

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
17 FEBRUARY 2021

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Separate Attachments

- 9.1.1 List of Payments Authorised Under Delegation 1.31 December 2020 and January 2021
- 9.1.2 Statement of Financial Activity for Period Ended 31 December 2020
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1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

1.1 **DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.30pm.

1.2 **DISCLAIMER READING**

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. **ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

ATTENDANCE

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
JM Thomas	-	Councillor
TG Humphry	-	Councillor
PF Nixon	-	Councillor
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer (from 5.33pm)
JL Greay	-	Manager Engineering Services
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer

PUBLIC

C McMorran AM Shire Freeman

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4. **PUBLIC QUESTION TIME**

Cynthia McMorran

- Noted that the footpath pavers on the east side of the Department of Agriculture are uneven, and can they be looked at?

Note taken & the area in question will be inspected.

- New extension to the Tonkin Highway (North Link), people are getting lost as there is no mention of Moora on the signage. Can something be done to have this addressed?

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

At 5.33pm the Deputy CEO joined the meeting.

Cr Lefroy, President

- 15/12 Shire staff Christmas function at depot
- 21/12 ICMI board meeting, Dalwallinu
- 20/1 Education Working Group meeting
- 26/1 Addressed the Rotary Australia Day Awards Ceremony, Recreation Centre
- 29/1 Meeting with Nancy Rees and the Deputy CEO in Perth
- 4/2 Community supporting school attendance and engagement meeting, Moora Primary
- 11/2 Meeting with Sharon Bray (Engagement and Transition Officer, Wheatbelt Education Office) and Shire CEO
- 12/2 Meeting with Brad Tonkin and Damien Turney of the Coomberdale Volunteer Fire Brigade
- 15/2 ICMI board meeting, Moora

Cr Gilbert, Deputy President

- 4/1 Meeting with Darren West, Shelly Payne and Barni Norton - Labor party
- 26/1 Attended the Rotary Australia Day Awards Ceremony at the Recreation Centre
- 8/2 Attended the WNRRG Moora subgroup meeting, Moora

Cr Seymour

- 15/2 ICMI board meeting, Moora
- 17/2 Attended WALGA Finance Services Committee meeting (teleconference)

Cr Hamilton

- 27/1 Attended the CRC meeting

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 15 DECEMBER 2020****COUNCIL RESOLUTION**

06/21 Moved Cr Hamilton, seconded Cr Seymour that the Minutes of the Ordinary Meeting of Council held on 15 December 2020 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

8.2 SPECIAL COUNCIL MEETING - 20 JANUARY 2021**COUNCIL RESOLUTION**

07/21 Moved Cr Seymour, seconded Cr Gilbert that the Minutes of the Special Meeting of Council held on 20 January 2021 be confirmed as a true and correct record of the meeting.

CARRIED 8/0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 10 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

08/21 Moved Cr Nixon, seconded Cr Humphry that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

December 2020

Municipal Fund	Cheques 62470 to 62472	\$4,581.00
	EFT 24372 to 24778	\$695,095.27
	Direct Debits 1340721 to 13485.10	\$48,303.93
	(DD13468.1) Credit Card 03/11/20 to 02/12/20	\$3,021.95
		\$751,002.15
Trust Fund	Cheques 5548 to 5549	\$1,084.26
		Subtotal \$752,086.41
Net Pays	PPE 09/12/20	\$115,167.10
	PPE 22/12/20	\$104,690.27
		\$219,857.37
		Total \$971,943.78

January 2021

Municipal Fund	Cheques 62473 to 62475	\$5,662.24
	EFT 24779 to 24848	\$251,258.44
	Direct Debits 13503.1 to 13519.11	\$71,571.99
	(DD13539.1) Credit Card 03/12/20 to 04/01/21	\$1,569.14
		\$330,061.81
Trust Fund	Cheques 5548 to 5549	\$793.69
		Subtotal \$330,855.50
Net Pays	PPE 05/01/21	\$97,712.10
	PPE 19/01/21	\$104,131.80
		\$201,843.90
		Total \$532,699.40

CARRIED 8/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2021

REPORT DATE: 11 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 December 2020

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2020.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2020/21 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

09/21 Moved Cr Humphry, seconded Cr Hamilton that Council notes and receives the Statement of Financial Activity for the period ended 31 December 2020.

CARRIED 8/0

9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JANUARY 2021

REPORT DATE: 11 February 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, Financial Consultant (LG Corporate Solutions)

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 January 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 January 2021.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2020/21 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

10/21 Moved Cr Nixon, seconded Cr Thomas that Council notes and receives the Statement of Financial Activity for the period ended 31 January 2021.

CARRIED 8/0

9.1.4 RESIGNATION OF COUNCILLOR

FILE REFERENCE: EM/COU1

REPORT DATE: 10 February 2021

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Gavin Robins, Deputy Chief Executive officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Council to accept the resignation of Cr Marcus Holliday and to decide whether to call an extraordinary election or allow the reduced number of Councillors to run until the Ordinary election in October 2021.

BACKGROUND:

Cr Marcus Holliday resigned as a Councillor of the Shire of Moora by letter conveyed via email to the Shire President on 30 January 2021. Cr Holliday confirmed his resignation was effective immediately, that being from 30 January 2021. Cr Holliday's term was due to expire in October 2023.

In accordance with S2.32 of the *Local Government Act*, the resignation of Councillor creates a vacancy that is usually filled no more than 4 months after the effective date of resignation. However, S4.16 *Postponement of elections to allow for consolidations* at subsection (4) of the Act, provides that with approval of the Electoral Commissioner, a council may fix the ordinary elections day in the year where elections are to be held, as the day for holding any poll needed to hold an extraordinary election to fill that particular vacancy.

With Council's recent resolution to reduce the number of Councillors from 9 to 7, deferring the extraordinary election to elect Cr Holliday's replacement falls within the scope of S4 of the Act.

COMMENT:

This report is the first step in the process to fill the vacancy. Council needs to determine when an election is to be held. It is open to Council to defer the extraordinary election to replace Cr Holliday until the Ordinary Election on 16 October 2021.

To do so, Council will need to obtain the consent of the Electoral Commissioner to holdover the vacancy until the next Ordinary Election. With approximately 9 months of the term remaining, and Council's recent decision regarding the change in representation, it is considered likely that the Electoral Commissioner would agree to such a request.

It is suggested that the Chief Executive Officer write to the Electoral Commissioner formally requesting the Commissioner's consent to holding over the extraordinary election to fill the vacancy created by Cr Holliday's resignation, until the Ordinary Elections in October 2021.

Assuming the recommendations of this report are adopted, a Schedule of Statutory Dates based on an election day of 16 October 2021 will be prepared for Councillors information.

POLICY REQUIREMENTS:

There are no policy implications as a result of this matter.

LEGISLATIVE REQUIREMENTS:

The of the *Local Government Act 1995*, Part 4 deals with elections and other polls. Sections 4.8, 4.9, 4.10 and 4.16 of the LGA deal specifically with extraordinary elections. The Local Government (Elections) Regulations 1997 provides for the detail under which local government elections are conducted.

STRATEGIC IMPLICATIONS:

The filling of a representational vacancy in a timely manner is important to ensure all electors within the Shire are adequately represented.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no budget or financial implications from the adoption of this recommendation and the cost of holding elections will be minimised through its absorption into the conduct of the normal election process.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

11/21 Moved Cr Nixon, seconded Cr Clydesdale-Gebert that Council

- 1. Receives with regret, the resignation of Cr Marcus Holliday as Councillor, effective from 30 January 2021;***
- 2. Confirms that the extraordinary election to fill the vacancy created by Cr Holliday be held over until the holding of Ordinary Elections to be held on 16 October 2021;***

3. ***Instructs the Chief Executive Officer to write to the Western Australian Electoral Commission to seek the Commissioner’s approval to holdover the conduct of an extraordinary election to fill the vacancy created by Cr Holliday’s resignation until the Ordinary Elections of 16 October 2021.***

CARRIED 8/0

9.1.5 DONATION – LORD MAYOR’S DISTRESS RELIEF FUND – WOOROLOO AND HILLS BUSHFIRE 2021 APPEAL

FILE REFERENCE: F/DONI
REPORT DATE: 9 February 2021
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: 3/2/2021
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

Seek Council approval to a donation to the Lord Mayor’s Distress Relief Fund – Wooroloo and Hills Bushfire 2021 Appeal resulting from the major fires that occurred in early February 2021.

BACKGROUND:

The City of Swan and Shire’s of Mundaring, Chittering and Northam were overcome with severe bushfires which burnt through thousands of hectares of farmland and scrubland, along with the destruction of a number of houses, sheds, machinery and farm infrastructure including livestock.

At the General Purpose Committee Meeting of 3 February 2021, the Chief Executive Officer was requested to prepare a report to Council to recommend an amendment to the 2020/2021 budget to make a donation to the appeal.

COMMENT:

It was suggested by Councillors that the Shire of Moora should make a donation to the appeal. It was recommended that Council consider donating \$5,000 to this appeal given the aftermath and impact from this catastrophic event.

<https://www.perth.wa.gov.au/LMDRF>

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 6.8 (1)(c) of the Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

6.8. Expenditure from municipal fund not included in annual budget

- (I) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

Council has \$20,000 in its Emergency Relief Fund Reserve. If a donation were to be approved, it is recommended it be funded from this Reserve Fund.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

12/21 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that Council approve a donation of \$5,000 donation to the Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire 2021 Appeal on behalf of the Shire of Moora, further that the donation be funded from the Emergency Relief Reserve Fund and the 2020/2021 budget be amended accordingly.

CARRIED BY ABSOLUTE MAJORITY 8/0

9.1.6 REFERRAL OF LICENCE (L9276/2020/1) – CATEGORY 6IA – SOLID WASTE FACILITY (BIOSOLIDS) – RATHMONA PTY LTD – 8126 BINDOON-MOORA ROAD, MOORA

Cr Nixon declared a proximity interest as he is a neighbour of the subject property; and Cr Humphry declared a financial interest as Pankee Farms have sheep agisted on the subject property. Cr Nixon and Cr Humphry left the meeting at 5.45pm

Cr Gilbert declared an impartiality interest in the item as he conducts insurance business with the property owner.

FILE REFERENCE: ED/BIO2

REPORT DATE: 10 February 2021

APPLICANTS/PROPONENT: Department of Water and Environmental Regulation

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Application excerpt and supporting documentation to the licence application

PURPOSE OF REPORT:

For Council to consider providing comment to the Department of Water and Environmental Regulation (DWER) in respect of Licence application L9276/2020/1 (information attached).

BACKGROUND:

DWER has recently received an application from the Water Corporation for a licence under Division 3 Part V of the Environmental Protection Act 1986 (EP Act) at Rathmona Farm, 8126 Bindoon-Moora Road, Moora. The application is in relation to a Category 6IA – solid waste facility.

Further to Councils General Purpose Committee Meeting of 3 February 2021 whereby the Chief Executive Officer (CEO) advised the Committee that Council had been invited to comment on the licence application.

The CEO has been liaising with DWER and Water Corporation in reference to the public submission process and accuracy of some of the information in reference to the application.

Notice of the licence application has since been posted on the Shire of Moora Facebook page providing links to the DWER website and details of where public submissions / comments can be lodged which is info@dwer.wa.gov.au

Department of Water and Environmental Regulation are inviting submissions/comments in relation to the application. Information in relation to the application can be found at;

<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications> or

<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/lwa-applications/item/14219-19276-2021-1>

Closing dates for submissions / comments is the 26th February 2021.

COMMENT:

The application has proposed the biosolids cake from Beenyup and Woodman Point wastewater treatment plants (WWTP's), as well as lime amended biosolids from the Subiaco WWTP are to be applied to paddocks at Rathmona Farm as fertiliser for cereal crops. The applicant has advised that biosolids will be delivered and stored on paddocks at the farm and applied to land as per the Western Australian Guidelines for Biosolids Management.

The CEO of DWER considers that the Shire of Moora may have a direct interest in the subject matter of the application and as such has invited Council to make comment.

Rathmona Farm entrance 8126 Bindoon-Moora Road, Moora is approximately 2 km's south of the southern boundary of the Moora townsite (Junction of Webb Street – Bindoon-Moora Road) (refer attached). The south eastern extremity of Rathmona Farm from the same location is approximately 6.8 km's and approximately 9.15 km's from the town centre (Post Office) as the crow flies. (refer attached maps).

Monitoring comments and feedback in respect of the licence application on social media it is clear there is broad concern at a community level about the potential for a detrimental impact on the amenity of the Moora townsite as a result of odour that emanates from the biosolids cake. As detailed in the Water Corporation Report "Review of Environmental Factors – Executive Summary", Rathmona Farm is 762 hectares of which 713 hectares is arable. Accounting for prescribed buffers required for licenced biosolids applications to reduce odour impacts and protect sensitive water resources, Water Corporation have assessed Rathmona Farm suitable to spread approximately 31,356 wet tonnes of biosolids cake or 50,934 wet tonnes of lime amended biosolids annually.

The community within the Moora townsite already has an awareness of the Biosolids program within the Shire of Moora. The program operates under licence carting biosolids through Moora to Narrabie Farm which is approximately 9kms from the Moora town centre at its closest point and 7.6kms at its closest point from the northern town boundary as the crow flies. The program also operates under licence on Annadale Farm (Koojan) approximately 19 km's from the Moora Town Centre to the Koojan Townsite as the crow flies.

POLICY REQUIREMENTS:

Biosolids Guidelines – The Western Australian Guidelines for Biosolids Management (DWER December 2012)

LEGISLATIVE REQUIREMENTS:

Environmental Protection Act 1986

Environmental Protection (Noise) Regulations 1997

STRATEGIC IMPLICATIONS:

There are no know direct strategic implications in relation to this item

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental sustainability implications for Council associated with this proposal.

- **Economic**
There are no known significant economic sustainability implications for Council associated with this proposal.
- **Social**
There are no known significant social sustainability implications for Council associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no known direct financial implications to Council in relation to this item.

SUMMARY

In summary it is the authors view the key consideration in relation to this matter is maintenance of residential amenity in the Moora townsite. Licence application L9276/2020/1 is materially different from other licences previously granted in the Shire of Moora based simply on the proximity of land the subject of the licence application to the Moora townsite, and the potential for a detrimental impact on the town as a result of odour that will emanate from the biosolids cake.

This sentiment is reflected in comments on the Shire of Moora Facebook page subsequent to the social media post by the Shire on 5 February 2021.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

13/21 Moved Cr Hamilton, seconded Cr Thomas that in respect of Licence application (L9276/2020/1) under the Environmental Protection Act 1986 and in response to the invitation from the Chief Executive Officer of the Department of Water and Environment to provide comment, the following comments be submitted as the Shire of Moora's official response-

- ***The Shire of Moora opposes the granting of a licence to Rathmona Farm Pty Ltd to spread biosolids cake as detailed in the Water Corporation Review of Environmental Factors report on the basis of;***
 - ***Proximity to the Moora townsite;***
 - ***Potential for a detrimental impact on the residential amenity of the Moora townsite as a result of odour emanating from the biosolids cake.***

CARRIED 6/0

At 5.49pm Cr's Humphry and Nixon rejoined the meeting and the Shire President advised of the resolution passed by Council.

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The CEO raised an item of urgent business titled ‘February 2021 Legislation Changes – Actions and Decisions’ for consideration.

COUNCIL RESOLUTION

14 /21 Moved Cr Clydesdale-Gebert, seconded Cr Seymour that the item of urgent business be introduced titled February 2021 Legislation Changes – Actions and Decisions.

CARRIED 8/0

11.1 FEBRUARY 2021 LEGISLATION CHANGES – ACTIONS AND DECISIONS

FILE REFERENCE: GA/DLGI

REPORT DATE: 16 February 2021

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive officer

ATTACHMENTS: Local Government (Model Code of Conduct) Regulations 2021
Complaints Form for Division 3 of Code of Conduct

PURPOSE OF REPORT:

To advise Council of some matters covered by new legislation and to seek guidance and decisions on those matters.

A detailed report outlining the balance of the new legislation and other decisions which need to be taken by the Council will be presented to the March Ordinary Council meeting.

BACKGROUND:

The State Government has previously sought public consultation on a range of matters and although there was considerable sector input via WALGA, LG Professionals and many local governments, there appears to have been little modification to reflect the sector’s views.

COMMENT:

The Regulations have now been commenced and the new Code of Conduct has been circulated to all Council Members, upon its commencement.

1. Appointment of Complaints Officer

The (new) Shire Code of Conduct requires at 11(3) - “The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.” and DLGSCI advise that this appointment should occur prior to February 26, 2021.

This relates to Division 3 of the Code of Conduct and applies to Council Members, Committee Members and candidates regarding:

- personal integrity
- relationships with others
- Council or Committee meetings

It should be noted that there will be, thus 2 Complaints Officers for 2 different purposes - but of course they may be the same person.

There is a requirement under s5.120 of the LGA to appoint a Complaints Officer (who is the CEO, by default, unless another employee is appointed), in relation to the (former) Rules of Conduct Regs matters, which are now incorporated into the Code of Conduct via Division 4 of the Regs.

These apply to Council Members and candidates but not Committee Members and relate to:

- misuse of local government resources
- securing personal advantage or disadvantaging others
- prohibition against involvement in administration
- relationship with local government employees
- disclosure of information
- disclosure of interests

As this decision to appoint the Cl 11 (2) Complaints Officer is made by the local government it is capable of being delegated to the CEO under s5.42 of the LGA. Accordingly, it is proposed that the CEO be delegated to make the appointment.

1.2 Approval of Complaints Form

Local Governments must also approve a complaint form in accordance with cl. 11(2)(a) of the Code of Conduct. It is proposed that the DLGSC template be used for this purpose and it is attached.

POLICY REQUIREMENTS:

There will be significant implications for Council Policies arising from other matters in the new legislation and these will be addressed in a report to the March OCM.

LEGISLATIVE REQUIREMENTS:

Addresses commencement of provisions of the Local Government Act 1995, Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental sustainability implications for Council associated with this proposal.

➤ **Economic**

There are no known significant economic sustainability implications for Council associated with this proposal.

➤ **Social**

There are no known significant social sustainability implications for Council associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications in this Report and recommendations.

VOTING REQUIREMENTS:

Absolute Majority Required

COUNCIL RESOLUTION

15/21 Moved Cr Humphry, seconded Cr Hamilton that Council, in relation to the Code of Conduct applying, by default to Council Members, Committee Members and candidates for election, resolves:

- *pursuant to s5.42 of the Local Government Act 1995 to delegate authority to the CEO to appoint the Complaints Officer for the purposes of cl 11(3) of the Code of Conduct for Council Members, Committee Members and election candidates, and that this happen expeditiously following the Council meeting to ensure compliance.*
- *that the Complaint Form for the purposes of cl 11(2) of the Code of Conduct for Council Members, Committee Members, and election candidates, be approved, as attached.*

CARRIED BY ABSOLUTE MAJORITY 8/0

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.53pm.

CONFIRMED

PRESIDING MEMBER