



MINUTES
Ordinary Council Meeting
3 August 2022

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

Commencing – 2.00pm

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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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.

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
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 3 August 2022 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.00pm.

1.2 Announcements by Shire President

The Shire President reminded Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing and the meeting will be run in accordance with the Shire's *Meeting Procedures Law 2018*.

2. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Presiding member Cr N Clarke -Deputy President Cr S Woods Cr G O'Brien Cr D Lovelock Cr J Kelly Cr S Penn - via teleconference (until 2.40pm)
Staff attending	Temporary Chief Executive Officer – Mr S Fletcher Works and Services Manager – Mr S Brenzi Finance Consultant – Mr T Bates Finance Co-Ordinator – Mrs G Deocampo Minute Officer – Mrs J Klobas – via teleconference.
Approved leave of absence	N/A
Visitors	

Mr Malcolm Palmer, Wyening

- A1. What is happening with the revenue from Menzies Quarries? Nothing listed in the financial statements.
- Q2. The Temporary CEO noted that Menzies Quarries no longer operates within the Shire and further the President then explained the amount to recoup outstanding losses would be greater than the amount owed.

4.2 Public Questions Without Notice

Public question time closed at 2.11pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Mr Graham Bookham, Calingiri

Noted the operations of T-Ports as a grain carter in South Australia , who are looking to expand in either Lancelin, Jurien Bay or Dongara Western Australia. Regarding the clearing application, queried possible Shire arrangement.

The CEO noted that there is a current signed agreement between CBH and the Shire regarding the upgrade of the intersection (Aglime Project) in Calingiri.

The Shire President noted any further or proposed Planning Application would be brought to Council for consideration.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting Minutes

2208-01 Officer Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded: Cr G O'Brien

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 22 June 2022,*
- *Special Council Meeting held 1 June 2022;*
- *Special Council Meeting held 2 June 2022;*
- *Special Council Meeting held 2 August 2021;*
- *Special Council Meeting held 16 August 2021; and*
- *Special Council Meeting held 25 February 2022*

as circulated, be **CONFIRMED** as a true and correct record.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement – June 2022**

File reference	F1.8.4		
Report date	20 July 2022		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Authorised by	Sean Fletcher – Temporary CEO		
Attachments			
Attachment 1	Page	2 13 16	Public schedule – in the Attachments to Agenda CEO Credit Card Statemen CESM Credit Card Statement

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for June 2022.

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

- compliance with legislation and procedures
- 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

2208-02 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr D Lovelock

That the payments made for June 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliations/Statements be **ENDORSED**:

June 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	11051 – 11155	595,677.26
Creditor Cheque Payments	12564 -12566	8,936.55
Direct Debit Payments**	DD13410.1-DD13410.3; DD13427.1-DD13499.3	34,225.27
Salaries & Wages EFT	PE 08/06/22, PE 22/06/22	81,778.51
Fuel Card – Wright Express	DD13521.1	1,762.90
Credit Card–Bendigo Bank-	DD13474.2 CEO	206.10
	DD13474.1 CESM	1,907.78
Trust Payments		0.00
	TOTAL	\$724,494.37

Local Spending	\$	%
Local Supplier	19,087.24	2.63
Payroll	81,778.51	11.29
Total	100,865.75	13.92

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 2

Cr S Penn and Cr S Kelly voted against the motion.

Cr's P Bantock, D Lovelock, G O'Brien, S Woods and N Clarke voted for the motion.

8.2 Monthly Financial Statements – June 2022

File reference			
Report date	25 July 2022		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	RSM – Travis Bate		
Authorised by	Sean Fletcher, Temporary CEO		
Attachments			
Attachment 1	Page	19	Monthly Financial Statements – 30 June 2022

PURPOSE

To receive the monthly financial statements for the period ending 30 June 2022.

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 June 2022 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

2208-03 Officer Recommendation / Council Resolution
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Moved: Cr G O'Brien

Seconded: Cr S Woods

That Council **RECIEVE** the 30 June 2022 Monthly Financial Reports as presented.

CARRIED For 5 / Against 2

Cr S Penn and Cr S Kelly voted against the motion.

Cr's P Bantock, D Lovelock, G O'Brien, S Woods and N Clarke voted for the motion.

CONFIRMED PUBLIC MINUTES

8.3 Schedule Of Fees And Charges

File reference		
Report date	20 July 2022	
Applicant/proponent	Shire of Victoria Plains	
Officer disclosure of interest	Nil	
Previous meeting references	Nil	
Prepared by	Travis Bate – Consultant (RSM)/ Glenn Deocampo - Finance	
Authorised by	Sean Fletcher – Temporary Chief Executive Officer	
Attachments		
Attachment 1	Page 51	Schedule of Fees and Charges – Draft Budget 2022-23

PURPOSE

As part of the 2022/2023 Budget preparation process, Council is requested to adopt its Schedule of Fees and Charges for 2022/2023.

BACKGROUND

Each year, the Audit Committee is required to recommend to Council to adopt its Schedule of Fees and Charges. Council is only able to charge those items that appear in the Schedule. It is, therefore, crucial that increases to discretionary items determined by Council are considered as part of the Budget process. Likewise, items that are charged by Council under other relevant legislation need to be checked to ensure that the legislated figures have not changed.

COMMENT

Councillors are requested to adopt the proposed Fees and Charges for 2022/2023. A Summary of the changes proposed is provided below:

- Fees and Charges that are at Council discretion have been increased by 2% (rounded)
- Fees and charges pursuant to Local Law – Extractive Industries, Fencing, and Public Places and Local Government Property are added in the schedule
- Fees and Charges that are governed by legislation have been updated for the 2022/2023 Financial Year

CONSULTATION

Travis Bate, RSM

Joe Douglas, Town Planner (Exurban)

STATUTORY CONTEXT

Local Government Act 1995

- 6.2 Local government to prepare annual budget
- 6.16 Local government may impose and recover a fee or charge

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Increased discretionary revenue.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

2208-04 Officer / Audit Committee Recommendation / Council Resolution
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Moved: Cr N Clarke

Seconded: Cr D Lovelock

The fees and charges as set out in the attached Schedule of Fees and Charges for 2022-23 be **ADOPTED**.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Within the background of the Report, it should be noted that "Each year, the Audit Committee is required to recommend to Council to adopt its Schedule of Fees and Charges". The inclusion of this wording in the Minutes has no bearing on the matter considered by Council.

CONFIRMED PUBLIC MINUTES

8.4 Revision of Policies 2.1: Senior Employees – Designation and Inclusion of Shire Structure

File reference			
Report date	19 July 2022		
Applicant/proponent	Temporary CEO, Sean Fletcher		
Officer disclosure of interest	Financial. Matter affects Mr Fletcher's employment		
Previous meeting references			
Prepared by	Sean Fletcher, Temporary CEO		
Authorised by	Temporary		
Attachments			
Attachment 1	Page	62	Revised Policy 2.1 – Structure for Administering the Shire and Designation of Senior Employees

PURPOSE

For Council to revise Policy 2.1 – Senior Employees so that;

- There are no “senior employees” as set out in section 5.37 of the Act; and
- A structure is recognised that will help the CEO administer the organisation more effectively.

BACKGROUND

At the Council Briefing Sessions on 22 June 2022 and 18 July 2022, the author advised that consideration should be given to what the Shire's structure is and as a result how this impacts on the policies regarding:

- 2.1 Senior Employees – Designation
- 2.2 Temporary Employment or Appointment of CEO

The author has now brought through an amendment to Policy 2.1 for Council's consideration accordingly (Attachment 2):

COMMENT

Revised Policy 2.1 Structure for Administering the Shire and Designation of Senior Employees

The Shire has two managers:

1. Manager Finance and Administration. This position is an uncontracted position and so is offered on the basis of ongoing employment.
2. Manager Works and Services. This position is a contracted position and is also designated as a senior employee. The contract can be for three to five years.

The current policy is 2.1 Senior Employees – Designation (Attachment 1). This policy currently has the Manager of Works and Services listed as a senior employee.

There is no requirement for there to be senior employees designated. However, the Local Government Act makes provision for such employees, should the CEO consider there is a need

for senior positions to be on contract. It should be noted though, a senior position can be on a contract without it being allocated as a senior employee.

The use of senior employees has caused confusion within local government regarding Council’s role in their appointment and management. As such, the Act requires the CEO to advise Council regarding the appointment of a senior employee. The CEO is responsible for the management of all employees including matters of employment and their performance reviews. If a senior staff member is not a senior employee, the CEO would engage them without further notification/advice to Council (although the CEO would always let Council know as a courtesy). The designation of senior employee was proposed to be removed from the review of the Local Government Act, but this has not happened at this point in time.

The Manger of Works and Services as the only senior employee has also meant that Policy 2.2:- Temporary Employment or Appointment of CEO does not work as smoothly as it should. During the last 12 months, the Shire has found itself painted into a corner regarding the difficulties of the Manager of Works being the only function that could act as the CEO.

The structure is typically the CEO and the number of divisions (key work areas) the next level down in the organisation. Based on the current resourcing that the Shire has, including services, facilities and officers, the structure should be:

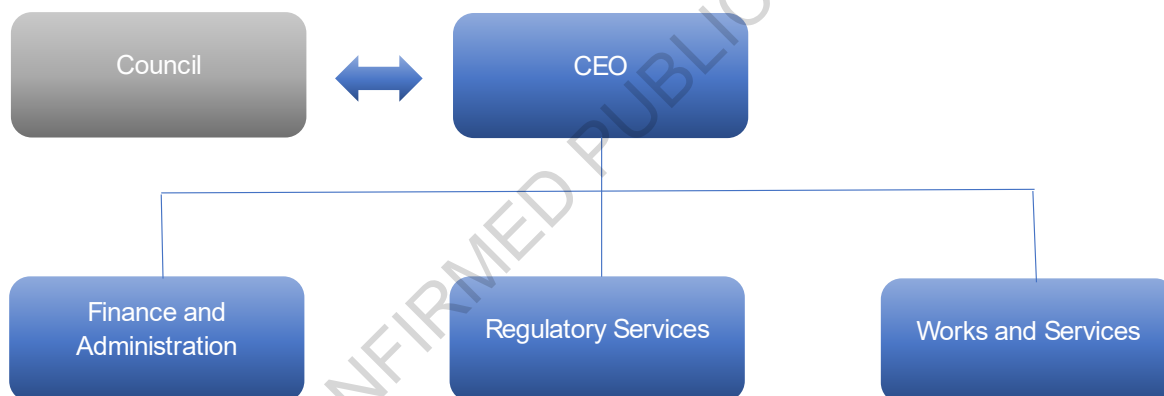


Diagram 1: Proposed Structure - Shire of Victoria Plains

To administer the three divisions as set out in Diagram 1, the Temporary CEO has determined that the following officers should be responsible as follows:

- Finance and Administration:** Manager Finance and Administration.
- Regulatory Services:** Principal Building Surveyor.
- Works and Services:** Manager Works and Services.

The indicative breakdown within each division can be seen in Diagram 2 as follows:

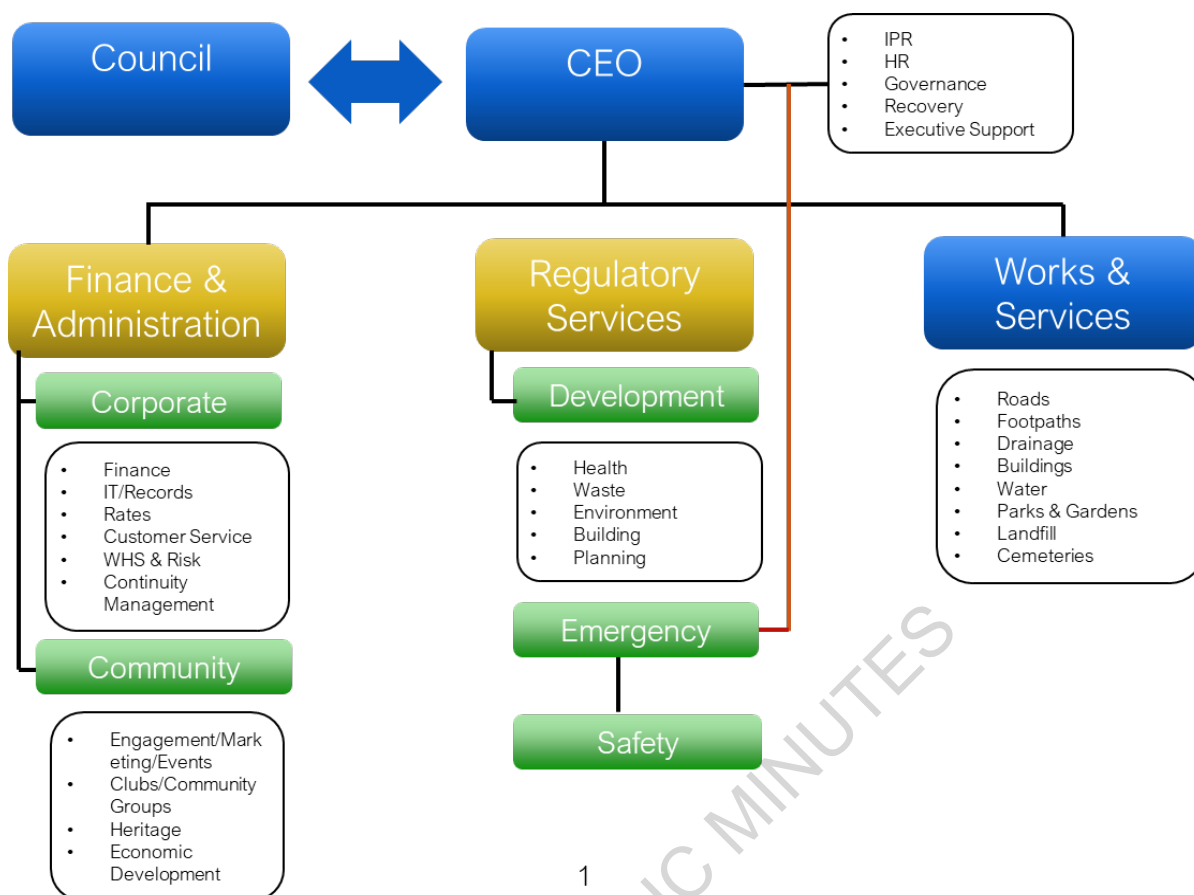


Diagram 2: Indicative Sub-Structure - Shire of Victoria Plains

Accordingly, the author is seeking, with the amendment to Policy 2.1, that there is a structure formalised as set out in Diagram 1 and that there are no employees designated as senior employees going forward.

Revised Policy 2.2 Temporary Employment or Appointment of CEO

A proposal to revise Policy 2.2 is contained within a separate agenda item to today’s report – See Item 8.6.

CONSULTATION

Council Briefing Session 22 June 2022
Council Briefing Session 18 July 2022
Management Team

STATUTORY CONTEXT

Local Government Act

s.5.37 Senior Employees

This section sets out that a local government may designate employees as a “senior employee.” If this is the case, then their employment must be governed by a contract as per s.5.39. In this situation, the CEO is to inform Council of each proposal to employ or dismiss a senior employee, other than a person who is acting as the CEO or acting as a senior employee (s.5.39.(1)(a)).

s.2.7 Role of Council

Under s.2.7(2)(b), the council determines the local government's policies, providing these do not limit its role regarding governing the local government's affairs and the performance of the organisation..

CORPORATE CONTEXT**Strategic Community Plan and Corporate Business Plan**

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>	
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

Policy Manual

Policy 2.1: Senior Employees - Designation

Risk Assessment

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance Lack of a clear policy undermines effectiveness of operations	Major (4) Non-compliance results in termination of services or imposed penalties to Shire/Officers	Likely (4) Probably occur in most circumstances At least once every three years	High(16)	CEO & Management Team Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring Inadequate – corrective action required	With the CEO and management team able to operate effectively the risk over time will be maintained as Low

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2208-05 Officer Recommendation / Council Resolution
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Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council in accordance with sections 2.7(2)(b) of the *Local Government Act 1995* **ADOPTS** revised *Policy 2.1: Structure for Administering the Shire and Designation of Senior Employees* as set out in Attachment 1

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

8.5 Integrated Planning and Reporting Update – Corporate Business Plan June Quarterly Update 2021-2022; Annual Review, Major Review

File reference	4.2.2 and 4.2.3		
Report date	8 July 2022		
Applicant/proponent	Audit Committee		
Officer disclosure of interest	Nil		
Previous meeting references	May 2022 OCM: Item 8.4 – 2205-06		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	Temporary		
Attachments			
Attachment 1	Page	65	SoVP June Quarterly Update 2021-2022

PURPOSE

That Council accepts the update regarding Integrated Planning and Reporting, including the .

BACKGROUND

To meet the requirements of Integrated Planning and Reporting, the Shire has the following plans in place:

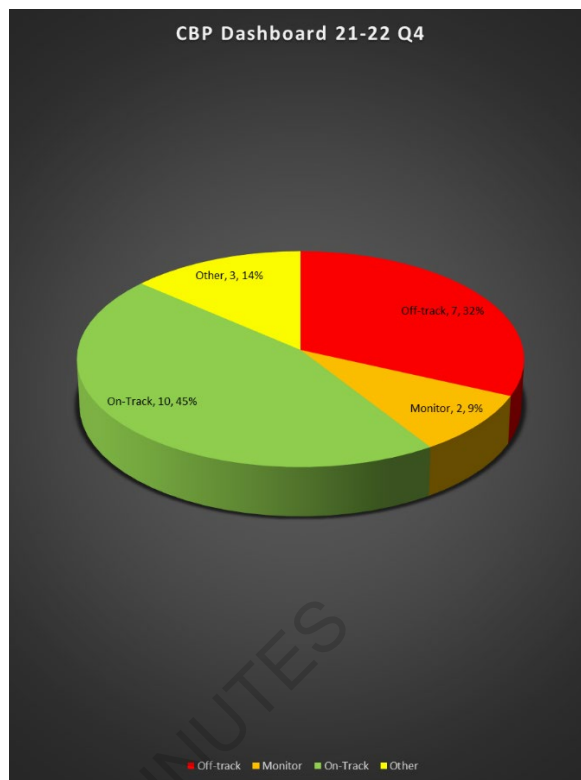
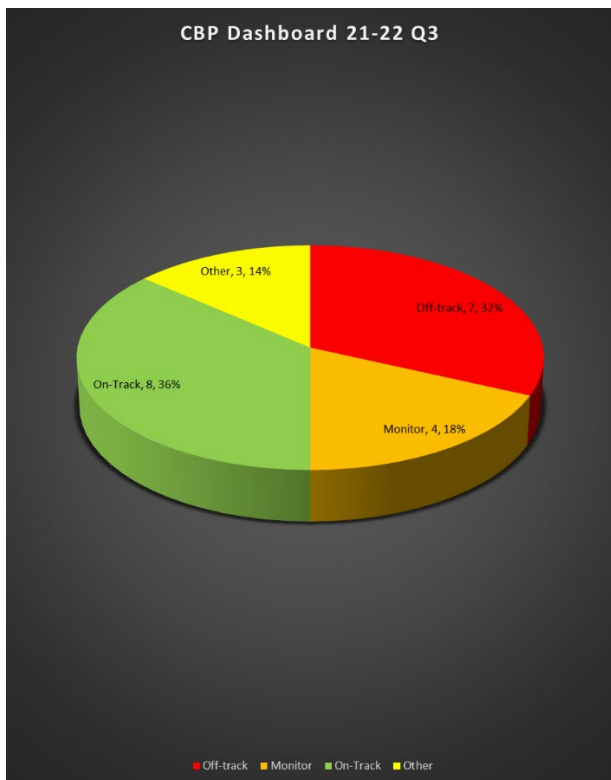
Plan Type	Date Adopted	Due	Comment
Strategic Community Plan (SCP)	18 March 2018	Next plan due June 2022	Major Review Process: <ul style="list-style-type: none"> • SCP Draft 3 has been issued for comment • Adopt at July OCM
Corporate Business Plan (CBP)	12 August 2019	Next Plan due August 2023	Draft underway
Strategic Resource Plan	12 August 2019	Contains the Long Tern Financial Plan (LTFP) and Asset Management Plan (AMP)	<ul style="list-style-type: none"> • Draft LTFP underway • Draft AMP underway – expected completion End August 2022
Work Force Plan (WFP)	12 August 2019	Next Plan due August 2023	Draft Underway
ICT Plan	New	2022	Wallis Computing is currently drafting new plan

Annual Review of Corporate Business Plan (CBP)

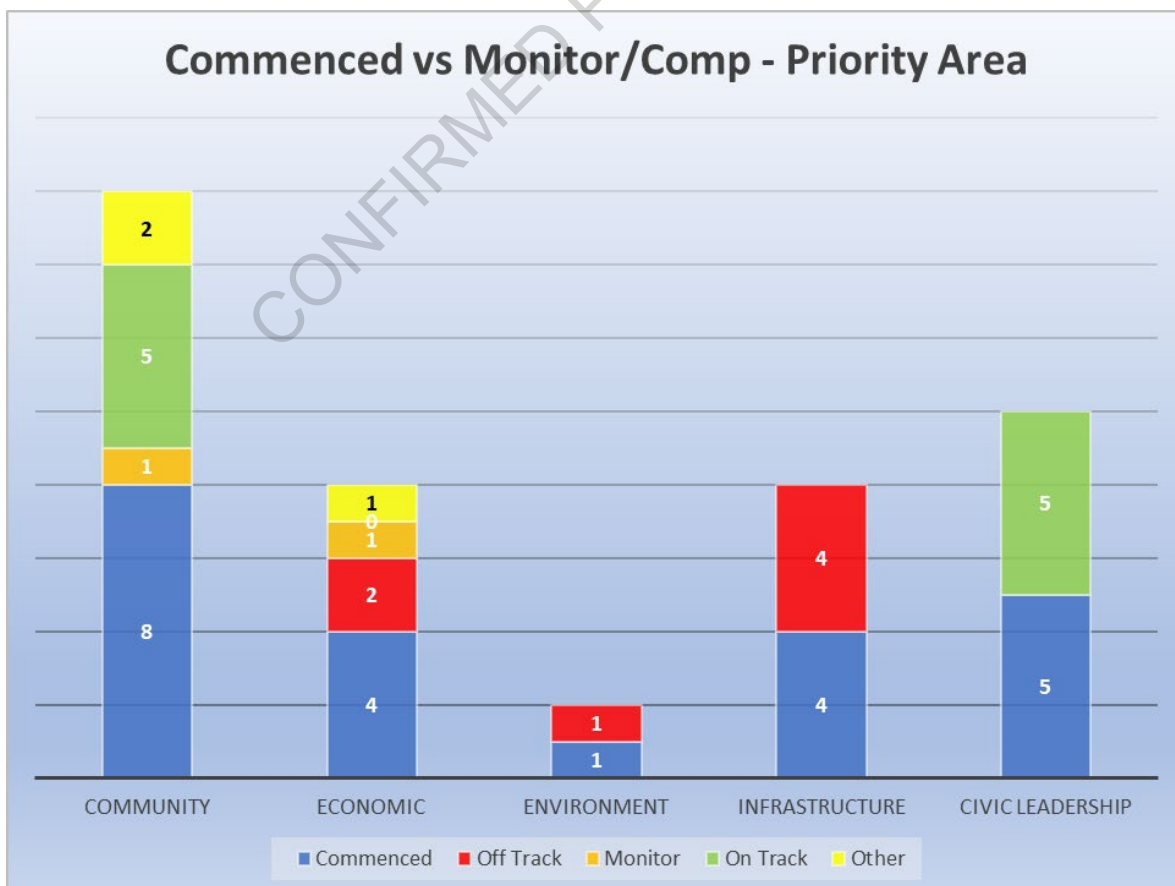
A workshop was conducted with Council on 3 August 2022 to close out the annual review of the CBP.

CBP Quarterly Dashboard

The December Quarterly Review (Q4) will be submitted to the July 2022 OCM. In broad terms, the fourth quarterly review highlights are shown as follows



Overall Tracking: The completion rate is at 55%, up from 44% for the June Quarter, a modest improvement. 54% of actions have continued at monitor/ontrack level. 32% of actions remained off-track). 14% of actions were subject to outside influences (eg AROC, Zone) and in reality, did not progress (eg AROC, Zone) change.



On balance, the Community Priority Area (PA) delivered a consistent result, despite concerns of staff resourcing issues may have impacted. The outcome for the Civic Leadership PA shows that governance, corporate planning and training of elected members is at required levels. However, the Economic, Environment and Infrastructure PAs have been impacted further by long standing and complex matters re water security, the delays in the provision of LRCI 3 Funding (although projects are now approved) and a lack of progress re AROC joint initiatives.

It is expected that with the adoption of the new SCP, the new Corporate Business Plan will better reflect what the Shire is required to achieve going forward.

COMMENT

The proposed adoption of the new Strategic Community Plan at today's meeting is timely in that it has been used to inform the budget for 2022-2023. Workshops with Council regarding the budget is being held within the next two – three weeks.

CONSULTATION

Council at briefing session.

STATUTORY CONTEXT

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

(4) A local government is to review the current corporate business plan for its district every year.

Integrated Planning and Reporting – Framework and Guidelines

Apart from the Annual Report providing progress towards the achievement of the four-yearly Shire priorities as established through the Corporate Business Plan (Intermediate Standard), the Departmental IPR Guidelines require that as a minimum, a quarterly review is conducted on the status of the CBP for each year.

Audit Regulations – Regulation 17

17. CEO to review certain systems and procedures:

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

CORPORATE CONTEXT**Strategic Community Plan and Corporate Business Plan**

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

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

5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

The Audit Committee has a key role to play regarding assisting Council and the CEO regarding the effectiveness of the Shire's controls.

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Reputation Not adhering to the Corporate Business Plan and hence the Strategic Community Plan	Major (4) Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Almost Certain (5) The event will occur at least once per year	Extreme (20)	CEO & Council Risk only acceptable with excellent controls and treatments in place. Adequate: Shire addressed key issues at the SEM on 3 December 2020. The Shire continues to ensure that the CBP Quarterly Review is available publicly through a report to Council each quarter.	CEO to ensure all staff undertake and follow CBP. Elected Members have undertaken further training in IPR requirements. The above will, over time, ensure that the risk is corrected and reduced to low that can be corrected by the appropriate manager
Compliance Not adhering to the Corporate Business Plan and hence the Strategic Community Plan	Major (4) Non-compliance results in termination of services or imposed penalties to Shire/Officers	Almost Certain (5) The event will occur at least once per year	Extreme (20)	CEO & Council Risk only acceptable with excellent controls and treatments in place. Adequate: Shire is improving with following its IPR obligations re the Strategic Resources Plan (LTFP), SCP and CBP	CEO to ensure all staff undertake and follow CBP. This will, over time, ensure that the risk is corrected and reduced to low that can be corrected by the appropriate manager

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2208-06 Officer Recommendation / Council Resolution
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Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council **ACCEPTS** the update regarding Integrated Planning and Reporting, including the June Quarterly Update 2021-2022, the outcome of the Annual Review of the Corporate Business Plan and the status of the Major Review of the Strategic Community Plan.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

8.6 Controls, Systems and Procedures - Revision of Financial Hardship Policy - COVID-19

File reference			
Report date	21 July 2022		
Applicant/proponent	Minister for Local Government		
Officer disclosure of interest	Nil		
Previous meeting references	27 May 2020 OCM Item 8.4 - 2005-07		
Prepared by	Sean Fletcher, Temporary CEO		
Authorised by	Temporary		
Attachments			
Attachment 1	Page	71	<i>Local Government (COVID-19 Response) Order 2022</i>
Attachment 3	Page	74	Revised Financial Hardship Policy 3.6

PURPOSE

The Temporary CEO recommends to Council that it adopts the revisions to Policy 3.6 - Financial Hardship Policy COVID-19 recognising its application to the 2022/2023 financial year and beyond, subject to a COVID-19 Response Order being in place.

BACKGROUND

On the 8 May 2020, the Minister for Local Government signed an Order under the Local Government Act that deals with issues relating to the requirements to hold public meetings, for access to information when local government offices are closed due to the COVID-19 pandemic, and budgetary matters (including financial hardship).

The Minister stated some of the budgetary measures to help ratepayers who have been adversely impacted by this COVID-19 pandemic include assessing rate relief and fees and charges relief. He considers these measures are vital in maximising assistance to get the State's economy back on track.

The original Order recognises that local government is in the best position to assess whether a person in their district is in hardship including residential and small business ratepayers due to the COVID-19. Pandemic. This order was originally for the 2020/2021 year and Council adopted Policy 3.6 on 27 May 2020 accordingly. This policy also took into account any matters carried forward into 2021/2022.

The Minister subsequently issued *Local Government (COVID-19 Response) Amendment Order 2021* to recognise the continuation of the pandemic and the hardship associated with it. The Shire along with all local governments was subsequently audited by the OAG regarding having a suitable policy in place to cover 2020/2021 – 2021/2022. The Shire was found to be compliant.

The Minister has now issued *Local Government (COVID-19 Response) Amendment Order 2022*. This order caps the interest rate on debt owing at 7%.

COMMENT

The CEO currently has under Delegation 3.5, the power to make arrangements for the recovery of rates, service charges and sundry debts as follows:

3.5 FUNCTION DELEGATED

1. The CEO is delegated authority to negotiate an agreement for the payment of rates, service charge and sundry debts, together with the costs of proceedings, if any, for that recovery, subject to any administrative or instalment charges, penalty interest etc being incorporated into the agreement.

Policy 3.6 is written in a way that compliments the CEO's delegation and allows the CEO to take into account other relevant financial hardship criteria if need be. This includes the ability to:

- Make payment arrangements that are in excess of the rate instalments that usually apply. Note this does not apply to the payment of the Emergency Services Levy;
- Suspend or waive interest charges;
- Defer rates for those who hold a concession card;
- Suspension of any debt recovery action;
- Put in place a mechanism of review for decisions made under the policy; and
- Maintain confidentiality regarding any applications for hardship relief and provide additional time in responding to such a case.

The changes made to Policy 3.6 include:

Section	Current	Amendment	Comment
2. Scope	2. Rates and service charges levied for the 2020/21 financial year.	2. Rates and service charges levied for each financial year from, and including, 2020/21 year onwards.	Recognises 2020/2021 and subsequent out years
7. Debt Recovery	<p>Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.</p> <p>Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the <i>Local Government Act 1995</i>.</p>	<p>Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July each year, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of that financial year (1 July – 30 June).</p> <p>Rates and service charge debts that remain outstanding at the end of the financial year, will then be subject to the rates debt recovery procedures prescribed in the <i>Local Government Act 1995</i>.</p>	Recognises that if there are still debts outstanding at the end of the agreed repayment period, a further 12 months (financial year) will be offered to clear the debt in question.

Through the adoption of revised Policy 3.6 and in conjunction with the Order, the Shire will be in a position to do the following:

1. Charge a maximum of 7% (previously 8%) for overdue monies (i.e. accounts owing other than rates or service charges) instead of 11%. With the financial hardship policy in place, the Shire will be able to waive the charging of the rate of interest for those considered under financial hardship;
2. Charge the existing 5.5% on payment of rates by instalments. If the policy is not in place, the maximum allowed is 3%. With the financial hardship policy in place, the Shire will also be able to waive the charging of the rate of interest for those considered under financial hardship;
3. Charge a maximum of 7% (previously 8%) instead of 11% for overdue rates and services charges. With the financial hardship policy in place, the Shire will be able to waive the charging of the rate of interest for those considered under financial hardship.

As revised Policy 3.6 calls up *Local Government (COVID-19 Response) Amendment Order 2022* through the section: Legislation/Local Law section, the percentage rates listed in this order are the ones that must be applied.

CONSULTATION

Council – 21 April 2020 OCM Report; COVID-19 Framework Workshop – 30 April 2020.

Council – May OCM 2020.

Management Team Meeting (including financial support consultant) 13 July 2022.

STATUTORY CONTEXT

Local Government Act

2.7. Role of council

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

It can be seen of Council's four key functions, it has a direct responsibility to determine the Shire's policies at Council level.

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Local Government (COVID-19 Response) Amendment Order 2022

Clause 8: Section 6.13 modified - Interest on money owing to local governments (Overdue Amounts)

Section 6.13 allows local governments to charge interest on overdue amounts, with the rate set by the local government in its budget. The rate is capped in the *Local Government (Financial Management) Regulations 1996* at 11%.

The interest that can be charged on amounts owing by others was previously capped at 8%. This will now be capped at 7%.

Clause 13: Section 6.45 modified - Options for payment of rates or service charges (Payment of Rates by Instalments)

Section 6.45(3) allows a local government to charge an additional amount if a payment of rates or service charge is made in instalments. This is capped at 5.5% in the *Local Government (Financial Management) Regulations 1996*.

Recognising the substantial hardship likely to be caused to many ratepayers because of consequences of the pandemic, local governments will be unable to charge excluded persons interest for payment by instalments for the 2022/2023 financial year.

If a local government does not have in place a financial hardship policy, the interest rate that they can charge other ratepayers for payment by instalments will be capped at 3%.

Clause 14: Section 6.51 modified - Accrual of interest on overdue rates or service charges

Section 6.51 allows local governments to charge interest on overdue amounts of rates and service charges. The rate is set by the local government by resolution when it imposes the rate or service charge. The rate is capped in the *Local Government (Financial Management) Regulations 1996* at 11%.

This provides relief for those residential and small business ratepayers who are experiencing financial hardship because of the COVID-19 pandemic. Local governments will determine the applications for hardship.

The interest that can be charged on amounts owing by others will be capped at 7% - the interest rate used by the Australian Taxation Office on overdue amounts.

This section also allows for the deferment of rates for concession card holders.

CORPORATE CONTEXT

Strategic Community Plan

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>	
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Although there is not a specific strategy that relates to the matter of financial hardship, the matter of the Shire's scarce resources and what to do with them is a part of the outcome for this part of the SCP. This is in accordance with Section 1.3 of the Local Government Act that requires local governments to give consideration of the current and future needs of those in its district.

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance Information only	Moderate (3) Short term non-compliance but with significant regulatory requirements imposed	Likely (4) At least once per year	High (12)	Senior Management Team/CEO	Risk reduced to Low - CEO ensures policy is updated to reflect the orders issued by the Minister as per the Compliance Calendar

Delegations

3.4 Rates record, extensions and objections

3.5 Sundry and rate debtors – Recovery and agreements

3.6 Write off of sundry debts

Policy

New Policy

FINANCIAL IMPLICATIONS

The Shire has 618 ratepayers. The total relief that may be applied will be between \$5,000 - \$13,000, respectively, although this may change dependent on the number of rate payers who are assessed as meeting financial hardship.

VOTING REQUIREMENTS

Absolute majority required: No

2208-07 Officer's / Audit Committee Recommendation / Council Resolution
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Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council in accordance with section 2.7(b) of the *Local Government Act 1995*, and the *Local Government (COVID-19 Response) Order 2022* **ADOPTS** the revised Policy 3.6 - Financial Hardship Policy COVID-19 as set out in Attachment 2.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Mr Sean Fletcher, Temporary CEO, declared a financial interest in item 8.7 “Amendment to Policy 2.2 - Temporary Employment or Appointment of CEO” at 2.34pm.

8.7 Amendment to Policy 2.2 - Temporary Employment or Appointment of CEO

File reference	22.1.3		
Report date	20 July 2022		
Applicant/proponent	Local Government Act 1995		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	Temporary Chief Executive Officer		
Attachments			
Attachment 1	Page	78	Policy 2.2 – Temporary Employment or Appointment of CEO
Attachment 2	Page	81	Revised Policy 2.2 Acting CEO and Temporary CEO

PURPOSE

For Council to adopt changes to policy 2.2.

BACKGROUND

Former Policy 2.2 – Acting/Relieving Staff Authority

This policy was adopted by Council on 18 July 2018. Under the policy, the Manager of Works and Services may act in the role of CEO for up to a period of one month. The policy also stipulates that the CEO’s leave is approved by the President and Council is advised of the approval and the proposed arrangements for the Acting CEO at the next meeting.

Further to the above, the delegation allowing the CEO to appoint an Acting CEO was revoked at the Council meeting on 23 June 2021. This is because the appointment of an Acting CEO or a Temporary CEO is not a delegated function. The CEO can be authorised to appoint an appropriate person to act as CEO. The CEO though, cannot appoint a Temporary CEO. Only Council has the authority under the Act to do this.

Changes to the Local Government Act

With the changes to the Local Government Act in late 2019, local governments were required to have in place a policy for an acting CEO and temporary CEO that reflected the CEO Standards for Recruitment, Performance and Termination and section 5.39C of the Act.

At its meeting on 3 May 2021, Council adopted the CEO Standards for Recruitment, Performance and Termination in accordance with the amendments to the *Local Government (Administration) Amendment Regulations 2021*.

Council subsequently reviewed Policy 2.2 – Acting/Relieving Staff Authority on 28 July 2021, noting that a key issue to understand regarding section 5.39C of the Local Government Act is that there is a difference between an Acting CEO and a Temporary CEO:

- Acting CEO. This is applied when the CEO goes on leave. An officer from inside the organisation is appointed to this role by the CEO;

- Temporary CEO. This is applied when the CEO position is vacant and Council is in the process of recruiting for a new CEO.

The CEO Standards set out the recruitment process to be followed regarding the appointment of a Temporary CEO.

Policy 2.2 – Temporary Employment of Appointment of CEO

The revised policy authorises the CEO to appoint the Manager Works and Services for periods of planned and unplanned leave for any leave periods greater than 48 hours and less than six weeks. The revised policy also recognises that the President has the authority to approve the CEO's leave. However, all elected members are to be notified immediately of the CEO going on leave and what the acting arrangements are.

COMMENT

Policy 2.2 in its current form, has been found not to be as efficient or effective as it should be. Council at its special meeting on 2 June 2022 also resolved for this policy to undergo further review.

Some key areas of concern that have arisen in the last 12 months since its inception include:

- The reference to senior employees, and that being the Manager of Works and Services as such, is very restrictive. The Shire has struggled to have someone in that role for some time, which has meant until recently, not being able to have an acting CEO available to allow the CEO to proceed on leave as required;
- With the appointment of the Manager Finance and Administration (MFA), effective from 8 August 2022, the Shire is in the position where it can have either the MFA or the Manager of Works and Services perform the Acting or Temporary CEO role;
- The need to have in place an Acting CEO after 48 hours again has been too restrictive in allowing the Shire to provide the necessary coverage. It would be far more effective for an acting CEO to be in place for periods of leave of over a week;
- There is no defined percentage regarding the cash component offered for the Acting/Temporary CEO;
- The title of the policy is, perhaps, confusing.

Taking into account the concerns and recent staff appointments, the revised policy encapsulates the following:

Section	Description	Comment
Objective	The desired outcome	Confirms that the Shire must have a relevant Acting and Temporary CEO Policy in place
Scope	Who the policy applies to, further benefits of this application and other binding criteria.	Applies to position of CEO
Policy	The policy statement or position of the Shire regarding a matter	Acting and Temporary CEO Requirements and Qualifications Recognises that an Acting CEO or Temporary CEO is required.

<p>Section 1</p>		<p>Council determines that both the Manager Finance and Administration (MFA) and the Manager Works and Services (MWS) is suitably qualified to perform the role of Acting CEO or Temporary CEO.</p>
<p>Section 2</p>		<p>Appoint Acting CEO Up to 6 Weeks CEO is authorised to appoint the MFA or MWS as Acting CEO for periods of greater than 1 week (currently 48 hours) and less than 6 weeks, providing the CEO is satisfied with their performance.</p> <p>If the CEO is unable to make a decision, then the following line of succession applies: MFA to act as CEO, if unable to, then it is the MWS.</p> <p>CEO leave is approved by the Shire President. All Elected Members are advised immediately of the approved leave and the Acting CEO arrangements.</p> <p>If the MWS cannot act as CEO, then Council will need to appoint a CEO through a recruitment process using the CEO Standards.</p>
<p>Section 3</p>		<p>Appoint Acting CEO > 6 Weeks < 12 Months Council will resolve to appoint one or more employees to act as CEO in this instance. Currently, it must be the MWS or other suitably qualified staff to Act as CEO, or if unsuitable, must conduct an external recruitment process in accordance with the CEO Standards</p>
<p>Section 4</p>		<p>Appoint Temporary CEO – Substantive Vacancy Three options are presented:</p> <ol style="list-style-type: none"> a. by resolution, appoint an appropriate officer(s) as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or

<p>Section 5</p>		<p>b. by resolution, appoint an appropriate officer(s) as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or</p> <p>c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act and the CEO Standards, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.</p> <p>Remunerations and Conditions of ACEO or TCEO</p> <p>Council needs to determine % of the Cash Component applicable. The minimum proposed is 75%. The maximum proposed is 100%. Currently, this is blank</p>
<p>Definitions</p>	<p>Key terms or requirements that require further explanation</p>	<p>Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.</p> <p>Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.</p>
<p>Document Control Box</p>	<p>Lists other legislation and policies that the policy links to, complements or is bound by</p> <p>Also sets out who is responsible for maintain the policy</p>	<p>No change other than to reflect the revisions and the revision date</p>

It is recommended that the title is now: Policy 2.2 Acting CEO and Temporary CEO Policy.

CONSULTATION

Council briefing session 18 July 2022.

STATUTORY CONTEXT**Local Government Act**

s.5.39	Contracts for CEO and senior employees Local Government Act 1995
s.5.39C	Policy for temporary employment or appointment of CEO. By Absolute Majority
s.5.40	Principles affecting employment by Local Governments

Relevant Council Policies

Policy 2.1	Senior Employees - Designation
Policy	Shire of Victoria Plains CEO Standards for Recruitment, Performance and Termination

CORPORATE CONTEXT**Strategic Community plan**

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

Strategy 5.2.1 Support and facilitate ongoing relevant training and development

Strategy 5.3.1 Participation in Regional, State and Council boards / bodies

Strategy 5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls

Risk Management (Risk Governance Framework)

Failing to revise Policy 2.2 regarding the current legislation presents a Reputation, Compliance and Service Interruption risk. This would seem to be the case since the implementation of the revised policy.

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Reputation Negative public perception towards the Shire should the position of CEO be vacant for any period	Moderate (3) Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Likely (4) The event will probably occur in most circumstances	High (12)	Senior Management Team & CEO Adequate: Shire needs to improve Policy 2.2	CEO to present to Council a policy that better meets s.5.39C Risk outcome is low

Compliance The Shire does not have a CEO as required	Moderate (3) Short term non-compliance but with significant regulatory requirements imposed	Unlikely (2) The event could occur at some time	Moderate (6)	Operational Manager (CEO) Adequate: Shire needs to improve Policy 2.2	CEO to ensure that: <ul style="list-style-type: none"> • Council is advised on requirement to update policy 2.2 – completed re today; • Staff to draft policy for Council's consideration – completed re today's report Risk outcome is low
Service Interruption* An unexpected vacancy in the office of CEO arises if there is up to date standing process to appoint an Acting CEO to convene a Council Meeting to fill the vacancy.	Major (4) Prolonged interruption of services – additional resources; performance affected < 1 month	Possible (3) The event may only occur in exceptional circumstances	High (12)	Senior Management Team & CEO Adequate: Shire needs to improve Policy 2.2	Under section 5.5 of the Act, only the CEO may convene a Council meeting. If the office of CEO falls unexpectedly vacant, there is no way for the Council to met By having a line of succession that is set out in the revised policy, this situation is addressed.

*An impacting factor that would otherwise see the service interruption risk rating rare is the Shire not having a permanent Manager Works and Services in place at this point in time.

FINANCIAL IMPLICATIONS

Key items are budgeted re professional development and attendance at key meetings.

VOTING REQUIREMENTS

Absolute majority required: Yes

2208-08 Council Resolution

Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council in accordance with section 5.39C of the *Local Government Act 1995* **AMENDS** Policy 2.2 as set out in Attachment 1. This includes renaming the policy as Policy 2.6: Acting CEO and Temporary CEO Policy.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Cr N Clarke and Cr P Bantock declared an impartiality interest in this item at 2.35pm due to "volunteer Members of a Bushfire Brigade". Mr S Fletcher, Temporary CEO, also declared an impartiality interest due to "holding a contract with WALGA"

8.8 Proposed Position - Options for future management of Bush Fire Brigades

File reference			
Report date	20/07/2022		
Applicant/proponent	WALGA		
Officer disclosure of interest	Impartial Sean Fletcher –, Nicholas Parry - DFES		
Previous meeting references	NA		
Prepared by	Nicholas Parry, Community Emergency Services Manager		
Authorised by	ACEO WALGA		
Attachments			
Attachment 1	Page	85	2022_WALGA_Proposed_Advocacy_Position_BFBs_170522v5
Attachment 2	Page	99	Email of SoVP Submission – 18 July 2022

PURPOSE

Council endorse the Shire's submission (attachment 2) in relation to WALGA's proposals for the future management of Bush Fire Brigades in Western Australia.

BACKGROUND

The State Government is currently in the process of combining a number of Acts to make a 'Combined Emergency Services Act', through this process WALGA is advocating changes to ensure the most appropriate management of the bushfire service moving forward.

The Ferguson Report into the Waroona/Yarloop bushfire 2016 states in priority 3, recommendation 15 - *The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level.*

COMMENT

The proposed WALGA position provides four (4) options for Local Government to pick from.

1. *Status quo - continue with the current arrangements for management of BFBs whereby the majority are managed by Local Government and transfer arrangements are negotiated on an ad hoc basis between DFES and Local Governments (or their BFBs).*
2. *Improvements - continue with the current arrangements for Local Government management of BFBs with additional support provided by the State Government with respect to increased funding and better access to training resources and other support.*
3. *Hybrid Model - Local Government continues to manage BFBs where they have the capacity, capability and resources to do so; however, where they do not have the capacity, capability and resources, responsibility for management of BFBs is transferred to DFES.*
4. *Transfer - Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories.*

The Shire of Victoria Plains met with Staff, Volunteers and a Council member on 6 July 2022 to discuss the recommended position moving forward.

The group agreed that the Shire in its current capacity and funding arrangements, does not have the capability to appropriately managing the bushfire service with special mention of additional work health and safety pressures. Although it was agreed that the Shire doesn't have the appropriate capabilities, significant concerns were raised by the volunteer representatives about the lack of clarity provided around any alternative structures such as a Rural Fire Division managed under DFES.

For this reason, the group opted to go with WALGA recommendation option number **3. Hybrid Model**.

This will allow the Shire in conjunction with its volunteer, to better calculate if the service will be handled more appropriately under DFES in the future once more information is available.

Following this meeting, a submission was sent to WALGA 18 July 2022 (Attachment 2) providing the Shires' position as 3. Hybrid Model.

CONSULTATION

Cr Pauline Bantock, Shire President
Sean Fletcher, A/Chief Executive Officer
Nicholas Parry, Community Emergency Services Manager
Jason Cacic, Community Safety Officer/Fire Control Officer
Gary Manning, Ex – Volunteer Chief Bush Fire Control Officer
Gavin Haligan, Volunteer Chief Bush Fire Control Officer
Simon Forrester, Volunteer Deputy Chief Bush Fire Control Officer

STATUTORY CONTEXT

Bush Fire Act 1954

- Part IV – Control and Extinguishment of bush fire
Division 1 – Local Government

RISK

Statement:

Risk of litigation and/or criminal charges to the Local Government and individuals if the Shire maintains control over the Bush Fire Service without significant investment into resources to manages appropriate Work Health and Safety matters. Exposure under the *WH&S Act 2020*.

Risk category - Compliance

Consequence - Extreme (5)

Likelihood – Possible (3)

Risk Rating – High (15)

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2208-09 Officer Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr S Woods

That council **ENDORSE** WALGA's advocatory option number 3. 'Hybrid Model - Local Government continues to manage Bush Fire Brigade's where they have the capacity, capability and resources to do so; however, where they do not have the capacity, capability and resources, responsibility for management of BFBs is transferred to DFES' as submitted.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

8.9 Adoption of Strategic Community Plan 2022 - 2032

File reference	4.2.1		
Report date	20 July 2022		
Applicant/proponent	Council		
Officer disclosure of interest	Nil		
Previous meeting references	OCM: 28 March 2018: Item 10.3 43/2018; OCM Feb 2021 Item		
Prepared by	Caroline Robinson, 150 Square, Sean Fletcher, Temporary CEO		
Authorised by	Entered once authorised by CEO		
Attachments			
Attachment 1	Page	100	Draft Strategic Community Plan 2022-2032

PURPOSE

For Council to consider the adoption of its Strategic Community Plan 2022-2032.

BACKGROUND

The Council appointed 150Square to undertake its major review of its strategic community plan document. Following an extensive community consultation process to consider what priorities to include in the document, it is now presented to Council for adoption.

The adoption of the new Strategic Community Plan will close out the existing plan.

COMMENT

The adoption of the Strategic Community Plan is significant in that the plan informs the strategic vision, objectives, and priorities for the communities in the Shire of Victoria Plains over the next 10 years.

Following adoption, staff and 150 Square will progress the Corporate Business Plan 2022-2026 document and other subsidiary plans which form part of the integrated planning framework. This document will identify specific deliverables over the next four years, and it will consider resourcing and asset management aspects required for council to achieve its long-term strategic goals.

The Plan has been publicised for community feedback (14 days) and no feedback has been received.

CONSULTATION

Completed during the process in accordance with the Shire's communication and engagement policy as follows (Page 6 of the Draft SCP).

Engagement Activity	Details	Attendees
Staff Workshop	Facilitated discussion	12
Community Workshop – 1 Calingiri	Facilitated discussion	5
Community Workshop x 2 - Yerecoin	Facilitated discussion	6
Community Workshop 3 - Bolgart	Facilitated discussion	8
Community Workshop 4 – Mogumber	Facilitated discussion	17
Drop in session – Calingiri	Informal	6
Drop in session - Yerecoin	Informal	9
Drop in session - Bolgart	Informal	5
Councillor Workshop and Senior Staff	Facilitated discussion	8
Constituent phone calls and submissions to consultant	Informal	13
Community Survey	Online and hardcopy	96
TOTAL REACH		183

STATUTORY CONTEXT

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to — (a) the capacity of its current resources and the anticipated capacity of its future resources; and (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and (c) demographic trends
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted: Gazette 26 Aug 2011 p. 3483-4.]

CORPORATE CONTEXT**Strategic Community plan**

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

Strategy 5.4: Measures to improve organisational efficiency

5.4.1: Review, update and maintain strategic and operational plans

Risk Management (Risk Governance Framework)

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Reputation Not engaging with the community effectively during the development/ review of the Strategic Community Plan	Major (4) Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Almost Certain (5) Expected to occur in most circumstances	High (20)	CEO & Council Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring Inadequate: Shire has not effectively followed its IPR re the SCP	CEO to ensure that Council and the Audit Committee is fully aware of SCP timeline and engagement process including feedback on progress as outlined in today's process. Councillors to ensure that they are up to date with their training regarding IPR The above will, over time, ensure that the risk is corrected and reduced to low that can be corrected by the appropriate manager
Compliance Not adhering to the Strategic Community Plan requirements and processes	Major (4) Non-compliance results in termination of services or imposed penalties to Shire/Officers	Almost Certain (5) The event will occur at least once per year	Extreme (20)	CEO & Council Risk only acceptable with excellent controls and treatments in place. Inadequate: Shire has not effectively followed its IPR	CEO to improve advice to Council on the IPR process including reports to the Audit Committee. Councillors to ensure that they are up to date with their training regarding IPR The above will, over time, ensure that the risk is corrected and reduced to low that can be corrected by the appropriate manager

The Shire has not undertaken the Minor Strategic Review (two yearly desktop review). It also does not have a Community Engagement Policy in place. The Shire is still very much in a tactical

mindset. With the Quarterly CBP in place, the strategic priorities (outcomes focussed) are coming to the fore. Key staff are getting into the habit of understanding their strategic responsibilities and compliance requirements.

Policy Manual –

- 7.2 Issue of Health Act licences

FINANCIAL IMPLICATIONS

There are no further financial implications around the preparation of the new strategic community plan itself, other than those already budgeted and paid for.

These are mapped out in the Long Term Financial Plan and taken into account when the budget is adopted each year.

VOTING REQUIREMENTS

Absolute majority required: Yes

2208-10 Officer Recommendation / Council Resolution
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Moved: Cr S Woods

Seconded: Cr G O'Brien

That Council in accordance with regulation 19C (7) of the *Local Government (Administration) Regulations 1996* **CONSIDER** the draft Strategic Community Plan 2022-32 as presented in Attachment 1 and adopt it with no further modifications.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

8.10 Review of Wards and Representation

File reference	
Report date	22 July 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	No interest to disclose
Previous meeting references	None
Prepared by	Niel Mitchell, Consultant
Authorised by	Sean Fletcher, Temporary CEO
Attachments	

PURPOSE

To consider a review of wards and representation.

BACKGROUND

Wards and representation were last reviewed in 2016 and were applicable for the 2017 ordinary local government elections.

In January 2020, the Local Government Advisory Board was advised of a discrepancy in ratios of representation where at least one ward exceeded the 10% variation acceptable to the LGAB. The LGAB requested advice at that time, whether Council intended to undertake a review of wards and representation, but the request was not acted on. It appears that the intention of the LGAB was that any changes be implemented for the 2021 local government elections.

In May 2022, since the LGAB had not received advice of any actions, a further query was sent by them.

The Temporary CEO initiated investigation of the matter on 21 June 2022.

COMMENT

The Local Government Act 1995 Schedule 2.2 states –

6. Local government with wards to review periodically

- (1) A local government the district of which is divided into wards is to carry out reviews of —
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to —
 - (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

Although only 6 years have elapsed since the last review of ward boundaries and representation, a review may be initiated by Council at any time, but must be carried out if required by the LGAB.

Following the enquiry in May 2022, information from the WA Electoral Commission was sought. As at 4 July 2022, using the LGAB ratio calculation tool –

Ward	No. of electors	No. of councillors	Councillor to elector ratio	% Ratio deviation
West	171	2	86	-8.42%
South	140	2	70	11.23%
Central	164	2	82	-3.99%
East	77	1	77	2.36%
TOTALS	552	7	79	n/a

Deviations in excess of those acceptable to the LGAB are highlighted in red.

While only South Ward is currently in excess of the acceptable variation, West Ward is approaching the limit.

However, as the LG Act permits absentee owners and occupiers from outside the ward or district to apply, these numbers must also be taken into account.

The absentee owners and occupiers roll is required to be reviewed prior to each election, and the enrolment of the elector is subject to a number of criteria – ownership, occupier, company nominee etc. The last review of the roll was prior to the 2019 election, and was done in detail. Accordingly, although not reviewed for the 2019 election, it is considered that it retains a high degree of validity.

When the 2019 absentee owners and occupiers roll numbers are included –

Ward	No. of electors	No. of councillors	Councillor to elector ratio	% Ratio deviation
West + 20	191	2	96	-15.86%
South + 2	142	2	71	13.86%
Central + 3	167	2	84	-1.3%
East + 0	77	1	77	6.59%
TOTALS	577	7	82	n/a

Deviations in excess of those acceptable to the LGAB are highlighted in red.

The West Ward is substantially under represented, while South Ward is well over represented. The other two wards are within the accepted ratio.

Given that two wards are well outside the acceptable variation as determined, it is considered that the LGAB would almost certainly exercise their power under the Local Government Act 1995 Sch.2.2 clause 6(3) to require that a review of ward boundaries and representation be carried out for the 2023 local government election.

There is quite a lengthy time line to comply with the process and address the issues required in Sch. 2.2, with the final report and recommendation to be made to the LGAB by 31 January 2023 at the latest, preferably prior. Following their recommendation to the Minister, there are still a number of steps to be taken by the LGAB prior to the commencement of the statutory 2023 election processes.

In order to meet the required time frame, the Temporary CEO has initiated the review, with the aim of the final report following public consultation etc, being presented to Council for consideration, by the December 2022 Council meeting.

CONSULTATION

Sean Fletcher, Temporary Chief Executive Officer
Julie Craig, Dept of Local Government, Sporting and Cultural Industries
WA Electoral Commission

STATUTORY CONTEXT

Local Government Act 1995 –

- s.2.2 – District may be divided into wards
- s.2.18(3) – the Governor may make an order changing the number of offices of councillor or number within a ward
- Sch.2.2 –
 - cl.6 – Local Government with wards to review periodically, at least every 8 years, and such a review may be required by the LGAB
 - cl.7 – conduct of reviews
 - cl.8 – matters to be considered, including number of office of councillor for the ward
 - cl.9 – local government to make a report to the LGAB, and may propose changes by absolute majority
 - cl.10 – recommendation to Minister by LGAB
 - cl.11 – enquiry by LGAB
 - cl.12 – Minister may accept or reject LGAB recommendation

CORPORATE CONTEXT

Shire of Victoria Plains Strategic Community Plan

Goals of the Community

5. Civic leadership –

to better allocate scarce resources and effectively interact with the community

5.1. Implement measures to improve relationship and communication between Council and community

5.2. Improve elected member performance

5.3. Develop an advocacy and lobbying capacity

5.4. Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

Cost of –

- preparation of the review
- advertising for public comment
- to be confirmed, preparation of maps (if wards adopted after public comment period)

VOTING REQUIREMENTS

Absolute majority required: No

2208-11 Officer Recommendation /Council Resolution

Moved: Cr S Woods

Seconded: Cr D Lovelock

That Council **NOTE** the commencement of a review of wards and representation in accordance with the requirements of the Local Government Act 1995 Schedule 2.2, with the aim of making a recommendation to the Local Government Advisory Board by 31 December 2022.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2208-12 Council Resolution

Moved: Cr N Clarke

Seconded: Cr D Lovelock

That Council adjourn for afternoon tea at 2.40pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr S Penn withdrew from the meeting via teleconference at 2.40pm and did not return.

The meeting resumed at 3.01pm.

CEO the only staff member in attendance in Chambers, with the Minute Officer attending via Teams Meeting protocol.

CONFIRMED PUBLIC MINUTES

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*

Nil

11. MEETING CLOSED TO PUBLIC**11.1 Matters for Which the Meeting May Be Closed**

File reference			
Report date	20 July 2022		
Applicant/proponent	CEO		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Sean Fletcher, Temporary CEO		
Authorised by	Temporary CEO		
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move "in camera" (behind closed doors) and consider matters regarding matters of a confidential nature.

BACKGROUND

Under section 5.23 (2)(a) of the Local Government Act and in accordance with the Shire's meeting procedures local law, Council may close a meeting, or part of a meeting if it is dealing with a matter affecting an employee or employees.

COMMENT

There are two matters for consideration:

- 11.1.1 CEO's Performance Review.
- 11.1.2 Temporary CEO's Contract.

CONSULTATION

Nil

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2008-13 Officer's Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr G O'Brien

That Council **CLOSE** the meeting under section 5.23 (2)(a) of the *Local Government Act 1995* to consider matters regarding an employee or employees at 3.02pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

This item was withdrawn from the Agenda at the request of the Temporary CEO.

11.1.1 CEO's Performance Review - Confidential

File reference			
Report date		20 July 2022	
Applicant/proponent		CEO Performance Review Committee	
Officer disclosure of interest		Impartial	
Previous meeting references		SCM 1 June 2022 – Item 11.2 2206-02	
Prepared by		Sean Fletcher, Temporary CEO	
Authorised by		CEO	
Attachments			
Attachment 1	Page	2	CEO Review Shire of Victoria Plains – Confidential Report 2 Revised

VOTING REQUIREMENTS

Absolute majority required: No

CONFIRMED PUBLIC MINUTES

Mr Sean Fletcher, Temporary CEO, declared a financial interest in item 11.1.2, "Temporary CEO's Contract – Confidential", due to being a party to the Item.

11.1.2 Temporary CEO's Contract - Confidential

File reference			
Report date			
21 July 2022			
Applicant/proponent			
Temporary CEO and Council			
Officer disclosure of interest			
Financial – Contract relates to Mr Fletcher			
Previous meeting references			
SCM 1 June 2022 – Item 11.2 2206-02			
Prepared by			
Sean Fletcher, Temporary CEO			
Authorised by			
Sean Fletcher, Temporary CEO			
Attachments			
Attachment 1	Page	30	CEO Model Contract
Attachment 2	Page	69	Temporary CEO Draft Contract
Attachment 3	Page	99	CEO Position Description
Attachment 4	Page	103	Salaries and Allowances Tribunal – Current Decision

VOTING REQUIREMENTS

Absolute majority required: Yes Contract of employment

2008-14	CEO Performance Review Committee and Officer Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr J Kelly

1. In accordance with section 5.36 of the Local Government Act 1995, **ENTERS** into a contract with Mr Sean Kelleher Fletcher as the Temporary CEO at the Shire of Victoria Plains as provided in Attachment 2
2. The contract referred to in Point 1 is effective 2 June 2022 and will expire at a period no longer than 12 months from the effective date.
3. As set out in the contract referred to in Point 1, the Shire President is authorised to approve:
 - a. CEO expenses;
 - b. CEO study Leave.

CARRIED BY ABSOLUTE MAJORITY AND UNANIMOUS DECISION OF COUNCIL

2008-15 Council Resolution

Moved: Cr S Woods

Seconded: Cr G O'Brien

That Council reopen the meeting to the public at 3.17pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The Presiding Member read aloud the Resolution of Council as provided behind closed doors.

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 3.17pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 24th Aug 2022.

Signed 
(Presiding member at the meeting which confirmed the minutes)

Date 24th Aug 2022

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