to come from further away.

**Statutory Environment**

Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

**Policy Implications**

Policy 249- BUDGETARY CONTROL MEASURES

Budget variations

Any necessary budget variations should be brought to the attention of the Council at the earliest possible opportunity. Senior officers, when seeking budget variations, should identify variations in other projects or programs within that same schedule that could offset any shortfall or surplus.

Where no surplus or adequate surplus can be identified in the same schedule area, senior staff and the CEO need to identify surpluses in the other schedule areas.

**Financial Implications**

Shortfall in budget to be offset from extra funds from FAGS.

**Strategic Implications**

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A Community that develops and lives sustainably in a thriving natural and quality built environment, which meets current and future community needs.

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not increasing budget for project would mean stopping before completed.	Mid/high	Use identified funds from FAGS to be allocated to the project to allow completion

**Consultation**

Team Leader

CEO

**Voting Requirements – Simple Majority****Officers Recommendation – Item 18114.3**

That Council note the budget variation for the Maya East Road project and that the shortfall is to be offset from the extra FAGS funding received which is to be reflected in the February Budget review.

**Council Resolution – Item 18114.3**

**Moved: Cr J Hirsch**

**Seconded: Cr P Waterhouse**

**That Council note the budget variation for the Maya East Road project and that the shortfall is to be offset from the extra FAGS funding received which is to be reflected in the February Budget review.**

**Carried: 8/0**

**18115 GOVERNANCE****18115.1 COMMUNICATIONS AND SOCIAL MEDIA POLICY**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>NIL</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>STEPHEN TINDALE – ACTING CEO</b>
<b>RESPONSIBLE OFFICER:</b>	<b>STEPHEN TINDALE – ACTING CEO</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li><b>1. DRAFT COMMUNICATIONS AND SOCIAL MEDIA POLICY</b></li> <li><b>2. WALGA TEMPLATE POLICY</b></li> <li><b>3. DRAFT SHIRE OF PERENJORI POLICY</b></li> <li><b>4. EXISTING POLICIES</b></li> </ol>

**Executive Summary**

This item recommends Council's adoption of a new Communications and Social Media Policy.

**Background**

On 29 October 2018 WALGA's Governance Advisor, Lyn Fogg, sent out an update to all local governments on social media, cyber bullying and abuse (see Attachment 1).

The update referred to an updated Elected Member and Social Media template policy (Attachment 2) which is now recommended to Council for adoption subject to amendment to suit local circumstances and existing policy.

Once adopted the new policy (Attachment 3) will replace the following Council policies (Attachment 4);

- 1004 – Social Media Policy
- 1006 – Authority to Speak on Behalf of President
- 9005 – Elected Member Email Use

**Comment**

The WALGA template policy is shown as Attachment 2. The template policy has been modified by;

- deleting 5.1.1 - *Shire President/Mayoral Social Media Official Accounts*
- absorbing 5.1.2 - *Use of Social Media in Emergency Management and Response* into the body of Part 5 of the template policy and adapting it to reflect the protocol contained in the *Shire of Perenjori's Local Emergency Management Arrangements*.
- adding a new 7.2 to WALGA's template policy i.e. *Councillor Email Communications with Shire of Perenjori Employees*. This addition simplifies and absorbs existing Council Policy 9005 – Elected Member Email Use.



**MINUTES****15<sup>th</sup> November 2018**

The new replacement policy effectively consolidates existing policy into a one-stop email and social media policy.

**Statutory Environment**

*Local Government (Rules of Conduct) Regulations 2007*

*State Records Act 2000 – SRC Standard 8 – Managing Digital Information*

*Shire of Perenjori Standing Orders Local Law 2015*

**Policy Implications**

The proposed new policy will replace the following policies:

- 1004 – Social Media Policy
- 1006 – Authority to Speak on Behalf of President
- 9005 – Elected Member Email Use

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils Capacity – Our Leadership

*Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.*

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
If not managed properly, the content of email and social media communications may reflect poorly on the Shire of Perenjori's professionalism, misrepresent the situation leading to a negative public perception of the Shire.	Medium	The establishment and implementation of protocols in relation to the Shire of Perenjori's official communications.

**Consultation**

Nil

**Voting Requirements – Simple Majority****Officers Recommendation – Item 18115.1**

That Council:

1. Adopt the proposed new Communications and Social Media Policy;
2. Delete the following policies:
  - 1004 – Social Media Policy

- 1006 – Authority to Speak on Behalf of President
- 9005 – Elected Member Email Use

**Council Resolution – Item 18115.1****Moved: Cr J Hirsch****Seconded: Cr L Smith****That Council:**

1. **Adopt the proposed new Communications and Social Media Policy;**
2. **Delete the following policies:**
  - **1004 – Social Media Policy**
  - **1006 – Authority to Speak on Behalf of President**
  - **9005 – Elected Member Email Use**

**Carried: 8/0****18115.2 CODE OF CONDUCT**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0311</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>STEPHEN TINDALE – ACTING CEO</b>
<b>RESPONSIBLE OFFICER:</b>	<b>STEPHEN TINDALE – ACTING CEO</b>
<b>REPORT DATE:</b>	<b>15<sup>TH</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<b>DRAFT UPDATED CODE OF CONDUCT</b>

**Executive Summary**

This item recommends Council's adoption of an updated Code of Conduct.

**Background**

On 29 October 2018 WALGA's Governance Advisor, Lyn Fogg, sent out an update to all local governments on social media, cyber bullying and abuse (see previous agenda item).

On reviewing the Shire of Perenjori's existing Code of Conduct the Acting CEO noted that the Shire of Perenjori's 2015 Code of Conduct is based word-for-word on WALGA's Model Code of Conduct but lacks clauses, or parts of clauses, that now appear in WALGA's Model Code of Conduct.

These clauses have been highlighted in blue font in the Attachment to this agenda item and relate to;

- Principles affecting the employment of employees of the Shire (p.4)
- Use of Confidential Information (p.7)
- Improper or Undue Influence (p.7)

- Personal Communications and Social Media (p.11)

**Comment**

Councillors may have prior knowledge of instances in the past where the conduct of Councillors or employees has impinged or bordered upon on being a contravention of the clauses that are now being recommended to Council.

The Shire of Perenjori is not alone in that regard and an increasing number of local governments now find themselves in the public spotlight where the inappropriate disclosure of confidential information, the exercise of improper or undue influence, abusive personal communications and/or hostile social media has come to the forefront.

Unfortunately, that sort of conduct by Councillors or employees can do irreparable damage to the image and standing of the Council within the community no matter how righteous an action may have seemed at the time by any individual.

The conduct should be discouraged actively rather than passively tolerated.

**Statutory Environment**

*Local Government Act 1995*

*Local Government (Rules of Conduct) Regulations 2007*

*Local Government (Administration) Regulations 1996*

*Corruption, Crime and Misconduct Act 2003*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils Capacity – Our Leadership

*Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.*

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
If not managed properly, the conduct of Councillors, committee members and employees may reflect poorly on the Shire of Perenjori's professionalism, leading to a negative public perception of the Shire.	High	The establishment and implementation of protocols in relation to the conduct of Councillors, committee members and employees of the Shire of Perenjori.

**Consultation**

Nil

**Voting Requirements – Simple Majority**

**Officers Recommendation – Item 18115.2**

That Council adopt the draft updated Code of Conduct.

**Council Resolution – Item 18115.2**

**Moved:** Cr R Spencer

**Seconded:** Cr L Smith

**That Council adopt the draft updated Code of Conduct.**

**Carried: 8/0**

**18115.3 CHRISTMAS CLOSURE, COUNCIL AND STAFF FUNCTION 2018**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>NIL</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>BIANCA PLUG – EA</b>
<b>RESPONSIBLE OFFICER</b>	<b>STEPHEN TINDALE – A/CEO</b>
<b>REPORT DATE:</b>	<b>15<sup>TH</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<b>NIL</b>

**Executive Summary**

This item seeks Council's endorsement of the closure of the administration building between Christmas and the New Year and the conduct of an annual Christmas Party for all Shire staff, Councillors and their immediate families.

**Background**

Office Closure:

In previous years the administration staff observed a Christmas/New Year stand down in which the main administration building was closed during the period between Christmas and New Year. It would be proposed that a similar Christmas stand down be observed over the period between Christmas and New Year 2018/19.

The proposal would be that the Christmas stand down is advertised to the general public and that alternative contact numbers are provided in the event that urgent action needs to be undertaken by resident staff.

Where a Christmas stand down is invoked, all staff will be expected to take that time off either using rostered days off or annual leave, otherwise those staff in positions able to continue to work can do so with their supervisor's permission. The proposed closure will be from 3.00 pm Friday, 21<sup>st</sup> December and re-opening at 8.00am Thursday, 3<sup>rd</sup> January 2019.

Christmas Function:

The Council has traditionally put on a single end of year staff and Council Christmas function in order to recognise the efforts of all throughout the calendar year. This event in 2017 was held at the Perenjori Sports Club and is proposed for a similar event to be held on Thursday 20<sup>th</sup> December 2018 following directly after the December Ordinary Council Meeting.

**Comment:**

Office Closure:

The annual administration Christmas/New Year stand down would appear to be an appropriate response where there is not a high volume of counter or telephone enquiries, and where there is no particular need to have the administration building open at what is otherwise considered a very quiet part of the year.

End of Year Function:

This event provides opportunity for all Councillors and staff to join together and have a Christmas meal and drinks. The function signifies the end of the calendar year and acknowledges the efforts by all to achieve over the year.

**Statutory Environment**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Funds for the Christmas function are included in the existing budget allocations for Council functions.

**Strategic Implications:**

Area 5: Investing in Councils Capacity – Our Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

**Risk Management**

Notifying the community will be important to ensure people are well prepared and not surprised by the closure. The Administration building has a history of closing, so it is expected the community would be aware.

**Consultation:**

Internal and external staff

**Voting Requirements:**

Simple Majority

**Officer Recommendation – Item 18115.3**

That the Council –

1. Note the observance of a Christmas stand-down for staff with the office to be closed from 3.00 pm Friday 21<sup>st</sup> December 2018 and re-opening at 8.00 am on Thursday, 3<sup>rd</sup> January 2018.
2. Support a Councillor and Staff Christmas function on Thursday 20<sup>th</sup> December 2018 commencing at 5.30 pm, at the Perenjori Sports Club.

**Council Resolution – Item 18115.3**

Moved: Cr J Hirsch

Seconded: Cr L Smith

That the Council –

1. Note the observance of a Christmas stand-down for staff with the office to be closed from 3.00 pm Friday 21<sup>st</sup> December 2018 and re-opening at 8.00 am on Thursday, 3<sup>rd</sup> January 2018.
2. Support a Councillor and Staff Christmas function on Thursday 20<sup>th</sup> December 2018 commencing at 5.30 pm, at the Perenjori Sports Club.

Carried: 8/0

**18115.4 REQUEST TO WAIVE PERENJORI SPORTS PAVILION HIRE FEE**

<b>APPLICANT:</b>	<b>PERENJORI CRC</b>
<b>FILE:</b>	<b>ADM 0176</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>BIANCA PLUG - EA</b>
<b>RESPONSIBLE OFFICER:</b>	<b>STEPHEN TINDALE – A/CEO</b>
<b>REPORT DATE:</b>	<b>15<sup>TH</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS:</b>	<b>LETTER</b>

**Executive Summary**

This item recommends that Council endorses the waiving of fees for the hire of the Perenjori Sports Pavilion for the upcoming Christmas Markets held by the Perenjori Resource Centre.

**Background**

The Perenjori CRC has requested the use of the Perenjori Sports Pavilion for their upcoming Christmas Markets. The markets will be held on the 8<sup>th</sup> December 2018 from 4.00 pm – 10.00 pm.

The Christmas Markets will be a BYO event and recommends that the following conditions be met:

- The alcohol will not be sold
- The alcohol must not be taken out of the designated area (Perenjori Pavilion and lawn area)
- The alcohol must not be consumed by people under the age of 18
- The Perenjori Sports Pavilion be left in a clean and tidy matter

**Comment**

Nil

**Statutory Environment**

Local Government Act 6.15

**Policy Implications**

Donations Policy 1011

**Financial Implications**

The cost for a night event in the Hall is \$180. A refundable bond for functions with Alcohol is \$250.00

**Strategic Implications**

Area 3: People and place – Our Community

*Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities, and services to enable people to meet their needs and achieve their potential.*

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
There is always some risk that damage could occur to the building and equipment therein or at worse people could be injured while attending.	Low	A well-managed event will minimise any risk to the building or persons attending. The building is also insured and Council is covered by public liability insurance.

**Consultation**

CRC

**Comment**

Nil

**Voting Requirements – Simple Majority****Officers Recommendation – Item 18115.4**

That Council agrees to waive the fees for the hire of the Perenjori Sports Pavilion for the Perenjori Community Resource Centre's Christmas Markets to be held on the 8<sup>th</sup> December 2018 on the conditions that:

1. The alcohol will not be sold
2. The alcohol must not be taken out of the designated area (Perenjori Pavilion and lawn area)
3. The alcohol must not be consumed by people under the age of 18
4. The Perenjori Sports Pavilion be left in a clean and tidy manner

**Council Resolution – Item 18115.4**

**Moved: Cr L Smith**

**Seconded: Cr P Waterhouse**

**That Council agrees to waive the fees for the hire of the Perenjori Sports Pavilion for the Perenjori Community Resource Centre's Christmas Markets to be held on the 8<sup>th</sup> December 2018 on the conditions that:**

- 1. The alcohol will not be sold**

2. The alcohol must not be taken out of the designated area (Perenjori Pavilion and lawn area)
3. The alcohol must not be consumed by people under the age of 18
4. The Perenjori Sports Pavilion be left in a clean and tidy manner

Carried: 8/0

## 18116 STATUS REPORT

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>NIL</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>STEPHEN TINDALE – A/CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>STEPHEN TINDALE – A/CEO</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS</b>	<b>STATUS REPORT</b>

### Executive Summary

The status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

### Background

Nil

### Comment

Nil

### Statutory Environment

Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

### Policy Implications

Nil

### Financial Implications

Nil

### Strategic Implications

Area 5: Investing in Councils Capacity – Our Leadership

*Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.*

### Consultation

Staff



**Officer Recommendation – Item 18116**

Council accepts the Status Report as presented for the month of October 2018.

**Council Resolution – Item 18116**

**Moved:** Cr R Spencer

**Seconded:** Cr J Cunningham

Council accepts the Status Report as presented for the month of October 2018.

**Carried:** 8/0

**18117 OTHER BUSINESS****18117.1 MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN****18117.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Councillor Hirsch asked the following questions on notice:

**Q1. Have all costs for the 2018 Blues for the Bush event been settled, including the coordinator?**

**Response:** No, we understand that there are still some invoices outstanding including a September invoice for the Project Team Leader.

**Q2. Has Bush Heritage Australia paid their share of costs for the 2018 Blues for the Bush event to the Shire of Perenjori?**

**Response:** No. A tax invoice will be issued once all costs and income are reconciled.

The agreement signed on the 17th July 2018 stated that Bush heritage's Financial Contribution to the project will be \$36,000 (exc GST), to be paid following signing of the Agreement and upon receipt of a tax invoice, no invoice has been processed in our system.

**Q3. As approved at the Ordinary Council meeting held 20th September 2018, item 18092.4 has Bush Heritage Australia paid to the shire half of the accommodation costs?**

**If not, have they been asked to?**

**Response:** Accommodation costs have been invoiced to the Blues for the Bush expense account to ensure that the cost is reimbursed as part of the final division of loss/income from the event. As per the event agreement 50% of the total amount will then be invoiced to Bush Heritage.

**Q4. What are the reasons for the continued delay of the detailed report for the 2018 Blues for the Bush event for presentation to council?**

**Response:** In response to a query from the Acting CEO last Friday, the Project Team Leader advised:

- I have not been able to finalise the report in time for your agenda for this month's Council meeting.
- I have been waiting on some information that I believe is important to include.
- I have (as of yesterday) received all of this however I have not had the capacity since then to finalise the report as planned.
- I am still waiting to finalise the accounts for the project however the report should portray a fairly accurate picture of the financial position without these last bills.
- I will be finalising this report on Tuesday and Wednesday this coming week.
- As with 2016, will it be acceptable to present this report to council at the December meeting?
- I apologise for the lack of communications around this.

**18117.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION****18117.4 MATTERS BEHIND CLOSED DOORS**

<b>Council Resolution – Item 18116</b>	
<b>Moved: Cr L Smith</b>	<b>Seconded: Cr J Cunningham</b>
<b>That Council accepts the Confidential late item 18117.4.1 for discussion and moves behind closed doors.</b>	
<b>Carried: 8/0</b>	

**18117.4.1 CONFIDENTIAL URGENT ITEM – CEO RECRUITMENT**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>NIL</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>STEPHEN TINDALE – A/CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>STEPHEN TINDALE – A/CEO</b>
<b>REPORT DATE:</b>	<b>15<sup>th</sup> NOVEMBER 2018</b>
<b>ATTACHMENTS</b>	<b>CV &amp; Selection Criteria – Applicant 1</b>
	<b>CV &amp; Selection Criteria – Applicant 2</b>
	<b>CV – Applicant 3</b>
	<b>CEO Application Assessment Report</b>

**Voting Requirements – Simple Majority**

**Officers Recommendation – Item 18117.5.1**

That Council conduct interviews with the three candidates recommended for interview by LO-GO Appointments.

**Council Resolution – Item 18117.5.1**

**Moved: Cr L Smith**

**Seconded: Cr R Spencer**

**That Council conduct interviews with the three candidates recommended for interview by LO-GO Appointments.**

**Carried: 6/2**

**Council Resolution – Item 18116**

**Moved: Cr J Cunningham**

**Seconded: Cr R Spencer**

**That Council move from behind closed doors.**

**Carried: 8/0**

**18117.5 DATE OF NEXT MEETING**

The date of the next Council meeting will be held on Thursday 20<sup>th</sup> December 2018 commencing at 3.00 pm.

**18117.6 CLOSURE**

Cr L Butler declared the meeting closed at 8.38 pm.