



**MINUTES FOR THE  
ORDINARY COUNCIL MEETING  
HELD ON**

**Wednesday 21 November 2018**

## PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p><b>Petitions</b> A formal process where members of the community present a written request to the Council.</p>	<p><b>Deputations</b> A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p><b>Presentations</b> An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government</p>
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### PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email [governance@mingenew.wa.gov.au](mailto:governance@mingenew.wa.gov.au) to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

### PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email [governance@mingenew.wa.gov.au](mailto:governance@mingenew.wa.gov.au) to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

### PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

### **PROCEDURE FOR PUBLIC QUESTION TIME**

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

- **During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**
- **Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**
- **Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 21 November 2018

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## SHIRE OF MINGENEW

### MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 21 NOVEMBER 2018 COMMENCING AT 4.30pm

#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4.30pm and welcomed all in attendance.

#### 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE COUNCILLORS

HM Newton	President	Town Ward
KJ McGlenn	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward

#### STAFF

N Hay	Chief Executive Officer
J Chapham	Finance Manager
B Bow	Governance Officer
E Budrikis	Community Development Officer

#### VISITORS

Nil

#### APOLOGIES

CR Lucken	Deputy President	Town Ward
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#### 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

#### 4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

There being no members of public present the President proceeded with the meeting allowing a period of 15 minutes for questions from the public up until 4:45pm.

#### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 6.0 DECLARATIONS OF INTEREST

Nil

#### 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

#### COUNCIL RESOLUTION- Resolution 2111801

Moved: Cr Eardley / Seconded: Cr Bagley

That the Officer's Recommendation for agenda item 7.1 & 7.2 be adopted by en bloc decision.

**VOTING DETAILS:**

**PUT AND CARRIED: 6/0**

## **7.1 ORDINARY MEETING HELD 17 OCTOBER 2018**

### **OFFICER RECOMMENDATION – ITEM 7.1**

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 October 2018 be confirmed as a true and accurate record of proceedings.

**VOTING DETAILS:**

**CARRIED BY EN BLOC RESOLUTION 21111801**

## **7.2 BUSHFIRE BRIGADE ANNUAL GENERAL MEETING HELD 02 OCTOBER 2018**

### **OFFICER RECOMMENDATION – ITEM 7.2**

That the minutes of the Bushfire Brigades' Annual General Meeting of the Shire of Mingenew held in the Council Chambers on 02 October 2018 be received.

**VOTING DETAILS:**

**CARRIED BY EN BLOC RESOLUTION 21111801**

## **8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

## **9.0 OFFICERS REPORTS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1.1 RELATED PARTIES DISCLOSURE (POLICY).**

<b>Location/Address:</b>	Not Applicable
<b>Name of Applicant:</b>	Not Applicable
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0489
<b>Date:</b>	18 October 2018
<b>Author:</b>	Neil Hartley (Consultant)

#### **Summary**

The purpose of this report is to seek Council endorsement of the attached "Related Parties Disclosure" policy.

In July 2015, the scope of Australian Accounting Standards Board - Accounting Standard 124 (AASB124) "Related Party Disclosures" was extended to include local governments. Effective 1 July 2016, local governments were required to disclose certain related party relationships and related party transactions.

Changes to these accounting standards meant certain transactions of Key Management Personnel (effectively all senior management and Councillors) need to be detailed separately in the Shire's annual report. This will have significant impact on both the disclosures within the annual report as well as the mechanisms in place to ensure related parties are properly identified and the necessary data collected. The disclosure requirements apply to the existence of relationships, regardless of whether a transaction has occurred or not, and the Shire must make an informed judgement as to

who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The Department of Local Government and Communities recommends that each local government adopt a Council policy for related party disclosures.

### **Attachment**

Attachment 1- Related Parties Disclosure policy;  
Attachment 2- Related Parties Disclosure declaration form;  
Attachment 3- Department of Local Government Circular 07 – 2017; and  
Attachment 4- WALGA Infopage – Related Party Disclosures.

### **Background**

In July 2015, the scope of Australian Accounting Standards Board - Accounting Standard 124 (AASB124) "Related Party Disclosures" was extended to include application by not-for-profit entities, including local governments. Effective for the annual reporting period beginning on 1 July 2016, local governments were required to disclose certain related party relationships and related party transactions together with information associated with those transactions in its Annual Financial Statements. First disclosures were therefore required for the year ended 30 June 2017.

Related party transactions are a normal feature of commerce as they can affect the profit or loss, financial position, and cash flows of an entity. Related parties may for example, transact with an entity on terms that would not be available to an unrelated party. Therefore, knowledge of an entity's transactions, outstanding balances (including commitments) and relationships with related parties may affect assessments of its operations by users of the entity's financial statements.

Those Accounting Standards changes mean certain transactions of Key Management Personnel (effectively all senior management and Councillors) need to be detailed separately in the annual financial report. Key Management Personnel are '*persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly*' (vis. all Councillors, senior management, and their close family members or even wider if there is a strong personal connection).

In June 2017 the then Department of Local Government and Communities released an implementation guide for AASB 124 Related Party Disclosures. The objective of the Guide was to ensure that local government financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties. It recommends that each local government adopt a Council policy for related party disclosures.

Attached also, is a WALGA Infopage (inclusive of a Moore Stephens Guidance Note) which provides detailed explanatory information, plus practical examples.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not.

In compliance with this Standard, the Shire must (at least once each financial year) make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

It is important to note that AASB 124 is not designed to detect and report fraud or misconduct. It is designed to enhance transparency and accountability of a local government's transactions. Also worthy of note is that this is a requirement specified by an Australian Accounting Standard and is in addition to and different from the Disclosure of Interest and Gift and Travel Disclosure requirements that are imposed under the Local Government Act.

### **Comment**



Whilst it is not a legislative requirement to adopt a policy on the matter, by doing so it will provide guidance to Key Management Personnel in how to comply with the accounting standard, and provide supporting documentation for Council's external auditors.

The Shire is considered to have complied with the new Standard (refer to Note #'s 1(w); and 33 of the 2016/17 Annual Report) however a Policy with a process for declarations and internal protocols was not put place at the time. Our attention to that has only recently been drawn to this by our auditors, following the Auditor General's requirement that this area of responsibility form part of future local government audits.

The purpose of this proposed policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve ongoing compliance with the Australian Accounting Standard AASB124 – Related Party Disclosures.

There are five key steps to implement:

1. Establish system to identify and record related parties – *the proposed policy outlines the "system" and Councillors and Key Management Personnel will be required to complete a Related Party Disclosures Declaration form for submission to the Shire each year, before any election and prior to termination of employment. The details contained in these declarations will enable staff to collect the necessary financial information so that a suitable report can be prepared for inclusion in the Annual Report;*
2. Identify Ordinary Citizen Transactions (OCT) that will not be disclosed - *Management will put a recommendation to Council annually in regard to its opinion that transactions have been provided as per Ordinary Citizen Transactions or if any discount or special terms were received. This will be done in the form of a review of the policy itself;*
3. Establish a system to identify and record related party transactions and related terms and conditions - *There is the obvious need for staff and Key Management Personnel to gain a good understanding of this requirement, so that full compliance can be gained. Staff will work with the Auditors to ensure relevant information is collected, and Councillors and impacted staff are provided with good quality and timely information to ensure that compliance is achieved. Failure to comply carries the risk of receiving a qualified audit.*
4. Assess materiality of transactions captured – *Guidance is provided in the policy, and staff will work with the Shire's Auditor's to establish appropriate levels of materiality; and*
5. Make disclosure in the Annual Report – *The level of reporting in the Annual Report is "high level" and designed to inform the reader of the general conglomerate nature of transactions between related parties and the Shire. Whilst specific transactions will need to be collated to enable a summary to be prepared, these specific transactions are not generally noted in the actual Annual Report. Staff will work with the Shire's Auditor's to establish appropriate levels of reporting.*

### **Consultation**

Auditor.

### **Statutory Environment**

Australian Accounting Standard AASB124 (Note: this is a requirement specified by an Australian Accounting Standard and is in addition to and different from the Disclosure of Interest and Gift and Travel Disclosure requirements that are imposed under the Local Government Act 1995 and associated Regulations).  
Local Government (Financial Management) Regulations 1996

### **Policy Implications**

Creation of a new policy.

### **Financial Implications**

There will be an added financial implication due to the added internal administrative and governance workload that will apply to manage and monitor this new accounting standard. Particular effort will be required within governance and finance as additional effort is required to manage the annual compliance declaration returns and prepare the annual Council agenda item that identifies who is considered to be a related party and what transactions need to be considered, when determining if disclosure is require. For the finance team, it will be required to establish, or change existing systems

so that related party transactions can be separately identified and reported, and then continuously manage that system to supply the necessary information.

### **Strategic Implications**

The 2017 – 2021 Corporate Business Plan has a Civic Leadership objective, of which one of its outcomes is to achieve a high level of compliance, and to ‘maintain, review and ensure relevance of Council policies and local laws’.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION – Resolution 21111803**

**Moved: Cr Cosgrove / Seconded: Cr Bagley**

#### **That Council:**

- 1. Notes the added administrative/governance implications this Australian Accounting Standard AASB124 – Related Party Disclosures will have on the Shire of Mingenew;**
- 2. Notes that the CEO will be working with the Shire’s auditors to ensure that collection of data/information, and reporting, is appropriate;**
- 3. Notes that Councillors, the CEO, and staff reporting directly to the CEO, are considered to be *Key Management Personnel*, and therefore are *Related Parties* to the Shire of Mingenew and will consequently be required to complete and return to the Governance Officer, a *Related Parties Disclosure Declaration* form at least once each financial year (plus as outlined in the Policy); and**
- 4. Adopts the policy titled ‘1.3.6 Related Parties Disclosure’ as attached to Item 9.1.1 (attachment 1) and notes its management procedures.**

**VOTING DETAILS:**

**PUT AND CARRIED 6/0**

### 9.1.2 APPLICATION TO CREATE/AMEND RESERVE

<b>Location/Address:</b>	Lot 11976 on DP 218480 and Lot 10624 on P168528
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0470
<b>Date:</b>	13 November 2018
<b>Author:</b>	Nils Hay, CEO

#### **Summary**

The Shire is seeking to remove one reserve (Lot 10624 on P168528) and amend the boundaries of leasehold Lot 11976 on DP218480 in order to create a Shire-managed reserve over the Mingenew Hill hilltop and surrounding area. The creation of this reserve will support plans to introduce low-impact tourism infrastructure (paths, seating, etc.) on the hilltop.

#### **Attachment**

- Proposed of Crown Land Enquiry Form (CLEF) for Department of Planning, Lands and Heritage (DPLH)
- Proposed letter to accompany CLEF
- Correspondence with Holmwood Pty Ltd- Confidential Attachment
- Draft plans for paths/seating on Mingenew Hill hilltop
- Mingenew Hill Ownership Diagram

#### **Background**

For some time the Shire has been seeking to improve access to the top of Mingenew Hill (see attached draft plans); including upgrading of the existing stairs, better defined pathways and seating.

Currently, the Mingenew Hill hilltop is split into several parcels of land (see Mingenew Hill Ownership Diagram):

- Lot 10624 on P168528, a Trigonometric Reserve (containing existing explorer's monument)
- Lot 11976 on DP 218480, a parcel of Crown Land currently leased to Holmwood Pty Ltd for cropping purposes
- Lot 800 on P302018, a freehold lot owned by Holmwood Pty Ltd (western portion of Mingenew Hill)
- Lot 50 on D3056, a freehold lot owned by the Shire of Mingenew (Drover's Rest and carpark area)

The current arrangement would see any future works take place over a mixture of Shire- and privately-owned Freehold, as well as two different (incorrectly purposed) reserves.

Through consultation with Holmwood Pty Ltd and the DPLH, an updated plan for the area has been developed (attached). The new plan sees:

- Lot 10624 on P168528 removed and incorporated into a new Shire-managed reserve
- Lot 11976 on DP218480 redrawn, providing leasehold access to existing cropped areas for Holmwood Pty Ltd (or any future lessee) and contributing land towards the new proposed Shire-managed reserve
- Lot 800 on P302018 unchanged
- Lot 50 on D3056 unchanged

Whilst there may have been some benefit in realigning Lot 50 over the existing roadway, as this is freehold land, surrounded by leasehold, it would be an involved land-swap process – as opposed to moving reserve boundaries.

It's noted that there had been previous intent for the Shire to secure Lot 11976 for the purposes of future rural residential land development. This suggestion does not prevent that from occurring in the future, but will likely see a cropping lease remain on that land for several years.

#### **Comment**

This solution has been proposed to try to give all parties a reasonable outcome:

- The Shire will have control over the reserve on the Mingenew Hill hilltop, to allow it to appropriately manage current and future low-impact outdoor recreation/tourism activities.
- The current (and potential future) of the Crown farmland will continue to be able to conduct farming activities
- Proposed activities will not adversely impact adjoining land-holders

### **Consultation**

- Department of Planning, Lands and Heritage
- Jon and Jill Holmes (Holmwood Pty Ltd)

### **Statutory Environment**

To request this change, the Shire must lodge a CLEF with DPLH. This should include proof of consultation with affected parties/adjoining landholders (which has been obtained) as well as endorsement from Council (which this report seeks).

### **Policy Implications**

Nil.

### **Financial Implications**

Should the CLEF proceed and be endorsed by DPLH it is likely that some survey work will be required to redraw the boundaries (at the Shire's expense). This work may be possible to complete remotely (i.e. an on-site survey may not be necessary). It is estimated this cost could \$1,000-\$3,000. A budget already exists to progress the Mingenew Hill project.

### **Strategic Implications**

Strategic Community Plan Outcome 1.1: Increase the number of visitors and extend the tourism season within the region.

1.1.3: Support and encourage tourism development

Strategic Community Plan Outcome 2.1: Our natural environment is enhanced, promoted, rehabilitated and leveraged so it continues to be an asset to our community.

2.1.3: Promotion of tourism opportunities that are environmentally focused.

2.1.4: Lobby government for the protection of natural environment.

2.1.5: Rehabilitate, protect and conserve shire controlled land.

### **Voting Requirements**

Simple Majority

## **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111804**

**Moved: Cr Newton / Seconded: Cr McGlinn**

### **That Council:**

- 1. Endorses the proposal to:**
  - a) Remove and incorporate Lot 10624 on P168528 into a new Shire-managed reserve,**
  - b) Redraw Lot 11976 on DP218480 as per the attached draft plans.**
- 2. Requests the Chief Executive Officer to submit a Crown Land Enquiry Form to the Department of Planning, Lands and Heritage to progress this proposal.**

**VOTING DETAILS:**

**PUT AND CARRIED 6/0**

### 9.1.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE DE-MERGER

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Nils Hay  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0114  
**Date:** 14 November 2018  
**Author:** Nils Hay (Chief Executive Officer)

#### Summary

This report seeks consideration of Council withdrawing from a combined Local Emergency Management Committee (LEMC) in order to establish a Mingenew-specific LEMC.

#### Attachments

- Proposed De-Merger Letter to State Emergency Management Committee (SEMC)
- Minutes of 23 October 2018 Emergency Management Stakeholder Meeting

#### Background

This matter was presented to Council at the October 2018 Ordinary Meeting of Council, with the following resolution:

#### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 1710184**

**Moved: Cr Eardley / Seconded: Cr McGlinn**

#### **That Council:**

- 1. Resolve to de-merge from the combined Local Emergency Management Committee with the Shires of Morawa, Perenjori and Three Springs; and**
- 2. Endorse the Shire of Mingenew establishing its own Local Emergency Management Committee; and**
- 3. Note that a Terms of Reference to govern the Committee is being developed; and**
- 4. Appoint the Councillor delegated to the Local Emergency Management Committee to serve as Chair of the Local Emergency Management Committee; and**
- 5. Endorse the Officer in Charge of the Mingenew Police Station as Deputy Chair of the Local Emergency Management Committee; and**
- 6. Endorse the Shire of Mingenew's Emergency and Ranger Services Officer as Executive Officer of the Local Emergency Management Committee; and**
- 7. Authorise the Chief Executive Officer to prepare and execute the necessary documentation to effect these changes.**

#### **FORESHADOWED MOTION**

**Moved: Cr Cosgrove / Seconded: Pr Newton**

#### **That Council:**

- 1. Investigate to de-merge from the combined Local Emergency Management Committee with the Shires of Morawa, Perenjori and Three Springs; and**
- 2. Endorse the Shire of Mingenew establishing its own Local Emergency Management Group;**

#### **VOTING DETAILS:**

**THE ORIGINAL MOTION WAS PUT AND LOST  
THE FORESHADOWED MOTION WAS PUT AND CARRIED 7/0**

A meeting of local emergency management stakeholders took place on 23 October 2018, the minutes of which are attached. This topic was discussed with local stakeholders, as well as representatives from DFES.

### **Comment**

The first meeting of the Local Emergency Management Stakeholder Group provided answers to a number of questions raised at the October Ordinary Meeting of Council. Specifically:

1. There appears to be demand and support for such a group amongst our local stakeholders, with 2-3 meetings a year proposed as reasonable and realistic.
2. Individual Shires must prepare both individual LEMAs and LEMC Annual Reports – whilst a combined LEMC could theoretically review these, there appears to be little administrative efficiency to be gained from the combined LEMC in terms of meeting these two legislative requirements.
  - a. The Annual Report, despite the name, is in fact an online capability survey which the Shire has completed internally previously
3. It was confirmed that other Shires are also investigating the de-merger.
4. It was confirmed that there would be some additional administrative burden on the Shire in terms of preparing agenda and minutes (as these were completed internally)

### **Consultation**

Consultation has occurred with:

- Sylvia Yandle, CEO Three Springs Shire
- Karen Oborn, CEO Carnamah Shire
- All parties at the 23 October 2018 Emergency Management Stakeholder meeting

### **Statutory Environment**

- Under s41 of the EM Act, local governments are required to have local emergency management arrangements (LEMA).
- s34 of the EM Act allows multiple local governments to unite and form a combined LEMC.
- The function of a LEMC is to (under s39 of the EM Act):
  - a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
  - b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
  - c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations
- Under the State Emergency Management Procedure, when it comes to the structure of LEMCs:
  - o the Chair should be an elected member of council;
  - o the Local Emergency Coordinator should be appointed as Deputy Chair;
  - o an Executive Officer, who should be an officer of the relevant local government, and should be appointed to coordinate the business of the committee and/or provide administrative support;
  - o the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan (section 41(4) of the EM Act), should be appointed a member of the committee;
- The Local Emergency Coordinator is the Officer in Charge of the district police station.
- The Local Recovery Coordinator is the Shire's Chief Executive Officer.

### **Policy Implications**

Nil

### **Financial Implications**

Minimal.

The establishment of a local LEMC will see meetings occur locally, which will have administrative and (likely) catering costs associated with them. The financial impact is expected to be in the order of \$500-\$1,000 per annum.

**Strategic Implications**

The establishment of a local LEMC will provide a more effective vehicle for addressing Mingenew's Emergency Management requirements, both in terms of meeting statutory requirements (like review of LEMA) and practical outcomes (each party having greater visibility over actions of others, and increased ability to collaborate).

Mingenew's LEMC will require a Chairperson; this is a role typically filled by an elected member. Council's current Local Emergency Management Committee Delegate is Cr Robert Newton (as per the decision 9.1.1 of the 15 November 2017 Ordinary Council Meeting). It is suggested that whichever elected member is delegated by Council to this Committee serve as Chairperson.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111805**

**Moved: Cr Bagley / Seconded: Cr Eardley**

**That Council:**

- 1. Resolve to de-merge from the combined Local Emergency Management Committee with the Shires of Morawa, Perenjori and Three Springs; and**
- 2. Endorse the Shire of Mingenew establishing its own Local Emergency Management Committee; and**
- 3. Appoint the Councillor delegated to the Local Emergency Management Committee to serve as Chair of the Local Emergency Management Committee; and**
- 4. Endorse the Officer in Charge of the Mingenew Police Station as Deputy Chair of the Local Emergency Management Committee; and**
- 5. Authorises the Chief Executive Officer to appoint a suitable Executive Officer for the Local Emergency Management Committee; and**
- 6. Authorise the Chief Executive Officer to prepare and execute the necessary documentation to effect these changes.**

**VOTING DETAILS:**

**PUT AND CARRIED 6/0**

#### 9.1.4 APPOINTMENTS TO COMMITTEES & COMMUNITY ORGANISATIONS

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0303  
**Date:** 15 November 2018  
**Author:** Nils Hay, Chief Executive Officer

##### Summary

Council is requested to review and appoint Councillors to the various committees and community organisations.

##### Attachment

Nil

##### Background

It is common practice for many local authorities to review appointments of Elected Members and Staff to serve on various Committees and Community Organisations. It should be noted that this is a separate exercise to appointing members of a Council Committee.

Appointment of Councillors to Committees & Community Organisations were last reviewed in November 2017 and below is a record of the appointments from the November 2017 Ordinary Council meeting:

##### **WALGA Northern Country Zone**

**Delegate(s):** Pr HM Newton & Cr Lucken  
**Proxy:** Cr McGlinn

##### **Main Roads Western Australia Regional Road Group**

**Delegate(s):** Cr Cosgrove  
**Proxy:** Cr Bagley

##### **Tourist & Promotion Committee**

**Delegate(s):** CDO Budrikis  
**Proxy:** Cr McGlinn

##### **Silver Chain Branch Committee**

**Delegate(s):** Cr Eardley  
**Proxy:** Cr McGlinn

##### **Community Resource Centre Management Committee**

**Delegate(s):** Pr HM Newton  
**Proxy:** CDO Budrikis

##### **Local Emergency Management Committee**

**Delegate(s):** Cr RW Newton  
**Proxy:** CEO Whitely

##### **Wildflower Country Inc**

**Delegate(s):** Cr McGlinn & CDO Budrikis  
**Proxy:** CEO Whitely



### **Comment**

The previous appointments were made for a 12-month period and, as such, it is necessary to review them at this time.

It should be noted that there is an expectation that Council have representation on both the WALGA Northern Country Zone, Main Roads Western Australian Regional Road Group Committees and Local Emergency Management Committee. There is no requirement for Councillors to nominate for other Committees, it is suggested that if a Councillor has an area of interest then they nominate for the respective Committee, alternatively a position on the Committee can be filled by a Staff member in the absence of a Council representative.

As the Shire's focus on tourism and economic development grows, the Chief Executive Officer will be seeking to join the Wildflower Country Inc. Committee, and potentially take on a management role on that committee.

Of the committees listed above, only the Local Emergency Management Committee is a legislative requirement for Council; the others either relate to local government activities (WALGA NCZ, Main Roads RRG) or local community groups.

### **Consultation**

Nil

### **Statutory Environment**

S38 of the *Emergency Management Act 2005* requires a local government to establish a local Emergency Management Committee (LEMC).

According to Chapter 7 of the State Emergency Management Preparedness Procedures, the LEMC chair should be an elected member of Council.

### **Policy Implications**

#### **1003 ELECTION TO COMMITTEES**

Nomination of Councillor/s to Positions in Council/Committees - Prior to any nomination being made the person being nominated be advised of the proposal, and appointment to the position will be subject to the approval of the nominee.

### **Financial Implications**

Nil

### **Strategic Implications**

Community Strategic Plan

Outcome 4.2.2 – To be strong advocates representing the Shire's interests

### **Voting Requirements**

Simple Majority

## **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111806**

**Moved: Cr McGlinn / Seconded: Cr Newton**

**That Council appoint delegates to the various Committees and Community Organisation as follows:**

**WALGA Northern Country Zone**

**Delegates: Pr H Newton & Cr Bagley**

**Proxy: Cr McGlinn**

**Main Roads Western Australia Regional Road Group**

**Delegates:** Cr Cosgrove

**Proxy:** Cr Bagley

**Local Emergency Management Committee**

**Delegates:** Cr R Newton

**Proxy:** Cr Bagley

**Tourist & Promotion Committee**

**Delegates:** CDO Ella Budrikis

**Proxy:** Cr Eardley

**Silver Chain Branch Committee**

**Delegates:** Cr Eardley

**Proxy:** Cr McGlinn

**Community Resource Centre Management Committee**

**Delegates:** Pr Newton

**Proxy:** Cr McGlinn

**Wildflower Country Inc**

**Delegates:** CEO Nils Hay & CDO Ella Budrikis

**Proxy:** Cr McGlinn

**VOTING DETAILS:**

**PUT AND CARRIED 6/0**

**9.2 FINANCE**

**9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2018**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 14 November 2018  
**Author:** Cherie Delmage; Projects Finance

**Summary**

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 October 2018 is presented to Council for adoption.

**Attachment**

Finance Report for period ending 31 October 2018

**Background**

The Monthly Financial Report to 31 October 2018 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

**Comment**

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Fund	\$1,425,391
Cash on Hand	\$300
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$736,007
Trust Fund	\$94,527
Reserve fund (3 Month Term Deposit) @ 2.50%	\$408,783

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2018/2019 financial year.

### Consultation

Nil

### Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

### Policy Implications

Nil

**Financial Implications**

Financial implications are outlined in comments.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION– Resolution 21111807**

**Moved: Cr Newton / Seconded: Cr Eardley**

**That the Monthly Statement of Financial Activity for the period 1 July 2018 to 31 October 2018 be received.**

**VOTING DETAILS:**

**PUT AND CARRIED 6/0**

## 9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 OCTOBER 2018

**Location/Address:** Shire of Mingenew  
**File Reference:** ADM0042  
**Attachment/s:** List of Payments – October 2018  
**Disclosure of Interest:** Nil  
**Date:** 13 November 2018  
**Author:** Cherie Delmage – Projects Finance

### Summary

This report recommends that Council receive list of payments for period ending 31 October 2018 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

### Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

### Consultation

Nil

### Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

### Policy Implications

Payments have been made under delegation.

### Financial Implications

Funds available to meet expenditure.

### Strategic Implications

Nil

### Voting Requirements

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION– Resolution 21111808**

**Moved: Cr Cosgrove / Seconded: Cr Bagley**

**That Council receive the attached list of payments for the month of October 2018 as follows:**

<b>\$13,125.12</b>	<b>Municipal Cheques 8571 to 8574 (Cheque 8573 Cancelled);</b>
<b>\$305,182.24</b>	<b>Municipal EFT11885 to EFT11952;</b>
<b>\$21,685.92</b>	<b>Municipal Direct Debit Superannuation Payments;</b>
<b>\$60,584.55</b>	<b>Municipal Direct Debit Department of Transport (Licencing) Payments; and</b>
<b>\$116.90</b>	<b>Municipal Direct Debit National Australia Bank Fees</b>

**Totalling \$400,964.73**

**VOTING DETAILS:**

**PUT AND CARRIED 6/0**

**Cr Bagley left the meeting at 4:54pm**

**Cr Eardley left the meeting at 4:55pm.**

### 9.3 ADMINISTRATION

#### 9.3.1 COUNCIL MEETING DATES FOR 2019

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0504  
**Disclosure of Interest:** Nil  
**Date:** 23 October 2018  
**Author:** Belinda Bow, Governance Officer

#### Summary

Council is requested to formally agree to the Council meeting dates for 2019 as outlined below.

#### Attachment

Nil

#### Background

Council has an obligation under the Local Government Act 1995 and associated regulations to advertise at least once a year the proposed meeting dates, times and place for the coming year.

There is the ability to change the date and or time of a meeting if required and also the ability to call a Special Council Meeting if required. These changes are to be advertised if time permits.

#### Comment

The Shire of Mingenew has traditionally met on the third Wednesday of the month apart from September when the meeting has been altered to fit in with the dates of the Mingenew Expo if deemed necessary. The ordinary council meetings have commenced at 4.00pm in the Council Chambers, Victoria Street, Mingenew.

Council does not usually hold a meeting in January but has the option of calling a meeting if required.

The meeting dates proposed for 2019 are as follows:

January 2019- No Meeting

20 February 2019

20 March 2019

17 April 2019

15 May 2019

19 June 2019

17 July 2019

21 August 2019

18 September 2019

16 October 2019

20 November 2019

18 December 2019

The Easter public holidays for 2019 are Friday 19 April and Monday 22 April 2019.

Mingenew Expo is scheduled for 15 & 16 August 2019 and the WALGA Local Government Convention is usually in the first week of August.

#### Consultation

Nil



**Statutory Environment**

*Local Government Act 1995 s5.3*

Directs council to hold Ordinary Meetings of Council, which are not to be more than 3 months apart; and

*Local Government (Administration) Regulations 1996-*

12(1) requires that at least once each year a local government is to give local public notice of the dates on which and the time and place at which –

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

Are to be held in the next 12 months.

12(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation(1)

**Policy Implications**

Council has no policies in respect to this matter.

**Financial Implications**

Advertising costs are included in the annual operational budget.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111809**

**Moved: Cr Cosgrove / Seconded: Cr Newton**

**That Council:**

- 1. Conduct its meetings for 2019 at the Shire of Mingenew Council Chambers, located at 21 Victoria Street Mingenew; and will**
- 2. Commence its Ordinary Meetings at 4.30pm on the below-mentioned days:**
  - January 2019- No Meeting**
  - 20 February 2019**
  - 20 March 2019**
  - 17 April 2019**
  - 15 May 2019**
  - 19 June 2019**
  - 17 July 2019**
  - 21 August 2019**
  - 18 September 2019**
  - 16 October 2019**
  - 20 November 2019**
  - 18 December 2019; and**
- 3. Requires the CEO to give Local Public Notice of the aforementioned details.**

**VOTING DETAILS:**

**PUT AND CARRIED 4/0**

### 9.3.2 SHIRE OFFICE HOURS – CHRISTMAS PERIOD

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0089  
**Date:** 23/10/2018  
**Author:** Nils Hay, Chief Executive Officer

#### **Summary**

For Council to consider closure of the Shire Administration Office over the Christmas / New Year Period, and for a short period thereafter.

#### **Attachment**

Nil

#### **Background**

In the past three (3) years Council has authorised the closure of the Administration Office as follows:

2017- 12pm Friday 22 December 2017, returning on Monday 8th January 2018- (7 working days, excluding public holidays)

2016- Friday 23th December 2016, returning on Wednesday 4th January 2017 (5 working days)

2015- 12pm Thursday 24th December 2015, returning on Monday 4th January 2016 (5 working days)

No complaints or adverse comments have been received in relation to the office closure over the periods mentioned.

This year Christmas Day falls on a Tuesday with Tuesday 25 and Wednesday 26 (Boxing Day) being public holidays. New Year's Day and its public holiday fall on the following Tuesday 1 January 2019.

#### **Comment**

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements.

It is proposed that the office be closed from 12pm on Friday 21st December 2018 to Friday the 4<sup>th</sup> January 2019, inclusive, reopening on Monday 7th January 2019. If approved, this will mean that any payments or licensing will not be processed during this 10 day period (7 business days, over and above the 3 public holidays). However, it is considered that this inconvenience can be minimised by early advertising of the office closure dates to enable both the Shire, and the Community, time to make alternate arrangements for licensing, payments and creditor runs.

In regards to the Town Crew, it is envisaged that a skeleton roster be established to ensure coverage if required, with the Works Supervisor, or an allocated officer, to be on-call.

#### **Consultation**

Nil

#### **Statutory Environment**

*Local Government Act 1995, s2.7(2)*

Provides that Council is to oversee the allocation of Local Government finances and resources and to determine the local government policies.

*Local Government Act 1995, s2.7(2)*

Provides that the general function of the local government is to provide for the good government of persons in its district.

**Policy Implications**

Council have no policies in respect to this matter.

**Financial Implications**

There are no specific financial implications of the close-down as Staff that does not work on these days will utilise annual leave and/or rostered day-off entitlements.

**Strategic Implications**

There will be a loss of licensing services during the period of office closure, however it is considered that this inconvenience can be minimised by early advertising of the dates the service will be unavailable. It also needs to be noted that typically the Shire has low utilisation during the January period.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111810**

**Moved: Cr McGlinn / Seconded: Cr Newton**

**That Council endorse the Shire of Mingenew Administration Office closing at 12pm Friday 21<sup>st</sup> December 2018 and reopening at 8.30am on Monday 7<sup>th</sup> January 2019, subject to local public notice being given.**

**VOTING DETAILS:**

**PUT AND CARRIED 4/0**

### 9.3.3 POLICIES – GRATUITIES; AND DISCRIMINATION HARASSMENT AND BULLYING.

<b>Location/Address:</b>	Not Applicable
<b>Name of Applicant:</b>	Not Applicable
<b>Disclosure of Interest:</b>	Neil Hartley (Project Officer)
<b>File Reference:</b>	ADM0489
<b>Date:</b>	19 October 2018
<b>Author:</b>	Neil Hartley (Project Officer)

#### **Summary**

The Shire of Mingenew is working through a program of updating its policies. A priority is to present to Council for its consideration, those policies that have a strong legislative relevance.

The Shire is liaising with the Western Australian Local Government Association and maintains a subscription to its governance/local laws service. Of the four policies that are legislatively required, the Shire has two already in place. The other two, Gratuities (Local Government Act S5.50); and Discrimination Harassment and Bullying (Occupation Safety & Health Act) are now presented for consideration.

Gratuities Policy – This policy provides an opportunity for the Shire to recognise the employees of small district communities like Mingenew, that rely heavily on Shire and other local employees to contribute to local community wellbeing, often in the form of attending and actively participating in community activities. In addition, it can be used to both retain existing, as well as attract new staff.

Discrimination Harassment and Bullying Policy – This policy sends a strong signal from Council that it takes seriously its employer responsibilities of providing a safe work-place.

#### **Attachment**

Gratuities Policy; and  
Discrimination Harassment and Bullying Policy.

#### **Background**

All local governments have policies relevant to their operations. The Shire of Mingenew has a number of policies that it maintains and regularly reviews. As a continuous improvement initiative, officers are working through a program of ensuring its policies are in the most appropriate form. One of those components is to develop for Council's consideration, any new policies that have a strong legislative relevance.

Part of that process involves officers liaising with the Western Australian Local Government Association's governance officers. To facilitate that process, the Shire maintains a subscription to WALGA's governance/local laws service. WALGA outlines that there are four policies that are legislatively required for local governments and the Shire of Mingenew has two already in place (Code of Conduct; and Purchasing). The other two, Gratuities (Local Government Act S5.50); and Discrimination Harassment and Bullying (Occupation Safety & Health Act) are now presented for consideration.

#### **Comment**

Gratuities Policy - provides an opportunity for the Shire to recognise the employees of small district communities like Mingenew, that rely heavily on Shire and other local employees to contribute to local community wellbeing, often in the form of attending and actively participating in community activities. In addition, it can be used to both retain existing, as well as attract new staff. The proposed policy standardises gratuity payments across the organisation; sets limits to which employee classifications are eligible; sets sums at levels thought acceptable to the community, yet still likely to having a meaningful chance of both attracting and retaining staff; and meets the Council's legislative obligations of having a policy should it choose to use gratuities as one of its employment initiatives.

Discrimination Harassment and Bullying - human resources are one of the shires greatest assets, and it also consumes a large portion of the annual budget. Local governments largely operate through their staff, providing a range of services and operations. Whilst Mingenew has a relatively small number of staff, it is still appropriate to have the necessary range of policies and procedures in place to both comply with the relevant legislation, but also ensure a safe and productive workplace exists. The adoption of a Discrimination Harassment and Bullying Policy sends a strong signal from Council that it takes seriously its employer responsibilities of providing a safe work-place and meeting its legislative responsibilities.

Code of Conduct; and Purchasing policies - Whilst the Shire has existing Code of Conduct and Purchasing policies, a review of the Code is underway in an effort to improve its relevance by creating separate (but complimentary) Elected Members, and an Employees Codes. In regard to the Purchasing Policy, a recent performance audit by the Office of the Auditor General (which didn't include Mingenew in its sample) has indicated that process improvements could be made in the local governments it surveyed. A review of Mingenew's policy and procedures would therefore seem prudent and might draw out some enhancements. If changes to the policy are thought warranted, a report to Council will be provided.

### **Consultation**

WALGA

### **Statutory Environment**

Gratuities Policy – Local Government Act Section 5.50 (Payments to employees in addition to contract or award) outlines that a local government wishing to provide for gratuities to its staff who are finishing their employment with the local government must prepare a policy setting out the circumstances in which the local government will pay an employee such a gratuity, and the assessment methodology of the amount. The adopted Policy must be advertised as a local public notice.

Local Government (Administration) Regulations, R19A, prescribes the maximum value of payment(s) able to be made. That maximum varies depending on position and employment departure circumstances, and varies between \$5,000 and the value of the person's final annual remuneration. The value of the calculated gratuity can be in the form of cash, a gift, or shire property, or combination thereof.

Notwithstanding the Policy criteria, a local government may decide that circumstances warrant the making of an additional gratuity payment to an employee, but local public notice must be given each time such a payment is made.

Discrimination Harassment and Bullying Policy – a variety of legislation makes it illegal for local governments and other employers to treat staff unfairly, unsafely, or discriminatory, including the Local Government Act; the Equal Opportunity Act 1984 (WA) and the Sex Discrimination Act 1984 (Cth); Regulation 19A of the Local Government (Administration) Regulations 1996; Occupational Safety and Health Act 1984 (WA); and the Occupational Safety and Health Regulations 1996 (WA).

### **Policy Implications**

Nil.

### **Financial Implications**

Gratuity Policy – Whilst the gratuity for forthcoming years will be very low (less than \$200 per year). As employee tenure grows beyond the policy implementation date of 1 July 2019, so too will future gratuity payments. In say 10 years time, an annual budget allocation of approximately \$500 - 1,000 would likely be required.

### **Strategic Implications**

The 2017 – 2021 Corporate Business Plan has a range of objectives, outcomes and actions that revolve around these policy issues, including the outcomes of *'improving community health and well-being'*; *'being*

*an open and accountable local government that is respected, professional and trustworthy’; and ‘to achieve a high level of compliance.’*

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111811**

**Moved: Cr Cosgrove / Seconded: Cr Newton**

**That Council:**

- 1. Adopts the Gratuities Policy, and requires the CEO to arrange its local public advertising;**
- 2. Adopts the Discrimination Harassment and Bullying Policy; and**
- 3. Notes that a review of the Code of Conduct (to facilitate separate but complimentary Elected Members, and an Employees Codes); and of the Purchasing Policy, is being progressed by the CEO.**

**VOTING DETAILS:**

**PUT AND CARRIED 4/0**

### 9.3.4 FREEDOM OF INFORMATION ACT 1992 – INFORMATION STATEMENT

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0076  
**Date:** 08 November 2015  
**Author:** Belinda Bow, Governance Officer

#### Summary

This report includes a copy of the revised Shire of Mingenew Information Statement (IS) and recommends that Council review and endorse the Information Statement as amended.

#### Attachment

Revised Shire of Mingenew Information Statement for 2018/19.

#### Background

Part 5 of the *Freedom of Information Act 1992* (WA) (the FOI Act) requires each agency to prepare and publish an information statement within 12 months after the commencement of the FOI Act, and to update the statement at intervals of not more than 12 months (sections 96 and 97 of the FOI Act).

Further, the Act requires that all Local Governments have an information statement made available for inspection and/or purchase by members of the public.

The Information Statement can be published electronically on Council's website, as a stand-alone hard copy or incorporated into Council's Annual Report or a combination of all the options. A copy of the Information Statement must also be provided to the Information Commissioner when first produced and when any amendments are made.

#### Comment

Information Statements are an important part of FOI legislation. They assist members of the public to exercise their rights under the FOI Act, by describing the information and records available, together with a summary of the responsibilities and functions carried out by each agency. This is why in 2017, after a review of the Shire's then current Information Statement, the document was reworked and updated to include further information and contact details for the community to access. It was then adopted by Council at the Ordinary Meeting in December and advertised as per legislative requirements.

Given that it has been 12 months since the Information Statement's last review, and that the Shire has had significant staff changes since adoption, I have again updated sections 5.4, 5.5 and 6.3. All the other sections remain relevant. Once adopted, the updated version will be sent to the Information Commissioner as per the Freedom of Information Act 1992 and displayed on the website for access.

#### Consultation

Nil

#### Statutory Environment

Freedom of Information Act, 1992

#### s.94 Publication of information about agencies

A reference in this Act to an *information statement*, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;

- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
  - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
  - (ii) which kinds of documents can be purchased; and
  - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
  - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
  - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
  - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
  - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

**s.96 Information statement, each agency to publish annually**

- 1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —
- (a) within 12 months after the commencement of this Act; and
  - (b) at subsequent intervals of not more than 12 months.

**s.97 Information statement and internal manual, each agency to make available etc.**

- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.

**Policy Implications**

Nil

**Financial Implications**

There are costs associated with producing copies of the Information Statement, however the FOI Act allows Council to charge members of the public for a copy of the Information Statement and other documents that may be requested.

**Strategic Implications**

The Shire of Mingenew Community Strategic Plan supports the notion of open and accountable government.



**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111812**

**Moved: Cr Cosgrove / Seconded: Cr McGlinn**

**That Council**

- 1. Endorse the amended Freedom of Information – Information Statement as attached;**
- 2. Requires the Information Statement be published on the Shire of Mingenew Website; and**
- 3. Requires the CEO to provide a copy of the amended Information Statement to the Information Commissioner.**

**VOTING DETAILS:**

**PUT AND CARRIED 4/0**

**9.4 TOWN PLANNING**

Nil

**9.5 BUILDING**

Nil

**10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**11.1 ELECTED MEMBERS**

**11.2 STAFF**

**11.2.1 CLOSED SESSION [s5.23 (2)(c)]: TENDER- 29/18- DISPOSAL OF FRONT END LOADER & EQUOTES VPR216051 DISPOSAL AND PURCHASE OF FRONT END LOADER**

**PROCEDURAL MOTION – ITEM 11.2.1**

**Moved: Cr Cosgrove / Seconded: Cr McGlinn**

**That the following new business of an urgent nature be considered by Council:**

**Item 11.2.1- TENDER- 29/18- DISPOSAL OF FRONT END LOADER & EQUOTES VPR216051  
DISPOSAL AND PURCHASE OF FRONT END LOADER**

**VOTING DETAILS:**

**PUT AND CARRIED 4/0**

**PROCEDURAL MOTION – ITEM 11.2.1**

**Moved: Cr McGlinn / Seconded: Cr Newton**

**That the meeting be closed to members of the public in accordance with section 5.23 of the Local Government Act to allow Council to discuss a matter that concerns an employee and/or a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.**

**VOTING DETAILS:**

**PUT AND CARRIED 4/0**

**No members of the public present.**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111813**

**Moved: Cr McGlinn / Seconded: Cr Cosgrove**

**That Council:**

- 1. Does not award RFT 29-18 on the grounds that better value for money is obtainable through Tender VP122832; and**
- 2. Awards Tender VP122832 to the highest-scoring candidate: CNH Australia (Case) for the purchase of a New 721FXT Case Wheeled Loader at the changeover price of \$155,000.00;**

3. Delegates authority to the CEO to negotiate, execute and manage the Contract including any variations, provided those variations do not exceed the allocated budget provision, or significantly vary from the overall scope.

VOTING DETAILS:

PUT AND CARRIED 4/0

## 12.0 CONFIDENTIAL ITEMS

### 12.1 CLOSED SESSION [s5.23(2)(a)]: ENDORSEMENT OF STAFF TO SERVE AS ACTING CHIEF EXECUTIVE OFFICER

#### OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111814

Moved: Cr Cosgrove / Seconded: Cr Newton

That Council;

1. Note the contents of the report; and
2. Is satisfied that Jeremy Clapham is suitably qualified for the position of Acting Chief Executive Officer; and
3. Authorise the Chief Executive Officer to appoint Jeremy Clapham in accordance with the relevant Council Policy.

VOTING DETAILS:

PUT AND CARRIED 4/0 BY ABSOLUTE MAJORITY

### 12.2 CLOSED SESSION [s5.23 (2)(c)]: REQUEST TO AMEND FEES AND CHARGES

#### OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111815

Moved: Cr Cosgrove / Seconded: Cr McGlenn

That Council:

1. Pursuant to section 6.16 and 6.19 of the *Local Government Act 1995* amend the 2018/19 List of Fees & Charges Schedule as per 2 below and give local public notice of the changes, with the revised fee/charge taking effect from 29 November 2018.

2. Modify the 2018/19 Fees and Charges Table by:

a. deleting the following fees and charges:

Fee/Charge	Unit	2018/19 Total Cost	Statutory or Council Fee	2017/18 Total Cost
Executive 4 x 2 Houses (supplied by Karara)	per week	\$310.00	C	\$310.00

b. adopting in lieu, the following fee/charge:

Fee/Charge	Unit	2018/19 Total Cost	Statutory or Council Fee	2017/18 Total Cost

Executive 4 x 2 Houses (supplied by Karara)	per week	\$300.00	C	\$310.00
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**VOTING DETAILS: PUT AND CARRIED 4/0 BY ABSOLUTE MAJORITY**

**12.3 CLOSED SESSION [s5.23 (2)(d)]: REQUEST TO EXCHANGE LAND FOR RATES PAYMENT**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111816**

**Moved: Cr Cosgrove / Seconded: Cr Eardley**

**That Council:**

1. Resolves that 36 Oliver Street Mingenew (Lot 176 on Plan 2893) does not hold strategic significance for the Shire; and
2. Does not support accepting 36 Oliver Street Mingenew (Lot 176 on Plan 2893) as payment for rates.

**VOTING DETAILS: PUT AND CARRIED 4/0**

**12.4 CLOSED SESSION [s5.23 (2)(c)]: TENDER – RFT 2018/19 – 3 - SUPPLY & LAY BITUMEN AND AGGREGATE.**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- Resolution 21111817**

**Moved: Cr Cosgrove / Seconded: Cr McGlenn**

**That Council:**

1. Note the attached Evaluation report (CONFIDENTIAL ATTACHMENT) 12.4 with respect to RFT 2018/19(3) - Supply & Lay Bitumen and Aggregate;
2. Award the contract for RFT 2018/19(3) - Supply & Lay Bitumen and Aggregate to Bitutek Pty Ltd for the fixed price sum of \$205,046 and delegate authority to the Chief Executive Officer to enter into a suitable contract with Bitutek Pty Ltd; and
3. Delegate authority to the Chief Executive Officer to manage the Bitutek Pty Ltd contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and that it is managed within the overall budget for the projects.

**VOTING DETAILS: PUT AND CARRIED 4/0**

**PROCEDURAL MOTION- ITEM 12.4**

**Moved: Cr Newton / Seconded: Cr Cosgrove**

**That the meeting be re-opened to members of the public.**

**VOTING DETAILS: PUT AND CARRIED 4/0**

**13.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 19 December 2018 commencing at 4.30pm.

**14.0 CLOSURE**

The President thanked all for attending and closed the meeting at 5.20pm.

**These minutes were confirmed at an Ordinary Council meeting on 19 December 2018.**

**Signed** \_\_\_\_\_  
**Presiding Officer**

**Date:** \_\_\_\_\_