



# Ordinary Council Meeting

Minutes | 27<sup>th</sup> February 2020

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## Disclaimer

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## SHIRE OF QUAIRADING

The Ordinary Council Minutes of Meeting held on Thursday 27<sup>th</sup> February 2020 commencing at 2.04 pm.

### ITEM 1 OPENING & ANNOUNCEMENTS

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The Shire President opened the Meeting at 2.04 pm.

“Before we start our Meeting, I would like to acknowledge that we are meeting on Noongar / Ballardong land and we pay respect to the original custodians...past, present and future and welcome you all here today for this Meeting”.

Cr Davies welcomed Councillors, Staff and the Members of the Public in the gallery to the meeting.

Cr Davies advised that due to unforeseen circumstance, Item 10.2 Greater Sports Ground Precinct – Concept Design has been withdrawn from the Agenda for this meeting, and will be resubmitted for Council consideration.

Cr Davies advised the Meeting that Sergeant Lindsay Collett will be unable to attend Afternoon Tea and his Visit to Council will be rescheduled to a future Council Meeting.

### ITEM 2 ATTENDANCE AND APOLOGIES

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#### Councillors

Cr WMF Davies	Shire President
Cr JN Haythornthwaite	Deputy Shire President
Cr BR Cowcill	
Cr JW Haythornthwaite	
Cr JR Hippisley	
Cr B McGuinness	
Cr PD Smith	
Cr TJ Stacey	

#### Council Officers

Mr GA Fardon	Chief Executive Officer
Mr A Rourke	Executive Manager of Works & Services
Mr N Gilfellon	Executive Manager of Corporate Services
Mr RM Bleakley	IPR/Strategic Projects Officer
Mrs A Strauss	Executive Officer

#### Observers/Visitor

Tamara Spark (2.04 pm – 2.14 pm)  
 Mr Lyall Brown  
 Mrs Kelli Brown  
 Mrs Jo Hayes  
 Ms Jill Hayes  
 Mr Andrew Francis (2.04 pm – 3.11 pm)

#### Apologies

Nil

#### Leave of Absence Previously Granted

Nil

### ITEM 3 PUBLIC QUESTION TIME

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No Questions were raised by the Members of the Public.

### ITEM 4 DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / PETITIONS

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Ms Jill Hayes representing the Sport and Recreation Precinct Working Group provided an overview of the Group's Research, Consultation process undertaken with all Clubs / Groups and the Working Group are now seeking Council support to proceed to engaging an external Professional Consultant to develop the Concept Plan for the Precinct.

**2.14 pm**

Ms Tamara Spark left the meeting.

### ITEM 5 APPLICATIONS FOR LEAVE OF ABSENCE

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Nil received.

### ITEM 6 DECLARATIONS OF INTEREST

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The following pro forma written declarations were received by the CEO and read aloud: -

Cr Trevor Stacey – Impartiality Interest with Item 10.2 Greater Sports Ground Precinct – Concept Design.

Cr Brett McGuinness – Impartiality Interest with Item 10.2 Greater Sports Ground Precinct – Concept Design.

### ITEM 7 CONFIRMATION OF MINUTES AND BUSINESS ARISING

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#### 7.1 Confirmation of Minutes – 19<sup>th</sup> December 2019

**RESOLUTION: 105-19/20**

**MOVED Cr Hippisley SECONDED Cr Stacey**

That the Minutes of the Ordinary Meeting of Council held on the 19<sup>th</sup> December 2019 be confirmed as a true and accurate.

**CARRIED 8/0**

#### 7.2 Business Arising

**Cr Hippisley**

***Page 34 of the Agenda – Access to School Playground Equipment***

Cr Hippisley advised the meeting that he has not received any feedback from the QDHS Principal regarding the possibility of asset sharing of the School Playground by the Community, outside of school hours.

Cr Davies suggested that a meeting be arranged to progress the possibility of after School hours access to the School Oval and Playground.

The CEO undertook to communicate with Mrs Wray, the School Principal to arrange a meeting for Cr Hippisley and the CEO.

### **Cr McGuinness**

#### ***Page 6 of the Agenda – Wheatbelt Secondary Freight Network Project***

Cr McGuinness requested an update from the meeting with the WSFN Project Team held on the 20<sup>th</sup> December 2019.

The CEO provided an overview of that Meeting where funding for the two Pilot Projects had been approved for Council and the Shire of Victoria Plains.

The CEO and the Executive Manager of Works & Services detailed the Scope of Works that had been approved for the current financial year for Council with the remainder of the work to be undertaken and funded in the 2020/21 Year.

The Meeting noted that the Shire President and the Executive Manager of Works & Services had had attended the Launch of WSFN by the Deputy Prime Minister in Mogumber on the 19<sup>th</sup> February 2020.

### **7.3 Confirmation of Minutes – 11<sup>th</sup> February 2020**

#### **RESOLUTION: 106-19/20**

#### **MOVED Cr Jo Haythornthwaite SECONDED Cr McGuinness**

That the Minutes of the Special Meeting of Council held on the 11<sup>th</sup> February 2020 be confirmed as a true and accurate.

**CARRIED 8/0**

### **7.4 Business Arising**

#### **Cr Brett McGuinness**

#### ***Page 37 of the Agenda – Sports Lighting at the Quairading Greater Sports Ground***

Cr McGuinness requested an update on the progress to date.

The CEO advised the meeting that the successful Tenderer has been formally advised of Council's decision and that the Contracts had been prepared for Signing by both Parties.

Mr Richard Bleakley had met with "Future Power" on Monday 24<sup>th</sup> February 2020 to finalise the project documentation.

The meeting was advised that the Contractor upon the issue of the Council Purchase Order will be proceeding to Final design documentation and certification. It is envisaged that preliminary on-ground work (cabling, pole footings and switchboards) will commence in the third week of March.

Mr Bleakley advised that Contractor had foreshadowed there may be some lead time delays due to the coronavirus, as most Lamps and Poles supplied to Australia are manufactured in China.

Comment was made on whether components could be manufactured in Australia.

ITEM 8      MATTERS FOR CONSIDERATION – BUILDING AND TOWN PLANNING

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*No matters for consideration.*

## ITEM 9 MATTERS FOR CONSIDERATION – FINANCE & AUDIT

### 9.1 Accounts for Payment – December 2019

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	EMCS Nathan Gilfellon
<b>Attachments</b>	9.1.1 December 2019 Payment List 9.1.2 Transport Takings 9.1.3 Credit Card Statement
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil

### OFFICER RECOMMENDATION

#### RESOLUTION: 107-19/20

#### MOVED Cr Jo Haythornthwaite SECONDED Cr McGuinness

That Council note the following:

1. That Schedule of Accounts for December covering Municipal Vouchers 23693 to 23696 & EFT 7326 to EFT 7444 totalling \$397,353.93 be received and
2. That Police Licensing payments for the month of December 2019 totalling \$15,618.60 be received (Attachment 9.1.2); and
3. That fund transfers to Corporate Credit Card for December 2019 balance totalling \$437.81 be received (Attachment 9.1.3); and
4. That Net Payroll payments for the month December 2019 totalling \$114,722.12; and
5. That the Lease payment for the month of December 2019 on the CESM Vehicle totalling \$504.19.

**CARRIED 8/0**

### IN BRIEF

Payments are per attached.

### MATTER FOR CONSIDERATION

Note the accounts paid during December 2019.

### BACKGROUND

Accounts paid are required to be submitted each month.

### STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg. 13 (1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

### POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund. Expenditure as per delegated authority and included in the adopted 2019/2020 Budget.

Payments made for the 2019/20 Year in the Payments List have been included in Councils Budget in accordance with section 6.8 of the Local Government Act 1995.

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

## COMMUNITY CONSULTATION

Nil

## RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating considered Low – On Risk Matrix given Purchasing / Procedures followed, together with Management Separation of acceptance of duties and Processes in place.

Health – Risk Matrix Rating considered Low.

Reputation – Risk Matrix Rating considered Low – Creditors reviewed weekly and paid in accordance to agreed terms.

Operation – Risk Matrix Rating considered Low.

Natural Environment – Risk Matrix Rating considered Low.



## 9.2 Financial Information–Statements of Income and Expenditure for the Period Ending – 31<sup>st</sup> December 2019

<b>Meeting Date</b>	27 <sup>th</sup> February 2019
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	EMCS Nathan Giffellon
<b>Attachments</b>	9.2.1 Financial Statements for December 2019
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil

### OFFICER RECOMMENDATION

#### RESOLUTION: 108-19/20

#### MOVED Cr Stacey SECONDED Cr Hippisley

That Council receive the Monthly Financial Statements for the period ending 31<sup>st</sup> December 2019.

**CARRIED 8/0**

### Council Discussion

Cr Jo Haythornthwaite referred to a previous request that the graphs in the Monthly Financial Statements be adjusted to reflect the same scale.

Cr Jo Haythornthwaite queried the large variation to the Amounts Payable from December to January. The Executive Manager Corporate Services was requested to provide a breakdown of the main transactions that made up the Variation to all Councillors.

### IN BRIEF

- Monthly Financial Statements for the period ending 31<sup>st</sup> December 2019 attached.
- Monthly Financial Statements have been updated based on the Moore Stephens Monthly Statements Model.
- The Monthly Financial Statements report include the Fund Balances Report and the Variance Report previously reported separately.

### MATTER FOR CONSIDERATION

To receive the monthly Financial Report and Statements.

### BACKGROUND

Council resolved in October 2000 (Minute Number 071-00/01) to receive Financial Statements in the required statutory format. Requests for new Monthly Financial Statements started a search for a new template. The current template is based on the Moore Stephens Monthly Budget Template.

### STATUTORY ENVIRONMENT

Amendments to the regulations, gazetted on the 31<sup>st</sup> March 2005 and effective from the 1<sup>st</sup> July 2005, have repealed the existing regulations (34 and 35) relating to monthly and quarterly / triannual financial reports.

They have been substituted in accordance with a new Regulation 34. This new regulation only requires Local Governments to report on a monthly basis, although it is much more prescriptive as to what is required and its intention is to establish a minimum standard across the industry.

The new regulations require Local Government to prepare each month a statement of financial activity as per attachment. This statement is intended to report on the sources and application of funds highlighting variances to budget for the month in question.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Model Monthly Financial Statements cost \$430 (2018/19) and will be an ongoing annual expense if the latest model is needed. Staff time is used to update and customise the template for Council preferences.

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

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

## **COMMUNITY CONSULTATION**

Nil

## **RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.**

Financial - Risk Matrix Rating considered Low – Comprehensive Monthly Financial Reports in accordance with the Local Government's Financial Regulation 34 including individual schedules on each budget line item provided to Council for analysis.

Health – Risk Matrix Rating considered Low.

Reputation – Risk Matrix Rating considered Low.

Operation – Risk Matrix Rating considered Low – Level verified through Council Financial Audits.

Natural Environment – Risk Matrix Rating considered Low.

## **COMMENT**

The Monthly Financial Statements have been updated based on the Moore Stephens Monthly Reporting Template. They now also include the Fund Balances Report and the Variation Report which were previously separate items.

The Model Template has been updated to include profit and loss statements for the Medical Practice, Childcare and Caravan Park. The Statements can continue to be updated and customised to include relevant information for Council and Staff and to work with improved Management Accounting practices.

### 9.3 Accounts for Payment – January 2020

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	EMCS Nathan Gilfellow
<b>Attachments</b>	9.3.1 January 2020 Payment List 9.3.2 Transport Takings 9.3.3 Credit Card Statement
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil

#### OFFICER RECOMMENDATION

##### RESOLUTION: 109-19/20

##### MOVED Cr Hippisley SECONDED Cr McGuinness

That Council note the following:

1. That Schedule of Accounts for January covering Municipal Vouchers 23697 to 23701 & EFT 7445 to EFT 7565 and Direct Credit DC01002 totalling \$437,211.44 be received and
2. That Police Licensing payments for the month of January 2020 totalling \$38,151.65 be received (Attachment 9.3.2); and
3. That fund transfers to Corporate Credit Card for January 2020 balance totalling \$1,426.78 be received (Attachment 9.3.3); and
4. That Net Payroll payments for the month January 2020 totalling \$123,981.98; and
5. That the Lease payment for the month of January 2020 on the CESM Vehicle totalling \$1,140.08.

**CARRIED 8/0**

#### IN BRIEF

Payments are per attached.

#### MATTER FOR CONSIDERATION

Note the accounts paid during January 2020.

#### BACKGROUND

Accounts paid are required to be submitted each month.

#### STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg. 13 (1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund. Expenditure as per delegated authority and included in the adopted 2019/2020 Budget.

Payments made for the 2019/20 Year in the Payments List have been included in Councils Budget in accordance with section 6.8 of the Local Government Act 1995.

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

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

## **COMMUNITY CONSULTATION**

Nil

## **RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.**

Financial - Risk Matrix Rating considered Low – On Risk Matrix given Purchasing / Procedures followed, together with Management Separation of acceptance of duties and Processes in place.

Health – Risk Matrix Rating considered Low.

Reputation – Risk Matrix Rating considered Low – Creditors reviewed weekly and paid in accordance to agreed terms.

Operation – Risk Matrix Rating considered Low.

Natural Environment – Risk Matrix Rating considered Low.

## 9.4 Financial Information—Statements of Income and Expenditure for the Period Ending – 31<sup>st</sup> January 2020

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	EMCS Nathan Giffellon
<b>Attachments</b>	9.4.1 Financial Statements for January
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil

### OFFICER RECOMMENDATION

#### RESOLUTION: 110-19/20

#### MOVED Cr Jo Haythornthwaite SECONDED Cr Hippisley

That Council receive the Monthly Financial Statements for the period ending 31<sup>st</sup> January 2020.

**CARRIED 8/0**

### IN BRIEF

- Monthly Financial Statements for the period ending 31<sup>st</sup> January 2020 attached.
- Monthly Financial Statements have been updated based on the Moore Stephens Monthly Statements Model.
- The Monthly Financial Statements report include the Fund Balances Report and the Variance Report previously reported separately.

### MATTER FOR CONSIDERATION

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### BACKGROUND

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### STATUTORY ENVIRONMENT

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The new regulations require Local Government to prepare each month a statement of financial activity as per attachment. This statement is intended to report on the sources and application of funds highlighting variances to budget for the month in question.

### POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The Model Monthly Financial Statements cost \$430 (2018/19) and will be an ongoing annual expense if the latest model is needed. Staff time is used to update and customise the template for Council preferences.

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
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G1.1	Continual improvement in IPR, transparency and accountability

## COMMUNITY CONSULTATION

Nil

## RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

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Operation – Risk Matrix Rating considered Low – Level verified through Council Financial Audits.

Natural Environment – Risk Matrix Rating considered Low.

## COMMENT

The Monthly Financial Statements have been updated based on the Moore Stephens Monthly Reporting Template. They now also include the Fund Balances Report and the Variation Report which were previously separate items.

The Model Template has been updated to include profit and loss statements for the Medical Practice, Childcare and Caravan Park. The Statements can continue to be updated and customised to include relevant information for Council and Staff and to work with improved Management Accounting practices.

## ITEM 10      MATTERS FOR CONSIDERATION – GOVERNANCE & ADMINISTRATION

### 10.1 Distribution Agreement – SEAVROC Funds

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	Agreement for distribution of SEAVROC funds
<b>Owner/Applicant</b>	Shire of York
<b>Disclosure of Interest</b>	Nil.

#### OFFICER RECOMMENDATION

##### RESOLUTION: 111-19/20

##### **MOVED Cr Hippisley SECONDED Cr Cowcill**

That Council:

1. Accepts the Agreement as an instrument for the disbursement of the remaining SEAVROC Funds.
2. Authorises the Shire President and the Chief Executive Officer to sign the agreement on behalf of the Shire of Quairading.

**CARRIED 8/0**

#### IN BRIEF

- SEAVROC was formed in 2006.
- The Shires of Quairading, Cunderdin, Tammin and York later formed the SEARTG to prepare and consider an Amalgamation Business Plan.
- SEAVROC remained in place during the SEARTG period.
- Member Councils also financially contributed equally to a number of the Group's projects and activities.
- Council contributed \$41937.79 over 2 Financial Years to the Structural Reform / Business Plan Project.
- Significant Grant monies were attracted by the Voluntary Group to progress a number of projects associated with Regional Cooperation and Resource Sharing.
- These projects were undertaken and Grant funds were acquitted.
- Quairading, Tammin and Cunderdin withdrew from SEAVROC in 2014
- The Group disbanded shortly after the 3 Councils withdrew.
- The unspent SEAVROC Funds have remained in the Shire of York's Bank Account
- Proposal is to distribute the remaining SEAVROC Funds in accordance with the Agreement.

#### MATTER FOR CONSIDERATION

That Council approve the proposed agreement for disbursement of remaining funds held by the Shire of York on behalf of Member Councils of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC).

## BACKGROUND

Representatives from the Shires involved with SEAVROC met during Local Government Week 2019 and agreed in principle, to dispersing the funds equally between all local governments that were at some stage, members of the group.

This was conditioned upon:

1. An agreement being prepared which is presented to each of the local governments involved, for consideration and approval by each Council.
2. The Shire President and Chief Executive Officer of each local government signing the agreement (if approved to do so by their Council).
3. Each local government being provided with a copy of the agreement when signed by every representative.
4. A copy being sent to the DLGSC for information.

SEAVROC was initiated in 2006 by the Shires of Beverley, Brookton, Cunderdin, Quairading and York and was later joined by the Shire of Tammin. Significant funding was sought from various sources including the Department of Local Government to deliver collaborative projects across the region.

In 2014, the Shires of Cunderdin, Quairading and Tammin withdrew their membership from SEAVROC and the group known as SEAVROC was disbanded soon after.

The current balance of the unused SEAVROC funds is \$104,451.00, comprising –

(1) Awareness Training Grant	\$11,373.55
(2) You're Welcome Grant	\$11,602.69
(3) Connecting Local Governments	\$44,054.00
(4) Business Case Funds	\$13,117.00
(5) Workforce Plan	\$18,185.00
(6) Zero Waste Plan	\$6,118.76

The above funds had been held by the Shire of York for a number of years after SEAVROC was disbanded. With no group to initiate or implement new projects the funds were being held indefinitely by the Shire of York.

The Shire of York advises that "It should be noted, despite Shire staff attempts to address this issue with the Department on a number of occasions, we have not had a response from them, therefore I suggest a clause will be included within the agreement stating that each Council will be liable to repay their portion of the funds to DLGC if requested to do so.

The agreement outlines the obligations and responsibilities of each Council with regard to payment of the funds. Accordingly, the Shire of York will relinquish responsibility for these funds and ultimately, the associated liability.

An Agreement has been prepared for consideration by each of the SEAVROC Member Council in to the manner in which the Funds will be distributed.

The legal costs for the preparation of the Agreement will be funded from the SEAVROC monies prior to the Disbursement.

Subject to the legal fees incurred being deducted, each Member Council would receive an estimated \$16,000.

## STATUTORY ENVIRONMENT

N/A.



## POLICY IMPLICATIONS

N/A.

## FINANCIAL IMPLICATIONS

Council has not budgeted for any income from the disbanded SEAVROC Group.

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability
G2	Strengthened Advocacy and Partnerships
G2.3	Regional and sub-regional partnerships to achieve better outcomes for the community

## COMMUNITY AND OTHER CONSULTATION

Nil – Community Consultation

Department of Local Government, Sport & Cultural Industries (formerly Department of Local Government and Communities) – “DLGSC”

The CEO’s of the Shires of Tammin and Quairading recently made separate approaches to the DLGSC for clarification on the distribution of the Unspent Grant monies.

The Department’s Advice is as follows: -

“In response to enquiries from former South East Avon Voluntary Regional Organisation of Councils (SEAVROC) member local governments, related to the distribution of unused SEAVROC funds, the following response is provided.

As the ‘Distribution Agreement – SEAVROC Funds’ indicates, the listed unexpended funds relate to six different grant programs, provided by a number of different funding bodies, including the former Department of Local Government (DLG).

The former DLG has since been incorporated as the Department of Local Government and Communities (DLGC), and more recently in 2017, as the Department of Local Government, Sport and Cultural Industries (DLGSC). To my knowledge, none of the DLG and / or DLGC staff involved prior to 2017 in allocating and administering grant funds under those agencies remain employed by DLGSC, and DLGSC no longer has any of the listed grant programs.

The following information has been taken into account:

- as noted in the proposed distribution agreement, the various iterations of the Department of Local Government were not involved in all the grant programs listed;
- the time that has passed since the grant programs were available and closed off - some of the grant programs listed may go back to 2010 -2013;
- the proposed distribution agreement notes that unused grant funds related to specific DLGC programs were repaid to the newly formed DLGSC in May 2017, at the time that Machinery of Government (MOG) changes to Departments were commencing;
- either the Shire of York, as the administering local government on behalf of SEAVROC, or the individual SEAVROC member local government recipients of grant funds would have acquitted those funds as required by their grant agreements, at the required time, otherwise those local governments would have outstanding requests for acquittal from the relevant funding bodies;
- many of the former SEAVROC local governments’ CEO’s / staff involved are no longer employed by those local governments;

The Department acknowledges receipt of the 'Distribution Agreement – SEAVROC Funds' and notes clause 4(2) that 'Each Party further acknowledges that it is responsible to make its own investigations and enquiries into the permitted use of the SEAVROC Funds.'

Given the above information and circumstances, it appears that the proposed distribution of unused SEAVROC funds is equitable, however acceptance of the proposed agreement is the responsibility of each local government shown as party to the agreement."

A copy of the Department's email response is attached to this Report.

**RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.**

Financial - Risk Matrix Rating is assessed as Low. It is expected that the costs for preparation of the Agreement will be shared equally among the 6 local governments and deducted from the remaining SEAVROC funds prior to distribution. The Financial Risk is mitigated given the Grant Funds have been previously acquitted and there are no outstanding requests for the return of unspent Grant Funds.

Health – Risk Matrix Rating is assessed as Low.

Reputation – Risk Matrix Rating is assessed as Low. SEAVROC disbanded in 2014, shortly after the Shires of Cunderdin, Tammin and Quairading withdrew from the larger Voluntary Grouping.

Operation – Risk Matrix Rating is assessed as Low. No impact on Council's Operations.

Natural Environment – Risk Matrix Rating is assessed as Low.

## 10.2 Greater Sports Ground Precinct – Concept Design

*Item 10.2 Greater Sports Ground Precinct – Concept Design was withdrawn by the Shire President at the Commencement of the Meeting.*

### 10.3 Elected Member, Chief Executive Officer and Employee Attendance at Events Policy

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	(i) Local Government Operational Guideline – Attendance at events policy (December 2019) (ii) Draft Attendance at Events Policy.
<b>Owner/Applicant</b>	n/a
<b>Disclosure of Interest</b>	The Author declares an Impartiality Interest that requires disclosure as the author of the report to whom the policy may benefit, noting that the law requires preparation of such a policy.

#### OFFICER RECOMMENDATION

##### RESOLUTION: 112-19/20

##### MOVED Cr Hippisley SECONDED Cr McGuinness

That Council, pursuant to section 5.90A of the Local Government Act 1995, adopt the Attendance at Events Policy.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

#### IN BRIEF

- The State Government has released Local Government Operational Guidelines - Attendance at Events policy, and accompanying sample policy, in December 2019 (Attachment i).
- It is a legislative requirement for Council to prepare and adopt an Attendance at Events Policy
- The Administration recommends adopting the proposed draft policy (Attachment ii).

#### MATTER FOR CONSIDERATION

That Council consider the adoption of the prescribed Attendance and Events Policy.

#### BACKGROUND

The Local Government Act 1995 Section 5.90A was recently amended (October 2019) which requires local governments to have an attendance at events policy. The purpose of the policy is for the Council to actively consider the purpose of and benefits to the community from council members and the CEO attending events.

The policy provides a framework for the acceptance of invitations to various events, clarifies who will pay for tickets or the equivalent value of the invitation.

#### STATUTORY ENVIRONMENT

##### 5.90A. Policy for attendance at events

- (1) In this section —
- event** includes the following —
- a concert;
  - a conference;
  - a function;

- (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
- (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* *Absolute majority required.*

- (3) A local government may amend\* the policy.

\* *Absolute majority required.*

- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

*[Section 5.90A inserted: No. 16 of 2019 s. 44.]*

## POLICY IMPLICATIONS

The proposal recommends establishment of a new policy, consistent with the intent of the legalisation and the DLGSC Guidelines and has been adapted to include reference to all Shire of Quairading employees (not just the Chief Executive Officer as recommended by the Guidelines).

## FINANCIAL IMPLICATIONS

Nil – Council provides a Budget Provision for the attendance of Elected Members and Senior Staff at relevant Conferences and Seminars.

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

## COMMUNITY CONSULTATION

Policy when adopted will be displayed on Council's Website in the Policy Manual.

## RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. Council budgets for the attendance of Elected Members and CEO/Senior Staff to relevant Local Government Conferences and Seminars.

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Low. Policy is required by State legislation. Risk of attendance at unauthorised Events mitigated by having the Policy in place. Reputational Risk increased if there is not a Policy in place and administered correctly.

Operation – Risk Matrix Rating is assessed as Low. Administration of Policy to be incorporated into Council's normal Operations and Governance Procedures.

Natural Environment – Risk Matrix Rating is assessed as Low.

## **COMMENT**

In developing and recommending the proposed policy, the Chief Executive Officer has considered custom and practice of events over the last 26 years at Quairading and also in his experience in the industry over 40 years.

The majority of events that the Elected Members and Chief Executive Officer or employees get invited to are largely free non ticketed events to present at School Awards or free Community events etc.

It is extremely rare that the Shire President, Councillors and the CEO in their respective roles with Council, receive invitations to non-local Government or Government hosted events.

## 10.4 Annual Electors Meeting Minutes – 4<sup>th</sup> February 2020

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	Annual Electors Meeting Minutes
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	n/a

### OFFICER RECOMMENDATION

#### RESOLUTION: 113-19/20

#### MOVED Cr Jo Haythornthwaite SECONDED Cr Stacey

That Council receive the Minutes of the Annual Electors Meeting held on the 4<sup>th</sup> February 2020.

**CARRIED 8/0**

### IN BRIEF

- Annual Electors Meeting held on 4<sup>th</sup> February 2020
- No Decisions made at the Electors Meeting
- Various Issues were raised by Electors and recorded in the Minutes.

### MATTER FOR CONSIDERATION

Minutes of the 4<sup>th</sup> February 2020 Meeting of the Annual Electors Meeting be received by Council.

### BACKGROUND

The Annual Meeting of Electors was held on the 4<sup>th</sup> February 2020 in accordance with Section 5.27 of the Local Government Act.

### STATUTORY ENVIRONMENT

Local Government Act 1995

#### 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

#### 5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice,
 of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to

continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

#### 5.30. Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

#### 5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

#### 5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

#### 5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
  - (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,
 whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting

Local Government (Administration) Regulations 1996.

#### **POLICY IMPLICATIONS**

N/A.

#### **FINANCIAL IMPLICATIONS**

Nil.

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

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability



ITEM	OUTCOMES AND STRATEGIES
G3	Community Engagement

### **COMMUNITY CONSULTATION**

The Annual Electors Meeting was publicised in the Community through various Media outlets. In addition, Statutory Advertising the Notice of Meeting was published in the “Avon Advocate” Newspaper.

### **RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.**

Financial - Risk Matrix Rating is assessed as Low. Council’s Annual Financial Statements were submitted for External Audit and received an Unqualified Audit Report.

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Low. Annual Report provides Community with an overview of the Year’s Operations, Projects and Statutory Reporting obligations. Council has completed its Statutory Requirements. Annual Report is on Council’s Website as per legislative requirements.

Operation – Risk Matrix Rating is assessed as Low. Annual Report and conduct of the Electors Meeting undertaken as part of Council’s Operations and within Adopted Budget.

Natural Environment – Risk Matrix Rating is assessed as Low.

### **COMMENT**

The Local Government Act requires that all Decisions made at an Electors’ Meeting are to be considered at the next Ordinary Council Meeting.

Council is informed that whilst various issues were raised by Electors there were no formal Decisions made at the Meeting.

## 10.5 Review of the Shire of Quairading Delegations

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	(i) Delegation Register for Review (ii) Delegations – Schedule of Authority – under separate cover.
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	CEO – Council delegates authority to the CEO

### OFFICER RECOMMENDATION

#### RESOLUTION: 114-19/20

#### MOVED Cr McGuinness SECONDED Cr Hippisley

That Council: -

1. Approves the delegations made to the Shire President, Chief Bush Fire Control Officer, Chief Executive Officer, Audit & Risk Committee and the Manager of Health and Building as contained in the amended Register of Delegations;
2. Notes the sub-delegations from the Chief Executive Officer in the amended Register of Delegations; and
3. Notes the Delegations from other Agencies and Instruments of Delegation or other Acts to the Chief Executive Officer.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

### IN BRIEF

Legislative Requirement and Good Governance Practice to Review the Delegation of Authority to the Chief Executive Officer and to Committees (if any) on an Annual basis.

### MATTER FOR CONSIDERATION

To present the annual review of the Shire's Delegated Authority register for Council's approval.

### BACKGROUND

Delegations by Council are an effective way to reduce red tape and improve customer satisfaction through prompt decision-making processes. Using the power of delegation appropriately assists local governments to efficiently deal with a wide range of operational matters that are minor, administrative in nature and potentially time consuming.

Certain safeguards are incorporated into delegations such as limiting the use of when a delegation can be exercised as well as granting appeal rights to the Council when an impacted individual is aggrieved with an officer's decision, as set out in Part 9 – Division 1 of the Act.

It is important to note that officers are not obliged to use a delegation; where a matter is determined to be of a contentious nature, the matter can be referred to Council.

As is required by section 5.46 of the Local Government Act 1995, a review of the current delegations has been undertaken by the CEO and the Executive Officer with recommendations on proposed amendments to the Delegations from Council. This review has been based upon a best practice approach to delegations in local government, referencing the WALGA Delegations template and Guidelines issued by the Department.

The following new Delegations have been added: -

- Delegation A.15 – Powers of Entry
- Delegation B.10 – Referrals and Issuing Certificates
- Delegation H.4 – Appoint Authorised Officer or Approved Officer (Asbestos Regs)
- Delegation R.7 – Recovery of Rates Debts - Actions to Take Possession of the Land

Delegations from other Agencies and Instruments of Delegation or other Acts: -

- Delegation 52 – Noise Control – Environmental Protection Notices [Reg.65(1)]
- Delegation 112 – Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events
- Delegation 119 – Noise Management Plans – Construction Sites
- Delegation 1738/2002v8; 858/2001 v9 – Instrument of Authorisation - Sign Development Applications for Crown Land as Owner.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Building Act 2011*

*Bush Fires Act 1954*

*Cat Act 2011*

*Caravan Parks and Camping Grounds Act 1995*

*Control of Vehicles (Off-road Areas) Act 1978*

*Dog Act 1976*

*Environmental Protection Act 1986*

*Food Act 2008*

*Health (Miscellaneous Provisions) Act 1911*

*Litter Act 1979*

*Public Health Act 2016*

*Planning and Development Act 2005*

Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*

*State Administrative Tribunal Act 2004*

## **POLICY IMPLICATIONS**

Yes – Review of the current Delegations in place

## **FINANCIAL IMPLICATIONS**

Nil.

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

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

## **COMMUNITY CONSULTATION**

N/A

### **RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.**

Financial – Risk Matrix Rating assessed as Low. Financial risk mitigated through annual review of all Delegations granted by Council.

Health – Risk Matrix Rating assessed as Low.

Reputation – Risk Matrix Rating assessed as Low. Reputational Risk mitigated through the annual review of the approved Delegations from Council.

Operation – Risk Matrix Rating assessed as Low. Delegations provide for orderly conduct of Council's Operations and streamlines decision making processes

Natural Environment – Risk Matrix Rating assessed as Low.

## 10.6 Strategic Planning Committee Minutes – 11<sup>th</sup> February 2020

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	Minutes of Meeting
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil.

### OFFICER RECOMMENDATION

#### RESOLUTION: 115-19/20

#### **MOVED Cr Jo Haythornthwaite SECONDED Cr Hippisley**

That Council receive the Minutes of the Strategic Planning Committee for its Meeting of 11<sup>th</sup> February 2020, and note the correction to the Minutes of the Strategic Planning Meeting held on the 15<sup>th</sup> October 2019, being that Cr McRae was the Mover of SP09-19/20 – Regional Airport Program.

**CARRIED 8/0**

That Council consider each of the Committee's following recommendations individually: -

#### 1) Traffic Management Feasibility Study

#### RESOLUTION: 116-19/20

#### **MOVED Cr McGuinness SECONDED Cr Jo Haythornthwaite**

*RECOMMENDATION: SP12-19/20*

That the Strategic Planning Committee Recommend to Council that: -

Council receive the Officer's Feasibility Report of an in house Traffic Management Team Option to replace contracting Traffic Management Services for Annual Road Construction and Maintenance Program.

**CARRIED 7/1**

#### 2) Cottage Structural and Architectural Report

#### RESOLUTION: 117-19/20

#### **MOVED Cr McGuinness SECONDED Cr Jo Haythornthwaite**

*RECOMMENDATION: SP13-19/20*

That the Strategic Planning Committee Recommend to Council that: -

1. Council receives and notes the Cottage Condition Report and proposed Ground Floor Plan for the Conversion of the Cottage into a Caretakers Cottage.
2. The Chief Executive Officer investigate opportunities within the Federal Grant - Drought Communities Assistance Programme for the Caretaker accommodation and four (4) low-cost units at the Caravan Park.

**CARRIED 8/0**

### 3) Advertising on GWN

**RESOLUTION: 118-19/20**
**MOVED Cr McGuinness SECONDED Cr Hippisley**

*RECOMMENDATION: SP14-19/20*

That the Strategic Planning Committee recommends to Council that: -

The Chief Executive Officer is to investigate the opportunity to advertise the Quairading District through GWN7.

**CARRIED 8/0**

#### IN BRIEF

For Council to be informed of discussions and recommendations of the Strategic Planning Committee and to determine its position in regard to the Recommendations.

#### MATTER FOR CONSIDERATION

Minutes of the Strategic Planning Committee.

#### BACKGROUND

The Strategic Planning Committee met on 11<sup>th</sup> February 2020 from which there are three (3) recommendations for Council consideration, namely: -

- RESOLUTION: SP12-19/20
- RESOLUTION: SP13-19/20
- RESOLUTION: SP14-19/20.

#### STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

#### POLICY IMPLICATIONS

N/A.

#### FINANCIAL IMPLICATIONS

**SP12-19/20** – Officer's Feasibility Report presented. No impact on current Budget as Contractor Traffic Management is provided for in the 2019/2020 Budget.

**SP13-19/20** – Structural and Architectural Report submitted. No impact on current Budget. Awaiting Drought Assistance Funding Guidelines for assessment.

**SP14-19/20** – Research to be undertaken by the CEO on advertising with GWN7. Subject to Cost and a decision by Council to proceed, expense may be accommodated from the District Promotion Budget Allocation.

#### STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

## **COMMUNITY CONSULTATION**

**SP12-19/20** – n/a

**SP13-19/20** – n/a

**SP14-19/20** – Nil, at this time.

## **RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.**

Financial – Risk Matrix Rating assessed in the individual Items in the Minutes.

Health – Risk Matrix Rating assessed in the individual Items in the Minutes.

Reputation – Risk Matrix Rating assessed in the individual Items in the Minutes.

Operation – Risk Matrix Rating assessed in the individual Items in the Minutes.

Natural Environment – Risk Matrix Rating assessed in the individual Items in the Minutes.

## **COMMENT**

Minutes of the 11<sup>th</sup> February 2020 Meeting of the Strategic Planning Committee include three (3) recommendations to Council for which the background of each recommendation is contained in the Minutes.

## 10.7 Records Management Policy Review

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	GOV.3 Records Management Policy
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil.

### OFFICER RECOMMENDATION

#### RESOLUTION: 119-19/20

#### MOVED Cr McGuinness SECONDED Cr Jo Haythornthwaite

That Council adopted the revised GOV.3 Records Management Policy.

**CARRIED 8/0**

### IN BRIEF

- To ensure that the Shire meets the statutory requirements of the State Records Act 2000 and associated legislation.
- To provide recordkeeping principles and processes that identify, capture and protect the Shire's corporate records of continuing value for legal, financial, administrative, accountability and historical purposes.

### MATTER FOR CONSIDERATION

That Council consider the revised Records Management Policy for adoption.

### BACKGROUND

Records are recognised as an important information resource for the Shire of Quairading, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire.

The Shire's Corporate records are managed in accordance with the Shire's Record Keeping Plan. All Elected Members, Officers and Contractors are responsible for maintaining complete, accurate and reliable records as evidence of the actions, decisions and transactions they make or undertake whilst performing their duties on behalf of the Shire.

Following the recommendation received from Council's Recordkeeping Consultant, IRIS Consulting Group, Council is advised that an amendment is necessary to the Records Management Policy requiring the surrender of records by Councillors.

### STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 5.41(h)

State Records Act 2000

Freedom of Information Act 1992.

### POLICY IMPLICATIONS

N/A.



## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

### Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability
G4	Sound Organisation
G4.3	Ensure optimum organisational capacity and efficiency

## COMMUNITY CONSULTATION

No consultation was required or undertaken in relation to this report.

### RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. Records Management is funded within Council's existing Budget. Ongoing Budget provisions will need to be made in future years, with Council allocating appropriate resources to maintain and manage Council's Records.

Health – Risk Matrix Rating is assessed as Low.

Reputation – Risk Matrix Rating is assessed as Low. Failure to have up to date Policies will increase the risk of Council's reputation being damaged within the Community and failure to comply with legislative requirements would increase Reputational Risk.

Operation – Risk Matrix Rating is assessed as Low. Records management is contained within Council's current operations, with additional external specialist advice sourced when required.

Natural Environment – Risk Matrix Rating is assessed as Low.

## COMMENT

Under the Local Government Act, Council is able to make, amend and revoke Policies to assist Council with performing its Executive functions and Statutory obligations.

## 10.8 Local Government House Trust - Deed of Variation

<b>Meeting Date</b>	27 <sup>th</sup> February 2020
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	CEO Graeme Fardon
<b>Attachments</b>	(i) Local Government House Trust Update January 2020 (ii) Deed of Variation (iii) Clause 12 of Trust Deed 1994
<b>Owner/Applicant</b>	WALGA
<b>Disclosure of Interest</b>	Nil

### OFFICER RECOMMENDATION

#### RESOLUTION: 120-19/20

#### MOVED Cr Hippisley SECONDED Cr Jo Haythornthwaite

That Council supports the Deed of Variation to the Local Government House Trust Deed as proposed by "The Local Government House Trust".

**CARRIED 8/0**

### IN BRIEF

- Council is a unit holder and beneficiary to the Local Government House Trust (The Trust), holding 4 Units as advised in WALGA's recent Local Government House Trust Update January 2020 - Attachment (i).
- The Trust is the Governance Body for Local Government House, being the WALGA's Headquarters located at 170 Railway Parade, West Leederville.
- The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.
- As a beneficiary, the Shire of Quairading is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to us in writing. Please note, we are requesting consent for the Trustee to formally execute the attached Deed of Variation – your Local Government is not required to sign the enclosed document.

### MATTER FOR CONSIDERATION

Council's consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust).

### BACKGROUND

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

### **Trust Deed Variation**

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust- Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

### **STATUTORY ENVIRONMENT**

N/a

### **POLICY IMPLICATIONS**

N/a

### **FINANCIAL IMPLICATIONS**

Nil

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

### Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1.1	Continual improvement in IPR, transparency and accountability
G2	Strengthened Advocacy and Partnerships
G2.1	Partnerships with and advocacy to Federal and State Government to strengthen service provision within the Shire

### COMMUNITY CONSULTATION

No consultation was required or undertaken in relation to this report.

### RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. No financial exposure to Council

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Low. Council is a Unit Holder and a Beneficiary of the Local Government House Trust.

Operation – Risk Matrix Rating is assessed as Low. Variation proposed will have no impact on Council's Operations.

Natural Environment – Risk Matrix Rating is assessed as Low.

### COMMENT

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

ITEM 11      MATTERS FOR CONSIDERATION – HEALTH AND BUILDING

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*No matters for consideration.*

ITEM 12     MATTERS FOR CONSIDERATION – WORKS

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*No matters for consideration.*

## ITEM 13 URGENT COUNCILLORS' BUSINESS

### **RESOLUTION: 121-19/20**

#### **MOVED Cr Jo Haythornthwaite SECONDED Cr McGuinness**

That Council accept new Urgent Councillors' Business.

**CARRIED 8/0**

#### **Cr Hippisley**

Cr Hippisley spoke on a Solar Calendar Concept (submitted in Councillors' Q&A prior to the Meeting) which could be a possible joint project with the Quairading District High School, especially given the recent grant funding opportunity offered to Council.

Cr Jo Haythornthwaite suggested that a List of possible Projects for future consideration under the Drought Communities Extension Programme be compiled by the CEO.

#### **Cr McGuinness**

Cr McGuinness advised the meeting that he had been contacted by a Board Member from the Farmers' Cooperative seeking that the Parking Layby be funded from the Drought Communities Extension Programme. Cr McGuinness advised that he had informed the Board Member that the revised criteria funding guidelines have not been made available to Council, who would then consider eligible projects.

Cr Davies and Cr Jo Haythornthwaite confirmed that they had also been contacted by Coop Board members.

Cr Stacey commented that the Layby in the main Shopping Precinct should be included in the List as it was unlikely that this work would be funded by Main Roads nor any other Grant.

#### **3.11 pm**

Mr Andrew Francis left the Meeting.

#### **Cr Smith**

Cr Smith proposed to the meeting that a cost benefit analysis of full-time employees be listed for the next Audit & Risk Meeting.

Cr Davies advised that a motion is required to add items to the agenda.

#### **1) Full-time employee cost benefit analysis**

### **RESOLUTION: 122-19/20**

#### **MOVED Cr Smith**

That a cost benefit analysis of full time employees be listed in the next Audit and Risk Committee Agenda.

**MOTION LAPSED DUE TO THE LACK OF A SECONDER**

## ITEM 14 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

*No matters for consideration.*

ITEM 15 NEXT MEETING DATE

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The next Ordinary Meeting of Council is scheduled to take place on Thursday 26<sup>th</sup> March 2020, commencing at 2 pm at the Council Chambers, 10 Jennaberring Road, Quairading.

ITEM 16 CLOSURE

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There being no further business, the Chairman closed the Meeting at \_\_\_\_\_ pm.

I certify the Minutes of the Ordinary Meeting of Council held on 27<sup>th</sup> February 2020 were confirmed on 26<sup>th</sup> March 2020 as recorded on Resolution No. \_\_\_\_\_

Confirmed..... 26/03/20