

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 17 DECEMBER 2020

TABLE OF CONTENTS

TABLE OF CONTENTS	1
1. Declaration of Opening	2
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)	2
3. Declarations of Interest	2
4. Response to Previous Public Questions Taken on Notice	2
5. Public Question Time	2
6. Petitions/Deputations/Presentations/Submissions	2
7. Applications for Leave of Absence	2
8. Announcements by Presiding Member	3
9. Confirmation of Minutes	3
10. Regional Reports.....	4
10.1.1 WALGA Zone Minutes November 2020	4
10.1.2 WEROC Inc Meeting Minutes November 2020	7
11. Officers’ Reports	11
11.1 Environmental Health Officer	11
11.1.1 Development Application for the installation of a Communications Repeater Point near Hadlow Road and Kwolyin West Road, Kwolyin.....	11
11.2 Manager of Works and Services	14
11.3 Manager of Finance	15
11.3.1 Statement of Financial Activity	15
11.3.2 List of Payments	17
11.3.3 Amendments to Purchasing Policy – 2.7.....	19
11.3.4 Audit Committee Membership	21
11.4 Deputy Chief Executive Officer	25
11.4.1 Shire Common Seal	25
11.5 Chief Executive Officer	26
11.5.1 Council Meeting Schedule 2021.....	26
11.5.2 Disposal of Industrial Lots 437, 438 Dampier St, Bruce Rock.....	28
11.5.3 Department of Local Government’s Draft Employee Code of Conduct.....	32
12. New Business of an urgent nature introduced by discussion of the meeting	34
12.1.1 Request to occupy a caravan at the Co-operative Bulk Handling (CBH) facility accommodation area N° 19A (Lot 5) Lethlean Street, Bruce Rock for three months during harvest period.	34
12.1.2 Request for Fee Waiver for support of Community Christmas Brunch at the Bruce Rock Amphitheatre	37
12.1.3 Local Government Child Safety Officers and proposed Reportable Conduct Scheme	39
13. Confidential Items.....	45
13.1.1 Landfill Site Operation and Management Service Contract and Waste Collection Service Key Performance Indicators Review for November to December 2020.....	45
14. Closure of Meeting.....	46

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 17 DECEMBER 2020

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 3.12pm.

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr IS Dolton
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs Melissa Schilling
Environmental Health Officer	Mr J Goldacre (3.37pm – 3.42pm)
Manager of Finance	Mrs JL Bow (3.42pm – 4.06pm)

3. Declarations of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.60B and 5.65 of the Local Government Act 1995 the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

7. Applications for Leave of Absence

8. Announcements by Presiding Member

Thank you to Council for their support throughout the year. Thank you to the staff for their efforts and hard work during the year. The way Covid-19 and supermarket has been handled has been exceptional. Special mention to the CEO who has done a fantastic job throughout the year with everything that has come his way. Council is very proud of your efforts. Also, Melissa Schilling who was Acting Deputy CEO during the pandemic and when the fire occurred. Thank you for your efforts.

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 19 November 2020.

COUNCIL DECISION

Resolution OCM Dec 20 – 9.1

Moved: Cr Crooks

Seconded: Cr Foss

That the minutes of the Ordinary Meeting held Thursday 19 November 2020 be confirmed as a true and correct record.

Carried 9/0

Audit Committee Meeting held on Thursday 19 November 2020.

COUNCIL DECISION

Resolution OCM Dec 20 – 9.1

Moved: Cr Waight

Seconded: Cr Negri

Audit Committee Meeting held Thursday 19 November 2020 be received.

Carried 9/0

Electors Meeting held on Wednesday 9 December 2020.

COUNCIL DECISION

Resolution OCM Dec 20 – 9.1

Moved: Cr Foss

Seconded: Cr Waye

Electors Meeting held on Wednesday 9 December 2020 be received.

Carried 9/0

Special Council Meeting held on Wednesday 9 December 2020.

COUNCIL DECISION

Resolution OCM Dec 20 – 9.1

Moved: Cr Rajagopalan

Seconded: Cr Waight

Special Council Meeting held Wednesday 9 December 2020 be confirmed as a true and correct record.

Carried 9/0

10. Regional Reports

Agenda Reference and Subject:	10.1.1 WALGA Zone Minutes November 2020
File Reference:	1.6.5.1 WALGA Zone Minutes and Agendas
Reporting Officer:	Mr Darren Mollenoyux, Chief Executive Officer
Author:	Mr Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Attachment A – WALGA Zone Meeting Minutes and Presentations</i>

Summary

Council is asked to receive the minutes from the previous WALGA Great Eastern Zone Meeting.

Background

The recent WALGA Great Eastern Zone Meeting was held on the 26th November 2020 at the Merredin Recreation Centre.

Comment

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA Zone minutes be read and received by Council.

The following items from the minutes are drawn to Council's attention;

6.3 Telstra Battery Backup

Nick Sloan (WALGA CEO), Joanne Burges (WALGA Intergovernmental Relations and Risk) and Cr Stephen Strange met with Senator Dean Smith and Mark Thompson, Corporate Affairs Manager and Boyd Brown, WA Regional General Manager representing Telstra on Thursday 24 September, 2020.

Telstra acknowledged that issues occur around 'unplanned' outages (as experienced in emergency situations) and that energy providers (Western Power and Horizon Power) should also be at the table to address this issue along with future proofing solutions.

Further, Telstra spoke of the Commonwealth's 'hardening' grant funding program (funded via Mobile Black Spot Funding), at which time we were able to outline some of the limitations of the fund. Acknowledged one of the gaps is between the battery back-up 'going down' and the technician arriving.

Solutions discussed included but were not limited to:

- *Investigating the actual 'cost' and options of a battery backup replacement and maintenance program to ensure longer back-up*
- *Investigating 'local' options and training for technicians*
- *Including Western Power and Horizon Power to seek a collaborative approach to both short term solutions and innovative solutions for the long term e.g. Gen Set/Solar/ Battery combination*

Outcomes of the meeting included:

- *The Senator to write to the Telstra CEO outlining the specific nuances and needs of WA*
- *The Senator will write to the SEMC to encourage this matter as a standing item, suggesting Telstra, Western Power and Horizon Power attendance to seek a collaborative solution*

-
- *The Telstra WA Regional General Manager, Boyd Brown and WALGA CEO, Nick Sloan to meet in the near future to progress solution seeking options for the short, medium and long term*

It was acknowledged that many of the options were currently prohibitive from a cost perspective, although the discussions did identify some options that could be explored further.

Where cost was seen as an issue, it was agreed that this should not limit investigating what is possible and to explore funding options that could be available now and into the future.

Cr Strange updated the Zone on a conversation held with Richard Burnell, Department of Fire and Emergency Services. This issue has been elevated to the State Emergency Movement Committee (SEMC) and Emergency Services. Richard Burnell has requested to present at the next zone meeting.

Main Roads WA Presentation.

Craig Manton from Main Roads gave an update on various matters including

- **Bruce Rock Merredin Road**
Mr Manton advised of current planned works and status, including the Bruce Rock – Merredin Road. Tenders have closed for the widening of the road and are currently in the assessment stage with works planned to commence in January 2021 with estimated completion by April 2021.
- **Final Draft Policy and Criteria SIGNIFICANT LOCAL GOVERNMENT ROADS**
Craig Manton highlighted the current review of Policy and Criteria for Significant Local Government Roads. The following email regarding the review document was received;

The Road Classification Working Group (consisting of representatives from Main Roads and WALGA) has been reviewing the current criteria and policy for determining if a road qualifies for listing in the Regional Strategies for Significant Local Government Roads. Considerable time has been spent formulating the draft to date as well as a large number of roads tested against the criteria by way of sensitivity studies. The identification of significant roads within built up urban areas has also been addressed by adding selective criteria. The Working Group has strived to make the criteria more objective thereby driving a more consistent approach to the selection of significant roads.

Please find attached the Draft to be considered by the Technical Group and the Regional Road Group. Comments to be back to the undersigned by 13th November 2020.

It is proposed that following acceptance and adoption of the Criteria, each Regional Road Group be tasked to form a working group to review all of the roads currently showing on their Roads 2030 list of roads.

To inform the RRG review workshop, Main Roads will issue instructions including a data sheet of all the roads currently depicted in the Roads 2030 documents, along with any additions made through SAC in later years. The final document will be live to enable amendments to be made quickly to each RRG document and be available online.

The deadline for commentary on the Final Draft Policy and Criteria SIGNIFICANT LOCAL GOVERNMENT ROADS has been extended to Friday, 11 December 2020.

This new draft policy is concerning and could have significant impact on local government road networks and access to future funding. It was raised at the Zone as an urgent matter to be addressed and the sector has been strongly encouraged to respond.

Cr Strange attended a subsequent meeting regarding this matter and will provide further update and comment at the Council Meeting.

A full copy of the minutes and supporting documentation is provided as Attachment A.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WALGA Great Eastern Zone meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION	
Resolution OCM Dec 20 – 10.1.1	
Moved:	Cr Rajagopalan
Seconded:	Cr Dolton
That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 26th November 2020 at the Merredin Recreation Centre.	
Carried 9/0	

Agenda Reference and Subject:

10.1.2 WEROC Inc Meeting Minutes November 2020

File Reference:

1.6.9.1 WEROC Inc Minutes and Agendas

Reporting Officer:

Mr Darren Mollenoyux, Chief Executive Officer

Author:

Mr Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Attachment A – WEROC Inc Board Meeting and Supporting Documentation

Summary

Council is asked to receive the minutes from the previous WEROC Inc Board Meeting.

Background

The last WEROC Inc Board Meeting was held on the 26th November 2020 at the Merredin Recreation Centre.

Comment

To encourage the WEROC Inc partnership and promote a better understanding by all Councillors it is recommended that WEROC Inc minutes be read and received by Council.

The following items are highlighted for Council's attention;

The new WEROC Inc Website is now live and can be found at www.weroc.com.au.

7.1 Co-operative Advertising Campaign

WEROC Inc is continuing to investigate a joint advertising campaign and will receive a presentation at the February 2021 Board Meeting from Skyworks.

7.2 Regional Waste Management

As part of WEROC's Strategic Plan the Board is investigating Regional Waste Management options.

The strategy includes the following investigations

- 1) Undertake a review of existing waste management service delivery across the WEROC region including:
 - Local Government waste management plans;
 - Waste management services and infrastructure;
 - Recycling activities and capabilities;
 - Contract arrangements; and
 - Cost of delivery.
- 2) Complete a cost-benefit analysis for ownership of a shared truck for municipal waste and recycling collections; and
- 3) Develop a WEROC Waste Management Plan.

The meeting will receive further presentations in early 2021 to identify the best approach and direction in working towards this strategic plan item.

7.4 Wheatbelt Medical Student Immersion Program

WEROC's Executive Officer, Rebekah Burgess provided an update on the 2021 program which will be held from Tuesday 16th March 2021 – Friday 19th March 2021. Further details are provided in the minutes.

7.7 Presentation – Darren Brown - Bushfire Volunteers WA

Mr Brown was invited to present to WEROC to address matters around our Strategy for Joint services for Ranger and Regulatory Services including a joint officer for bushfire compliance.

Mr Brown made the following points during his presentation;

- Mr. Brown highlighted the lack of transparency on behalf of the Department of Fire and Emergency Services (DFES) with regard to how the Emergency Services Levy (ESL) is expended;
- Mr. Brown advised that DFES received \$400million from the ESL and only \$30million of this goes back to Local Governments to fund Volunteer Bushfire Brigades and State Emergency Services;
- Mr. Brown also advised that while the ESL has continued to increase, the amount that is distributed back to Local Governments has not changed;
- It was suggested that the most impactful thing that Local Governments can do is to push for WALGA to lobby for an independent review of the ESL.

Comments from the Meeting:

- The Board requested that the Executive Officer write to Mr. Darren Brown to thank him for attending and ask for a copy of his PowerPoint presentation.
- It was felt that the information as presented by Mr. Brown was of concern and that the matter needed to be addressed at the Zone level.

The following resolution was made;

That the Executive Officer write to Mr. Tony Brown, Executive Officer of the Great Eastern Country Zone (GECZ) asking that an independent review of the Emergency Services Levy be requested by WALGA on behalf of the GECZ.

7.9 Presentation –Wheatbelt Suicide Prevention and Wheatbelt Mental Health Services

Jo Drayton from Wheatbelt Suicide Prevention and Tendai Makanyanga from Wheatbelt Mental Health Services gave a presentation to WEROC

Comments from the Presentation

- Mr. Makanyanga and Ms. Drayton provided an overview of the state of sudden deaths and suicides in the Wheatbelt. While exact figures could not be supplied, it was advised that there has been an 85% increase in the number of suicides in the Wheatbelt between 2018 and now.
- Data indicates that there has been an increase in female suicides within the Wheatbelt. There has also been an increase observed in suicides of people under the age of 21.
- Mr. Makanyanga and Ms. Drayton advised that they can assist local governments in the creation of a community wellbeing plan and that there are already six Shires that have completed this process in the Wheatbelt and a further three Plans are under development.

Comments from the Meeting:

- Discussion was held regarding the possibility of developing a high-level Wellbeing Plan across the six WEROC Local Governments.
- Mr. Peter Clarke suggested that Local Governments should undertake local level planning because some issues are unique to a particular community.
- Mr. Raymond Griffiths suggested that a bottom-up approach should be adopted, whereby Local Plans are developed first and then fed into a higher-level plan that addresses commonalities across the Local Governments.

The following resolution was made;

*RESOLUTION: Moved: Mr. Darren Mollenoyux, Seconded: Mr. Raymond Griffiths
That the matter be referred back to individual Local Governments.*

Does the Shire of Bruce Rock wish to undertake the development of a Local Wellbeing Plan?

8.1 Changes to Workplace Health and Safety Legislation

Mr. Raymond Griffiths advised that a WHS and Local Government Webinar was hosted by WALGA on Thursday 19 November 2020. Mr. Griffiths suggested that a discussion may be warranted to ensure that all Members are aware of the changes to WHS legislation and the implications for Local Governments.

The following resolution was made;

*RESOLUTION: Moved: Mr. Raymond Griffiths, Seconded: Mr. Darren Mollenoyux
That the Executive Officer invite LGIS to present at the February 2021 meeting of WEROC Inc., on the WHS legislation, what it means for Local Government and what they need to do to ensure compliance.*

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WEROC Inc Board meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 10.1.2.1

Moved: Cr Dolton

Seconded: Cr Waight

That Council receives the minutes of the WEROC Board Meeting held on the 26th November 2020 at the Merredin Recreation Centre.

Carried 9/0

COUNCIL DECISION

Resolution OCM Dec 20 – 10.1.2.2

Moved: Cr Waye

Seconded: Cr Foss

That the Shire of Bruce Rock undertake the preparation of a Local Wellbeing Plan in 2021.

Carried 9/0

Mr J Goldacre entered the Council Chambers at 3.37pm.

11. Officers' Reports

11.1 Environmental Health Officer

Agenda Reference and Subject:	11.1.1	Development Application for the installation of a Communications Repeater Point near Hadlow Road and Kwolyin West Road, Kwolyin
File Reference:	A928	Hadlow Road (DA)
Reporting Officer:		Mr Julian Goldacre, Environmental Health Officer
Author:		Mr Julian Goldacre, Environmental Health Officer
Disclosure of Interest:		Nil
Attachments:		<i>Item 11.1.2 Attachment A – Application for Development Approval for a 30-meter tower Communications Repeater Point & associated infrastructure on Lot 114 Hadlow Road;</i> <i>Item 11.1.2 Attachment B – location point for the 30-meter tower Communications Repeater Point & associated infrastructure on Lot 114 Hadlow Road.</i>

Summary

Council approve the development application for a 30-meter tower and associated infrastructure for the purpose of a communications repeater point on Lot 114 Hadlow Road owned by Mr J S Hunter and Mrs K A Hunter and operated by Connected Regional Internet Service Provider trading as CRISP Wireless as described in Attachment A and B. and provide Advice Notes to the applicant for other statutory requirements which may be applicable but not limited to.

Background

The Environmental Health Officer (EHO) received a Development Application (Attachment A) for a 30-meter tower and associated infrastructure for the purpose of a communications repeater point on Lot 114 Hadlow Road (DA).

Comment

The DA proposes the construction of a 30-meter tower with an ancillary refurbished 20 foot long sea container for the purpose of extending the fixed wireless network operated by Connected Regional Internet Service Provider trading as CRISP Wireless (CRISP Wireless). Telecommunications infrastructure is a 'discretionary' use for a 'rural' zoned area pursuant to the *Shire of Bruce Rock Local Planning Scheme No 3* (Scheme) thus the use is not permitted unless the local government has exercised its discretion by granting development approval. The 30 meter high mast and 20-foot refurbished sea container are to be located on Lot 114 Hadlow Road Kwolyin approximately 2,708.8 meters west – south west from the Hadlow and Kwolyin West Road intersection (Attachment B). The land is in the private ownership of Mr J S and Mrs K A Hunter shown on the DA as owners with CRISP Wireless the applicants; the agreement between the owner and applicant is between the two parties and outside the scope of the DA other than requiring the signatures of each party on the DA.

It is a requirement for a local government to consider State Planning Policy 5.2 - Telecommunications infrastructure (Policy 5.2) when considering this DA. The EHO review of the DA and subsequent correspondence from the applicant Mr Leigh Ballard of CRISP Wireless has dealt with the required essential items under Policy 5.2 for this low impact telecommunication infrastructure application. The Scheme Policy '5.2 Moveable Buildings' which governs 'containers' only applies to townsites so is not applicable to this DA. Furthermore, whilst persons on rural land regularly undertake to erect masts on their properties, these are for enhancing farm equipment wayfindings with GPS and thus are ancillary to rural endeavours, whereas the CRISP Wireless mast is commercial infrastructure for broadly used telecommunications signals not limited to rural use only.

Consultation

Mr Alan O’Toole, Deputy Chief Executive Officer;
 Mr Mark Johnston, Planning Manager, Land Use Planning, Dept of Planning, Lands and Heritage; &
 Mr Leigh Ballard of Connected Regional Internet Service Provider Wireless

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015;
Shire of Bruce Rock Local Planning Scheme No 3

Policy Implications

State Planning Policy 5.2 - Telecommunications infrastructure.

Risk Implications

Risk: Development proceeds outside the scope of this Development Application as presented to Council.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed the Environmental Health Officer by monitoring progress.		

Financial Implications

Planning application fee of \$320 for this \$100,000 development being remitted to the Shire of Bruce Rock.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 5 Residents and visitors can access reliable telecommunication services
 5.2 Advocate for a reduction in blackspots across the Shire

10 YEAR OUTCOME

Reliable and extension of telecommunication coverage across the whole Shire

Voting Requirements

Simple majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 11.1.1

Moved: Cr Foss
Seconded: Cr Rajagopalan

That Council resolves to:

- 1. Approve the development application for this 30-meter tower and associated infrastructure for the purpose of a communications repeater point on Lot 114 Hadlow Road owned by Mr J S Hunter and Mrs K A Hunter and operated by Connected Regional Internet Service Provider trading as CRISP Wireless as described in Attachment A and B.**
- 2. This development application approval is for the application reference shown on the application form in Attachment A 'MAST-DA-8-12-20' only and is valid for four years as granted by the Minister for Planning Hon. R Saffioti MLA undersigned Clause 78H Notice of Exemption from Planning Requirements During State of Emergency Clause 78H(6)(a) Amended Noticed dated 30th day of April 2020.**
- 3. Provide the following Advice notes, but not limited to, for the purpose to advise the applicant of other Statutory requirements:**
 - a. No Building Permit pursuant to the Building Act 2011 and subsidiary legislation is required for Class 10 type structures as detailed in the Building Code of Australia. Notwithstanding this, plans with design and specifications for construction are required to be submitted to the Shire of Bruce Rock pursuant to section 143 of the Health (Miscellaneous Provisions) Act 1911 for the Shire of Bruce Rock records;**
 - b. To investigate requirements, if applicable, for notification of the 30-meter mast to the Civil Aviation Safety Authority and/or Air Services Australia and undertake any and all requirements as applicable to protect aircraft in flight including military aircraft and other flying machines for the purposes of conducting or enabling aerial warfare training, including national airlift (air cargo) capacity to provide logistical supply to stationed forces and/or assist in a civilian emergency.**
 - c. To investigate if the proposed telecommunication infrastructure is captured by and requires applicable building standards for construction in a Bush Fire Zone Area as applicable, or not, as the case requires.**

Carried 9/0

Mr J Goldacre left the Council Chambers at 3.42pm and did not return.

Mrs J Bow entered the Council Chambers at 3.42pm.

11.2 Manager of Works and Services

No report

11.3 Manager of Finance

Agenda Reference and Subject:	11.3.1 Statement of Financial Activity
File Reference:	8.2.6.2 Financial Reporting
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest	Nil
Attachment:	<i>Item 11.3.1 Attachment A – Statement of Financial Activity November 2020</i>

Summary

A statement of financial activity must be produced monthly and presented to Council.

Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

The financial statements for the month ending 30th November 2020 is available for download on Council Website.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
David Holland, Manager of Works and Services
Mike Darby, Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

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

(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.*

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget

Likelihood	Consequence	Rating
Possible	Minor	Moderate

Action / Strategy

The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire’s financial performance throughout the year.

Financial Implications

Comparison of actual year to date to the 2020/21 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 11.3.1

Moved: Cr Crooks

Seconded: Cr Negri

That the Statements of Financial Activity for the month ending 30th November 2020 as presented be received.

Carried 9/0

Agenda Reference and Subject:	11.3.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.2.2 Attachment A – List of Payments November 2020</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also, in accordance with Finance Policy Number 2.3, included is a list of payments made with the CEO’s credit card.

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and payments made with the CEO’s credit card for the month of November 2020.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with 2020/21 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 11.3.2

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT16451 to EFT16620 totalling \$540,804.90**
 - b. Cheque number 24040 to 24043 totalling \$3,464.36**
 - c. Trust Cheques NIL**
 - d. Wages and Superannuation payments totalling \$185,351.45 and**
 - e. Credit Card payments \$1,788.63**
- With all payments totalling \$729,620.71 for the month of November 2020.**

Carried 9/0

Agenda Reference and Subject:	11.3.3 Amendments to Purchasing Policy – 2.7
File Reference:	1.6.1.2 Circulars – Department of Local Government
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Jennifer Bow, Manager of Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.3.3 Attachment A - Circular No 01-2020 - Practical Assistance For Local Governments To Respond During A State Of Emergency (COVID-19)</i> <i>Item 11.3.3 Attachment B – Amended Policy 2.7 Purchasing</i>

Summary

Council is asked to consider amending the Purchasing Policy following the advice from the Department of Local Government in response to the State of Emergency declaration. Changes can be made to the Shire's purchasing policy due to changes to the Local Government (Functions and General) Regulations 1996 with regards to increasing the tender threshold in April 2020.

Background

The Minister for Local Government, Hon. David Templeman, advised in April 2020 that Councils can amend their purchasing policies to increase the threshold under regulation 11(1) to \$250,000. In other words, Council can purchase goods and services up to \$250,000 without having to go to tender.

For purchases made between \$150,000 and \$249,999 excluding GST, Council are still required to request and receive quotations in writing. For purchases made for residential properties, the \$249,999 is input taxed and will include GST.

Comment

With the number of new projects currently included in the 2020-21 Budget, the increase to the threshold to call tenders will assist staff with obtaining goods and services, without having to call tenders.

The Purchasing Policy does require thorough revision however this will be completed in the new year. Staff propose to only increase the purchasing limit to \$249,999 at this stage. The other inclusion will be the wording:

Therefore, for goods and services costing between \$40,000 and \$250,000, staff will be required to request a quotation in writing and obtain at least 3 written quotes. Staff will also be encouraged to assess the quotes using a predetermined matrix to select the successful quote.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer

Statutory Implications

11A. Purchasing policies for local governments

(1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*

(2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).

(3) A purchasing policy must make provision in respect of –

(a) the form of quotations acceptable; and

(ba) the minimum number of oral quotations and written quotations that must be obtained;

and

(b) the recording and retention of written information, or documents, in respect of –

(i) all quotations received; and

(ii) all purchases made.

[(4) deleted]

Policy Implications

2.7 Purchasing Policy

Risk Implications

Risk: That Council does not adopt the amended Policy, which could potentially lead to situations where quotations and works are delayed due to having to call tenders for goods and services.		
Likelihood	Consequence	Rating
Likely	Major	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be a “High” risk and is why the recommendation is made for Council to adopt the amendment as recommended in the Report.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Goal 12 - Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION	
Resolution OCM Dec 20 – 11.3.3	
Moved:	Cr Wayne
Seconded:	Cr Foss
That Council resolves the amendments to Policy 2.7 Purchasing, with regards to increasing the purchasing limit to \$249,999 without recourse to Tender.	
CARRIED BY ABSOLUTE MAJORITY 9/0	

Agenda Reference and Subject:	11.3.4 Audit Committee Membership
File Reference:	2.1.2.6 Committees, Meetings and Functions
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Jennifer Bow, Manager of Finance Officer Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Nil</i>

Summary

Council are asked to discuss the membership of the Audit Committee following the Office of the Auditor General’s (OAG) report regarding Best Practice for Audit Committees.

Background

The Audit Committee were presented with an item at its November 2020 Committee Meeting regarding the Best Practice Guide for Public Sector Audit Committees. The OAG recommend for a reduced membership of the Audit Committee. The Audit Committee asked that this item be presented to Council for discussion.

Comment

The Local Government Act 1995, s7.1A(1) sets out that the local government is to establish an audit committee of 3 or more persons, and the majority of the members are to be council members. This allows the audit committee to appoint an external non-elected member to the Audit Committee.

Council appointed the current Audit Committee as all members of Council at the Special Council Meeting held following the last election, on 21 October 2019. Members to the Audit Committee must be appointed by absolute majority.

The Local Government (Audit) Regulations 1996, regulation 16 sets out the functions of the Audit Committee.

The main role of the Audit Committee has changed with recent amendments to the regulations and now has the role to “assist and guide” the local government in carrying out its role with regards to;

- i. Part 6 of the Act, which is Financial Management;
- ii. Part 7 of the Act, which is Audit
- iii. Review the report submitted by the CEO in relation to regulation 17(3) (risk management, internal control and legislative compliance) and then report to Council the results of the review with a copy of the CEO’s report;
- iv. Monitor and advise the CEO with regards to the Audit regulation 17 report and also the Financial Management regulation 5(2) report, each done at least once every three years.
- v. Support the auditor with the audit
- vi. Oversee implementation of any actions required in regards to the:
 - a. Audit and items raised by the OAG and preparing report required for Minister addressing actions to be taken;
 - b. Regulation 17 report;
 - c. Financial management review.

The OAG recommends a reduced membership of the Audit Committee. Staff recently attended a WALGA training session on governance and the presenter advised that their view differed from the OAG and whilst reduced membership was preferred, it is not essential.

To adequately address the requirements for the Audit Committee meetings and thoroughly review and address items and reports, it is recommended the Audit Committee Meetings are held on a separate day to Ordinary Council Meeting days.

If Council is to proceed with the full Council as members of the Audit Committee, staff will not be preparing items for Council meetings until after the Audit Committee has been held, and the items can be properly and included in the Agenda.

If Council does decide to vary the membership of the Audit Committee, the appointment must be made by absolute majority.

Consultation

Darren Mollenoyux, Chief Executive Officer

Alan O'Toole, Deputy Chief Executive Officer

Statutory Implications

Local Government Act 1995

7.1A. Audit committee

(1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*

(2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

(3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*

(4) *An employee is not to be a member of an audit committee.*

Local Government (Audit) Regulations 1996

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*

(d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —

(i) regulation 17(1); and

(ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);

(e) to support the auditor of the local government to conduct an audit and carry out the auditor’s other duties under the Act in respect of the local government;

(f) to oversee the implementation of any action that the local government —

(i) is required to take by section 7.12A(3); and

(ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and

(iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and

(iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);

(g) to perform any other function conferred on the audit committee by these regulations or another written law.

Policy Implications

Nil

Risk Implications

Risk: That Council ‘s Audit Committee does not operate in compliance with legislative requirements.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be a “Moderate” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Goal 12 - Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

Officer Recommendation

That Council;

1. Reviews the make up of the members of its Audit Committee and resolves total membership number;
2. Considers the appointment of an external (non-elected member) to the Audit Committee; and
3. Select an alternative Audit Committee meeting day to enable adequate timeframes to address items and present recommendations to Ordinary Council meetings.

Council decision varied to Officer Recommendation to determine who will sit on the Audit Committee and when meetings are held.

COUNCIL DECISION

Resolution OCM Dec 20 – 11.3.4

Moved: Cr Waye

Seconded: Cr Rajagopalan

That Audit Committee Meetings will be held at 10am on Ordinary Council Meeting days, as required with the following members;

Cr Stephen Strange

Cr Ramesh Rajagopalan

Cr Ian Dolton

Cr Kevin Foss

Cr Natalie Kilminster

Cr Phillip Negri

Cr Rebecca Waye

Cr Brendan Waight

Cr Anthony Crooks

CARRIED BY ABSOLUTE MAJORITY 9/0

Mrs J Bow left the Council Chambers at 4.06pm.

11.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.4.1 Shire Common Seal

File Reference:**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire Common Seal in November 2020

Background

Nil

Comment

As per Council’s policy, the Shire Common Seal has been used during the months of November 2020 as follows:

- Transfer of Land 52 & 52A Johnson Street Bruce Rock

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION**Resolution OCM Dec 20 – 11.4.1**

Moved: Cr Foss

Seconded: Cr Kilminster

That Council endorse the use of the Shire Common Seal during November 2020.

Carried 9/0

11.5 Chief Executive Officer

Agenda Reference and Subject:

11.5.1 Council Meeting Schedule 2021

File Reference:

2.1.2.5 Council Meetings

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

Council is asked to consider the schedule of Ordinary Council Meeting dates for 2021.

Background

It is a requirement for Council to advertise at least once each year the dates set for Ordinary Council Meetings. The Shire of Bruce Rock holds its Ordinary Council meetings on the 3rd Thursday of each month except January. The 2021 schedule of Ordinary Council Meetings are proposed 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

Comment

There are no foreseeable clashes with Public Holidays or other events that would require Council to vary any of the proposed meeting dates.

The current meeting day schedule is as follows;

11.00am	Councillor Information Session
1.15pm	Lunch Served
2.00pm	Bus Tour
2.30pm	Finish Councillor information Session
3.00pm	Council Meeting commences

Consultation

Stephen Strange, President
Alan O'Toole, Deputy CEO
Melissa Schilling, Executive Assistant

Statutory Implications

Local Government (Administration) Regulations 1996 - REG 12

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

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications	Nil
Risk Implications	Nil
Financial Implications	Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

12.5 – Lead the organisation in a financially responsible and viable manner

Voting Requirements Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 11.5.1

Moved: Cr Way
Seconded: Cr Crooks

That Council endorses the schedule of Ordinary Council Meeting dates for 2020, with each meeting commencing at 3.00pm.

- **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**

And

Give public notice of the meeting schedule for the Ordinary Meetings of Council for 2021.

Carried 9/0

Agenda Reference and Subject:

11.5.2 Disposal of Industrial Lots 437, 438 Dampier St,
Bruce Rock

File Reference: 3.1.4.6 Industrial Land Sub-Division

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: Nil

Summary

Council is asked to endorse the disposal of two industrial lots, located at Council’s industrial subdivision, namely Lots 437 and 438 Dampier Street, Bruce Rock.

Background

At the November 2020 Ordinary Meeting Council resolved as follows;

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 20 – 12.2

Moved: Cr Crooks

Seconded: Cr Foss

That Council:

1. In accordance with section 3.58 of the Local Government Act Council authorises the Chief Executive Officer to give local public notice of its intention to dispose of the following lots to Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2, for the values stated below;

Lot 437 (76) Dampier Street \$20,700 inc gst

Lot 438 (78) Dampier Street \$20,700 inc gst

2. That condition of sale is subject to

a) a requirement for Bruce Rock Engineering to install, at minimum, a 180cm high link mesh fence on the boundary of lots 436, 437 and 438 Dampier Street, Bruce Rock within 6 months of settlement.

3. That at the conclusion of the advertising period an item be presented to the December 2020 Ordinary Meeting of Council to consider any submissions, prior to the execution of the transfer of land documentation.

4. That Council resolves to vary the 2020/2021 budget to include income of \$41,400 inc gst for the Sale of industrial land.

CARRIED BY ABSOLUTE MAJORITY 8/0

Advertising has been undertaken in accordance with Council resolution and section 3.58 of the Local Government Act. The public notice was as follows;

“Notice is given in accordance with section 3.58(3) & (4) of the Local Government Act 1995 that the Shire of Bruce Rock proposes to sell the listed properties (vacant land) to Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2, for the considerations stated.

<i>Property</i>	<i>Consideration</i>	<i>Market Valuation</i>
<i>Lot 437 (76) Dampier St, Bruce Rock</i>	<i>\$20,700 inc GST</i>	<i>\$19,250 inc GST</i>
<i>Lot 438 (78) Dampier St, Bruce Rock</i>	<i>\$20,700 inc GST</i>	<i>\$19,250 inc GST</i>

The Shire invites submissions concerning the proposed disposition by 4.00pm Tuesday 15th December 2020. Submissions must be in writing and should be addressed as follows: "Disposal of Dampier Street Vacant Lots", Chief Executive Officer, Shire of Bruce Rock, PO Box 113 Bruce Rock WA 6418."

Comment

At the time of writing this report no public submissions had been received, however the submission period doesn't close until the 15th December 2020 and therefore any submissions received by this date will be presented to Council for consideration.

If Council receives any submissions, they will need to be considered at the meeting prior to finalising the resolution for disposal of lots 437 and 438 Dampier Street, Bruce Rock

The applicant, Mr Damion Verhoogt was advised that of the condition of sale would be subject to the installation, at minimum, a 180cm high link mesh fence on the boundary of lots 436, 437 and 438 Dampier Street, Bruce Rock within 6 months of settlement.

Mr Verhoogt advised that he would agree to this condition.

Consultation

Mr Damion Verhoogt, the applicant
Jennifer Bow, Manager of Finance
Simon Brown, Valwest

Statutory Implications

Local Government Act 1995 - Sect 3.58

3.58 - Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

Policy Implications Nil

Risk Implications

Risk: That the industrial lots not be sold, leading to continual loss of revenue for Council and potential loss of economic progress in the Shire.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Council resolved at the November 2020 Ordinary meeting of Council to vary the budget provision in 2020/21 for the sale of industrial lots, to include income of sale of industrial land at \$41,400 inc gst.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

2.2 – Encourage greater usage of current Council owned facilities

Economy

Goal 3: Assist the local economy to grow

3.7 – Leverage economic opportunities and development from successful local businesses

Goal 4: Workers and their families can work and reside in the Shire

4.3 – Promote existing residential land and plan for future commercial and residential land developments to meet current and future needs

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. That Council consider any written public submissions received prior to the deadline and in accordance with section 3.58 of the Local Government Act Council resolves to dispose of the following industrial lots to Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2, for the values stated below;

Lot 437 (76) Dampier Streets \$20,700 inc gst

Lot 438 (78) Dampier Street \$20,700 inc gst

2. That condition of sale is subject to;

- a) a requirement for Bruce Rock Engineering to install, at minimum, a 180cm high link mesh fence on the boundary of lots 436, 437 and 438 Dampier Street, Bruce Rock within 6 months of settlement.

Council decision varied to Officer Recommendation to show that no public submissions were received.

COUNCIL DECISION

Resolution OCM Dec 20 – 11.5.2

Moved: Cr Way
Seconded: Cr Rajagopalan

That Council:

1. That being there were no public submissions were received, in accordance with section 3.58 of the Local Government Act, Council resolves to dispose of the following industrial lots to Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2, for the values stated below;

Lot 437 (76) Dampier Street \$20,700 inc gst

Lot 438 (78) Dampier Street \$20,700 inc gst

2. That condition of sale is subject to;

a) a requirement for Bruce Rock Engineering to install, at minimum, a 180cm high link mesh fence on the boundary of lots 436, 437 and 438 Dampier Street, Bruce Rock within 6 months of settlement.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.3 Department of Local Government’s Draft Employee Code of Conduct

File Reference: 2.3.3.1 Local Government Act 1995 Acts and Regulations

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 11.5.3 Attachment A - Local Government Code of Conduct Explanatory Notes*
Item 11.5.3 Attachment B – Local Government Employee Code of Conduct Consultation

Summary

Council is asked to consider making a submission to the Department of Local Government in relation to their Draft Local Government Employee Code of Conduct.

Background

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament. The Act includes a requirement for local government CEOs to prepare and adopt a code of conduct for employees. Currently, Part 9 of the Local Government (Administration) Regulations 1996 deals with this requirement. Current provisions have been incorporated into new regulations with some amendments, particularly in relation to gift provisions.

New regulations will bring into effect section 25 of the Local Government Legislation Amendment Act 2019 which includes the Code of Conduct for employees.

On the 4th December 2020 the Department of Local Government, Sport and Cultural Industries emailed Local Governments and advised that the draft copy of the *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020* is now available for review. Local governments are invited to provide feedback on the regulations by emailing actreview@dlgsc.wa.gov.au

The period for consultation will close 6 January 2021.

The following documents in relation to the Draft Local Government Employee Code of Conduct are provided as an attachment to this agenda;

- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020
- Local Government Employee Code of Conduct explanatory notes

Comment

The Department has left very little time to review the Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020, with only a week prior to Council to review the document and only a week after the meeting to provide submissions as along with most Local Government we will be closed between the 24th December 2020 and 4th January 2021.

As this consultation period has only just opened, I am unsure of WALGA’s position and their proposed approach to making a submission, there will be very little opportunity for sector feedback. LG Professionals WA will be making a submission on behalf of its members with a focus on their concerns around the complication and further confusion created around gifts.

Individuals are also able and are encouraged to make their own submission and therefore Councillors may wish to also make their own submission to the Department of Local Government.

The Chief Executive Officer is reviewing the proposed documents and is seeking Council’s comments to assist in preparing a submission on Council’s behalf.

Consultation

Members of Senior Management Team
 LG Professionals

Statutory Implications

The Local Government Legislation Amendment Act 2019

Policy Implications

Any Policies relating to Council’s current Code of Conduct and Employees Code of Conduct

Risk Implications

Risk: Compliance may be increased from legislative changes that could occur and costs and administrative burden would increase should the CEO Standards be adopted by the Department of Local Government as they are currently proposed.

Likelihood	Consequence	Rating
Likely	Moderate	Moderate

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.

Financial Implications

Should the proposed changes be implemented by the Department of Local Government, there may be some administrative costs associated with the governance and reporting on some of the requirements. The time required to administer and associated costs are unknown at this stage.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 10 – Our organisation is well positioned and has capacity for the future
 Goal 12 – Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 11.5.3

Moved: Cr Rajagopalan
Seconded: Cr Waight

That Council endorses the Chief Executive Officer to prepare a submission providing feedback and including any additional points, in response to the Department of Local Government, Sport and Cultural Industries Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020.

Carried 9/0

12. New Business of an urgent nature introduced by discussion of the meeting

Agenda Reference and Subject:	12.1.1 Request to occupy a caravan at the Co-operative Bulk Handling (CBH) facility accommodation area N° 19A (Lot 5) Lethlean Street, Bruce Rock for three months during harvest period.
File Reference:	A2504 Lot 5 Latham Street Bruce Rock
Reporting Officer:	Julian Goldacre, Environmental Health Officer
Author:	Julian Goldacre, Environmental Health Officer
Disclosure of Interest	
Attachments	<i>Item 12.1.1 - Attachment A – Request to permit a stay in a caravan at CBH site for eight weeks.</i>

COUNCIL DECISION

Resolution OCM Nov 20 – 12.1.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council resolves to accept to introduce 3 late agenda items be addressed at the meeting.

Carried 9/0

Summary

Council approves for Mr A Hooker and his wife to camp in their caravan at the CBH accommodation facilities for eight weeks with conditions.

Background

The EHO visited the CBH site on Lethlean Street to investigate an onsite a caravan parked next to the CBH accommodation building. There exists State Regulation concerning camping and caravanning on sites not licensed as camping grounds or where a stay of 3 nights with the landholders' permission in any 28-day period is exceeded.

Comment

The EHO discussed with the wife of a Mr A Hooker the owners and occupier of the caravan that there is still a regulatory requirement to reside in the caravan as was explained by the EHO in November 2018, that would require written request for Council consideration. The EHO requested a written request from the occupier/s of the caravan to be given to the Shire of Bruce Rock office so the matter could be considered by Council and this was agreed to (Attachment A). The EHO spoke to Mr Brooker the CBH onsite Manager who explained that Mr Hooker had full access to the accommodation facilities at CBH namely the bathroom, kitchen and laundry that are connected to a septic system and had free use of these facilities. Furthermore, the EHO spoke to the CBH district manager Mr A Elliott and explained the caravan situation at the Bruce Rock CBH site that it would be best practice if an occurring event, to be dealt with before it became a matter of regulatory intervention. The EHO also explained that early into 2021 senior staff will be seeking authority from Council to undertake such approvals for caravan and camping stays as an administrative matter so not requiring a presentation to Council. Mr A Elliott said he will follow up the matter with the Bruce Rock CBH Manager to address concerns raised.

The correspondence received detailed the following in support of Mr Hooker request to Council to be able to be given approval to camp at the CBH site:

1. Mr Hooker has the consent to camp on the land by the CBH Site Manager Mr Peter Brooker as explained to the EHO by Mr Brooker,
 - a) EHO comment - This complies with Regulation 11(1)(a).
2. The caravan is parked outside of the site accommodation block at CBH which has facilities being toilet, shower, laundry, and kitchen which is utilised whilst staying onsite,
 - a) EHO comment - This complies with Regulation 13(a)&(b).
3. The caravan is self-contained being equipped with its own shower and toilet of which the sewerage is contained on-board in tanks which is appropriately disposed of as required,
 - a) EHO comment - This complies with Regulation 14.
4. Refuse is disposed in the rubbish bins provided onsite for CBH for disposal by the local refuse collection contractor;
 - a) EHO comment - This complies with Regulation 13(a)&(b) and 14.
5. Mr Hooker is compliant with CBH Health, Safety, Site rules and policies whilst employed by CBH,
 - a) EHO comment - This complies with Regulation 13(a).

With the above declarations by Mr Hooker listed 1 to 5 of which the EHO has sub-referenced each with comment to the applicable regulatory requirement accordance. A caravan is defined as a 'House' under the *Health (Miscellaneous Provisions) 1911* and the facilities made available would enable the caravan to pass muster under this Act. Mr Hooker respectfully asks that Council approve a stay of up to eight weeks in the caravan whilst working for CBH.

For the sake of balance, it is brought to Councils attention that there is a fully licensed with facilities caravan park available on Dunstall Street. Mr Hooker has previously explained that whilst this is true the preference for CBH is to have staff onsite given the responsibility CBH has for staff whilst working for CBH. Furthermore, having staff onsite contributes to the sites security as well as being able to mobilise staff at short notice due to unforeseen events such as pending storms and other deemed emergencies and operational matters that come up from time to time.

Council has the authority Pursuant to Regulation 11(2)(a) to grant camping up to three months in a twelve-month period and given that the conditions in the Regulations to support the exercise of such approval are valid Council can make such an approval.

Consultation

Mr Peter Brooker, CBH Bruce Rock Manager; &
Mr A Elliott CBH Area Manager;

Statutory Implications

Health (Miscellaneous Provisions) 1911;
Caravan Parks and Camping Grounds Act 1995; and
Caravan Parks and Camping Grounds Regulations 1997.

Policy Implications

Nil

Risk Implications

Risk: Applicant resides longer than the requested eight-week period.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.		

Financial Implications

Nil.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 4 Workers and their families can work and reside in the Shire

10 YEAR OUTCOME - Workers and their families reside in and contribute to the local economy.

Voting Requirements

Simple majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 12.1.1

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council resolves to:

Grant approval to Mr Andrew Hooker and wife to camp in the caravan owned by Mr A Hooker at the Co-operative Bulk Handling (CBH) facility accommodation area located at No 19A (Lot 5) Lethlean Street, Bruce Rock for eight weeks effective from this resolution date with the following conditions:

- 1) This approval is to be effective from the date of this Council resolution and not to exceed eight weeks period;**
- 2) This approval is to remain valid only during 2020 harvest period and into 2021 whilst Mr A Hooker and/or his wife are employed by CBH and with CBH approval of the Bruce Rock Site Manager or relevant CBH authority and have full unimpeded access to the CBH accommodation amenities as required; and**
- 3) Council reserves the right to revoke this approval for any matter deemed to be not in keeping with the application made to Council or any other matter Council deems to be valid for revoking this approval.**

Carried 9/0

Agenda Reference and Subject:	12.1.2 Request for Fee Waiver for support of Community Christmas Brunch at the Bruce Rock Amphitheatre
File Reference:	1.3.2.7 Amphitheatre & Hall Events
Reporting Officer:	Alan O’Toole, Deputy Chief Executive Officer
Author:	Alan O’Toole, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	<i>Nil</i>

Summary

Council has received a request from Cathy Cumming, proprietor of “Brunch” food outlet, for the use of the Bruce Rock Amphitheatre on Christmas Day for a free “Community Christmas Brunch”, which is to be supported by the Bruce Rock Community Fellowship Group.

Background

James Corby of the Bruce Rock Community Fellowship Group spoke with the EHO, Julian Goldacre, on 14 December 2020 on behalf of Cathy Cumming, who operates the Brunch food outlet on Johnson Street, regarding the use of the Amphitheatre to provide a venue for a Community Christmas Brunch on Christmas Day. (Mrs Cumming has been unable to attend to this directly due to a personal matter). Mr Corby has submitted an “Application to Book Amphitheatre Request” form completed by Mrs Cumming, and in a follow up email to Julian Goldacre, has “respectfully request(ed) that the hire charges for the amphitheatre and kiosk facility be waived, as we will be investing significantly into the food and activities to provide a caring and safe place for all members of the community to gather on Christmas Day, particularly those from marginalised sectors within the community.”

Comment

The Booking Form requests the use of the Amphitheatre area (to site a bouncy castle) and for the seating area to provide a venue for the free “Community Christmas Brunch” from 7am to 5pm on Christmas Day, with an expected attendance of 50. The food will be prepared by Mrs Cumming and the Brunch staff, with assistance from the Bruce Rock Community Fellowship Group. (Also requested are the use of 30 chairs and 5 trestle tables, however, with no Shire staff being available over the Christmas break to assist with this and oversee their delivery, return and safe storage as per our insurance requirements, this part of the request cannot be provided).

Mr Goldacre has also advised and assisted those planning the event in the production of a Covid-19 Safety Plan, to ensure they are aware of the safety requirements for an event of this scale in the Amphitheatre. The organisers have also been made aware of the requirement to keep a register for contract tracing purposes as per the latest Covid-Safe directions.

Consultation

Julian Goldacre, Environmental Health Officer
Darren Mollenoyux, Chief Executive Officer

Statutory Implications

Covid-19 safety requirements

Policy Implications

Nil

Risk Implications

Risk: Council does not support the request for a fee waiver for the Bruce Rock Community Christmas Brunch for 2020.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
The Bruce Rock Community Christmas Brunch will provide a venue for all members of the community to access food and fellowship on Christmas Day, particularly for those community members who may be marginalised.		

Financial Implications

The Fee for hiring the Amphitheatre is \$186.50.

As the food preparation is being undertaken at the “Brunch” kitchen, there will be no use of Shire cooking facilities and BBQ area, and therefore cleaning will not have to be undertaken by Shire staff. The Bruce Rock Community Fellowship Group have committed to ensuring that the area is cleaned and available to use beforehand, and also to the cleaning and disposal of any litter etc. that may be produced, and the transporting any refuse to the available 240 MGB bins onsite.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 7 Our community is engaged and have a healthy lifestyle

Voting Requirements

Absolute Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 12.1.2

Moved: Cr Kilminster

Seconded: Cr Foss

That Council approve the request from Cathy Cumming and the Bruce Rock Community Fellowship Group for a Fee Waiver with regard to use of the Amphitheatre for a free Community Christmas Brunch on 25 December 2020.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

12.1.3 Local Government Child Safety Officers and proposed Reportable Conduct Scheme

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest

Nil

Attachments

Item 12.1.3 Attachment A - Discussion Paper from DLGSC

Item 12.1.3 Attachment B - Reportable Conduct Bill

Item 12.1.3 Attachment C - Reportable Conduct Scheme Information Sheet

Item 12.1.3 Attachment D - National Principles for Child Safety Organisation 2019

Summary

Council is asked to consider information regarding the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) particularly with regard to the appointing of “Child Safety Officers” from within the existing staffing of Local Governments.

The Department of Communities and Department of Local Government, Sport and Cultural Industries (DLGCC) have drafted a discussion paper for the WA Local Government sector to better understand and respond to this recommendation (Attachment A).

The WA State Government is seeking a formal response to the discussion paper from Local Governments by 2 April 2021. Responses will inform the development of the State Government’s policy position.

Background

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.

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 environments to comply with the National Principles and their compliance be monitored by an independent oversight body.

The Parliamentary Commissioners Amendment (Reportable Conduct) Bill 2020 (the Bill) (Attachment B) has been drafted by the Ombudsman WA and 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. Consultation on the draft legislation closes 31 January 2021.

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 (Attachment D). 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. Organisations undertaking child-related work, such as Local Governments, are encouraged to provide comment by completing an online survey before 26 February 2021.

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.

The Four Key Functions of Child Safety Officers (as recommended by the Royal Commission):

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

This 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 the 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 (e.g. 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 Kid sport 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.

c) 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.

d) 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:

- o Identifying needs within the local community and key services providing support in meeting these needs.*
- o 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.*
- o Linking local institutions with key services, including disability advocacy services, Aboriginal family support services or professional interpreters”.*

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.

The Royal Commission’s view was that child safety officers should work closely with the independent state oversight body responsible for monitoring and enforcing the National Principles, as they would be well placed to support smaller organisations to understand how they can be child safe.

The intent of the Royal Commission is for Local Governments to identify where they already have existing staff who could fulfil a role of promoting child safety within the organisation and supporting smaller local organisations to develop capacity in this area. Local Governments could create new positions to facilitate implementation of this role where desired and resourcing allows. Volume 6 and Volume 14 of the Royal Commission’s Final Report provide this recommendation in detail.

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:

- o Community safety;*
- o Community and club development;*
- o Governance and risk;*
- o 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.

Comment

The State Government acknowledges that Local Governments will have differing levels of understanding of the Royal Commission and child safeguarding reforms. 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 Commission adds *“Local Governments are recognised as well placed to support smaller organisations within their communities to implement the National Principles and create child safe environments”*.

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.

The State Government notes:

“As part of the response to this consultation process it would be useful for Local Governments to consider how to engage their local communities in relation to this issue. This active engagement can ensure that the community’s expectations and the local government’s outcomes and investment in child safety are well understood.

Local Governments undertaking the required periodical review of their Integrated Planning and Reporting, may choose to include discussions on child safety as part of the engagement with the local community.”

To aid the consultation exercise, webinars have been arranged and are being presented by DLGCC. The DCEO is attending these webinars both to gather any additional information that is presented, and also to ascertain what support may be available at the State and Federal level to assist Local Governments, and particularly those with smaller staffing levels, to provide a designated Child Safety Officer from within the existing staffing. Of particular interest is exactly how much work will be involved in this position, and how manageable will it be given the already heavy workload carried by those LGs with smaller staffing contingents. There are two salient points: resources/support available, and also funding to make the process effective. If these are not provided at an appropriate level, this could result in this being an exercise in cost shifting by the State and Commonwealth Governments, without any productive means to make it actionable at the local level. It is not enough to transfer this responsibility to an officer in an existing “community development”-type role, without also providing appropriate training, and then to expect them to act as and be the organisation’s “Child Safety Officer”. At the moment there is lack of clarity about precisely how much time it is expected that performing the responsibilities and functions of an officer acting in this role will take, and without this clarity it is almost impossible to state categorically whether it will be achievable, and then whether there is capacity within the Shire Administration structure to manage these additional requirements. Until this is clarified, the role would exist largely in name only and therefore could be viewed as a tokenistic approach to a serious issue.

It could be more logically proposed that the important area of providing appropriate support to organisations to protect children from potential abuse sits more comfortably with State Government and its various officers throughout the Regions in the Department of Child Protection’s structure. A “hub and spokes” model with centralised officers in the Perth Metropolitan Region and community based officers at existing or expanded regional branches such as Northam, Narrogin, Albany, and Bunbury (and possibly even Merredin), is a more practical and realistic scenario, given the relative size of most Local

Governments in WA which cannot afford or justify a standalone officer (or even of providing this title to an existing officer which could in effect be in name only).

Consultation

Darren Mollenoyux, Chief Executive Officer

Statutory Implications

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

Risk Implications

Risk: Council does not engage in the consultation with DLGCC regarding the creation of a Child Safety Officer from within the existing workforce.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
It is important that regional Local Governments in particular are represented in the feedback to State and Commonwealth governments.		

Financial Implications

The requirement to appoint a Child Safety Officer from within current staffing would have (ostensibly) no financial implications on the Shire’s operations. However, depending upon how much additional work this could create for the officer involved (which at this stage is unknown), this will inevitably reduce that officer’s capacity to operate as effectively in their substantive role. Therefore, over time the requirement or expectation to appoint (and implement) State and Commonwealth principles associated with Child Safety Officers at every local government in Australia 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 risk is that, even if not apparent initially, this burden and expectation of service delivery will grow, such that it will be seen as part of the ‘business’ of local government, without appropriate additional resources being provided.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 10 Our organisation is well positioned and has capacity for the future
- Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 12.1.3

Moved: Cr Rajagopalan

Seconded: Cr Waye

That Council:

- a) Consider the information contained in this Report and Attachment A) and authorise officers to respond to the Department of Local Government, Sport and Cultural Industries' Discussion Paper by Friday 2 April 2021, rejecting the proposal that Local Governments in WA should appoint Child Safety Officers, either to an existing position, or as a role for an additional employee. 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.
- b) Endorse the principles outlined in the National Principles for Child Safe Organisations.
- c) Endorse 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.
- d) Endorse the principles of the draft bill and request 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.

CARRIED BY ABSOLUTE MAJORITY 9/0

13. Confidential Items

Agenda Reference and Subject:	13.1.1 Landfill Site Operation and Management Service Contract and Waste Collection Service Key Performance Indicators Review for November to December 2020
File Reference:	4.1.1 Waste Management
Reporting Officer:	Mr Julian Goldacre, Environmental Health Officer
Author:	Mr Julian Goldacre, Environmental Health Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.1.1 - Attachment A – Landfill site operation and management service KPIs NOVEMBER-DECEMBER 2020;</i> <i>Item 11.1.1 - Attachment B – Waste Collection Service KPIs NOVEMBER - DECEMBER 2020</i>

COUNCIL DECISION

Resolution OCM Dec 20 – 13.1.1

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

(e) a matter that if disclosed would reveal - ...

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person

Carried 9/0

COUNCIL DECISION

Resolution OCM Dec 20 – 13.1.2

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Carried 9/0

OFFICE RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 20 – 13.1.3

Moved: Cr Rajagopalan

Seconded: Cr Crooks

1. Accept the Officer report for the Contractor Refuse and Landfill Contract Key Performance Indicators for the months of November to early December 2020 and ongoing operational undertakings.

Carried 9/0

14. Closure of Meeting.

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.30pm.

These minutes were confirmed at a meeting on 18 February 2021.

Cr Stephen Strange
Shire President
18th February 2021