



# AGENDA FOR THE ORDINARY COUNCIL MEETING

17 MARCH 2021



**Ordinary Council Meeting Notice Paper**

**17 March 2021**

An Ordinary Meeting of Council is called for Wednesday, 17 March 2021, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm. Members of the public are most welcome to attend.

Nils Hay  
Chief Executive Officer  
12 March 2020

**DISCLAIMER**

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

## 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

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 17 March 2021

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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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
17 MARCH 2021 COMMENCING AT 4.30PM**

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE  
Nil.
- 4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
- 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES
- 7.1 ORDINARY COUNCIL MEETING HELD 17 FEBRUARY 2021

**OFFICER RECOMMENDATION - ITEM 7.1**

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 February 2021 be confirmed as a true and accurate record of proceedings.

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 DECLARATIONS OF INTEREST

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE

10.1.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 8 MARCH

OFFICER RECOMMENDATION - 10.1.1

That the Minutes of the Shire of Mingenew Local Emergency Management Committee Meeting held on 8 March 2021 be received.

10.1.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE TERMS OF REFERENCE REVIEW

LOCAL EMERGENCY MANAGEMENT COMMITTEE RECOMMENDATION - 10.1.2

That Council endorses the Local Emergency Management Committee Terms of Reference as presented.

10.1.3 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS (REVIEWED)

LOCAL EMERGENCY MANAGEMENT COMMITTEE RECOMMENDATION - 10.1.3

That Council endorses the Local Emergency Management Arrangements as presented.

10.2 SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

10.2.1 MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD 8 MARCH

OFFICER RECOMMENDATION - 10.2.1

That the Minutes of the Shire of Mingenew Bush Fire Advisory Committee Meeting held on 8 March 2021 be received.

10.2.2 BUSH FIRE ADVISORY COMMITTEE – BRIGADE APPOINTMENTS

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION - 10.2.2

That the following persons be appointed to the position of Captain or Deputy Captain for the following Bush Fire Brigades:

- |    |                 |            |
|----|-----------------|------------|
|    | Yandanooka      |            |
| a) | Captain:        | N Duane    |
| b) | Deputy Captain: | J Bagley   |
|    | Lockier         |            |
| a) | Captain:        | D Michael  |
| b) | Deputy Captain: | P Flanders |
|    | Guranu          |            |
| a) | Captain:        | B Cobley   |
| b) | Deputy Captain: | G Elsegood |
|    | Mingenew North  |            |
| a) | Captain:        | A Pearse   |
| b) | Deputy Captain: | A Green    |
|    | Mingenew Town   |            |
| a) | Captain:        | A Smyth    |
| b) | Deputy Captain: | T Anderson |

10.2.3 BUSH FIRE ADVISORY COMMITTEE – BUSH FIRE CONTROL OFFICER APPOINTMENTS

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION - 10.2.3

1. That the following persons be appointed to the position of Bushfire Control Officer for the Shire of Mingenew: Murray Thomas and;
2. That the following persons be appointed to the position of Deputy Bushfire Control Officer for the Shire of Mingenew: Nick Duane.



10.2.4 BUSH FIRE ADVISORY COMMITTEE TERMS OF REFERENCE

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION - 10.2.4**

That Council endorses the reviewed Bush Fire Advisory Committee Terms of Reference as presented.

10.2.5 BUSH FIRE ADVISORY COMMITTEE – VARIATION TO RESTRICTED BURNING

**BUSH FIRE ADVISORY COMMITTEE DECISION AND RECOMMENDATION TO COUNCIL – ITEM 7.2**

That Council requests a variation to the declared restricted burning times for the Shire of Mingenew, in accordance with s.18 of the *Bush Fires Act 1954*, from the Fire and Emergency Services Commissioner (FES Commissioner) as follows:

Restricted	1 October to 31 October	<i>[amended from 17 September to 31 October]</i>
Prohibited	1 November to 31 January	
Restricted	1 February to 15 March	
Open	16 March to 30 September	<i>[amended from 16 March to 16 September]</i>

**11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER**

**11.1 TERMS OF REFERENCE FOR ELECTED MEMBERS REPRESENTING COUNCIL ON EXTERNAL COMMITTEES / GROUPS**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** GV.CMT.5  
**Disclosure of Interest:** Nil  
**Date:** 4 March 2021  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

**Summary**

To consider for adoption a set of Terms of Reference to guide Council-representation by Elected Members on external committees and community groups.

**Key Points**

- These Terms of Reference have been established to provide greater clarity and consistency for elected members performing their duties as representatives on external committees/groups
- The Terms outline the Elected Member's purpose and commitment as a representative to an external body that will assist Committees and Groups to understand the Councillor representative role and functions

**OFFICER RECOMMENDATION – ITEM 11.1**

**That Council adopts the Terms of Reference for Elected Members representing Council on external committees / groups, as presented.**

**Attachment**

Attachment 11.1.1 Terms of Reference for Elected Members representing Council on external committees / groups.

**Background**

Feedback from within Council was received indicating there is a lack of clarity with regard to Elected Members' role as Council representatives on external community groups and Committees (not formal Committees of Council). In response, a draft set of Terms of Reference were developed and presented for review by Councillors at a Concept Forum to discuss areas for clarity and feedback received through experience as an Elected Member representative.

**Comment**

The Terms of Reference outline that the objectives of an Elected Member's representation on an external Committee are:

- To promote the interests and welfare of the Shire of Mingenew and broader community
- To promote and advocate for initiatives and ideas that align with community strategic objectives
- To exchange information that may be pertinent to future planning and decision making

The Terms are intended to work in tandem with any Code of Conduct requirements, which guide acceptable behaviour and principles to ensure Elected Members act with respect, integrity and accountability.

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Community Strategic Plan 2019 - 2029:

Strategy 1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

## 11.2 CHILD SAFETY OFFICERS DISCUSSION PAPER – SHIRE OF MINGENEW RESPONSE

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0350  
**Disclosure of Interest:** Nil  
**Date:** 18 February 2021  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

A response to the State Government's '*Discussion paper on the implementation of child safety officers in local governments*' is presented for Council's consideration.

### Key Points

- In response to the Royal Commission into Child Sexual Abuse, the State Government is considering a State policy position that local governments designate child safety officers to implement the principles of the new systems and create child safe environments
- Consultation is sought from local governments on the proposed new system and the obligations imposed.
- The Department of Local Government, Sport and Cultural Industries (DLGSC) is requesting feedback to be submitted by 2 April 2021

### **OFFICER RECOMMENDATION – ITEM 11.2**

**That with respect to Local Government Child Safety Officers and the proposed Reportable Conduct Scheme, Council:**

1. Responds to the Department of Local Government, Sport and Cultural Industries' Discussion Paper, in accordance with the comments contained within the Officers' Report and rejecting the proposal for local governments in WA to appoint Child Safety Officers, either to an existing position, or as an additional role or employee, as this role is best delivered by an adequately administered and funded State Government Agency, such as the existing Department of Child Protection, with appropriately trained, skilled and supported officers at regional centres throughout WA.
2. Endorses the principles outlined in the National Principles for Child Safe Organisations.
3. Endorses the principles of local governments being able to support and promote messages about child safety in its venues, facilities and services it provides to children.
4. Endorses the principles of the draft bill and requests the Chief Executive Officer to ensure that the Shire and its employees comply with any requirements of the Shire, or its employees, in implementing any Child Safety Reportable Conduct Scheme, should such laws be enacted.

### Attachment

11.2.1 Discussion paper on the implementation of child safety officers in local governments

### Background

The Department of Local Government, Sport and Cultural Industries (DLGSC), on behalf of the Western Australian Government (State Government), is implementing reforms from the recommendations of the Royal Commission into Institutional responses to Child Sexual Abuse (the Royal Commission).

The Royal Commission was established to investigate systemic failures by institutions in relation to allegations and incidents of child sexual abuse. The Royal Commission found that across many decades, many of society's institutions failed to protect children.

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In response to the Royal Commission, the State Government is:

- developing a system of independent oversight to improve child safety in organisations;
- developing a State policy position on the Royal Commission's recommendation 6.12 specifying that local governments should designate child safety officers from within existing staff profiles.

The DLGSC is seeking the Council's response to that suggestion.

The Royal Commission's final report contained 409 recommendations directed towards the development of effective government regulation, improvement in institutional governance and increased community awareness of child sexual abuse in institutions.

The development of an independent oversight system comprises the following four areas:

- organisations to report certain types of misconduct by their employees (including contractors and volunteers) involving children (known as reportable conduct) to an independent oversight body;
- organisations engaged in child related work to comply with child safe standards (known as the National Principles for Child Safe Organisations) and their compliance be monitored by an independent oversight body;
- out-of-home care providers be accredited by an independent oversight body;
- youth detention environment to comply with the National Principles and their compliance be monitored by an independent oversight body.

Ombudsman WA has drafted the Parliamentary Commissioners Amendment (Reportable Conduct) Bill 2020. The Bill obliges heads of organisations, including local governments, to notify an independent body of misconduct involving children, known as reportable conduct, by their employees, volunteers and contractors.

The Royal Commission recommended 10 child safe standards to improve child safe cultures and practices across all sectors providing services to children and young people. The standards have since been incorporated into the National Principles for Child Safe Organisations which were endorsed by the Council of Australian Governments in February 2019. The National Principles guide organisations to create child safe cultures and practices. The Department of the Premier and Cabinet (DPC) is leading community consultation about how the legal compliance with the National Principles should be implemented.

Royal Commission Recommendation 6.12 states that local governments should designate child safety officer positions from within existing staff profiles. The Department of Communities and DLGSC have drafted a discussion paper for the WA Local Government sector to better understand and respond to this recommendation (Attachment 11.4.1).

The State Government is seeking a formal response to the discussion paper, preferably through the relevant council, from local governments by 2 April 2021. Responses will inform the development of the State Government's policy position.

### Comment

The requirement for every local government in Australia to mandate a Child Safety Officer, either as a new position dedicated to the role, or an existing employee with designated responsibility, is a suggested approach (by the Royal Commission and State Government) to meet the principles espoused by the Commonwealth via the Royal Commission.

The Royal Commission highlighted the important roles local governments play in communities that impact on the safety of children including:

- providing services to children, for example libraries, swimming pools and childcare;
- providing spaces for community activities, for example halls, theatres and sports grounds;
- funding or contracting services;

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- facilitating community education or outreach programs;
- regulating planning and development approvals, infrastructure and property services; and
- water and food inspection.

Through this consultation process the State Government has two key aims:

- to develop a better understanding of the current role of local governments in promoting child safety and how the outcomes of this work are reported internally, to executive and to council; and
- to use this understanding of current work promoting child safety to inform development of an approach to meet recommendation 6.12 of the Royal Commission in implementing the child safety officer role.

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities;
- b) assisting local institutions to access online child safe resources;
- c) providing child safety information and support to local institutions on a need's basis; and
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

The following is extracted from the Royal Commission's findings:

"Child safety officers are intended to promote child safety within the organisation and support smaller community-based organisations providing services to children to create child safe environments. The role would be expected to support local staff and volunteers to build existing capacity around child safety within their organisations by providing information and assistance.

The Royal Commission's view was that a child safety officer proximate to services and local industries would be especially important in regional and remote areas, given these communities are known to routinely miss out on resources and access to services that are available in urban centres. In regional and remote communities, child safety officers could be a conduit for information.

Acknowledging the existing investment local governments make to promoting community safety, including child safety, the Royal Commission stated that local governments do not need to provide additional financial investment into implementing a child safety officer role and suggest that existing community safety positions within local governments could be expanded to align existing responsibility to strengthen child safety.

The following portfolios may have existing roles that could be considered for alignment with child safety responsibilities and it is recognised that significant work is already occurring in these areas within some local governments to promote child safety, as recommended by the Royal Commission:

- Community safety;
- Community and club development;
- Governance and risk;
- Communications; and
- Disability Access and Inclusion.

It is also recognised that not all local governments have existing community safety positions or have limited capacity to expand the functions of these roles to include child safety. In fulfilling the functions of the child safety officer role, it is recognised that local government staff will need access to appropriate training. Where local governments have limited resources to create child safety officer positions the Royal Commission suggested that state and territory governments may be able to provide assistance. Concern lies with the extent of the assistance the state government will provide and whether that would include the provision of resources and materials, the cost of training and development etc.

Whilst the principles behind the Scheme and recommendations are supported, the challenges for the Shire of Mingenew, which are likely to be shared by many other small, regional local governments, are having the appropriate resources and funding to make it effective. The reality for the Shire, if these changes are implemented, is that the responsibilities would need to be incorporated into an existing role that already has an extensive range of responsibilities. The anticipated competencies required to fulfill the duties adequately are not currently present within existing staff skill sets. Council would, therefore, be expected to contribute to training and development and if the Shire needs recruit for the position in future, attracting someone with the right skill set mix may be difficult.

The State Government has not addressed why the Department of Child Protection's role has not been considered for resourcing Child Safety Officers, given the similarities in skill sets and resources. Although it is conceded that Department offices may lack local context for child safety matters, improved liaison with local governments in assisting to share resources and create awareness would be possible.

### **3.1 Functions of the child safety officer**

The four key functions of child safety officers, recommended by the Royal Commission, are outlined below with suggestions as to how each function may look in practice. It is noted that some of these examples may represent work already occurring in many local governments.

#### **a) Developing child safe messages in local government venues, grounds and facilities.**

Developing child safe messages in local government venues, grounds and facilities promotes the knowledge and understanding of child safety by community members. Public messaging promotes the rights of children to feel safe as well as increasing the understanding of child safety by staff, volunteers and community members and acting as a deterrent for those who may intend to cause harm to children.

To implement this function would include:

- Working with key stakeholders including Commissioner for Children and Young People (CCYP) and the Working with Children Screening Unit to ensure that nationally consistent child safe messages are identified for use in local governments' venues, grounds and facilities.
- Working with internal communication teams to print posters/signs outlining nationally consistent child safe messages for their various venues, grounds and facilities.

#### **b) Assisting local institutions to access online child safe resources**

Institutions in local communities such as sole traders (i.e. music teachers, tennis coaches), private and community organisations (i.e. arts, cultural, community, sport and recreation groups, clubs and associations) may require assistance to access online child safe resources.

To implement this function would include:

- Facilitating the inclusion of information about child safety on their local government website including links to online child safe resource created by CCYP and the National Office of Child Safety. This would be in line with the current practice of many local governments in providing information and a link to Kidsport on their websites.
- Signposting local government staff and local organisations to CCYP, the National Office of Child Safety, and other relevant resources on the local government's website.
- Other local government resources may also assist in facilitating this function. Community Resource Centres and libraries provide physical access to computers and the internet, and library staff could provide support to access suitable online child safe resources. Community, Club Development and Community Safety Officers may signpost to online resources within newsletters.

#### **b) Provide child safety information and support to local institutions on a need's basis**

Child safety officers are expected to provide general advice around promoting child safety and the implementation of the National Principles within organisations. For some local governments this may include hosting workshops/seminars with external providers.

It is expected that child safety officers would be supported by relevant agencies, such as CCYP, the National Office of Child Safety, or in the case of child protection concerns, the Western Australia Police Force or Department of Communities in meeting this function.

While it is not the intention of the Royal Commission for local government child safety officers to be a direct point of contact for community members or staff seeking advice on child protection matters, it would be important for anyone in this role to have appropriate knowledge and understanding of child abuse and neglect, as well as local child safeguarding procedures, in order to provide appropriate information, guidance and signposting. It is important for the local government to consider what support mechanisms are in place, to ensure the wellbeing of child safety officers when dealing with these matters and what specific areas of training would be required to build upon existing skills and knowledge of staff.

**c) Support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds**

Communities within local government areas differ based on social demographics. The needs of supporting children from diverse backgrounds will differ based on the local population.

To implement this function would include:

- Identifying needs within the local community and key services providing support in meeting these needs.
- Working collaboratively with local government staff, responsible for supporting disability inclusion and access and promoting the needs of Aboriginal and culturally diverse children, to provide advice and support to local organisations on implementing child safe approaches that are accessible and inclusive for children with diverse needs.
- Linking local institutions with key services, including disability advocacy services, Aboriginal family support services or professional interpreters”.

Responses to the DLGSC consultation are due to the Department of Communities by close of business on Friday, 2 April 2021.

The National Principles for Child Safe Organisations are:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

**Consultation**



The State Government is seeking to consult with local governments. No consultation has taken place by the Government with external agencies, service groups or the community on this matter, as it is deemed not required, given it is a response to the State Government about a local government position.

The local government should specifically consider child safety with its Strategic Community Plan review cycle to ensure its obligations under the Scheme and general public health implications are explored and captured as required.

### **Statutory Environment**

There are no current relevant statutory implications. The proposal includes new legislation that will mandate the role of anyone involved in provision of children's facilities or services to ensure that the relevant employee reports potential misconduct and the relevant organisation via its Principal Officer (or Chief Executive Officer) has appropriate mechanisms in place to encourage and receive reporting.

### **Policy Implications**

Nil.

### **Financial Implications**

The requirement to put in place appropriate mechanisms is considered by the Government to be largely administrative and of no direct financial outlay. The requirement or expectation to appoint (and implement) State and Commonwealth principles associated with Child Safety Officers at every local government in Australia however, will come at a cost, either by reducing services in another area or adding cost to rates, without appropriate financial and administrative resources from the government agencies already entrusted with this role.

The State Government Agency in WA entrusted with Child Welfare, is primarily the Department of Child Protection (and Police Department). Effectively the State is asking that local governments be 'an extension' or arm of this agency, without offering any promise of resources or financial assistance.

The risk, over time, if not initially, is that this burden will grow and expectation of service delivery will grow, such that it will be seen as part of the 'business as usual' of local government, without appropriate resources.

### **Strategic Implications**

Strategic Community Plan 2019-2029

1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

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

### 11.3 CHRISTMAS PERIOD CLOSURE POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	CM.POL.1
Disclosure of Interest:	Nil
Date:	18 February 2021
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

#### Summary

To facilitate the efficient management of the Shire's Administration Centre and Depot over the Christmas period, a policy has been developed to guide closures and appropriately inform the community when service levels are suspended or reduced.

#### Key Points

- This policy aims to set the boundaries for restricting Shire services over the Christmas / New Year period to provide clarity to staff and the community on operations, whilst being flexible with dates, depending on the fall of public holidays
- The policy incorporates notice requirements for the community and affected staff

#### **OFFICER RECOMMENDATION – ITEM 11.3**

**That Council adopts Policy 1.2.13 - Christmas Period Closure, as presented.**

#### Attachment

11.3.1 Policy 1.2.13 Christmas Period Closure

#### Background

Historically, the Shire Administration has been closed for up to two weeks over the Christmas / New Year period but has had no formal mechanisms in place to outline to the community how these closures are to be managed.

#### Comment

The Policy states, "The Shire of Mingenew shall close operations each year for a maximum two-week period over the Christmas and New Year holiday period commencing no earlier than five working days prior to Christmas Day and up to Christmas Eve". This ensures flexibility to commence the closure as appropriate, depending on the day on which Christmas Day falls. For example, if Christmas Day falls on a Wednesday, it may be appropriate to close on the Friday, the week before therefore clarifying the latest expected date for reopening.

The Mingenew community often sees a drastic reduction in population over the Christmas period creating a general reduction in required Shire services during this time, therefore the costs of manning and operating Shire facilities (such as the Administration office and Depot) during this period would not likely provide an acceptable financial return. During the closures, certain staff are available to respond to emergencies or urgent matters as required and the Shire has received no complaints or feedback as to the lack of servicing.

The closure also provides employees an opportunity to utilise leave entitlements without a significant impact on workload and servicing requirements and limits the need to provide relief coverage for absent staff. On call arrangements may be negotiated with staff to ensure essential services can be provided if/when required. Staff may extend leave outside the closure period where approval is provided but this policy sets out the minimum expectations for leave accrual.

**Consultation**

The policy incorporates the requirement to notify Elected Members and employees of the intended closure period at least 8 weeks prior to Christmas Day to allow for operational planning. It also includes a minimum 4-week notice period for advising the local community of the closure.

**Statutory Environment**

Local Government Act 1995

Local Government Industry Award 2020

**Policy Implications**

As outlined.

**Financial Implications**

Nil.

**Strategic Implications**

Strategic Community Plan 2019-2029

1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

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

## 12.0 FINANCE

### 12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2021

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM.FRP
Attachment/s:	Monthly Financial Report – February 2021
Disclosure of Interest:	Nil
Date:	10 March 2021
Author:	Helen Sternick, Senior Finance Officer
Authorised by:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

#### Summary

This report recommends that the Monthly Financial Report for the period ending 28 February 2021 as presented to the Council be received.

#### **OFFICER RECOMMENDATION – ITEM 12.1**

**That the Monthly Financial Report for the period 1 July 2020 to 28 February 2021 be received.**

#### Attachment

12.1.1 Monthly Financial Report for period ending 28 February 2021

#### Background

The Monthly Financial Report to 28 February 2021 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 28 February 2021	
Municipal Funds – Corporate cheque account	\$280,978
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$1,750,249

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

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 17 March 2021

- (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**

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

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 FEBRUARY TO 28 FEBRUARY 2021

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** FM.CRD  
**Disclosure of Interest:** Nil  
**Date:** 3 March 2021  
**Author:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period 1 February to 28 February 2021 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **OFFICER RECOMMENDATION**

That Council receive the attached list of payments for the period of 1 February to 28 February 2021 as follows:

\$84,852.48	Municipal EFT's;
\$41,949.00	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$27,146.24	Municipal Direct Debit Other;
\$680.25	Municipal Other Charges;
\$76,430.80	Net Salaries

**Total** \$231,058.77 as per attached list of payments.

### Attachments

12.2.1 List of Payments – February 2021

### 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

Strategic Community Plan 2019-2029 Strategies

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 17 March 2021

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



### 12.3 BUDGET REVIEW – 2020/21

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0130  
**Date:** 11 March 2021  
**Author:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Absolute Majority

#### Summary

Council is requested to review and adopt the documentation tabled for the 2020/21 Budget Review.

#### **OFFICER RECOMMENDATION – ITEM 12.3**

**That Council, by Absolute Majority:**

1. Adopts the 2020/21 Budget Review as tabled; and
2. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted and proposed in “Note 4” within the 2020/21 Budget Review document.

#### Attachment

12.3.1 Budget Review for the period ended 28 February 2021

#### Background

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

#### Comment

The attached budget review is to comply with the Shire’s statutory obligations.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

This report provides information by program and is based on the eight month period from 1 July 2020 to 28 February 2021.

The budget review reflects a view of the position of the Shire of Mingenew, projected full year revenue and expenditure against full year original budget.

The projected actuals are based on the information provided for each program, with an estimated zero increase/decrease in the closing funding surplus/(deficit) compared to original budget.

When the initial budget was prepared for 2020/21, an estimated amount of \$568,521 for the Opening Surplus was used, due to the Annual Financial Report not yet having been finalised or audited. After the audit was completed, there were adjustments of \$162,587 required to be made. These adjustments related mainly to legislation changes, with \$146,667 (re-allocation of income for bridge related funds received in 2016/17 now needing to be shown as a liability rather than income) being the largest adjustment. This meant that in order

## MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 17 March 2021

to balance the budget review back to nil, that the expenditure needed to be reduced by \$162,587. This has been achieved by:

- Reducing employee costs by approximately 51k, taking into account positions that have not been filled during the year;
- Savings achieved on the replacement of Plant & Equipment of approximately 58k;
- Various reallocations of income and expenditure of approximately 53k (please refer to Note 4 of the Budget Review Report for further details).

### **Consultation**

Nils Hay; Chief Executive Officer  
Peter Wood; Works Manager  
Helen Sternick; Senior Finance Officer

### **Statutory Environment**

Local Government Act 1995  
Local Government (Financial Management) Regulations 1996  
Australian Accounting Standards

### **Policy Implications**

Nil

### **Financial Implications**

While the proposed amended budget does re-allocate funds across several areas, the final result provides a balanced budget.

### **Strategic Implications**

The Budget Review process is an integral part of the integrated planning frameworks and risk management processes carried out by Council.

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

15.0 CONFIDENTIAL ITEMS

15.1 CONFIDENTIAL [5.23(2)(c)] – MINGENEW HILL LAND DEVELOPMENT PROCESS  
*[provided under separate, confidential cover to Elected Members]*

PROCEDURAL MOTION

That Council closes the meeting to members of the public at \_\_\_\_pm in accordance with s5.23(2)(c) of the *Local Government Act 1995*, as the matter to be discussed pertains to a matter affecting a potential contract to be entered into by the local government.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 17 March 2021

**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 21 April 2021 commencing at 4.30pm.

**17.0 CLOSURE**

The meeting was closed at \_\_\_\_\_pm.

These minutes were confirmed at an Ordinary Council meeting on 21 April 2021.

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

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