



MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2020

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS AT
21 VICTORIA STREET, MINGENEW ON 16 DECEMBER 2020 COMMENCING AT 4.30PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4:30pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS

GJ Cosgrove	Shire President	Town Ward
HR McTaggart	Councillor	Rural Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
AR Smyth	Councillor	Town Ward
CV Farr	Councillor	Town Ward

APOLOGIES

HM Newton	Councillor	Town Ward
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STAFF

N Hay	Chief Executive Officer
J Clapham	Finance and Administration Manager
P Wood	Works Manager
E Greaves	Governance Officer

GUESTS

Mr Adrian Burns
Mr Chris & Mrs Sarah Gammon

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME / PUBLIC STATEMENT TIME

Cr CV Farr left the meeting at 4:31pm.

1. Mr Burns outlined his concerns regarding Council's decision at the November 2020 Ordinary Council meeting to approve the mobile food and coffee van and disappointment that Council did not elect to put the proposal out for public consultation first. Mr Burns is concerned that the operation of the van in the Mingenew townsite, particularly during the peak tourist season, may negatively impact his business due to the additional competition (Mingenew Hotel Motel). He also outlined that he didn't feel it fair that the mobile food van is not subject to rates and service charges like a "bricks and mortar" business might be and was further aggrieved that the mobile food van owner did not live in Mingenew.

The Shire President responded, noting that public consultation on this matter was not legislatively required, but accepting that it could have been given greater consideration in this case. However, the proposal was made under planning legislation which requires Council to operate in a quasi-judicial manner; meaning that decisions must be made strictly on planning grounds and whether the application meets/does not meet legislative requirements and other planning guidelines.

A Council decision in this regard cannot be influenced by other matters, including the applicant's place of residence, commercial viability, market competition etc. The approval for the mobile food and coffee van included a number of conditions which took into consideration other local businesses, with operating hours restricted for the town centre location when the Mingenew Bakery and Mingenew Roadhouse are operating. The application was subject to an annual licence fee of \$275, as per Council's Fees & Charges, and the commercial properties where the van will operate both pay Council rates. The approval was only granted for a 12-month trial period and Council will be reviewing the operations internally every 3 months.

Mr Burns left the meeting at 4:39pm.

2. Mr Gammon outlined that the Mingenew Bakery is struggling during the quiet season and were also concerned about the impact of the mobile coffee and food van operating, in low peak times. Mr & Mrs Gammon were also of the view that Council should have consulted with potentially affected business owners.

The Shire President reiterated that Council will continue to monitor the van operation every three months and invited local businesses to provide supporting evidence of any negative impacts directly correlating to the mobile food and coffee van's operation. Any such evidence will be considered as part of the review process. The Shire is also in the process of developing a local law that will govern applications such as this and will consider supporting policies that trigger community consultation.

It is noted that Councillors have been in receipt of correspondence prior to the meeting, from Ms L Eardley of the Mingenew Roadhouse, Mr A Burns of the Mingenew Commercial Hotel and Mr & Mrs Gammon of the Mingenew Bakery, regarding the approval for the mobile coffee and food van to operate within the Shire of Mingenew. A written response will be subsequently provided by the Chief Executive Officer on behalf Council, addressing any questions raised.

Mr & Mrs Gammon left the meeting at 4:45pm.

Cr Farr returned at 4:46pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 21 OCTOBER 2020

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.1 RESOLUTION# 01161220
MOVED: Cr Smyth SECONDED: Cr Bagley

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 18 November 2020 be confirmed as a true and accurate record of proceedings, subject to the following correction being made to the Resolution# 08181120 for 'Item 11.7 Proposed Siting of Mobile Food & Coffee Van':

1. Change the reference to 'Palm Roadhouse' to 'Mingenew Roadhouse'; and
2. Amend Condition 9 to include reference to the Mingenew Roadhouse as outlined at the beginning of the motion under locations approved, to - "The mobile food & coffee van shall not be located upon Reserve 47995 Midlands Road, Mingenew during times when the Mingenew Bakery or Mingenew Roadhouse is open for business."

As shown in the Attachment Booklet – December 2020.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY: 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Nil.

10.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE – 23 NOVEMBER 2020

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 10.2.1 RESOLUTION# 06161220

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

That Council:

1. receives the Minutes of the Shire of Mingenew Local Emergency Management Committee meeting held 23 November 2020; and
2. notes the COVID Exercise conducted by the Department of Fire and Emergency Services (DFES) with the Local Emergency Management Committee and relevant agencies.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY: 6/0

10.3 AUDIT & RISK COMMITTEE – 9 DECEMBER 2020

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 10.3.1 RESOLUTION# 07161220

MOVED: Cr AR Smyth

SECONDED: Cr JD Bagley

That Council receives the Minutes of the Shire of Mingenew Audit & Risk Committee meeting held 9 December 2020.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY: 6/0

COMMITTEE RECOMMENDATION AND COUNCIL DECISION – ITEM 10.3.2 RESOLUTION# 08161220

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

That Council, on recommendation from the Shire of Mingenew Audit & Risk Committee, receives and accepts the Annual Financial Report for the financial year ended 30 June 2020 as presented.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY: 6/0

11.0 CHIEF EXECUTIVE OFFICER REPORTS

11.1 ANNUAL REPORT 2019/20 AND ANNUAL MEETING OF ELECTORS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0081
Date:	26 November 2020
Author:	Erin Greaves, Governance Officer and Jeremy Clapham, Finance and Administration Manager
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirement:	Absolute Majority

Summary

Council are presented with the 2019/20 Annual Report (including the Annual Financial Report and Independent Auditors Report) for adoption and are requested to set the date for the annual meeting of Electors.

Key Points

- Unqualified audit opinion on the Annual Financial Report issued by the Office of the Auditor General (OAG)
- Retrospective changes to legislation published in November have made the completion of the Annual Financial Report for this year very challenging
- This is the final year that Butler Settineri will be auditing the Shire on behalf of the OAG. From next year, the audit will be done directly through the OAG or a new tender will be called for a new contract auditor to complete the audit on behalf of the OAG
- Only one management item to address from the Butler Settineri Annual Audit Completion Report
- While the content for the Annual Report is complete, the final design work has not yet been completed for presentation

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.1 RESOLUTION# 09161220
MOVED: Cr CV Farr SECONDED: Cr AR Smyth

That Council:

1. By Absolute Majority, accepts the statutory content of the Annual Report, the Annual Financial Report and Independent Auditors Report for the 2019/20 financial year, as presented in the attachment to this report; and
2. Authorises the Chief Executive Officer to make minor variations to the final design of the Annual Report document (not substantive content) in order to publish the final document on the Shire's website by 18 December 2020; and
3. Holds its Annual Meeting of Electors on Monday, 8 February 2021 at 5:30pm to discuss the contents of the annual report and any other matters, in accordance with s5.27 of the *Local Government Act 1995* and Regulation 15 of the *Local Government (Administration) Regulations 1996*.

VOTING REQUIREMENT:

CARRIED BY ABSOLUTE MAJORITY: 6/0

Attachment

- 11.1.1 2019/20 Annual Report (Draft Design)
- 11.1.2 2019/20 Annual Financial Report
- 11.1.3 2019/20 Independent Auditor's Report
- 11.1.4 2019/20 Annual Audit Completion Report complete with Management Responses
- 11.1.5 2019/20 Management Representation Letter
- 11.1.6 Response to Management Letter and Other Legal and Regulatory Items

Background

Pursuant to Section 7.9 of the *Local Government Act 1995* ("LGA"), an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit. The Auditor is also required, by 31 December following the financial year to which the accounts and report relate, prepare a report thereon and forward a copy of that report to:

- (a) the President; and
- (b) the Chief Executive Officer; and
- (c) the Minister.

Furthermore, in accordance with Regulation 10(4) of the *Local Government (Audit) Regulations 1996* ("*Audit Regulations*"), where it is considered appropriate to do so, the Auditor may prepare a Management Report to accompany the Auditor's Report, which is also to be forwarded to the persons specified in Section 7.9 of the LGA.

The Audit & Risk Committee is required to examine the reports of the auditor after receiving a report from the Chief Executive Officer on the matters reported and:

- Determine if any matters raised require action to be taken by the local government; and
- Ensure that appropriate action is taken in respect of those matters.

The Audit & Risk Committee is also required to review a report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and present the report to Council for adoption. A copy of the report is to be forwarded to the Minister prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.

The Audit & Risk Committee is requested to consider and recommend adoption of the annual financial report to Council.

Comment

The Shire was audited by Butler Settineri, as the appointed contract auditor by the Office of the Auditor General (OAG) for the year ended 30 June 2020. This is the final year that the Shire will be audited by Butler Settineri, as from next year, the audit will be carried out directly by the OAG or a new contract audit as a result of a tender carried out by the OAG. The OAG has issued an unqualified audit report for 2019/20. There were some challenges in regard to the timing of the completion of the Annual Financial Report, due to the late gazetting of retrospective changes to legislation. There were 3 items raised by Butler Settineri in their Audit Completion Report, one of which was ultimately removed from the final management letter. The two remaining items, relating to an instance of not collecting adequate quotes before procuring and the Shire's Operating Surplus Ratio, have been addressed by Management in attachment 11.1.6.

Consultation

- Butler Settineri
- Office of the Auditor General
- Lateral Aspect

Statutory Environment

Local Government Act 1995

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president; and
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit; or
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government,details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
 - (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

- (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

5.53 Annual Reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain –
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - (c), (d) deleted
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including –
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; andsuch other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.
** Absolute majority required.*
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

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.

Local Government (Audit) Regulations 1996

10. Report by auditor

- (1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.
- (2) The report is to give the auditor's opinion on –
 - (a) the financial position of the local government; and
 - (b) the results of the operations of the local government.
- (3) The report is to include –

- (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and
 - (b) any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and
 - (c) details of whether information and explanations were obtained by the auditor; and
 - (d) a report on the conduct of the audit; and
 - (e) the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —
 - (i) the asset consumption ratio; and
 - (ii) the asset renewal funding ratio.
- (4A) In subregulation (3)(e) —
asset consumption ratio has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 50(2);
asset renewal funding ratio has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 50(2).
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.

Local Government (Financial Management) Regulations 1996

17A. Assets, valuation of for financial reports etc.

- (1) In this regulation —
carrying amount, in relation to a non-financial asset, means the carrying amount of the non-financial asset determined in accordance with the AAS;
fair value, in relation to a non-financial asset, means the fair value of the non-financial asset measured in accordance with the AAS;
right-of-use asset, of a local government, includes the local government's right to use —
 - (a) Crown land; or
 - (b) other land that is not owned by the local government, that is vested in the local government at nil or nominal cost for an indefinite period for the purpose of roads or for any other purpose;**vested improvement**, in relation to a local government, means a pre-existing improvement on land of which the care, control or management is vested in the local government at nil or nominal cost for an indefinite period.
- (2) A local government must show in each financial report for a financial year ending on or after 30 June 2020 —
 - (a) the fair value of all of the non-financial assets of the local government that are —
 - (i) land and buildings that are classified as property, plant and equipment; or
 - (ii) investment properties; or
 - (iii) infrastructure; or
 - (iv) vested improvements that the local government controls; and
 - (b) the carrying amount of all of the non-financial assets of the local government that are plant and equipment type assets measured using the cost model in accordance with the AAS; and
 - (c) the carrying amount of all of the right-of-use assets of the local government (other than vested improvements referred to in paragraph (a)(iv)) measured using the cost model in accordance with the AAS.
- [(3) deleted]
- (4) A local government must revalue a non-financial asset of the local government referred to in subregulation (2)(a) —
 - (a) whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and

- (b) in any event, within a period of no more than 5 years after the day on which the asset was last valued or revalued.
- (5) A non-financial asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.

Local Government (Administration) Regulations 1996

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Policy Implications

Council has adopted a set of Terms of Reference which outline:

"The primary objective of the Audit and Risk Committee "the Committee" is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its statutory and fiscal affairs.

The Audit and Risk Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO."

The Committee's specific duties, in relation to this Item, include:

- Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and
 - ensure that audits are conducted successfully and expeditiously;
- Examine the reports of the auditor after receiving a report from the CEO on the matters to –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
- Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- Review the local government's draft annual financial report, focusing on –
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years;
- Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;

Financial Implications

Nil

Strategic Implications

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 December 2020

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

Community Strategic Plan 2019-2029 KPIs

- Financial ratios within the recommended industry guidelines
- Unqualified audit results

11.2 COUNCIL MEETING DATES 2021

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0213
Date: 30 November 2020
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Council are asked to set the schedule for meeting times and dates for the Ordinary Council meetings to be held in 2021.

Key Points

- In 2020, the meetings have been held on the third Wednesday of each month (excluding January) and it is proposed that this continue, with the exception of the October meeting
- The 2021 Local Government Ordinary Election is scheduled to occur on Saturday, 16 October 2021, three days prior to third Wednesday of the month which, if a meeting is to be held on that date, provides little time for any newly elected Councillors to adequately prepare for the meeting
- Council is required to set and give local public notice of the date, time and place of its ordinary council meetings at least once every calendar year

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.2 RESOLUTION# 10161220

MOVED: Cr HR McTaggart

SECONDED: Cr JD Bagley

That Council sets the 2021 Ordinary Council meeting dates to commence at 4:30pm, in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, as per the below schedule:

Council Meeting Dates 2021
January 2021 – Nil
17 February 2021
17 March 2021
21 April 2021
19 May 2021
16 June 2021
21 July 2021
18 August 2021
15 September 2021
13 October 2021
17 November 2021
15 December 2021

Unless local public notice is provided to the contrary, all Council meetings are to be held in Council Chambers located at 21 Victoria Street, Mingenew.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY 6/0

Background

Council have historically set and advertised its meeting dates for the third Wednesday of each month, excluding January. It is common practice of local governments within Western Australia to not hold a meeting in January due to the reduced service demand, minimal work's programming and decreased staff levels resulting from staff utilising their annual leave entitlements.

Ordinary Local Government Elections are held on the third Saturday in October every second year (in 2021 it will be on 16 October). The third Wednesday in October falls on 20 October 2020.

Comment

The role of an elected member is complex and requires significant time to understand roles, responsibilities, Council processes and establish relationships within the team and with their constituents. Whilst it is acknowledged that this occurs over time with training, access to resources and regular participation in Council processes, new elected members, the President and staff need reasonable time to run / participate in inductions, review resource material, go over any administrative requirements and prepare for the first meeting of the new Council. The proposed timing of the October meeting creates the opportunity to do this in a more organised and gradual manner and allows new council members more time to absorb information and seek clarity where needed.

As the date for the 2021 Election falls on the Saturday prior to the third Wednesday in October, it is proposed that Council consider holding its October Ordinary Council meeting a week earlier, on 13 October 2020 and a special meeting be held after the election to swear in the new Councillors and elect a Shire President and Deputy. The premise behind this is to ensure newly-elected members have a longer orientation period (approximately 4 weeks compared with 3 days) to become familiar with Council processes and their role, so they are more informed, prepared and confident to make decisions at their first Council meeting.

Council meetings have consistently been held at 4:30pm each month and feedback suggest that this time remains appropriate. It is open to Council to consider changing the date and time of meetings, although the current date schedule considers several factors:

- Accessibility of meetings to the public
- Availability of Council members
- Length of meetings
- Start times
- Ability to prepare accurate financial reports for the preceding report period
- Public holidays
- Local Government Elections (applicable every second year)

Concept Forums are also scheduled to be held on the same day as Council meetings but are generally not open to the public. The purpose of these meetings is for Elected Members and staff to introduce new concepts or matters that do not require a decision of Council at the time but assists Councillors and staff to be more informed in performing their duties.

Statutory Environment

Local Government (Administration) Regulations 1996

Regulation 12 Meetings, public notice of (Act s. 5.25(1)(g))

- 1) At least once a 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.

- 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).
- 3) Subject to subregulation (4), if a Special Meeting of a Council is to be open to members of the public the local government is to give local public notice of the date, time and place and purpose of the meeting.
- 4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications

Nil

Financial Implications

The Statements of Financial Activity must be presented to Council within 2 months after the end of month to which the statement relates. Meaning that the December 2020 and January 2021 statements must be presented at the February 2021 meeting (based on the proposed schedule).

In regard to the presentation of statements of financial activity to Council, the Local Government (Financial Management) Regulations 1996 Section 6.4, states the following;

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (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.*

Strategic Implications

Community Strategic Plan:

- Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner
- Strategy 1.3.2 Provide services and processes to enhance public safety

11.3 AMENDMENT TO DELEGATION CD02 DEBTS, WAIVERS, CONCESSIONS, WRITE OFFS AND RECOVERY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0213
Date: 30 November 2020
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

An amendment to the current delegation 'CD02 Debts, Waivers, Concessions, Write Offs and Recovery' is proposed to set parameters around the writing off of rates and service charges, and in particular minor interest charges.

Key Points

- Council last reviewed this delegation in April 2020 to consider the State-declared emergency (COVID) impacts and application of a Financial Hardship Policy
- The power to waive or write off debts in relation to rates and service charges (including rate interest) is excluded in the current delegation
- The amended delegation proposes write offs up to the value of \$30 for rates and service charges

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.3 RESOLUTION # 11161220

MOVED: Cr AR Smyth

SECONDED: Cr JD Bagley

That Council, by Absolute Majority, adopts the amended Delegation 'CD02 Debts, Waivers, Concessions, Write Offs and Recovery' as attached, to allow for minor write offs (up to \$30 limit) in relation to rates and service charges.

VOTING REQUIREMENT:

CARRIED BY ABSOLUTE MAJORITY 6/0

Attachment

11.3.1 Amended delegation CD02 Debts, Waivers, Concessions, Write Offs and Recovery

Background

Council reviewed the 'CD02 Debts, Waivers, Concessions, Write Offs and Recovery' at the 15 April 2020 Ordinary Council meeting to provide for writing off or waiving rates and service charges under circumstances where ratepayers qualify under the adopted Financial Hardship Policy during the State-declared emergency for COVID-19.

It is noted that, whilst s6.12(1)(c) allows the local government to write off debts (including rates and service charges, with rates interest falling into that definition), the Shire's delegation expressly prohibits this under Condition 1, as it states, "*The power to waive or write off debt and grant a concession does not apply to debts which are prescribed as debts, that are taken to be a rate or service charge*".

Comment

In receipting rates for the 2020/21 financial year, there have been instances where ratepayers have made administrative errors in paying their rates, such as immaterial underpayments or the timing of payments meant that interest has been incurred. It is estimated that the labour and administration costs to recover such amounts outweighs the balance of amounts owed and therefore, this amendment to the delegation is

proposed, allowing minor rates and service charges (including rate interest) to be written off up to the value of \$30.

Consultation

Officers within the Finance Team, responsible for the accounts management of rates payments, suggest that the requirement to write of rates and service charges would only need to be used to account for the rare, minor underpayment of rates which results in the system automatically applying interest charges, and any administrative errors by the ratepayer of a minor nature where reasonable attempts to make payments within required timeframes have been made.

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - b) waive or grant concessions in relation to any amount of money; or
 - c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications

An operational policy/procedure is being developed to outline the circumstances in which the delegation is to apply in more detail.

Financial Implications

Should the delegation not be amended, officers will need to bring to Council any minor write off amounts for a decision. Recovery of minor rate and service charges or seeking Council approval to write off the debts is considered to be more costly than writing off these debts through a delegation.

Strategic Implications

Community Strategic Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

11.4 SHIRE OF MINGENEW RESPONSE TO SELECT COMMITTEE INTO LOCAL GOVERNMENT REPORT

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0213
Date: 30 November 2020
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Council are presented with a proposed response to the Select Committee into Local Government Report.

Key Points

- The Legislative Council established the Select Committee into Local Government (Committee) on 26 June 2019. The Committee inquired into a wide range of systemic issues affecting the local government sector in Western Australia.
- The Select Committee has developed a number of findings and recommendations which have been collated into a report
- As with other reports impacting the future Local Government Act, it is proposed the Shire provide a response back to Government regarding our position
- The full Select Committee into Local Government Report can be found at www.parliament.wa.gov.au/ (not included in Attachments due to large size)

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.4 RESOLUTION # 12161220

MOVED: Cr AR Smyth

SECONDED: Cr HR McTaggart

That Council endorses and submits the attached response, prepared on behalf of the Shire of Mingenew, to the Select Committee into Local Government Report.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

11.4.1 Shire of Mingenew response to Select Committee into Local Government Report

Background

The Legislative Council established the Select Committee into Local Government in June 2019 to inquire into how well the system of local government is functioning in Western Australia, with particular reference to:

- a) whether the Local Government Act 1995 (LG Act) and related legislation is generally suitable in its scope, construction and application;
- b) the scope of activities of local governments;
- c) the role of the department of state administering the LG Act and related legislation;
- d) the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;
- e) the funding and financial management of local governments; and
- f) any other related matters the select committee identifies as worthy of examination and report.

The Select Committee collated feedback and submissions from a range of stakeholders and the community to produce the Select Committee into Local Government Report (the Report).

Comment

The Shire of Mingenew has actively participated in the various feedback avenues in relation to local government legislative reform and improvement. Many of the findings of the Committee are reflective of Mingenew's sentiments, particularly the concerns around:

- compliance obligations based on size and scale;
- cost shifting from State Government to local government;
- diminishing support provided to local governments and capacity of the Department of Local Government, Sport and Cultural Industries (DLGSC)

The only recommendation of the Report that is recommended for opposition is Recommendation 33 (found on page 295 of the full Report). The recommendation of the Committee is an amendment to s5.123 of the Local Government Act 1995 to allow a person to publicly discuss a minor breach complaint that has been dismissed by the Local Government Standards Panel. It is felt that this may deter a person with a legitimate complaint from submitting a complaint if confidentiality is not maintained.

The attached response provides the page number of each recommendation made by the Committee within the full Report, the Select Committee Recommendation and then the proposed response by the Shire of Mingenew.

Statutory Environment

Local Government Act 1995

Policy Implications

No specific implications are identified, as a result of the consultation process. However, any legislative changes resulting from the report may have direct and indirect impacts on Council policy which will be identified and implemented upon adoption of any changes.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 December 2020

- A mandatory online induction for all candidates;
- Universal training for elected members;
- Changes to the Standards Panel; and
- Easier access to information to provide greater transparency to the community.

The remaining priority reforms which are expected to be implemented in the coming months include:

- New mandatory code of conduct for elected members, committee members and candidates (as addressed by Council at the November 2020 Ordinary Council Meeting);
- Best practice standards for Chief Executive Officer (CEO) recruitment, performance review and early termination ((as addressed by Council at the November 2020 Ordinary Council Meeting); and
- Further transparency measures, including the Employee Code of Conduct Regulation under discussion in this paper

Extensive community consultation was conducted on stage two topics between September 2018 and March 2019 by the Department of Local Government, Sport and Cultural Industries (the Department) with contributions from community members, ratepayer associations, industry groups, local governments, elected members, and peak bodies.

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed in Parliament. The Act includes a requirement for local government CEOs to prepare and adopt a code of conduct for employees. Currently, Part 9 of the Local Government (Administration) Regulations 1996 deals with this requirement. Current provisions have been incorporated into new regulations with some amendments, particularly in relation to gift provisions. The consultation draft, proposed regulations, along with a proposed response document are attached. The due date for submissions is 6 January 2021.

Comment

In preparing the Shire's proposed response, consideration has been given to our previous position on similar items, as well as commentary obtained through Local Government Professionals WA. Whilst legislative reform in this area is welcomed, it is important that:

- It does not create unreasonable administrative burdens for small local governments like ours
- The regulations contain sufficient clarity to enable an effective and compliant employee code of conduct to be developed and implemented
- Consideration is given to elements that should or should not be included in a Code of Conduct – noting that some aspects of the proposed regulation changes, whilst sensible, would be better included elsewhere in Regulation

Whilst there is no question that it's important that employee gifts and interests are disclosed and recorded to ensure good governance and transparency, some of the methods proposed add – rather than remove – complexity whilst others are simply a restatement of existing legislation rather than actual reform.

Consultation

Local Government Professionals WA

Statutory Environment

These regulations will bring into effect **section 25** of the *Local Government Legislation Amendment Act 2019*.

Policy Implications

Nil at this stage. Ultimately, if adopted, review will be likely required of the existing Employee Code of Conduct to ensure it complies with any new provisions.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2019-2029

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner.

11.6 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUNDING

Location/Address:	Various
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0204
Date:	9 December 2020
Author:	Nils Hay, Chief Executive Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

A further round of Local Roads and Community Infrastructure Extension (LRCIE) funding is being made available for (calendar year) 2021. Council will need to choose priority projects to put this funding towards.

Key Points

- \$173,160 available through LRCIE; cannot be matched with federal or state funding but can be used for staff wages
- Funding available from 1 January 2021, must be expended by 31 December 2021
- Work on projects cannot commence until projects are submitted and approved (approval takes approximately 4 weeks, typically)
- Projects based on Strategic Community Plan 2019-29 (SCP), Corporate Business Plan 2019-23 (CBP) and 5-year Road Plan

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 11.6 RESOLUTION# 14161220

MOVED: Cr RW Newton

SECONDED: Cr AR Smyth

That Council:

- 1. Endorses the project prioritization for Local Roads and Community Infrastructure Extension funding as per the attached Project Prioritisation List; and**
- 2. Directs the Chief Executive Officer to submit the Shire's application for Local Roads and Community Infrastructure Extension funding on the basis of this prioritization**

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

11.6.1 LRCIE Project list

11.6.2 Project Plan Public WiFi

11.6.3 Project Plan Administration Building Upgrade

Background

This funding (\$173,160) is in addition to the \$243,000 of Local Roads and Community Infrastructure funding that the Shire is currently acquitting (with a deadline of 30 June 2021). Whilst the final program guidelines have not been received, it is expected that the program will operate in a similar fashion to the FY20-21 LRCI program. As the project name suggests, road and community infrastructure projects are the target of the funding.

The program allocation was discussed at Council's November 2020 Concept Forum.

Comment

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 December 2020

The attached projects have been considered, with four potential items recommended. As the attachment's comments notes, the recommendations have been made taking into account:

- Existing scope, or ease of scoping the project
- Whether the project will fit into the LRCIE program
- Alignment with SCP
- Cost
- Likelihood of accessing an alternative funding source

As a result of trying to bring a list of priorities together ahead of the end of the year, we do not have firm quotes for most of the projects in this list – only estimates. Depending upon the nature of the projects (whether they require Shire staff time or are contracted, and whether they are fully funded through LRCIE) they can either be delivered in the current financial year (which can be addressed through the budget review process) or form part of the 21/22 budget – noting that they will need to be completed and acquitted by 31 December 2021. That said, given the existing project load to be completed by 30 June 2021, there is a strong preference for this work to be pushed, as much as practicable, into the 21/22 financial year.

In terms of the recommendation, it is suggested that the two smaller projects be endorsed:

- Public WiFi
- Upgrade of Administration building

It is further suggested that the remaining funds be put towards one of the following road items: either Shire re-sheeting (across the roads planned in our 5 Year Road Plan) or the upgrade of the Yandanooka North East Rd drainage structure.

LRCIE is likely the only way that either of these items will receive external funding without reallocating funds through the 5 Year Road Plan, but it is noted that the guardrail structure would be completed by contractors whilst the re-sheeting would be done internally – and therefore the LRCIE funds could be utilised to engage Shire staff.

If the guardrail structure is not funded through LRCI, it could be funded through Roads to Recovery funding; this would require reducing the allocated R2R funding for a future project (as it is all currently allocated through our 5-year road plan). The most likely project would be to reduce the scope of the FY22/23 sealing works on Depot Hill North Road which currently has approximately \$387k of R2R allocated to it. Additional R2R funding will only become available again from FY 24/25.

Consultation

- Works Manager
- Audit & Risk Committee

Statutory Environment

Nil

Policy Implications

Nil.

Financial Implications

Depending upon the project allocation that Council endorses, this may necessitate a budget amendment in the current financial year (with LRCI funds coming in, and being spent on projects), or it may lead to a requirement to insert the selected projects in the 21/22 Budget.

Strategic Implications

See various SCP and BCP links on attached project prioritization list.

12.0 FINANCE AND ADMINISTRATION MANAGER REPORTS

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0304
Attachment/s: Monthly Financial Report – November 2020
Disclosure of Interest: Nil
Date: 10 December 2020
Author: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Simple Majority

Summary

This report recommends that the Monthly Financial Report for the period ending 30 November 2020 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 RESOLUTION# 15161220

MOVED: Cr AR Smyth

SECONDED: Cr JD Bagley

That the Monthly Financial Report for the period 1 July 2020 to 30 November 2020 be received.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

12.1.1 Monthly Financial Report for period ending 30 November 2020

Background

The Monthly Financial Report to 30 November 2020 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Bonds and Deposits
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 30 November 2020	
Municipal Funds	\$2,049,200
Cash on Hand	\$100
Restricted Funds – 6 Month Term Deposit @ 0.9%	\$164,613
Trust Fund	\$1
Reserve fund - 6 Month Term Deposit @ 0.9%	\$427,012

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 2020/21 financial year.

The Opening Funding Surplus on 1 July 2020 is different to the Closing Funding Surplus at 30 June 2020. The reason for this is that the Closing Funding Surplus at 30 June 2020 was estimated in order to prepare the budget, due to the June 2020 accounts not yet being finalised. There were a number of adjustments made after year end, mainly to do with legislation changes (the treatment of income, the treatment of leases and the treatment of loss allowances). The largest of these adjustments was to do with the Bridge Funds received in 2016/17 but not yet spent, amounting to \$146,667. An adjustment was required as the funds received needed to be shown as a liability rather than as income. When the funds get paid to MRWA for the work done, they will be transferred back to income and increase the Funding Surplus once more.

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

No financial implications are indicated in this report.

Strategic Implications

Nil

12.2 LIST OF PAYMENTS FOR THE PERIOD 1 NOVEMBER 2020 TO 30 NOVEMBER 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – November 2020
Disclosure of Interest: Nil
Date: 10 December 2020
Author: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Simple Majority

Summary

This report recommends that Council receive the list of payments for period 1 November 2020 to 30 November 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 12.1 RESOLUTION# 16161220

MOVED: Cr CV Farr **SECONDED:** Cr HR McTaggart

That Council receive the attached list of payments for the period of 1 November 2020 to 30 November 2020 as follows:

\$166,982.04 Municipal EFT's;
\$79,251.80 Municipal Direct Debit Department of Transport (Licencing) Payments;
\$43,599.88 Municipal Direct Debit Other;
\$444.55 Municipal Other Charges;
\$74,328.81 Net Salaries

Total \$364,607.08 as per attached list of payments.

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY 6/0

Attachment

12.2.1 Accounts for Payment for the period 1 November 2020 to 30 November 2020

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

12.3 POLICY MANUAL REVIEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0489
Disclosure of Interest: Nil
Date: 30 November 2020
Author: Erin Greaves, Governance Officer & Helen Sternick, Senior Finance Officer
Authorising Officer: Jeremy Clapham, Finance and Administration Manager
Voting Requirements: Simple Majority

Summary

A review of the Shire of Mingenew's Administration and Finance policies within Council's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs and is available for Council's consideration.

Key Points

- Council adopted a Policy Manual schedule in September 2019 that identified Administration Policies to be reviewed biennially and Finance Policies to be amended annually
- This review includes a review of the Policy Manual Review Schedule
- Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision, as required

OFFICER RECOMMENDATION AND COUNCIL DECISION – 12.3 RESOLUTION# 17161220

MOVED: Cr HR McTaggart

SECONDED: Cr AR Smyth

That Council;

1. Notes the review of Council's Administration and Finance policies and accepts the following amended policies, as presented in the Attachment Booklet:
 - a) 1.2.1 Records Management Policy
 - b) 1.2.2 Risk Management Policy
 - c) 1.2.3 Legal Representation – Costs Indemnification Policy
 - d) 1.2.6 Gratuities Policy
 - e) 1.2.8 Information & Communications Technology (ICT) Usage Policy
 - f) 1.2.9 Pre-qualified Suppliers Policy
 - g) 1.3.2 Asset Management Policy
 - h) 1.3.3 Investment of Surplus Funds Policy
 - i) 1.3.4 Significant Accounting Policies Policy
 - j) 1.3.5 Corporate Credit Card Policy
 - k) 1.3.6 Related Parties Disclosure Policy
 - l) 1.3.8 Employee Superannuation Policy
 - m) 1.3.9 Debt Collection Policy; and

2. Adopts the amended policy review schedule:

Policy Area	When	Next Review	Comment
Elected Members	Biennially	November 2021	Following each local government election
Administration	Biennially	November 2022	Reviewed as above November 2020
Finance	Annually	October 2021	Scheduled to allow for any recommended improvements to be made from the annual audit process
Community	Triennially	July 2022	To be reviewed in consultation with Community Development Officer
Works	Triennially	March 2021	To be reviewed in consultation with new Works Manager

VOTING REQUIREMENT:

CARRIED BY SIMPLE MAJORITY 6/0

NOTE: 1.3.1 Purchasing Policy was removed from the recommendation and report provided in the original Agenda issued, following advice from the CEO that the Policy was still under review and was included within the report in error.

Attachment

12.3.1 Amended Administration and Finance Council Policies

Background

Whilst there is no statutory requirement for Council to review its Policy Manual (with the exception of certain elected member policies), it is considered better practice to ensure Council have a relevant and current policy stance that reflects the ongoing changes within local government and our community.

With the review of the Local Government Act, there have been several new inclusions that require formal adoption by Council: 'Policy for attendance at events' [s5.90A] which is to be adopted by Council and may be amended by Absolute Majority as required, and 'Policy for continuing professional development' [s5.128] – which must be reviewed after each ordinary election or as required, and any amendments adopted by Absolute Majority. These policies will be reviewed following the 2021 local government Election.

Many of the policies have been developed using WALGA's model policies or are based on other local government's policies that have been recognised for good governance. Some policies may have been developed or modified to suit our individual or local circumstances.

Comment

The policies within the Policy Manual are strategic, outcome focused and set governing principles, guiding the direction of the organisation, and are to be considered for endorsement by Council.

The management procedures included, following the relevant Council Policy, are developed for administrative and operational purposes and endorsed by the Chief Executive Officer.

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A summary of any changes made to the Policy Manual is provided in the table below:

Policy Number	Policy Title	Description of Change
1.2.1	Records Management	Amended policy provides guidance to elected members and employees on recordkeeping requirements.
1.2.2	Risk Management	Amended reference to Audit & Risk Committee and increase risk appetite to “or higher”.
1.2.3	Legal Representation – Costs Indemnification	Formatting and amended numbering error.
1.2.4	Appointment of Acting Chief Executive Officer	Reviewed, no changes required.
1.2.5	Occupational, Health, Safety and Environment	Reviewed, no changes required.
1.2.6	Gratuities	Amended policy provides clarity for gratuity payment entitlements and updated employee positions. Legislation requires a local government to adopt a policy that provides for payments made to employees in addition to any entitlements in their contract or applicable award. Noting that any payments proposed to be made outside of the Policy requiring local public notice.
1.2.7	<i>Discrimination, Harassment and Bullying</i>	Revoked in 2019 and incorporated in the Shire’s HR Policies and Procedures Manual
1.2.8	Information & Communications Technology (ICT) Usage	Updated employee position.
1.2.9	Pre-qualified Suppliers	Amended to apply all the purchasing activities objectives and updated employee position.
1.3.2	Asset Management	Amended to current Integrated Planning and Reporting plans, updated Department’s name, updated employee position and minor grammar errors.
1.3.3	Investment of Surplus Funds	Grammar, numbering error and employee position.
1.3.4	Significant Accounting Policies	Amended to refer to the Australian Accounting Standards and the Local Government (Financial Management) Regulations 1996, to ensure compliance with significant accounting policies and updated employee position.
1.3.5	Corporate Credit Card	Increase Shire’s credit card limit, update reference to Audit & Risk Committee, deleted name of financial institution and updated employee position.
1.3.6	Related Parties Disclosure	Amended review responsibility and employee key management personnel to the leadership team.
1.3.7	Regional Price Preference	Reviewed, no changes required.
1.3.8	Employee Superannuation	Amended review responsibility and deleted name of default superannuation fund.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 December 2020

1.3.9	Debt Collection	Updated employee position.
1.3.10	Fees and Charges Policy and Procedure	No changes proposed
1.3.11	Financial Hardship Policy	New policy adopted in April 2020 therefore no changes proposed.

A consolidated version of the Policy Manual will be issued to Councillors following this meeting.

Consultation

- Leadership Team
- Concept Forum

Statutory Environment

Local Government Act 1995

Policy Implications

As outlined.

Financial Implications

There are no direct financial implications.

Strategic Implications

Community Strategic Plan

Strategy 1.2.1 Manage organisation in a financially sustainable manner

Strategy 1.2.3 Provide sound corporate governance of Shire and create an attractive work environment

Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

The Council Policy Manual has been developed to complement existing legislation and guide decision making. Guidance on local application is provided where required.

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING

Nil.

14.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15.0 CONFIDENTIAL ITEMS

15.1 CONFIDENTIAL [S5.23(2)(C)] - MINGENEW HILL LAND DEVELOPMENT PROCESS

As a potential land development around Mingenew Hill may result in a contract being entered into, it is proposed that the matter be dealt with behind closed doors.

PROCEDURAL MOTION – ITEM 15.1 RESOLUTION# 18161220

MOVED: Cr JD Bagley

SECONDED: Cr HR McTaggart

That Council close the meeting to the public at 5:40 pm in order to discuss a matter which may relate to a contract being entered into, in accordance with s5.23(2)(c) of the Local Government Act 1995.

VOTING REQUIREMENTS

CARRIED BY SIMPLE MAJORITY 6/0

OFFICER RECOMMENDATION – ITEM 15.1

That Council:

1. Endorses the Mingenew Hill, 10-lot subdivision layout as shown in attachment 15.1.1;
2. Endorses the proposed Mingenew Hill Land Tenure Process as outlined in attachment 15.1.4; and
3. Directs the Chief Executive Officer to submit the endorsed design to the Department of Planning, Lands and Heritage and progress investigations/discussions and return this matter to Council for further consideration upon receipt of a land valuation response.

COUNCIL DECISION – ITEM 15.1 RESOLUTION# 19161220

MOVED: Cr RW Newton

SECONDED: Cr JD Bagley

That Council:

1. Endorses the Mingenew Hill, 8-lot subdivision layout as shown in attachment 15.1.1;
2. Endorses the proposed Mingenew Hill Land Tenure Process as outlined in attachment 15.1.4; and
3. Directs the Chief Executive Officer to submit the endorsed design to the Department of Planning, Lands and Heritage and progress investigations/discussions and return this matter to Council for further consideration upon receipt of a land valuation response.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 December 2020

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 17 February 2021 commencing at 4.30pm.

17.0 CLOSURE

The Presiding member closed the meeting at 5:50pm.

These minutes were confirmed at an Ordinary Council meeting on 17 February 2021.

Signed _____
Presiding Officer

Date: _____