



COUNCIL MINUTES

CONFIRMED: 16 NOVEMBER 2022

Ordinary Meeting of Council

7pm, Wednesday 19 October 2022

Council Chambers, 6177 Great Northern Highway, Bindoon

PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public making a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

PREFACE

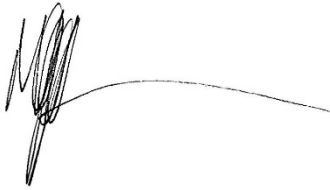
When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

UNCONFIRMED MINUTES

These minutes were approved for distribution on 21 October 2022.



Matthew Giffellon
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 16 November 2022.



Signed _____

NOTE: the Presiding Member at the meeting at which these minutes are confirmed is the person who signs above.

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.



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Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Yued people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.00pm.

ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS

Attendance

The following members will be in attendance:

Cr Aaron King	President
Cr Mary Angus	Deputy President
Cr Kylie Hughes	
Cr David Dewar	
Cr John Curtis	
Cr Carmel Ross	
Cr Mark Campbell	

The following staff will be in attendance:

Matthew Gilfellon	Chief Executive Officer
Melinda Prinsloo	Executive Manager Corporate Services
Leo Pudhota	Executive Manager Technical Services
Denaye Kerr	EA to the CEO

Members of the General Public: 4

Media: 0

Apologies

Peter Stuart	Executive Manager Development Services
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Approved leave of absence

Nil

Announcements

Councillors to advise of their attendance in their role as an Elected Member at community activities and meetings. As the Chief Executive Officer's office looks after some (not all) appointments for the President and Deputy President; the Agenda includes only those meetings. Councillors are therefore requested to provide additional information at the Ordinary Meeting of Council for inclusion in the minutes.

Cr Aaron King

21 September 2022 Ordinary Council Meeting
27 September 2022 President & CEO Meeting
12 October 2022 Agenda Forum and Briefings

Cr Mary Angus

21 September 2022 Ordinary Council Meeting
27 September 2022 President & CEO Meeting
2-4 October 2022 WA Local Government Convention

- Head Of Agencies Breakfast
- AGM
- Convention Breakfast

12 October 2022 Agenda Forum and Briefings
13 October 2022 Julimar Project Site Visit with Chalice Mining
Wannamal Tennis Court Opening
18 October 2022 CEO Recruitment Committee Meeting

Cr Kylie Hughes

21 September 2022 Ordinary Council Meeting
2-4 October 2022 WA Local Government Convention

- AGM
- Convention Breakfast

5 October 2022 WALGA Aboriginal Engagement & Reconciliation Forum
12 October 2022 Agenda Forum and Briefings
13 October 2022 Julimar Project Site Visit with Chalice Mining
Office of the Auditor General Public Sector Audit Committee Chair Forum
Wannamal Tennis Court Opening
18 October 2022 CEO Recruitment Committee Meeting

Cr Carmel Ross

21 September 2022 Ordinary Council Meeting
29 September 2022 Chittering Chamber of Commerce AGM
3-4 October 2022 WA Local Government Convention

- AGM
- Convention Breakfast

10 October 2022 Wannamal Community Committee Meeting
12 October 2022 Agenda Forum and Briefings
13 October 2022 Chittering Tourism Advisory Group
18 October 2022 CEO Recruitment Committee Meeting
Bushfire Advisory Committee Meeting

Cr John Curtis

21 September 2022 Ordinary Council Meeting
12 October 2022 Agenda Forum and Briefings
13 October 2022 Julimar Project Site Visit with Chalice Mining
18 October 2022 CEO Recruitment Committee Meeting

Cr Mark Campbell

25 September 2022 Polocrosse Championships

Cr David Dewar

21 September 2022 Ordinary Council Meeting
2-4 October 2022 WA Local Government Convention

- AGM
- Convention Breakfast

12 October 2022 Agenda Forum and Briefings
13 October 2022 Wannamal Tennis Court Opening
18 October 2022 Bushfire Advisory Committee Meeting

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

PQT01 – 10/22 Dennis Boyanich, Bindoon

Question 1: I notice there is no more furniture allowed to go into the Bindoon Rubbish Tip, can you please tell me what are the plans for future of the tip, the life expectancy or how long has the tip got left to run?

Response: The Executive Manager Technical Services advised that the maximum life of the Bindoon Tip was 3 years which is why staff are trying to minimize the waste going in. Small loads up to a trailer load is still allowed at the tip, however, anything larger than that residents are being advised to take to the Muchea Tip.

Question 2: As a ratepayer we should be entitled to use that tip and not have to travel 20 odd km to use another tip when we have one here in Bindoon, don't we pay our rates for that reason?

Response: The Chief Executive Officer advised that from a Shire perspective we have facilities all across the Shire with different things in different areas, so as much as you say you are a Bindoon resident so you should have a waste site in Bindoon, it is much like other residents who talk about Rec Centres. You are saying you shouldn't be traveling 20 or 30 minutes to go to a waste site yet other residents are saying the same about Rec Centres. We do have

to be careful and there probably is some expectation that people do travel around within the Shire. Waste sites is quite a complex area and you do need licences. We don't have the funds to duplicate every facility in every part of the Shire.

Question 3: I sent a letter to the Shire concerning the Bindoon Rec Centre. Will we get a response by the time our next meeting starts in the beginning of November?

Response: The Chief Executive Officer advised that the letter came in and because it was involving Council we had to take it to Council to get direction for it. The direction from Council was to put officer thoughts as to where each of the expenses would fit and take it back to Council to get their feedback before it goes back out which won't happen until November.

The President advised that they would endeavor to look at the list of works and assign those responsibilities as quick as we can and get something back to you.

PQT02 – 10/22 John Nagel, Bindoon

Question 1: Seeing as the tip appears to be going to close in 3 years time, has the Shire got a costing on what it is going to cost to rehabilitate it, because I was told by a previously Councillor that it was going to cost \$10m once it was closed?

Response: The Chief Executive Officer advised that we do have an amount in our Annual Financial Statements, it is not \$10m. It will also depend on what happens to the site, whether it is a full closure and rehabilitation or convert it to a transfer station. Those options will all need to be looked at.

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION 011022

Moved Cr Hughes, seconded Cr Ross

That the following leave of absence be approved:

- Kylie Hughes – 7 November 2022 to 20 November 2022.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.13PM

MOTION / COUNCIL RESOLUTION 021022

Moved Cr King, seconded Cr Angus

That the following leave of absence be approved:

- Aaron King – November and December Ordinary Council Meetings.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.15PM

ITEM 7. CONFIRMATION OF MINUTES

Ordinary Meeting of Council: 21 September 2022

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 031022

Moved Cr Ross, seconded Cr Curtis

That the minutes of the Ordinary Meeting of Council held on Wednesday 21 September 2022, as published on the Shire website, be confirmed.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.16PM

ITEM 8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

The Bindoon Show was a success and I would like to congratulate the Bindoon Ag Society and volunteers for all their hard work on putting it together as well as the effort from Shire staff. Great work everyone.

I would like to acknowledge that this is the last Ordinary Council Meeting for Mr Matthew Gilfellon, Chief Executive Officer, he is moving on to greener pastures in Albany and I would like to thank him for his 3 years of hard work in our Shire. He is sure to be a valuable asset to the City of Albany. Thank you and good luck in your new role.

ITEM 9. REPORTS

DEVELOPMENT SERVICES

Nil

TECHNICAL SERVICES**TS01 – 10/22 Storm Water Management Policy**

Applicant	Shire of Chittering
File ref	04/03/1
Author	Executive Manager Technical Services
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Storm Water Management Policy

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to adopt the attached Storm Water Management policy to provide guidance for Shire Officers. This policy also provides clear, consistent information around roles and responsibilities to the developers in relation to the management of stormwater runoff from land under the care, control or management of the Shire. It applies primarily to manage subdivision construction, seeding/planting of compensating basin and fencing within Shire of Chittering.

Background

Shire Officers consistently field requests from subdivision developers to approve and undertake construction works. Clear guidance is required for Officer's benefit to provide consistent outcomes as well as being able to provide useful information to the developers. This is considered to be optimised in the form of a Council adopted policy.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the Local Government Act 1995. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;

- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.

Policies should not be confused with operational directives and/or procedures, which are determined by the CEO, as a mechanism for good management, and implementation of Council policies.

Shire subdivision applications process follows Institute of Public Works Engineers (IPWEA) subdivision guidelines however these guideline do not clearly outline construction of stormwater drainage sumps and compensating basins. This policy provides guidelines to effectively control and manage stormwater runoff from land under the care, control or management of the Shire. It applies primarily to manage subdivision construction, seeding/planting of compensating basin and fencing within Shire of Chittering.

Consultation Summary

Local

- Chief Executive Officer
- Executive Manager Corporate Services
- Executive Manager Technical Services
- Executive Manager Development Services
- Principal Planning Officer

State

Nil

Legislative Implications

State

Section 2.7(2)(b) of the Local Government Act 1995 states:

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

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Lack of clear guidelines/policy has resulted in compensating basins being built without safety consideration, access considerations, construction standards and consistence along all subdivisions within the Shire of chittering.

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Unregulated and unsafe Construction of Stormwater Basins	Likely	Medium	Moderate	Adopting a policy that outlines all expectations provides more equity, consistency and transparency.
Opportunity: The policy will create a statutory position for the requirement				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Unfenced / accessible sumps and stormwater basins within private property being confused for swimming pools	Unlikely	Catastrophic	Moderate	Fencing / creating barriers to access the basins will help to prevent child drownings.
Opportunity: The policy will create a statutory position for the requirement				

Officer Comment/Details

That Council adopt the Storm Water Management Policy, as attached.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 041022 Moved Cr Angus, seconded Cr Campbell That Council adopts the new Storm Water Management Policy, as attached.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 7.19PM</p>
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CORPORATE SERVICES**CS01 – 10/22 List of Accounts Paid for the Period Ending 30 September 2022**

Applicant	Shire of Chittering
File ref	12/03/4
Author	Finance Officer - Accounts
Authorising Officer	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. List of Accounts Paid as at 30 September 2022

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to endorse payments presented in the List of Accounts Paid for the period ending 30 September 2022.

Background

Pursuant to *Local Government Act 1995 Section 6.8 (2)(b)*, where expenditure has been incurred by a local government, it is to be reported to the next ordinary meeting of Council.

Consultation/Communication ImplicationsLocal

Executive Manager Corporate Services

State

Nil

Legislative ImplicationsState

Local Government Act 1995

Local Government (Financial Management) Regulations

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

All expenditure has been approved via adoption of the 2022/23 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

State

Nil

Local

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Low	Minor	Low	Quality Assurance prior to publishing
Opportunity: None				

Officer Comment/Details

The attached "List of Accounts Paid as at 30 September 2022" is presented to Council for endorsement.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 051022 Moved Cr Hughes, seconded Cr Ross That Council endorses the following List of Accounts Paid as per Attachment 1 totalling \$2,598,921.91, for the period ending 30 September 2022:</p> <ol style="list-style-type: none"> 1. PR6135, PR6158, PR6199; 2. EFT23971 – EFT24176; and 3. Direct Debits, Cheques as listed. <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 7.20PM</small></p>

CS02 – 10/22 Monthly Financial Report for the Period Ending 30 September 2022

File ref	12/03/4
Author	Senior Finance Coordinator
Authorised by	Executive Manager Corporate Services
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Monthly Financial Report for the Period Ending 30 September 2022

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider the financial statement for the period ending 30 September 2022.

Background

In accordance with *Local Government (Financial Management) Regulations 1996*, the Financial Activity Statement has been prepared in compliance with the following:

“Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, which requires a local government to prepare a statement of financial activity each month, presented according to nature and type, by program, or by business unit. For the 2019/20 financial year the statement of financial activity will be presented by nature and type.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, which requires a local government to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. For the 2019/20 financial year 10% and a value greater than \$100,000 will be used for the reporting of variances.”

Consultation/Communication Implications

This document has been prepared in consultation with Responsible Officers for review and analysis.

Legislative ImplicationsState

This monthly financial report complies with *Section 6.4 of the Act and Regulations 34(5) of the Local Government (Financial Management) Regulations 1996*.

Local

Nil

Policy ImplicationsLocal

Finance Policy 2.1 Budget Preparation

Finance Policy 2.2 Investment of Funds

Finance Policy 2.7 Significant Accounting Policies

Financial Implications

Nil

Strategic Implications

- Strategic Community Plan 2022-2032

Focus area: Strong leadership

Objective: S5.2 Strong partnerships and relationships

Strategy: S5.2.1 Built effective partnerships with stakeholders

Objective: S5.3 Accountable governance

Strategy: S5.3.1 Good governance, which supports efficient and effective service delivery

Site Inspection

Not applicable

Risk Assessment/Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance	Rare	Minor	Low	Quality Assurance prior to publishing
Opportunity: None				

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Providing transparent, accurate financial records.	Unlikely	Minor	Low	Adequate training for all Finance Officers, to ensure balanced reports each month.
Opportunity: None				

Officer Comment/Details

Council adopted the Annual Budget for the 2021/22 financial year on 23 June 2021 (Resolution 130621). The figures in this report are compared to the Adopted Budget.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 061022 Moved Cr Hughes, seconded Cr Ross That Council receives the Monthly Financial Report for period ending 30 September 2022, as per Attachment 1.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 TIME: 7.21PM</p>

CHIEF EXECUTIVE OFFICER**CEO01 – 10/22 Occupational Safety and Health Statistics Report**

Applicant	N/A
File ref	GOV.REP.OSH
Author	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. OSH Statistics Report for the period ending September 2022

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the Shire of Chittering's Occupational Safety and Health Statistics Report for the period ending September 2022.

Background

At the Ordinary Meeting of Council held 17 November 2021, Council adopted the following motion:

<p>MOTION / COUNCIL RESOLUTION 231121 Moved Cr King, seconded Cr Angus That:</p> <ol style="list-style-type: none"> 1. "The Shire of Chittering" adopts the following position statement: "Council cares about the employees of the shire and want to ensure that all employees arrive safely home each day. This requires that everyone commits to their role in ensuring a safe workplace, starting with Council". 2. Council requires the Chief Executive Officer to provide a quarterly report (February (previous quarter), April, July and October of each calendar year) of the following key safety performance indicators (KPI's) for the Shire workforce and contractors; including but not limited to: <ol style="list-style-type: none"> a. Number of safety observations; b. Number of safety audits and inspections; c. Number of working hours (total, workforce and contractors) d. Number of training hours; e. Number of toolbox talks; f. Number of equipment breakdowns;
--

- g. Average overtime per person by department.*
3. Council requires the Chief Executive Officer to provide a monthly report to be tabled at each Ordinary Council Meeting, the following key safety performance indicators (KPI's) for the Shire workforce and contractors ; including but not limited to:
- a. Number of Drug and Alcohol tests performed;*
 - b. Number of positive Drug test and BAC Exceedances;*
 - c. Number of worker compensation claims;*
 - d. Number of "current" worker compensation claims;*
 - e. Number of Near Misses;*
 - f. Number of Medically Treated Injuries;*
 - g. Number of Restricted Work Injuries;*
 - h. Number of Lost Time Injuries.*

CARRIED UNANIMOUSLY 7 / 0

TIME: 9.53pm

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

- *Work Health and Safety Act 2020*

Local

Nil

Policy Implications

State

Nil

Local

- *Shire of Chittering Policy 3.8 Occupational Safety and Health (OSH)*

Financial Implications

Nil

Strategic Assessment / Implications

Local

- *Strategic Community Plan 2017-2027*

Focus area: Accountable governance

Objective: S5.3 Accountable Governance

Strategy: S5.3.1 Good governance which supports efficient and effective service delivery

State

Nil

Site Inspection

Site inspection undertaken: Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

Nil

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 071022

Moved Cr King, seconded Cr Angus

That Council receive the Shire of Chittering Occupational Safety and Health Statistics Report for the period ending September 2022.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.22PM

CEO02 – 10/22 December Agenda Forum and Council Meeting – Change of Dates

Applicant	Shire of Chittering
File ref	GOV.CM.2022
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider bringing the December Agenda Forum and Ordinary Meeting of Council forward one week.

Background

The dates for the 2022 Agenda Forums and Council Meetings were set at the Ordinary Meeting held 17 November 2021. Since this resolution the Chief Executive Officer, Mr Matthew Gilfellow has put in his resignation and more recently Mrs Melinda Prinsloo has been appointed as Acting Chief Executive Officer for the interim.

Melinda will be on Annual Leave from Monday 19 December 2022 through to Monday 9 January 2023.

In her absence it is recommended that both the Agenda Forum and the Council Meeting scheduled in December are brought forward a week to ensure her availability.

Consultation SummaryLocal

Nil

State

Nil

Legislative Implications

State

- *Local Government Act 1995*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: A change in an Agenda Forum or Council Meeting date requires the approval of Council	Rare	Insignificant	Low	By bringing it to Council, compliance has been met.
Opportunity: Nil				

Officer Comment/Details

As the Acting Chief Executive Officer will be on leave for the scheduled Council Meeting in December, it is recommended that both meetings be brought forward a week to ensure her availability.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 081022

Moved Cr Hughes, seconded Cr Campbell

That Council:

- 1. Change the date of the December Agenda Forum to Wednesday 7 December 2022.**
- 2. Change the date of the December Ordinary Meeting of Council to Wednesday 14 December 2022;
and**
- 3. Advertise these changes accordingly.**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.23PM

CEO03 – 10/22 Chittering Residents and Ratepayers Association Petition – Blue Plains Road Speed Limit

Applicant	Chittering Residents and Ratepayers Association
File ref	GOV.CM.2022
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to acknowledge receipt of the informal petition to have the speed limit reduced on Blue Plains Road, Chittering. Council is additionally requested to instruct the Chief Executive Officer to write to Main Roads requesting a review and get a Road Safety Audit performed.

Background

The Chittering Residents and Ratepayers Association submitted a Petition to Council at the Ordinary Meeting held 21 September 2022. The Petition containing 58 signatures requested Council to *“Take immediate steps and undertake long term planning to reduce the risk to road users and residents of Blue Plains Road in the Shire of Chittering. The road presently has no posted speed limit and users have commented that the speed limit is the open road limit of 110km/h. A speed limit of no more than 70km/h between Today Glen and Chittering Road would be a responsible designation to suit the topography, corners and driveways. There have been 4 vehicle accidents in the last 5 weeks on the corner around Rural Number 500 Blue Plains Road. Two of these required the RAC rescue helicopter to transfer the injured. Immediate action could include placing of 60km/h road hazard signs and verge clearing on corners to improve sight lines. The safe speed limit for the road should be established in consultation with MRWA and posted. Long term action could include widening and re-aligning of the road if it is to continue to be used as a major through road from Julimar Road to the Great Northern Highway”.*

Shires staff have previously contacted Main Roads WA (MRWA) regarding speed limit and large trucks using Blue Plains Road. MRWA considered the request and their response advised *“It is in fact derestricted (as is the majority of the road network in Western Australia). In accordance with the WA Traffic Code this means*

that although the state limit remains 110km/h; the road has no guarantee of a sustainable speed. This is generally referred to as ‘drive to conditions’.

With respect to heavy vehicles using Blue Plains Road, MRWA response was “Are you aware of any traffic count data that the Shire has conducted on this route recently? If not we can install our own classifiers in the area. Any info on more hot days or times will assist out compliance teams with intercepting the non-compliant combinations”.

Based on this information, the Shire will be installing traffic counters and has been forwarding information as we receive from residents while MRWA are undertaking their own assessments.

Correspondence received from MRWA’s Heavy Vehicle Department on 7 September 2022 advised that a vehicle classifier was installed on the intersection of Blue Plains Road and Great Northern Highway from 24 August to 7 September 2022. “No combinations in excess of 20m were identified therefore it is our opinion that all operators were operating legally. It was identified that a b-double combination was using this route and these are usually up to 27m total length although this was a short b-double combination and was less than 20m total length. The combination seen in the video (pocket road train) was not identified so this may have been an anomaly”.

The analysis is tabled below.

Km/h	Total number of vehicles	Total percentage
10 – 20	1	0.0%
20 – 30	7	0.2%
30 – 40	32	0.9%
40 – 50	128	3.4%
50 – 60	433	11.6%
60 – 70	830	22.3%
70 – 80	976	26.2%
80 – 90	785	21.1%
90 – 100	406	10.9%
100 – 110	103	2.8%
110 – 120	17	0.5%
120 – 130	4	0.1%
130 – 140	0	0.0%
140 – 150	0	0.0%
150 – 160	0	0.0%
TOTAL	3722	

Shire staff have reviewed and resolved to install 80km advisory signs and install turning arrow signs at bends and guideposts to enhance safety on Blue Plains Road.

Consultation Summary

Local

- Executive Manager Technical Services

State

- Main Roads WA

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
 - Focus area: Built Environment
 - Objective: S3.2 Improving Infrastructure
 - Strategy: S3.2.1 Maintenance and construction of safe roads

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
People: There is a risk to road users and residents in the area with 4 accidents in the last couple of months on this stretch of road.	Likely	Moderate	High	Taking the necessary steps to review the safety of Blue Plains Road, Chittering and reducing the risk.
Opportunity: To have a Road Safety Audit Conducted to review the safety of this road.				

Officer Comment/Details

It is recommended for three actions to be pursued. The first is to acknowledge the petition received.

The second is to write to Main Roads Western Australia requesting that they undertake a further review of the speed limit.

The third is to conduct a Road Safety Audit that may assist in demonstrating the need for a speed limit reduction but also find other potential solutions to any identified road safety issues.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 091022

Moved Cr Campbell, seconded Cr King

That Council:

1. Acknowledge receipt of the Blue Plains Road Petition submitted to Council at the Ordinary Meeting held 21 September 2022;
2. Instruct the Chief Executive Officer to request Main Roads WA to undertake further review and consideration of a speed limit reduction on Blue Plains Road, Chittering; and
3. Instruct the Chief Executive Officer to have a Road Safety Audit performed on Blue Plains Road, Chittering, acknowledging that external resources will be required for this.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.25PM

CEO04 – 10/22 Chittering Residents and Ratepayers Association Petition – Aged Care Land

Applicant	Chittering Residents and Ratepayers Association
File ref	GOV.CM.2022
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to acknowledge receipt of the informal petition relating to designated aged care land in Bindoon.

Background

The Chittering Residents and Ratepayers Association submitted a Petition to Council at the Ordinary Meeting held 21 September 2022. The Petition containing 170 signatures requested Council to “confirm the land originally designated for aged care, directly adjacent to the Medical Centre and Ambulance, be guaranteed for the purpose of Independent Living and Aged Care, being Lot 88 on plan P404798, 11.8552ha and Lot 89 on plan 404798, 3.6524ha and that plans for such development continue as a priority”.

Consultation Summary

Local

Nil

State

Nil

Legislative Implications

State

Nil

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Community

Objective: S1.2 A Safe and Healthy Community

Strategy: S1.2.1 Improve education, health, disability and aged services

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Nil

Officer Comment/Details

That Council acknowledge receipt of the informal Petition requesting aged care be developed on Lots 88 and 89 on plan P404798, Bindoon.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 101022

Moved Cr Curtis, seconded Cr Angus

That Council acknowledge receipt of the informal Petition requesting aged care be developed on Lots 88 and 89 on plan P404798, Bindoon.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.28PM

CEO05 – 10/22 Revoke Council Resolution 120922

Applicant	Cr Mark Campbell
File ref	FIN.TEN.SC22/002
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	When Council initiates or adopts a policy position, or a local law
<input type="checkbox"/>	Quasi-Judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal
<input type="checkbox"/>	Information	Includes items for information purposes only and do not require a decision of Council (to 'note' only)

Executive Summary

Council is requested to revoke Council Resolution 120922.

Background

At the Ordinary Meeting of Council held 17 August 2022, Cr King moved the following amendments, which were all lost 2 / 4.

<p>AMENDMENT 1 Moved Cr King, seconded Cr Dewar That the motion be amended to include the following: 3. Notes the Chief Executive Officers Delegated Authority (1.2.15 Tenders for Goods and Services Function (10)) to vary contracts up to 10% and within \$150,000 ex GST.</p> <p style="text-align: right;">LOST 2 / 4 TIME: 8.16PM For: Cr King, Cr Dewar Against: Cr Hughes, Cr Ross, Cr Angus, Cr Campbell</p>
--

AMENDMENT 2

Moved Cr King, seconded Cr Dewar

That the motion be amended to include the following:

3. *Notes Club fundraising and grants totalling \$648,630 as follows to be remitted to the Shire of Chittering:*
 - a. *Muchea Hall User Group fundraising of \$68,630;*
 - b. *WACA grant of \$30,000;*
 - c. *Election promise of \$150,000 from Hon. Darren West MLC;*
 - d. *State Government CSRFF grant of \$300,000; and*
 - e. *AFL – Australian Football Facilities Fun (FFF) grant of \$100,000.*

LOST 2 / 4

TIME: 8.24PM

For: Cr King, Cr Dewar

Against: Cr Hughes, Cr Ross, Cr Angus, Cr Campbell

AMENDMENT 3

Moved Cr King, seconded Cr Dewar

That the motion be amended to include the following:

3. *Notes the Budget allocation supported by the Long Term Financial Plan for total borrowings of \$5,179,978 and estimated principal and interest payments of \$365,984 per annum from the Western Australian Treasury Corporation (WATC) to fund the project.*

LOST 2 / 4

TIME: 8.33PM

For: Cr King, Cr Dewar

Against: Cr Hughes, Cr Ross, Cr Angus, Cr Campbell

AMENDMENT 4

Moved Cr King, seconded Cr Dewar

That the motion be amended to include the following:

3. *Notes the total project Budget of \$5,678,608 inclusive of all works required for the handover of a fully operational facility in accordance with the project scope.*

LOST 2 / 4

TIME: 8.38PM

For: Cr King, Cr Dewar

Against: Cr Hughes, Cr Ross, Cr Angus, Cr Campbell

AMENDMENT 5

Moved Cr King, seconded Cr Dewar

That the motion be amended to include the following:

3. *Instructs the Chief Executive Officer to provide a report to Council at each Ordinary Council Meeting summarising the status of the Project (Project Update), including the following elements:*
 - a. *Occupational Health and Safety Report;*
 - b. *Activities completed this period;*
 - c. *Activities planned next period;*
 - d. *Commercial:*
 - i. *Number of variations to contract issued;*
 - ii. *Number of variations to contract approved/rejected;*
 - iii. *Variation price;*
 - iv. *Impact of variation on the completion date;*
 - v. *Total approved contract price; and*
 - vi. *Progress – works physical percent complete*

LOST 2 / 4

TIME: 8.47PM

For: Cr King, Cr Dewar

Against: Cr Hughes, Cr Ross, Cr Angus, Cr Campbell

Cr King raised these again as 'motions, of which previous notice has been given' at the Ordinary Meeting of Council held 21 September 2022. These motions were carried following a 3/3 vote, with the Presiding Member casting his deciding vote in favour of these motions.

On 27 September 2022 Cr Campbell, with the support of Cr Hughes and Cr Angus, gave notice that he would like Council Resolutions 120922 and 130922 revoked for the following reasons:

1. Amendments tabled in August 2022 OCM: CEO04 – 08/22 Approval for Award of Tender SC22-002 Construction of Muchea Recreation Centre and CEO05 – 08/22 Approval for Award of Tender SC22-003 Bindoon Mountain Bike Park Stage 1 Trails and Access were not carried and lost 2/4. September's Motion 1 & 2 requested the same information.
2. Micro-managing projects is not the responsibility of Councillors. Requested information raised through the motion is not relevant to the performance of Council.
3. Under the current reporting structures, Council currently receive project reports via:
 - Monthly Council Decision and Project Updates;
 - Weekly President and CEO Meeting Minutes;
 - Monthly Financial Reports.
 - Project updates are also provided to the public via the shire's website, Northern Valley News, Facebook, Newsletters, Project Newsletters and Community Advisory Forums.
4. For those Councillors who oppose rate increases, additional administrative resources would be required for the increased reporting requirements, resulting in further rate increases.

Consultation Summary

Local

- Councillors
- Chief Executive Officer

State

Nil

Legislative Implications

State

• Local Government (Administration) Regulations 1996

10. Revoking or changing decisions (Act s.52(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended: Gazette 31 Mar 2005 p.1030.]

Local

• Local Government (Council Meetings) Local Law 2014

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

• Strategic Community Plan 2022-2032

Focus area: Administration and Governance
Objective: S5.2 Accountable and Transparent Governance
Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Council continually dealing with the same issues makes Council appear divided which affects the leadership function of Council.	Possible	Minor	Moderate	Ensuring decisions are made with the full support of Council.
Opportunity: Nil				

Officer Comment/Details

While the decision is to revoke a previous decision, the officer comment provided in relation to that decision is still relevant so it has been reproduced below. This comment is based on over ten years governance experience, post graduate legal qualifications and has utilised expert legal advice that has previously been received by Council.

The *Local Government Act 1995* places a great deal of importance on the distinction between the functions of Council and functions of the Chief Executive Officer. During the second reading speech, the Minister stated "There will be clear specification of the roles of key players, that is council, mayor or president, and councilors. This is designed to promote efficient administration at the local government level at the local government level and to avoid conflicts caused by uncertainty. The lack of role clarity has lead to come mayors/presidents and councilors becoming involved in administrative matters that should be handled by staff. The new Act will provide a clear distinction between the representatives and policy making role of the elected councilors and the administrative and advisory role of the chief executive officer and other staff".

Many key parts of the act reflect the intended legislative objective of the act of having administrative functions handled by the CEO and the local government's employees. The intended objectives of the act would not be promoted where a Council attempted to become involved in administrative matters.

Section 2.7 of the *Local Government Act 1995* provides that the role of Council is to:

- (a) govern the local government's affairs; and
- (b) be responsible for the performance of the local government's functions

Without limiting the above, the council is to –

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

Section 2.7 of the *Local Government Act 1995* was amended in 2009 to replace 'directs and controls' with 'governs' to try and further remove uncertainty about the distinction between governance and administration in the act.

The CEO's functions are set out in section 5.41 of the *Local Government Act 1995* and include:

- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government.

When both of the roles are compared to each other, it is plain to see that Council's role is to provide the necessary resources for a project, which they do through the budget process, and the CEO's role is then to implement the project, which would include monitoring the project and receiving detailed reporting on the project.

Section 5.92(1) of the *Local Government Act 1995* allows:

A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

For this motion, the important part of this section is that the information must be relevant to the performance of the function. As the function of Council is a high level Governance functions that has a high level oversight, which is very distinct from the administrative role of the CEO, the information received by Council would only need to be at a high level to be relevant for the performance of their function. Detailed information would be considered relevant to the function of the CEO, not of Council.

Under the current reporting structures, Council currently receive project reports via:

- Monthly Council Decision and Project Updates;
- Weekly President and CEO Meeting Minutes;
- Monthly Financial Reports.

Project updates are also provided to the public via the shire's website, Northern Valley News, Facebook, Newsletters, Project Newsletters and Community Advisory Forums.

By voting for this motion, it will be a move away from the separation of duties and efficient administration that is envisioned by the act. Due to the continual increase in information requirements, it is likely that additional administrative resources would be required for the increased reporting requirements, resulting in further rate increases.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 111022

Moved Cr Campbell, seconded Cr Hughes

That Council BY AN ABSOLUTE MAJORITY revoke Council Resolution 120922 where Council resolved the following:

MOTION / COUNCIL RESOLUTION 120922

Moved Cr King, seconded Cr Dewar

That Council instructs the Chief Executive Officer to:

1. *Provide a report (Project Update) to Council at each Ordinary Council meeting summarising the status of the Muchea Recreation Centre project, including the following items:*
 - a. *Occupational Health and Safety;*
 - b. *Activities completed this period;*
 - c. *Activities planned next period;*
 - d. *Commercial:*
 - i. *Number of variations to contract issued;*
 - ii. *Number of variations to contract Approved/Rejected;*
 - iii. *Variation price;*
 - iv. *Impact of variation on agreed completion date;*
 - v. *Total approved contract price; and*
 - vi. *Progress of work - physical percent complete.*
2. *Publish a summary of the project update on the Shire website, Chatter and Facebook page.*

CARRIED 3 / 3

TIME: 9.21PM

For: Cr King, Cr Dewar, Cr Curtis
Against: Cr Angus, Cr Ross, Cr Hughes

The Presiding Member cast his deciding vote in favour of this motion.

CARRIED 4 / 3

TIME: 7.48PM

For: Cr Campbell, Cr Hughes, Cr Angus, Cr Ross
Against: Cr King, Cr Dewar, Cr Curtis

CEO06 – 10/22 Revoke Council Resolution 130922

Applicant	Cr Mark Campbell
File ref	ECDEV-PROJECT-MOUNTAIN BIKE
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that require disclosure
Voting requirements	Absolute Majority
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	When Council initiates or adopts a policy position, or a local law
<input type="checkbox"/>	Quasi-Judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal
<input type="checkbox"/>	Information	Includes items for information purposes only and do not require a decision of Council (to 'note' only)

Executive Summary

Council is requested to revoke Council Resolution 130922.

Background

At the Ordinary Meeting of Council held 17 August 2022, Cr King moved the following amendment, which was lost 2 / 4.

<p>AMENDMENT Moved Cr King, seconded Cr Dewar That the motion be amended to include the following:</p> <ol style="list-style-type: none"> 3. Notes the Chief Executive Officers Delegated Authority (1.2.15 Tenders for Goods and Services Function (10)) to vary contracts up to 10% and within \$150,000 ex GST. 4. Notes the Club funding pledges of \$105,000 to be remitted to the Shire of Chittering. 5. Notes that the Project is funded from the Municipal Fund within the 2022/2023 Budget. 6. Notes the total Project Budget of \$616,884 inclusive of Club funding and all works required for the handover of a fully operational facility. 7. Instruct the Chief Executive Officer to provide a report to Council at each Ordinary Council Meeting summarising the status of the Project (Project Update), including the following elements: <ol style="list-style-type: none"> a. Occupational Health and Safety Report; b. Activities completed this period; c. Activities planned next period; d. Commercial: <ol style="list-style-type: none"> i. Number of variations to contract issued;

- ii. *Number of variations to contract approved/rejected;*
- iii. *Variation price;*
- iv. *Impact of variation on 1 June 2023 (or earlier, if complete) completion date;*
- v. *Total approved contract price; and*
- vi. *Progress – works physical percent complete*

LOST 2 / 4

TIME: 9.19PM

For: Cr King, Cr Dewar

Against: Cr Hughes, Cr Ross, Cr Angus, Cr Campbell

Cr King raised these again as 'motions, of which previous notice has been given' at the Ordinary Meeting of Council held 21 September 2022. These motions were carried following a 3/3 vote, with the Presiding Member casting his deciding vote in favour of these motions.

On 27 September 2022, Cr Campbell, with the support of Cr Hughes and Cr Angus, gave notice that he would like Council Resolutions 120922 and 130922 revoked for the following reasons:

1. Amendments tabled in August 2022 OCM: CEO04 – 08/22 Approval for Award of Tender SC22-002 Construction of Muchea Recreation Centre and CEO05 – 08/22 Approval for Award of Tender SC22-003 Bindoon Mountain Bike Park Stage 1 Trails and Access were not carried and lost 2/4. September's Motion 1 & 2 requested the same information.
2. Micro-managing projects is not the responsibility of Councillors. Requested information raised through the motion is not relevant to the performance of Council.
3. Under the current reporting structures, Council currently receive project reports via:
 - Monthly Council Decision and Project Updates;
 - Weekly President and CEO Meeting Minutes;
 - Monthly Financial Reports.
 - Project updates are also provided to the public via the shire's website, Northern Valley News, Facebook, Newsletters, Project Newsletters and Community Advisory Forums.
4. For those Councillors who oppose rate increases, additional administrative resources would be required for the increased reporting requirements, resulting in further rate increases.

Consultation Summary

Local

- Councillors
- Chief Executive Officer

State

Nil

Legislative Implications

State

- Local Government (Administration) Regulations 1996
 - 10. Revoking or changing decisions (Act s.52(1)(e))**
 - (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

- (1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended: Gazette 31 Mar 2005 p.1030.]

Local

- Local Government (Council Meetings) Local Law 2014

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance
 Objective: S5.2 Accountable and Transparent Governance
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Council continually dealing with the same issues makes Council appear divided which affects	Possible	Minor	Moderate	Ensuring decisions are made with the full support of Council.

the leadership function of Council.				
Opportunity: Nil				

Officer Comment/Details

While the decision is to revoke a previous decision, the officer comment provided in relation to that decision is still relevant so it has been reproduced below. This comment is based on over ten years governance experience, post graduate legal qualifications and has utilised expert legal advice that has previously been received by Council.

The *Local Government Act 1995* places a great deal of importance on the distinction between the functions of Council and functions of the Chief Executive Officer. During the second reading speech, the Minister stated “There will be clear specification of the roles of key players, that is council, mayor or president, and councilors. This is designed to promote efficient administration at the local government level at the local government level and to avoid conflicts caused by uncertainty. The lack of role clarity has lead to come mayors/presidents and councilors becoming involved in administrative matters that should be handled by staff. The new Act will provide a clear distinction between the representatives and policy making role of the elected councilors and the administrative and advisory role of the chief executive officer and other staff”.

Many key parts of the act reflect the intended legislative objective of the act of having administrative functions handled by the CEO and the local government’s employees. The intended objectives of the act would not be promoted where a Council attempted to become involved in administrative matters.

Section 2.7 of the *Local Government Act 1995* provides that the role of Council is to:

- (c) govern the local government’s affairs; and
- (d) be responsible for the performance of the local government’s functions

Without limiting the above, the council is to –

- (e) oversee the allocation of the local government’s finances and resources; and
- (f) determine the local government’s policies.

Section 2.7 of the *Local Government Act 1995* was amended in 2009 to replace ‘directs and controls’ with ‘governs’ to try and further remove uncertainty about the distinction between governance and administration in the act.

The CEO’s functions are set out in section 5.41 of the *Local Government Act 1995* and include:

- (g) cause council decisions to be implemented; and
- (h) manage the day to day operations of the local government.

When both of the roles are compared to each other, it is plain to see that Council’s role is to provide the necessary resources for a project, which they do through the budget process, and the CEO’s role is then to implement the project, which would include monitoring the project and receiving detailed reporting on the project.

Section 5.92(1) of the *Local Government Act 1995* allows:

A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

For this motion, the important part of this section is that the information must be relevant to the performance of the function. As the function of Council is a high level Governance functions that has a high

level oversight, which is very distinct from the administrative role of the CEO, the information received by Council would only need to be at a high level to be relevant for the performance of their function. Detailed information would be considered relevant to the function of the CEO, not of Council.

Under the current reporting structures, Council currently receive project reports via:

- Monthly Council Decision and Project Updates;
- Weekly President and CEO Meeting Minutes;
- Monthly Financial Reports.

Project updates are also provided to the public via the shire's website, Northern Valley News, Facebook, Newsletters, Project Newsletters and Community Advisory Forums.

By voting for this motion, it will be a move away from the separation of duties and efficient administration that is envisioned by the act. Due to the continual increase in information requirements, it is likely that additional administrative resources would be required for the increased reporting requirements, resulting in further rate increases.

PROCEDURAL MOTION / COUNCIL RESOLUTION 121022

Moved Cr Angus, seconded Cr Ross

That the motion be put.

CARRIED 4 / 3

TIME: 7.53PM

For: Cr Angus, Cr Ross, Cr Campbell, Cr Hughes

Against: Cr King, Cr Dewar, Cr Curtis

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131022

Moved Cr Campbell, seconded Cr Hughes

That Council BY AN ABSOLUTE MAJORITY revoke Council Resolution 130922 where Council resolved the following:

MOTION / COUNCIL RESOLUTION 130922

Moved Cr King, seconded Cr Dewar

That Council instruct the Chief Executive Officer to provide a Project Update to Council at each Ordinary Council meeting summarising the status of the Construction of Bindoon Mountain Bike Park Stage 1 Trails and Access project (Project Update), including the following elements:

- 1. Occupational Health and Safety;*
- 2. Activities completed this period;*
- 3. Activities planned next period;*
- 4. Commercial:*
 - a. Number of variations to contract issued;*
 - b. Number of variations to contract Approved/Rejected;*
 - c. Variation price;*
 - d. Impact of variation on the agreed completion date;*
 - e. Total approved contract price; and*
 - f. Progress of works - physical percent complete.*
- 5. Publish a summary of the project report on the Shire website, Chatter and Facebook page.*

CARRIED 3 / 3

TIME: 9.35PM

For: Cr King, Cr Dewar, Cr Curtis

Against: Cr Angus, Cr Ross, Cr Hughes

The Presiding Member cast his deciding vote in favour of this motion.

CARRIED 4 / 3

TIME: 7.53

For: Cr Campbell, Cr Hughes, Cr Angus, Cr Ross

Against: Cr King, Cr Dewar, Cr Curtis

CEO07 – 10/22 Transparency Project – Survey Results Project Update

Applicant	N/A
File ref	
Author	Chief Executive Officer
Authorising Officer	N/A
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	1. Transparency Survey Results

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input checked="" type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to receive the results of the Transparency Survey.

Background

Following a decision of Council at the Ordinary Meeting held 16 November 2021, the Shire has been undertaking a Transparency Project, to see where improvements could be made to the level of transparency in the Shire.

As part of this project, a Transparency Survey was released to gain feedback from the community on where they would like to see improvements to transparency, if any.

A Transparency Project page was set up on the Shire's website which included a link to the survey, a summary of the project, the 'Trust in the Shire of Chittering' Discussion Paper and the 'Trust in the Shire of Chittering' Summary Discussion Paper. The Transparency Survey was advertised twice on the Shire's Facebook Page, once on the shire's 'Have Your Say' Facebook Page and in the Northern Valley News.

The survey sought to ascertain the community's feedback on:

1. If community members are concerned about transparency;
2. Initiatives the community would like to see;
3. The importance of transparency compared to the following shire services:
 - Roads;
 - Parks and Reserves;
 - Waste Removal;

- Protection of the Environment;
 - Economic Development (including Tourism); and
 - Seniors Housing
4. What rate increase would be considered satisfactory for initiatives to be implemented;

The results of the survey were as follows:

- 9 responses were received;
- 5 responses have concerns, 3 responses did not have concerns;
- All services listed were considered more important than transparency;
- The top transparency initiatives from respondents are; More rates or finance information (3); and More information on Facebook (1);
- The top transparency initiatives that respondents selected from the discussion paper are; Stakeholder Engagement Charter/Genuine Opportunity to Have a Say (4); Easier Access to Information/More Information (3); Clear Rating Information (2); Decision Making Explained (2); Recording and Live Streaming Council Meetings (2).

A workshop was held with Council on 12 October 2022 to present and discuss the Transparency Project.

Consultation Summary

Local

Full description of consultation undertaken and brief summary of feedback received.

State

Full description of consultation undertaken and brief summary of feedback received.

Legislative Implications

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputation: Not proceeding with a transparency initiative can be used by some as an argument that Council is not being transparent.	Possible	Insignificant	Low	Properly explain the decision can mitigate the argument.
Opportunity: Nil				

Officer Comment/Details

Significant efforts and time have been put into the Transparency Project, from developing the discussion paper through to presentations at Community Advisory Forums. The Facebook Statistics for the post, and the response rate to the survey would indicate a general lack of interest in the subject. This may indicate that the perception that this is an issue is more confined to a small section of the community.

Over the past few years there has been a lot of initiatives that have assisted the transparency of the shire. Greater engagement with the community both through social media and through Community Forums, a lot of consultation on the various projects that have been investigated and more information such as Council Decisions being published every month. Council have also adopted a position statement to demonstrate their commitment to Transparency.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 141022
Moved Cr King, seconded Cr Ross
That Council:

- 1. Acknowledge the limited response to the Transparency Survey which makes determining a direction difficult;**
- 2. Reaffirm their commitment to being a leader in areas of transparency, accountability and public accountability; and**
- 3. Continue to seek opportunities for increasing transparency as opportunities arise, but do not take any further actions based on the Transparency Project.**

CARRIED UNANIMOUSLY 7 / 0
TIME: 7.57PM

CEO08 – 10/22 Register of Policies: Amendments

Applicant	Shire of Chittering
File ref	04/03/1
Author	Executive Management Officer
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> Administration Policy 1.3 – Complaints Reporting Administration Policy 1.12 – Smoking, Drugs & Alcohol Administration Policy 1.16 – OSH Fleet Safety and Motor Vehicle Guidelines Finance Policy 2.11 – Purchasing (& Procurement) Finance Policy 2.13 – Regional Price Preference Staff Policy 3.4 – Staff Uniforms Staff Policy 3.8 – Work Health & Safety Staff Policy 3.9 – Protection from the Outdoor Sun Staff Policy 3.10 – Contractors Staff Policy 3.16 – Staff Disciplinary Staff Policy 3.17 – Use of Council Vehicles Staff Policy 3.18 – Social Media Staff Policy 3.19 – Training and Development Staff Policy 3.20 – Study Assistance

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to endorse the amendments to the Policy Register as per the attachments.

Background

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in Section 2.7(2)(b) of the *Local Government Act 1995*.

Whereas, pursuant to Section 5.41 of the *Local Government Act 1995* policies cannot be made in relation to managing the day to day operations of the local government; as these come under the jurisdiction of the functions of the CEO.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.

Policies should not be confused with operational directives and/or procedures, which are determined by the CEO, as a mechanism for good management and implementation of council policies.

As presented at the July Ordinary Council Meeting we have been conducting a complete review of all policies and this is the final group that forms part of that annual review.

Consultation Summary

Local

- Chief Executive Officer
- Executive Manager Corporate Services
- Executive Manager Technical Services
- Executive Manager Development Services

State

Nil

Legislative Implications

State

Section 2.7(2)(b) of the *Local Government Act 1995* states:

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.

Section 5.41 of the *Local Government Act 1995* states:

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and

Section 5.51a of the *Local Government Legislation Amendment Act 2019* states:

5.51A. Code of conduct for employees

- (1) The CEO must prepare and implement a code of conduct to be observed by employees of the local government.

Local

Nil

Policy ImplicationsState

Nil

Local

Nil

Financial Implications

Nil

Strategic Assessment / ImplicationsLocal

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance

Objective: S5.2 Outcome: Accountable and Transparent Governance

Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Reputational: Loss of reputation by no longer doing things that have been done in the past	Possible	Insignificant	Low	Reviewing policies and updating them in line with current legislation and operational practices provides more equity, consistency and transparency.
Opportunity: To provide clear direction to staff, Councillors and the Community pertaining to matters, in keeping with community expectations, current trends and circumstances.				

Officer Comment/Details

An annual review of the Shire of Chittering's Policy Register was conducted and the initial group was submitted to the July Ordinary Council Meeting, followed by another group to the September Ordinary Council Meeting, that have now been workshopped. The following policies form the final group to be reviewed that consequently require amendments:

Administration Policy 1.3 – Complaints Reporting

The Policy has been updated in line with every day, operational practices and procedures. **(Attachment 1)**.

Administration Policy 1.12 – Smoking, Drugs & Alcohol

The Policy is recommended to be deleted, as pursuant to Section 5.41 of the *Local Government Act 1995* it

falls under the jurisdiction of the CEO and will accordingly become part of the “Fitness for Work” Operational Directive. **(Attachment 2)**.

Administration Policy 1.16 – OSH Fleet Safety and Motor Vehicle Guidelines

The Policy is recommended to be deleted, as it is covered in other policies and is a duplication of information. Parts of this policy will accordingly become part of the “Fitness for Work” Operational Directive and other parts will be moved into the Staff Policy 3.17 – Use of Council Vehicles Policy; but ultimately pursuant to Section 5.41 of the *Local Government Act 1995* it falls under the jurisdiction of the CEO. **(Attachment 3)**.

Finance Policy 2.11 – Purchasing (& Procurement)

This Policy formulated part of the recent “Procurement Review” and has now been amended to be a comprehensive and inclusive source of information. The relevant information from *Finance Policy 2.13 – Regional Price Preference* has now been incorporated; along with the relevant parts from *Staff Policy 3.10 – Contractors* as this policy had become obsolete due to the recent changes to the newly legislated *West Australian Work Health and Safety Act 2020*. **(Attachment 4)**.

Finance Policy 2.13 – Regional Price Preference

The Policy is recommended to be deleted, as the information has been moved to formulate part of the comprehensive *Finance Policy 2.11 – Purchasing & Procurement*. **(Attachment 5)**.

Staff Policy 3.4 – Staff Uniforms

The Policy is recommended to be deleted, as pursuant to Section 5.41 of the *Local Government Act 1995* it falls under the jurisdiction of the CEO and will accordingly become an Operational Directive. **(Attachment 6)**.

Staff Policy 3.8 – Work Health & Safety

The Policy has been updated in line with recent changes to the newly legislated *West Australian Work Health and Safety Act 2020* and will reference all Operational Directives that it relates to. **(Attachment 7)**.

Staff Policy 3.9 – Protection from the Outdoor Sun

The Policy is recommended to be deleted, as pursuant to Section 5.41 of the *Local Government Act 1995* it falls under the jurisdiction of the CEO and the pertinent information that it contains will accordingly become part of the “Fitness for Work” Operational Directive. **(Attachment 8)**.

Staff Policy 3.10 – Contractors

The Policy is recommended to be deleted, as the pertinent information has been moved to formulate part of the comprehensive *Finance Policy 2.11 – Purchasing & Procurement*; and the remainder of the policy has now become outdated and obsolete due to the recent changes to the newly legislated *West Australian Work Health and Safety Act 2020*. **(Attachment 9)**.

Staff Policy 3.16 – Staff Disciplinary

The Policy is recommended to be deleted, as pursuant to Section 5.41 of the *Local Government Act 1995* it falls under the jurisdiction of the CEO – being that it comes under the “day to day operations”. **(Attachment 10)**.

Staff Policy 3.17 – Use of Council Vehicles

The Policy has been updated to reflect the outcome of a cost analysis of fuel costs and also from an administrative perspective. **(Attachment 11)**.

Staff Policy 3.18 – Social Media

The Policy is recommended to be deleted, as Section 25 of the *Local Government Legislation Amendment Act 2019* (Amendment Act) requires a CEO to prepare and implement a code of conduct for employees and pursuant to Section 5.41 of the *Local Government Act 1995* the implementation falls under the jurisdiction of the CEO – being that it comes under the “day to day operations”. (**Attachment 12**).

Staff Policy 3.19 – Training and Development

The Policy is recommended to be deleted, as pursuant to Section 5.41 of the *Local Government Act 1995* it falls under the jurisdiction of the CEO – being that it comes under the “day to day operations” - and will therefore become a part of a Training Operational Directive. (**Attachment 13**).

Staff Policy 3.20 – Study Assistance

The Policy is recommended to be deleted, as pursuant to Section 5.41 of the *Local Government Act 1995* it falls under the jurisdiction of the CEO – being that it comes under the “day to day operations” - and will accordingly become part of a Training Operational Directive. (**Attachment 14**).

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151022

Moved Cr Angus, seconded Cr Campbell

That Council:

- 1. Endorse the following amended policies and ensure that the numbering is updated accordingly:**
 - a. Administration Policy 1.3 – Service Level Complaints Handling**
 - b. Finance Policy 2.11 – Purchasing & Procurement**
 - c. Staff Policy 3.8 – Work Health and Safety**
 - d. Staff Policy 3.17 – Use of Council Vehicles**

- 2. Delete the following policies and ensure that the numbering is updated accordingly:**
 - a. Administration Policy 1.12 – Smoking Drugs & Alcohol**
 - b. Administration Policy 1.16 – OSH Fleet Safety and Motor Vehicle Guidelines**
 - c. Finance Policy 2.13 – Regional Price Preference**
 - d. Staff Policy 3.4 – Staff Uniforms**
 - e. Staff Policy 3.9 – Protection from the Outdoor Sun**
 - f. Staff Policy 3.10 – Contractors**
 - g. Staff Policy 3.16 – Staff Disciplinary**
 - h. Staff Policy 3.18 – Social Media**
 - i. Staff Policy 3.19 – Training and Development**
 - j. Staff Policy 3.20 – Study Assistance**

CARRIED UNANIMOUSLY 7 / 0

TIME: 8.00PM

ITEM 10. REPORTS OF COMMITTEES

Nil

ITEM 11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

ITEM 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

<p>MOTION / COUNCIL RESOLUTION 161022 Moved Cr Ross, seconded Cr Angus That Council approve the following items as new business of an urgent nature:</p> <ul style="list-style-type: none"> • NB01 – 10/22 Chief Executive Officer Job Description Form • NB02 – 10/22 CEO Recruitment Committee – Independent Member <p style="text-align: right;">CARRIED UNANIMOUSLY 7 / 0 <small>TIME: 8.01PM</small></p>
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NB01 – 10/22 Chief Executive Officer Job Description Form

Applicant	N/A
File ref	22/02/83
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Impartiality. The JDF relates to the CEO position, however this is being adopted as part of the CEO Recruitment process.
Voting requirements	Absolute Majority (per local government act)
Attachments	1. CEO Position Description

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider the Shire's Chief Executive Officer Job Description Form as recommended by the CEO Recruitment Committee.

Background

Adopting the CEO Job Description Form is a legal requirement as per the Local Government Act 1995 and Local Government (Administration) Amendment Regulations 2021.

Local Government (Administration) Amendment Regulations 2021 and Shire of Chittering Policy 3.26 Standards for Recruitment of CEO's states the following:

"5. Determination of selection criteria and approval of job description form

- (1) *The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.*
- (2) *The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —*
 - (a) *the duties and responsibilities of the position; and*
 - (b) *the selection criteria for the position determined in accordance with subclause (1)."*

The CEO Recruitment Committee met on Tuesday 18 October 2022 and considered the Job Description Form with the following resolution:

OFFICER RECOMMENDATION / COMMITTEE RESOLUTION

Moved Cr Hughes, seconded Cr Angus

The Committee recommend to Council the Shire's Chief Executive Officer Job Description Form, as attached to this item, and as amended by the Committee, at their next Ordinary Meeting being held 19 October 2022.

CARRIED 4 / 0

TIME: 6.30PM

Consultation Summary

Local

- CEO Recruitment Committee
- Mills Recruitment

State

Nil

Legislative Implications

State

- The establishment of a committee, CEO Recruitment and Delegation of Power are in accordance with the requirements of the Local Government Act 1995 and Local Government (Administration) Amendment Regulations 2021.

Local

Nil

Policy Implications

State

Nil

Local

- Policy 3.26 Standards for Recruitment of CEO's

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032

Focus area: Administration and Governance
 Objective: S5.2 Accountable and Transparent Governance
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: It is a legal requirement that the Council adopt by absolute majority the JDF of the CEO during the recruitment process	Possible	Moderate	Moderate	By having Council adopt the Chief Executive Officer Job Description Form, compliance will be met.
Opportunity: Nil				

Officer Comment/Details

That Council, in line with Local Government (Administration) Amendment Regulations 2021 and Council Policy 3.26 Standards for Recruitment of CEO’s, adopt by an absolute majority the Chief Executive Officer Job Description Form as recommended by the CEO Recruitment Committee.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 171022
Moved Cr Ross, seconded Cr Hughes
That Council adopt by an Absolute Majority the Chief Executive Officer Job Description Form as recommended by the CEO Recruitment Committee and attached to this report.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0
TIME: 8.04PM

NB02 – 10/22 CEO Recruitment Committee – Independent Member

Applicant	N/A
File ref	22/02/83
Author	Executive Assistant
Authorising Officer	Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Absolute Majority (per local government act)
Attachments	Nil

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

Executive Summary

Council is requested to consider Cr Rosemary Madácsi as the Independent Member of the CEO Recruitment Committee, as recommended by the Committee.

Background

The Local Government (Administration) Amendment Regulations 2021 and Shire of Chittering Policy 3.26 Standards for Recruitment of CEO's states that a CEO Recruitment Committee must contain one (1) Independent Member that cannot be a Council Member, an employee of the local government or a human resources consultant engaged by the local government.

The following was advertised on the Shire's Facebook page and website on Monday 10 October 2022:

"Council is seeking a suitably qualified and/or experienced Independent Committee Member for the CEO Recruitment Committee. The essence of the role of an independent committee member is to bring an impartial perspective to the process. It is important to be aware that this role is not involved in decision-making about the selection of the preferred candidate, rather, it is advisory to the Recruitment Committee.

The ideal member would have a background in recruiting senior executive staff. While not essential, it is desirable that the below criteria are met.

- Experience of senior management of a medium or large organisation (e.g., CFO, COO, CEO, etc.); and/or*
- Experience as a board director of a medium or large organisation (or on the committee of an incorporated association); and/or*

- *Local government experience as an elected member, especially as President/Mayor or Deputy President/Deputy Mayor.*
- *The above experience should be current or within the last 10 years"*

Applications closed at 4:00pm on Tuesday 18 October 2022 and one expression of interest was received from Cr Rosemary Madácsi. Rosemary has a diverse range of relevant skills and is well positioned to bring an impartial perspective to the recruitment process.

The CEO Recruitment Committee met on Tuesday 18 October 2022 and resolved the following:

MOTION / COMMITTEE RESOLUTION

Moved Cr Angus, seconded Cr Curtis

That the Committee;

- 1. Notes the expression of interest received from Cr Rosemary Madácsi; and*
- 2. Recommends to Council at their next Ordinary Meeting being held 19 October 2022 that Cr Rosemary Madácsi be appointed as the Independent Member of the CEO Recruitment Committee.*

CARRIED 4 / 0

TIME: 6..37PM

Consultation Summary

Local

- CEO Recruitment Committee
- Mills Recruitment

State

Nil

Legislative Implications

State

- The establishment of a committee, CEO Recruitment and Delegation of Power are in accordance with the requirements of the Local Government Act 1995 and Local Government (Administration) Amendment Regulations 2021.

Local

Nil

Policy Implications

State

Nil

Local

- Policy 3.26 Standards for Recruitment of CEO's

Financial Implications

Nil

Strategic Assessment / Implications

Local

- Strategic Community Plan 2022-2032
Focus area: Administration and Governance

Objective: S5.2 Accountable and Transparent Governance
 Strategy: S5.2.1 Become a leader in the areas of transparency, disclosure and public accountability

State

Nil

Site Inspection

Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Compliance: It is a legal requirement that the Council appoint an Independent Member to the CEO Recruitment Committee	Possible	Moderate	Moderate	By having Council adopt an Independent Member to the CEO Recruitment Committee, compliance will be met.
Opportunity: Nil				

Officer Comment/Details

That Council, in line with Local Government (Administration) Amendment Regulations 2021 and Council Policy 3.26 Standards for Recruitment of CEO's, appoint Cr Rosemary Madácsi as the Independent Member of the CEO Recruitment Committee, as recommended by the Committee.

<p>OFFICER RECOMMENDATION / COUNCIL RESOLUTION 181022 Moved Cr Angus, seconded Cr Ross That Council by an Absolute Majority appoint Cr Rosemary Madácsi as the Independent Member of the CEO Recruitment Committee, as recommended by the Committee.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7 / 0 <small>TIME 8.07PM</small></p>

ITEM 14. MEETING CLOSED TO THE PUBLIC

Matters for which the meeting may be closed

Nil

ITEM 15. CLOSURE

The Presiding Member declared the meeting closed at 8.08pm.