



MINUTES
ORDINARY MEETING OF COUNCIL

held on

Thursday, 19 November 2020



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

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Item 1 Opening of Meeting

The President declared the meeting open at 5.30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

‘This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member’.

Item 3 Recording of Attendance**3.1 Attendance****Council**

President (Presiding Member) Councillor Karen Chappel
Deputy President Councillor Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona
Councillor Ken Stokes

Staff

Acting Chief Executive Officer	Robert Paull
Executive Manager Corporate & Community Services	John van der Meer
Executive Manager Works and Assets	Paul Buist
Executive Assistant	Rondah Toms

Members of the Public

Nil

3.2 Attendance by Telephone / Instantaneous Communications

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* “Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))”, the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies

Economic Development Manager

Ellie Cuthbert

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

Agenda Item: 11.1.3 Actions Performed under Delegated Authority		
Name of Disclosing Member	Nature of Interest	The Nature being
Cr Ken Stokes	Impartiality Interest	Family Relationship

Agenda Item: 11.1.5 Appointment of Acting Chief Executive Officer effective from 23 November 2020 to 13 December 2020 inclusive		
Name of Disclosing Member	Nature of Interest	The Nature being
Executive Manager Corporate & Community Services, John van der Meer	Financial Interest	The Item addresses matters concerning the appointment to the position of Chief Executive Officer (acting).

Agenda Item: 11.2.4 Chief Executive Officer Authorisations and Reporting to Council		
Name of Disclosing Member	Nature of Interest	The Nature being
Acting Chief Executive Officer, Robert Paull	Impartiality Interest	The Item addresses matters concerning the role and function of the Acting Chief Executive Officer.

Agenda Item: 15.4 Enforcement of unauthorised building on part Reserve 31415 and Lot 1 Deposited Plan 412777, Club Road Morawa		
Name of Disclosing Member	Nature of Interest	The Nature being
Cr Shirley Katona	Impartiality Interest	President of Morawa Speedway

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Public Question Time

Important note:

‘This meeting is being recorded on audio tape and to assist with minute taking purposes.

The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

6.1 Public Question Time

Nil

6.2 Public Statement Time

Nil

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

Nil

Item 8 Announcements by Presiding Member without Discussion

Announcements from the President.

It is with sadness today we say farewell to our Acting CEO Rob Paull. On behalf of Council and the Shire of Morawa, I wish to extend our sincerest thanks to Rob for an outstanding 10 months of leadership in both our organisation and the community.

It has been an extraordinary time with the challenges of COVID-19. Rob is to be congratulated on navigating the Shire through the COVID-19 boundaries as well as ensuring our organisation continued to work together to achieve the highest level of compliance possible.

Rob leaves Morawa highly respected and will always be welcomed back. I wish Rob and Frances a safe journey and much happiness in the future.

President’s Meetings for the month of October 2020.

Date	Meeting	Details of Meeting
5 th	Rural West	Board meeting
6 th	Morawa Sinosteel Future Fund	Committee Meeting
6 th	Shire of Morawa	Briefing Session
13 th	CEO of WALGA	Meeting
15 th	Shire of Morawa	Ordinary Council Meeting
15 th	Shire of Morawa	Special Council Meeting
16 th	Midwest Development Commission	Board Meeting
21 st	Desert Blue Connect	Board Meeting
23 rd	Astro-Tourism	Community Event
24 th	Shire of Morawa	CEO Interviews
24 th	Shire of Morawa	Special Council Meeting
27 th	Desert Blue Connect	Board Meeting
28 th	WALGA Selection Committee	Meeting
29 th	WALGA Breakfast with Director General	Meeting
29 th	North Midlands Education & Industry Training Alliance	Meeting
30 th	Shire of Morawa	Special Council Meeting
30 th	WALGA (via teleconference)	Meeting

Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting
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The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

- President Councillor Karen Chappel
- Deputy President Councillor Dean Carslake
- Councillor Jane Coaker
- Councillor Debbie Collins
- Councillor Yvette Harris
- Councillor Shirley Katona
- Councillor Ken Stokes

OFFICER'S RECOMMENDATION/RESOLUTION

201109 Moved: Cr Coaker

Seconded: Cr Katona

That Council confirm that:

- 1. The Minutes of the Special Council Meeting held on 30 October 2020 are a true and correct record.**

CARRIED BY SIMPLE MAJORITY 7/0

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.

Item 11 Reports of Officers**11.1 Chief Executive Officer****11.1.1 Integrated Planning and Reporting – October 2020**

Author: Executive Assistant

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201110 Moved: Cr Stokes

Seconded: Cr Carslake

That Council receive the Integrated Planning and Reporting (IPR) update for the month of October 2020.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

All local governments are required to produce a plan for the future under S5.56(1) of the *Local Government Act 1995*. To ensure there is a regular and open flow of information between the Shire's administration, the Council and the community, the following monthly update is provided.

DETAIL

The information provided (**Attachment 1**) is generated from the Shire's IPR software Envisio. This informs Council and the community of the current outcomes relating to the objectives of the Shire's Strategic Community Plan 2018-2028 and the Corporate Business Plan 2018-2022.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 S5.56 (1)

Local Government (Administration) Regulations 1996

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

Budgeted in the 2020/2021 financial year.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

That Council receive the IPR update (*Attachment 1*).

ATTACHMENT

Attachment 1 – 11.1.1 IPR October 2020

11.1.2 Response to Notice of Motion – Necessary Improvements to the Old Council Chambers Building (Cr Karen Chappel)

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflict of interest in relation to this item.

OFFICER'S RECOMMENDATION

That with respect to the Response to Notice of Motion – Necessary Improvements to the Old Council Chambers Building (Cr Karen Chappel), Council:

1. Note the Report;
2. Request the Chief Executive Officer to include a bid of \$53,800 in the forthcoming 2020/21 Budget Review to undertake minimum improvements to the Old Council Chambers Building as outlined in the Report.

RESOLUTION

201111 Moved: Cr Collins Seconded: Cr Coaker

That with respect to the Response to Notice of Motion – Necessary Improvements to the Old Council Chambers Building (Cr Karen Chappel), Council:

1. Note the Report;
2. Request the Chief Executive Officer to include a bid of at least \$53,800 in the forthcoming 2020/21 Budget Review to undertake minimum improvements to the Old Council Chambers Building as outlined in the Report, modified to address polished floorboards (instead of carpet) and removal of any asbestos floor tiles.

CARRIED BY SIMPLE MAJORITY 7/0

Reason for change:

Council considered that polished floorboards and removal of any asbestos tiles would provide a more appropriate finish to the building.

PURPOSE

To provide a response to the Notice of Motion (20 August 2020) in relation to the Shire of Morawa Old Chambers building.

DETAIL

At the 20 August 2020 Ordinary Meeting, Council resolved as follows:

“That the Chief Executive Officer be requested to provide a report to Council addressing the minimum requirements and costings to activate the Old Council Chambers for community or other use”.

The request was supported by the Shire as the Old Chambers Building in its current condition, is not available for any particular use or activity. The Shire has undertaken an assessment to ascertain the minimum requirements to ascertain the works necessary for the building to be activated for community or other use. It is noted that a staged approach is advocated to enable the foyer to be initially used:

• Extensive cleaning	\$ 3,800
• Floor covering for Main and small offices	\$ 8,000
• Chambers Floor covering/floor sealing	\$ 3,000
• To Paint and plaster wall and ceiling	\$13,500
• Air conditioning throughout Building	\$19,000
• Electrical upgrade switch board/power	\$ 6,500

Total estimate \$53,800

LEVEL OF SIGNIFICANCE

High – as per the direction of the *Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)*.

CONSULTATION

Senior Management Team
Building Maintenance Officer
Contract Electrician

LEGISLATION AND POLICY CONSIDERATIONS

There are no known Legislation and Policy Considerations associated with this Report.

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)**Outcome 1.7 Attractive and well maintained buildings and streetscapes.**

1.7.3 Explore the concept, including the costs and benefits of establishing a tourism, community and cultural precinct at the old Shire Council Chambers and Town Hall. Explore Staging & Funding opportunities for adopted MP concept

FINANCIAL AND RESOURCES IMPLICATIONS

Council allocated \$37,106 in the 2020/21 Budget for the Town Hall and Old Chambers of which almost one third of the allocation is for insurance, with the remainder for minor maintenance and infrastructure costs.

No allocation has been made specifically for the 'opening' of the Old Chambers. The Shire has undertaken to estimate the minimum cost to open the building for use.

RISK MANAGEMENT CONSIDERATIONS

The actual costing will not be known until formal quotations are sought.

CONCLUSION

For Council to responsibly address the 'opening', it is considered appropriate that this allocation be addressed in the 2020/21 Budget review.

It should be noted that Council has not determined a rental cost for use of the Old Chambers. This could also be determined at the Budget review. It is also suggested that Council continue to seek Federal or State funding for the above works.

ATTACHMENTS

Nil

Cr Ken Stokes had earlier declared an Impartiality Interest in Item 11.1.3.

11.1.3	Actions Performed under Delegated Authority for September 2020 and October 2020
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Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflict of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201112 Moved: Cr Carslake Seconded: Cr Harris

That with respect to Actions Performed under Delegated Authority for September 2020 and October 2020, Council:

1. Accept the Report.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

To report back to Council, actions performed under delegated authority from the period 1 September 2020 to 31 October 2020.

DETAIL

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

- Development Approvals;
- Building Permits;
- Health Approvals;
- One off delegations to the Chief Executive Officer;
- Dangerous Goods;
- Affixing of Common Seal;
- Other Delegations as provided for in the Delegations Register.

The following outlines the actions performed within the Shire relative to Delegated Authority from the period 1 September 2020 to 31 October 2020 ('the period') and are submitted to Council for information.

Bushfire

No delegated decisions were undertaken by Shire pursuant to bushfire matters during the period.

Caravan parks and camp grounds

No delegated decisions were undertaken by Shire pursuant to caravan parks and camping grounds during the period.

Common Seal

No Common Seal actions were undertaken by Shire during the period.

Dangerous Goods Safety Act 2004

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
22/09/2020	N/A	Fire Works Event	Robert Boyland	Morawa Speedway

Food Act 2008

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
15/10/2020	N/A	Approval Food Registration	Sami's Shack	N/A

Hawkers, traders and stall holders

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details*</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
16/10/2020	N/A	Trading in Public Places	Sami's Shack	N/A

Liquor Control Act 1988

No delegated decisions were undertaken by Shire pursuant to liquor matters during the period.

Lodging houses

No delegated decisions were undertaken by Shire pursuant to lodging house matters during the period.

Public Buildings

No delegated decisions were undertaken by Shire pursuant to public buildings matters during the period.

Septic Tank Approvals

No delegated decisions were undertaken by Shire pursuant to the Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent Waste) Regulations 1974 during the period.

Planning Approval

No delegated decisions were undertaken by Shire pursuant to *Planning & Development Act 2005* during the period.

Building Permits

No delegated decisions were undertaken by Shire pursuant to *Building Act 2011* during the period.

Other Delegations

Two delegated decisions were undertaken by Shire pursuant to this category during the period as follows:

Delegation 3.3 Concession for Minor Charges: - the CEO is authorised to waive or grant concessions where the monetary value is less than \$500.

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
26/10/2020	N/A	Waving Fees for the Morawa Town Oval *	Caitlyn Mills (Merkanooka Christmas Tree)	N/A
27/10/2020	N/A	Waiving fees for 3 powered sites for one night at Morawa Caravan Park	Chapman Valley Menshed	N/A

* All Councillors were advised of the intent to utilise delegation and no objections offered.

LEVEL OF SIGNIFICANCE

Low – report provided to Council for information purposes.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bushfire Act 1954

Dangerous Goods Safety (Explosives) Regulations 2007

Health Act 1991

Health Act 1911

Health (Public Buildings) Regulations 1992

Liquor Control Act 1988

Local Government Act 1995

Planning & Development Act 2005

Shire of Morawa Local Planning Scheme No. 2

Shire of Morawa Cemeteries 2018 - Local Law

Shire of Morawa Dogs 2018 - Local Law

Shire of Morawa Extractive Industries 2018 - Local Law

Shire of Morawa Fencing 2018 Local Law

Shire of Morawa Health 2004 - Local Law

Shire of Morawa Public Places and Local Government Property 2018 - Local Law

Shire of Morawa Meeting Procedures 2012 - Local Law

Shire of Morawa Waste 2018 - Local Law

Shire of Morawa Delegations Register (2020)

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

Various policies apply.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications relating to this Item.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications relating to this Item.

ATTACHMENTS

Nil

11.1.4 Adoption of the Shire of Morawa Policy Manual (November 2020)

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201113 Moved: Cr Carslake Seconded: Cr Collins

That with regard to the adoption of the Shire of Morawa Policy Manual (November 2020), Council:

- 1. Pursuant to s2.7 of the *Local Government Act 1995* resolves to adopt the Shire of Morawa Policy Manual (November 2020) as provided for in Attachment 1;**
- 2. Resolves to revoke all previous policy manuals of the Shire of Morawa; and**
- 3. Authorises the Chief Executive Officer to format the Shire of Morawa Policy Manual (November 2020) and publish on the Shire Website.**

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

Council is requested to review and adopt the updated policies to govern the local government affairs.

DETAIL

A Policy Manual is intended as a guide to Councillors and staff on the normal practices and activities of the Shire of Morawa. The policies and procedures do not require strict adherence by Council and may be changed as circumstances dictate and amended at any time by Council.

The draft Shire of Morawa Policy Manual (November 2020) as provided for in **Attachment 1** addresses new Policies and in some instances, modifies existing Policies. The draft has established a 'standard' associated with the policies whereby an objective' and 'policy' (statement) is allocated to each policy along with a legislative framework (where applicable). In addition, the Policies have been established in 8 new categories as follows:

1. Administration
2. Corporate
3. Elected Members

4. Employees
5. Engineering
6. Finance
7. Local Planning and Building
8. Recreation Tourism and Economic Development

In preparing the draft Shire of Morawa Policy Manual (November 2020), the Shire reviewed many existing policy manuals from local governments across WA local governments, as well as the Council's current Policy Manual (2018). The previous adopted Policy (2018) can be found as follows: <https://www.morawa.wa.gov.au/documents/policies>

The following seeks to address the policies in the draft Shire of Morawa Policy Manual (November 2020) that have either been added, retained or modified:

1. ADMINISTRATION (ADM)

- ADM01 Flying of Flags - Council Buildings (new Policy)
- ADM02 Communications & Social Media Policy (new Policy)
- ADM03 Community Engagement Policy (new Policy)
- ADM04 Complaints Management Policy (Current Policy)
- ADM05 Memorials on Council Controlled Land (new Policy)
- ADM06 Closure of Certain Facilities – Christmas/New Year Period
- ADM 07 Key/Swipe Card Policy (Current Policy)

2. CORPORATE (CORP)

- CORP01 Risk Management Policy (new Policy)
- CORP02 Asbestos Policy (new Policy)
- CORP03 Closed Circuit Television and Video Surveillance Devices Management (new Policy)

3. ELECTED MEMBERS (ELM)

- ELM01 Official Photographs (Current Policy)
- ELM02 Recognition of Retiring Councillors (new Policy)
- ELM03 Code of Conduct (new Policy)
- ELM04 Councillor Training/Conference Attendance (new Policy)
- ELM05 Councillor Accommodation and Incidental Expenses Whilst on Council Business (new Policy)
- ELM06 Conduct of Public Question Time (new Policy)
- ELM07 Order of Business - Ordinary Council Meetings (new Policy)
- ELM08 Elected Member Information Forums (new Policy)
- ELM09 Financial Sustainability Policy (new Policy)
- ELM10 Affixing of the Shire of Morawa Common Seal (new Policy)
- ELM11 Governance and Policy Manual (new Policy)
- ELM12 Elected Members Record Keeping Policy (new Policy)
- ELM13 Honorary Freeman of the Shire (new Policy)
- ELM14 Community Projects Letters of Support (new Policy)
- ELM15 Recognition of Aboriginal Culture and History (new Policy)
- ELM16 History Collection Policy (new Policy)
- ELM17 Elected Member Event Notification Policy (new Policy)

- ELM18 Anonymous Communications Policy (new Policy)
- ELM19 Notice of Motion Procedural Policy (new Policy)
- ELM20 Appointment of an Acting Chief Executive Officer (Current Policy)
- ELM21 Chief Executive Officer Performance Review (new Policy)
- ELM22 Legal Proceedings (new Policy)
- ELM23 COVID-19 Financial Hardship (Current Policy)
- ELM24 Rates Collection

4. EMPLOYEES (EMP)

- EMP01 Equal Employment Opportunity (Current Policy)
- EMP02 Senior Employees (Current Policy)
- EMP03 Grievance Investigation and Resolution (new Policy)
- EMP04 Occupational Health & Safety (Current Policy)
- EMP05 Corporate Credit Card (Current Policy)
- EMP06 Removal Expenses (Current Policy)
- EMP07 Fitness for Work (new Policy)
- EMP08 Salary Sacrifice (Current Policy)
- EMP09 Staff Superannuation (new Policy)
- EMP010 CEO Leave Authorisations and other Approvals (Current Policy)

5. ENGINEERING (ENG)

- ENG01 Temporary Road Closures (Modified Current Policy)
- ENG02 Bush Fire Policy (new Policy)
- ENG03 Asset Management Policy (Current Policy)
- ENG04 Road Management Policy (new Policy)

6. FINANCE (FIN)

- FIN01 Significant Accounting Policy (new Policy)
- FIN02 Investment Policy (Current Policy)
- FIN03 Authorised Signatures for Cheque/Electronic Funds Transfer Payments (new Policy)

- FIN04 Purchasing Policy (Current Policy)
- FIN05 Debtors Management – General (new Policy)
- FIN06 Related Party Disclosures (new Policy)
- FIN07 Rating (new Policy)
- FIN08 Disposal of Property (other than land) (new Policy)
- FIN 09 Petty Cash (new Policy)

7. LOCAL PLANNING AND BUILDING (LPB)

- LPB01 Application for Planning Consent (Current Policy)
- LPB02 Dog Kennels/Dog Keeping (Current Policy)
- LPB03 Heritage Colours – Solomon Street and Winfield Street (Current Policy)
- LPB04 Rural Subdivision (Current Policy)
- LPB05 Caravan & Annexes Standards (Current Policy)
- LPB06 Shipping Containers Local Planning Policy (Current Policy)
- LPB07 Trading in Public Places Policy for Food Vendors (Current Policy)

8. RECREATION TOURISM AND ECONOMIC DEVELOPMENT (RTED)

- RTED01 Consumption of Alcohol on Shire of Morawa owned and managed properties (new Policy)
- RTED02 Tourism (new Policy)
- RTED03 Signage Policy (new Policy)
- RTED04 Morawa Caravan Park (Current Policy)
- RTED05 Markets Policy (Current Policy)
- RTED06 Morawa Volunteers (Current Policy)
- RTED07 Australia Day Citizen of the Year Awards (Modified Current Policy)
- RTED08 Dress Code for Citizenship Ceremonies (new Policy)
- RTED09 Morawa Swimming Pool (Modified Current Policy)

It should be noted that it is very likely that Council will need to continually review the existing policies in view of changing legislation and requirements.

LEVEL OF SIGNIFICANCE

High - To provide direction to the Shire in relation to activities associated with the operations of a local government.

CONSULTATION

All Councillors (15 October 2020 Briefing Session)
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Shire of Morawa Community Strategic Plan 2018-2028 (Desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

Current Policy Manual (20180 and subsequent additions).

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known Financial and Resource Implications in this Report.

RISK MANAGEMENT CONSIDERATIONS

High - Policies are aimed to provide clear direction for staff and Councillors and are very important in acting on Council delegations.

CONCLUSION

Staff are expected to use care and discretion in implementing the policies, to ensure the best possible outcome, whether or not a particular incident complies with the stated policy.

At the same time, the implementation must be fair, consistent and effective with the emphasis on guidance and assistance rather than legal compulsion/action or inspectorial bias.

Council, in its absolute discretion, reserves the right to amend, add, delete or apply wholly, in part or not at all, any or all policies without notice.

ATTACHMENT

Attachment 1 - 11.1.4 Reviewed Shire of Morawa Policy Manual (November 2020)

Mr John van der Meer previously declared an interest in Item 11.1.5

Mr van der Meer left the Chambers at 5.35pm.

11.1.5 Appointment of Acting Chief Executive Officer effective from 23 November 2020 to 13 December 2020 inclusive

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION/RESOLUTION

201114 Moved: Cr Stokes Seconded: Cr Coaker

That with regard to Appointment of Acting Chief Executive Officer effective from 23 November 2020 to 13 December 2020 inclusive, Council:

1. **Considers Mr John van der Meer a suitably qualified person to the position of Chief Executive Officer (Acting);**
2. **Appoints Mr John van der Meer to the position of Chief Executive Officer (Acting) for the period 23 November 2020 to 13 December 2020 inclusive;**
3. **Endorse the salary range in accordance with the Salaries and Allowances Tribunal Determination dated 9 April 2019; and**
4. **Authorises the Shire President to finalise negotiations and execute a letter of offer.**

CARRIED BY ABSOLUTE MAJORITY 7/0

PURPOSE

For Council to consider appointing Mr. John van der Meer as Acting Chief Executive Officer (CEO) for the Shire of Morawa from 23 November 2020 to 13 December 2020 inclusive.

DETAIL

The Shire of Morawa Acting Chief Executive Officer, Mr. Robert Paull formally concludes with the Shire on Monday 30 November 2020. However, Mr. Paull has sought annual leave for the period 23 November to 30 November 2020.

Mr. John van der Meer is able to provide cover for this period. Mr. Scott Wildgoose will commence with the Shire as CEO on Monday, 14 December 2020.

LEVEL OF SIGNIFICANCE

Medium – best practice guidelines suggest an Acting CEO is preferred for a period of 10 days or more.

CONSULTATION

Shire President
Executive Manager Corporate and Community Services.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 s5.36

Council Policy: *“Appointment of an Acting Chief Executive Officer”*:

At the Special meeting of 4 April 2020, Council accepted Mr Van der Meer as suitable for the position for Chief Executive officer (Acting) and authorise the President to make suitable arrangements for him to undertake this role for up to 10 days.

Shire of Morawa Strategic Community Plan

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

Appointment of an Acting Chief Executive Officer

FINANCIAL AND RESOURCES IMPLICATIONS

Remuneration for the Acting CEO was included in the 2020/2021 budget.

RISK MANAGEMENT CONSIDERATIONS

Appointing an Acting Chief Executive will ensure legislative compliance and alleviate the risk of the Shire stalling on projects that require immediate attention and action.

CONCLUSION

That Council appoint Mr John van der Meer as Acting Chief Executive Officer for the Shire of Morawa for the period 23 November 2020 to 13 December 2020 inclusive.

ATTACHMENTS

Nil

Mr van der Meer returned to the Chambers at 5.36pm and the President advised him of Council's resolution.

11.1.6 Draft Local Government (Administration) Amendment Regulations: Model Standards for CEO Recruitment, Performance and Termination

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER RECOMMENDATION/RESOLUTION

201115 Moved: Cr Stokes Seconded: Cr Collins

That with respect to *Draft Local Government (Administration) Amendment Regulations: Model Standards for CEO Recruitment, Performance and Termination*, Council:

- 1. Endorse as the Shire of Morawa response to recommendations of the *Draft Local Government (Administration) Amendment Regulations: Model Standards for CEO Recruitment, Performance and Termination* as provided at Attachment 1; and**
- 2. Request the Chief Executive Officer to submit Attachment 1 to the Department of Local Government, Sport and Cultural Industries, Western Australian Local Government Association (WALGA) and WALGA Northern Zone.**

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

Council is requested to consider draft *Local Government (Model Code of Conduct) Regulations 2020 (Draft Regulations)*, to prescribe the mandatory Code of Conduct, together with *Explanatory Notes*.

DETAIL

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including a requirement for Local Governments to adopt a mandatory Code of Conduct for council members, committee members and candidates that is yet to take effect.

The Department has now released the draft *Local Government (Administration) Amendment Regulations (No.2) 2020 (Draft Regulations)*, to prescribe the Model Standards, together with Explanatory Notes. Both documents are provided as **Attachment 1**.

Attachment 2 provides the Shire's suggested response to the *Draft Regulations* which incorporates comments and observations provided by WALGA.

LEVEL OF SIGNIFICANCE

Medium – the implementation of *draft Regulations* will impact Shire governance requirements and operations.

CONSULTATION

Consultation will close on Sunday 6 December 2020.
Senior Management Team
WALGA

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 & associated Regulations.

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

No Shire policy is applicable to this matter.

FINANCIAL AND RESOURCES IMPLICATIONS

Should the Model Standards for CEO Recruitment, Performance and Termination be implemented, it could result in an increased financial burden to local governments.

RISK MANAGEMENT CONSIDERATIONS

High – due to the ever-increasing burdens being placed on local government.

CONCLUSION

The draft *Local Government (Model Code of Conduct) Regulations 2020 (Draft Regulations)*, to prescribe the mandatory Code of Conduct, together with *Explanatory Notes* provides reasonable direction to local governments with respect to the appointment process of a CEO. However, as noted in **Attachment 2**, there are requirements that undermine the role of Council and in some respects, do not appear workable.

ATTACHMENTS

Attachment 1 – 11.1.6 Local Government (Model Code of Conduct) Regulations 2020 (Draft Regulations), to prescribe the mandatory Code of Conduct, together with Explanatory Notes.

Attachment 2 – 11.1.6 Shire of Morawa response to recommendations of Draft Regulations

11.1.7 Adoption of Ordinary Meeting of Council Dates for 2021

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201116 Moved: Cr Collins Seconded: Cr Harris

That with respect to Adoption of Ordinary Meeting of Council Dates for 2021, Council:

1. Resolve to set the Ordinary Meeting dates as follows:

- Thursday 18 February 2021
- Thursday 18 March 2021
- Thursday 15 April 2021
- Thursday 20 May 2021
- Thursday 17 June 2021
- Thursday 15 July 2021
- Thursday 19 August 2021
- Thursday 16 September 2021
- Thursday 21 October 2021
- Thursday 18 November 2021
- Thursday 16 December 2021

2. Resolve that all ordinary Council meetings commence at 5.30pm.

3. Resolve that public notice be given of the date and time of all ordinary Council meetings.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

Council is requested to select the Ordinary Meeting dates for 2021.

DETAIL

The proposed motion sets Council meeting dates for 2021, with all meetings set for the third Thursday of the month. The current time of 5.30pm will be advertised as the time that the meetings will convene. Suggested meeting dates are listed below:

- *Thursday 18 February 2021*
- *Thursday 18 March 2021*

- *Thursday 15 April 2021*
- *Thursday 20 May 2021*
- *Thursday 17 June 2021*
- *Thursday 15 July 2021*
- *Thursday 19 August 2021*
- *Thursday 16 September 2021*
- *Thursday 21 October 2021*
- *Thursday 18 November 2021*
- *Thursday 16 December 2021*

S5.25 of the Local Government Act 1995 requires the giving of public notice of the date and agenda for Council or Committee meetings. Once dates are determined, they will be advertised.

It should be noted that there may be instances where a meeting is to be scheduled early in the month and where the Financial Statements for the previous month are still being determined.

In this regard, Staff will advise Council of those instances and the outcome could be that the Statements are referred to the following month.

LEVEL OF SIGNIFICANCE

High – Compliance with legislation

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995:

*Division 2 — Council meetings, committees and their meetings and electors' meetings
Subdivision 1 — Council meetings*

5.3 Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4 Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —*
 - (i) the mayor or president; or*
 - (ii) at least $\frac{1}{3}$ of the councillors,*

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

- (b) if so decided by the council.*

5.5 *Convening council meetings*

- (4) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (5) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Meeting Procedures Local Law 2012

Shire of Morawa Policies

Ordinary Council Meetings

FINANCIAL AND RESOURCES IMPLICATIONS

Cost of advertising meeting dates (budgeted).

RISK MANAGEMENT CONSIDERATIONS

There is a risk of non-compliance if the public are not notified of meeting dates, times and location.

CONCLUSION

That meeting dates be considered and advertised as per resolution of Council.

ATTACHMENTS

Nil

11.1.8	Request for WALGA Northern Zone representation in relation to the Department of Transport (School Bus Services Branch) and the setting of School Bus Routes
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Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201117 Moved: Cr Stokes

Seconded: Cr Collins

That with respect to Request for WALGA Northern Zone representation in relation to the Department of Transport (School Bus Services Branch) and the setting of School Bus Routes, Council:

Request the President to prepare an Item for the next available WALGA Northern Zone meeting that seeks to raise with the Department of Transport (School Bus Services Branch), the urgent need for a more timely, transparent and effective process to address the planning and establishment of school bus routes in Western Australian rural communities.

CARRIED BY SIMPLE MAJORITY 7/0

Council is requested to consider how to establish a transparent and effective process to address the planning and establishment of school bus routes in rural communities.

DETAIL

The establishment of school bus routes in Western Australian rural communities is the responsibility of the Department of Transport (School Bus Services Branch). The Shire along with many other local governments have experienced a general lack of consultation before the School Bus Services Branch (SBSB) allocate school bus routes. In many instances, the result has been that the Shire has had to direct limited resources towards roads to roads allocated by SBSB as a school bus route to ensure that they are suitable for that use. Had there been a level of consultation with the Shire before the allocation, other more suitable roads could have been suggested.

In addition, the Shire is also aware that local rural families suffered through not being consulted by SBSB when they change routes.

In this regard, because the above issues are not just localised to the Shire of Morawa, it would be appropriate to have the matter raised with the WALGA Northern Zone and if it is truly a regional or even State matter, be addressed at the Zone level with SBSB.

LEVEL OF SIGNIFICANCE

Medium – The level of communication for both families and the Shire is important to ascertain expenditure on roads.

CONSULTATION

CEO, Shire of Perenjori
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire gives priority to maintenance of school bus routes during maintenance grading programs, and all school bus routes are to be graded, if needed prior to the school year recommencing. There are financial implications of SBSB falling to consult with the Shire when allocating school bus routes. This relates to the Shire having to urgently direct resources to roads that may not have been sought or considered suitable for such routes.

RISK MANAGEMENT CONSIDERATIONS

Improved transparency and communications with SBSB will result in reducing the risk associated with building and maintaining school bus routes in rural communities.

CONCLUSION

Council is requested to seek the assistance of the WALGA Northern Zone to address the planning and establishment of school bus routes in rural communities.

ATTACHMENTS

Nil

11.2 Executive Manager Corporate & Community Services

11.2.1 Bank Reconciliations – October 2020

Author: Senior Finance Officer
Authorising Officer: Executive Manager Corporate & Community Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

With respect to the Bank Reconciliations – October 2020, Council receive the bank reconciliation report for 31 October 2020.

RESOLUTION

201118 Moved: Cr Coaker Seconded: Cr Carslake

That items 11.2.1, 11.2.2, 11.2.3 are moved en bloc.

CARRIED BY SIMPLE MAJORITY 7/0

*Reason for change:
For expediency, Council considered Items 11.2.1, 11.2.2 and 11.2.3 could be moved en bloc.*

PURPOSE

Local Government (Financial Management) Regulation 34 (1) (a) states that a Local Government must prepare financial statements monthly.

DETAIL

The information to be provided is obtained from the bank reconciliations carried out for Municipal, Reserves and Bonds & Deposits Bank accounts to ensure all transactions have been accounted.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate & Community Services

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Shire of Morawa Policies

Section 3 – Finance 3.11 Risk Management

Section 3 – Finance 3.4.3 Investment Policy – Delegated Authority

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

As presented to Council.

RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management Controls

CONCLUSION

The Shire of Morawa's financial position is as follows:

Bank Balances As At 31 October 2020

Account	2020
Municipal Account	\$3,041,356.37
Bonds & Deposits Account	\$22,337.69
Reserve Account	\$3,108,832.74
Reserve Term Deposit (Community Development)	\$500,000.00
Reserve Term Deposit (Future Funds 1)	\$800,000.00
Reserve Term Deposit (Future Funds 2)	\$800,000.00

Bank Reconciliation Balances

The Bank Reconciliation Balances for 31 October 2020 with a comparison for 31 October 2019 is as follows:

Account	2019	2020
Municipal Account	\$2,603,416.95	\$3,041,356.37
Bonds & Deposits Account	\$22,418.04	\$22,337.69
Total Reserve Accounts	\$5,561,625.02	\$5,208,832.74

Reserve Accounts

The Reserve Funds of \$5,208,832.74 as at 31 October 2020 were invested in:

- Bank of Western Australia \$3,108,832.74 in the Reserve Account;
- Term Deposit (Future Funds 1) \$800,000.00;
- Term Deposit (Future Funds 2) \$800,000.00; and
- Term Deposit (Community Development Fund) \$500,000.00

Breakdown for October 2020 with a comparison for October 2019 is as follows:

	October 2019	October 2020
Leave Reserve	\$219,295.58	\$225,154.69
Swimming Pool Reserve	\$40,542.13	\$60,713.73
Plant Reserve	\$836,268.84	\$467,603.82
Building Reserve	\$93,892.14	\$114,271.92
Economic Development Reserve	\$113,170.92	\$3,515.66
Sewerage Reserve	\$246,822.83	\$222,769.30
Unspent Grants and Contributions Reserve	\$0.00	\$0.00
Community Development Reserve	\$1,247,144.89	\$1,256,547.50
Morawa Future Funds Reserve	\$2,056,604.23	\$2,037,449.08
Morawa Future Funds Interest Reserve	\$273,511.75	\$224,592.97
Refuse Transfer Station Reserve	\$0.00	\$0.00
Aged Care Units Reserve Units 6 - 9	\$9,454.07	\$9,490.98
Aged Care Units Reserve Units 1 - 4	\$70,365.65	\$70,640.24
Aged Care Units Reserve Unit 5	\$56,486.35	\$56,706.79
Business Units Reserve	\$125,400.52	\$145,903.26
Legal Fees Reserve	\$26,009.48	\$26,110.97
Road Reserve	\$146,655.64	\$147,227.94
Covid-19 Reserve	\$0.00	\$140,133.89
TOTAL	\$5,561,625.02	\$5,208,832.74

Transfer of Funds

Nil

Investment Transfers

Nil

ATTACHMENTS

Nil

11.2.2 Accounts Due for Payment – October 2020

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That with respect to Accounts Due for Payment – October 2020, Council endorses the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT13544 to EFT13653 amounting to \$333,586.60**
 - **Municipal Cheques Payment Numbers 12005 to 12006 amounting to \$879.65**
 - **Municipal Direct Debit Payment Numbers DD7342.1.1 to DD7416.1 amounting to \$47,772.00**
 - **Payroll for October 2020**
 - 01/10/2020 - \$48,700.48
 - 15/10/2020 - \$49,531.98
 - 29/10/2020 - \$53,121.66
- Total payroll for October 2020: \$151,354.12**
- **Credit Cards payment in October 2020**
\$1,159.89

RESOLUTION 201118 – *carried en bloc*

PURPOSE

A list of accounts is attached for Council's consideration in relation to all Shire payments made for the month of October 2020.

DETAIL

Local Government (Financial Management) Regulations 1996 – Reg 13.

On 18 June 2020, Council delegated the Chief Executive Officer (CEO) to make payments from the municipal fund or the trust fund as required.

A list of all accounts paid by the CEO is to be prepared each month showing all accounts paid since the last list was prepared.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate & Community Services

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996 – Reg 13

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

Shire of Morawa Policies

Use of Corporate Credit Cards Policy (3.7)

FINANCIAL AND RESOURCES IMPLICATIONS

As per **Attachment 1**.

RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management Controls

CONCLUSION

Council is requested to endorse the list of accounts paid by the Chief Executive Officer as provided in **Attachment 1**.

ATTACHMENT

Attachment 1 - 11.2.2 List of accounts due and submitted

11.2.3 Monthly Financial Statements – October 2020

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That with respect to Monthly Financial Statements – October 2020, Council receive the Statement of Financial Activity for the period ending 31 October 2020.

RESOLUTION 201118 – *carried en bloc*

PURPOSE

Regulation 34(1) (a) of the Local Government (Financial Management) Regulations 1996 requires that a local government must prepare monthly financial statements for Council. The Monthly Financial Activity Report and Schedules are provided for Council's consideration.

DETAIL

As per the *Local Government (Financial Management) Regulations 1996*, a monthly statement of financial activity report on the sources and application of funds, as set out in the annual budget has the following details:

- Annual budget estimates.
- Operating revenue, operating income and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the reporting period.
- Identification of any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provision of likely financial projections for those highlighted significant variations and their effect on the end of year result.
- Inclusion of an operating statement.
- Any other supporting notes as required.

The actual amounts contained in the report are subject to end of year 2019/2020 adjustments and final audit. The actual figures could possibly change following the completion of final audit for 2019/2020. The auditors were on site from 30 September 2020 to 02 October 2020 to undertake the end of year audit and we are awaiting the Audit Completion Report.

The final accounts will be confirmed by the auditors and be presented to council as part of the annual financial report for 2019/2020.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate & Community Services

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

Shire of Morawa Policies

Purchasing Policy.

FINANCIAL AND RESOURCES IMPLICATIONS

As presented in **Attachments 1** and **2**.

RISK MANAGEMENT CONSIDERATIONS

There are no known risks associated with the report.

CONCLUSION

This report is based on the 2020/21 Annual Budget adopted by Council on 30 July 2020. It contains the budget amounts, actual amounts of expenditure and income to the end of the month for the purpose of keeping Council abreast of the current financial position and the variances are explained under Note 2 of the report.

ATTACHMENTS

Attachment 1 – 11.2.3 October 2020 Monthly Financial Activity Report
Attachment 2 – 11.2.3 October 2020 Schedules 2 - 14

11.2.4 Chief Executive Officer Authorisations and Reporting to Council

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate and Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201119 Moved: Cr Carslake Seconded: Cr Katona

That with respect to the Chief Executive Officer Authorisations and Reporting to Council, Council:

- 1. Receive the information presented to this meeting of the time worked by the Chief Executive Officer between 1 October 2020 and 28 October 2020 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.**
- 2. Receive the information presented to this meeting that the Chief Executive Officer took personal leave on Tuesday 27 October 2020.**
- 3. Receive the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card for October 2020 and acknowledges that no payments were incurred.**
- 4. Receive the information presented to this meeting of the reimbursement applications made by the Chief Executive Officer in October 2020.**

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

The purpose of this agenda item is to report to Council on Acting Chief Executive Officer (CEO) leave applications, use of the corporate credit card and any reimbursement(s) of CEO expense applications.

DETAIL

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

These functions can only be approved by Council resolution.

Leave Taken

This report covers leave taken by the CEO for the period between 1 October 2020 and 28 October 2020. On Tuesday 27 October, personal leave was taken as shown in **Attachment 1**.

Leave Sought

This report covers the period the period between 20 November 2020 and 30 November 2020 (date of the Acting CEO's last working day). The CEO is seeking to take annual leave from Monday 23 to Monday 30 November 2020 (inclusive).

Reimbursement Applications

This report covers October 2020. A reimbursement was claimed during this period of \$810 which is the pro rata allowance in accordance with the CEO's Letter of Appointment for professional membership fees.

Corporate Credit Card

This report covers October 2020 credit card statements. Note that there was no credit card expenditure in that period (**Attachment 2**).

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states:

“Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.”*

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

CEO Leave Authorisations and Other Approvals Policy
Use of Corporate Credit Cards Policy

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial or resource implications in relation to this item.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

That Council receive the information contained in this report addressing the CEO's:

- leave of any type;
- additional hours worked and claimed (none);
- corporate credit card expenses (none); and
- work related expenses/reimbursements (none).

ATTACHMENTS

Attachment 1 – 11.2.4 CEO's Timesheets
Attachment 2 – 11.2.4 CEO Credit Card Statement
Attachment 3 – 11.2.4 CEO Reimbursement documents

11.2.5 Change in Cemetery Fees and Charges - Australian Tax Office ruling for regional local governments

Author: Executive Manager Corporate and Community Services

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201120 Moved: Cr Stokes Seconded: Cr Collins

That with respect to Change in Cemetery Fees and Charges -Australian Tax Office ruling for regional local governments, Council:

1. Note the receipt of the recommended changes to the Cemetery Fees and Charges from the Department of Local Government, Sport and Cultural Industries related to the Grant of Right of Burial or the renewal of the Grant (Attachment 1)
2. Resolve to adopt the revised Shire of Morawa's Fees and Charges Schedule 2020/2021 to reflect the GST exemption for the Grant of Right of Burial fees;
3. Recommend the Morawa Cemetery Board to adopt the cemetery fees as provided in 2 above; and
4. Authorise the Chief Executive Officer to undertake the necessary activities to ensure publication of the updated Fees and Charges Schedule in accordance with the Local Government Act 1995 and the Local Law – Cemeteries 2018.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

The purpose of this agenda item is to inform Council about a recent private tax ruling which handed down the recommendation that the fee for a Grant of Right of Burial and a renewal of a Grant of Right of Burial should be regarded as GST exempt.

DETAIL

On Friday 30 October 2020, the Department of Local Government, Sports and Cultural Industries (DLGSCI) provided advice with respect to private Australian Tax Office (ATO) ruling pertaining to the charge of GST to the Grants of Rights of Burials (**Attachment 1**).

The ruling was handed down stating the Grant or the renewal thereof are exempt from GST.

Although the ruling formally applies to four Cemetery Boards in Western Australia, it is appropriate that local governments managing cemeteries take steps to adopt the ruling to apply the GST exemption to the Grant of Right of Burial component of their fees. Consequently, it is recommended to adopt an updated version of the Fees and Charges Schedule 2020/2021 to reflect the amendments.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes. The financial effect of this ruling is limited.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.19 of the *Local Government Act 1995* states:

“If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.”

Western Australia – Cemeteries Act 1986

Shire of Morawa – Cemeteries Local Law 2018

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

No Shire policy is applicable to this matter.

FINANCIAL AND RESOURCES IMPLICATIONS

Fees and Charges Schedule FY 2020/2021 was adopted by Council on 18 June 2020.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

The recommendation to amend the Fees and Charges relating to the Grant of Right of Burial is to be implemented by changing the Schedule and publish the new Schedule as required and recommending to the Morawa Cemetery Board to adopt the cemetery fees.

ATTACHMENT

Attachment 1 – 11.2.5 ATO Ruling

11.2.6 Transfer of Title to Shire – Lots 12 and 13 on deposited plan 142516, Simpson Street, Gutha.

Author: Executive Manager Corporate and Community Services

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201121 Moved: Cr Collins Seconded: Cr Katona

That with respect to the Transfer of Title to Shire – Lots 12 and 13 on deposited plan 142516, Simpson Street, Gutha., Council:

- 1. Note the receipt of the Certificate of Title as shown in Attachment 1;**
- 2. Resolve to waive the outstanding rates balance of \$4,451 (as at 6 November 2020); and**
- 3. Authorise the Chief Executive Officer to liaise with external stakeholders to arrange payment of the outstanding Emergency Services Levy.**

CARRIED BY ABSOLUTE MAJORITY 7/0

PURPOSE

Council is requested to consider the recent transfer of titles of Lots 12 and 13 on deposited plan 142516, Simpson Street, Gutha to the Shire along with the consequences pertaining to that transfer relating to the waiver of receivable rates and payment of Emergency Services Levy (ESL).

DETAIL

In 2019, a transfer-of-land process was initiated by the Shire for Lots 12 and 13 on deposited plan 142516, Simpson Street, Gutha. The land is vacant with a combined area of 2002m². The reason for the transfer of the property to the Shire is the extended period of time for non-payment of outstanding rates. The previous owner died in 1985.

LEVEL OF SIGNIFICANCE

Medium significance - report is presented to Council for information purposes. A financial consequence of \$4,451 exists due to waiver of unrecoverable rates.

CONSULTATION

Senior Management Team



LEGISLATION AND POLICY CONSIDERATIONS

Section 6.64 of the *Local Government Act 1995* states:

“6.64. Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land; or*
 - (b) *sell the land; or*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.”*

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

No Shire policy is applicable to this matter.

FINANCIAL AND RESOURCES IMPLICATIONS

The outstanding rates and charges on 6 November 2020 is as follows:

• Rates	\$2,054.15
• Interest	\$1,574.91
• ESL Penalty current	\$7.12
• ESL Penalty Arrears	\$275.00
• Emergency Services Levy	\$516.63
• Interest not yet applied	<u>\$23.71</u>

Total due on 6 November 2020 \$4,451.52

Please note that the interest component accrues at 65.8611 cents per day.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

The transfer of the title has been completed and the property is now owned by the Shire. The outstanding rates balance is to be waived as it is considered unrecoverable. Council may decide to commence the sale of the property and partially recover costs. The outstanding balance is \$4,451 and the value of the property is estimated to be of comparable value. It seems therefore unlikely that the Shire will be able to recover any costs or rates.

ATTACHMENT

Attachment 1 – 11.2.6 Certificate of Title

11.3 Economic Development Manager

The Economic Development Manager Report forms part of the 'Confidential' Agenda.

11.4 Executive Manager Works & Assets

There are no reports from the Executive Manager Works and Assets.

Item 12 Reports of Committees**12.1 Meeting of WALGA State Council Meeting 02 September 2020**

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

201122 Moved: Cr Stokes Seconded: Cr Harris

That Council receive the Unconfirmed Full Minutes of the WALGA State Council Meeting held Wednesday 02 September 2020. (Attachment 1 - 12.1).

CARRIED BY SIMPLE MAJORITY 7/0

12.2 Unconfirmed Minutes of the Audit & Risk Committee Meeting 19 November 2020

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

201123 Moved: Cr Carslake Seconded: Cr Collins

That Council receive the Unconfirmed Minutes of the Audit Committee Meeting held 19 November 2020 (Attachment 1 - 12.2 – to be provided under separate cover).

CARRIED BY SIMPLE MAJORITY 7/0

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Notice

Nil

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**15.1 Closure of the Meeting to the Public**

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declare that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201124 Moved: Cr Stokes Seconded: Cr Coaker

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider addressing the following items:

- 15.2 Confidential Item – Residential Land Tender - Various Lots in Morawa (s5.23 (2) (b), (c), (d) and (e) of the *Local Government Act 1995*);
- 15.3 Confidential Item – Derelict Houses – Commencement of Sale Process (s5.23 (2) (c), (d) and (e) of the *Local Government Act 1995*);
- 15.4 Confidential Item – Enforcement of unauthorised building on part Reserve 31415 and Lot 500, Deposited Plan 412777, Morawa (s5.23 (2) (c), (d), (e) and (f) of the *Local Government Act 1995*); and
- 15.5 Confidential Item – Proposed new Waste Disposal Facility (s5.23 (2) (c), (d) and (e) of the *Local Government Act 1995*).

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

This item seeks Council's approval under s5.23 (2) of the *Local Government Act 1995* and *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* to move into camera or closed session to consider the following confidential matters addressing:

- Residential Land Tender - Various Lots in Morawa;
- Derelict Houses – Commencement of Sale Process;
- Enforcement of unauthorised building on part Reserve 31415 and Lot 500, Deposited Plan 412777, Morawa; and
- Proposed new Waste Disposal Facility.

DETAIL

Items 15.2, 15.3 and 15.4 are presented as 'confidential' due to matters as follows:

- 15.2 Confidential Item – Residential Land Tender - Various Lots in Morawa (s5.23 (2) (b), (c), (d) and (e) of the *Local Government Act 1995*);
- 15.3 Confidential Item – Derelict Houses – Commencement of Sale Process (s5.23 (2) (c), (d) and (e) of the *Local Government Act 1995*);
- 15.4 Confidential Item – Enforcement of unauthorised building on part Reserve 31415 and Lot 500, Deposited Plan 412777, Morawa (s5.23 (2) (c), (d), (e) and (f) of the *Local Government Act 1995*); and
- 15.5 Confidential Item – Proposed new Waste Disposal Facility (s5.23 (2) (c), (d) and (e) of the *Local Government Act 1995*).

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Under s.5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person;*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property;*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

Shire of Morawa Standing Orders Local Law 2011

The key parts include:

6.2 (1) *The CEO may recommend that part of the meeting is closed.*

6.2 (2) *The Council may decide to close a meeting or part of a meeting.*

6.2 (3) *The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*

6.2 (5) *Clause 8.9 (re speaking twice)*

6.2 (7) *The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Shire of Morawa Policies

No Shire policy is applicable to this matter.

FINANCIAL AND RESOURCES IMPLICATIONS

Any known financial implications are addressed in the respective reports.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management considerations.

CONCLUSION

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011* s 6.2 (2) so that it can consider the Items as defined in this Report.

ATTACHMENTS

Nil

15.2 Confidential Item – Residential Land Tender - Various Lots in Morawa

Author: Manager Economic Development

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declares that they do not have any conflict of interest in relation to this item.

OFFICER RECOMMENDATION/RESOLUTION

201125 Moved: Cr Stokes Seconded: Cr Collins

That with respect to Residential Land Tender - Various Lots in Morawa, Council:

1. Notes that one tender offer was received for '*Tender 01/2020 – Sale of Residential Land Lots, Morawa*'.
2. Declines the offer received for *Tender 01/2020* to purchase Lot 368, No. 2 Prater Street for \$1,000.
3. Accepts the recommended *Residential Lots Reserve Price List (Price List)* as provided in Confidential Attachment 1.
4. Authorises the Chief Executive Officer (CEO) to accept offers to purchase lots that are equal to or within 10% of the *Price List* for lots and be subject to advertising in accordance with s3.58 of the *Local Government Act 1995*.
5. Should any offers be received less than the *Price List* referred in 3 and 4 above, the CEO be requested to refer the offers to Council for consideration.

CARRIED BY ABSOLUTE MAJORITY 7/0

15.3 Confidential Item – Proposed new Waste Disposal Facility

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201126 Moved: Cr Carslake Seconded: Cr Coaker

That with regards to a Proposed new Waste Disposal Facility, Council resolve to:

- 1. Note the Report;**
- 2. Request to Chief Executive Officer undertake action as outlined in the Report in relation to progressing a new Waste Disposal Facility; and**
- 3. Report the outcome of 2. above to Council.**

CARRIED BY SIMPLE MAJORITY 7/0

Cr Shirley Katona had earlier declared an Impartiality Interest in Item 15.4.

Cr Katona left Chambers at 5.40pm.

15.4	Confidential Item – Enforcement of unauthorised building on part Reserve 31415 and Lot 1 Deposited Plan 412777, Club Road Morawa
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Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201127 Moved: Cr Stokes

Seconded: Cr Collins

That with respect to Confidential Item – Enforcement of unauthorised building on part Reserve 31415 and Lot 1 Deposited Plan 412777, Club Road Morawa, Council:

- 1) Note the Report; and**
- 2) Request the Chief Executive Officer to undertake enforcement action as outlined in the Report to achieve compliance with the *Building Act 2011* and *Building Regulations 2012*.**
- 3) Request the Chief Executive Officer at the earliest possible convenience to ascertain compliance with 2. above.**

CARRIED BY SIMPLE MAJORITY 7/0

Cr Katona returned to the Chambers at 5.41pm.

15.5 Confidential Item – Derelict Houses – Commencement of Sale Process

Author: Executive Manager Corporate and Community Services

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

201128 Moved: Cr Collins Seconded: Cr Coaker

That with respect to Confidential Item – Derelict Houses – Commencement of Sale Process, Council:

- 1. Note the Report;**
- 2. Authorise the commencement of the formal sale of land referred in the Report pursuant to the s6.64 and s6.68(2)(a) Local Government Act 1995 section; and**
- 3. Authorise the Chief Executive Officer to seek legal assistance as required to ensure a satisfactory outcome with regard to statutory compliance.**

CARRIED BY ABSOLUTE MAJORITY 7/0
