

Agenda Ordinary Council Meeting 16 December 2020

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.00 pm

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E - Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

WSM

Works and Services Manager

Commonly-used abbreviations				
AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board			
BF Act	Bush Fire Act 1954			
BFB	Bush fire brigade			
CEO	Chief Executive Officer			
CDO	Community Development Officer			
DBCA	Dept of Biodiversity, Conservation and Attractions			
DFES	Dept of Fire and Emergency Services			
DPLH	Dept of Planning, Lands and Heritage			
DWER	Dept of Water and Environmental Regulation			
EHO	Environmental Health Officer			
EFT	Electronic Funds Transfer			
FAM	Finance and Administration Manager			
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation			
LEMA	Local Emergency Management Arrangements			
LEMC	Local Emergency Management Committee			
LG Act	Local Government Act 1995			
LGGC	WA Local Government Grant Commission			
LPP	Local Planning Policy			
LPS	Local Planning Scheme			
MOU	Memorandum of Understanding			
MRWA	Main Roads WA			
NNTT	National Native Title Tribunal			
OAG	Office of Auditor General			
OCM	Ordinary Council Meeting			
PTA	Public Transport Authority			
RRG	Regional Roads Group			
RTR	Roads to Recovery			
SAT	State Administrative Tribunal			
SEMC	State Emergency Management Committee			
SGC	Superannuation Guarantee Contribution			
SJAA	St John Ambulance Association			
SWALSC	South West Aboriginal Land and Sea Council			
WAEC	WA Electoral Commission			
WALGA	WA Local Government Association			
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Agenda

Ordinary Meeting of the Victoria Plains Shire Council

To be held in the Calingiri Shire Chambers and via E-meeting Protocol on 16 December 2020 commencing at 2.00 pm

1. DECLARATION OF OPENING				
5_6_7				
1.1 Opening				
1.2 Announcements by Sh	ire President			
2. RECORD OF ATTENDAM	NCE			
Mambara procent				
Members present				
Staff attending				
Analogica				
Apologies				
Approved leave of absence	Cr S Penn			
Visitors				
Members of the public	N/A			

3.	DISCLOSURES OF INTEREST				
	Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.				
	Type Item Person / Details				
3.1	Financial				
3.2	Proximity				
3.3	mpartiality				
4.	PUBLIC QUESTION TIME				
	Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.				
4.1	Public Questions With Notice				
Public	Question Time was opened to the floor at pm.				
4.2	Public Questions Without Notice				
	Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).				
Public	guestion time closed at pm				
5.	PRESENTATIONS AND DEPUTATIONS				
5.1	Presentations				
Nil					
5.2	Deputations				
Nil					
6.	APPLICATIONS FOR LEAVE OF ABSENCE				
	Council Resolution				
Moved	oved Cr Seconded Cr				

7. MINUTES OF MEETINGS				
7.1 Confirmation of Council Meeting minutes				
VOTING REQUIREMENTS				
Absolute majority required:	No			
2012-01 Officer Recommend	ation			
Moved Cr	Seconded Cr			
That the Minutes of the following	meeting:			
Ordinary Council Meeting as a true and correct reco	held 25 November 2020 as circulated, be CONFIRMED rd.			
	For / Appingt			
	For / Against			

8. REPORTS REQUIRING DECISION

8.1 Accounts for Endorsement – November 2020

File reference			F1.8.4
Report date			9 December 2020
Applicant/proponent			Nil
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Agatha Prior – Office Manager
Authorised by			Glenda Teede – CEO
Attachments			
Attachment 1	Page	2 n/a	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for November 2020.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month; the amount, payee, date and reason for payment.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 -

s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 -

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction
 - (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register -

- 3.2 Municipal Fund and Trust Fund Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation	
Moved Cr	Seconded Cr

That the payments made for November 2020 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be endorsed:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	9382 - 9466	367,701.75
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD11970 – DD12028	61,617.29
Salaries & Wages EFT	PE 14/10/20. PE 28/10/20	62,304.95
Credit Card Statements Fuel Card – Wright Express	DD11971.1 - DD11971.2	2,967.40 436.95
Trust Payments		0.00
	TOTAL	\$495,028.34

^{**}includes salary and wages deductions, and SGC

8.2 Monthly Financial Statements – November 2020

File reference			
Report date			9 December 2020
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest		est	Nil
Previous meeting references		es	Nil
Prepared by			RSM – Travis Bate
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page	16	Monthly Financial Statements – 30 November 2020

PURPOSE

To receive the monthly financial statements for the period ending 30 November 2020.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

The 30 November 2020 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2. Most variances for the month were classified as timing variances.

CONSULTATION

RSM

CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

 r.34 – financial activity statement required each months and details of what is to be included

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation / Council Re	esolution
Moved Cr	Seconded Cr
That Council RECEIVE the 30 November 2020 Mor	nthly Financial Reports as presented.
	For/ Against

8.3 Special Meeting of Electors 3 December 2020

File reference			
Report date			10 December 2020
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			23 September 2020 OCM 8.4 – 2009 - 05
Prepared by			Sean Fletcher, Governance Officer
Authorised by			CEO
Attachments			
Attachment 1	Page	44	Minutes of the Special Meeting of Electors 3 December 2020

PURPOSE

To consider decisions made at the Special Meeting of Electors held on 3 December 2020.

BACKGROUND

Due to the COVID 19 – pandemic the Shire was not able to hold the Special Meeting of Electors as considered in item 8.4 at the Council meeting on 23 September 2020. This was due to the Minister for Local Government imposing an order to suspend such meetings. On 4 November 2020, the Minister lifted his Order and the date of the meeting was set by the Shire President for 3 December 2020.

The question received by the Shire President was:

Details pertaining to the financial management, control and annual budgetary status of the Shire of Victoria Plains over the preceding three (3) years - November 2016 to November 2019 inclusive

COMMENT

There were some 17 people that attended the Special Meeting of Electors.

There were no decisions made at the meeting, only questions regarding the question put in Form 1. The questions are in section 6 of the minutes from this meeting.

CONSULTATION

Nil

STATUTORY CONTEXT

Local Government Act 1995

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable:
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose

CORPORATE CONTEXT

Strategic Community Plan

Civic Leaders	to better allocate scarce resources ship community	s and effectively interact with the	
5.1	Implement measures to improve relationship and communication between Council and community	 Implementation of initiatives to better connect Council with the community and 	
5.2	Improve elected member performance associated matters.		
5.3	Develop an advocacy and lobbying capacity		
5.4	Measures to improve organisational efficiency		

Corporate Business Plan

- Strategy 5.1: Implement measures to improve relationship and communication between Council and community
- 5.1.2 Continue to actively engage with the community
- Strategy 5.4: Measures to improve organisational efficiency:
- 5.4.1: Review, update and maintain strategic and operational plans
- 5.4.2 Maintain accountability and financial responsibility in accordance with Long Term Financial Plan
- 5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation
- 5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls.

Risk Management

There are no matters of risk regarding this item.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

Moved	Seconded Cr	

That Council in accordance with section 5.33(1) of the *Local Government Act 1995* note that there were no decisions made for its consideration at the Special Meeting of Electors held on 3 December 2020.

For	/ Against
	/ Agailist

8.4 Annual Electors Meeting 3 December 2020 (for 2018/2019)

File reference			
Report date			10 December 2020
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			25 March 2020 OCM 8.5 – 2003 - 06
Prepared by			Sean Fletcher, Governance Officer
Authorised by			CEO
Attachments			
Attachment 1	Page	52	Minutes of the Annual Electors Meeting 3 December 2020

PURPOSE

To consider decisions made at the Annual Electors Meeting for 2018/2019 held on 3 December 2020.

BACKGROUND

Due to the COVID 19 – pandemic the Shire was not able to hold the Annual Meeting of Electors on 22 April 2020. This was due to the Minister for Local Government imposing an order to suspend such meetings. On 4 November 2020, the Minister lifted his Order and the date of the meeting was set for 3 December 2020.

COMMENT

Although there were no decisions made at the meeting, it would be prudent for Council to familiarise itself with the content of the minutes including questions raised.

CONSULTATION

Nil

STATUTORY CONTEXT

Local Government Act 1995

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable:
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose

CORPORATE CONTEXT

Strategic Community Plan

Civic	to better allocate scarce resources	to better allocate scarce resources and effectively interact with the		
Leadersh	ip <i>community</i>			
5.1	Implement measures to improve relationship and communication between Council and community	Implementation of initiatives to better connect Council		

on 3 December 2020.

5.2	Improve elected member performance with the community and			
5.3	Develop an advocacy and lobbying	associated matters.		
	capacity			
5.4	1 3			
	efficiency			
Corpor	rate Business Plan			
Strateg	y 5.1: Implement measures to improve relatio Council and community	nship and communication between		
5.1.2	Continue to actively engage with the communi	ty		
Strateg	y 5.4: Measures to improve organisational eff	iciency:		
5.4.1:	Review, update and maintain strategic	and operational plans		
5.4.2 Maintain accountability and financial responsibility in accordance with Long Term Financial Plan				
5.4.3				
5.4.5	Maximise operational efficiencies whilst	maintaining appropriate controls.		
Risk M	anagement			
There a	are no matters of risk regarding this item.			
FINAN (CIAL IMPLICATIONS			
	G REQUIREMENTS te majority required: No			
Counc	il Resolution			
Moved: Cr Seconded: Cr				
	ouncil in accordance with section 5.33(1) of the ere were no decisions made for its consideration			

For _____ / Against _____

8.5 Extraordinary Election – Vacancy Central Ward

File reference			
Report date			10 December 2020
Applicant/propon	ent		Shire of Victoria Plains
Officer disclosure	of interest		Nil
Previous meeting references			Nil
Prepared by			Sean Fletcher, Governance Officer
Authorised by			CEO
Attachments			
Attachment 1 Page 60		60	26 March 2021 Extraordinary Election Timetable
Attachment 2	Page	61	Letter of Agreement from WA Electoral Commissioner to be
			provided.

PURPOSE

Council is being asked to resolve the method for conducting the 26 March Extraordinary Election for the Central Ward. The recommended method is to conduct the election by postal vote.

BACKGROUND

Former councillor Jacqui Corless-Crowther resigned as an elected member from the Shire of Victoria Plains, effective 30 November 2020.

As the resignation is effective before the third Saturday in January 2021, the vacant office cannot be held over until the next Local Government Ordinary Elections, October 2021. The only other exceptions are:

- If there are no wards and 80% of the offices of councillor are currently filled; or
- In a ward where there are more than five elected members, of which 80% are currently filled.

As required under the Local Government Act, the Shire President in accordance with s.4.9(1) has now set the date for the extraordinary election to be held on Friday 26 March 2021.

A copy of the election timetable is provided in Attachment 1. Please note that the first two line items are not applicable regarding the conduction of an extraordinary election.

COMMENT

Method of Conducting the Election

There are two options available for Council to make a decision regarding conducting an election:

Option 1 – In Person

There are two components:

- The CEO is the returning officer in this instance.
- However, Council may select another person to be the returning officer providing:
 - That person agrees; and
 - o That the Electoral Commissioner agrees to the appointment of this person.

Option 2 – Postal Election

The Electoral Commissioner of Western Australia is required to conduct the election in this situation. The Electoral Commissioner appoints the returning officer. However, the CEO conducts much of the day to day support regarding the election. This includes officers appointed by the returning officer to assist with the conducting of the election.

Under s.4.61(7) of the Local Government Act, unless Council resolves by an absolute majority to conduct a postal election, the election must be an <u>in-person election</u>.

The motion required for a postal election is as follows:

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2020 extraordinary election for the Shire of Victoria Plains (Central Ward) together with any other elections or polls which may be required.
- 2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election in Point 1 will be as a postal election.

Advertising

The new requirements for advertising were introduced in November 2020. This is applicable to both local and statewide advertising. The requirements under Part 1A – Public Notices of the Local Government (Administration) Regulations are:

- 1. An advert must be placed on the Shire's website (mandatory); and
- 2. Three other media must be used. This includes
 - a. Newspapers with generally a statewide distribution;
 - b. Newspapers with general local distribution;
 - c. Newsletters available to the majority of the residents in the district.
 - d. State Government websites;
 - e. Electronic mail distribution lists (email or texts);
 - f. Shire notice board and Shire library noticeboards:
 - g. Social media e.g. the Shire's Facebook page;

The election must be advertised using statewide advertising.

Note:

For statewide notice, a choice of either points 2a or 2d is mandatory. Point 2d is used by the WA Electoral Commissioner for this purpose.

The Electoral Commissioner regarding an election can also use points 2e and 2g above.

In short, the advertising combination would probably be:

- Shire website (Mandatory);
- Either the West Australian or Departmental website (mandatory);
- Shire Facebook page;
- Shire newsletter.

CONSULTATION

CEO OCM Officer Office Manager

STATUTORY CONTEXT

Local Government Act 1995

Under s.4.9(1) of the LG Act, the President is to fix the date of the election by 29 December 2021 (i.e. within one month from when the resignation takes effect). This is done in writing to the CEO.s

Sections 4.20(4) and 4.61(2) of the Act apply in appointing the Electoral Commissioner to conduct the election on behalf of the Shire of Victoria Plains.

Under s.4.61(7) of the Local Government Act, unless Council resolves by an absolute majority to conduct a postal election, the election must be an <u>in-person election</u>.

Under s.4.48(1) a candidate for an election must complete the *Local Government Candidate Induction*.

Local Government (Administration) Regulations

The requirements for advertising an election are found under Part 1A – Public Notices. Information regarding the requirements is found in the comments section of this report.

The election must be advertised using statewide advertising.

CORPORATE CONTEXT

Strategic Community Plan

Civic	to better allocate scarce resources	and effectively interact with the		
Leaders	ship <i>community</i>			
5.1	Implement measures to improve relationship and communication between Council and community	 Implementation of initiatives to better connect Council with the community and 		
5.2	Improve elected member performance associated matters.			
5.3	Develop an advocacy and lobbying capacity			
5.4	Measures to improve organisational efficiency			

Corporate Business Plan

The extraordinary election is more of a tactical matter as it is an adhoc development.

Risk Management

Applying the election process incorrectly and without appropriate advice creates a high risk.

Consequence	Consequence	Likelihood	Risk	Risk	Mitigation and
	Rating:	Rating:	Rating	Acceptance	Outcome
Compliance	Extreme (5)	Possible (3)	High (15)	Senior Management	Inadequate: Better understanding by officers
Failure to meet the statutory	Non- compliance	The event will occur at		Team/CEO	of the election process is required. There
requirements to conduct an	results in litigation,	least once per year		Urgent Attention Required	appeared to be gaps with the 2019 Election
election	criminal charges			Risk acceptable	Officers for illevision
	or significant damages or			with excellent controls,	Officers familiarizing themselves with the
	penalties to Shire/Officers			managed by senior	Returning Officer's manual, undertaking
				management / executive and	training as well as using the Electoral
				subject to monthly monitoring	the election are adequate controls and so the risk is reduced to moderate/low
					reduced to moderate/low

FINANCIAL IMPLICATIONS

The cost of the extraordinary election has not been budgeted for, as such an eventuality was not anticipated. This will need to be accounted for through the Budget Review.

In Person Election

As the election will be conducted on a Friday, the expense of the election is minimised. The CEO as returning officer and other staff as electoral officers will require payment outside of office hours. There is the advertising expense and other miscellaneous costs. This expected cost would be approximately \$2,000 - \$4,000 as advertising in the West Australian is mandatory in this instance.

The time that the CEO and other officers will need to set aside to conduct the process over the election cycle of 80 days will certainly impact on their workload and achieving key objectives.

Postal Election

The cost for the Electoral Commissioner to conduct the 2017 election for three vacancies was \$12,000. The cost to conduct the extraordinary election would more than likely be in the same vicinity.

This includes re payment for the returning officer, the required advertising and other requirements.

VOTING REQUIREMENTS

Absolute majority required: Yes If setting the election by postal vote

Council Resolution	
Moved	Seconded Cr

That Council:

- 1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2020 extraordinary election for the Shire of Victoria Plains (Central Ward) together with any other elections or polls which may be required.
- 2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election in Point 1 will be as a postal election.

For	1	Against	

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS

11.1 Matters for Which the Meeting May Be Closed

File reference			
Report date			8 December 2020
Applicant/proponent			CEO
Officer disclosure of interest			Nil
Previous meeting references			22 January 2020 Item 11.1 2010-10 – 2010-15
Prepared by			Sean Fletcher, Governance Officer
Authorised by			CEO
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move "in camera" (behind closed doors) and consider a matter regarding the Shire of Victoria Plains Citizen of the Year Awards (Australia Day Awards) 2021 under item 11.2.

BACKGROUND

Under section 5.23 (2)(b) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting the personal affairs of any person.

COMMENT

As there is no policy in place regarding the Australia Day Award process for the Shire of Victoria Plains, Council is required to conduct the Australia Day Award process and determine the recipients of the awards.

CONSULTATION

CEO

OCM Officer

ST	AΤ	UTC	DRY	CON	NTEXT	
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As per the background to this item.

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N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

Officer's Recommendation		
Moved Cr	Seconded Cr	
That Council close the meeting und consider a matter under item 11.2 re Award Nominations 2021.		
	For	/ Against
Remaining in the meeting –		

12.	CLOSURE OF MEETING								
There	being no further business, the Presiding Member declared the meeting closed at								

pm.	
CERTIFICATION	
These minutes were confirmed at the Ordinary Council Meetin 2020.	g held on
Signed(Presiding member at the meeting which confirmed the minutes)	Date

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.