



SHIRE OF MENZIES

Minutes

**FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD ON**

24 September 2020

Commenced at 1.28pm

24
September
2020

Ordinary Meeting of Council

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

FINANCIAL INTEREST

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the Chief Executive Officer (CEO) before the meeting: or
- b) At the meeting, immediately before the matter is discussed.

A member who has declared an interest must not:

- Preside at the part of the meeting relating to the matter: or
- Participate in or be present during the discussion of decision-making procedure relating to the matter unless the member is allowed to do so under Section 5.68 or 5.69 of the *Local Government Act 1995*.

Councillor Attendance
Shire of Menzies Council Meetings 2019/2020

Council Meeting Date	Leave of Absence	Apologies	Electronic Attendance	Absent
28 February 2019	-	Cr D Hansen	Cr I Baird	
28 March 2019	-	-	-	-
24 April 2019	-	-	Cr D Hansen Cr I Baird	-
30 May 2019	-	-	-	-
27 June 2019	-	-	-	Cr D Hansen
25 July 2019	-	Cr D Hansen	-	-
29 August 2019	-	Cr I Tucker Cr J Lee	-	-
26 September 2019	Adjourned			
31 October 2019	-	-	-	-
28 November 2019	-	Cr D Hansen	-	-
12 December 2019	-	Cr I Baird Cr D Hansen	-	-
27 February 2020	-	-	Cr J Lee	-
26 March 2020	-	-	Crs I Baird & Hansen by video Crs Lee, Ashwin by telephone with Cr J Dwyer by telephone at 1.29 pm.	-
30 April 2020	-	Cr Hansen	Crs Baird (at Pila Nguru Aboriginal Corp), Lee & Ashwin (at MAC) by video	-
28 May 2020	-	-	Crs Baird (at Pila Nguru Aboriginal Corp), Lee (at MAC) by video conference and Ashwin by	-
25 June 2020	-	-	Cr Ashwin in the transportable in the MAC yard. Cr Lee in the office at the MAC Centre	Cr Baird Cr Hansen

Council Meeting Date	Leave of Absence	Apologies	Electronic Attendance	Absent
30 July 2020	-	Cr J Lee Cr V Ashwin Cr D Hansen	Cr Baird (at Pila Nguru Aboriginal Corp)	-
27 August 2020		Cr D Hansen	Cr Ashwin in the transportable in the MAC yard. Cr Lee in the office at the	
24 September 2020			Cr G Dwyer, Cr I Baird, Cr J Dwyer by conference call (from Tjunjuntjara) Cr J Lee by conference call (from Mundaring) Cr V Ashwin by conference call (from the transportable in the MAC yard)	

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1 DECLARATION OF OPENING

The President declared the meeting open at 1.28pm.

2 ANNOUNCEMENT OF VISITORS

Nil

3 RECORD OF ATTENDANCE

Present

Councillors:	Cr G Dwyer	Shire President (via telephone conference)
	Cr I Baird	Deputy Shire President (via telephone conference)
	Cr J Dwyer	(via telephone conference)
	Cr J Lee	(via telephone conference)
	Cr V Ashwin	(via telephone conference)
	Cr K Mader	

Staff:	Mr E Piper	A/Chief Executive Officer
	Miss J Hancock	A/Executive Officer

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no questions from the public.

5 PUBLIC QUESTION TIME

Nil

6 APPLICATIONS BY MEMBERS

Request for Leave of Absence – Cr J Dwyer

Request for leave of absence received from Cr Jill Dwyer for the 29 October 2020 Ordinary Council Meeting.

COUNCIL RESOLUTION:

No. 1984

MOVED: Cr V Ashwin

SECONDED: Cr I Baird

That Council grant leave of absence to Cr Jill Dwyer for the 29 October 2020 Ordinary Council meeting.

Carried 6 / 0

7 DECLARATIONS OF INTEREST

An impartiality Declaration of Interest was received from Cr I Baird in relation to the Late Item 14.1.1 – Cr D Hansen – Disqualification / Resignation.

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

That the meeting be adjourned at 1.43pm. No Council business was conducted during this period due to poor quality and inaccessibility to the Zoom video-conferencing platform.

MOVED: Cr J Dwyer

SECONDED: Cr I Baird

Carried 6 / 0

That the meeting reconvene at 1.52pm.

MOVED: Cr J Dwyer

SECONDED: Cr I Baird

Carried 6 / 0

9 CONFIRMATION / RECEIVAL OF MINUTES

9.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 AUGUST 2020 *(Provided under Separate Cover)*

COUNCIL RESOLUTION:

No. 1985

MOVED: Cr J Dwyer

SECONDED: Cr I Baird

That the minutes of the Ordinary Meeting of Council held on Thursday, 27 August 2020 be confirmed as a true and correct record of proceedings, with noted changes:

Carried 6 / 0

Council Authorised changes to be made to page 214 (Item 12.5.7):

Deferred Officer Recommendation Item (1) to remain as is.

OFFICER RECOMMENDATION (1)

That the Acting Chief Executive Officer facilitate an audit of stock grids in the Shire of Menzies.

Deferred Officer Recommendations (2) and (3) to be removed.

MOVED: Cr J Lee

SECONDED: Cr I Baird

10 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 PRESIDENTS REPORT FOR MONTH OF SEPTEMBER 2020

6 September 2020

With Cr J Dwyer and Cr Mader we conducted a Road and Grid inspection on the Kookynie-Yarri Road, Cranky Jack Road, Yarri and Pinjin Road.

10 September 2020

With Cr Mader and the Acting CEO we attended the Goldfields-Esperance Camel Industry Development Forum, hosted by Goldfields Esperance Development Commission. Camel Solutions Australia gave a short presentation outlining their proposal to commercially harvest camels, an updated presentation to be presented the next day at the GVROC Meeting held at the City of Kalgoorlie Boulder Council Chambers.

22 September 2020

With Cr J Dwyer we travelled from Kalgoorlie to Tjuntjuntjara and observed the completed roadworks on the Connie Sue Highway and Tjuntjuntjara Community Access Road that was undertaken by Nullarbor Transport Services, beginning in May.

23 September 2020

Prior to the Ordinary Meeting of Council, Cr Dwyer and I met with the CEO of PTAC, Moray Ralph, with discussions on the Community Town Plan, Power/Water services and road access to the Community in the Menzies Shire.

Following the Ordinary Meeting of Council we travelled the Connie Sue Highway north at the start of the Tjuntjuntjara Community Access Road, Black Tank T Junction, approximately 65kms north to the Menzies/Laverton Shire Boundary, then on to Neale Junction and west to Laverton.

It has been pleasing to see marked improvement in the road's construction and maintenance for the most viable access road to the Tjuntjuntjara Community, enabling service personnel (Government and Contract), local residents and visitors to travel safely and within a reduced time frame schedule.

COUNCIL RESOLUTION:

No. 1986

MOVED: Cr I Baird

SECONDED: Cr J Dwyer

That the President's report for the month of September 2020 be received.

Carried 6 / 0

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12.1.1 MONTHLY LISTING OF PAYMENTS FOR THE MONTH OF AUGUST 2020

LOCATION:	N/A
APPLICANT:	Shire of Menzies
DOCUMENT REF:	FIN.935.1/NAM307
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	7 September 2020
AUTHOR:	Carol McAllan Finance Officer
ATTACHMENT:	12.1.2-1 Payment Listing for August 2020 12.1.2-2 EFT Payment Listing for August 2020 12.1.2-3 Direct Debit Payment Listing for August 2020 12.1.2-4 Credit Card Payment Listing for August 2020

IN BRIEF:

The list of payments made for the month of August 2020 to be received by Council.

BACKGROUND:

Payments have been made by electronic funds transfer (EFT), cheque and direct transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under delegated authority to the Chief Executive Officer and are reported to Council.

COMMENT:

The EFT and Direct Debit payments that have been raised for the month of August 2020 are attached.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996 Regulation 13

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for Payment

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENTS:

Nil

STRATEGIC IMPLICATIONS:

14.3 Active civic leadership achieved

- Regularly review plans with community consultation on significant decisions affecting the Shire.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council receive the list of payments for the month of August 2020 totalling \$249,628.16 being:

- 1) No cheques were drawn;
- 2) Electronic Fund Transfer EFT5286 – EFT5368 payments in the Municipal Fund totalling \$870,182.40;
- 3) Direct Debit payments from the Municipal Fund totally \$34,811.67; and
- 4) Credit Card payments for the statement month of July 2020 included in Direct Debits \$3,483.17.

COUNCIL DECISION:

COUNCIL RESOLUTION:	No. 1987
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MOVED: Cr J Lee

SECONDED: Cr I Baird

That Council receive the list of payments for the month of August 2020 totalling \$249,628.16 being:

- 1) No cheques were drawn;*
- 2) Electronic Fund Transfer EFT5286 – EFT5368 payments in the Municipal Fund totalling \$870,182.40;*
- 3) Direct Debit payments from the Municipal Fund totally \$34,811.67; and*
- 4) Credit Card payments for the statement month of July 2020 included in Direct Debits \$3,483.17.*

Carried 6 / 0

Shire of Menzies
Payments for the Month of August 2020

SUMMARY OF PAYMENTS FOR AUGUST 2020

Cheques	0.00
EFT	870,182.40
Direct Debit	34,811.67
Total Payments	904,994.07
Credit Card Payments for July 2020 (included in Direct Debit)	3,483.17

Shire of Menzies
Payments for the Month of August 2020

ELECTRONIC FUNDS TRANSFER (EFT)

Chq/EFT	Date	Name	Description	Amount
EFT5286	03/08/2020	Nullarbor Transport	Roadworks on Connie Sue and Tjuntjuntjara Roads	\$262,487.50
EFT5287	03/08/2020	Lgiswa	First Instalment on Insurances for 2020-2021	\$90,783.85
EFT5288	03/08/2020	Australian Communications & Media Auth	Renew 2 x Retransmission Licences for 2020-2021	\$90.00
EFT5289	03/08/2020	LGIS	First Instalment on Insurances for 2020-2021	\$15,853.64
EFT5290	03/08/2020	Shire of Menzies Social Club	Payroll deductions	\$100.00
EFT5291	10/08/2020	Canine Control	Ranger Services - Thursday 23 July 2020	\$1,600.50
EFT5292	10/08/2020	Murdoch University	Vet Services 11 November 2019 - Invoice sent late	\$1,475.00
EFT5293	10/08/2020	Stratco	Guttering for Caravan Park Ablution Blocks	\$1,265.47
EFT5294	10/08/2020	Roadtech Civil & Construction	Bitumen seal 6 x driveways	\$29,700.00
EFT5295	10/08/2020	Tradelink Pty Limited	Pipes, bends, caps, valves, etc for Shire buildings	\$963.63
EFT5296	10/08/2020	3E Advantage	Copier charges for 2 copiers	\$4,320.24
EFT5297	10/08/2020	Yeti's Records Management Consultancy	Records training, pick up boxes for archiving.	\$704.00
EFT5298	10/08/2020	Nullarbor Transport	Roadworks on Connie Sue and Tjuntjuntjara Roads	\$58,176.00
EFT5299	10/08/2020	Coolgardie Tyre Service	Tyres, Backhoe, Loader, Rubbish Truck	\$6,424.00
EFT5300	10/08/2020	Emyjor Services	Fit Gas Regulators Cabin A & B - Caravan Park , Repair Water Leak	\$1,701.70
EFT5301	10/08/2020	Purewater Pool Services Pty Ltd	Annual Fee Web access - Dosing Controller-Water Park	\$319.00
EFT5302	10/08/2020	Konnect Fastening Systems (t/a Coventry Group)	Teck Screws 65CL	\$145.04
EFT5303	10/08/2020	Rebus Restrooms	Progress Claim on Delivery- Truck Bay Ablution Block	\$79,750.00
EFT5304	10/08/2020	Jenjo Games	Supplies for Youth Centre	\$2,593.22
EFT5305	10/08/2020	Bellini Bulk Haulage	Quartz Rock for Around Buildings-Caravan Park Cabins	\$484.00
EFT5306	10/08/2020	LG Best Practices	July Invoice - Contract Deputy CEO	\$1,320.00
EFT5307	10/08/2020	WA Local Govt Association	WALGA Subscription 1st July 2020 to 30th June 2021	\$24,454.24
EFT5308	10/08/2020	Australasian Performing Right Association	01 July 2020 - 30 June 2021 - License for financial year	\$350.00
EFT5309	10/08/2020	Air Liquide Australia Ltd	Cylinder Rental 01/07/2020 to 31/07/2020	\$28.16
EFT5310	10/08/2020	Bunnings	Mats, brooms, buckets, insect screen, consumables	\$1,119.62
EFT5311	10/08/2020	C Direct	Telstra Pre-paid mobile credit for resale	\$576.00
EFT5312	10/08/2020	Conway Highbury	Inv - 493 - Discussions and instructions on disposal of land regarding next stage - Form 4	\$385.00
EFT5313	10/08/2020	Toll Transport Pty Ltd	Freight	\$158.74
EFT5314	10/08/2020	Cybersecure	Backup subscription - July 2020	\$259.88
EFT5315	10/08/2020	Gregory Dwyer	June Travel Claim	\$241.58
EFT5316	10/08/2020	Jillian Dwyer	Reimburse purchases made for Caravan Park Cabins	\$880.22
EFT5317	10/08/2020	Eagle Petroleum (W.A) Pty Ltd	Bulk diesel, 10,500ltrs @ \$1.1015 ex gst, 1 drum ULP	\$12,997.33
EFT5318	10/08/2020	Ecowater Services	Biomax Service	\$689.03
EFT5319	10/08/2020	Goldline Distributors	Cleaning and catering supplies	\$566.26
EFT5320	10/08/2020	Goldfields Records Storage	Records storage to 30 June 2020	\$30.36
EFT5321	10/08/2020	Harvey Norman Furniture	2 x Sofa Beds for Caravan Park Cabins	\$6,398.00
EFT5322	10/08/2020	Harvey Norman Bedding Kalgoorlie	Beds, mattress's, sheets, quilts for Caravan Park Cabins	\$14,104.00
EFT5323	10/08/2020	Hesperian Press	Books for resale	-\$910.50
EFT5324	10/08/2020	IT Vision	Annual Licence Fee, EOY processing and Rates billing	\$44,741.95
EFT5325	10/08/2020	Kalgoorlie-Boulder Chamber Of Commerce & Industry Inc	Membership of trhe Chamber for July 2020 - June 2021	\$355.00
EFT5326	10/08/2020	Kleenheat Gas	4x 48kg gas bottles-Caravan Park Cabins	\$596.77
EFT5327	10/08/2020	Grand Hotel Kookynie	Catering for 10 people (Performance Review)	\$198.00
EFT5328	10/08/2020	Landgate	Certificate of Title charges and Tenement Schedules	\$440.80
EFT5329	10/08/2020	LO-Go Appointments	Contract EA - Helen Cooper W/E 18 July & 1 August	\$4,867.59
EFT5330	10/08/2020	Cr Keith Mader	June-July Travel Claim	\$633.68
EFT5331	10/08/2020	D J McGinty & Co Pty Ltd	Church Revamp - Materials/Labour for Roof, External Wall, Internal & Painting	\$34,005.40
EFT5332	10/08/2020	Netlogic Information Technology	IT Assistance Offsite	\$372.50
EFT5333	10/08/2020	Office National	Travel for Copier Service - Admin/CRC, Stationery	\$446.94
EFT5334	10/08/2020	Kalgoorlie Retravision	Tablees, chairs, fridge, washer for Caravan Park Cabins	\$4,950.00
EFT5335	10/08/2020	R F Young	Supervision Services for works at Tjuntjuntjara Access Rd	\$4,362.32
EFT5336	10/08/2020	Reynolds Graphics	Business Cards - Paul Warner and generic	\$409.75
EFT5337	10/08/2020	Taps Industries	Remove and replace Hot water unit - MWS house	\$2,750.00
EFT5338	10/08/2020	Moore Stephens	Prepare and Lodge 2020 FBT, March BAS	\$1,650.00
EFT5339	10/08/2020	WesTrac Pty Ltd	Fix Problem on Accert System- Cat 12M Grader	\$976.25
EFT5340	10/08/2020	Wurth Australia	Windscreen Wiper Blades nuts and bolts & Delivery	\$127.06
EFT5341	17/08/2020	Grabowski Pty Ltd	For packing and removal costs and transport 1 car Menzies to Geraldton (P. Money) as per quote 2120195	\$4,675.00
EFT5342	19/08/2020	Leonora Pharmacy	Pharmacy charges collected for month of July 2020	\$754.60

Shire of Menzies
Payments for the Month of August 2020

EFT5343	19/08/2020	Stratco	Patio tubing & supplies - Walsh St Unit & Niagara toilets	\$511.02
EFT5344	19/08/2020	Goldfields Auto Electrical	Supply and Fit New Pin Plug-PO143 - Trailer Skid steer	\$84.70
EFT5345	19/08/2020	Emyor Services	Toilet & RV Dump Point Maint - Niagara, Lake Ballard	\$2,766.50
EFT5346	19/08/2020	Anne Lake Consultancy	Twelve Month Performance Review - CEO	\$5,065.00
EFT5347	19/08/2020	ModularWA	Progress payment - 23 Onslow Street	\$65,810.00
EFT5348	19/08/2020	KTEAM	Site inspection-Connie Sue & Tjuntjuntjara Roads	\$2,760.00
EFT5349	19/08/2020	Construction Training Fund (B C I T F)	BCTIF levy collected Month of July 2020	\$1,609.98
EFT5350	19/08/2020	Bunnings	Plumbing Consumable Materials	\$177.20
EFT5351	19/08/2020	Central Regional TAFE	Training - CIII Community Services - Youth Officer	\$252.60
EFT5352	19/08/2020	Toll Transport Pty Ltd	Freight	\$202.52
EFT5353	19/08/2020	Debra Kay Pianto	Reimburse for 12 towels for Caravan Park Cabins	\$96.00
EFT5354	19/08/2020	Flex Industries	Air Line Fittings - Water Tanker	\$120.98
EFT5355	19/08/2020	Goldfields Locksmiths	Keys for Dispenser - Ablution Blocks	\$226.50
EFT5356	19/08/2020	Goldfields Records Storage	Records storage and boxes to 31 July 2020	\$88.45
EFT5357	19/08/2020	Goldrush Tours	Bus tickets sold at CRC on consignment	\$22.95
EFT5358	19/08/2020	JR & A Hersey	Uniforms, Depot consumables	\$541.20
EFT5359	19/08/2020	LO-Go Appointments	Contract EA -H Cooper - 8 Aug - Guilia Bono 8 Aug	\$6,300.10
EFT5360	19/08/2020	Carol Mcallan	Recharge wifi device while working from home during COVID 19 isolation	\$20.00
EFT5361	19/08/2020	Shire of Menzies Social Club	Payroll deductions	\$90.00
EFT5362	19/08/2020	Metrocount	1 x Metrocount Road Counter	\$5,399.90
EFT5363	19/08/2020	Office National	Stationery	\$280.07
EFT5364	19/08/2020	Paupiyala Tjarutja Aboriginal Corporation	School Holiday Program Tjuntjuntjara - 4 to 19 July 2020	\$18,627.10
EFT5365	19/08/2020	Squire Patton Boggs	Watching Brief - Native Title Claims	\$393.80
EFT5366	19/08/2020	Verlinden's Electrical Service	Connect Power to Caravan park Cabins	\$10,373.55
EFT5367	19/08/2020	WesTrac Pty Ltd	1 x battery - Skid Steer Loader	\$250.71
EFT5368	21/08/2020	HWS Specialised Services	Fifty per cent deposit on Landscaping Shire Office	\$18,213.25
				\$870,182.40

Shire of Menzies
Payments for the Month of August 2020

DIRECT DEBIT TRANSACTIONS

Chq/EFT	Date	Name	Description	Amount
DD3540.1	11/08/2020	WA Local Govt Superannuation Plan	Superannuation contributions	\$3,780.22
DD3540.2	11/08/2020	WA Local Govt Superannuation Plan	Payroll deductions	\$1,992.42
DD3540.3	11/08/2020	GESB Superannuation	Superannuation contributions	\$190.44
DD3540.4	11/08/2020	Australian Super	Superannuation contributions	\$427.99
DD3545.1	11/08/2020	WA Local Govt Superannuation Plan	Superannuation contributions	\$85.88
DD3552.1	03/08/2020	WESTNET	Internet services from 1 August 2020 to 1 September 2020	\$54.99
DD3554.1	07/08/2020	Power ICT Pty Ltd	Messages on hold - August 2020	\$75.90
DD3556.1	10/08/2020	Telstra - DIRECT DEBIT ONLY	Satellite Phones to 20 July 2020	\$319.31
DD3558.1	10/08/2020	Telstra - DIRECT DEBIT ONLY	Office Phone & Internet to 24 July 2020	\$6,341.08
DD3560.1	11/08/2020	Telstra - DIRECT DEBIT ONLY	Mobile Phones - to 23 July 2020	\$431.96
DD3562.1	18/08/2020	Horizon Power	Power for Streetlights 1 July 2020 to 31 July 2020	\$867.09
DD3568.1	25/08/2020	WA Local Govt Superannuation Plan	Superannuation contributions	\$3,997.96
DD3568.2	25/08/2020	GESB Superannuation	Superannuation contributions	\$99.20
DD3568.3	25/08/2020	Australian Super	Superannuation contributions	\$387.81
DD3568.4	25/08/2020	WA Local Govt Superannuation Plan	Payroll deductions	\$1,649.83
DD3574.1	26/08/2020	Gregory Dwyer	Sitting Fees - August 2020	\$3,364.49
DD3574.2	26/08/2020	Ian Baird	Sitting Fees - August 2020	\$1,289.67
DD3574.3	26/08/2020	Cr Justin Lee	Sitting Fees - August 2020	\$875.83
DD3574.4	26/08/2020	Vashti Marie Fay Ashwin	Sitting Fees August 2020	\$875.83
DD3574.5	26/08/2020	Cr Debbie Hansen	Sitting Fees - August 2020	\$875.83
DD3574.6	26/08/2020	Jillian Dwyer	Sitting Fees - August 2020	\$875.83
DD3574.7	26/08/2020	Cr Keith Mader	Sitting Fees - August 2020	\$875.83
DD3580.1	31/08/2020	Wright Express Australia Pty Ltd	Fuel Cards to 15 August 2020	\$1,428.30
DD3588.1	24/08/2020	NAB	Nab Connect Fees - 6854150 - 24 August 2020	\$25.49
DD3590.1	31/08/2020	NAB	B-Pay Fees - 31 August 2020	\$139.32
DD3595.1	03/08/2020	NAB	Credit Card for Month of July 2020	\$3,483.17
				<u><u>\$34,811.67</u></u>

LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
DOCUMENT REF:	As Applicable
DISCLOSURE OF INTEREST:	Nil
DATE:	18 September 2020
AUTHOR:	Rhona Hawkins Executive Consultant
ATTACHMENT:	

IN BRIEF:

This item recommends Council receives the investment report for the month of August 2020.

BACKGROUND:

The Chief Executive Officer is delegated authority to invest funds into interest bearing accounts under Delegation 2.5 – Investment of Surplus Funds.

COMMENT:

Below are the current investments for the Shire of Menzies as at 31/08/2020.

INSTITUTION / ACCOUNT TYPE	SUM	TERM	DATE OF MATURITY	INTEREST RATE	RISK ASSESMENT
NAB – Reserve Term Deposit *6210	\$3,254,209.54	90 Days	08/10/2020	0.75%	Medium
NAB – Reserve Term Deposit – *6410	\$8,500,000.00	90 Days	23/10/2020	0.85%	Medium
NAB – Reserve Maximiser account	\$102,221.24	Open	Open		Medium

At the time of preparing the report I was unable to confirm the rollover amount for the Reserve Term Deposit ending in *6210. An updated report will be tabled at the meeting.

CONSULTATION:

Nil

Shire of Menzies
Payments for the Month of August 2020

CREDIT CARD PURCHASES

Date	Name	Description	Amount
29/07/2020	Department of Transport	VEHICLE REGISTRATION GDJ150R Toyota Prado	\$ 42.80
06/08/2020	Activ8me	COMMUNICATIONS Internet CEO House August 2020	\$ 70.65
13/08/2020	Activ8me	COMMUNICATIONS Internet MWS House August 2020	\$ 70.65
28/08/2020	NAB	BANK FEES Credit Card August 2020	\$ 9.00
			\$ 193.10

Note: Credit card transactions are paid via Direct Debit in the following month

STATUTORY ENVIRONMENT

Local Government Act

- 2.7 (2) Without limiting subsection (1), the council is to —
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.

6.14 Power to invest

Local Government (Administration) Regulations

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —
authorised institution means —
 - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 3 years;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

POLICY IMPLICATIONS:

Council Policy 4.9 - Investments

Delegation 2.5 – Investment of Surplus Funds

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>There is always a certain risk in investment of funds as banking institutions are no longer the stable and unfailing institutions they once were.</p> <p>The proposal is to closely manage the Shire's investments and avoid the possibility of loss on the investment.</p> <p>At the same time this proposal still seeks the safest and not necessarily the most profitable return on investments</p>	<p>Medium</p>	<p>Close management of investment.</p> <p>Close attention to financial markets and information.</p> <p>Diversity of investments as much as possible.</p>

STRATEGIC IMPLICATIONS:*14.3 Active civic leadership achieved*

- Regularly monitor and report on the Shire's activities, budgets, plans and performance.

VOTING REQUIREMENTS:

Simple majority.

OFFICERS RECOMMENDATION:

That Council receives the investment report for the month of August 2020.

COUNCIL DECISION:**COUNCIL RESOLUTION:****No. 1988****MOVED: Cr I Baird****SECONDED: Cr J Dwyer**

That Council receives the investment report for the month of August 2020.

Carried 6/0

LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
DOCUMENT REF:	As Applicable
DISCLOSURE OF INTEREST:	Nil
DATE:	18 September 2020
AUTHOR:	Paul Warner Works Supervisor
ATTACHMENT:	Nil

IN BRIEF:

The purpose of this report is to advise Council of Works completed/progressed in August 2020.

BACKGROUND:

The Shire manages the Works section with a permanent staff of a Works Supervisor, and 4.5 full time equivalent workers. Additional resources are contracted as required.

COMMENT:

- Attended DFES meeting.
- General cleaning of townsite.
- 5 grids were removed on Pianto Rd and 2 on Yarri Rd. These grids were no longer in use.
- The Shire grader is currently grading Evanston Menzies road.
- The Contractor grader is grading Mt Celia Road.
- Fence at caravan park has been re-erected.
- Lawn on side of town hall and offices was dug out and new irrigation pipe was laid. New dirt was replaced and grass was laid only have the rock against building to be placed.
- New tire pit at refuse site was dug.

Workshop:

Door on CRC broke, fixing new lock and door

P0199- new meter on fuel tank, inside camp had lights replaced and new sat tv cable was replaced. Bed was removed due to mold and bed with more air flow put in.

P0234- 1000hr service completed, electrical fault found, and new harness replaced.

P0225-new Tyres fitted.

Building

Completion of caravan park units. General maintenance.

Plumbing up truck bay toilets.

Leach drain dug at truck bay

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENT:

No Risk Assessment has been undertaken relating to this item.

STRATEGIC IMPLICATIONS:

14.1 Sustainable local economy encouraged

- The acquisition of appropriate resources to assist with economic and tourism planning and development.

14.2 Strong sense of community maintained

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to review disability access throughout the Shire of Menzies.

14.3 Active civic leadership achieved

- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional to the benefit of our community.

14.4 Heritage & Natural assets conserved

- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council receive the Works Supervisor's Report for the month of August 2020.

COUNCIL DECISION:

COUNCIL RESOLUTION:

No. 1989

MOVED: Cr I Baird

SECONDED: Cr V Ashwin

That Council receive the Works Supervisor's Report for the month of August 2020.

Carried 6 / 0

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12.3.1 HEALTH AND BUILDING REPORT FOR THE PERIOD AUGUST 2020

LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
DOCUMENT REF:	As Applicable
DISCLOSURE OF INTEREST:	Nil
DATE:	01/09/2020
AUTHOR:	David Hadden Environmental Health Officer / Building Surveyor
ATTACHMENT/S:	Nil

IN BRIEF:

That Council receive the report of the Environmental Health Officer / Building Surveyor for the month of August 2020.

BACKGROUND:

This report is for the information of Council. It identifies matters addressed by the Environmental Health Officer / Building Surveyor for the month of August 2020.

COMMENT:

The following is a report of the monthly activities extracted from the report to the Chief Executive Officer from David Hadden, Environmental Health Officer / Building Surveyor.

Building:

Dealt with further enquiries regarding the refurbishment of the Davyhurst mine village kitchen and camp buildings. Staff have requested an as constructed plan of all underground plumbing and electrical works at completion of refurbishment works. Staff are expecting a building application shortly for a new gymnasium building proposed to be placed next to the refurbished dry mess facility at this village.

Riverina village camp development is getting close to submitting a building application for the proposed village which staff expect should be received within the next few months.

Liased with the Building Commission around the building permit data portal that most local authorities use to maintain building registers.

Liased with BCITF regarding some omissions on previously entered data on their portal system.

Dealt with various enquiries relating to building services while others not.

Health:

Cleanliness through the Menzies hotel kitchen is slowly improving. The exhaust canopy and wall/floor tiles are being cleaned more regularly but still require further work to remove grime build up on tile grout in the heavy traffic areas.

The caretaker occupying the small residence at rear of the old roadhouse will be leaving within the month along with the caravan. The hotel proprietor has also advised that he is still working towards placing a self-bunded unmanned fuel facility at the roadhouse and hopes to have this commissioned within two months.

Department of Water and Environmental Regulation is providing a training webinar on the 26th August on Regulation 18c of the Waste Avoidance and Resource Recovery Regulations 2008 to provide an overview of the new reporting requirements and an introduction to using the Waste Data Portal. Staff intend to register for this webinar in a lead up to next year's reporting requirement.

Dealt with many various enquiries some relating to health services while others not.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Public Health Act 2016, Building Act 2011 and various other.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

OP97 – Council unable to fill the position of Authorised Officer under the Public Health Act 2016 previously.

STRATEGIC IMPLICATIONS:

14.1 Sustainable local economy encouraged

- A local economy accessing the commercial options and services in place, for timely development.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

14.2 Strong sense of community maintained

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to review disability access throughout the Shire of Menzies.

14.3 Active civic leadership achieved

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

14.4 Heritage & Natural assets conserved

- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:

That Council receive the report of the Environmental Health Officer / Building Surveyor for the month of August 2020

COUNCIL DECISION:

COUNCIL RESOLUTION:

No. 1990

MOVED: Cr J Lee

SECONDED: Cr K Mader

That Council receive the Report of Activity from the Environmental Health Officer / Building Surveyor for the month of August 2020.

Carried 6 / 0

12.4.1 COMMUNITY SERVICES REPORT – August 2020

LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
DOCUMENT REF:	As Applicable
DISCLOSURE OF INTEREST:	Nil
DATE:	24 September 2020
AUTHOR:	Sethen Sheehan-Lee Community Service Officer
ATTACHMENT:	Nil

IN BRIEF:

The purpose of the report is to advise Council of Community Service Activates for the month of 2020.

BACKGROUND:

The Lady Shenton Building accommodate the Community Resource Centre, Menzies Visitor Centre and the Menzies Caravan Park management.

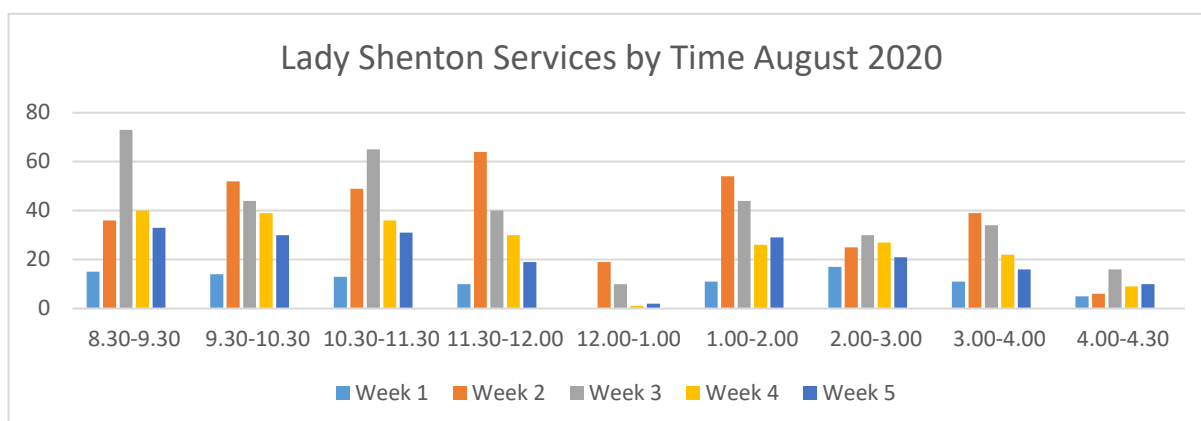
The Youth Centre Ngalipaku Building forms a key part of the Menzies Youth and Community Precinct and operates as a space to host youth and community events.

COMMENT:

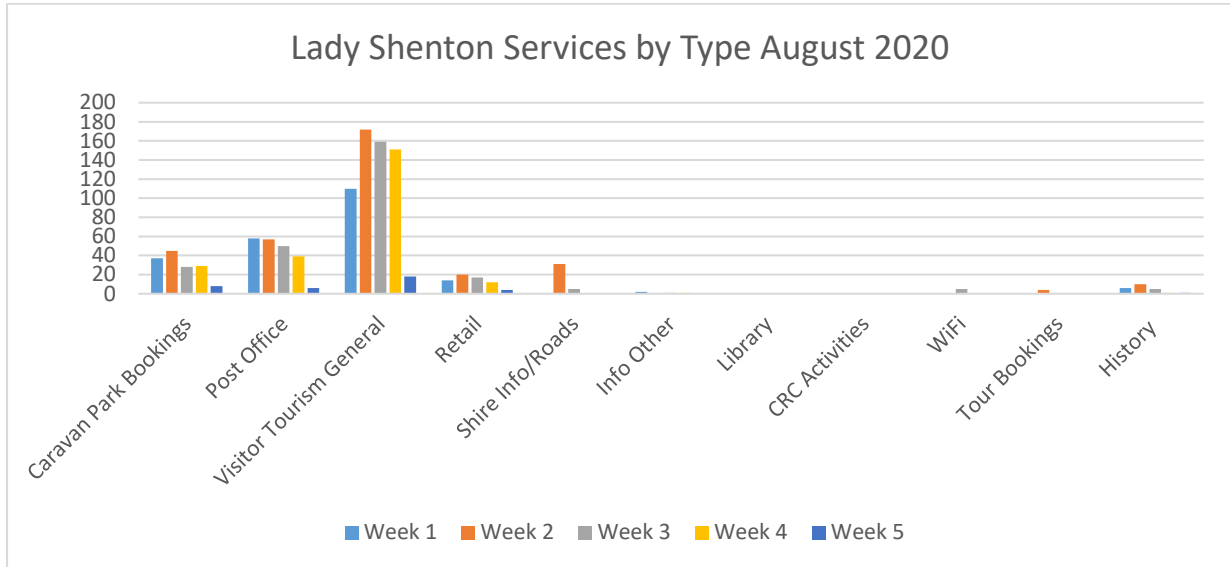
Lady Shenton

The Lady Shenton received 1106 visitors in August 2020. This was only a relative decrease in visitation from July 2020 (with 1217 visitors) however it is a reasonable drop from the visitation in August 2019 (with 1885 visitors).

As previously noted, the hard WA boarder will have some impact on visitation to the Lady Shenton for an extended period. Assuming Phase 5 (five) of the WA Covid-19 Road Map is put place on the 24th of October, it may give some Western Australian's more confidence to travel within the state, however this is unlikely to have a significant impact on visitation.

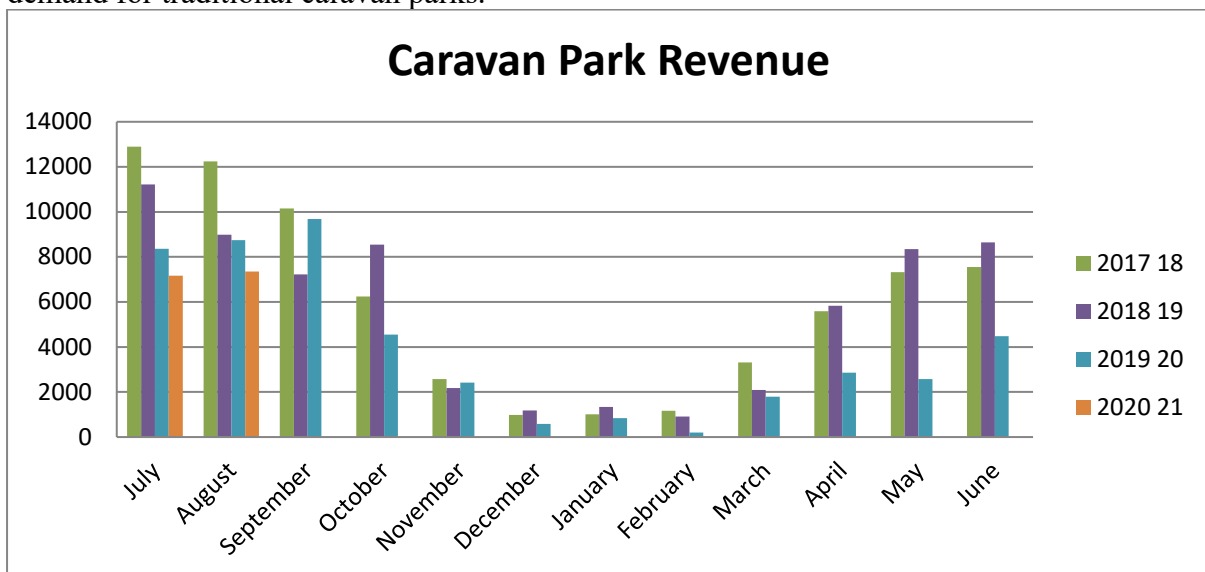


By the way of service types, ‘Visitor Tourism General’ was the most popular service in August 2020, with a total on 610 people visiting for this purpose. ‘Visitor Tourism General’ was also the most in demand service in July 2020 however a larger number (716) of people visited for this purpose during that month. There was a slight increase in the demand for Caravan Park Bookings from the previous month, going from 130 in July (2020) to 147 in August (2020).



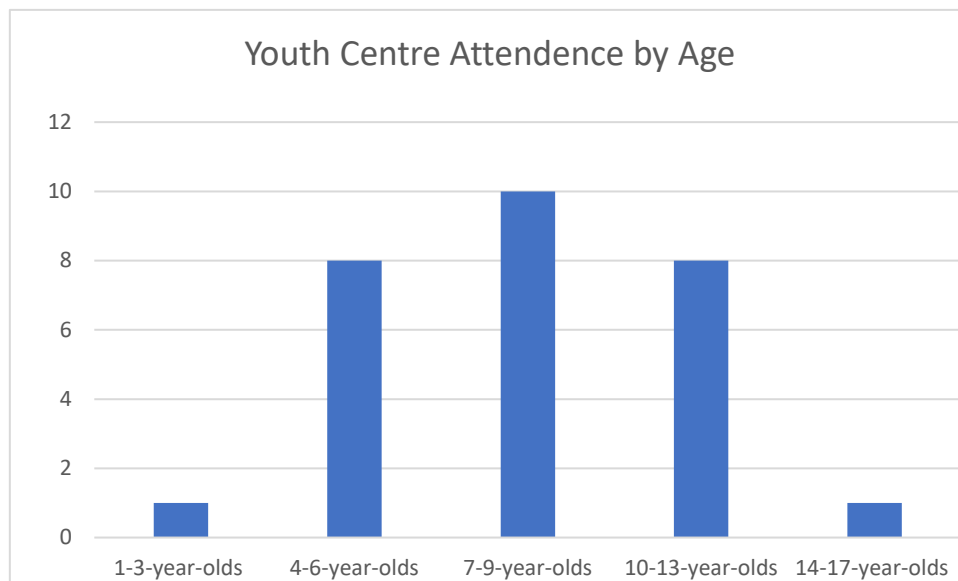
Caravan Park

Caravan Park revenue in August (2020) was higher than that of July (2020). The new Caravan Park units that were made available for hire in July (2020) have contributed to additional revenue for this month. The data from previous financial years still demonstrates that there has been a decrease in revenue from August 2017-18 to August 2020-21. Many visitors to the Lady Shenton are reporting that they are “self-contained” and therefore staying at the free campsites outside of Menzies. This trend would suggest that over last few years there has been less demand for traditional caravan parks.



Youth Centre and General Community Services

The Youth Centre and general youth activities had lower attendance than average in August 2020. Several external factors may have led to a decrease interest in younger community members attending recreational activities. We are currently looking at how we can better engage and improve activities for this audience. On the 25th of August a *Youth Centre Survey* was shared via the Shire Facebook to gain information on what the community needs and wants from the Youth Centre. We have also been assisting activity attendees in completing surveys where possible. Once a reasonable number of surveys have been filled out, appropriate action will be taken to implement the requested changes to activities.



CONSULTATION:

Debra Pianto Lady Shenton Visitors Centre & Community Resource Centre Officer
Sethen Sheehan-Lee Community Service Officer

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council receive the Report of Activity for Community Services for the month of August 2020.

COUNCIL DECISION:

COUNCIL RESOLUTION:

No. 1991

MOVED: Cr J Dwyer

SECONDED: Cr I Baird

That Council receive the Report of Activity for Community Services for the month of August 2020.

Carried 6 / 0

LOCATION:	Not applicable
APPLICANT:	Not applicable
DOCUMENT REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	5 September 2020
AUTHOR:	Pascoe Durtanovich – Acting Chief Executive Officer
ATTACHMENT/S:	Yes: - Draft Youth Strategy - Draft Youth Policy - Youth Services Committee Minutes – 26 March 2019

IN BRIEF:

Council is requested to formally adopt the Youth Policy and Youth Strategy, which was recommended by the Youth Services Committee on 26 March 2019.

BACKGROUND:

At the Ordinary Council Meeting held on 13 December 2018 it was resolved as follows:

1. Endorse the recommendation of the Youth Facility Committee that the operating model for the Menzies Youth Services and the Ngalipaku Building be:-

“The Shire of Menzies would look after the building, including all maintenance, cleaning, utilities, and running costs and allocate an employee (0.5FTE), who would be supported by volunteers. This model would be activity driven by the users under consultation with a Youth Advisory Group.

This group to consist of up to five children with two adult volunteers to support them. The children would be expected to remain on the Advisory Group for a period of at least one year.

The requests from the children and the adult members pass to the Chief Executive Officer for consideration. This would include budgetary considerations.”

2. Resolve to extend the tenure of the Youth Facility Committee to March 2019 to allow the completion of the purpose of the Committee being the development of a Youth Strategy and Policy for presentation to Council at the March 2019 meeting.

3. Receive the draft Youth Policy and Youth Strategy to be forwarded to the Youth Facility Committee for development and presentation to Council.

The Youth Services Committee, at its final meeting on 26 March 2019 recommended changes to the Youth Strategy. Council received the minutes on 24 April 2019 but did not adopt the recommendations therein.

COMMENT:

The Youth Strategy and Youth Policy, including the amendments recommended by the Youth Services Committee, is attached and is submitted for adoption by Council.

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

Committee recommendations should be, by resolution, either adopted, not adopted or laid on the table.

POLICY IMPLICATIONS:

This is a new Policy.

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
No adopted Strategy or Policy for Youth Centre operations	Low	Adopt strategy and Policy

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION

That the draft Youth Strategy and Policy identified as attachment Youth Services Committee Minutes 26 March 2019 – Youth Strategy, be adopted.

COUNCIL DECISION:

COUNCIL RESOLUTION:	No. 1992
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MOVED: Cr J Dwyer

SECONDED: Cr V Ashwin

That Council instruct the ACEO, DCEO and CDO to review the Youth Strategy and Youth Policy and report back to the Ordinary Council Meeting on 26 November 2020.

Carried 6 / 0

Reason to change to Officer Recommendation

Councillors requested a review of the Youth Strategy and Youth Policy.

Shire of Menzies

Youth Strategy 2018–2021

Community Culture Family



This information is written in an easy to read way.
We use pictures to explain some ideas.



This document has been written by the Shire of Menzies. When you see the word 'we', it means Menzies Council.

DRAFT



You can ask for help to read this document.
A friend, family member or support person may be able to help you.

What's in this document?

About Council's Youth Strategy

Our approach

About young people in Menzies

What young people have told us

Our Action Plan

Contact Us

Checking our progress

DRAFT

About Council's Youth Strategy

In Menzies 14% of people are youth – young people aged between 5 and 25.



We want Menzies to be the best place for young people in the Goldfields.



A strategy is a plan for how we will work together to achieve our goal.

Our Youth Strategy:



- gives us a clear direction for the next 4 years



- is for the whole community.



It will help us get better results for our young people.

There are already great things being done for young people in our community by many:



- organisations

- groups

- individuals.

Over the next 4 years, Council will focus on improving things for young people in 4 important areas:



1. Learning and training support

2. Being healthy and happy

3. Feeling connected to their community and culture

4. Being safe

DRAFT



We talk about what we'll do in each area in our Action Plan.

You can read our Action Plan on page 17.

DRAFT

Our approach

We want to make Menzies a place where young people can:

- live
- learn
- work
- stay healthy
- be safe
- feel included.



There are some important ideas behind the way we do things.

We call them our guiding principles.

Guiding principles



Respectful

We will treat young people the same way we treat everyone else.

Youth-led

We will:



- listen to what young people want and need



- include young people when we develop new
 - programs
 - facilities
 - services.



Affordable

We will work to provide programs and services for young people that are free or don't cost very much.

Accessible

We will work to make our programs, services and events:



- be in accessible locations



- take place at times which suit the community



D offer young people what they need when it comes to:

- language
- culture
- transport
- support services

Responsive

We will have ways to make sure we are doing the right things so we can meet the needs of young people.



Collaborative

To get the best results for young people, we will work together with:



- families
- schools
- community
- service providers
- other levels of government.

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Safe

We will make sure anyone who works with young people has the right:

- training
- supervision.



We will offer young people safe spaces that are suitable for them.

About young people in Menzies

There are 16 young people in Menzies



More than 80% of our young people were born in the Goldfields



41%

82% of our young people are indigenous



There are already some great facilities in Menzies for young people to use:

- Water Park
- Hardcourts with lights
- Sports field
- Indoor Badminton Court
- Youth Activities Building
- Free Wi-Fi and Computer Access

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What young people have told us

We talked to more than 7 young people about ways we could make life in Menzies better for them.

We also talked to:



- children aged 5-9 years
- service providers
- community groups
- parents and families
- schools
- our staff.



The things everyone told us helped to create this Youth Strategy.

What do children aged 5-9 years want?

Children aged 5-9 years told us we should:



- clean up the environment – there is too much rubbish and too many spaces that are not looked after



- make community spaces bright and beautiful



- help people and families who are having a tough time



- have more fun and free community events and activities.

What do young people aged 10-18 years want?

Young people aged 10-18 years told us we should:



- have more spaces where they can study
- have people and programs to support young people so they can cope with:
 - study
 - stress
 - mental health issues
- provide sport and recreation activities that are free or don't cost very much.
- offer support through their schools to help them to find work and jobs
- have more events that celebrate our diverse community.
- speak up for them about issues they face that are outside our control, such as needing more buses or trains in this area.

Being healthy and happy



Being healthy and happy includes:

- physical health – being active and healthy eating
- mental health
- sexual health
- spending time with friends
- art, cultural and creative activities.

Young people know healthy living builds their:

- self-confidence
- social contacts
- education
- job and work opportunities.

Our aim is to support the health and wellbeing of our young people so they can:

- relax
- play
- have good social lives
- find help when they need it.



We plan to:



- make it easier for young people to find and use:
 - health services and programs
 - sport and recreation activities



- provide arts and cultural programs and events that young people can take part in



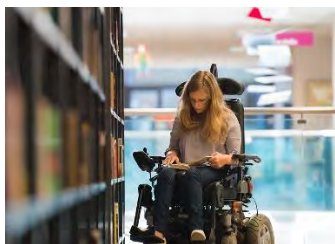
- find people and groups in the community we can work together with to achieve our goals

- make sure our facilities are:

- accessible
- meet the needs of all young people

- get more young people to take part in sport and recreation programs by making them:

- accessible
- easier for people to afford
- suitable for different cultures.



Feeling connected to their community and culture



We know that our young people are proud to live in a community that is:

- multicultural
- diverse.



Most young people feel they belong in our community.



They want to be more involved in sharing and celebrating

- local talent
- different cultures
- food.



Our aim is to build stronger connections between our young people and their community.



We want Menzies to be a place where young people grow because we support:

- cultures
- identities – who they are
- interests
- talents.

We plan to:



- offer more programs and events young people can take part in so they connect with their community



- help young people feel proud of their culture and identity



- make stronger connections between families and communities through activities led by young people



- find ways for young people to take part in council's decision-making



- make sure our young people are seen in a positive way



- include young people when we plan and run programs and events



- work out what support programs our young people need and provide them



- get our young people to lead a campaign that will help change the way people outside our community see them.

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Our aim is to make our young people feel safer in their community.

We plan to:



- build better relationships between:
 - young people
 - police
 - youth services
 - families

- help young people feel safe in our public spaces



- support safe driving on our streets and help young people understand the road rules



- make it easier for young people who are at risk to find and use the services they need



- provide transport so young people can get to Council's programs and events



- offer our young people programs they need about:
 - being safe
 - preventing crime.

DRAFT

Contact us

For more information:



Phone

(08) 9024 2041



Email

admin@menzies.wa.gov.au



Writing to us

Shire of Menzies

PO Box 4

Menzies WA 6436



www.menzies.wa.gov.au

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Checking our progress



When the Strategy ends in 4 years, we will look at how well things went.



We will talk about:

- the progress we have made
- what we have achieved.

DRAFT

14.3 Youth Policy

Introduction	The Shire of Menzies fosters youth participation and empowerment by involving young people in the life of their local community.
Overview	The Youth Policy highlights the significance of the youth sector in the community and indicates opportunities for young people to be actively involved in decision making, Council activities and local and regional community development.
History	New Policy – Adopted –
Policy Statement	

The Council's youth activities and programs aim to develop the capacity of young people and celebrate young people as valued members of the community.

1. Strategic Plan Link

This Policy has the following link to Council's Strategic Plan 2013-2023:

Strong Sense of Community Maintained –

Our community will value each other, building relationships and networks to interact, socialize and for recreation.

2. Principles

Council acknowledges:

- that young people are active citizens in the community.
- the important role that young people play in the social, economic, environmental and cultural life of the community, now and into the future;
- that young people should be involved in local affairs and in the decision-making process;
- the diversity of strengths, needs, interests, and aspirations of young people given their differing social, economic and cultural backgrounds;
- the central role that skill development and social supports play in enabling young people to participate in community life;
- that it has a leadership role in understanding and responding to the needs of young people, and in representing their interests to other spheres of government and the broader community;
- that a local (and regional where relevant) approach must be taken when addressing the needs of young people.

Council supports:

- the provision of a range of opportunities for young people to participate in Council activities and programs that reflect and celebrate the diverse strengths, interests, needs and cultural backgrounds of young people locally;
- the needs of vulnerable young people in the Shire;
- partnerships and collaboration between Council, Government, non-government organisations and community groups to deliver youth orientated activities and programs;
- the participation of young people in education pathways and community projects that encourage personal, social and professional development;
- the identification and monitoring of local and regional trends, and the development of responsive and flexible approaches and advocacy to address emerging youth issues;
- a safe community where young people are respected and valued members of our

community;

- providing recreational and other participatory opportunities to promote healthy lifestyles;
- listening to young people and providing them with avenues to showcase their strengths and voice their concerns, needs, aspirations and vision for their community;
- providing programs, activities, resources, information, facilities and amenities that are accessible and meaningful to young people.
- celebrating and showcasing the achievements of young people.

3. Definitions

Youth: A person aged between 5 and 25 years

Sub categories: 5 - 9 years

YAC: Youth Advisory Committee (a committee made up of young people, community members and Elected Members to advise the Chief Executive Officer on issues relating to young people)

4. Policy

4.1 Positive Profile

Council plays an active role in promoting a positive image and profile of young people, including but not limited to Council publications, media releases and both print and electronic media. This also includes Council representation in relevant youth related networks and Committees to ensure the voice of young people in the Shire is heard.

4.2 Consultation and Decision Making

Council regularly consults with young people through a range of methods including, but not limited to its Youth Advisory Committee, working groups, forums, surveys and other forms of engagement with individuals.

Council's Youth Advisory Committee is the primary mechanism for youth consultation and inclusion in Council's decision making processes.

4.3 Community Participation

Council provide a variety of opportunities for young people to participate in the community including but not limited to the Youth Advisory Committee's initiatives.

Council provides age appropriate avenues for young people to voice their concerns, needs, aspirations and vision for their community.

4.4 Access

Council acknowledges that young people may be disadvantaged in accessing programs, opportunities and events for example cost, transport, level of ability and confidence. Where appropriate, Council will remove barriers to youth participation in Council programs and activities.

Council will consider applications for concessional use of certain Council facilities for community based organisations or individuals wishing to conduct a youth related event in accordance with its Community Grants Policy.

4.5 Youth Development

Council supports a learning community and provides opportunities, workshops and training for young people to further develop their personal, social and professional skills, including but not limited to physical and mental health, healthy relationships, career, economic, and emotional and social wellbeing.

Council supports the Youth Advisory Committee as one of the mechanisms to develop and support emerging and future community leaders.

In recognition of the personal achievements of young people, Council provides financial assistance to individuals to travel intrastate, interstate or overseas to participate in significant events in accordance with its Community Grants Policy.

Council supports an inclusive community approach where people of all ages and abilities will have the opportunity to participate in community life.

4.6 Youth Network

Council supports the development of collaborative partnerships with neighbouring Councils and other youth services to share resources, knowledge and projects to better meet the needs of young people.

5. Review & Evaluation

This Policy will be reviewed annually. The Chief Executive Officer will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

6. Availability of the Policy

This Policy will be available for inspection at Council's principal office during ordinary business hours and at Council's website www.menzies.wa.gov.au. Copies will also be provided to interested members of the community upon request.

– End of Policy

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

There were no items to be discussed behind closed doors.

9 CONFIRMATION / RECEIVAL OF MINUTES

9.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2019 (Provided under Separate Cover)

COUNCIL RESOLUTION:	No. 1628
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MOVED: Cr Keith Mader SECONDED: Cr Jill Dwyer

That the minutes of the Ordinary Meeting of Council held on Thursday 28 March 2019 be confirmed as a true and correct record.

Carried 7/0

9.2 RECEIVAL OF THE MINUTES OF THE YOUTH ADVISORY COMMITTEE HELD ON TUESDAY 26 MARCH 2019

COUNCIL RESOLUTION:	No. 1629
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MOVED: Cr Keith Mader SECONDED: Cr Ian Baird

That the minutes of the Youth Advisory Committee held on Thursday 26 March 2019 received.

Carried 7/0

The Youth Advisory Committee have completed it's purpose and functions. Therefore this is the receipt of the final minutes of the committee.

10 PETITIONS / DEPUTATIONS / PRESENTATIONS

A presentation was made by Outback Graves Markers co-founder Alex Aitken.

1.40pm Cr Debbie Hansen left the meeting

11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 PRESIDENTS REPORT FOR MONTH OF MARCH 2019

COUNCIL RESOLUTION:	No. 1630
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MOVED: Cr Jill Dwyer SECONDED: Cr Keith Mader

That the President's Report for the month of March 2019 be received.

Carried 6/0

SHIRE OF MENZIES



YOUTH SERVICES COMMITTEE MINUTES

Meeting held in the
Shire of Menzies Council Chambers
Tuesday 26 March 2019 commencing at 4.08pm.

AGENDA

1 DECLARATION OF OPENING

The Chairperson Cr Justin Lee opened the meeting at 4.08pm and welcomed all present. He noted that two members of the committee, Diedre Spratt and Greg Whitehead were no longer residents of Menzies, and were no longer available for attend meetings.

The Committee has now completed the purpose for which it was established, and will not meet again.

2 RECORD OF ATTENDANCE / APOLOGIES

Cr Justin Lee

3 ADOPTION OF MINUTES

MOVED: Cr Ian Tucker SECONDED: Nadine Tucker

That the minutes of the meeting held on 13 February 2019 be adopted

Carrier 3/0

4 GENERAL BUSINESS

4.1 Youth Policy

Committee Recommendation

MOVED: Cr Ian Tucker SECONDED: Nadine Tucker

That the committee recommend the Youth Policy as presented to Council subject to the following amendments.

4.6 remove the words "*Eastern Region Youth Network*"

Carried 3/0

Officer Recommendation

That the committee recommend the Youth Policy as presented to Council subject to the following amendments.

4.6 remove the words "*Eastern Region Youth Network*"

4.2 Youth Strategy

Committee Recommendation

MOVED: Cr Ian Tucker SECONDED: Nadine Tucker

That the committee recommend the Youth Strategy as presented to Council subject to the following amendments

1. Validation and correction of all statistical data
2. Youth is to refer to people aged between 5 years and 25 years
3. Accessible – add Support services to “Offer young people what they need when it comes to:”
4. All photographs to reflect local community members

Carried 3/0

Officer Recommendation

That the committee recommend the Youth Strategy as presented to Council subject to the following amendments

5. Validation and correction of all statistical data
6. Youth is to refer to people aged between 5 years and 25 years
7. Accessible – add Support services to “Offer young people what they need when it comes to:”
8. All photographs to reflect local community members

4.3 Lotterywest Grant – request to redefine fittings

Committee Recommendation

Minutes of the Youth Services Committee meeting held on
Tuesday 26 March 2019 in the Shire of Menzies Council Chambers commencing at 4.08pm

MOVED: Cr Ian Tucker SECONDED: Nadine Tucker

That the committee advise Council they are seeking clarification regarding the type of fittings that may be purchased using grant funding from Lotterywest.

Carried 3/0

Officer Recommendation

That the committee advise Council they are seeking clarification regarding the type of fittings that may be purchased using grant funding from Lotterywest.

5 CLOSURE OF MEETING

There being no further business, the meeting closed at 4.34pm.

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12.5.1 ACTIONS PERFORMED UNDER DELEGATIONS FOR THE MONTHS OF AUGUST - SEPTEMBER 2020

LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
DOCUMENT REF:	Not Applicable
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	14 September 2020
AUTHOR:	Pascoe Durtanovich Acting Chief Executive Officer
ATTACHMENT:	Nil

IN BRIEF:

To report back to Council actions performed under delegated authority for the month ended August - September 2020.

BACKGROUND:

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for:-

- Bushfire
- Common Seal
- Planning Approvals
- Building Permits
- Health Approvals
- Ranger Related Issues
- Mining / Exploration / Miscellaneous Applications

The following tables outline the actions performed within the organisation relative to delegated authority for the month ended August - September 2020.

Bushfire

No delegated decisions were undertaken by the Shire of Menzies pursuant to Bushfire matters for the month ended August - September 2020.

Common Seal

The following decisions were undertaken by the Shire of Menzies pursuant to the Common Seal for the month ended August - September 2020:

<i>Date of decision</i>	<i>Decision ref:</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
		No seal applied		

Planning Approvals

No delegated decisions were undertaken by the Shire of Menzies pursuant to Planning Approvals for the month ended August - September 2020.

Health Approvals

No delegated decisions were undertaken by the Shire of Menzies pursuant to Health Approvals for the Month ended August - September 2020.

Building Permits (including Septic Tank approvals)

The following decisions were undertaken by the Shire of Menzies pursuant to Building Permits (*including Septic Tank approvals*) for the month ended August - September 2020.

<i>Date of decision</i>	<i>Decision ref:</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
		Nil		

Ranger Related Dog Issues

No delegated decisions were undertaken by the Shire of Menzies pursuant to Ranger related Dog issues for the month ended August - September 2020.

Applications

The following Mining/Prospecting/Exploration/Miscellaneous Applications were made for the month ended August - September 2020.

<i>Applicant Name</i>	<i>Application Type</i>	<i>Application Details</i>
Mineral Resources for Yilgarn Iron Pty Ltd	Miscellaneous Licence 29/142	Situated within the Shire of Menzies For the purpose of a bore, a bore field, a drainage channel, a pipeline, a power line, a pump station, a road and a search for ground water. Over 1892ha
Strategic Tenement Services Pty Ltd for Ulysses Mining Pty Ltd	Miscellaneous Licence L40/30 to L40/34	Within the Shire of Menzies For the purpose of a bridge, a communications facility a conveyor system etc Over 700ha
Jurassic Mining	Exploration Licence 31/2169	Within the Shire of Menzies Affects private property
Strategic Tenement Services Pty Ltd for Ulysses Mining Pty Ltd	Miscellaneous Licence L40/35	Within the Shire of Menzies For the purpose of a bridge, a communications facility a conveyor system etc Over 600ha
Minara Resources for Murrin Murrin Operations Pty Ltd	Miscellaneous Licence 39/296	Within the Shire of Menzies For the purpose of a bore, a bore field, a communications facility, a pipeline, a road, a search for ground water and taking water
Minara Resources for Murrin Murrin Operations Pty Ltd	Miscellaneous Licence 39/299	Within the Shire of Menzies For the purpose of a bore, a bore field, a communications facility, a pipeline, a road, a search for ground water and taking water

Minara Resources for Murrin Murrin Operations Pty Ltd	Miscellaneous Licence 39/298	Within the Shire of Menzies For the purpose of a bore, a bore field, a communications facility, a pipeline, a road, a search for ground water and taking water
Minara Resources for Murrin Murrin Operations Pty Ltd	Miscellaneous Licence 39/297	Within the Shire of Menzies For the purpose of a bore, a bore field, a communications facility, a pipeline, a road, a search for ground water and taking water

The following Community Assistance Fund Applications were made for the month ended August - September 2020.

<i>Applicant Name</i>	<i>Application Type</i>	<i>Grant Approved</i>
	Nil	

CONSULTATION:

Chief Executive Officer

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

OP13 Governance – Council does not comply with statutory requirements

STRATEGIC IMPLICATIONS:

14.3 Active civic leadership achieved

- Regularly monitor and report on the Shire’s activities, budgets, plans and performance.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:

That Council receive the report of the actions performed under delegation for the month ended August - September 2020.

COUNCIL RESOLUTION:

No. 1993

MOVED: Cr J Dwyer

SECONDED: Cr J Lee

That Council receive the report of the actions performed under delegation for the month ended August - September 2020.

Carried 6/0

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12.5.2 POLICIES REVIEW – POLICIES 12.3 AND 12.6 STOCK GRIDS

LOCATION:	Not Applicable
APPLICANT:	Not Applicable
DOCUMENT REF:	Policy Manual
DISCLOSURE OF INTEREST:	None
DATE:	17 September 2020
AUTHOR:	Pascoe Durtanovich Acting Chief Executive Officer
ATTACHMENT:	Yes - Draft Policy and Current Policies

IN BRIEF:

The purpose of this report is for Council to review Stock Grid Policies 12.3 and 12.6.

BACKGROUND:

The current stock grid policies were last reviewed in August 2018.

Over decades there has been different approaches taken by Council on the placement, retention and maintenance of stock grids.

It appears that in the past property owners have not contributed to the cost of installation and maintenance of stock grids. The existing policies are silent on this aspect.

Non-conforming grids are also an issue and pose liability issues to the Shire of Menzies.

A comprehensive review of how the Shire deals with stock grids, particularly in respect to the numbers, condition, signage and responsibility for the cost of installation and maintenance, should be undertaken, to this end it is recommended that in the first instance existing grid policies be reviewed and amended as required.

COMMENT:

Legal commentary has been obtained on liability responsibilities, processes and practices when dealing with stock grid issues. A copy of the legal summary on this matter has been provided to Councillors under a separate cover.

A draft policy has been prepared, with legal input, and is attached.

CONSULTATION:

McLeods Barristers and Solicitors

At this stage there has not been any consultation with property owners apart from some correspondence with Station owners.

It is recommended by the Acting Chief Executive Officer that consultation be undertaken with affected property owners, prior to adoption of a new grids policy.

STATUTORY AUTHORITY:

The Land Administration Act 1997, Main Roads Act 1930, Public Works Act and Local Government (Uniform Local Provisions) Regulation 1996 apply in this instance.

A commentary on the statutory powers of Local Governments to authorise and deal with stock grids is included in the attached document from McLeod’s.

POLICY IMPLICATIONS:

Policy 12.3 and Policy 12.6 refers

FINANCIAL IMPLICATIONS:

There are considerable financial implications. The installation cost per gird is approximately \$50,000 plus ongoing maintenance costs.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
1. Non-conforming grids expose the Shire of Menzies to liability should an accident occur due to the condition of the grid, lack of signage etc. 2. Adverse impact on the Shire’s finances if the cost of the installation and maintenance of stock grids is not recovered from property owners.	High	1. Undertake an inspection of all stock grids on Shire controlled Roads to ascertain the condition of same installation. 2. Review installation and maintenance costs responsibilities

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION (1):

That the Acting Chief Executive Officer facilitate an audit of stock grids in the Shire of Menzies.

OFFICER RECOMMENDATION (2):

That the Draft Stock Grids Policy be received for consultation with affected property owners.

OFFICER RECOMMENDATION (3):

That following an audit of existing stock grids the Acting Chief Executive Officer facilitate consultation with affected property owners.

COUNCIL DECISION:

COUNCIL RESOLUTION:	No. 1994
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MOVED: Cr J Lee

SECONDED: Cr I Baird

That the audit of existing stock grids continue, providing information and photos to Council at the 29 October 2020 Ordinary Council Meeting.

Carried 6/0

Council Reason to Change to Officer Recommendation

Council adopted Recommendation (1) with a requirement for ACEO to review the audit and photos currently underway by the Works Supervisor for discussion with Council.

Recommendations (2) and (3) not to be received until after Council receives the audit.

12.6 Retention of Stock Grids

Introduction	
Objective	
History	Created 16 September 2014 Adopted 25 September 2014 Adopted 25 June 2015 Adopted 30 August 2018
Policy Statement	

1. The Chief Executive Officer will write to the property owner advising that the grid is to be removed and invite the owner to make application to have the grid retained.
2. The Chief Executive Officer shall consider all requests for retention and present a report to Council making recommendations to either retain or remove the grid.
3. In considering any request to retain the grid, Council will apply the following criteria:
 - i) The grid must be a part of a properly functioning stock proof fenceline;
 - ii) The grid must be a minimum of 8 metres in width;
 - iii) Grids removed from any fence line with a stock proof fence intact shall have a four wire, star picket and strainer post fence erected along the road sides for a distance of 50 metres either side of the grid location;
 - iv) Any grid to be retained shall have grid warning signs erected at 150 metre approaches; and
 - v) The retention of boundary grids shall have priority over intermittent grids.

– *End of Policy*

12.3 Stock Grids

Introduction	
Objective	
History	Formerly Policy 7.4.1, 7.4.2 Amended 29 November 2012 Amended 28 February 2013 Adopted 25 June 2015 Adopted 30 August 2018
Policy Statement	

1. Prior to the installation and replacement of stock grids, Council requires an application in writing to be sent to the Chief Executive Officer.
2. The Chief Executive Officer shall instigate an investigation of the fence line in question and other details relating to the installation of the grid, and present the request to Council.
3. In considering the application, Council will apply the following conditions:
 - i) no grid will be authorised for construction unless a stock-proof fence adjoins the proposed grid installation/replacement;
 - ii) capable of handling ALL stock;
 - iii) twenty (20) metres either side of the grid be sealed (if practical) to prevent the inadvertent filling up of the grid during the process of maintenance grading;and
 - iv) each grid be determined at no less than eight (8) metres wide.

– *End of Policy*

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LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
DOCUMENT REF:	As Applicable
DISCLOSURE OF INTEREST:	Nil
DATE:	18 September 2020
AUTHOR:	Pascoe Durtanovich Acting Chief Executive Officer
ATTACHMENT:	Unconfirmed GVROC Council Minutes 28 August 2020

IN BRIEF:

This item recommends Council accepts the unconfirmed Minutes from the GVROC meetings of 28 August 2020.

BACKGROUND:

The Shire of Menzies is a member of the Goldfields Voluntary Regional Organisation of Councils.

The unconfirmed minutes of each of the meetings are attached for Councillor information.

COMMENT:

The GVROC secretariat does not provide confirmed Minutes of the Meetings. Members are advised if the Minutes are amended at any future meetings.

It can be assumed that in most circumstances the unconfirmed minutes will be the same as confirmed Minutes.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

Not applicable.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council pays membership fees to the GVROC and contributes to projects organised by the NGWG.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Nil	Nil	Nil

STRATEGIC IMPLICATIONS:

14.1 Sustainable local economy encouraged

- A local economy accessing the commercial options and services in place, for timely development.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

14.2 Strong sense of community maintained

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to review disability access throughout the Shire of Menzies.

14.3 Active civic leadership achieved

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

14.4 Heritage & Natural assets conserved

- Heritage and cultural places and items will be protected.

- A strengthening of our cultural and heritage awareness and values.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:

That Council receive the unconfirmed Minutes from the GVROC meetings of 28 August 2020.

COUNCIL DECISION:

COUNCIL RESOLUTION:

No. 1995

MOVED: Cr J Dwyer

SECONDED: Cr I Baird

That Council receive the unconfirmed Minutes from the GVROC meetings of 28 August 2020.

Carried 6 /0

GVROC Council Meeting to consider WALGA State Council Agenda Items

Unconfirmed Minutes

Friday 28 August 2020
Zoom Videoconference, commencing at 8.30am

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GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

Videoconference meeting of the GVROC Council to consider WALGA State Council Agenda Items held Friday 28 August 2020 8.30am

AGENDA

1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to provide advice to the WALGA State Council Representative, Cr Mal Cullen on the Agenda for the WALGA State Council Meeting to be held on 2 September 2020.

2. DECLARATION OF INTEREST

Pursuant to the Code of Conduct, Councillors and CEOs must declare to the Chairman any potential conflict of interest they may have in a matter before the Goldfields Voluntary Regional Organisation of Councils as soon as they become aware of it. Councillors, CEOs and Deputies may be directly or indirectly associated with some recommendations of the Goldfields Voluntary Regional Organisation of Councils. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Declarations:

Cr Shelley Payne – Shire of Esperance - declares a standing interest as a member of the GEDC.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

3.1 Attendance

Cr Mal Cullen (Chair)	President, Shire of Coolgardie
Mr James Trail	CEO, Shire of Coolgardie
Cr Tracey Rathbone	Deputy Shire President, Shire of Coolgardie
Cr Laurene Bonza	President, Shire of Dundas
Mr Peter Fitchat	CEO, Shire of Dundas
Cr Ian Mickel	President Shire of Esperance
Cr Shelley Payne	Councillor, Shire of Esperance
Cr Patrick Hill	President, Shire of Laverton
Mr Peter Naylor	CEO, Shire of Laverton
Mr Jim Epis	CEO, Shire of Leonora
Mr Kevin Hannagan	CEO, Shire of Ngaanyatjarraku (Joined meeting at 9:45am)
Cr Timothy Carmody	Councillor, Shire of Wiluna
Mr Andrew Mann	Executive Officer, GVROC

3.2 Apologies

Cr Sharon Warner	Councillor, Shire of Dundas
Mr Shane Burge	A/CEO, Shire of Esperance
Cr John Bowler	Mayor, City of Kalgoorlie-Boulder
Cr David Grills	Councillor, City of Kalgoorlie Boulder
Mr John Walker	CEO, City of Kalgoorlie Boulder
Cr Shaneane Weldon	Councillor, Shire of Laverton
Cr Peter Craig	President, Shire of Leonora
Cr Greg Dwyer	President, Shire of Menzies
Cr Jill Dwyer	Councillor, Shire of Menzies

Mr Pascoe Durtanovich A/CEO, Shire of Menzies
Cr Damian McLean President, Shire of Ngaanyatjarraku
Cr Jim Quadrio President, Shire of Wiluna
Ms Laura Dwyer CEO, Shire of Wiluna

3.3 **Guests**
Nil

3.4 **WALGA Representatives (Via Videoconference)**

Tony Brown, Executive Manager Governance & Organisational Services
Ashley Robb, Project Officer, Planning
Sebastian Davies-Slade, Policy Officer, Transport and Roads
Carol-Anne Bradley, Goldfields-Esperance Road Safety Advisor

3.5 **DLGSCI Representatives (Via Videoconference)**

Jodie Holbrook, Director Local Government Policy and Engagement
Julie Craig

4. MINUTES OF MEETINGS

4.1 **Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 26 June 2020**

Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 26 June 2020 are presented for adoption (**Attachment 1**).

RECOMMENDATION:

That the Unconfirmed Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 26 June 2020 be confirmed as a true and correct record of proceedings.

RESOLUTION: **Moved: Cr Tracey Rathbone - Shire of Coolgardie**
 Seconded: Mr Jim Epis - Shire of Leonora

Carried

4.2 **Correspondence for Noting**

The following correspondence is presented for noting.

1. Email dated 24 August 2020 from Dianne Daniels, Executive Officer – Northern Country Zone of WALGA regarding State Council Agenda Item 5.5 Local Government Review Panel Final Report - Northern Country Zone Resolution (Attachment 1.1).

RECOMMENDATION:

That the correspondence listed for noting be received.

RESOLUTION: **Moved: Cr Tracey Rathbone - Shire of Coolgardie**
 Seconded: Cr Laurene Bonza - Shire of Dundas

Carried

5. EMERGING ISSUES

From: Chair GVROC

Background:

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure. The Zone can provide comment or submit an alternate recommendation that is then presented to the State Council for consideration.

A full copy of the State Council Agenda for the 2 September 2020 can be found at **Attachment 2**

6. Review of WALGA State Council Agenda - Matters for Decision

6.1 Park Home Approvals and the Caravan Parks and Camping Grounds Act 1995 (05-018-02-0002 VJ)

WALGA Recommendation

That WALGA requests the State Government to:

- 1. Urgently amend the Caravan Parks and Camping Grounds Act 1995 to allow the continued lawful placement of new manufactured homes on caravan park sites until 2030; and**
- 2. Undertake a full review of the Caravan Parks and Camping Grounds Act 1995 and associated legislation and regulations.**

IN BRIEF

- The State currently regulates the approval and ongoing management of park homes within a caravan park under the Caravan Parks and Camping Grounds Act 1995.
- A recent SAT case has highlighted the conflict in the various legislative controls on this form of accommodation.
- New Regulations gazetted in March 2020 do not address the fundamental issue of locating park homes within caravan parks, they only provide a temporary solution after the SAT case.
- A full review of the Caravan Parks and Camping Grounds Act 1995 and other legislative requirements (i.e. planning and building) is required to enable a more streamlined assessment of park homes in caravan parks, and remove the conflict between the different State legislative requirements.

BACKGROUND:

At WALGA's South West Country Zone on 26 June 2020, the Zone resolved to:

Seek WALGA's support to request that the State Government urgently amend the Caravan Parks Legislation to allow the continued lawful placement of new manufactured homes on caravan park sites, until approximately 2030, providing regulatory certainty in the short term to the industry, its customers and local governments, and providing time in which more comprehensive regulatory reform can be undertaken.

Under the Act, park homes are required to have a chassis, axles and wheels which are structurally able to bear the weight of the park home giving it the capacity to be drawn by another vehicle on a public road.

COMMENT

Over the last ten years, Local Governments and WALGA have been raising concerns with the Department of Local Government, Sport and Cultural Industries (DLGSC) on the regulation and management of park homes, seeking to resolve the various conflicts between the legislation governing Caravan Parks, Park Homes and Lifestyle Villages.

The report presented to the South West Country Zone by the City of Busselton provides a comprehensive summary of the issues and concerns relating to the approval of park homes under the Caravan and Camping Grounds Act 1995.

The recent SAT decision (Henville and City of Armadale) highlighted longstanding and significant issues with the Caravan Parks Legislation in Western Australia, and created a situation whereby most, if not all, park homes could be considered unlawful.

After the Henville and City of Armadale case, DLGSC set up a working group of State Agencies, to see whether the various pieces of legislation could be harmonised, to provide greater certainty to the park home industry and to Local Government.

At the end of 2019, the working group advised that they had arrived at a series of possible solutions, however, the only formal response that has occurred is the Caravan Parks and Camping Grounds Amendment Regulations 2020, as gazetted on the 4 March 2020 (more information here).

The new regulations address park homes that were already in place in mid-2019, but there is no change with respect to the lawfulness of new park homes constructed since that time. This creates significant uncertainty and issues for the industry, its customers and for Local Government in assessing applications for park homes under the caravan park legislation. As outlined in the South West Country Zone report, this is an inadequate solution because it does not address the underlying issues between the various pieces of legislation.

The South West Country Zone resolution, which seeks an urgent amendment to the Caravan Parks and Camping Grounds Act 1995 to allow the continued lawful placement of new manufactured homes on caravan park sites, until 2030, is therefore supported.

This will provide greater regulatory certainty in the short term to the industry, its customers and local governments, and will enable a more comprehensive regulatory reform to be undertaken to address the issue, more holistically, of the location of park homes in caravan parks.

RECOMMENDATION

GVROC endorse the WALGA recommendation.

RESOLUTION:

Moved: Cr Tracey Rathbone - Shire of Coolgardie
Seconded: Mr Jim Epis - Shire of Leonora

Carried

6.2 Submission on Decision Paper – Swimming Pool and Safety Barrier Control (05-015-02-0010 VJ)

WALGA Recommendation

That the submission on the Decision Paper on Swimming Pool and Safety Barrier Control, be endorsed.

IN BRIEF

- In June 2020, a Decision Paper on Swimming Pool and Safety Barrier Control was released to the Local Government sector.
- A workshop with Local Government Building Surveyors and Swimming Pool inspectors was held to assist in providing feedback on the 16 proposals contained in the Decision Paper.
- The proposed changes to the swimming pool barrier inspection process has resourcing implications for the sector.
- A submission has been prepared to meet the comment deadline of 16 September 2020.

BACKGROUND:

On 23 November 2017, the Ombudsman’s Report ‘Investigation into ways to prevent or reduce deaths of children by drowning’ was tabled in WA Parliament. The report contains 25 recommendations, of which 20 were specifically directed to the Building Commissioner, and five were directed to the Department of Mines Industry Regulation and Safety (DMIRS).

In January 2019, DMIRS undertook targeted consultation with Local Government through a consultation paper on swimming pool and safety barrier controls. The feedback provided at a Local Government workshop was submitted in March 2019, and this feedback has informed the preparation of this recently released DMIRS Decision Paper.

The purpose of the Decision Paper is to:

- outline the current issues with respect to swimming pools and safety barriers in light of the recommendations in the Ombudsman’s Report;
- examine the impacts of reforms based on the feedback from stakeholders; and
- set out the decisions for change.

The Decision Paper sets out 16 decisions on how the Government intends to improve the regulatory requirements for Swimming Pool and Safety Barrier Control and the impacts of each decision are presented in the report. In a number of instances, non-regulatory interventions have been determined as the best method to improve safety outcomes, as well as addressing the recommendations in the Ombudsman’s Report.

The report outlines proposed regulatory changes or non-regulatory changes for the following issues:

Building Permits, Notice of Completion & first barrier inspection	Excluded areas of the State
Barriers for pools under construction & other temporary barriers	Pre-November 2001 concession
Reinspections of non-compliant barriers	Boundary barriers
Compliance and enforcement strategy for barrier compliance	Training of swimming pool barrier inspectors
Four-yearly inspections: administering, record keeping & reporting	Display of CPR charts
Swimming pool barrier inspection charge	Portable swimming pools
Inspection of pools with a depth of water 30cm or less	Spa baths
Barrier inspection at sale/rent of property	Swimming pool covers

DMIRS has advised that it will work closely with stakeholders to develop the necessary regulatory amendments and guidance material to ensure WA has in place best practice requirements to reduce the risk of young children drowning in swimming pools. Submissions on the Decision Paper close on the 16 September 2020.

6.3 Development Assessment Panels (05-047-01-0016 CH)

WALGA Recommendation

That the findings and recommendations of the Development Assessment Panels, 2011-20 Review be endorsed and that WALGA advocate for:

- 1. The abolishment of the current ‘mandatory’ mechanism which requires a Development Assessment Panel to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an ‘opt in’ mechanism for all proposals;**
- 2. Raising the Development Assessment Panel threshold from the current \$2 million back to \$3 million; and**
- 3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system. That WALGA requests the State Government to:**

IN BRIEF

- The Development Assessment Panels (DAPs) system was introduced in July 2011 with the intention of creating a more streamlined planning approval process and to establish a better balance between professional advice and community representation.
- The Association undertook a review of the DAP system in 2016 in response to motions from Metropolitan Local Governments calling for the abolition of DAPs, this review found that the DAP system was failing to meet its aims.
- The Association has undertaken a further review of the DAP system, looking at the years 2011-2020. This review provides evidence that the DAPs system is still failing to meet its aims and objectives and is in need of further reforms.

BACKGROUND:

The DAPs system was introduced in July 2011 with the intention of creating a more streamlined planning approval process. DAPs were also established with the intention of providing a better balance between independent professional advice and Local Government representation through the involvement of independent technical experts in the determination of significant development proposals.

The Minister for Planning announced a number of changes to the DAP system which came into operation at the beginning of the 2015-16 financial year. The most significant of these changes was the lowering of the ‘opt in’ DAP assessment eligibility criteria to development proposals with a capital works value of \$2m (outside of the City of Perth), and a reduction in the number of panels, particularly in regional areas.

Further reforms were undertaken in 2020 in response to the State Government’s Action Plan for Planning Reform that has seen the number of panels reduce again from nine (9) to five (5), and a range of process improvements that seek to improve consistency of information and decision making, and enhanced transparency.

The Association undertook a review of the DAP system in 2016 in response to motions from Metropolitan Local Governments calling for the abolition of DAPs, this review found that the DAP system was failing to meet its aims. This review examined the performance of the DAPs system against its aims and objectives across the first five years of its operation. The Association also conducted a survey in 2016 to gather member’s experience of the DAPs system.

COMMENT

The analysis of the DAPs data between 2011-2020 generally shows that the DAP system is still failing to meet the stated aims and objectives of the DAP system.

Since the inception of the DAP system in 2011, the average processing time for development applications (DAs) has increased year on year. For the 2019/20 financial year, the average processing time for DAs was 148 days, with 68% of all proposals taking longer than 90 days, and 41% taking greater than 120 days. By comparison, in the period 2015/16, the average time taken by a DAP to determine a DA was 108 days, with 58% taking longer than 90 days and 28% taking longer than 120 days.

The analysis of DAP assessment timeliness in the DPLH's 2018/19 Annual Report further supports these findings, with only 72.9% of applications in that year processed within statutory timeframes. In comparison 82% of DAs assessed by Local Governments in 2018/19 were assessed within statutory timeframes (in the Local Government Performance Monitoring Report).

The decision to lower the capital works cost for DAP eligibility has led to rapid growth in the number of proposals that fall within the \$2-\$3m range, with these now accounting for 25% of all DAs considered by a DAP. Developments with a lower development value are unlikely to be of a complex or strategic in nature, and are generally service stations, childcare centres and fast food restaurants. Proposals for such uses are over represented in recommendations for refusal by Local Government and in the rates of DAPs deferred decisions.

More detailed analysis of trends can be viewed in Attachment 2. Based on the findings, it is recommended that advocacy be undertaken on the following items:

1. The abolishment of the current 'mandatory' mechanism which requires a Development Assessment Panel to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an 'opt in' mechanism for all proposals;
2. Raising the Development Assessment Panel threshold from the current \$2 million back to \$3 million; and
3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system.

An interactive dashboard of the DAPs decision database will be developed by the Association.

In conclusion, the findings of the 9 year analysis of the DAPs system supports the long held position of the Association that the DAPs system is in need of significant reform for it to achieve its objectives of greater transparency, consistency and efficiency in decision making on significant planning applications.

RECOMMENDATION

GVROC endorse the WALGA recommendation regarding DAPs.

RESOLUTION: **Moved: Moved: Cr Tracey Rathbone - Shire of Coolgardie**
Seconded: Cr Laurene Bonza - Shire of Dundas

Carried

6.4 Air Handling Discussion Paper Part Two (05-031-01-0001 BW)

WALGA Recommendation

That the submission to the Department of Health in response to the Air Handling discussion paper Part Two be endorsed.

IN BRIEF

- The Public Health Act 2016 is progressing through a five-stage process of implementation and is currently at Stage 4. All regulations from the previous Health Act 1911 will be repealed and replaced with new regulations at the commencement of Stage 5, which is anticipated to commence in 2021.
- The Department of Health previously released a discussion paper on Air Handling where WALGA provided a formal submission supporting the development of new regulations, but noting the need for further detail in the content of the regulations. The Department has now released part two of the discussion paper which provides more detail on the regulations.
- WALGA's Submission discusses Local Government's preference for air handling enforcement to be centralised with the Department of Health, rather than Local Government as the enforcement agency.

BACKGROUND:

Air handling units, which usually have the acronym of A.H.U are found in medium to large commercial and industrial buildings.

Air handling units' condition and distribute air within a building. In essence, they are industrial scale air conditioners, part of a heating, ventilating, and air-conditioning (HVAC) system. They take fresh ambient air from outside, clean it, heat it or cool it, maybe humidify it and then force it through some ductwork around to the designed areas within a building. Most units will have an additional duct run to then pull the used dirty air out of the rooms, back to the AHU, where a fan will discharge it back to atmosphere.

The Department of Health (DOH) released the "Air Handling Discussion Paper Part Two" for public comment; this provides more detail on the proposed new regulations. The major changes outlined in this paper, which relate to Local Government are:

- Registration will remain a requirement; however, it is yet to be determined whether this is maintained at local government or in a centralised register.
- Remove the requirement for Local Government to assess and approve applications in respect of air handling or water systems.
- Require a Risk Management Plan as part of the registration process and provide templates and guidance to enable local government to enforce this requirement.

COMMENT

The report contains technical advice in response to the 19 survey questions. Despite extensive call for comment, Local Governments provided limited feedback. The key points of the submission are:

- While there is a recognised public health risk associated with air handling, it is considered a low priority for the Local Government sector due to the low occurrences of outbreak, relatively low numbers and the requirement for highly specialised technical knowledge that most Local Governments are unlikely to have.
- All feedback received indicated that it would more appropriate for a centralised system for registration and enforcement with Department of Health as the enforcement agency.
- Local Governments would be better placed to provide on-ground support during assessment of an outbreak on a case-by-case basis (as they would do in any case) rather than being an enforcement agency.

RECOMMENDATION

GVROC endorse the WALGA submission to the Department of Health in response to the Air Handling discussion paper Part Two.

RESOLUTION:

Moved: Cr Patrick Hill - Shire of Laverton

Seconded: Cr Tracey Rathbone - Shire of Coolgardie

Carried

6.5 Local Government Review Panel Final Report (05-034-01-0001 TB)

WALGA carried out an extensive consultation process on Phase 2 of the Local Government Act Review in 2018/19, culminating in sector positions being endorsed by State Council in March 2019. This agenda item considers the Local Government Review Panel's recommendations in the context of the sector's current advocacy positions.

The Minister for Local Government has not considered the Panel's recommendations at this stage and has not requested a consultation process on the report. WALGA is taking the opportunity to obtain a sector opinion on the recommendations to provide to the Minister.

The Recommendations below are subject to Zone input and all Zone recommendations will be collated into a consolidated recommendation that will be provided for State Council consideration at its meeting on 2 September 2020.

WALGA Recommendation

1. That WALGA SUPPORT the following Recommendations from the Local Government Review Panel Final Report:

- Recommendations 1, 2, 3, 4, 6 and 7;
- Recommendation 8;
- Recommendation 11;
- Recommendations 12, 13 and 14;
- Recommendation 15;
- Recommendations 16 and 17;
- Recommendation 24;
- Recommendations 25(b) to (f);
- Recommendations 26(b), (d), (e) and (f);
- Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(2)(a);
- Recommendations 33 and 34;
- Recommendations 36 and 37;
- Recommendations 38(c), (d) and (e);
- Recommendations 39, 40, 41(a) to (g) and (i);
- Recommendation 42;
- Recommendations 43 and 44;
- Recommendations 45, 46, 47, 48 and 49;
- Recommendations 50, 51 and 52;
- Recommendation 54;
- Recommendations 55(a), (b), (d), (e), (f), (h) and (i);
- Recommendation 56;
- Recommendation 57;
- Recommendation 59;
- Recommendations 62 and 63;
- Recommendation 64 (c);
- Recommendations 65(a) to (e).

2. That WALGA OPPOSE the following Recommendations from the Local Government Review Panel Final Report:

- Oppose Recommendation 5;
- Oppose Recommendation 19;
- Oppose Recommendations 20, 21 and 27;
- Oppose Recommendations 22 and 25(a);

- Oppose Recommendations 23 and 25(a);
 - Oppose Recommendation 26(c);
 - Oppose Recommendations 32(2)(b) and (c);
 - Oppose Recommendation 35;
 - Oppose Recommendations 38(a) and (b);
 - Oppose Recommendation 41(h);
 - Oppose Recommendations 53(a) and (b);
 - Oppose Recommendations 55 (c) and (g);
 - Oppose Recommendation 58;
 - Oppose Recommendation 60;
 - Oppose Recommendation 61;
3. That WALGA **CONDITIONALLY SUPPORT** the following Recommendations from the Local Government Review Panel Final Report as described:
- Recommendations 9 and 10 and but oppose any proposal to remove the poll provisions (Dadour provisions) in Clause 8, Schedule 2.1 of the Local Government Act;
 - Recommendation 18 and reiterate WALGA's current advocacy position that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities;
 - Recommendation 20, 21 and 27 in support of a broad review of the property franchise including a community consultative process;
 - Recommendation 26(a) conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:
 - Populations up to 5,000 – 5 to 7 Councillors (incl. President)
 - Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
 - Populations above 75,000 – up to 15 Councillors (incl. Mayor);
4. That WALGA carry out further consultation on the following Recommendations from the Local Government Review Panel Final Report:
- Recommendation 22 – All In/All Out Elections;
 - Recommendations 64(a) and (b) - WALGA
 - Recommendation 65(f) – Transfer of Employee Entitlements

IN BRIEF

- In 2017 the State Government announced a review of the *Local Government Act 1995*.
- Given the breadth of matters covered by the Local Government Act, a staged approach to the review was adopted:
 - Stage one: priority reforms
 - Stage two: wide ranging reforms leading to a new LOCAL Government Act
- This agenda item relates to the Stage 2 reforms. The Department of Local Government carried out a consultation process in 2018/19 where over 3,000 submissions were received.
- The Minister for Local Government appointed an Independent Panel to consider submissions received by the Department of Local Government Sport and Cultural Industries on the review of the Local Government Act in November 2019.
- The Panel's report has made 65 recommendations
- The Panel's report does not represent Government policy; the Minister for Local Government has stated the report will be considered as part of the Act Review process.

- This agenda item seeks a sector position on the recommendations. The recommendations to support, oppose or seek further consultation or information is proposed in this item.

WALGA Process

The Association recognizes the Report is a high level document that is based on identifying principles that will drive the development of a modern Local Government Act. The Association therefore considered the Report from the perspective of the sector's current advocacy positions.

This Item provides commentary on support for recommendations that met or where similar to adopted advocacy positions. This Item also identifies significant departure from advocacy to the extent that support cannot be recommended without further sector consideration of WALGA's position.

Attachment

The Panel's Report can be found [here](#).

Comment

The following comment is a comparison of State Council's record of advocacy on matters raised in the Local Government Review Panel Final Report:

CLEAR LEGISLATIVE INTENT

Recommendations 1 to 7 – Introduction and Role and Functions of Local Government

Local Government Act Reference: Part 1

Recommendation 1 proposes a strategic approach to the consideration of the Report recommendations.

Recommendation 2 introduces a new statement of intent that will explain the legislations purpose:

An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.

Recommendation 3(a) to (j) proposes objectives for the legislative framework 'to support Local Governments having the agility, adaptability and flexibility to respond to changing community expectations and technology'.

Recommendation 4 proposes a shorter, less prescriptive Act that minimizes the use of regulations in favour of a principles-based approach.

Recommendation 5 proposes recognition of the diversity of Local Governments however it does not support a multi-tiered (size and scale) legislative framework.

Recommendation 6 proposes upholding the power of general competence predicated in the current Local Government Act.

Recommendation 7 (a) to (i) proposes guiding principles for sustainable, accountable, collaborative and capable Local Governments.

WALGA Comment – WALGA advocacy supports many of the proposals in Recommendations 1 to 7, principally that the Local Government Act Review be based on a 'Principles over Prescription' approach that avoids red tape and 'declutters' the extensive regulatory regime that currently exists¹ (Recommendations 3 and 4) and maintaining the general competence principle² (Recommendation 6) which frees Local Governments to make any decision that does not conflict with statute or common law.

¹ State Council Resolution 06.3/2019 Items 1, 1(b) and 1(e)

² State Council Resolution 06.3/2019 Item 1(a)

Recommendation 7 aligns with WALGA advocacy for enabling legislation.³ Recommendation 5 is unopposed by WALGA advocacy that promotes a size and scale compliance regime⁴ and it is recommended that WALGA maintain its current advocacy for a Local Government Act that is reflective of the differences and diversity of Local Governments in Western Australia.

WALGA Recommendation: Support Recommendations 1, 2, 3, 4, 6 and 7. Oppose Recommendation 5

AN AGILE SYSTEM

Recommendations 8 to 11 - Structural Reform

Local Government Act Reference: Part 1; Section 2.1(2) and Schedule 2.1, cl. 8

Recommendation 8 proposes to combine the Local Government Grants Commission and Local Government Advisory Board to form a Local Government Commission, with roles assigned that will engender a strategic approach to its operation including monitor the performance and financial health of the sector, the latter in collaboration with the Office of the Auditor General, in addition to traditional functions such as distributing Commonwealth grant funding to Local Governments and boundary changes. Establishment of the Commission under this strategic framework will require skills-based appointments rather than by representation.

Recommendations 9 and 10 supports a legislative framework that is flexible, responsive and resilient and capable of facilitating community participation. There are also specific proposals for structural reform including revised processes for boundary changes and mergers, enhanced model of joint subsidiaries (see Recommendation 14) and provision for the establishment of community boards. Commentary associated with Recommendation 9 sees flaws in the current poll provisions found in Clause 8 of Schedule 2.1 ('Dadour provisions') as being '*...unduly restrictive when Local Governments need to adapt to changing circumstances*'.

Recommendation 11 proposes the potential to establish community boards, with reference to examples of successful international models. While community boards might be formed in response to mergers or for use by large Local Governments to devolve certain responsibilities to community representatives, the proposal makes clear that the overall responsibility for decision-making and authority will rest with the 'parent' Local Government. See also Recommendation 33 'Community Engagement'.

WALGA Comment – WALGA does not have an advocacy position in relation to Recommendation 8 'Local Government Advisory Board' and this may be a matter for sector consultation. Recommendations 9 and 10 propose a legislative framework that has similar themes to WALGA's advocacy that the Local Government Act Review promote a flexible, principles-based legislative framework⁵.

WALGA has a long-standing advocacy position for the retention of the Dadour provisions that give electors a right to demand a poll on recommended amalgamations⁶. This advocacy is tied to the principle that the Dadour provisions are the ultimate expression of community support or rejection of amalgamation proposals. Although not a specific recommendation, the commentary appears contradictory to the general themes expressed throughout the Report for increased opportunities for community consultation⁷. The community board proposal in Recommendation 11 is similar to WALGA advocacy for community engagement that is based on principle rather than prescription⁸.

WALGA Recommendation: Support the general intent of Recommendations 8 and 9. Oppose any proposal to remove the poll provisions (Dadour provisions) in Clause 8, Schedule 2.1 of the Local Government Act. Support Recommendation 11.

³ State Council Resolution 60.3/2019 Item 1(d)

⁴ State Council Resolution 06.3/2019 Item 1(c)

⁵ State Council Resolution 06.3/2019 at 1(b)

⁶ State Council Resolution 06.3/2019; 121.6/2017; 108.5/2014

⁷ For example, Recommendations 9, 10(c), 11, 33, 34, 35

⁸ State Council Resolution 06.3/2019

Recommendations 12, 13 and 14 - Expanded Regional Cooperation

Local Government Act Reference: Part 3, Division 4

Recommendations 12 and 13 promotes expanding opportunities for regional cooperation between Local Governments under improved regional subsidiaries model for shared services, and through a new form of regional authority for specific issues. Recommendation 14 proposes an end to the regional council model in favour of regional cooperation models set out in the previous recommendations.

WALGA Comment – WALGA has a strong advocacy history in support of regional subsidiaries⁹ and is disappointed that the complexity of the existing legislative provisions means that no regional subsidiaries have formed since the Act amendment of 2016. WALGA has independently developed a revised version of regulations that limits unnecessary compliance without diluting transparency and accountability of regional subsidiaries, and therefore welcomes recommendations that will facilitate regional cooperation under this model.

WALGA is cognisant that regional councils are often formed for a singular purpose, most commonly waste management, yet compliance obligations are generally equivalent to that of a Local Government. It is current WALGA advocacy that the compliance obligations of regional councils should be reviewed¹⁰. It appears the recommendations will create a suitable opportunity for the transition of regional councils to a model more suitable to the participant Local Governments.

WALGA Recommendation: Support Recommendations 12, 13 and 14.

Recommendation 15 - State Local Government Partnership Agreement

Local Government Act Reference: Section 3.18

Recommendation proposes a set of principles for intergovernmental relations that makes clear Local Government's role and obligations as part of a broader system of government.

WALGA Comment – WALGA's advocacy is for a communication and consultation protocol that ensures a consultation process precedes regulatory or compliance changes that affect the sector¹¹. The current Partnership Agreement signed in 2017 is currently under review.

Section 3.18 'Performing executive functions' includes apparently similar objectives to Recommendation 15, whereby a Local Government considers matters such as; integration and coordination; avoidance of inappropriate duplication; and effective and efficient management of services and facilities that may also be provided by the State and Commonwealth. This creates adequate space for the general competence principle to apply when a Local Government considers the range and scope of its executive functions, services and facilities.

WALGA Recommendation: Support Recommendation 15.

INCLUSIVE LOCAL DEMOCRACY

Recommendations 16 and 17 - Relations with Aboriginal Peoples and Communities and Recommendation 18 - Service Delivery in Remote Communities

Local Government Act Reference: Not mandated

Recommendations 16 and 17 contemplate a Local Government Act that includes recognition of the unique status of Aboriginal peoples and inclusion of mechanisms for consultation and engagement. Recommendation 18 recommends further consideration of service delivery to remote communities through improved integration with Integrated Planning and Reporting requirements.

⁹ State Council Resolutions 121.6/2017; 106.6/2016; 94.4/2011; 114.5/2010

¹⁰ State Council Resolution 06.3/2019

¹¹ State Council Resolution 2.1/2012

WALGA Comment – WALGA’s advocacy recognises and respects Aboriginal cultural practices and places through development of Reconciliation Action Plans¹², and is supportive of efforts to improve the living conditions and governance in Aboriginal communities.¹³

There are 287 discrete Aboriginal communities in WA accommodating approximately 17,000 Aboriginal people spanning 26 Local Government districts. It is therefore inevitable that service delivery considerations are coordinated with State and Federal Government departments and agencies with relevant responsibilities, to mitigate against cost-shifting responsibility to individual Local Governments with limited financial capacity.

WALGA adopted the advocacy position that *‘the State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities’*¹⁴.

The commentary associated with Recommendation 18 raises a necessary discussion regarding service delivery to remote Aboriginal communities but lacks detail on how the inter-governmental responsibilities and funding arrangements associated with efficient and timely service delivery can be better achieved.

WALGA Recommendation: Support Recommendations 16 and 17, and reiterate WALGA’s current advocacy position in relation to Recommendation 18, that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities.

GVROC Recommendation:

GVROC support rather than WALGA’s conditional support, that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal Communities.

RESOLUTION: Moved: *Cr Tracey Rathbone - Shire of Coolgardie*
Secunded: *Mr Jim Epis - Shire of Leonora*

Carried

Recommendation 19 - Optional Preferential Voting

Local Government Act Reference: Section 4.69, 4.74 and Schedule 4.1

The Report recommends a system of voting that better represents the community’s preference for candidates that is not currently delivered by a first past the post system, where a candidate does not require a clear majority of votes to be elected.

WALGA Comment – WALGA’s advocacy position supports the current ‘first past the post’ system. WALGA has previously opposed other forms of voting¹⁵ and the system of proportional preferential voting was briefly introduced to the Local Government Act for one election cycle before being repealed and returned to first past the post voting in 2009¹⁶.

WALGA Recommendation: Oppose Recommendation 19 any alternative voting system in favour of retaining the first past the post system.

Recommendations 20, 21 and 27 - Review of Property Franchise

Local Government Act Reference: Sections 4.30 → 4.35; Section 4.66

Recommendation 20 proposes mandating one vote per person, which is currently prescribed in Section 4.65 albeit in the context of the property franchise. Recommendation 21 proposes discontinuing enrolment entitlement through ownership or occupation of rateable property. Property franchise claims

¹² State Council Resolution 118.5/2012

¹³ State Council Resolution 64.3/2014

¹⁴ State Council Resolution 06.3/2019 at 1(f)

¹⁵ State Council Resolutions 185.2/2007 and 427.5/2008

¹⁶ *Local Government Amendment (Elections) Act 2009*

result in enrolment on the Owner's and Occupiers Roll, forming the second limb of voter entitlement alongside the Residents Roll.

The Expert Panel proposes increasing participation, consultation and involvement of business owners and operators by Local Governments including mechanism such as business advisory groups. Recommendation 27 recommends consultation be undertaken to determine whether the property franchise continue within the City of Perth, in concert with a review of the *City of Perth Act 2016*. Currently, Part 4 of the Local Government Act applies to the election of council members of the City of Perth, and Section 20 of the *City of Perth Act 2016* applies to the election of the Lord Mayor.

WALGA Comment – WALGA has not adopted an advocacy position relevant to the recommendations.

It is recommended that support be given to a broad consultative process with Local Governments, the business sector, communities and relevant stakeholders to assess whether or not owners and occupiers of rateable property should have a right to vote in a modern democratic electoral system.

WALGA Recommendation: Conditionally Support Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.

Recommendation 22 - All In/All Out 4 Year Election Cycle

Local Government Act Reference: Section 4.5

Recommendation 22 proposes Elected Members be elected at the same time, every four years. This aligns with the election of State Parliamentarians. An acknowledged detriment is the potential loss of corporate knowledge due to non-election of experienced councillors, whereas benefits include potential increased participation by candidates and electors and reduced election costs to Local Governments.

WALGA Comment – There is no WALGA advocacy position relevant to this proposal. It is therefore recommended that the sector be consulted and the resultant views be considered in developing WALGA's advocacy position.

WALGA Recommendation: That the sector be consulted prior to WALGA considering its advocacy position in relation to Recommendation 22.

GVROC Recommendation:

GVROC oppose All in /All out Elections.

RESOLUTION: **Moved: Cr Tracey Rathbone - Shire of Coolgardie**
 Seconded: Mr Jim Epis - Shire of Leonora

Carried

Recommendations 23, 24 and 25(a) – Conduct of Elections

Local Government Act Reference: Section 4.20 and 4.61

Recommendation 23 is that the Western Australian Electoral Commission (WAEC) take responsibility for all Local Government elections, with the consequence that a Local Government CEO will no longer be the Returning Officer of first resort. Recommendation supports electronic/online voting. Recommendation 25(a) adds to the currently mandated role of the WAEC by proposing all elections are by postal voting, ending the option on in-person voting.

WALGA Comment – WALGA advocates for an end to the WAEC's enshrined monopoly on the conduct of postal elections by amending legislation to permit third parties to be service providers of postal elections¹⁷.

WALGA Recommendation: Support Recommendation 24; Oppose Recommendations 23 and 25(a); WALGA reiterate its position that third parties be permitted as service providers for postal elections.

¹⁷ State Council Resolution 06.3/2019

Recommendation 26(b) to (f) – Wards, Mayor/President Election and Term Limits

Local Government Act Reference: Part 2 and Part 4; Schedule 2.2

Recommendation 26 (b) to (f) proposes a number of adjustments associated with Recommendation 8 - Local Government Advisory Board/Local Government Commission. These proposals include:

- Recommendation 26(b) - system of ward boundary reviews;
- Recommendation 26(c) - discontinuance of ward boundaries for Band 3 and 4 Local Governments;
- Recommendation 26(d) - phasing in of proposals under Recommendation 26(a);
- Recommendation 26(e) - continuance of two year election cycle for Council-elected Mayors/Presidents; and
- Recommendation 26(f) - no limits to be placed on terms Elected Members and elected Mayor/President can serve.

WALGA Comment – Recommendation 26(e) aligns with WALGA advocacy that Local Governments retain the right to determine whether the Mayor / President will be elected by the Council or the community.²¹ WALGA has not adopted advocacy positions specific to the remaining proposals however Recommendation 26(c) conflicts with the general competence principle and the current self-determination inherent in the current ward review system. WALGA supports the ability for all Local Governments, not merely those in Band 3 and 4, to consider the merits of its system of representation and election on the basis of community of interest; physical and topographical features; demographic trends; economic factors and the ratio of Councillors to electors in the various wards.²²

WALGA supports the general intent of Recommendation 8 and similar support is proposed to the exclusion of Item (c).

WALGA Recommendation: Support Recommendations 26(b), (d), (e) and (f). Oppose Recommendation 26(c).

Recommendations 28 to 32 - Redefinition of Roles and Responsibilities

Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41

Recommendation 28 sets the scene for Recommendations 29 to 32 by suggesting revised statements of roles and responsibilities that are specific to address the following issues:

- Community leadership
- Strategic planning
- Continuous improvement
- Executive function (for mayors/presidents)
- Guiding the CEO (for mayors/presidents)
- Training

WALGA Comment – Recommendations 28, 29, 30 and 31 are supported. Recommendations 32(1)(a) to (o), and 32(a) are supported. WALGA opposes Council involvement in matters relating to senior employees²³ as this conflicts with the role of the CEO as employing authority of all employees under Sec. 5.41(g) of the Local Government Act.

Recommendations 32(2)(b) and (c) are opposed. These recommendations seek to perpetuate ongoing Council involvement in matters relating to senior employees. WALGA points out that Regulation 9(1) of the *Local Government (Rules of Conduct) Regulation* was amended on 15 August 2020 to remove reference to Councillor involvement in administration where authorised by the Council to undertake that task.

²¹ State Council Resolution 06.3/2019; 121.6/2017

²² *How to conduct a review of wards and representation for local governments with and without a ward system* – Department of Local Government, Sport and Cultural Industries - October 2017, Page 6

²³ State Council Resolution 123.6/2017

This amendment directly relates to past findings such as the City of Canning Inquiry 2014, where the Inquirer noted this Regulation was used to involve Council in a matter directly related to the CEO's employing authority functions:

*'Reg. 9(1) of the Local Government (Rules of Conduct) Regulations 2007 is a rule of conduct, and is not, by itself, a source of authority for intervention by the Council in Administration activities.'*²⁴

WALGA Recommendation: Support Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(a). Oppose Recommendations 32(2)(b) and (c) to conclusively ensure that a Council cannot involve itself in the functions of the Chief Executive Officer as set out in Section 5.41 of the Local Government Act.

Recommendations 33 and 34 – Community Engagement and Governance

Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41

Recommendation 33 proposes a range of community engagement principles, and Recommendation 34 proposes a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making.

WALGA Comment – WALGA advocates that Local Governments adopt a Community Engagement Policy, with each Local Government to implement the most appropriate means of engagement²⁵.

WALGA Recommendation: Support Recommendations 33 and 34.

Recommendation 35 – Annual Engagement with Electors

Local Government Act Reference: Sections 5. 27

Recommendation 35 proposes a lesser version of the opportunity already available to electors but poorly attended historically. This raises the prospect that, in the absence of the opportunity to move motions at meetings, the proposed annual meeting will follow a similar trend.

WALGA Comment – WALGA advocates that Elector's General Meetings should not be compulsory, on the basis that there is adequate opportunity for the public to participate in the affairs of the Local Government through attendance at Council Meetings, participating in public question time, requesting special electors' meetings etc²⁶.

WALGA Recommendation: Oppose Recommendation 35 and seek amendment to the Act to ensure Electors' General Meetings are not compulsory.

SMART PLANNING AND SERVICE DELIVERY

Recommendations 36 and 37 - Enhanced Integrated Planning and Reporting

Local Government Act Reference: Section 5.56; Local Government (Administration) Regulations Part 5, Division 3

Recommendation 36 and 37 propose enhanced Integrated Planning and Reporting principles and provisions and that Audit, Risk and Improvement Committee monitor performance against baseline measures including financial management, service delivery and community well-being.

WALGA Comment – WALGA has supported the Integrated Planning and Reporting framework dating back to the Systemic Sustainability Study of 2008 and broadly supported the regulatory amendments introduced in 2011.

²⁴ Report of the Panel of Inquiry into the City of Canning, May 2014 at 9.53

²⁵ State Council Resolution 06.3/2019

²⁶ State Council Resolution 06.3/2019; 121.6/2017; 09.1/2011

WALGA Recommendation: Support Recommendations 36 and 37

Recommendations 38(a) and (b) – Minimum Service Levels

Local Government Act Reference: Section 3.18

Recommendations 38(a) and (b) are separated for independent consideration due to the potential for extensive consequences to the Local Government sector. Recommendation 38(a) proposes a minimum level of service delivery established as a statutory obligation, and Recommendation 38(b) proposes a qualified reserve power whereby the Minister for Local Government responds to a failure to deliver the minimum services by issuing an enforceable direction.

WALGA Comment: WALGA's closest advocacy positions to Recommendation 38 is 'principles over prescription' together with upholding the General Competence Principle²⁷. Recommendation 38(a) appears intended to create a commonality of service delivery that is potentially measurable across the sector, with service delivery outcomes either legislated or directed by the Minister for Local Government. This approach is anathema to the General Competence Principle that permits Local Governments to independently determine appropriate levels of service.

It is noted that continuance of the General Competence Principle is supported in Recommendation 6, but the contradictory nature of Recommendation 38(a), that determination of some services will be taken out of the hands of Local Governments and their communities, is neither identified nor examined in the Report.

Recommendation 38(b) is intended as a qualified reserve power however the associated commentary includes reference to directions relating to a natural disaster or a pandemic. The Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from a pandemic that would require the Minister for Local Government to assume emergency direction powers – see also Recommendation 58. WALGA advocates that the State Government ensure there is proper provision for resources required to fulfil any legislated responsibility²⁸.

WALGA Recommendation: Oppose Recommendation 38(a) and (b) and reiterate support for Recommendation 6 'General Competence Principle'.

Recommendations 38(c), (d) and (e) – Service Levels and IPR

Local Government Act Reference: Section 5.56; Part 5, Division 3 Local Government (Administration) Regulations

Recommendations 38(c), (d) and (e) propose a range of measures to align financial sustainability principles and services and programs to the integrated planning and reporting framework, and to conduct regular service delivery reviews including community consultation.

WALGA Comment: WALGA supported the introduction of the Integrated Planning and Reporting 'planning for the future' provisions and the above recommendations broadly align with current level of maturity in community consultation processes and examination of service delivery leading to the development of Strategic Community Plans and Corporate Business Plans.

WALGA Recommendation: Support Recommendations 38(c), (d) and (e)

Recommendations 39 to 42 - Local & Joint Subsidiaries

Local Government Act Reference: Part 3, Division 4

Recommendation 39 proposes Integrated Planning and Reporting frameworks be cognisant of State Government plans when developing strategies for economic development.

²⁷ State Council Resolution 06.3/2019 Items 1(a) and (b); 120.6/2017

²⁸ State Council Resolution 06.3/2019 Item 1(f)

Recommendation 40 proposes the new Local Government Act provide freedom for commercial activities, linking with Recommendation 41 which, whilst recommending against a beneficial enterprise model, makes positive recommendations for the support of commercial activities under an updated subsidiary model required to observe competitive neutrality principles. Recommendation 42 supports the use of regional subsidiary models unless qualified by the requirement to form an entity where the Local Government is not the dominant party.

WALGA Comment – It is noted that Recommendation 41(a) to (i) details the elements required for a flexible subsidiary model, including a proposal under 41(h) that employees of a subsidiary fall within the jurisdiction of the WA Industrial Relations Commission. This conflicts with current WALGA advocacy that such a transfer is conditional upon modernisation of the State system to be more consistent with the Federal industrial relations system²⁹.

WALGA has a long-held advocacy position for the creation of Beneficial Enterprises³⁰ with support for a vehicle for commercial activity ('Council-controlled organisations') dating back to WALGA's Systemic Sustainability Study 2008³¹.

WALGA Recommendation: Support Recommendations 39, 40, 41(a) to (g) and (i) and 42. Oppose Recommendation 41(h).

Recommendations 43 and 44 - Modernise Financial Management

Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations

Recommendation 43 proposes a modern set of principles to modernise financial management.

Recommendation 44 proposes a selection of measures in support of sound financial decision-making.

WALGA Comment – WALGA supports the general intent of the recommendations, aligning as they do with a number of advocacy positions³² including:

- Conduct a complete review of financial management provisions
- Freehold land be used to secure debt
- Enable Building Upgrade Finance

WALGA notes that the Report of the Inquiry into the City of Perth makes a number of recommendations³³ relating to financial management of all Local Governments including:

- Recommendation 188 : Establishment of Financial Management Instructions;
- Recommendation 189 : The 'WA Accounting Manual' dated September 2012 be reviewed and updated;
- Recommendation 190 : The format of format of the annual budget and financial report be prescribed for consistency across local government'

WALGA Recommendation: Support Recommendations 43 and 44

Recommendation 45 to 49 - Procurement

Local Government Act Reference: Section 3.57; Local Government (Functions and General) Regulations Part 4

Recommendation 45 proposes procurement thresholds, rules and policies be more closely aligned with the State Government. Recommendation 46 proposes a model Procurement Policy be adopted by all Local Governments. Recommendations 47 and 48 propose enhancing panel contracts and encouraging local business to register as local content providers. Recommendation 49 introduces the prospect that breaches of procurement rules be referred to an Independent Assessor for investigation.

²⁹ State Council Resolution 78.5/2018

³⁰ State Council Resolutions 06.3/2019; 121.6/2017; 107.5/2010; 114.5/2010

³¹ *The Journey: Sustainability into the Future* - Action 21, Page 49

³² State Council Resolution 06.3/2019

³³ City of Perth Inquiry Report, Volume 3, Page 83

WALGA Comment – WALGA has consistently supported the alignment of the tender threshold with that of the State Government³⁴ and broadly supports the principle that suppliers of goods, services and works competing for contracts will benefit where procurement processes across State and Local Government has more similarities than differences. These proposals will also assist recent endeavours of both State and Local Government to enhance opportunities for local and regional suppliers to access contracts and boost local economies in the post COVID-19 recovery phase.

WALGA Recommendation: Support Recommendations 45, 46, 47, 48 and 49

Recommendations 50, 51 and 52 - Rating and Revenue

Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations

Recommendation 50(a) opposes rate capping and 50(c) proposes a broad review of rate exemptions available under Section 6.26(2) of the Local Government Act in recognition of the limitation this places on capacity to raise revenue. Further proposals include development and publication a Local Governments rates and revenue strategies (50b) and a review by the Valuer General of rating methodologies (50 g).

Recommendation 51 aligns with the current provisions in Sec 6.17 of the Local Government Act which requires the setting of fees and charges to consider; the cost of providing the service; importance of the service to the community; and the price of alternative providers might charges for similar service.

Recommendation 52 recommends cost recovery principles be adopted when Local Government and State Government set fees and charges.

WALGA Comment – WALGA's advocacy opposes rate capping³⁵ and there is long-standing support for a review of general rate exemption provisions and charitable land use rate exemptions³⁶ initially examined by the Local Government Advisory Board in 2005³⁷. WALGA also supports a review of the basis of rates³⁸ and this may be incorporated in Recommendation 50(g).

WALGA's advocacy position in relation to Recommendation 52 is that Local Government to be empowered by legislation to set fees and charges for all services it provides in favour of the current arrangement whereby many fees and charges are determined by State Government legislation³⁹.

The Office of the Auditor General regularly audits State Government fee-setting in line with Government policy:

It is general government policy that fees should fully recover the cost of providing related services. If fees under-recover costs, this could mean the general public is subsidising customers, while over-recovery could mean customers are being charged too much. Any under or over-recovery of costs requires approval from the Minister or authority from legislation, respectively.⁴⁰

WALGA's long-held concern is that the State Government's policy is inadequately applied to Local Government service delivery (town planning fees, building fees, dog and cat registration etc) and Local Governments experience a net revenue loss due to inherent issues of:

- Lack indexation
- Lack from regular review
- Lack a transparent methodology in setting of fees and charges

³⁴ State Council Resolution 06.3/2019

³⁵ State Council Resolution 06.3/2019; 96.6/2015; 118.7/2015 incl. Rate Setting Policy Statement

³⁶ State Council Resolution 06.3/2019; 122.6/2017; 118.7/2015; 5.1/2012

³⁷ Local Government Advisory Board's Inquiry into the Operation of Section 6.26(2)(g) of the Local Government Act 1995 – November 2005

³⁸ State Council Resolution 06.3/2019; 123.6/2017

³⁹ State Council Resolution 06.3/2019; Metropolitan Local Government Reform Submission 2012

⁴⁰ Report 13 'Fee-setting by the Department of Primary Industries and Regional Development and Western Australia Police Force' December 2019 - Executive Summary, Page 3

WALGA Recommendation: Support Recommendations 50, 51 and 52; continue to advocate for legislation that empowers Local Governments to set fees and charges for all services it delivers.

ACCOUNTABILITY, SELF-REGULATION AND INTEGRITY

Recommendations 53 and 54 - Accountability and Self-Regulation

Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations

Recommendation 53 recommends an expanded Audit, Risk and Improvement Committee with Recommendation 53(a) and (b) proposes that skills-based independent members hold the majority of numbers, and the Chair, of the Committee, and regional committees be formed to offset potential increased costs.

Recommendation 54 proposes an expanded role for the Audit, Risk and Improvement Committee including an audit plan approach focussing on compliance, risk (including procurement), financial management, fraud control, governance and delivery of plans.

WALGA Comment – WALGA's advocacy supported the Office of the Auditor General WA conducting Local Government finance and performance audits⁴¹. The self-regulation themes within Recommendation 54 are supported, however Recommendation 53(a) and (b) proposals for a majority of independent members, potentially drawn from a panel of approved suppliers or shared through regional cooperation arrangements, does not include a benefits analysis and there is no evidence the regional cooperation approach will lessen internal audit costs particularly for rural and regional Local Governments.

WALGA Recommendation: Oppose Recommendation 53(a) and (b). Supports Recommendation 54.

Recommendation 55 – Integrity and Governance

Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations

Recommendation 55(a) to (i) propose a range of governance measures to improve integrity, oversight and public participation.

WALGA Comment – Recommendations (f), (g) and (h) align with the Department of Local Government, Sport and Cultural Industries current development of Mandatory CEO Standards for Recruitment, Performance Review and Termination (associated with the *Local Government Amendment Legislation Act 2109*) and it is likely this body of work will continue to be dealt with independent of this Report. WALGA's current advocacy position includes opposition to item (g), the mandatory readvertising of the CEO position upon completion of two five year terms.⁴²

The proposal under item (c), permitting elected members unable to maintain impartiality to withdraw from a meeting and not vote, is clearly unworkable where the meeting quorum comes under threat and is opposed.

WALGA Recommendation: Support Recommendation 55(a), (b), (d), (e), (f), (h) and (i). Oppose Recommendations 55 (c) and (g).

Recommendation 56 – Training and Development

Local Government Act Reference: Section 5.126 and Regulations 35 and 36 of the Local Government (Administration) Regulations

Recommendation 56 updates the recently introduced Elected Member training provisions.

WALGA Recommendation: Support Recommendation 56

⁴¹ State Council Resolution 7.1/2018

⁴² State Council Resolution 145.7/2019

Recommendation 57 and 58 – Early Intervention Framework

Local Government Act Reference: Part 8

Recommendation 57 proposes an early intervention framework whereby the Department of Local Government, Sport and Cultural Industries works with Local Governments to improve performance, governance and compliance. Recommendation 58 proposes the Minister for Local Government should have powers to direct Local Governments and make declarations during a declared state of emergency.

WALGA Comment – WALGA does not have advocacy positions in relation to either recommendation. Recommendation 38(b) introduced commentary on this topic and it is reiterated the Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from the pandemic that would require providing the Minister for Local Government with additional emergency powers. A matter of this significance should be considered in the broad context of the State Government's assessment of its capacity to respond during the present state of emergency period, rather than dealt with piecemeal in a review of the Local Government Act.

WALGA Recommendation: Support Recommendation 57. Oppose Recommendation 58.

Recommendations 59 and 60 – Office of the Independent Assessor

Local Government Act Reference: Part 8; Section 5.41

Recommendation 59 (a) to (f) proposes conditions upon which an Office of the Independent Assessor might be established, including taking the functions of the Local Government Standards Panel.

Recommendation 60 proposes consideration of managing complaints by Elected Members against a CEO or other senior officer, with potential complaints to be investigated by the Independent Assessor.

WALGA Comment – WALGA has a long-standing advocacy position for improvement to the operational efficiency of the Local Government Standards Panel.⁴³

The proposal in Recommendation 59 to create the Office of the Independent Assessor resonates in some regard with Recommendation 323, 324 and 325 of the Report of the Inquiry into the City of Perth.⁴⁴

Recommendation 60 has the potential to overlay with other statutory provisions relating to employment law, and it is unclear whether the Report has considered the appropriateness of a proposal which will permit individual Elected Members, rather than the Council acting collectively as the employing authority, to instigate actions relating to a CEO's performance. Similarly, it is current practice that all complaints relating to other local government employees fall within the function of the CEO as the employing authority under Section 5.41(g) of the Act.

WALGA Recommendation: Support Recommendation 59. Oppose Recommendation 60.

OTHER MATTERS

Recommendation 61(a) and (b) – Classification Bands

Local Government Act Reference: Schedule 2.2

Recommendation 61(a) proposes the principles for determining classification and for Local Governments should be set out in the new Act, and Recommendation 61(b) states that once established they be utilized by the Salaries and Allowances Tribunal to determine Councillor and CEO allowances and remuneration.

⁴³ State Council Resolution 43.2/2011

⁴⁴ City of Perth Inquiry Report Recommendations Pp. 108 - 110

WALGA Comment – WALGA has a long-standing advocacy position in relation to appropriate levels of remuneration for Elected Members.⁴⁵ The commentary accompanying Recommendation 61(b) informs the rationale for removing the classification band process from the *Salaries and Allowances Act 1975* to the *Local Government Act 1995* is to provide a broader application of the band system to other matters including whether a Local Government should have wards, This ties Recommendation 61(a) and (b) to Recommendation 26(c) that has the intent of discontinuing wards in Band 3 and 4 Local Government, which WALGA does not support.

WALGA Recommendation: Oppose Recommendation 61.

Recommendations 62 and 63 - Harmonisation of Local Laws

Local Government Act Reference: Section 3.5 to 3.17

Recommendations 62 and 63 propose increased harmonisation of Local Laws by developing model Local Laws and deemed provisions, with Local Government responsible for justifying any departure or variation from the models or provisions.

WALGA Comment – WALGA advocates for improvements to the current local law-making process and independent local law scrutiny conducted by Parliament's Delegated Legislation Committee⁴⁶. Consistent Models and deemed provisions will greatly enhance certainty in the local law-making process whilst ensuring the right for Local Governments to argue for and justify departures and variances that suit local conditions, issues and needs.

WALGA Recommendation: Support Recommendations 62 and 63

Recommendation 64 - WALGA

Local Government Act Reference: Section 9.58

Recommendation 64 recommends the following in respect to WALGA;

- (a) WALGA not be constituted under the new Act;
- (b) A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and
- (c) Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.

WALGA Comment – From the Local Governments sector perspective it is critical to retain WALGA's services status in the legislation and regulations relating to the Preferred Supplier Program and the Insurance service, as these programs provide significant savings for the Local Government sector.

In respect to whether WALGA's establishment is referenced in the Local Government Act, it is appropriate for the Association to obtain legal advice on any negative consequences this may have.

WALGA Recommendation: Support recommendation 64 (c) for WALGA services retention in the Local Government Act relating to the Preferred Supplier Program and the Local Government Insurance Service. Further advice required in respect to recommendation 64 (a) and (b)

Recommendation 65 – Operational Provisions

Local Government Act Reference: Various

Recommendation 65 (a) to (f) proposes a number of operational matters for future consideration.

⁴⁵ State Council Resolution 06.3/2019; WALGA Submission to the Salaries and Allowances Tribunal – 21 February 2019

⁴⁶ State Council Resolution 06.3/2019

WALGA Comment – The proposals align with WALGA’s advocacy to the extent that the new Local Government Act be based on a flexible, principles-based legislative framework that avoids red tape and ‘de-clutters’ the current extensive regulatory regime.⁴⁷

There is general support is therefore for these operational provisions, however Recommendation 65(f) – transfer of employee entitlements across all three levels of Government – though well intended is highly likely to raise extensive legal, industrial and financial ramifications prior to being capable of implementation. Further research and industrial consideration is therefore inevitable.

WALGA Recommendation: Support Recommendations 65(a) to (e). Conditionally support Recommendation 65(f) pending further research and industrial consideration.

GVROC RECOMMENDATION

GVROC support the WALGA recommendations 1 through 4 as presented in this item, with the following amended resolutions regarding:

- **Recommendation 18 – GVROC support rather than conditionally support, that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal Communities.**
- **Recommendation 26(a) – GVROC support rather than conditionally support, WALGA’s suggested numbers of Elected Members on Council on the following basis:**
 - **Populations up to 5,000 – 5 to 7 Councillors (incl. President)**
 - **Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)**
 - **Populations above 75,000 – up to 15 Councillors (incl. Mayor).**
- **Recommendation 22 – GVROC Oppose All in /All out Elections.**

RESOLUTION:

**Moved: Cr Tracey Rathbone - Shire of Coolgardie
Seconded: Cr Timothy Carmody - Shire of Wiluna**

Carried

⁴⁷ State Council Resolution 06.3/2019 Items 1(b) and (e)

7. Review of WALGA State Council Agenda - Matters for Noting/Information

7.1 COVID-19 Pandemic - Update

Please note: This report provides a COVID-19 update since 3 August 2020.

Refer to Attachment 2 - State Council Agenda Item 6.1 and also Attachment 2.2 regarding additional information to be read in conjunction with this update.

WALGA Recommendation

That this updated COVID-19 information be noted.

IN BRIEF:

1. At the time of writing the COVID-19 pandemic in WA remains under control, with only 5 active cases and no evidence of community transmission.
2. Based on health advice Phase 5 of the State Government Roadmap has been further delayed until at least 24 October 2020, and the Perth Royal Show has been cancelled.
3. Widespread, unknown source community transmission in Victoria has resulted in the reimposition of Stage 3 and 4 restrictions in that State and a further downward revision in GDP and national employment forecasts.
4. Learnings from Victoria are informing the WA Government's outbreak preparedness.
5. State Recovery Plan announcements are being made progressively, with region plans released for the Kimberley, Wheatbelt, Great Southern, Mid-West, Gascoyne, Peel and Goldfields-Esperance.
6. WALGA has undertaken local economic impact analysis for each Local Government Area to assist in operational and strategic planning decision making. Each Local Government CEO and Mayor or President has been provided with a tailored analysis pack for its area. A tailored report your Regional Development Area is attached.

BACKGROUND:

COVID-19 in WA

The COVID-19 pandemic in Western Australia remains under control with only 5 active cases (all in quarantine) and no evidence of community transmission. Notwithstanding this, the State Government is continuing to prepare for outbreaks or a 'second wave' of COVID-19, with learnings from the situation in Victoria informing that process.

Further restrictions on entry to Western Australia have also been implemented, including a requirement for truck drivers entering Western Australia to show evidence of having received a negative COVID-19 test result in the previous five days or to take a test within 48 hours.

On 18 August the Premier announced a third delay to the commencement of Phase 5 of the roadmap to easing restrictions, based on the latest health advice. Phase 5, which was originally scheduled to commence on July 17 now has a tentative start date of Saturday 24 October. A final decision on this timeline will be made earlier in October.

The Premier also announced the cancellation of the Royal Show due to the health risk posed by the large number of visitors and indoor venues, as well as number of high frequency contact surfaces that, if somehow COVID-19 was present, would lead to a significant outbreak.

State Recovery Plan

Further initiatives have been announced as part of the State COVID-19 Recovery Plan, including for tourism, local manufacturing, infrastructure, health, police, schools and TAFE, renewable energy, sport, culture and the arts. Region plans have been released for the Kimberley, Wheatbelt, Great Southern, Mid-West, Peel, Gascoyne and Goldfields-Esperance. Information on these and other Recovery Plan announcements can be found at <https://inthisogether.wa.gov.au/>.

COVID-19 Economic Impact

The Victorian shutdown has seen further downward revisions to GDP and employment forecasts provided by the Commonwealth Treasurer in the Economic and Fiscal Update on 23 July:

- Real GDP in the September quarter will shrink by between \$7 billion and \$9 billion
 - 80% of this economic cost, \$6 - \$7 billion, is expected to be in Victoria;
 - the remainder arises from the broader impact on confidence in other states and supply chain impacts from the shutdown of certain industries in Victoria.
- The combined effect on GDP of the previous Victorian restrictions through the September quarter are expected to be in the order of \$10 - \$12 billion, detracting 2.5% from quarterly real GDP growth.
- National unemployment is expected to exceed the forecast peak of 9.25% and may instead peak closer to 10%.
- The effective rate of unemployment (which accounts for people not looking for work and those on zero hours) which had fallen to just over 11% will increase again to high 13%.

Australian Bureau of Statistics figures indicate that during the months of June and July, the WA economy recovered almost half of the 95,000 jobs lost due to the COVID-19 pandemic.

WALGA COVID-19 Local Economic Impact Analysis

WALGA has prepared tailored economic impact reports for each Local Government in WA to assist them as they develop COVID-19 recovery plans and initiatives. Each Local Government has been provided analysis on:

- How employment in different industries has been impacted in their Local Government Area since the start of the pandemic;
- The proportion of their Local Government Area's labour force that were accessing the JobSeeker subsidy in March, April, May and June;
- The proportion of organisations within their Local Government Area that were accessing the JobKeeper subsidy in April and May; and
- The overall economic impact of COVID 19 in their Local Government Area, relative to other Local Governments Areas and regions.

This information will assist Local Governments to:

- Inform their response and recovery activities and stimulus measures to ensure they are appropriately targeted;
- Anticipate and plan for the financial impact of ratepayers (residents and businesses) requiring access to hardship measures for their rates, or for potential changes in fees and services revenue; and
- Engage key stakeholders, such as regional Chambers of Commerce, businesses, community groups and not for profits and other key bodies and institutions, so that these organisations can use the information within this report as an input into their own decision making and planning.

A tailored report for your Regional Development Area is attached (Refer to **Attachment 2.2**).

WALGA will continue to update this analysis as new data is released and is seeking to partner with State Treasury to further inform and broaden this analysis by incorporating other key economic and social data.

WALGA's analysis has also been provided to the State Recovery Controller, Sharyn O'Neill and the Minister for Local Government. WALGA understands that the Minister will table a summary of this analysis for consideration at an upcoming meeting of the State Disaster Council, chaired by the Premier.

RECOMMENDATION:

GVROC note the WALGA COVID-19 Pandemic update and tailored report for the Goldfields Esperance Region.

RESOLUTION:

**Moved: *Cr Tracey Rathbone - Shire of Coolgardie*
Seconded: *Cr Patrick Hill – Shire of Laverton***

Carried

7.2 Planning and Development Amendment Act 2020 (06-03-01-0001 VJ)

WALGA Recommendation

That the advocacy undertaken on the Planning and Development Amendment Act 2020 be noted.

IN BRIEF:

- The Planning and Development Amendment Bill 2020 was passed by Parliament in June 2020, receiving Royal Assent on the 7 July 2020.
- The 26 amendments include a new development assessment pathway to the WAPC, establishment of a Special Matters Development Assessment Panel, and changes to the Planning and Development Act 2005 that were foreshadowed in 2013.
- Regulations are currently being drafted by the Department of Planning Lands and Heritage.

BACKGROUND:

In 2013, State Council deliberated on the proposed reforms to the *Planning and Development Act 2005* (PD Act) (Resolution 274.5/2013).

On 20 May 2020, twenty six proposed amendments to the PD Act were tabled in Parliament without formal consultation with the Local Government sector. The two broad aims of the *Planning and Development Amendment Bill 2020* were to: -

1. Provide an urgent response to the COVID-19 pandemic, by:
 - facilitating significant development projects;
 - removing regulatory road blocks and significantly reduce red tape;
 - strategically refocus what urban and regional planning considers important;
 - enhancing how development contribution funds are utilised for community benefit; and
 - providing for a more robust planning environment with a higher degree of professionalism and enforcement capability.
2. Implement a comprehensive series of public, stakeholder and specialist reviews of the planning system, in order to create a better planning system, which:
 - creates great places for people;
 - is easier to understand and navigate; and
 - is consistent and efficient.

The Bill's Explanatory Memorandum explained that these aims would be implemented in two phases of legislation, the *Planning and Development Amendment Bill 2020* as the first phase, implementing those aspects of planning reform with most immediate impact on the planning framework, as a prioritised COVID-related response. The second phase would be facilitated by a second Bill in the near future.

A Special State Council meeting was held on the 25 May 2020 to discuss the proposed Bill and the following resolution was made (RESOLUTION 85.4/2020):

Notwithstanding the need for Planning Reform and recognising the proposed impacts the *Planning and Development Amendment Bill 2020* has on local planning, WALGA does not support the Bill in its current form and;

That WALGA;

1. Advocate to the State Government for extensive consultation on the proposed legislation, noting:
 - a) Without due consideration of the full impact of the proposed 26 amendments, there is the potential for unintended consequences due to the haste in the drafting of this Bill;
 - b) The Bill provides unfettered powers to the WA Planning Commission, circumventing meaningful involvement of local communities in the planning process;
2. Writes to the Premier and Minister for Local Government to raise the sector's concerns with the Government's actions in setting aside the State and Local Government Partnership

Agreement for the fast tracking of proposed legislative reforms under the cover of COVID-19 recovery.

3. Requests member Local Governments to inform the communities of possible impacts of the proposed legislation on local planning decisions.
4. Write to all non-Government Upper House members to discuss the sectors concerns.

The proposed Bill was passed by Parliament on the 23 June 2020, and Royal Assent was received on the 7 July 2020.

COMMENT:

Discussions with members raised two particular concerns, which included:

- Allowing the State Government to assess and approve certain development applications for an 18 month period, bypassing both DAP and Local Government assessment pathways.
- Creation of a “[Special matters DAP](#)” after the 18 month period, to consider significant development proposals (limited information has been provided on this reform proposal).

Both of these new assessment pathways are a major shift to the role of Local Government in the planning assessment process, arguably undermining the expertise that exists in the assessment of development applications, devaluing the sector’s experience and competency in applying local planning schemes and making appropriate decisions.

The PD Act amendments provide the WAPC with powers to set aside any local planning controls (e.g. land use permissibility, height controls, floor space ratio, etc.). This proposal is a fundamental shift in the WAPC’s role and function, moving from strategic matters and subdivision control into complex development assessment against local considerations.

It also appears that the “Special Matters” DAP removes Elected Member representation, instead requiring a representative with “local government knowledge”. It was stated several times in Hansard that the WALGA President would be on the Special Matters DAP; however, no formal advice has been provided to confirm this statement, nor have any draft regulations been provided to clarify the Local Government representative on the Special Matters DAP.

During the debate on the Bill in the Upper House, the Association provided all Upper House members with a list of concerns with the proposed amendments to encourage changes to the Bill.

Several amendments to the Bill were endorsed during the debate, including:

- “Significant Development” definition was amended allowing any application over \$20 million in the Metropolitan Region and any \$5 million proposal in regional areas (including Mandurah) are now eligible for the new development assessment pathway. This pathway is optional, not mandatory.
- The CEO of Contaminated Sites legislation must be consulted, if appropriate.

The following amendments were also endorsed, as advocated for by the Association:

- WAPC must consult and must have due regard to submissions made by the public. The Bill originally stated “may” consult with the public and did not outline how the submissions would be considered.
- The 48 month period for the development to be substantially commenced has been amended to 24 months, ensuring that the provisions will only be used for seriously entertained development proposals to assist in COVID-19 recovery.
- If the Minister or Premier issue a direction to the WAPC or other Agency, then it must be provided to Parliament within 14 days of the direction being given, which will provide greater transparency.
- The *Environmental Protection Act 1986* has been removed from Part 17 of the Bill, which ensures that the WAPC is not able to override any of the legislated environmental requirements, including clearing permit provisions.

Regulations will now be drafted to provide additional guidance in the application of these new powers. As a result of advocacy by the Association, the DPLH established three working groups to work through the review of the *Planning and Development (Local Planning Schemes) Regulations 2015*, being: -

- Local planning frameworks, including local planning strategies, schemes and amendments, and local planning policies.
- Structure plans, activity centre plans and local development plans.

- Development Assessment Processes, including consultation.

WALGA called for expressions of interest from the sector to attend these working groups and provided 51 officer nominations to the Department, representing 32 Local Governments from metropolitan, regional and rural areas. DPLH has advised that *the intent and scope of the changes to the Regulations is generally not open for discussion; rather, the focus will need to be on ensuring that the changes can be implemented as effectively as possible and avoid unintended consequences. The feedback would therefore be focussed on how the proposals can be improved and refined.*

To date, DPLH have been flexible in listening to and accommodating input from working group participants in order to improve the changes to the Regulations.

A four week public advertising period for all of the proposed Regulations has been promised.

The use of the new assessment pathway, through the [State Development Assessment Unit](#) will be monitored by the Association and a report provided in 2021 regarding the effect of the new provisions.

RECOMMENDATION:

GVROC note the advocacy undertaken on the Planning and Development Amendment Act 2020.

RESOLUTION:

Moved: Cr Patrick Hill – Shire of Laverton

Seconded: Cr Laurene Bonza – Shire of Dundas

Carried

7.3 Australian Fire Danger Rating System (AFDRS) Program (05-024-03-0035 EDR)

WALGA Recommendation

That the following be noted:

- 1. An update on progress of the Australian Fire Danger Rating System (AFDRS), including the implementation timeline for the project.**
- 2. Advice from the Department of Fire and Emergency Services (DFES) for Local Governments to suspend investment in current fire danger rating signage (including electronic signs) until a final prototype is announced.**

IN BRIEF:

- The Australian Fire Danger Rating System (AFDRS) Program will design, develop and implement a national fire danger rating system to better describe the overall fire danger and risk to firefighters, land managers, broader government including Local Governments, utilities, businesses and the community.
- The project has been endorsed and overseen by the Australian New Zealand Emergency Management Committee and commenced in 2016. Critical research and prototypes are being socialised with all jurisdictions with workshops having been held in WA in September 2019 and July 2020.
- An Implementation Plan is currently being developed by the Department of Fire and Emergency Services (DFES), which will include extensive engagement with relevant stakeholders across WA to determine impacts and organisational change requirements. Implementation of the AFDRS is scheduled for June 2022.

BACKGROUND:

The AFDRS program aims to build a new national fire danger ratings system that is based on updated science and decades of research into fire behaviour.

The current method of setting fire danger ratings was developed in the 1960's and is no longer effective in dealing with Australian bushfires. Significant advances in science, technology and the understanding and management of fires means that the current system no longer has the capacity or capability to effectively assist Australia in dealing with its most significant fires.

Since 2016, the AFDRS Program is being overseen by a project board reporting to the Australian New Zealand Emergency Management Committee (ANZEMC). The National program team has been working with national stakeholder groups to design and develop an updated system.

The AFDRS Program is estimated to cost in the order of \$42 million over five years with ongoing technology costs of approximately \$1.4 million.

The cost of fires is expected to rise significantly in the future, largely due to the substantial increases in Australia's population over the next 30 years. Climate will also play a role in increasing costs for Australia. Globally, and in Australia, the number of large fires significant in their size, destruction and inability to suppress is increasing. Accurately predicting and preparing for these events is well beyond the capacity of the current system.

COMMENT:

DFES is leading WA's participation in the AFDRS. The first two phases of the project included a feasibility study, development of a research prototype and implementation of the Social Research Project. The project is currently in phase 3 which includes the system build and the design of the new ratings and associated messaging. It is expected that the fire danger ratings framework and action messaging will be confirmed by November 2020 and operational testing of the new system has been scheduled from July 2021.

DFES are currently developing a State Implementation Plan to identify the governance requirements, resourcing needs and change management process. This will include extensive engagement with relevant stakeholders across WA to determine impacts and organisational change requirements to enable the effective implementation of the new AFDRS scheduled for release in June 2022. Advice from DFES for Local Governments to suspend investment in current fire danger rating signage (including electronic signs) until a final prototype is announced.

RECOMMENDATION:

GVROC note the WALGA recommendation regarding the Australian Fire Danger Rating System (AFDRS) Program.

RESOLUTION:

Moved: *Cr Tracey Rathbone - Shire of Coolgardie*
Seconded: *Cr Laurene Bonza – Shire of Dundas*

Carried

7.4 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008) RNB

WALGA Recommendation

That the resolutions of the Municipal Waste Advisory Council at its 24 June 2020 meeting be noted.

IN BRIEF:

- This item summaries the outcomes of the MWAC meeting held on 24 June 2020.

BACKGROUND:

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **24 June 2020** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Copies of Agendas and Minutes are available from WALGA staff, on request.

COMMENT:

The key issues considered at the meetings held on **24 June 2020** included:

Draft Waste Reform Submission

The Department of Water and Environmental Regulation (DWER) Consultation Paper Closing the Loop: Waste Reforms for a Circular Economy contains a range of different reform proposals that address a series of issues. In developing the Submission the approach taken was to identify if a case for change to the existing conditions is present, there is support for the change options identified and any additional clarifications are needed. A draft Submission was developed for consideration by Local Government and feedback received has been incorporated into the final Submission.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the DWER Consultation Paper Closing the Loop: Waste Reforms for a Circular Economy.

Draft Waste Levy Submission

The Department of Water and Environmental Regulation Review of the Waste Levy Consultation Paper seeks feedback on the application and extent of the Waste Levy. The WALGA Policy Statement on the Waste Levy has been used as a basis for the Submission, as well as feedback received from Local Government. A draft Submission was developed for consideration by Local Government and feedback received has been incorporated into the formal Submission.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the Review of the Waste Levy.

Comparison – Waste Authority Business Plans and Annual Report

MWAC has previously analysed the Waste Authority Business Plan to inform advocacy regarding the expenditure of the Levy. The analysis showed that a significant portion of the Levy, allocated to the WARR Account, is being spent on the staffing of DWER, with a much smaller proportion being spent on projects to reduce waste and increase resource recovery. WALGA met with the Waste Authority and DWER to discuss WALGA's analysis of this and is seeking confirmation from the Department that the analysis correctly allocates funding. For the 19/20 financial year, funding appears to be allocated:

- DWER staffing – 57.8%
- Local Government - 27.1%
- Consultant / Service Provider - 4.8%
- Waste Industry/Community/Charity - 0.3%

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council note the analysis of the 2018/19 and 2019/20 Waste Authority Business Plans and 2018/19 Annual Report.

RECOMMENDATION:

GVROC note the resolutions of the Municipal Waste Advisory Council at its 24 June 2020 meeting.

RESOLUTION:

**Moved: *Cr Laurene Bonza – Shire of Dundas*
Seconded: *Cr Patrick Hill – Shire of Laverton***

Carried

8. Review of WALGA State Council Agenda - Organisational Key Activity Reports

- 8.1 Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)
- 8.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)
- 8.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
- 8.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB)

GVROC COMMENT:

GVROC note the Organisation Key Activity Reports as provided.

RESOLUTION: *Moved: Cr Tracey Rathbone - Shire of Coolgardie*
Seconded: Cr Timothy Carmody – Shire of Wiluna

Carried

9. Review of WALGA State Council Agenda - Policy Forum Reports

The following provides an outline of the key activities of the Association's Policy Forums that have met since the last State Council meeting.

Recommendation

That the report on the key activities of the Association's Policy Forums to the September State Council Meeting be noted.

Policy Forums

The following Policy Forums have been established

- Mayors / Presidents Policy Forum
- Container Deposit Legislation Policy Forum
- Mining Communities Policy Forum
- Economic Development Policy Forum

All Policy Forums have not held meeting since the last State Council meeting due to the COVID-19 pandemic.

RECOMMENDATION:

GVROC notes the Policy Forum Reports update

RESOLUTION: *Moved: Cr Tracey Rathbone - Shire of Coolgardie*
Seconded: Cr Patrick Hill – Shire of Laverton

Carried

10. Review of WALGA State Council Agenda – State Council Status Report

10.1 Complete Status Report on State Council Resolutions - To the September 2020 State Council Meeting

GVROC COMMENT:

Additional to the Complete Status Report on State Council Resolutions, **Attachment 3** provides the relevant Goldfields Esperance Country Zone Status Report.

RECOMMENDATION:

GVROC notes the Complete State Council Status Report to the September 2020 State Council meeting and the Goldfields Esperance Country Zone Status Report.

RESOLUTION:

**Moved: *Cr Tracey Rathbone - Shire of Coolgardie*
Seconded: *Cr Patrick Hill – Shire of Laverton***

Carried

11. GVROC – Urgent Matters for a Decision

11.1 GVROC Economic Policy Paper

Reporting Officer:	Andrew Mann, Executive Officer, GVROC
Disclosure of Interest:	Nil
Date:	July 2020
Attachments:	Final GVROC Economic Policy Paper (Attachment 4)

Background:

Following the draft outline of the paper that was presented at the meeting on 15 May 2020, engagement was held with the GEDC, RDAGE, WALGA and the DLGSC to further develop an economic policy paper for the GVROC that can be utilised to lobby the State and Federal Governments as part of the economic recovery stimulus plans post Covid-19 and also during the upcoming State and Federal Government elections. The revised paper was then presented back to the GVROC at its meeting on 24 July 2020.

This Economic Policy Paper (Paper) has been developed by the GVROC to position, assist and drive growth for the region. It considers a number of key government policy settings, regulations and funding programs at a Federal and State level, that if reformed or addressed could enable the GVROC members to grow their communities in a sustainable way on par with the major capital cities, which will provide significant social and economic benefits to not only the region, but also for the State and Nation.

The paper provides the GVROC with a united regional voice from each of its nine local government authorities' members of what they would like to see delivered by the current and future State and Federal Governments.

The paper also takes into consideration the current effect of the Covid-19 Pandemic and the future economic stimulus measures that the GVROC would like to see funded and implemented by State and Federal Governments in conjunction with the GVROC members to stimulate and grow its regional cities, towns and communities into thriving and strong economic communities.

The action from the GVROC meeting on 24 July 2020 was that all GVROC Delegates, CEOs, GEDC, WALGA, DLGSC, RDAGE were to provide feedback to the GVROC Executive Officer on the revised paper so it could be finalised and endorsed.

Officer Comment:

Given the recent announcements from State and Federal Governments regarding stimulus packages for the region, and the looming State Government election in March 2021, it is critical that this paper be finalised and endorsed by the GVROC so that it can be circulated to relevant State and Federal Government Ministers and all local members of Parliament to ensure that any future funding announcements meet the needs and requests of the GVROC LGAs and the region.

Any further delays in putting this paper out may result in lost funding opportunities that are now present to meet the requests outlined in the paper.

Also, in consideration of feedback from each of the GVROC LGAs on the Economic Policy paper, the following comment was received by the CKB CEO – John Walker, which needs to be discussed and deliberated on before the GVROC is able to progress and endorse the paper going forward.

“The Economic Paper in many ways contradicts the Regional Capitals Alliance WA (RCAWA) view to which the CKB is aligned. Whilst there is general support for the contents of the paper the fundamental difference is that the CKB support economic stimulus through the Regional Capitals in pretence to delivering it through a ROC. This has become more obvious following an RCAWA Strategy Session held between the ten Regional Capital LGAs on 7 August 2020. I can't support signing this and so will need direction from Council before doing so – John Walker CEO CKB, 14 August 2020”

Noting the above comment, it is still recommended that the GVROC endorse this paper.

Consultation: GVROC Chair
GVROC Strategic Working Group
GEDC
WALGA
DLGSC
RDAGE

Financial Implications: Still to be determined

Strategic Implications: GVROC Strategic Plan 2017-2022

RECOMMENDATION:

That the GVROC Council endorse the Economic Policy Paper and request that the GVROC Executive Officer circulate it to all relevant State and Federal Ministers and local members of parliament for the region.

Motion called for deferment:

Request was made by the Shire of Esperance President, Ian Mickle, to lay on the table the above recommendation to the next meeting scheduled for 11 September 2020 to allow further time for consideration of the paper by the individual GVROC LGAs.

Following discussion on this motion a vote for and against was called on the motion which was carried unanimously.

RESOLUTION: **Moved: Cr Tracey Rathbone - Shire of Coolgardie**
Seconded: Cr Ian Mickle – Shire of Esperance

Carried

12. DLGSC Update

General Update to be provided by DLGSC on activities of interest for the Region.

13. LATE ITEMS as notified, introduced by decision of the Meeting

Nil.

14. FUTURE MEETINGS

With the continuing situation of the COVID-19 "Corona Virus" the ability of holding future meetings in person is a watching brief. This will be reviewed at each meeting by GVROC and until a change in the situation that allows for in person meetings, all meetings will be conducted through Zoom video conferencing.

In noting the above, the following suggested dates in 2020 have been set for the remaining GVROC meetings.

- 11 September 2020 – (Kalgoorlie)
- 13 November 2020 (Coolgardie)

The following are the WALGA State Council meeting dates in 2020 with suggested GVROC Zoom video conference meeting dates prior to these to inform the GVROC's representatives attending the meetings with relevant input for State Council Agenda Items:

- 2 September 2020 - (GVROC Video conference 28 August 2020)
- 25 September WALGA Annual General Meeting – Crown Perth
- 2 December 2020 - (GVROC Video conference 27 November 2020)

15. CLOSURE OF MEETING

There being no further business the Chair declared the meeting closed at 10:00am.

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**12.5.4 EXPRESSION OF INTEREST – USE OF OLD BUTCHER SHOP,
BUILDING LOT 1094 (53) SHENTON STREET, MENZIES**

LOCATION:	Not applicable
APPLICANT:	Not applicable
DOCUMENT REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	5 September, 2020
AUTHOR:	Pascoe Durtanovich – Acting Chief Executive Officer
ATTACHMENT/S:	Yes – Zoning Table

IN BRIEF:

The purpose of this report is for Council to consider a use for the Old Butcher Shop building situated on lot 1094 Shenton Street, Menzies

BACKGROUND:

Apart from recent use as a Gym and a window display this building has remained vacant for a number of years.

A significant amount of money had been spent on the restoration and upkeep of the building over this time also.

Generally, buildings left unoccupied will deteriorate more so than if occupied. It is therefore suggested that Council determine a use for this building and if needed invite expressions of interest for the occupancy.

COMMENT:

Lot 1094 is zoned Commercial under the Shires Town Planning Scheme. The attached Zoning Table indicates, subject to provisions of the scheme, the uses permitted in the scheme area in the various zones.

The symbols used in the cross reference in the Zoning Table have the following meanings:

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

‘AA’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

‘SA’ means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.

Where no symbol appears it means a use that is not permitted by the Scheme.

A change in the use of land from one use to another is permitted if –

- a. The local government has exercised its discretion by granting planning approval;
- b. The change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c. The change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d. The change is to an incidental use that does not change the predominant use of the land.

INTERPRETATION OF ZONING TABLE

Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other category the local government may:

- a. Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- b. Determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- c. Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

Given the need for convenience store/restaurant in the town, exemplified by Council’s financial assistance to keep the hotel store open, it is recommended that Expressions of Interest be invited for a convenience store/restaurant, to be located in the old butcher shop building. It is recommended also that the Kalgoorlie/Boulder Chamber of Commerce, of which the Shire of Menzies is a member, be engaged to assist with the Expression of Interest package.

If there is sufficient interest then the building can be upgraded with toilets, commercial kitchen etc. To encourage occupancy the upgrading costs should be the Shires responsibility. A rent-free period of twelve months should also be considered.

The fit-out costs are estimated to be between \$130,000 to \$160,000.

CONSULTATION:

The need for commercial/service industry growth was identified, through public consultation, in the Shires Strategic Community Plan.

STATUTORY ENVIRONMENT:

Shire of Menzies Town Planning Scheme. Convenience store/restaurant is a permitted use under the Town Planning Scheme

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil for Expression of Interest.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
There is no risk in inviting Registration of Interest	Nil	N/A

STRATEGIC IMPLICATIONS:

Sustainable local economy encouraged.

Strategy 1.6.1 – Facilitate commercial and service industry growth.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION

That:

1. Expression of Interest be invited for the lease of the Old Butcher Shop building, situated on Lot 1094 Shenton Street, Menzies, for the purpose of a convenience store/restaurant.
2. Lease conditions to include:-
 - 2.1 Fit-out of the building, including toilets and commercial kitchen, be at the lessors cost and standard.
 - 2.2 The first twelve months of operation be rent free.

COUNCIL DECISION:

COUNCIL RESOLUTION:	No. 1996
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MOVED: Cr J Dwyer

SECONDED: Cr I Baird

That:

1. *Expression of Interest be invited for the lease of the Old Butcher Shop building, situated on Lot 1094 Shenton Street, Menzies, for the purpose of a convenience store/restaurant.*
2. *Lease conditions to include:-*
 - 2.1 *Fit-out of the building, including toilets and commercial kitchen, be at the lessors cost and standard.*
 - 2.2 *The first twelve months of operation be rent free.*

Carried 4 / 2

TABLE 1 ZONING TABLE

USE CLASS	Zones						
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL USE	TOWN SITE	RURAL	RURAL/MINING
RESIDENTIAL							
Aged or Dependent Persons Dwelling	SA			*	P		
Caretaker's Dwelling	P	IP	SA	*	P	IP	IP
Home Occupation	IP	IP		*	IP	IP	IP
Lodging House	SA	AA		*	SA	SA	SA
Residential Building	AA			*	AA		
Residential							
- Single House	P	SA		*	P	P	P
- Grouped Dwelling	P	AA		*	P		SA
- Multiple Dwelling	AA	AA		*	AA		SA
TOURIST AND ENTERTAINMENT							
Amusement Parlour		AA		*	SA		
Amusement and Recreation		AA	SA	*	SA	AA	AA
Bed and Breakfast	SA	AA		*	SA	AA	AA
Camping Area				*	SA	SA	SA
Caravan Park				*	SA	AA	
Holiday Accommodation		AA		*	SA	AA	AA
Hotel		P		*	SA		
Motel		AA		*	SA		
Private Recreation	SA	AA		*	AA	SA	SA
Tavern		P		*	SA		
COMMERCE							
Betting Agency		P		*	SA		
Convenience Store	SA	P	SA	*	SA		
Dry Cleaning Premises		AA	P	*	SA		
Fast Food Outlet		AA		*	SA		
Garden Centre		P	AA	*	AA	AA	
Kiosk	SA	P	AA	*	AA		
Market		AA	SA	*	SA		
Medical Centre		AA		*	SA		
Medical Clinic		AA		*	SA		
Office		P	IP	*	SA		IP
Plant Nursery		AA	P	*	AA	AA	SA
Reception Centre		P		*	SA		
Restaurant		P		*	SA	SA	SA
Restricted Premises		P		*	SA		
Shop		P	IP	*	SA		
Service Station		AA	P	*	SA		

* means Uses as determined by the Council as per Schedule II and the Scheme Map.

TABLE 1 ZONING TABLE (Cont'd)

USE CLASS	Zones						
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL USE	TOWNSITE	RURAL	RURAL/MINING
COMMERCE Cont'd							
Showroom		P	P	*	SA		
Trade Display		AA	P	*	SA		
Transport Depot		SA	P	*	SA	SA	IP
Vehicle Hire Station		AA	P	*	SA		
Vehicle Sales Premises		AA	AA	*	SA		
INDUSTRY							
Cottage Industry	SA	AA	P	*	AA	SA	SA
Extractive Industry			SA	*		SA	SA
Factoryettes			P	*	SA		
General Industry			AA	*			
Hazardous Industry				*			
Light Industry		AA	P	*	SA		IP
Motor Vehicle Repair Station		AA	P	*	SA		
Noxious Industry			SA	*			
Rural Industry			SA	*	SA	P	P
Service Industry		AA	P	*	SA	IP	IP
Warehouse			P	*	SA		
CIVIC AND COMMUNITY							
Civic Use	SA	AA	AA	*	SA		
Community Use	SA	P		*	AA		
Day Care Centre	SA	AA		*	AA		
Educational Establishment	SA	P		*	SA	SA	SA
Kindergarten	SA	AA		*	SA		
Place of Worship		P		*	AA		
RURAL							
Rural Pursuit				*	SA		P
Stockyard				*	SA		IP
Wayside Stall				*	SA	SA	AA
Intensive Agriculture				*	SA		AA
OTHER							
Animal Boarding House			AA	*	SA	SA	SA
Funeral Parlour		SA	P	*	SA		
Public Utility	AA	AA	AA	*	AA	AA	AA
Radio and TV Installation		AA	P	*	AA	AA	AA
Veterinary Consulting Rooms		SA	P	*	SA	SA	SA
Veterinary Hospital		SA	P	*	SA	SA	SA

* means Uses as determined by the Council as per Schedule II and the Scheme Map.

12.5.5 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

LOCATION:	Not Applicable
APPLICANT:	Not Applicable
DOCUMENT REF:	OCR1648
DISCLOSURE OF INTEREST:	Nil
DATE:	20 August 2020
AUTHOR:	Pascoe Durtanovich Acting Chief Executive Officer
ATTACHMENT/S:	Nil

IN BRIEF:

The purpose of this report is for Council to determine projects for funding under the Commonwealth Government Local Roads and Community Infrastructure (LRCI) Program.

BACKGROUND:

The LRCI Program aims to assist a community - led recovery from COVID-19 by supporting local jobs, firms and procurement. It is expected Councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities.

Project nominated cannot commence until approved by the Commonwealth. Nominated projects have to be eligible projects under the terms of the Grant Agreements.

Project/Works already budgeted for in 2020/2021 are not eligible.

COMMENT:

Councillors considered this program at the Forum/Briefing Session on 20 August 2020 and indicated support for the following projects:

- Landscaping Office/Council Chambers gardens \$36,000
- Playground equipment Tjuntjuntjarra \$60,000 (approximately)
- Sealing Approximately 2km's of Evanston Menzies Road \$450,000 (approximately)

Information provided to Councillors at the Forum was incorrect to the extent that projects already budgeted for are not eligible for funding, therefore, the Office/Landscaping Project is not eligible and will be progressed with existing budgeted funding.

Preliminary information on playground parks costing indicated that up to \$100,000 would be required, therefore it is recommended that only two projects be nominated under the LRCIP

- Evanston Menzies Road Sealing \$450,000
- Tjuntjuntjarra Playground Park \$97,000

CONSULTATION:

Further consultation will be undertaken with the Tjuntjuntjarra community management to finalise the Playground Park scope of works.

STATUTORY ENVIRONMENT:

Compliance with the Grant Agreement with the Commonwealth.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no financial implications to the Shire's 2020/2021 Budget as projects nominated are to be totally funded by the grant.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Loss of grant money if there are delays in nomination of projects and completion of projects.	Minimal	Undertake sealing works via the same tender as budgeted works. Facilitate early consultation on the playground park.

STRATEGIC IMPLICATIONS:

14.1 Sustainable local economy encouraged

- A local economy accessing the commercial options and services in place, for timely development.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

14.2 Strong sense of community maintained

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to review disability access throughout the Shire of Menzies.

VOTING REQUIREMENTS:

Simple majority –

OFFICER RECOMMENDATION:

That the following projects be nominated for approval under the Commonwealth Government Local Roads and Community Infrastructure Program:

- Evanston Menzies Road Sealing \$450,000
- Tjuntjuntjarra Playground Park \$97,000

COUNCIL DECISION:

COUNCIL RESOLUTION:

No. 1997

MOVED: Cr I Baird

SECONDED: Cr K Mader

That the following steps be undertaken:

1. *Confirm Tjunjuntjara playground for \$97,000 with balance to be deferred to next Council Meeting.*
2. *A Working Party be established, consisting of all Council members and the ACEO to discuss balance and bring forward costings to the next Ordinary Council Meeting.*
3. *ACEO and Cr Lee to discuss meeting dates and provide information to Council.*

Carried 6 / 0

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12.5.6 OUTSOURCING VERSUS INSOURCING WORKING GROUP – ROAD CONSTRUCTION AND ROAD MAINTENANCE PROGRAM

LOCATION:	Not applicable
APPLICANT:	Not applicable
DOCUMENT REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	5 September 2020
AUTHOR:	Pascoe Durtanovich – Acting Chief Executive Officer
ATTACHMENT/S:	Yes: Working Group Draft Terms of Reference and Operating Guidelines

IN BRIEF:

The purpose of this report is for Council to consider establishing a Working Group to assess options for the delivery of the Shires Annual Road Construction and Road Maintenance Program.

BACKGROUND:

In the last three years the Shire of Menzies Roadworks Program has been outsourced. Prior to this period the Shires roadworks was undertaken in-house with the assistance of hire plant and labour.

With the total outsourcing of the Roadworks Program the Shire workforce has been reduced to four town crew plus one maintenance grader operator. The town crew service facilities at Lake Ballard and Kookynie waste collection etc.

COMMENT:

In view of the declining population in Menzies town plus aspects of value for money and supervision control of outsourced roadworks, it would be appropriate for Council to undertake a comprehensive review of options for the delivery of the Shire Road Construction Program into the future. To this end it is recommended that a Working Group be established, consisting of:

- Two Councillors
- Acting Chief Executive Officer
- Works Supervisor
- Independent Consultant (from an engineering firm not associated with the Shire)

The Working Group Terms of Reference and operational guidelines are as per the attached.

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Engineering Consultancy is the only additional cost. The 2020/2021 Budget includes Engineering Consultancy funding.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Employment losses flowing from outsourcing could have adverse community impact	High	Review delivery options to determine minimal impact option

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION

That:

1. A Working Group be established to undertake a review of Road Construction and Road Maintenance Annual Program delivery for the Shire of Menzies.
2. The Working Group draft Terms of Reference and Operating Guidelines, identified as attached be adopted:

COUNCIL DECISION:

COUNCIL RESOLUTION:

No. 1998

MOVED: Cr J Dwyer

SECONDED: Cr I Baird

That:

1. *A Working Group be established to undertake a review of Road Construction and Road Maintenance Annual Program delivery for the Shire of Menzies.*
2. *The Working Group to consist of; Cr. I Baird, Cr J Dwyer, Cr K Mader, ACEO, Works Supervisor and a Consulting Engineer.*
3. *The Working Group draft Terms of Reference and Operating Guidelines, identified as attached be adopted:*

Carried 6 / 0

OUTSOURCING VERSUS INSOURCING WORKING GROUP – ROAD CONSTRUCTION AND ROAD MAINTENANCE PROGRAM

DRAFT TERMS OF REFERENCE AND OPERATING GUIDELINES

The composition of the Working Group, Terms of Reference and Operating Guidelines be as follows:

Title: Shire of Menzies Road Construction Review Working Group

Membership: - Acting CEO
- Works Supervisor
- Two Councillors
- Consulting Engineer

Meeting
Schedule: As determined by Working Group but at least once per month.

Terms of
Working Group: Three months

Terms of
Reference: To review and assess delivery options for the Shire of Menzies Annual Road Construction Program, Outsourcing versus Insourcing.

Review to consider:

- 1) Costs
 - Mobile accommodation
 - Plant and Equipment requirements
 - Workforce requirements (External and Internal)
 - Employee accommodation (Menzies townsite)
 - Overheads
 - 2) Community benefit
 - Residential Workforce
 - 3) Shire of Menzies Strategic Resource Plan
 - 4) Other – as determined by Working Group
1. That Cr I Baird, Cr J Dwyer and Cr K Mader be appointed to the Shire of Menzies Road Construction Working Group.

12.5.7 PROVISION OF ENGINEERING CONSULTANCY SERVICES

LOCATION:	Not applicable
APPLICANT:	Not applicable
DOCUMENT REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	5 September, 2020
AUTHOR:	Pascoe Durtanovich – Acting Chief Executive Officer
ATTACHMENT/S:	Yes – Consultancy service scope of works.

IN BRIEF:

The purpose of this report is for Council to endorse the need for ongoing engineering consultancy services and to support the calling of quotes for this purpose for a three year period.

BACKGROUND:

Over the years the Shire of Menzies has been serviced by different Engineering Consultants, in later years WML and now KTEAM (Kate Hall), for the provision of engineering and technical services, mainly for the delivery of the shire's road construction and maintenance program and on a number of occasions flood damage (WANNDRA)

The need for contract engineering services will continue, irrespective of staff structure that may be adopted from time to time for the delivery of the annual road program.

Given the cost of providing this service on an ongoing basis it is appropriate that Council tests the market by obtaining quotes for the service, in accordance with Policy 4.2 – Purchasing and Tenders.

COMMENT:

The attached Request for Quote document sets out the scope of engagement. The proposed contract term is approximately two years and nine months, to expire 30 June, 2023. The Chief Executive Officer will retain the right to terminate the contract, at any time, if the performance of the contractor is unsatisfactory.

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Local Government (Function & General) Regulations 1996

11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000 unless sub-regulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1) (c) of the Act; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program

The service provided will not exceed \$250,000 over the period of the contract therefore tenders as such will not be required.

POLICY IMPLICATIONS:

Policy 4.2 – Purchasing and Tenders

FINANCIAL IMPLICATIONS:

Funds for engineering services are included in the shire's yearly budget, either by direct cost to roadworks or consultancy budget.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Quotes are necessary to ensure value for money and compliance with Legislation and policy.	High	Seek quotations

STRATEGIC IMPLICATIONS:

Sustainable local economy encouraged.

Outcome 1.5 – Safe and usable road network.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION

That:

1. Council endorse the need for ongoing contract engineering and technical services to assist in the delivery of the Shire's annual works and services program.
2. The Acting Chief Executive Officer invite quotes for the provision of Engineering and Technical Services, in accordance with Policy 4.2 and the attached RFQ document.
3. The Acting Chief Executive Officer present all quotes received and a recommendation to the 29 October, 2020 Ordinary meeting of Council.

COUNCIL DECISION:

COUNCIL RESOLUTION:

No.

That:

1. *Council endorse the need for ongoing contract engineering and technical services to assist in the delivery of the Shire's annual works and services program.*

2. *The Acting Chief Executive Officer invite quotes for the provision of Engineering and Technical Services, in accordance with Policy 4.2 and the attached RFQ document.*
3. *The Acting Chief Executive Officer present all quotes received and a recommendation to the 29 October, 2020 Ordinary meeting of Council.*

MOVED: Cr V Ashwin

SECONDED: Cr J Dwyer

Carried 6/0



REQUEST FOR QUOTATION

Provision of Engineering & Technical Services for Shire of Menzies

RFQ Number: XXXXXXXX

Date issued: 2020

All enquiries: To be directed to the Chief Executive Officer

RFQ DEADLINE:

RFQ MUST BE RECEIVED NO LATER THAN THE DEADLINE

Responses to Requests for Quotation can be delivered to –

Shire of Menzies

PO Box 4

MENZIES WA 6436

OR email to: ea@menzies.wa.gov.au

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CONDITIONS OF QUOTATION

INTERPRETATION

Italicized text used in this *Request for Quotation* are defined for this *Document* only. Defined words not italicized in the *Request for Quotation* are to be taken as defined text. Immediate notification is to be made to the *Superintendent* for definition and clarification.

1.1 DEFINITIONS

Attachments: The *Documents* you attach as part of your tender.

Basic Order: Purchase Order

City: The *Shire of Menzies* (SoM).

Customer / Principal: In this case *Shire of Menzies* (SoM).

Contract: Legal binding agreement between the *Respondent* and the *Customer* for this *RFQ*. The project *Contract* will consist of the successful *Respondent's RFQ* submission including: appendices, referenced *Documents* herein, the *Conditions of Quotation* and the terms and *Conditions of Contract*.

Contract Date: The date by which the Formal Instrument of Agreement is signed by both parties.

Conditions of Contract: Means these terms and *Conditions of Contract*.

Deadline: The *Deadline* for lodgement of the *Quotation* stipulated on the front of this *RFQ*.

Document(s)/Documented/Documentation: Technical product or products under use to illustrate and denote the *Requirements* in the *RFQ*. The set of technical *Documents* provided as appendices of this *Document* and the associated referenced material.

Offer: The final submission to supply the *Requirements* in response to the *RFQ*.

Request for Quotation (RFQ): This *Document*, including appendices.

Requirement/s: The goods and/or services requested by the *Customer* in this *RFQ*.

Respondent: A person or corporation who submits an *Offer* to the *Customer*.

Standard(s): All current Australian / NZ *Standards* and referenced *Documents* in those Codes or Acts;

Superintendent: Is the person appointed by the *Customer* to administer the *Contract* terms and conditions. This person will be the contact for the *Principal* for *Works* required by this *Document*.

Supplier: Means the person or persons, corporation or corporations whose *Quotation* is accepted by the *Customer*, and includes the executors or administrators, successors and assigns of such person or persons, corporation or corporations.

Work(s): The whole of the *Work* to be executed in accordance with the *Contract*, including variations provided for by the *Contract*, which by the *Contract* is to be handed over to the *Customer*.

1.2 INVITATION PROCESS

Respondent acceptance

By submitting a *Quotation*, the *Respondent*:

- (a) accepts these *Request for Quotation* Conditions.
- (b) *Offers* to enter into a *Contract* with the *Customer* to provide the Goods, *Services* and Deliverables,

and the *Customer* may accept the *Quotation* during the *Offer* Validity Period.

Customer discretion

The *Customer* may make any changes to the Invitation Process in its absolute discretion, by notifying the *Respondents*. Without limitation, the *Customer* may:

- (a) add or change *Requirements*;
- (b) amend dates including extend the Closing date and time;
- (c) consider or reject a *Quotation* received after the Closing date and time;
- (d) accept non-Conforming *Offers*, alternative or innovative *Offers*, *Quotations* in part, or multiple *Quotations*;
- (e) reject any or all *Quotations*;
- (f) amend the evaluation criteria stipulated in the *Request for Quotation*;
- (g) exercise discretion in evaluating any subjective evaluation criteria;
- (h) negotiate with one or more *Respondents* and allow any *Respondent* to vary its *Quotation*;
- (i) interview, negotiate or hold discussions with any *Respondent* or prospective *Respondent* on any matter contained (or proposed to be contained) in a *Quotation* to the exclusion of others;
- (j) request some or all *Respondents* to conduct site visits, provide references and additional information, and/or make themselves available for panel interviews;
- (k) change the terms and conditions applicable to the Invitation Process, including terms of the proposed *Contract*; or
- (l) cancel the Invitation Process.

The *Respondent* will not make any claim in connection with a decision by the *Customer* to exercise or not to exercise any of its rights in relation to the Invitation Process.

1.3 NO RELIANCE ON INFORMATION

The *Respondent* is responsible for making its own investigation and assessment about all matters relevant to the *Request for Quotation*, the *Requirements*, the accuracy of all information and *Documents* provided by or on behalf of the *Customer*, and all other matters relevant to the *Respondent's Quotation*.

1.4 RESPONDENT COST

Participation in the Invitation Process is at the *Respondent's* cost. The *Customer* is not required to pay compensation to the *Respondent* in relation to the Invitation Process in any circumstances, for any reason.

1.5 SUBJECT TO CONTRACT

No *Contract* will be formed between the *Customer* and the *Respondent* unless and until the *Customer* accepts the *Respondent's Quotation* in writing or both parties sign a *Contract Document*.

1.6 COMPLIANCE

The *Respondent* must:

- (a) direct all enquiries relating to the *Request for Quotation* to the *Customer's* nominated contact person, and not discuss the *Request for Quotation* with any other person except as required to prepare its *Quotation*.
- (b) ensure that all information provided as part of its *Quotation* is complete, accurate, current, and not misleading.
- (c) comply with all Laws.
- (d) keep confidential all confidential Information which it obtains as part of the Invitation Process, not use it except for the purpose of responding to the *Request for Quotation*, and not disclose it except to its Personnel on a need to know basis for the purpose of responding to the *Request for Quotation*, or with the *Customer's* consent, or to the extent required by Law, or to its professional advisors.
- (e) if it collects or has access to any Personal Information in connection with the Invitation Process, comply as if it was the *Customer* with the privacy principles in the Privacy Act or the Australian Privacy Principles in the Privacy Act, as applicable, in relation to that Personal Information and comply with all reasonable directions of the *Customer* relating to the Personal Information;
- (f) not make any public announcements or advertisement relating to the Invitation Process.
- (g) ensure that its Personnel also comply with these *requirements*.
- (h) ensure that all representations, warranties, declarations, statements, information and *Documents* ("information") made or provided by the *Respondent* in connection with the Invitation Process are complete, accurate, up-to-date and not misleading in any way. The *Respondent* must immediately tell the *Customer* if any information is or becomes incomplete, inaccurate, out-of-date or misleading in any way.

1.7 ANTI-COMPETITIVE CONDUCT AND CONFLICT OF INTEREST

Anti-competitive conduct

The *Respondent* warrants that neither it, nor its Personnel have engaged in any collusive, anti-competitive or similar conduct in connection with the Invitation Process or any actual or potential *Contract* with any entity for goods and *Services* similar to the Goods and *Services*.

Conflict of Interest

The *Respondent* warrants that it and its Personnel do not hold any office or possess any property, are not engaged in any business or activity and do not have any obligations whereby a Conflict of Interest is created, or may appear to be created, in conflict with its obligations under these *Request for Quotation* Conditions or the proposed *Contract*, except as disclosed in the *Respondent's Quotation*.

The *Respondent* warrants that it will not, and it will ensure that its Personnel do not, place themselves in a position that may give rise to a Conflict of Interest between the interest of the *Customer* and the *Respondent's* interests during the Invitation Process.

The *Respondent* warrants that it will immediately notify the *Customer* if any Conflict of Interest arises after lodgement of the *Respondent's Quotation*.

Warranties are ongoing

The warranties in this section are provided as at the date of the *Respondent's* response to the *Request for Quotation* and on an ongoing basis until the later of the *Customer* notifying the *Respondent* that its *Quotation* has been rejected and expiry or termination of any *Contract* entered pursuant to the Invitation Process ("relevant period").

The *Respondent* warrants that it will immediately notify the *Customer* if it becomes aware that any warranty made in this section was inaccurate, incomplete, out-of-date or misleading in any way when made, or becomes inaccurate, incomplete, out-of-date or misleading in any way, during the relevant period.

Breach of warranty

In addition to any other remedies available to it under Law or *Contract*, the *Customer* may, in its absolute discretion (but is not required to), immediately disqualify a *Respondent* that it believes has breached any warranty in this clause.

1.8 RESPONDENT CONFIDENTIAL INFORMATION

The *Customer* will keep confidential all Confidential Information of the *Respondent* which it obtains as part of the Invitation Process.

The *Customer* may use *Respondent* Confidential Information for the purposes of the Invitation Process.

The *Customer* may disclose *Respondent* Confidential Information:

- (a) to its Personnel for the purposes of the Invitation Process;
- (b) as required under the Freedom of Information Act;
- (c) as required by Law;
- (d) to a Minister, their advisors or Parliament;
- (e) to its professional advisors.

The *Customer* may publish information about the Invitation Process and any resulting *Contract* where required or recommended.

1.9 RESPONDENT RECORDS

(a) Custody

Custody arrangements between the Shire of Menzies and the *Contractor(s)/agent(s)* for State records stored on and off site by the *Contractor* are specified in the *Contract/as* follows:

- In accordance with the provisions of the State Records Act 2000, some records as reasonably created or collected by the *Contractor* in the course of undertaking this *Contract* that are not commercial in confidence, will be deemed a government-owned asset i.e. ownership and propriety interest of said documentation shall remain vested in the *Principal's* name in perpetuity. Refer to the Records Keeping Policy for definition of a record.

(b) Contract Completion

All arrangements regarding record custody, ownership, disposal and transfer upon the completion of the *Contract(s)/agreement(s)* are specified in the *Contract(s)/agreement(s)* as follows:

- The *Contractor* shall; at the *Principal's* request or on completion, expiry or termination of this *Contract*; provide and/or return to the *Principal* the following records; including but not limited to *Contract* variation documents, as constructed drawings, operating manuals and/or instructions, warranties, maintenance records and a detailed sub-*Contractor* listing that were created, received, stored and maintained during the course of this *Contract*.

1.10 EVALUATION PROCESS AND ACCEPTANCE OF QUOTE

This is a Request for Quotation (RFQ). Your quote will be evaluated using information provided in your submission. The Principal is not bound to accept the lowest priced quote and may reject any or all quotes submitted.

The following evaluation methodology will be used in respect of this Request:

- a) Submissions are checked for completeness and compliance. Submissions that do not contain all information requested (e.g. Completed Offer Form and Attachments) may be excluded from evaluation.
- b) Submissions are assessed against the Selection Criteria and quoted prices are evaluated.

c) The most suitable Submissions may be short listed and those respondents may also be required to clarify their submission, make a presentation, and/or demonstrate the product/solution/services being offered. Referees may also be contacted prior to the selection of the successful bidder.

A Contract may then be awarded to the Respondent whose submission is considered the most advantageous to the Principal.

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CONDITIONS OF CONTRACT

2.1 THE CONTRACT

The *General Conditions of Contract* are as per AS4122-2010 - *General Conditions of Contract*, these are not attached to this *Document*, however a copy of the *General Conditions of Contract* may be purchased online at: <http://infostore.saiglobal.com/store/>. **The Respondent must review the *General Conditions of Contract* prior to submitting a tender.**

2.1.1 PAYMENT TERMS

30 days from receipt of invoice.

2.2 TERM OF CONTRACT

The *Contract* term will expire 30 June 2023. The customer however reserves the right to terminate the *Contract* as at 30 June 2021 after considering the performance of the contractor up to that date. Should the customer be satisfied with performance of the contractor as at 30 June 2021 an option to extend the contract by 2 years will be executed in writing to the contractor. Any such notice, either way will be provided to the contractor by at least 60 days prior to 30 June 2021.

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SCOPE OF WORKS

3.1 SCOPE OF ENGAGEMENT

This is a schedule of rates *Contract* and is intended to supplement the existing Works management, supervision and technical service that the Shire currently has.

The scope of this engagement will be approximately 1 year with an option to extend by a further 2 years to help the Shire deliver its annual Capital and Maintenance Projects and Programs. The key deliverables are:

- Close liaison with the Shires Works Supervisor on all matters relating to the programming and delivery of the Shires annual Capital and Maintenance Works Programs with a primary focus on the Shires Roads program.
- Provide guidance and instruction to the Shires Works Supervisor, Works crews and contractors in line with best practice for road maintenance and renewal
- Monthly update report to the Chief Executive Officer outlining all activities undertaken including reference to status of completion of designs, programs, tenders and contracts, funding applications & acquittals and any other activities critical to the delivery of the Shires annual Capital and maintenance works program.
- Liaison with the Shire Works Supervisor to identify priority works locations, undertake engineering and technical assessments and recommend the most appropriate and economic treatment including development of budgetary cost estimates for consideration as part of Councils annual budget deliberations.
- Undertake RAV route assessments and prepare reports with recommendations for consideration by Council.
- Management of the Shires R2R and Regional Road Group (RRG) project grants programs including preparation of application submissions (in liaison with Shire Works Supervisor), progress reporting and acquittals (in liaison with Shire Finance Manager) in accordance with funding program conditions. This includes attendance at RRG and/or Technical group meetings as a representative of the Shire of Menzies.
- Coordination and preparation of designs, BOQ schedules and technical specifications or description of works to suite the delivery of various projects as required whether by contract or direct Shire day labour workforce.
- Preparation of RTF and RFQ documentation in accordance with WA Local Government regulations and relevant Shire of Menzies policies and procedures. Management of tender and RFQ procurement processes including taking tender queries, preparation of addenda's, tender assessment and preparation of reports to Shire staff or Council with recommendations for appointment. Management and supervision of RFT and RFQ contracts in liaison with Shire Chief Executive Officer.
- Management of the Shires Black Spot road safety program including the identification of eligible sites, arrangement of Road Safety audits if required, preparation of funding applications (including cost estimates) for both State and Federal funded programs.
- Whilst the majority of the services will be able to be delivered remotely using electronic communications and documentation there will be requirements for travel and visits to the Shire of Menzies including possible overnight stays. Such visits will primarily be for the purpose of inspecting works, meeting with Shire staff and contractors, attendance at Shire and RRG meetings as required etc.
- The appointed Contractor may be required to undertake a review and assessment of the existing Shire road network conditions and provide a priority list for future maintenance and renewal works
- The appointed contractor may be required to provide technical assistance and advice in relation to sourcing new locations for gravel or opportunities for extending any existing sources.
- The appointed contractor may be required to provide technical assistance and advice in relation to further developing new water source locations for roadworks construction and maintenance.

- Other tasks and activities as requested by the Shire Chief Executive Officer consistent with the general requirements of this RFQ.

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RESPONDENT'S SUBMISSION

4.1 RESPONSE FORM

The Chief Executive Officer
Shire of Menzies

Shenton Street
MENZIES WA 6436

I/We (Registered Entity Name) _____
(BLOCK LETTERS)

of _____
(REGISTERED STREET ADDRESS)

ABN _____ ACN (if any) _____

Telephone No: _____ Facsimile No: _____

E-mail (if any): _____

In response to *Request for Quotation* RFQ XX-XXX – Provision of Engineering & Technical Services to Shire of Menzies

I/We agree that I am/We are bound by, and will comply with this Request and its associated schedules, *Attachments*, all in accordance with the Conditions contained in this Request.

I/We declare that we have not colluded with any other *Respondents* in preparing its *Quotation*.

I/We agree that the tendered price is valid for thirty (30) calendar days from the date of the *Quotation* unless extended on mutual agreement between the *Customer* and the *Respondent* in writing.

I/We agree that there will be no cost payable by the *Customer* towards the preparation or submission of this Response irrespective of its outcome.

The consideration is as provided under the schedule of rates of prices in the prescribed format and submitted with this *RFQ*.

Dated this _____ day of _____ 2020

Signature of authorised signatory of *Respondent*: _____

Name of authorised signatory (BLOCK LETTERS): _____

Position: _____

Mobile No: _____

E-mail Address: _____

Authorised signatory postal address: _____

PRIVACY STATEMENT - The *Customer* is collecting the personal information on this *Quotation* form for the purposes of *Quotation* evaluation and any subsequent *Contract* that may arise. The information may be used in accordance with the provisions of the *Quotation Documents*. Any personal information included on this *Quotation* form may be disclosed to the *Quotation* evaluation panel and their advisors but will not be disclosed to any other third party without the submitters consent unless authorised or required by law or stipulated in this *RFQ*.

4.2 SAFETY AND HEALTH ASSESSMENT

In assessing *quotations*, the *Customer* may give consideration to any information provided by a *Respondents* referees. As an alternative to the following detailed list of responses this could be summarised into simply asking the respondents to advise if they have an OSH policy and procedures and if so to provide documentation evidencing that.

Respondents must also address the following and provide information as required.

i) Occupational Health and Safety (OSH) Policy and Management

- a) Does the *Respondent* have a written health and safety policy? YES / NO
If YES, a copy of the policy may be requested for verification.
- b) Does the *Respondent* have an OSH Management System manual? YES / NO
If YES, a copy of the contents page(s) may be requested for verification.
- c) Are health and safety responsibilities formally identified for all levels of staff? YES / NO

ii) Safe Work Practices and Procedures

- a) Has the *Respondent* prepared safe operating procedures or specific safety instructions relevant to its operations? YES / NO
If YES, a list of procedures/instructions may be requested for verification.
- b) Does the *Respondent* have a *documented* incident investigation procedure? YES / NO
If YES, a copy of an incident report form may be requested for verification.

iii) Manual Handling

- a) Does the *Respondent* have procedures for identifying, assessing, and controlling risks associated with manual handling? YES / NO
If YES, provide details.....

iv) Health and Safety Training

- (a) Does the *Respondent* provide health and safety training and maintain a record of all training programs undertaken by employees? YES / NO

v) Health and Safety Workplace Inspections

- (a) Does the *Respondent* have procedures by which employees can report hazards at *workplaces*? YES / NO
- (b) Does the *Respondent* have a *documentation* system in place that records the results and follow-ups of *workplace* inspections undertaken? YES / NO

vi) Health and Safety Consultation

- (a) Does the *Respondent* have a *workplace* health and safety committee? YES / NO
- (b) Does the *Respondent* involve employees in decision making about OSH matters? YES / NO
- (c) Does the *Respondent* have employee elected health and safety representatives? YES / NO
- (d) Are employees involved in decision making over OSH matters?
If YES, please provide details YES / NO

vii) Health and Safety Performance Monitoring

- (a) Has the *Respondent* ever been convicted of an occupational health and safety offence within the last five (5) years? YES / NO
If YES, date(s) and details of the offence(s) must be provided .
.....
.....
.....

viii) Equal Employment Opportunity

- (a) Does the *Respondent* have an Equal Employment Opportunity policy? YES / NO
If YES, a copy of the policy may be requested for verification.

4.3 INSURANCE COVERAGE

Respondents must supply evidence of their insurance coverage in the table below.

Insurance Type	Insured Amount	Policy Number	Expiry Date
Public and Product Liability			
Workers' Compensation			
Professional Indemnity			

The *Supplier* will be required to hold the following policies of insurance for the full duration of the *Contract*.

Insurance Type	Insured Amount
Public Liability	\$20,000,000 any one occurrence.
Workers' Compensation	The <i>Supplier</i> shall insure against liability for death of or injury to persons employed by the <i>Supplier</i> including liability by statute and at common law to a limit of not less than \$50,000,000. Include a <i>Principals</i> Indemnity Extension for Act and common law including waiver of subrogation.
Comprehensive Motor Vehicle and Third Party	Comprehensive Motor Vehicle and Third Party Liability for no less than \$30,000,000 any one occurrence.
Professional Indemnity	\$5,000,000

The *Supplier* will be required within 14 days of the *Contract date* to supply copies of its insurance policies and a letter from its insurance broker which states that the insurance policies respond to the *Contract*.

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4.4 QUALITATIVE CRITERIA

Before responding to the following qualitative criteria, *Respondents* must note the following:

- (a) All information relevant to your answers to each criterion are to be contained within your Submission;
- (b) *Respondents* are to assume that the Evaluation Panel has no previous knowledge of their organisation, its activities or experience;
- (c) *Respondents* are to provide full details for any claims, statements or examples used to address the qualitative criteria; and
- (d) *Respondents* are to address each issue outlined within a qualitative criterion.

<p>(A) Relevant Experience</p> <p><i>Respondents</i> must address the following in an <i>attachment</i> labelled “Relevant Experience”:</p> <ul style="list-style-type: none"> (a) Details of similar <i>Works</i> undertaken for Local Governments in WA; (b) Demonstrated experience in working on extensive rural road networks (c) Scope of the <i>Respondent’s</i> involvement including details of outcomes; (d) Demonstrate competency and proven track record of achieving outcomes. 	<p>Weighting: 40%</p> <p>Tick if attached <input type="checkbox"/></p>
<p><i>Respondents</i> must address the above information in an <i>attachment</i> and label it “Relevant Experience”.</p>	
<p>(B) Demonstrated Understanding</p> <p><i>Respondents</i> must address the following information in an <i>attachment</i> labelled “Demonstrated Understanding”:</p> <ul style="list-style-type: none"> (a) Provide a clear understanding of what you believe your involvement to be (b) Provide the details, qualifications and previous experience of the individuals in your organisation you believe best fit your understanding of the works required. 	<p>Weighting: 30%</p> <p>Tick if attached <input type="checkbox"/></p>
<p><i>Respondents</i> must address the above information in an <i>attachment</i> and label it “Demonstrated Understanding”.</p>	
<p>(C) Price</p> <ul style="list-style-type: none"> (a) <i>Respondents</i> must complete the Schedule of Prices in Part 4. 	<p>Weighting: 30%</p>

4.5 PRICING SCHEDULE

All pricing and payment shall be inclusive of GST. Please detail pricing according to the table below.

Respondents must complete the Schedule of Rates below. All Rates *Offered* are to be fixed for the term of the *Contract*. The *Respondent* shall complete the Schedule of Rates in full.

Item	Service Description	Unit	Rate Exc GST	GST Component	Rate Inc GST
1.	Project Manager / Senior Engineer	Per Hour			
2.	Engineer	Per Hour			
3.	Engineering technician	Perhour			
4.	Design draftsman	Per hour			
5.	Drafter	Per hour			
6.	Administration Support	Per Hour			
7.	Travel Allowance Airfares	Unit			
8.	Travel Allowance	Per Km			
9.	Accommodation Allowance (Inc Meals)	Daily			
10.	Vehicle Hire (if applicable)	Daily			

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13 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

Nil

14. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

14.1 COUNCILLOR HANSEN – TERMINATION / RESIGNATION

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14.1 CR D HANSEN – DISQUALIFICATION / RESIGNATION

LOCATION:	Shire of Menzies
APPLICANT:	Councillor D Hansen
DOCUMENT REF:	Not Applicable
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	22 September 2020
AUTHOR:	Edwin Piper Acting Chief Executive Officer
ATTACHMENT:	Letter from ACEO to Cr Hansen and email from Cr Baird

IMPARTIALITY INTEREST: CR I BAIRD DECLARED AN IMPARTIALITY INTEREST.

IN BRIEF:

To advise Council that Cr Hansen has advised, through Cr Baird, the Acting CEO that she wishes to cease being an Elected Member of the Council of the Shire of Menzies

BACKGROUND:

The previous Acting CEO, Mr Pascoe Durtanovich, established that Cr Hansen had missed five (5) consecutive Council Meetings without prior approval of Council. Mr Pascoe sought advice from the Department of Local Government, Sport and Cultural Industries and was advised that the provisions of the Local Government Act 1995 (the Act) sections 2.25 and 2.27 must be applied. He was further advised that as he was soon to terminate the actions should be undertaken by the new Acting CEO, Mr Eddie Piper.

COMMENT:

The Acting CEO, Mr Piper, issued a letter to Cr Hansen (copy attached) outlining the actions required under the Act and indicating that she had the right to dispute his decision to disqualify her. The dispute advice needed to be in writing.

It is apparent the Ms Hansen sought the advice of her husband, Cr Ian Baird, and has come to the decision to accept the advice of the Acting CEO and resign her Membership of the Council of the Shire of Menzies (copy of email from Cr Baird attached).

This being the case Ms Hansen is no longer an Elected Member and the Acting CEO will present to Council at its next meeting what options are available to elect a replacement and any timelines that are applicable.

CONSULTATION:

Former Acting Chief Executive Officer – Mr P Durtanovich

STATUTORY ENVIRONMENT:

Local Government Act 1995 Sections 2.25 and 2.27 quoted below:

2.25 Disqualification for failure to attend meetings

- 1) A council may, by resolution, grant leave of absence, to a member.
- 2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- 3A) Leave is not to be granted in respect of –
 - a) a meeting that has concluded; or
 - b) the part of a meeting before the granting of leave.
- 3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting
- 4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- 5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- 5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
 - a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - b) if the non-attendance occurs –
 - i.) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - ii.) while proceedings in connection with the disqualification of the member have been commenced and are pending.
- 6) A member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

2.27 Procedure to determine qualification to retain membership of council

- 1) In this section –

disqualified, in relation to a member of a council, means -

 - a) Not qualified under section 2.19(1)(b) to be elected as a member of the council; or
 - b) disqualified for membership of the council under section 2.20, 2.21, 2.22, 2.23 or 2.24; or

- c) disqualified from continuing his or her membership of the council under section 2.25.
- 2) A member who considers that he or she is disqualified is to advise the CEO in writing without delay.
- 3) If the CEO has reason (other than through receiving a notice under subsection (2)) to believe that a member of a council is disqualified the CEO is to give the member a written notice without delay indicating the reasons why the CEO believes the member to be disqualified.
- 4) The CEO's notice under subsection (3) has to inform the member –
 - a) that if the member believes that he or she is not disqualified, he or she may advise the CEO in writing within 14 days from the date of the service or the notice; and
 - b) that if the member accepts that he or she is disqualified in accordance with the terms of the notice, he or she is to advise the CEO in writing.
- 5) If, within 28 days from the date of service of the CEO's notice under subsection (3), the member satisfied the CEO that the member is not disqualified, the CEO is to give the member a written notice to that effect.
- 6) Unless, within 28 days from the date of service of the CEO's notice under subsection (3), the member –
 - a) satisfied the CEO that the member is not disqualified; or
 - b) applies to the State Administrative Tribunal asking for a declaration as to whether or not the member is disqualified and gives a copy of the application to the CEO,

the member is taken to have been disqualified for the reasons indicated in the CEO's notice.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

There may be the cost of an extra-ordinary election. Est \$5,000

RISK ASSESSMENT:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:

That Council receive the advice of the Acting Chief Executive Officer and accept the termination of Ms Debbie Hansen as an Elected Member of the Council of the Shire of Menzies and require the Acting CEO to present a report to the next Council meeting outlining future actions and timelines.

COUNCIL RESOLUTION:

No. 2000

MOVED: Cr J Dwyer

SECONDED: Cr V Ashwin

That Council receive the advice of the Acting Chief Executive Officer and accept the termination of Ms Debbie Hansen as an Elected Member of the Council of the Shire of Menzies and require the Acting CEO to present a report to the next Council meeting outlining future actions and timelines.

Carried 6/0



Cr Debbie Hansen
PMB 88
KALGOORLIE WA 6430

DELIVERED BY HAND

Dear Councillor Hansen

Re: 5 Consecutively Missed Meetings

It is my duty as Acting Chief Executive Officer to inform you that you have been absent from Council Meetings on five (5) consecutive occasions and under the Local Government Act 1995 (the Act) Section 2.25(4) I am obliged to disqualify your membership of the Council of the Shire of Menzies. I have attached a copy of the relevant Sections of the Act, being Sections 2.25 and 2.27.

Section 2.27(2) offers you the opportunity to advise me in writing that you consider you have not attended 5 consecutive Meetings of Council, however if I receive nothing from you by Tuesday 22 September 2020 I will be forced to enact a disqualification process. Under Section 2.27(4)(a)(b) it details what needs to be included in my notice to you regarding the dismissal.

If you believe you have been wrongly disqualified you have twenty eight (28) days under section 2.27(5) to satisfy me that you should not be disqualified, however a further alternative is to appeal to the State Administrative Tribunal asking for a Declaration as to whether or not the Member is disqualified.

This letter is a form of advice and information and as mentioned previously, unless I receive a written notification that you believe that you should not be disqualified a formal letter of disqualification will be produced and forwarded to you on Wednesday 23 September 2020.

This is a regretful action for me to take, however, it is absolutely necessary under the Act.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'E W Piper', written over a horizontal line.

**E W Piper PSM
Acting Chief Executive Officer**

16 September 2020

From: [Jan Hancock](#)
To: [Debbie Hansen \(debbiehansen64@yahoo.com\)](mailto:debbiehansen64@yahoo.com)
Subject: Confirmation of Resignation as a Councillor
Date: Wednesday, 23 September 2020 3:23:00 PM

Good afternoon Ms Hansen

This email confirms that the Acting CEO, Mr Eddie Piper has received your email of termination via Cr Ian Baird.

Thank you for your advice, which will be tabled at the Council Meeting on Thursday 24 September 2020.

Kind regards,

Jan Hancock
A/Executive Assistant
Shire of Menzies
PO Box 4
MENZIES. WA. 6436
Phone 9024 2041
ea@menzies.wa.gov.au

From: [Edwin Piper](#)
To: [Eddie Piper](#)
Subject: Fwd: Cr. Hansen
Date: Tuesday, 22 September 2020 9:57:39 AM

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From: Edwin Piper <eddie.piper@hotmail.com>
Sent: Tuesday, September 22, 2020 9:56:12 AM
To: Cr. Greg Dwyer <riflepoint@bigpond.com>
Subject: Fwd: Cr. Hansen

FYI

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From: Ian Baird <Ian.Baird@spinifex.org>
Sent: Tuesday, September 22, 2020 8:15:26 AM
To: Edwin Piper <eddie.piper@hotmail.com>
Cc: Greg Dwyer <riflepoint@bigpond.com>
Subject: Cr. Hansen

Good morning, Eddie

Debbie and I considered and discussed your letter to her last night. Debbie feels she has no option than to resign as an Elected Member with Menzies Shire. Consequently Debbie will not be attending the Menzies OCM in Tjuntjuntjara on Thursday 24th September.

Kind regards

Ian Baird

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15 NEXT MEETING

The next Ordinary Meeting of Council will be held at the Shire of Menzies office on Thursday, 29 October 2020 commencing at 1:00pm.

16 CLOSURE OF MEETING

There being no further business, the meeting closed at 3:02pm.

I, Cr Greg Dwyer hereby certify that the Minutes of the Ordinary Meeting of Council held Thursday, 24 September 2020 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held Thursday, 29 October 2020.

Signed: _____ Dated _____