



Minutes
Ordinary Council Meeting
29 May 2019

Council Chambers
Cavell Street, Calingiri

Commencing – 2.08 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.

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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.

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
WSM	Works and Services Manager

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Minutes

Ordinary Council Meeting of the Shire of Victoria Plains

To be held in the Council Chambers, Cavell Street, Calingiri
29 May 2019 commencing at 2.08 pm.

1. DECLARATION OF OPENING

1.1 Opening

As the Shire President was an apology, Deputy President Bantock assumed the Chair as Presiding Member and declared the meeting open at 2.08 pm, welcoming Councillors, staff, consultants and visitors to the Meeting.

1.2 Announcements by presiding member

The Presiding Member read aloud the formal Disclaimer Announcement.

1.3 Announcement of visitors and presentations

The Presiding Member welcomed Mr Gary McGill to the Council Meeting as the Shire's War Memorial Warden, advising he would be making a Presentation to Council during the meeting.

2. RECORD OF ATTENDANCE

Members present

Presiding Member - Deputy President, Cr Pauline Bantock
Cr Andrew Broadhurst
Cr Jacqueline Corless-Crowther
Cr Jaymie King
Cr Stephanie Penn

Staff attending	Chief Executive Officer – Ms Glenda Teede Executive Assistant – Mrs Julie Klobas Works and Services Manager – Mr Robert Edwards Governance Officer – Mr Niel Mitchell Environmental Health Officer – Mr Allan Ramsay Finance and Administration Manager – Mrs Ina Edwardson Shire Planning Advisor – Mr Joe Douglas Shire Finance Consultant – Mr Bob Waddell
Apologies	Shire President - Cr David Lovelock Cr Neville Clarke
Approved leave of absence	Nil
Visitors	Mr Gary McGill, Shire of Victoria Plains War Memorial Warden
Members of the public	Mrs S Woods Mrs A Byrne-O'Neill Mrs P Evans Mr M Palmer Mr G McGill Mr Jim Kelly

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	Nil
3.2	Proximity	Nil
3.3	Impartiality	Cr S Penn declared an impartiality interest in item 12.1, 'Community Grant Budget Submissions' as ' <i>Member of CWA</i> '. Cr J King declared an impartiality interest in item 12.1, 'Community Grant Budget Submissions' as ' <i>Member of Committee</i> '.

Cr J Corless-Crowther declared an impartiality interest in item 12.1, 'Community Grant Budget Submissions' as 'Member of Calingiri Sports Club and Member of Committee (Football)'.

Cr P Bantock declared an impartiality interest in item 12.1, 'Community Grant Budget Submissions' as 'Member of a Not-For-Profit Club'.

Cr P Bantock declared an impartiality interest in item 10.8, 'Community Funding – Deferrals' as 'Member of not for profit organisation'.

4. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

Public Question Time commenced at 2.11 pm.

4.1 Response to previous public questions taken on notice

Nil

Public Question Time was opened to the floor at 2.11 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).

The Presiding Member reminded the Gallery that the Shire has a policy on Public Question Time, being section 1.2 of the Policy Manual, noting Questions are to be addressed to the Presiding Member, and further to ensure that wording outlines a question; as opinions, statements and perceptions can not be accepted. Speakers have a 2 minute time limit to ask their question. The Presiding Member then invited the Public to ask their first question, requesting residents to please state their name for the Record.

Mrs Suzanne Woods – Calingiri.

Q1 Mrs Woods - Thank you very much. My question is as follows, it appears that the turnover of Shire admin staff is continuing to increase. Has Council investigated the reasons for the continual turn over and gained feedback from exiting staff to determine if any common issues exist?

A1 Presiding Member – I can say that matters to do with staffing is classed as an administrative element of the Shire, therefore Council can not comment directly on these matters. You asked the question has Council investigated it? Council has not undertaken that. You asked also regarding feedback. It would be inappropriate for Councillors to gain feedback. However, I gain the direction of your question, so I will take that Question on Notice, referring to the CEO who can provide a written statement in due course.

Mrs Anne Marie Byrne-O'Neill – Calingiri

Q1. I wonder if everyone has had a look at the garden update that was given; sent through, and are you happy with that?

A1 Presiding Member – Thanked Mrs Byrne-O’Neill, noting that Councillors had not had a chance to review the material provided until now, with Councillors then taking a moment to review. (Images emailed through by Ms Byrne-O’Neill on 29 May 2019). The Presiding member thanked Mrs Byrne-O’Neill for the update advising that Council will accept the update and provide further feedback, noting she did not believe Council had a policy on this matter.

Q2 Mrs Byrne-O’Neill – My sister does not walk very well and there is not very good access into the Café at Bolgart. Is there any way we could go around to the major shops and request smoother access from the roadside? For people who are still walking, but with a frame or stick. Not necessarily a ramp, but a smoother or smaller curb.

A2 Presiding Member – advised Question Taken on Notice so Admin could investigate details and provide a written response to Mrs Byrne-O’Neill.

Mrs Pamela Evans – Calingiri

Q1 Madam Chair, just on that one, good afternoon everyone. We do need ACROD appointed bays in this area. That is what there for. For people to have easy access, particularly with cars parking every which way.

A1 Presiding Member – Thanked Mrs Evans and noted this will also be an investigation.

Presiding Member - Any further questions from the Public?

Nil further questions were asked.

Public question time closed at 2.17 pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

The Presiding Member welcomed Mr Gary McGill, the Shire of Victoria Plains, War Memorial Warden, to present on the ANZAC Day Service held in the Shire of Victoria Plains on 25 April 2019.

Mr McGill - Thank you Madam Chair.

The Governance Officer withdrew from the meeting at 2.18pm.

Mr McGill advised that there were 150 plus people in attendance at the Shire of Victoria Plains 2019 ANZAC Day Ceremony. Mr McGill wished to record the Committee’s thanks to the Shire

personnel who assisted in the preparation, including Administrative staff and the Works Manager and his team for their road closure preparations and associated works. The

Committee wished to record its thanks to the other participants including Harry Riddick for doing some essential work with the Public Announcement System and John Young as Master of

Ceremonies with special thanks to the Bolgart CWA for preparing the light luncheon. Mr McGill requested a letter be sent from the Shire of Victoria Plains thanking Mr Bill Gaynor, Past President RSL Western Australia, for his attendance and address at the Shire's Ceremony that day.

Mr McGill - Madam Chair, further, you no doubt will be looking at budgetary considerations generally and as Warden I can advise there are no further requests for budgeting, other than what we are normally allocated.

Mr McGill – One of the Works Staff did comment on the roses, noting they are not the right roses for our area. Perhaps the Shire needs to investigate those roses, noting those particular roses were procured in 2014 and they are 'okay'.

Mr McGill - Perhaps I could foreshadow a potential discussion. In Calingiri and Bolgart there are a number of streets named after WW1 participants. Particularly in Bolgart, there are a range of streets named after Heads of States from the Allied side of the World War including, Emanuel, George, Albert and others. In Calingiri, there are 2 streets named after WW1 identities; Haigh and Jolt. Mr McGill queried whether there should be discussion whether to change the names of those streets to reflect Australian identities, noting one suggestion of Sir John Monash, who is a well-recognised Australian identity with further other suggested recommendations possible. In terms of Bolgart, it would not be my recommendation that those road names be looked at, as there is clearly a concept which was looked at; being the Heads of State of the Allies. Mr McGill suggested that the naming of roads could fit in with an ANZAC Day Service.

Presiding Member - Thanked Mr McGill for his Presentation.

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

Note: Cr Penn noted that in Disclosures of Interest for the OCM of 24 April 2019, the Proximity Interest noted in item 10.12 as “adjoining land” should state “Fowler Road”.

1905-01 Officer Recommendation/Council Resolution
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Moved Cr S Penn

Seconded Cr J Corless-Crowther

That the Minutes of the following meeting, as circulated, be confirmed as a true and correct record

- Ordinary Council Meeting held 24 April 2019, subject to amendment within the Disclosure of Interest as noted by Cr Penn in Item 10.12 to read “Fowler Road.”

For 5 / Against 0

Business arising from Minutes

Nil

8. MEMBERS QUESTIONS WITHOUT NOTICE

Q1 Cr Corless-Crowther – Could the Admin staff please provide a report to Council on the Shire’s compliance with the Local Purchasing Policy with regard to food and beverage for Shire meetings?

Presiding Member - Advised that can be taken as a Question without Notice, with the CEO to provide a report at a later date.

The Governance Officer returned to the meeting at 2.27pm.

Q2. Cr Penn – So there is a Junior Rodeo held at Mogumber Reserve. My question is, is that something to do with the Outback Club?

CEO – My understanding is no.

Cr Bantock – Its organised by the Junior Rodeo Association and the Outback Club help in regard to clean up but its not their event.

Cr Penn – Is that organisation fully aware of the legal advice and implications that Reserve site is under at the moment?

CEO – Advised this had been questioned, with the understanding that everything is in place to be able to participate until further notice.

Cr Penn – MOC have been given legal advice, I want to understand is this particular organisation aware of that legal advice?

CEO –Took that Question on Notice.

Cr Penn – Thanked the CEO.

Q3. Cr Broadhurst –Maintenance Officer Vehicle – queried whether vehicle was to be sold? What was the Policy on that?

Cr Bantock – Directed question to CEO.

CEO - Directed question to Works and Services Manager (WSM) to explain why it wasn't sold.

WSM – Noted that as one of the Shire Works staff members, the Depot Administration Officer, had assumed most of the role that the former Maintenance Officer did in the town, such as ordering and organising of the tradespeople and who kept the vehicle set up to do runs to Perth to do pickups of goods and services that where needed, noting that when the vehicle was put up for sale, a ridiculously low price was offered so the Shire retained the vehicle.

Cr Broadhurst - Thanked the Works and Services Manager for this update querying 'did we as a Council okay the sale of it? Now that we have kept it, do we look at selling'?

CEO – Advised the figures have come back. The Shire had gone to quite a few organisations to value or sell the vehicle. As advised by the WSM, the prices were too low. It was brought to Council to say that we wouldn't be selling the vehicle because of the money that we would lose on the vehicle and we would retain it for the Works Department, not just for trips to Perth but also to travel to Piawaning as it does the electrical work out there. It is fully equipped and, in the interim, is being utilised for various purposes.

Cr Broadhurst requested a copy of those.

CEO - Noted it was a discussion.

Presiding Member - Any further Member Questions?

Nil.

9. PRESIDENT AND COUNCILLORS REPORTS

9.1 Councillors

Nil

9.2 Briefing Session

The following reports were presented to the Councillors Briefing Forum, and have been redacted where appropriate, for inclusion as a public document.

Authorised by Glenda Teede, CEO

Reports

Report	Page No.	
Report 1	2	Chief Executive Officer
Report 2	N/A	Finance & Admin Manager / Finance Consultant
Report 3	5	Works and Services Manager
Report 4	8	Environmental Health Officer
Report 5	N/A	Community Development Officer
Report 6	10	Governance Officer
Report 7	N/A	Community Emergency Services Manager
Report 8	43	Planning Consultant

VOTING REQUIREMENTS

Absolute majority required: No

1905-02 Officer Recommendation/Council Resolution
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Moved Cr J King

Seconded Cr J Corless-Crowther

That the Reports presented to the Briefing Forum held 20 May 2019 as amended be received.

For 5 / Against 0

10. REPORTS REQUIRING DECISION

The Presiding Member advised that Late Item 10.1 March (A) and 10.1 April 9 (B) would be moved forward at 2.33pm to allow for better flow of the meeting and to allow for staff participation, unless Councillors as a majority disagreed to that. There was no disagreement to this decision.

10.1 Monthly Financial Statements – March 2019 (A)

File reference			
Report date			
21 May 2019			
Applicant/proponent			
Shire of Victoria Plains			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
Bob Waddell – Finance Ina Edwardson – Finance & Administration Manager			
Authorised by			
Attachments			
Attachment 1	Page	Late Item	Monthly Financial Statements – 31 March 2019

PURPOSE

To receive the monthly financial statements for the period ending 31 March 2019.

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 31 March 2019 Monthly Financial Statements are presented for review.

Significant variances have been reported on within the Statements at Note 2. It should be noted that significant variances reported this month are fewer than in previous months. This being due to the figures adopted in the annual budget review being taken up into the Shire's accounting software Synergy Soft. Net Current Assets are comparable with this time last year with this year currently being \$709,044 compared to \$772,526 at the same time last year.

The annual budget review has highlighted that finances will be tight at year-end. Management will endeavour to keep spending under control until the end of the year.

Approximately \$2.45 million (97.65%) of the rate revenue which was levied in August has been received as at 31 March 2019. Unrestricted municipal funds have been invested as follows:

- \$500,000 has been transferred to 90-day term deposit at 2.00% and a further;
- \$200,000 has been transferred to 30-day term deposit at 1.60%.

The overdraft facility has not been used during the month.

CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

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

1905-03 Officer Recommendation/Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That Council receive the 31 March 2019 Monthly Financial Reports as presented:

For 5 / Against 0

10.1 Monthly Financial Statements – April 2019 (B)

File reference			
Report date			21 May 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Bob Waddell – Finance Ina Edwardson – Finance & Administration Manager
Authorised by			
Attachments			
Attachment 1	Page	Late Item	Monthly Financial Statements – 30 April 2019

PURPOSE

To receive the monthly financial statements for the period ending 30 April 2019.

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 April 2019 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. It should be noted that significant variances reported this month are fewer than in previous months. This being due to the figures adopted in the annual budget review being taken up into the Shire's accounting software SynergySoft. Current Net Current Assets are \$808,263 compared to \$488,454 at the same time last year. This is due to control over cash flows being kept quite tight to date and some project work being a bit behind schedule.

The annual budget review has highlighted that finances will be tight at year-end. Management are exploring ways of reducing expenditure and increasing revenue prior to yearend.

Approximately \$2.47 million (98.78%) of the rate revenue which was levied in August has been received as at 30 April 2019. Unrestricted municipal funds have been invested as follows:

- \$200,000 has been transferred to 30-day term deposit at 1.80% and a further;
- \$200,000 has been transferred to 30-day term deposit at 1.70%.

The overdraft facility has not been used during the month.

CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

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

1905-06 Officer Recommendation/Council Resolution
--

Moved Cr J King

Seconded Cr J Corless-Crowther

That Council receive the 30 April 2019 Monthly Financial Reports as presented.

For 5 / Against 0

10.2 Accounts for Endorsement

File reference	F1.8.4		
Report date	10 May 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	32	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

To present the list of payments made for the month of April 2019

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
 - (3) 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

Question – Cr S Penn - What is synergy patching and updating? (EFT 7683)

Consultant Finance Advisor explained Synergy Soft is the Shire's accounting software which is required to do updates.

Question – Cr S Penn - EFT 7668 – Mogumber installed new door – Did we have a problem with the door?

WSM – Door did not comply with fire regulations and we needed to place a bar on the door.

Cr J Corless-Crowther – EFT 7667 – Prado Windscreen - Queried whether this could be covered by insurance?

WSM – Possibly, yes.

Presiding Member – Question Taken on Notice.

1905-07 Officer Recommendation/Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That the payments made for April 2019 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be endorsed:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	7605 - 7717	937,362.70
Creditor Cheque Payments	12223 - 12226	3,598.55
Direct Debit Payments**	DD11022.1 – DD11037	45,317.61
Salaries & Wages EFT	PE 03/04/19- PE 17/04/19	78,373.69
Trust Payments	208 – 210	640.64
	TOTAL	\$1,065,293.19

**includes salary and wages deductions, and SGC

For 5 / Against 0

10.3 Annual Electors Meeting – April 2019

File reference			
Report date	12 May 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Niel Mitchell, Governance Officer		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	39	Minutes – Annual Electors Meeting

PURPOSE

To review matters raised at the Annual Electors Meeting.

BACKGROUND

The Annual Electors Meeting was held on 24 April 2019.

COMMENT

While the Local Government Act only requires consideration of decisions of the electors meeting to be given at the following ordinary Council Meeting, it is good practice to receive the minutes and to review them for any matters that may require further consideration or report.

There were no decisions made at the meeting.

The only matter raised for discussion at the meeting was in relation to flies on property adjoining a residence. This matter has been previously investigated by the Environmental Health Officer, and further investigations are currently underway.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.33 – Decisions made at an electors meeting to be considered at the first ordinary Council meeting following

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1905-08 Officer Recommendation/Council Resolution
--

Moved Cr A Broadhurst

Seconded Cr J King

That the Minutes of the Annual Electors Meeting held on 24 April 2019 be received.

For 5 / Against 0

10.4 Bush Fire Advisory Committee – Establishment Terms of Reference

The Finance and Administration Manager and Shire Financial consultant withdrew from the meeting at 2.43pm and did not return.

File reference			
Report date	17 May 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Niel Mitchell, Governance Officer John Brennan, Acting Community Emergency Services Manager		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	44	Bush Fire Advisory Committee – Proposed Terms of Reference for establishment

PURPOSE

To consider the terms of reference for the establishment of the Bush Fire Advisory Committee.

BACKGROUND

This matter is referred from the Council meeting held on 27 March 2019 when it was resolved –
That –

- *a Bush Fire Advisory Committee be established,*
- *Terms or Reference and membership, in accordance with the Bush Fires Act s.67 be prepared and submitted to Council for approval.*

COMMENT

The Bush Fires Act 1954 s.67 is the head of power for a Bush Fire Advisory Committee.

The Act is clear that a Bush Fire Advisory Committee has no operational authority, and cannot be delegated operational authority. This is similar to the Local Emergency Management Committee which has no operational authority (see Emergency Management Act s.39).

Although titled as a Bush Fire Advisory Committee Meeting, to date the committee has not been established by Council in accordance with the Bush Fires Act 1954.

The Bush Fires Act does not provide for delegation of any powers to the BFAC.

The Bush Fires Act does mandate a number of functions as noted above, to which it is suggested that one of the BFAC duties is to make recommendations to Council in relation to the appointment fire control officers, as per the Schedule to the Terms of Reference.

Meetings will be as determined by the BFAC in accordance with the Terms of Reference established by Council and the Act.

Specific decisions require Council resolution to have legal effect, or the nominated persons are left unprotected in law, and are potentially uninsured, both personally and their actions.

Membership of the BFAC is dealt with in the following item

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.8 – Council may establish committees

Bush Fires Act 1954 –

- s.67 – Advisory committees
 - (1) local government may appoint an advisory committees, consisting of specified persons, and which shall have specified duties
 - (2) an advisory committee must include at least one councillor
 - (3) the local government to fix a quorum, establish rules for the committee (terms of reference), may add or remove persons from the committee
 - (4) an appointed committee shall –
 - (a) meet as seen fit
 - (b) shall not transact business unless a quorum is present
 - (c) is answerable to the local government, reporting as and when required

Bush Fire Regulations 1954 –

- r.41 – a register of brigade officers (captain, lieutenants and secretary) is to be kept by the local government
- Form 12 – required form of the register

Shire of Victoria Plains Bush Fire Brigades Local Law –

- cl.3.3 – appointment of brigade officers
- c.3.5 – duties of CBFCO and Captain include updating Form 12 brigade office bearers at least annually.

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1905-09 Officer Recommendation/Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That the Bush Fire Advisory Committee Terms of Reference be adopted.

For 5 / Against 0

10.5 Bush Fire Advisory Committee – Membership

File reference	
Report date	17 May 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer John Brennan, Acting Community Emergency Services Manager
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page 44 Bush Fire Advisory Committee – Proposed membership

PURPOSE

To consider the membership of the Bush Fire Advisory Committee.

BACKGROUND

This matter is referred from the Council meeting held on 27 March 2019 when it was resolved –
That –

- *a Bush Fire Advisory Committee be established,*
- *Terms or Reference and membership, in accordance with the Bush Fires Act s.67 be prepared and submitted to Council for approval.*

COMMENT

The Bush Fires Act 1954 s.67 is the head of power for a Bush Fire Advisory Committee.

In accordance with the Bush Fires Act s.67(1), establishment of a BFAC is by Council resolution, and cannot be self-appointed. The Act s.67, has specific requirements placed on Council that are to be addressed in the establishment of a BFAC, including the requirement for at least one Councillor to be a member.

The meeting considered that the following should constitute the BFAC. –

- Chief Bush Fire Control Officer,
- Deputy Chief Bush Fire Control Officer,
- Chief Fire Weather Officer,
- Chief Executive Officer,
- Community Emergency Services Manager,
- Ranger,
- Bushfire Brigade Captains plus one other Brigade representative.
- Shire of Victoria Plains Works Manager.

Potentially, this would be a Committee of 17 people, unless a person holds multiple roles.

Other councils have addressed this issue by –

- membership of the committee being restricted to the principal responders,
- members being appointed for multiple “constituencies”,
- other interested persons or organisations being permanent invitees to meetings –
 - o non-voting, but may participate with the consent of the chair
- staff attending in an advisory role only –
 - o non-voting, but have significant input providing advice and preparation of reports

The Act s.67(1) specifies that “persons” must be appointed. There is some disagreement about whether this means that the person must be named, or if the person can be specified by position. The broader view that a person may be specified by position has been taken, consistent with the principles of the Local Government Act s.5.10(5) where Council may appoint the CEO to a committee, on the basis of position.

While the recommendation that Brigade Captains be appointed is acceptable the appointment of “one other Brigade representative” is insufficient. Accordingly, it is recommended that the second Brigade representative be specified as the first lieutenant, a position that the Brigade may fill as they see fit, from time to time. The Bush Fire Regulations require the local government to keep a register of brigade officers and details the statutory format of the register.

Although there is no provision in the Act, Regulations about the frequency of updating the register, the Bush Fire Brigades Local Law requires that it be updated at least annually.

While it is essential that staff support any Committee, it is considered that voting roles should be restricted to members of the community.

CONSULTATION

None

STATUTORY CONTEXT

Bush Fires Act 1954 –

- s.67 – Advisory committees
 - (5) local government may appoint an advisory committees, consisting of specified persons, and which shall have specified duties
 - (6) an advisory committee must include at least one councillor
 - (7) the local government to fix a quorum, establish rules for the committee (terms of reference), may add or remove persons from the committee
 - (8) an appointed committee shall –
 - (d) meet as seen fit
 - (e) shall not transact business unless a quorum is present
 - (f) is answerable to the local government, reporting as and when required

Bush Fire Regulations 1954 –

- r.41 – a register of brigade officers (captain, lieutenants and secretary) is to be kept by the local government
- Form 12 – required form of the register

Shire of Victoria Plains Bush Fire Brigades Local Law –

- cl.3.3 – appointment of brigade officers
- c.3.5 – duties of CBFCO and Captain include updating Form 12 brigade office bearers at least annually.

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Note: The Presiding Member called for Nominations at which point, after Council discussion, it was decided to section out the Officer's recommendation.

Cr S Penn nominated Cr Clarke for the role of Council delegate and noted Cr Clarke is currently working with that Committee at which point Cr Bantock queried whether it was BFAC not LEMC he was with, which Cr Penn confirmed was BFAC.

1905-10 Council Resolution

Moved Cr S Penn

Seconded Cr J Corless-Crowther

That the membership of the Bush Fire Advisory Committee be Cr N Clarke as the Council delegate.

For 5 / Against 0

Reason for Variation: Agreement by Council to section out the recommendation.

Note: Cr Corless-Crowther nominated Cr Broadhurst and noted Cr Broadhurst's experience within this area.

1905-11 Council Resolution

Moved Cr S Penn

Seconded Cr J Corless-Crowther

That the membership of the Bush Fire Advisory Committee be Cr A Broadhurst as the deputy Council delegate.

For 5 / Against 0

Reason for Variation: Agreement by Council to section out the recommendation.

Note: The Presiding Officer noted meeting attendees could include Council Members, employees including ex-officio, Captain of each Bush Fire Brigade, Fire Officers including Chief Fire Control Officer, Deputy Fire Control Officer, Fire and Weather Officers, Regional Organisations and the community at large.

The Governance Officer clarified that it would be a maximum of 3 fire officer roles that would need to be filled.

1905-12 Council Resolution

Moved Cr S Penn

Seconded Cr J King

That the membership of the Bush Fire Advisory Committee be as per the membership listing attached.

For 5 / Against 0

Reason for Variation: Agreement by Council to section out the recommendation.

1905-13 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That the meeting be adjourned, the time being 2.53pm.

CARRIED For 5 / Against 0

The meeting resumed at 3.26 pm with all Council members present.

10.6 Local Emergency Management – MOU for Mutual Assistance in Emergencies

File reference	
Report date	18 May 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer John Brennan, Acting Community Emergency Services Manager
Authorised by	
Attachments	
Attachment 1	Page 48 Draft Memorandum of Understanding for Mutual Assistance

PURPOSE

To consider a draft Memorandum of Understanding for Mutual Assistance in Emergencies with adjoining Councils.

BACKGROUND

This matter is referred from the Local Emergency Management Committee meeting held on 19 March 2019.

COMMENT

In part, this initiative is a result of the Shire withdrawal from the Joint Local Emergency Management Arrangement with the Shire of Wongan Ballidu. However, it is broader in application as it is proposed that each of the adjoining Council be asked to consider a partnership for mutual assistance.

Such arrangements are widespread, both in the rural areas as well as between urban local government.

The core of the MOU is in clause 5 Agreement.

At its most basic, this clause agrees to provide all reasonable support, bearing in mind any restricting or hazards currently being faced, at no cost to the requesting local government. The requesting local government agrees to fund all costs incurred (eg: meals and accommodation for staff but not wages etc.) including repair of any damage to vehicles or equipment.

CONSULTATION

None

STATUTORY CONTEXT

Emergency Management Act 2005

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Note: Cr J Corless-Crowther spoke in support of the motion.

1905-14 Officer Recommendation/Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That the draft Memorandum of Understanding for Mutual Assistance in Emergencies be circulated to all adjoining Councils, requesting –

- a) their agreement to the concept of an MOU for this purpose, and
- b) their comments regarding the proposed MOU.

For 5 / Against 0

10.7 Bolgart Speed Limits

File reference			
Report date	22 May 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Niel Mitchell, Governance Officer		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page		Nil

PURPOSE

To consider a request for a reduction of speed limits in Bolgart townsite.

BACKGROUND

A request was initially sent to Main Roads WA by Mrs Serena Syred on behalf of the Bolgart Progress Association. MRWA have responded to her that the request needs to be made through the Shire.

COMMENT

While the roads may be local roads and the responsibility of the Shire for maintenance etc, mandatory speed limits are determined and sign posted by MRWA and enforced by the Police.

Mrs Syred has advised by email –

Bolgart Progress Association and the community of Bolgart strongly suggest the 60km zone that is on the Bindi Bindi Road (each entrance of the town) to be reduced to 50kms.

Bolgart East Road, suggested that the 80km zone to be reduced to 60km.

At the moment it is 80km going past the Bolgart Sports Club and we feel it is very dangerous when functions are being held with lots of children and cars in the area.

We feel these changes are very important for the safety and well being of the community.

Currently the limits is 60 km/hr through Bolgart, as it is in Calingiri. However, the circumstances in Bolgart are quite different to those in Calingiri. Bolgart is a town that has business and residential premises on both side of the Toodyay-Bindi Bindi Road. There are many more premises having frontage to the main road than in Calingiri, where only the northern side of the road has residential or commercial access.

On Bolgart East Road, despite the 60 km/hr limit and the advisory sign indicating a Stop sign ahead, it is considered that a lower limit of 50 km/hr in the town environs is more appropriate.

With the Bolgart Sports Club, Phillips Road and Bull Road all having entries onto the Bolgart East Road in close proximity, a lower limit of 60 km/hr rather than 80 km/hr is also recommended.

If the request of the Progress Association is supported, it will still have to be approved by Main Roads. No indication has been given by them regarding likely outcome.

A consequential effect would also be that if the 50 km/hr limit is approved, then a 60 km/hr limit would be put in place, perhaps where the existing 80 km/hr signs are. As posted speed limits generally decrease/increase in 20 to 30 km/hr increments, it would also mean that the 80 km/hr limits would also be relocated further out than at the moment.

CONSULTATION

None

STATUTORY CONTEXT

Main Roads Act 1930 –

- s.16 – Powers of Commissioner
 - o to control or regulate traffic

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1905-15 Officer Recommendation / Council Recommendation
--

Moved Cr S Penn

Seconded Cr J Corless-Crowther

That Main Roads WA be advised that the request of the Bolgart Progress Association for a reduction of speed limits is supported as follows –

- in Bolgart townsite – 50 km/hr on Toodyay-Bindi Bindi Road and on Bolgart East Road
- approach to Bolgart – a reduction to 60 km/hr east of Bull Road intersection on Bolgart East Road.

For 5 / Against 0

10.8 Community Funding – Deferrals

File reference			
Report date	22 May 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Niel Mitchell, Governance Officer		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page		Nil

PURPOSE

To consider holding over of Council approved funding to the 2019/2020 financial year.

BACKGROUND

The proposal to hold over funding affects two organisations –

- Mogumber Outback Club, and
- Gillingarra Sport and Recreation Association

COMMENT

Mogumber Outback Club

Originally, \$15,000 of community funding assistance was approved for the 2017/2018 Budget. For reasons outside the Club's control, the funding was deferred to the 2018/2019 year, and is still unable to be used, as a result of Council's instruction that no works or ground disturbance was to take place until approval was given.

The Club has advised –

RE: Mogumber Arena Stage 2 Installation & CBS Grant Funding.

The Mogumber Outback Clubs Arena Stage 2 project was successfully granted \$15,000 from the Shire's Community Budget Grants in 17-18yr. However, installation of the arena was stalled at the last minute, by the request of the Victoria Plains Shire, so the Shire could ascertain whether there were any aboriginal heritage sites on the reserve that might impact the rodeo arena installation site. After the Club's request, Council resolved to hold the grant over to the 18-19 budget (Res 1809-08).

The end of the 18-19 budget is fast approaching, and our Club understands the Shire is still progressing through the aboriginal heritage investigations.

Our Club writes to the Shire, requesting the \$15,000 funding be rolled over to the 19-20 year. The delay to the project is not the fault of MOC actions and was a direct request of the Shire. The Club is currently carrying the whole dept of the arena purchase, has stored the arena offsite and are happy to wait until final clarification can be gained on the installation site to finalise the project & acquit the funding.

Gillingarra Sport and Recreation Assoc.

Initially applying for funding to survey out and purchase a section of the reserve where the Community Church is located, agreement was reached for reduced funding of \$5,000 for the requested area to be leased to them for 21 years. This preserves any purchase cost of the land for the Associations use.

Matters are currently in progress and are nearing finalisation, however, may not be concluded before 30 June 2019.

Summary

For both organisations, matters that delay the progress are being experienced that are outside of their control and to a very large extent, also outside the Shire ability to control.

Accordingly, extension of both allocations to the 2019/2020 financial year appear reasonable and appropriate.

CONSULTATION

Glenda Teede, CEO

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.2 – local government to prepare annual budget
- s.6.8 – expenditure not in annual budget

CORPORATE CONTEXT

Policy (2017) 6.5.3 – Financial Assistance – Community Bodies
Community assistance program

FINANCIAL IMPLICATIONS

Allocation of a total of \$20,000 to the two projects in the 2019/2020 Budget

VOTING REQUIREMENTS

Absolute Majority Required: No

Note: Cr Broadhurst Cr Broadhurst spoke in support of the motion stating that he believed both of these delays were no fault of the Community groups involved and should not affect the next financial year figures.

Cr Penn withdrew from the meeting at 3.32pm.

1905-16 Officer Recommendation/Council Resolution
--

Moved Cr P Bantock

Seconded Cr A Broadhurst

That extension of the following Community Funding Projects to the 2019/2020 Financial Year be approved and allocation be made within the Budget –

- \$15,000 ex GST to Mogumber Outback Club for Mogumber Arena Stage 2 Installation, and
- \$5,000 ex ST to Gillingarra Sport and Recreation Association for lease arrangements of the Gillingarra Community Church.

For 4 / Against 0

11. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

The Presiding Member called for Elected Members to consider New Business of an Urgent Nature.

1905-17 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That Council hear new business of an urgent nature requiring decision.

For 4 / Against 0

Cr Penn re-joined the meeting at 3.34pm.

12.1 Community Grant Budget Submissions

File reference		
Report date		29 May 2019
Applicant/proponent		Community Groups
Officer disclosure of interest		Nil
Previous meeting references		Nil
Prepared by		GO / EA
Authorised by		Glenda Teede – CEO
Attachments		
Attachment 1	Page	Confidential Attachments Previously Circulated.

PURPOSE

To determine community grants for 2019/2020.

BACKGROUND

Grants from Council to support community organisations.

COMMENT

Annual budget provision of \$50,000 to be made in 2019/2020 budget.

Note: Cr Penn requested each submission be reviewed line by line, which the Presiding Member agreed too.

Cr Penn withdrew from the meeting at 3.36pm, due to having declared an impartiality interest.

Officer Recommendation

Moved Cr _____

Seconded Cr _____

Council approved as per list.

For _____ / Against _____

1905-18 Council Resolution

Moved Cr P Bantock

Seconded Cr J Corless-Crowther

Council approve the Bolgart CWA 95th Celebration for funding of \$1,700.00, as requested.

For 4 / Against 0

Reason for Variation – each grant request addressed individually.

Cr Penn returned to Chambers at 3.39pm.

1905-19 Council Resolution

Moved Cr J Corless-Crowther Cr

Seconded Cr A Broadhurst

Council approve the Yerecoin Progress Association, Community Art and Heritage Trail for funding of \$5,000.00, as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr King spoke for the motion noting the importance of getting more use out of the building, particularly as the Shire holds larger events.

1905-20 Council Resolution

Moved Cr J King

Seconded Cr J Corless-Crowther

Council approve the Calingiri Football Club, Blinds for Clubrooms, for funding of \$1,800.00 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr J Corless-Crowther spoke for the motion and noted the considerable number of young people in the district who are in the netball club.

Cr Broadhurst spoke in support of the motion.

CEO queried whether they are LED lights.

Cr Bantock – queried whether that could be further approved subject to LED lighting, however no amendment was made to the motion.

1905-21 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

Council approve the Calingiri Netball Club, Lighting installation, for funding of \$3,234.00 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr Penn sought clarification on Policy Grant Submission and whether an organisation has to provide something?

Presiding Member sought clarification from the Governance Officer on Policy and requested an adjournment at 3.51pm.

The Governance Office read the Policy specifics to Council regarding this matter.

Cr Bantock – reopened the meeting at 3.53pm.

Cr Bantock – noted it is permissible if Council accepts it.

Cr Broadhurst spoke for the motion.

1905-22 Council Resolution

Moved Cr A Broadhurst

Seconded Cr P Bantock

Council approve the Piawaning Progress Association, Renovations to Hall, for funding of \$4,989.25 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

1905-23 Council Resolution

Moved Cr S Penn

Seconded Cr J King

Council approve the Bolgart Sports Club, Lawn reticulation project, for funding of \$3,500.00 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr J Corless-Crowther spoke in support of the motion.

1905-24 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

Council approve the Calingiri Hockey Club, 2 x new LED lights, for funding of \$9,900 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr J Corless-Crowther spoke for the motion.

Cr Bantock raised the issue of safety in support of the request.

1905-25 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr P Bantock

Council approve the Calingiri Hockey Club, Fencing, funding of \$4,000 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr J Corless-Crowther spoke in support of the motion, noting its popular location.

Cr Bantock spoke in support of the motion.

1905-26 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

Council approve the Calingiri Sports Club, kitchen upgrade, funding of \$2,000 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr J King spoke for the motion noting its importance for the younger children of the district.

Cr J Corless-Crowther spoke in support of the motion support and the importance of having activities for the younger children.

1905-27 Council Resolution

Moved Cr J King

Seconded Cr J Corless-Crowther

Council approve the Calingiri Sports Club, playground equipment, funding of \$3,000 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: Cr J Corless-Crowther noted the meeting room is the one area of the Club that doesn't have air conditioning.

1905-28 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

Council approve the Calingiri Sports Club, Air conditioning for Meeting Room, funding of \$3,000 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

Note: CEO queried whether financials need to be presented in accordance with the Policy. The Gillingarra Sports Club financials were distributed to Councillors for review.

Cr Bantock spoke in support of the item and noted this funding request draws people to Gillingarra.

1905-29 Council Resolution

Moved Cr P Bantock

Seconded Cr J King

Council approve the Gillingarra Sport and Recreation Club, Exchange weekend, equipment and incidentals funding of \$2,750.00 as requested.

For 5 / Against 0

Reason for Variation – each grant request addressed individually.

The Presiding Member queried through the CEO whether Council required any further wording?

The CEO noted that Council were accepting all of the recommendations, so no further resolution was required.

**Shire of Victoria Plains
Budget Submission -
Community Grants**

Community Group	Summary description	Shire Funds Requested	Group Cash Contribution	Group In-Kind Contribution	Other Funding/Sponsorship	Total Project Cost
Bolgart CWA	Centenary celebrations	\$ 1,700.00	\$ 200.00	\$ 250.00		\$ 2,150.00
Yerecoin Progress Association	Community Art and Heritage trail	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 12,500.00	\$ 25,000.00
Calingiri Football Club	Blinds for Clubrooms	\$ 1,800.00	\$ 482.20	\$ -	\$ -	\$ 2,282.20
Calingiri Netball Club	Lighting installation	\$ 3,234.00	\$ 6,000.00	\$ -	\$ -	\$ 9,234.00
Piawaning Progress Association	Renovations to Hall	\$ 4,989.25	\$ -	\$ -	\$ -	\$ 4,989.25
Bolgart Sports Club	Lawn reticulation project	\$ 3,500.00	\$ 2,693.00	\$ 400.00	\$ -	\$ 6,593.00
Calingiri Hockey Club (Include GST)	2 x new LED lights	\$ 9,900.00	\$ -	\$ -	\$ -	\$ 9,900.00
Calingiri Hockey Club	Fencing	\$ 4,000.00	\$ -	\$ -	\$ -	\$ 4,000.00
Calingiri Sports Club	Kitchen upgrade	\$ 2,000.00	\$ 1,329.00	\$ 200.00	\$ -	\$ 3,529.00
Calingiri Sports Club	Playground equipment	\$ 3,000.00	\$ 500.00	\$ 441.90	\$ -	\$ 3,941.90
Calingiri Sports Club	Air conditioning for Meeting Room	\$ 3,000.00	\$ 490.00	\$ 1,000.00	\$ 500.00	\$ 4,990.00
Gillingarra Sport and Recreation Club Inc.	Exchange weekend, equipment and incidentals	\$ 2,750.00	\$ -	\$ 10,080.00		\$ 12,830.00
Total		\$ 44,873.25	\$ 16,694.20	\$ 14,871.90	\$ 13,000.00	\$ 89,439.35

Held over (subject to
Council decision)

Mogumber		\$	From	Total grants for year
Outback Club	Arena	15,000.00	2017/2018	underspent
Gillingarra	Legal			
Sport &	assistance			
Recreation	for lease of	\$	From	Total grants for year
Assoc.	Church area	5,000.00	2018/2019	underspent

CONSULTATION

Community Groups.

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

2019/2020 Budget

FINANCIAL IMPLICATIONS

Provision to be made in the 2019/2020 Budget

VOTING REQUIREMENTS

Absolute Majority Required: No

12.2 Community Car

File reference	
Report date	22 May 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	
Attachments	
Attachment 1	Page
	Draft Policy – Community Car

PURPOSE

To consider the operation of the Community Car.

BACKGROUND

The Community Car was purchased in about September 2016 and was intended to be available for use of the community.

This matter was recommended to the April 2019 Council meeting, where it was resolved that the matter be deferred, pending consideration of a revised Policy.

COMMENT

Since purchase, the vehicle has had very little use by the community. A search of both the booking register indicates that it has been used only 7 times by the community, although the accounting system gives details of only 5 payments for its use.

Of the 21,863 km travelled as at 11 April 2019, of which approx. 1,700 were for members of the community. The last record of use is in June-July 2017.

Although it has been very useful as a general office vehicle, it is not meeting its intended purpose. When cost of insurance, licencing, servicing and depreciation in value is considered, it becomes an expensive asset to retain for only occasional use.

Other areas

While many local governments have a Community Bus, there seems to be only a very few that have a community car. For a number of reasons, a Community Bus is able to operate under quite different principles.

1. Goomalling

- No dedicated community car
- It is an administration pool vehicle, used as necessary to transport community members
- No policies, booking procedures etc in place or available
- Volunteers arranged by the Shire – induction, OSH etc required
- No indication of use level, but from discussion appears to be fairly low
- Flat fees for travel to Perth or Northam

2. Quairading –
 - owned and operated by the Hospital Auxiliary
 - used at least once a week
 - minimal policy, procedures etc received for review
3. Gingin –
 - new initiative in Gingin, existing service in Guilderton operated separately to Gingin car
 - main financial support is from Lions Club, other sponsors also contribute
 - no indication of use levels
 - policy, procedures etc not yet finalised, but some drafts sent for review
4. Waroona –
 - operated by Community Resource Centre
 - use is almost daily – main destination is Mandurah, secondary to Perth
 - set charges by destination
 - information sought, but not made available

Common requirements –

- volunteer driver is not arranged by the Client, but by the owner/operator,
- the volunteer driver is required to –
 - o provide National Police Clearance check
 - o complete an induction – forms, responsibilities, first aid course (in one instance)
- available for medical transport only

Matters to consider include –

1. Insurances –
 - a) Vehicle – the need to verify that the driver is licenced and capable
 - b) Public liability –
 - if the volunteer driver is arranged by the Shire, the Shire then accepts the risks and legal obligations for the behaviour of that driver, in the same way that these are accepted by an employee. The driver is acting on behalf of the Shire, and the Shire has a responsibility to perform due diligence in regards to –
 - o legal right to operate a vehicle
 - o being an appropriate person to transport often vulnerable people
 - o of the Shire generally
 - c) Volunteers
2. Occupational Health and Safety –
 - a) medical conditions that may affect the driver during operation of the Community Car
 - b) driver capability of responding in urgent or emergency medical events
 - c) in most respects, the Shire has a duty of care towards and responsibility for the driver the same as for an employee
 - see - <https://www.safeworkaustralia.gov.au/topic/volunteers>
3. Client welfare –
 - a) duty of care by the driver towards the passenger –
 - general behaviour

- in urgent or emergency medical events
 - b) conditions or circumstance may make it inappropriate for the client to use the Community Car
 - c) in many respects, the Shire has similar responsibilities towards the Client as does an owner of an aged care facility towards their residents
4. Is a volunteer driver nominated and arranged by the Client, to be considered an acceptable driver –
- without input from the Shire and who has not completed the due diligence processes required by the Shire of an Approved Volunteer Drive, and
 - subject only to confirmation of valid driver's licence

Police Clearance

One of the issues identified that has concerned people is the current policy statement that a Federal Police Clearance is required.

The correct term is "National Police Clearance". It is a coordinated process that all States and the Commonwealth participate in as there is no longer a stand-alone WA Police Clearance. A Police clearance from an individual jurisdiction has long been recognised as inadequate, given the ability of people to move across the nation.

As such, it is one of the simplest and most basic methods of being able to verify a person's suitability, and is very extensively used in recruitment of employees and for acceptance of volunteers.

It is strongly recommended that it be retained as part of the policy. Without this most fundamental of checks, it would be very difficult to show due diligence.

Draft Policy

The draft Policy attached is based on information from those contacted from other areas.

The current policy states –

Includes all Seniors who are residents of the Shire of Victoria Plains, who require transportation for (in order of priority):-

- *medical appointments, or*
- *personal reasons,*

And

- *the resident is unable to drive their own vehicle due to medical reasons, or*
- *does not have a drivers licence, or*
- *does not have their own vehicle, or*
- *does not have a friend or relative with a vehicle to drive them.*

The draft Policy –

- does not stipulate the hirer must be a Senior,
- gives priority to medical treatment, does not exclude other reasons, but does exclude social use
- removes the final four references

Council is able to vary or amend the draft Policy as they see fit.

The draft Policy also makes it clear that use for Shire purposes is approved but is subject to any booking for community use having priority.

This Agenda item and the draft policy has been sent to Local Government Insurance Services for comment, but this may not be available in time for the Council meeting.

Summary

On the face of it, the concept of a community car should be simple – got a vehicle, hire it out. The underlying issues though, are complex.

Some questions that can be applied through the risk assessment framework adopted by Council include –

1. Is the Volunteer Driver approved by the Shire a suitable person?
2. Does the Volunteer Driver have an underlying medical condition that could be of concern?
3. Does the Client have a medical condition the Volunteer Driver may have to deal with?
4. In the event of something unfortunate happening to the Volunteer Driver, what is the liability of the Shire?
5. If the Client suffers an episode, what is the liability of the Shire?
6. What due diligence has been undertaken by the Shire to protect Client, Volunteer Driver, staff and the organisation?

Future direction

At the Briefing Forum, a suggestion was put forward that Council consider a 6 month assessment period for the operation of the Community Car, to include –

- advertising for volunteer drivers, making clear the Shire's obligation for duty of care and due diligence
- consideration of the level of usage etc at the conclusion of that time.

The 6 month period would likely conclude in early or mid-December 2019.

CONSULTATION

Briefing Forum, 20 May 2019
Local Government Insurance Services

STATUTORY CONTEXT

Local Government Act 1995

Occupational Safety and Health Act

Privacy legislation

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

Cost of operation – insurance, licencing, maintenance, running costs, depreciation
If disposed of – one-off income

VOTING REQUIREMENTS

Absolute Majority Required: No

Note: Cr S Penn put forward a Procedural Motion.

Officer Recommendation

That –

- Policy 2.4.6 Community Vehicle be deleted from the Policy Manual 2017,
- draft Policy 7.2 Community Car as attached be adopted and included in the Policy Manual 2018.

For _____ / Against _____

Officer Recommendation

Moved Cr _____ Seconded Cr _____

That the level of use of the Community Car be assessed over the next 6 months minimum, following advertising for Volunteer Drivers, and advised to Council for consideration concerning its future.

For _____ / Against _____

1905-30 Council Resolution

Moved Cr S Penn

Seconded Cr J King

That there be a Procedural Motion to defer this item to the June 2019 OCM meeting.

For 5 / Against 0

Reason for variation: Procedural Motion to defer Item.

13. MEETING CLOSED TO PUBLIC

Reason for confidentiality

Local Government Act 1995 section 5.23 permits the meeting to be closed to the public for business relating to the following –

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

VOTING REQUIREMENT

Absolute majority required: No

1905-31 Officer Recommendation / Council Resolution
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Moved Cr A Broadhurst

Seconded Cr J Corless-Crowther

That there be a 5 minute adjournment, before reopening the meeting to consider the following matters in confidence, the time being 4.13pm –

13.1 – Status Update & Options for SAT Case - Botvarkel Pty Ltd v Shire of Victoria Plains

13.2 – CEO Contract Review

CARRIED For 5 / Against 0

Staff members and members of the public left at this time, with the CEO and EA remaining in Chambers.

The Presiding Member reopened the meeting at 4.30pm.

13.1 Status Update & Options for SAT Case - Botvarkel Pty Ltd v Shire of Victoria Plains

File reference			
Report date			
28 May 2019			
Applicant/Proponent			
Shire of Victoria Plains			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
Mr Joe Douglas – Town Planning Consultant			
Authorised by			
Ms Glenda Teede - CEO			
Attachments			
Attachment 1		Confidential Under Separate Cover	Statement of Issues, Facts and Contentions

Reason for confidentiality

Local Government Act 1995 s.5.23(2)(d) – legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

1905-32 Officer Recommendation / Council Resolution
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Moved Cr S Penn

Seconded Cr P Bantock

That Council resolve to:

1. Note the current status of Botvarkel Pty Ltd’s application to the State Administrative Tribunal (SAT) requesting a review of the Shire of Victoria Plains decision to refuse to grant building permit approvals for the construction of new single dwellings and associated infrastructure on each of Lots 10, 11 & 12 Moora-Bindoon Road, Mogumber as outlined in the body of this report; and
2. Support Option 2 as outlined in the body of this report by authorising the Shire’s Chief Executive Officer to instruct the Shire’s legal representatives Castledine Gregory Law & Mediation to settle the matter with Botvarkel Pty Ltd by granting approval to the amended building permit applications following receipt of revised information and plans demonstrating compliance with all relevant building and health requirements.

For 5 / Against 0

The CEO and EA withdrew from the meeting at 4.40pm.

Upon advice from the Presiding Member, there was an adjournment during the meeting between 5.01pm – 5.08 pm.

13.2 Chief Executive Officer – Contract Review

File reference	
Report date	29 May 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Pauline Bantock, Deputy Shire President
Attachments	
Attachment 1	Page
	None

Reason for confidentiality

Local Government Act 1995 s.5.23(2)(a) – a matter affecting an employee.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

1905-33 Councillor Recommendation/Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr P Bantock

1. That Council agree to an extension of the Chief Executive Officer’s contract of employment which expires on 18 December 2019 for a further 3 year period from 19 December 2019 to 18 December 2022;
2. That no increase in total remuneration package be made, as per negotiation with the CEO, the agreed package being in accordance with Salaries and Allowances Tribunal Determination for Band 4 Local Government Chief Executive Officers.

CARRIED BY ABSOLUTE MAJORITY For 4 / Against 1

Those voting **FOR** the Motion: Cr P. Bantock,
Cr A. Broadhurst, Cr J. Corless-Crowther,
Cr J. King

Those voting **AGAINST** the Motion: Cr S. Penn,

VOTING REQUIREMENT

Absolute majority required: No

1905-34 Officer Recommendation / Council Resolution
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Moved Cr P Bantock

Seconded Cr J King

That the meeting be opened to the public, the time being 5.25 pm.

For 5 / Against 0

Returning to the meeting –Staff including the Chief Executive Officer, Governance Officer, Executive Assistant and members of the public.

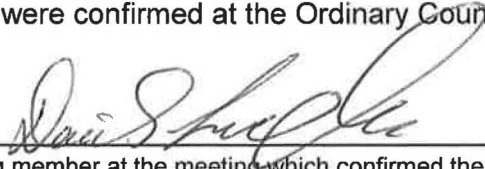
Reading of Council resolution/s by the Presiding Member at 5.26pm.

There being no further business, the presiding member declared the meeting closed at 5.28pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 26 June 2019.

Signed



(Presiding member at the meeting which confirmed the minutes)

Date

26th June 2019

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