

I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

David Heyzel

Shire President

28/04/2020

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES
ORDINARY COUNCIL
MEETING

24 March 2020

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written in a cursive style.

VERNON LAWRENCE

ACTING CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
HELD ON TUESDAY 24 MARCH 2020 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

The Shire President declared the Meeting open at 17:04pm.

The Shire President reminded all attending in the gallery from the car park, to please abide by social distancing restrictions and follow instruction from Shire Officers where required. Failure to follow the directions of staff or obey social distancing will result in the meeting being ceased.

The Shire President advised with regards to Public Question Time, the order of questions will be followed as per normal protocol. Preference will be given to those questions which were received in writing prior to the meeting. Questions will also be addressed in the order they were received.

Due to current circumstances and travel restrictions as a result of the coronavirus (COVID-19) pandemic, the Shire President moved a motion that Council approve Cr Brook and Cr Lodge to attend the 24 March 2020 Ordinary Council Meeting via Video Conference.

Council Decision

Minute Number: 24/03/2020 - 118175

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council approve Cr Brook and Cr Lodge to attend the 24 March 2020 Ordinary Council Meeting via Video Conference.

Carried: 7/0

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor <i>(Joined meeting via Video Conference – Approved by Council, Minute Number 24/03/2020 – 118175)</i>
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor <i>(Joined meeting via Video Conference – Approved by Council, Minute Number 24/03/2020 – 118175)</i>
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
V Lawrence	Acting Chief Executive Officer
N Kearns	Director Planning and Community Development
F Heading	Acting Director Corporate Services
S Dyson	Director Infrastructure
C Cane	Minute Taker
K Williams	SWEK Employee
K Guerin	SWEK Employee
N Lennon	SWEK Employee
N Napier	SWEK Employee
Simone Rushby	Resident
Amanda McLean	EKCCI
Jill Williams	EKCCI
Andrew Urbaniak	Kicky's Take-Away Restaurant
Rebecca Nadge	Reporter – ABC Kimberley
Elise Van Aken	Reporter – The Kimberley Echo

3. DECLARATION OF INTEREST

- Financial Interest

Councillor/Staff	Item	Title	Description of interest
Vernon Lawrence, Acting CEO	16.3	CEO Recruitment Process	As I am the Acting CEO, this process directly affects my remuneration. I am also a possible candidate for the position.

- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Nick Kearns, Director Planning and Community Development	16.3	CEO Recruitment Process	Affects my employment
Stuart Dyson, Director Infrastructure	16.3	CEO Recruitment Process	Affects my employment
Felicity Heading, Acting Director Corporate Services	16.3	CEO Recruitment Process	Affects my employment

- Proximity Interest

NIL.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL.

5. PUBLIC QUESTION TIME

Question 1 – Simone Rushby, Resident

Six days ago Premier Mark McGowan requested amongst other things that Shires (Local Governments) take into consideration the impost financially of COVID-19 to West Australians. I note there is a recommendation to increase rates by 1.5% and fees and charges by 1.5%. Is this a recommendation likely to be pursued given the current economic situation?

The Shire President provided the following response:

I would suggest that the Officers Recommendation was probably put forward prior to the extent of the COVID-9 pandemic. I will not be in a position to suggest whether that recommendation will be accepted or amended, however I can assure all rate payers that Council will give due consideration to the impacts of COVID-19 and current circumstances on local rate payers.

Question 2 – Amanda McLean and Jill Williams, East Kimberley Chamber of Commerce and Industry (EKCCI)

Is Council supportive of closing the East Kimberley borders, imposing the same criteria as WA borders whereby only returning residents and essential traffic (i.e. freight and essential service staff) can enter?

The Shire President provided the following response:

You will be aware from media communications from the Shire that the Shire and Kimberley Zone has a position on this and it is absolutely supportive of closing the both the East Kimberley border but more importantly the Kimberley borders, imposing the same criteria as the Western Australian borders.

As recently as this afternoon, the Premier has reiterated his thinking along those lines and we are aware through our advocacy that this has been given serious consideration. I think shortly we may have a more clear definition of what will occur. I would also suggest as has been with other conditions imposed, it will take a number of days for the actual practicalities of a Kimberley border closure to be worked through.

Question 3 – Amanda McLean and Jill Williams, Residents

Voluntary isolation is proving not to be working. There is a community push for managed isolation. Is Council supportive of this and how can we assist you with this?

The Shire President provided the following response:

This is a matter that has not yet been discussed by Council in particular. However, we are all very concerned about the voluntary nature of managed isolation and this would be a matter that will continue to come up and one of the finer details that will be worked through as we go forward.

If we look at other jurisdictions there is an increasing tightening of regulations as the pandemic progresses. We need the community to be supportive of that as there are plenty of examples where there is a slight delay in the reality striking the public. I can assure that voluntary isolation is recognised as difficult to ensure it's carried out to a suitable standard and effective management of isolation will be something the Council will push for.

6. APPLICATIONS FOR LEAVE OF ABSENCE

NIL.

7. PETITIONS

NIL.

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 25 February 2020.

Council Decision

Minute Number: 24/03/2020 - 118176

Moved: Cr J Farquhar

Seconded: Cr M McKittrick

That Council confirms the Minutes of the Ordinary Council Meeting held on 25 February 2020.

Carried: 9/0

Note: The Minutes of the Ordinary Council Meeting held on 25 February 2020 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President advised there was one additional report item for urgent business, being: 15.1. *Coronavirus (COVID-19) Response Plan*. The Shire President noted that Council had already received this report in an urgent briefing held Monday, 23 March 2020.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

- 16.1. Request for Quotation RFQ18-19/20: East Kimberley Regional Airport – Runway Extension and Associated Assets – Design
- 16.2. Request for Tender T03-19/20: Provision of Periodic Grading Services on the Kalumburu Road, Port Warrender Road, and Mt Elizabeth and Ellenbrae Access Roads
- 16.3. Melbourne to Kununurra Direct Flights
- 16.4. CEO Recruitment Process

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL.

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

Council resolved to move the Recommendations within items 12.2.1, *Standing Item - Outstanding Actions from Previous Council Resolutions*; 12.2.2 *CP CNC 3143 Attendance at Events and Functions Policy* and; 12.2.3 *CP GOV 3113 Surveillance Devices Policy en bloc*.

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	24 March 2020
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Acting Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

Council Decision

Minute Number: 24/03/2020 - 118177

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

Carried: 9/0

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the February 2020 Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register - February 2020

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

12.2.2. CP CNC 3143 Attendance at Events and Functions Policy

DATE:	24 March 2020
AUTHOR:	Senior Governance and Risk Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Acting Chief Executive Officer
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council adopt draft Council Policy *CP CNC 3143 Attendance at Events and Functions Policy* as attached to this report.

Council Decision

Minute Number: 24/03/2020 - 118178

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council adopt draft Council Policy *CP CNC 3143 Attendance at Events and Functions Policy* as attached to this report.

Carried: 9/0

PURPOSE

The purpose of this policy is to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Elected Members and Employees are invited free of charge, whether as part of their official duties as Council or Shire representatives or not.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

As a result of the new Gift Provisions Legislation, which came into operation on 20 October 2019, Council is required to adopt a policy that relates to the attendance of Council members and CEOs at events such as concerts, conferences and functions. This policy must address the provision of tickets to events, payments in respect of attendance and approval of attendance by the local government and criteria for approval.

The policy deals with a Council member's or CEO's attendance at events as a representative of the Council. Tickets or the invitation to the event must be made to the Council directly, not to the Council member or CEO personally. Local Governments were advised by Department circular that: "Local governments must prepare and adopt a policy that relates to the attendance of council members and CEOs at events such as concerts, conferences and functions. This policy must address the provision of tickets to events, payments in respect of attendance and approval of attendance by the local government and criteria for approval. New section 5.90A relates. In essence, the policy deals with a council member's or CEO's attendance at events as a representative of the council. Tickets or the invitation to the event must be made to the council directly, not to the council member or CEO personally. If a council member or CEO attends an event in accordance with the local government's policy, then no conflict of interest arises."

STATUTORY IMPLICATIONS

Local Government Act 1995

s5.90A. Policy for attendance at events

- (1) In this section —
event includes the following —*
 - (a) a concert;*
 - (b) a conference;*
 - (c) a function;*
 - (d) a sporting event;*
 - (e) an occasion of a kind prescribed for the purposes of this definition.*
- (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
 - (a) the provision of tickets to events; and*
 - (b) payments in respect of attendance; and*
 - (c) approval of attendance by the local government and criteria for approval; and*
 - (d) any prescribed matter.*

** Absolute majority required.*
- (3) A local government may amend* the policy.*

** Absolute majority required.*
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (5) The CEO must publish an up- to- date version of the policy on the local government's official website.*

[Section 5.90A inserted: No. 16 of 2019 s. 44.]

POLICY IMPLICATIONS

A new policy position is required to be adopted under the Act. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements. The recent changes to gifts outlined in the Act and Regulations has not changed the current code of conduct gift provisions relating to employees (regulation 34B of the Local Government (Administration) Regulations 1996). These provisions will be reviewed when section 5.51A (Code of conduct for employees) of the Local Government Legislation Amendment Act 2019 is proclaimed in 2020.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 1.1: Bring community together and promote our rich culture and heritage

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 1.3: Promote quality education, health, childcare, aged care and youth services

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Goal 4.2: Good decision making through engagement with the community

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.1.1: Lobby all levels of government and industry for greater regional investment, both social and economic

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire

Strategy 4.1.3: Identify and contribute to collaborative and partnership initiatives that benefit the community

RISK IMPLICATIONS

Risk: Failure to provide effective advocacy for the Shire and the Region to develop projects, support industry and provide opportunities for all.

Risk: Failure to manage a governance framework which transparently embraces good governance practices.

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Ensure the attendance of Council and Staff at key events through effective policy. By adopting the proposed policy position, Council are mitigating potential compliance and reputational risks associated with invitations to events.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The policy provides guidance to elected members and employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge.

It does not provide guidance on the acceptance of a tangible gift or travel contribution.

Travel and accommodation excluded: "This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the Local Government Act 1995 (the Act), must be disclosed in writing to the CEO within 10 days of receipt of the contribution. Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of gift."

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

1. WALGA (but not LGIS)
2. Local Government Professionals Australia (WA)
3. Australian Local Government Association
4. A department of the public service
5. A government department of another State, a Territory or the Commonwealth
6. A local government or regional local government

The gift is still required to be recorded on the "gift register". In accordance with sections 5.87A and 5.87B of the Act, council members and CEOs are required to disclose gifts that are received in their capacity as a council member (or CEO) and –

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

In accordance with section 5.90A of the Act, a local government must prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.

ATTACHMENTS

Attachment 1 - CP CNC 3143 Attendance at Events and Functions Policy

12.2.3. CP GOV 3113 Surveillance Devices Policy

DATE:	24 March 2020
AUTHOR:	Senior Ranger and Emergency Services Coordinator; Senior Governance and Risk Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Acting Chief Executive Officer
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council adopt draft Council Policy *CP 3113 Surveillance Devices* as attached to this report.

Council Decision

Minute Number: 24/03/2020 - 118179

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

That Council adopt draft Council Policy *CP 3113 Surveillance Devices* as attached to this report.

Carried: 9/0

PURPOSE

The purpose of this policy is to provide guidance to Authorised Officers and community members on the ethical and efficient use of optical and listening surveillance devices including; body worn-cameras, dash cam devices, stationary surveillance cameras and the recorded data.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Surveillance Devices Act 1998 (WA) regulates the use of surveillance devices in Western Australia. It also restricts the communication and publication of information obtained through the use of surveillance devices.

Authorised Officers at the Shire of Wyndham of East Kimberley who undertake work in a regulatory or enforcement capacity are often putting themselves at risk in the course of their duties. Officers also experience difficulty in the collection of evidential material which aids in the prosecution of persons under offences prescribed in the legislation or Shire's Local Laws. With strict policy, Shire Officers and members of the public can be held to high account. The objectives of this policy will aim to:

1. Improve the safety of Shire employees while undertaking their duties as Authorised Officers;
2. Discourage aggressive behaviour, both verbal and physical towards Shire's Authorised Officers;
3. Overtly obtain and secure evidence at the scene of incidents and crimes related to the Acts, Regulations and Local Laws which relate to the function and powers of the Shire;
4. Ensure the transparency and accountability of Authorised Officers in their interaction with members of the public;
5. Improve investigation process of incidents reported by an Authorised Officer or member of the public; and
6. Ensure that recorded data collected on optical and listening devices is handled in line with legislative and procedural requirements.

The Shire currently uses a CCTV network at remote worksites operated in consistency with the CP ICT 3282 Closed Circuit Television (CCTV) Management and Operation Manual. These operations are designed to discourage anti-social behaviour on Local Government property as well as improve the safety of Officers on these remote sites. The CCTV Policy does not consider optical and listening devices such as body worn cameras, dash cameras, interview recording cameras, or cameras which capture still images, and so the requirement for an additional policy. The storage and retention of data and access to information by the public is however consistent with the other Shire policy.

STATUTORY IMPLICATIONS

Surveillance and Devices Act 1998

s6. *Regulation of use, installation and maintenance of optical surveillance devices*

- (1) *Subject to subsection (2), a person shall not knowingly publish or communicate a private conversation, or a report or record of a private conversation, or a record of a private activity that has come to the person's knowledge as a direct or indirect result of the use of a listening device or an optical surveillance device.*

Penalty:

- (a) *for an individual: \$5 000 or imprisonment for 12 months, or both;*

(b) for a body corporate: \$50 000.

(2) Subsection (1) does not apply —

(a) where the publication or communication is made —

- (i) to a party to the private conversation or the private activity;
- (ii) with the express or implied consent of each principal party to the private conversation or private activity;
- (iii) to any person or persons authorised for the purpose by the Commissioner of Police, the Corruption and Crime Commission or the Chair of the Board of the Australian Crime Commission;
- (iiia) to a designated Commission or to any person or persons authorised for the purpose by a designated Commission;
- (iv) by a law enforcement officer to the Director of Public Prosecutions of the State or of the Commonwealth or an authorised representative of the Director of Public Prosecutions of the State or of the Commonwealth;
- (v) in the course of the duty of the person making the publication or communication;
- (vi) for the protection of the lawful interests of the person making the publication or communication;
- (vii) in the case of the use of a listening device or an optical surveillance device in the circumstances referred to in section 5(3)(d) or 6(3)(b)(iii), as the case requires, in the course of reasonable action taken to protect the lawful interests of the principal party to the conversation or activity who consented to the use of the device;
- (viii) in accordance with Part 5; or
- (ix) in the course of any legal proceedings;

(b) where the publication or communication is made to a member of the police force of the State or of another State or a Territory in connection with —

- (i) an indictable drug offence or an external indictable drug offence; or
- (ii) any other indictable matter of such seriousness as to warrant the publication or communication;

or

(c) where the person making the publication or communication believes on reasonable grounds that it was necessary to make that publication or communication in connection with an imminent threat of serious violence to persons or of substantial damage to property.

(3) Subsection (2) only provides a defence if the publication or communication —

(a) is not more than is reasonably necessary —

- (i) in the public interest;
- (ii) in the performance of a duty of the person making the publication or communication; or
- (iii) for the protection of the lawful interests of the person making the publication or communication;

(b) is made to a person who has, or is believed on reasonable grounds by the person making the publication or communication to have, such an interest

in the private conversation or activity as to make the publication or communication reasonable under the circumstances in which it is made;

- (c) is made by a person who used the listening device to record, monitor or listen to that conversation or an optical surveillance device to record or observe that private activity in accordance with a warrant or an emergency authorisation issued under Part 4; or*
- (d) is made by an authorised person employed in connection with the security of the Commonwealth under an Act of the Commonwealth relating to the security of the Commonwealth.*

[Section 9 amended: No. 78 of 2003 s. 74; No. 74 of 2004 s. 72(4); No. 30 of 2006 s. 17.]

Freedom Information Act 1992

s21. *Application for personal information about applicant, consideration of*

If the applicant has requested access to a document containing personal information about the applicant, the fact that matter is personal information about the applicant must be considered as a factor in favour of disclosure for the purpose of making a decision as to —

- (a) whether it is in the public interest for the matter to be disclosed; or*
- (b) the effect that the disclosure of the matter might have.*

s22. *Access, when agency must give*

If the agency decides to give access to a document and the charges imposed for dealing with the application have been paid, the agency has to give the applicant access to the document.

s23. *Refusing access, grounds for*

- (1) Subject to section 24 the agency may refuse access to a document if —*
 - (a) the document is an exempt document; or*
 - (b) the document is not a document of the agency; or*
 - (c) giving access to the document would contravene a limitation referred to in section 7.*
- (2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —*
 - (a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and*
 - (b) there is no obligation under section 24 to give access to an edited copy of any of the documents.*
- (3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.*
- (4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best*

interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.

- (5) *If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.*

s24. *Exempt matter, deleting before access given*

If —

- (a) the access application requests access to a document containing exempt matter; and*
- (b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and*
- (c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy,*

the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.

POLICY IMPLICATIONS

This policy is consistent with CP ICT 3282 Closed Circuit Television (CCTV) Management and Operation Manual, and Officers will be required to sign the CCTV Code of Conduct, applying the principles to the use of surveillance devices in the course of their duties.

FINANCIAL IMPLICATIONS

The provision of these devices will be considered within the operational budgets of the regulatory service areas which includes provisions for safety equipment.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently embraces good governance practices

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Review policies and procedures in accordance with legislation.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire will develop separate operating procedures to support the implementation of this policy, which will accommodate the auditing and management of optical and listening surveillance devices in line with the *Surveillance and Devices Act 1998*.

ATTACHMENTS

Attachment 1 - CP GOV 3113 Surveillance Devices

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Community Sporting Recreation Facility Fund

DATE:	24 March 2020
AUTHOR:	Acting Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	GS.05.1
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the Community Sport and Recreation Facilities Fund (CSRFF) application from Kalumburu Aboriginal Corporation for the upgrade of the Kalumburu Basketball Court facility.

Council Decision

Minute Number: 24/03/2020 - 118180

**Moved: Cr A Petherick
Seconded: Cr J Farquhar**

That Council endorse the Community Sport and Recreation Facilities Fund (CSRFF) application from Kalumburu Aboriginal Corporation for the upgrade of the Kalumburu Basketball Court facility.

Carried: 9/0

PURPOSE

For Council to consider a submission from the Kalumburu Aboriginal Corporation for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round. The submission is for funding to upgrade the lighting, playing surface and enclose a portion of the court to allow for all weather activities. Council should note that this was the only application received for this round of the CSRFF Funding.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries. Under the program's selection criteria, local government authorities are required to consider CSRFF applications and/or submit applications themselves, advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications and if supported, rank the applications in priority order.

The grant categories are:

Small Grants - These are awarded to projects involving a basic level of planning and don't exceed \$300,000. Grants given in this category must be claimed by 15 June in the relevant financial year.

Annual Grants - These are awarded to projects with a planning and construction process that will be complete within 12 months and that will have a total project cost (exclusive of GST) of \$300,001–\$500,000. Grants given in this category must be claimed by 15 June in the next financial year.

Forward Planning Grants - These are given to the more complex projects that require a planning period of between one and three years. Grants in this category have a total project cost (exclusive of GST) of over \$500,001 and may be allocated in one or a combination of the years in the next triennium.

At the time of closing, only one funding submission had been received from the Kalumburu Aboriginal Corporation (Attachment 1), being an application for the upgrade of the basketball court facility with an approximate cost of \$300,000 with the CSRFF component requested being half of this. Additional quotation information is provided at Attachment 2.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no Shire financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

Strategy 1.2.3: Support and build capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities

RISK IMPLICATIONS

There are no risks associated with the Shire's involvement in this process. The proposed project at Kalumburu Aboriginal Corporation is sited on lands controlled by the Aboriginal Lands Trust. Building approvals will be required only if a major built structure is constructed on the site and advice obtained by the Senior Building Surveyor supports this position regarding the proposed half-court basketball court not requiring building approval.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Officers have considered the project proposal and support the application, noting however that no previous contact had been made by the requesting organisation. Nevertheless, it is viewed that the proposal would provide residents with a facility that has the potential to aid the community's wellbeing and health through increased participation in sport and recreation. The provision and development of good quality, well designed and well utilised facilities can only assist in this aim.

It is recommended that Council endorse the application.

ATTACHMENTS

Attachment 1 - Kalumburu Aboriginal Corporation Small Grant Application

Attachment 2 - Quotes - Upgrade of the basketball facility

12.4. CORPORATE SERVICES

12.4.1. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	24 March 2020
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

February 2020:

Municipal EFT 137113 – 137342 (06/02/2020-27/02/2020)	\$	1,153,461.00
Municipal Cheques 51990 - 51991 (13/02/2020-27/02/2020)	\$	14,613.40
Trust Cheques 1248 (27/02/2020)	\$	150.00
Trust EFT 501954 - 501965 (03/02/2020 – 28/02/2020)	\$	7,434.95
Payroll – (12/02/2020 - 28/02/2020)	\$	477,713.69
Direct Bank Debits (03/02/2020 – 24/02/2020)	\$	<u>12,042.16</u>
Total	\$	1,665,415.20

Council Decision

Minute Number: 24/03/2020 – 118181

**Moved: Cr M Dear
Seconded: Cr T Chafer**

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

February 2020:

Municipal EFT 137113 – 137342 (06/02/2020-27/02/2020)	\$	1,153,461.00
Municipal Cheques 51990 - 51991 (13/02/2020-27/02/2020)	\$	14,613.40
Trust Cheques 1248 (27/02/2020)	\$	150.00
Trust EFT 501954 - 501965 (03/02/2020 – 28/02/2020)	\$	7,434.95
Payroll – (12/02/2020 - 28/02/2020)	\$	477,713.69
Direct Bank Debits (03/02/2020 – 24/02/2020)	\$	<u>12,042.16</u>
Total	\$	1,665,415.20

Carried: 9/0

PURPOSE

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2019/20 which was adopted by Council on 27 August 2019, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42
Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2019/20 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4: Apply best practice financial management to ensure long term sustainability.

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; amount of payment; date of payment, and sufficient information to identify the transaction. The list is to be presented to the Council at the next Ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid February 2020

12.4.2. Monthly Financial Report February 2020

DATE:	24 March 2020
AUTHOR:	Acting Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the Monthly Financial Report for the period ended 29 February 2020.

Council Decision

Minute Number: 24/03/2020 - 118182

Moved: Cr M Dear

Seconded: Cr A Petherick

That Council receive the Monthly Financial Report for the period ended 29 February 2020.

Carried: 9/0

PURPOSE

For Council to receive the Monthly Financial Report for the period ended 29 February 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 25 June 2019 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute Number: 25/06/2019-118046

Moved: Cr G Lodge

Seconded: Cr J Farquhar

That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Carried 9/0

These materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS

CP/FIN-3201 Significant Accounting Policies has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Annual audit performed.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required.

COMMENTS

Comments in relation to budget to actual variances are included as notes in the Financial Report attached.

ATTACHMENTS

Attachment 1 - Monthly Financial Report February 2020

12.4.3. 2020/21 Budget - Strategic Rating Policy, Rates Modelling and Local Public Notice

Council appreciate the Coronavirus (COVID-19) pandemic has caused uncertain times for the community and the resolutions made are in recognition of the significant challenges and economic hardships the Shire's community and businesses face.

DATE:	24 March 2020
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.05.18
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating*;
2. Endorse the 2020/21 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2020/21 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1,690	32,344,138	1,129	0.1471	1.30%	4,764,031
GRV - Other Vacant	126	521,241	1,129	0.2281	78.57%	181,205
GRV - Commercial	188	12,866,633	1,129	0.1450	8.51%	1,871,404
GRV - Industrial	178	7,481,770	1,129	0.1410	5.06%	1,060,822
GRV - Rural Residential	26	272,424	1,129	0.1471	11.54%	41,748

UV - Rural Residential	199	49,502,000	1,129	0.0112	0.00%	554,422
UV - Pastoral	21	5,481,449	1,129	0.0579	4.76%	317,493
UV - Commercial/ Industrial	66	13,099,780	1,129	0.0078	30.30%	122,261
UV - Agriculture	81	60,757,309	1,129	0.0118	1.23%	717,947
UV - Horticulture	93	29,703,000	1,129	0.0103	0.00%	305,941
UV - Mining	66	1,725,962	1,129	0.2781	48.48%	500,742
UV - Mining Exploration and Prospecting	48	598,963	315	0.1390	27.08%	85,040
UV - Other	5	8,975,000	1,129	0.0066	20.00%	59,374
TOTALS	2,787	223,329,669				10,582,430

- 3. Endorse for advertising for a minimum of twenty-one (21) days and seek public submissions on:**
- a. Council Policy CP/FIN-3200 Strategic Rating (Attachment 1) that outlines the principles which underpin the proposed 2020/21 rating model, including the Object of and Reasons for Differential Rates;
 - b. The 2020/21 Rating Model (Attachment 3) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2020 for the 2020/21 financial year in accordance with section 6.36 of the *Local Government Act 1995*.
- 4. Hold a Special Council Meeting on 2 June 2020 to:**
- a. Consider Public Submissions received in relation to the Proposed Differential General Rates and Minimum Payments and Strategic Rating Policy;
 - b. Endorse Council Policy CP/FIN-3200 Strategic Rating Including the 2020/21 Rating Model, with the intention of striking rates as part of the 2020/21 Budget adoption;
 - c. Request the CEO, or their delegate to seek Ministerial approval where required by legislation.

Cr T Chafer moved an alternative substantive motion, seconded by Cr A Petherick, that Council endorse the revised Council Policy *CP/FIN-3200 Strategic Rating* and the 2020/21 Rating Model to reflect a 0% rate increase.

Council Decision

Minute Number: 24/03/2020 - 118183

Moved: Cr T Chafer

Seconded: Cr A Petherick

That Council:

1. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating*;
2. Endorse the 2020/21 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2020/21 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1,690	32,344,138	1,112	0.1449	1.30%	4,692,778
GRV - Other Vacant	126	521,241	1,112	0.2247	78.57%	178,487
GRV - Commercial	188	12,866,633	1,112	0.1429	8.51%	1,844,290
GRV - Industrial	178	7,481,770	1,112	0.1389	5.06%	1,045,021
GRV - Rural Residential	26	272,424	1,112	0.1449	11.54%	41,123
UV - Rural Residential	199	49,502,000	1,112	0.0110	0.00%	544,522
UV - Pastoral	21	5,481,449	1,112	0.0570	4.76%	312,559
UV - Commercial/ Industrial	66	13,099,780	1,112	0.0077	30.30%	120,643
UV - Agriculture	81	60,757,309	1,112	0.0116	1.23%	705,781
UV - Horticulture	93	29,703,000	1,112	0.0101	0.00%	300,000
UV - Mining	66	1,725,962	1,112	0.2740	48.48%	493,349
UV - Mining Exploration and	48	598,963	310	0.1369	27.08%	83,752

Prospecting						
UV - Other	5	8,975,000	1,112	0.0065	20.00%	58,475
TOTALS	2,787	223,329,669				10,420,780

3. Endorse for advertising for a minimum of twenty-one (21) days and seek public submissions on:
- Council Policy CP/FIN-3200 Strategic Rating (Attachment 1) that outlines the principles which underpin the proposed 2020/21 rating model, including the Object of and Reasons for Differential Rates;
 - The 2020/21 Rating Model (Attachment 2) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2020 for the 2020/21 financial year in accordance with section 6.36 of the *Local Government Act 1995*.
4. Hold a Special Council Meeting on 2 June 2020 to:
- Consider Public Submissions received in relation to the Proposed Differential General Rates and Minimum Payments and Strategic Rating Policy;
 - Endorse Council Policy CP/FIN-3200 Strategic Rating Including the 2020/21 Rating Model, with the intention of striking rates as part of the 2020/21 Budget adoption;
 - Request the CEO, or their delegate to seek Ministerial approval where required by legislation.

Carried: 9/0

PURPOSE

For the Council to consider the amendments to Council Policy *CP/FIN-3200 Strategic Rating* and the rating model prepared based on the updated Policy and for the Council to further endorse for advertising and community engagement Council Policy *CP/FIN-3200 Strategic Rating* and the attached rating model.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Lead - Plan and provide direction through policy and practices
Regulate - Responsible for enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Rates revenue is a substantial source of discretionary revenue for the Shire of Wyndham East Kimberley, accounting for approximately 47 % of the total operating revenue in the

adopted 2019/20 Budget. The *Local Government Act 1995* (the Act) empowers local governments to impose differential general rates and minimum payments on rateable land.

The Shire of Wyndham East Kimberley has adopted a differential general rate and general minimum payments for a number of years. The imposition of differential rates is a conscious decision by the Council to distribute the rate burden in its district by imposing a higher impost on some ratepayers and a lower impost on others.

The overall objective of a rating model is to provide for the net funding requirements of the Shire's services, activities, financing costs and the current and future capital requirements of the Shire as outlined in the Strategic Community Plan, Long Term Financial Plan and Corporate Business Plan. Asset management is a significant challenge for all local governments and any rating model must also support asset renewal and replacement requirements in line with defined service levels.

In accordance with the Act, the Minister for Local Government, Heritage, Culture and the Arts is authorised to approve the following in relation to rates:

- The imposition of a differential general rate which is twice the lowest differential general rate imposed by a local government;
- A minimum payment on vacant land that does not comply with legislative provisions;
- Changes in the method of valuation of land; and
- Land exempt from rates.

The Department of Local Government, Sport and Cultural Industries has developed a range of policies and application forms to ensure that local governments provide all the necessary information.

The Council adopted a revised Council Policy *CP/FIN-3200 Strategic Rating* during 2014/15 which utilised five (5) principles (these continue to be applied in the current planning considerations) in the development of the rating methodology being:

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability.

The differential rates applied ensure greater equity and contribution of rates according to land use, zoning or a combination of these. The 2014/15 financial year was the first year that the differential rating model (including minimum payments) attempted to align with the Town Planning Scheme No. 7 Kununurra and Environs (TPS7) and the Town Planning Scheme No. 6 Wyndham Townsite (TPS6) in an effort to ensure greater equity across the rating differential categories. The Shire of Wyndham East Kimberley Local Planning Scheme No. 9

(LPS9) was gazetted on 19 February 2019 and Council Policy *CP/FIN-3200 Strategic Rating* was amended in April 2019 to incorporate changes to ensure continued alignment of the rating model with the Local Planning Scheme LPS9.

Rates are calculated by multiplying the valuation (either GRV or UV), provided by Landgate (the Valuer-General), with a rate in the dollar, imposed by the Council. When Landgate perform a general revaluation of properties as was the case for the 2018/19 budget process, the Shire can adjust the rate in the dollar to offset significant fluctuations in valuation in order to maintain the overall rate yield (amount of rates collected) and preserve the rate yield per category. It is customary to preserve the ratios between the different rate categories by increasing the yield from each category uniformly on an annual basis to maintain the service levels provided by the Shire. This is the “rate increase” and is subject to much community comment. Please note that this does not mean that the rate in the dollar will increase uniformly.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

5.63. Some interests need not be disclosed

- (1) *Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —*
- (a) *an interest common to a significant number of electors or ratepayers; or*
 - (b) *an interest in the imposition of any rate, charge or fee by the local government; or*
 - (c) *an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers...*

Local Government Act 1995

Part 6

Division 6 – Rates and service charges

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
- (a) *the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*
 - (b) *the predominant purpose for which the land is held or used as determined by the local government;*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*

- (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during the financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than -*
- (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),*
- on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of -*
- (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),*
- unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories -*

- (a) to land rated on gross rental value;*
- (b) to land rated on unimproved value; and*
- (c) to each differential rating category where a differential general rate is imposed.*

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) A notice referred to in subsection (1)*
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) is to contain -*
 - (i) details of each rate or minimum payment the local government intends to impose;*
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) Where a local government -*
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

Local Government (Financial Management) Regulations 1996

52A. Differential general rates — s. 6.33(1)(d)

6.33 (1)(d) For the purposes of section 6.33(1)(d), the following are prescribed characteristics —

(a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);

(b) whether or not the land is situated in a particular part of the district of the local government.

POLICY IMPLICATIONS

The proposed differential general rates and minimum payments in the rate model are based on the Council's revised Policy *CP/FIN-3200 Strategic Rating* that aligns the rating model closely to LPS9 in terms of land use.

If there are modifications to the differential general rates or minimum payments from those proposed, then Council Policy *CP/FIN-3200 Strategic Rating* may need to be amended to reflect the modifications.

FINANCIAL IMPLICATIONS

The differential general rates and minimum payments as per the rating model are expected to yield total rate revenue of \$10,582,430. The increase in total rate revenue over the 2019/20 Budget is 1.53% or \$159,794. The rate revenue generated is based on a negative natural growth of -0.02% and an average rate increase of 1.53%.

The impact of having 0% rate increases in both the 2018/19 and 2019/20 financial years required Shire officers, as part of the budget process, to critically evaluate the expenditure estimates for efficiencies and possible savings, and to prioritise expenditure. The process of identifying efficiency gains is ongoing and Shire officers aim to continue to seek to provide better value for money for the rates the community pays. The 2020/21 budget will reflect these efficiency gains once finalised.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Implementation of LTTP and Annual Budget. Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines.

In accordance with legislative requirements it is proposed to provide local public notice of the proposed rates in the dollar for a period of 21 days and seek public submissions.

Public notification will include the following:

- Local public notice in the Kimberley Echo on 7 May;
- Local public notice in the May issue of the Bastion Bulletin;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2020/21 placed on the Coles noticeboard on 1 May;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2020/21 placed on the IGA noticeboard on 1 May;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2020/21 placed on the Wyndham Post Office noticeboard on 1 May
- The Shire's Facebook page and website on 1 May;
- Media Release on 1 May;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2020/21, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire's website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 1 May.

COMMENTS

The rate setting process is governed by the Council Policy *CP/FIN-3200 Strategic Rating*. The rate setting formula is essentially a simple one whereby the amount of rates a property pays is determined by applying a rate in the dollar to the value assigned to the property. However, both parts of this equation have variable aspects to them and these are laid out in the policy.

The policy allows for the rate in the dollar to be determined on a differential basis. The Shire rates different land uses differently and employs the use of minimum payments.

In determining the rate yield (amount of rates collected) "natural growth" is one of the first components considered. It is determined by applying the prior year rate in the dollar to the rates base as amended before any general revaluation is factored in. Additional rate income generated by natural growth is generally attributed to providing Shire services that those properties will now use. The Shire has had negative natural growth of -0.02% for the 2019/20 year to date.

The rate setting process requires officers to determine a rate in the dollar based on the policy. It is therefore prudent that the policy is amended at the same time as the proposed rates are approved for community consultation.

Shire officers also need to consider surrounding circumstances such as the state of the local economy and neighbouring districts when considering their rate in the dollar and any proposed increase. Though the local economy remains sluggish at this time there are signs that indicate possible positive future investment in the local economy. Rates levied across other Kimberley Shire's have also been regarded and with all things considered it is the opinion of officers that the Shire's rating levels are fair and reasonable.

Proposed rate in the dollar

While the proposed percentage rate increase in the dollar is generally subject to the most scrutiny, there are other aspects of setting the rate in the dollar that need to be highlighted. It is critical to note that the change to the actual rate in the dollar is only one factor of the rate setting process. Other factors comprise of changes to the rates base. This can be changes to the total number of rateable properties, the mix between each rating category and the change in values placed on properties within each rating category.

The changes in property values can happen on an incremental basis or on a periodic basis as part of a general revaluation of municipal properties. It is the combination of these factors that will have to be taken into account in assessing their impact on the rate in the dollar before assessing what increase to apply. The Shire attempts to ensure that the actual dollar value that a ratepayer pays increases as close to the increase percentage as possible. The Shire is aware that in the 2020/21 year, the annual rental for pastoral leases within the district are expected to increase significantly. This will have a direct impact on the UV valuations and it is anticipated that the UV Pastoral rate in the dollar will need to be adjusted in order to maintain the overall rate yield. These adjustments will take place once the annual UV valuation schedule is received.

In deciding what increase to apply to the rate in the dollar there are a number of indicators that can be used in order to ensure objectivity in the process. The most popular one is the Consumer Price Index (CPI). The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a basket of goods measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that the Shire incur in delivering our services. This index does however give the Shire an indication of the impact rising prices has on household income and the state of the economy in broad terms. The Perth CPI data for the 2019/20 Financial Year is forecast to increase by 1.75% and then at an average of 2.2% per annum between 2020-21 and 2022-23.

A more accurate measure of the Shire's cost profile is the Local Government Cost Index (LGCI). This index is based on the 'bundle of goods' relating to local government and reflects the proportion of general construction activity in the form of works such as roads, bridges and facilities for recreation and community. The LGCI therefore provides an indication of those changes in costs that relate more closely to the function of local government.

The Shire utilises the LGCI forecasts that are in the WALGA Local Government Economic Briefing. The forecast for the remainder of the 2019/20 year is 1.6%. The Shire raised rates by 0% in relation to this in the 2019/20 budget. This means that on average the purchasing power of funds available for the Shire to continue to maintain current service levels has decreased by 1.6% for the 2019/20 year. This is on top of the 1.7% decrease due to the adopted 0% increase in the 2018/19 year. The forecast for the 2020/21 financial year is a 1.8% increase in LGCI. Where the Shire sets a rate yield increase of less than the LGCI, it will have to find operational savings to ensure current service levels are maintained.

Shire officers have undertaken modelling using various rates. The model that is preferred by Shire officers is one with a rate increase of 1.5% as this provides additional funds to maintain current service levels but still requires the Shire to examine its cost structure to ensure that it is efficient in the delivery of its services. A 1.5% rate increase will be again below the anticipated increase to the cost of delivering Shire services.

The table below is an excerpt of the rating model which reflects the average weekly increase if a 1.5% increase in the rate in the dollar is adopted. The full model demonstrating a 1.5% increase in the rate in the dollar is provided in attachment 3. The full model shows that natural growth will result in a 0.02% decrease in total rate revenue and that the 1.5% increase in the rate in the dollar will result in an additional 1.55% increase in total rate revenue resulting in an overall increase in rate revenue of approximately 1.53%.

Differential Rating Category	Proposed Rates Revenue 2020/21 \$	Average Rates Payable 2020/21 \$	Average weekly increase/decrease compared to 2019/20 \$
GRV - Residential	4,764,031	2,841.24	0.82
GRV - Other Vacant	181,205	2,571.63	0.74
GRV - Commercial	1,871,404	10,775.23	3.00
GRV - Industrial	1,060,822	6,216.93	1.78
GRV - Rural Residential	41,748	1,667.87	0.48
UV - Rural Residential	554,422	2,786.04	0.96
UV - Pastoral	317,493	15,818.20	4.73
UV - Commercial/ Industrial	122,261	2,166.98	0.53
UV - Agriculture	717,947	8,960.23	2.92
UV - Horticulture	305,941	3,289.69	1.23
UV - Mining	500,742	13,665.12	3.87
UV - Mining Exploration and Prospecting	85,040	2,312.71	0.67

UV - Other	59,374	14,561.25	4.24
TOTALS	10,582,430		

Other Factors

Shire officers recognise that the Shire has relatively high rates. Some of the factors that lead to having higher rates are unavoidable. However, the Shire needs to continue to address the cost of service delivery aspects of the operation thoroughly to ensure that rate increases continue to be moderate. Matters that continue to be addressed include officers compiling detailed forward capital works programs to determine the timing and extent of funds needed to renew the Shire’s asset base and how those works are delivered. The Shire also needs to establish and document the services that the community value, the service levels required and the ongoing cost of providing those services. The financial strategies as set out in the Long Term Financial Plan are being implemented to ensure that the Shire progresses to a sustainable and consistently moderately rated Shire.

Summary

The rating model that is proposed considers a range of factors in determining the rate in the dollar. The revenue that the proposed rate in the dollar will raise will be sufficient for the Shire to meet its statutory obligations and maintain Shire services at current service levels. Shire Officers further consider that an average rate yield increase of 1.5% is consistent and reasonable in the circumstances.

ATTACHMENTS

Attachment 1 - Council Policy *CP-FIN-3200 Strategic Rating - Draft*

Attachment 2 - Rating Model 2020-21 - Natural Growth

Attachment 3 - Rating Model 2020-21 - 1.5% Increase

12.4.4. CP/FIN-3204 Purchasing Policy Review

DATE:	24 March 2020
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the reviewed Policy *CP/FIN-3204 Purchasing*.

Council Decision

Minute Number: 24/03/2020 - 118184

Moved: Cr G Lodge

Seconded: Cr M McKittrick

That Council adopt the reviewed Policy *CP/FIN-3204 Purchasing*.

**Carried: 8/1
Against: Cr A Petherick**

PURPOSE

To consider amendments to *CP/FIN-3204 Purchasing*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

CP/FIN-3204 Purchasing was last reviewed on 27 August 2019.

STATUTORY IMPLICATIONS

A local government is to adopt a purchasing policy in accordance Regulation 11A, *Local Government (Functions and General) Regulations 1996*

POLICY IMPLICATIONS

If the Council adopts the proposed review amendments to *CP/FIN-3204 Purchasing*, the policy will be amended to reflect the changes.

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Review policies in accordance with the review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

CP/FIN-3204 Purchasing is scheduled for review under the policy review schedule.

As part of this review, the following has been amended:

1. Reformatting changes;
2. Addition of two quotation exemptions;; and
3. Update to the Policy risks.

Further to point 1, the Policy has been reformatted for clarity and to improve readability, and has included text changes to more accurately align the content with legislation.

Concerning point 2, the review has included the addition of two additional purchasing exemptions as listed under Section 3.6. The first being; an exemption to facilitate scheduled servicing and the purchase of genuine parts and consumables with Original Equipment Manufacturers, and the second; an exemption for salary sacrificing arrangements.

Original Equipment Manufacturers are equipment manufacturers who supply equipment bespoke to their company. For example the Shire's security screening equipment at the East Kimberley Regional Airport can only be serviced or receive spare parts/consumables from the Original Equipment Manufacturer.

This Purchasing Policy exemption will enable Shire officers to seek goods and services direct from Original Equipment Manufacturers without needing to undergo a competitive quotation process for related servicing, repairs, spare parts and consumables.

The second exemption is for salary sacrificing arrangements. Shire staff are eligible to access salary sacrificing arrangements with participating providers. Some providers require the arrangement to include a purchase order and invoicing process with the Shire. The exemption is necessary to negate the policy requirement to provide supporting purchasing documentation with each purchase order.

And lastly concerning point 3, the policy risks have been updated to align with the new strategic risk register.

No further amendments are recommended as part of this review.

ATTACHMENTS

Attachment 1 - CP/FIN-3204 Purchasing - Review March 2020 - FINAL

12.4.5. CP/FIN-3217 Regional Price Preference Policy Review

Council appreciate the Coronavirus (COVID-19) pandemic has caused uncertain times for the community and the resolutions made are in recognition of the significant challenges and economic hardships the Shire's community and businesses face.

DATE:	24 March 2020
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the reviewed *CP/FIN-3217 Regional Price Preference*.

Cr M McKittrick moved an alternative substantive motion, and Cr A Petherick seconded, that Council adopt the reviewed CP/FIN-3217 Regional Price Preference subject to an increase to 15% (up to a maximum price reduction of \$50,000) for goods and/or services.

Council Decision

Minute Number: 24/03/2020 - 118185

Moved: Cr M McKittrick

Seconded: Cr A Petherick

That Council adopt the reviewed *CP/FIN-3217 Regional Price Preference* subject to an increase to 15% (up to a maximum price reduction of \$50,000) for goods and/or services.

Lost: 2/7

Against: Cr N Brook, Cr T Chafer, Cr M Dear, Cr J Farquhar, Cr G Lodge, Cr D Menzel and Cr D Pearce,

Cr T Chafer foreshadowed, and Cr D Pearce seconded, an alternative substantive motion that Council adopt the reviewed *CP/FIN-3217 Regional Price Preference* subject to:

1. An amended review date of March 2021; and
2. The following changes to *Section 3.3. Percentage and Price Preference*:
 - a. an increase to 20% (up to a maximum price reduction of \$50,000) for goods and/or services; or

- b. an increase to 10% (up to a maximum price reduction of \$50,000) for construction (building) services; or
- c. an increase to 20% (up to a maximum price reduction of \$50,000) for goods and/or services (including construction (building) services) if tenders/quotations are being sought for the first time for goods or services currently undertaken by Council.

Council Decision

Minute Number: 24/03/2020 - 118186

Moved: Cr T Chafer

Seconded: Cr D Pearce

That Council adopt the reviewed *CP/FIN-3217 Regional Price Preference* subject to:

- 1. An amended review date of March 2021; and**
- 2. The following changes to *Section 3.3. Percentage and Price Preference*:**
 - a. an increase to 20% (up to a maximum price reduction of \$50,000) for goods and/or services; or**
 - b. an increase to 10% (up to a maximum price reduction of \$50,000) for construction (building) services; or**
 - c. an increase to 20% (up to a maximum price reduction of \$50,000) for goods and/or services (including construction (building) services) if tenders/quotations are being sought for the first time for goods or services currently undertaken by Council.**

Carried: 9/0

PURPOSE

To consider the review amendments to *CP/FIN-3217 Regional Price Preference*

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

CP/FIN-3217 Regional Price Preference was last reviewed at the 24 July 2018 Ordinary Council Meeting.

STATUTORY IMPLICATIONS

The Council's Regional Price Preference Policy is to comply with the Local Government (Functions and General) Regulations 1996, particularly Part 4A.

POLICY IMPLICATIONS

If the Council adopts the proposed review amendments to Council Policy *CP/FIN-3217 Regional Price Preference*, the policy will be amended to reflect the changes.

FINANCIAL IMPLICATIONS

No financial implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Review policies in accordance with the review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

CP/FIN-3217 Regional Price Preference is scheduled for review under the policy review schedule.

As part of this review, the policy risks have been updated to align with the new strategic risk register.

No further amendments are recommended as part of this review.

ATTACHMENTS

Attachment 1 - *CP/FIN-3217 Regional Price Preference - Review March 2020 - FINAL*

12.4.6. CP/FIN-3218 Pre-Qualified Supplier Panel Policy Review

DATE:	24 March 2020
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the reviewed Policy *CP/FIN 3218 Pre-Qualified Supplier Panels*.

Council Decision

Minute Number: 24/03/2020 - 118187

Moved: Cr J Farquhar

Seconded: Cr M Dear

That Council adopt the reviewed Policy *CP/FIN 3218 Pre-Qualified Supplier Panels*.

Carried: 9/0

PURPOSE

To consider the review amendments to *CP/FIN 3218 Pre-Qualified Supplier Panels*

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

CP/FIN 3218 Pre-Qualified Supplier Panels was adopted at the 22 August 2017 Ordinary Council Meeting.

STATUTORY IMPLICATIONS

CP/FIN 3218 Pre-Qualified Supplier Panels is to comply with the Local Government (Functions and General) Regulations 1996, Division 3 - Panels of pre-qualified suppliers.

POLICY IMPLICATIONS

If the Council adopts the proposed review amendments to *CP/FIN 3218 Pre-Qualified Supplier Panels*, the policy will be amended to reflect the changes.

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Review policies in accordance with the review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

CP/FIN 3218 Pre-Qualified Supplier Panels is scheduled for review under the policy review schedule.

As part of this review, the policy risks have been updated to align with the new strategic risk register.

No further amendments are recommended as part of this review.

ATTACHMENTS

Attachment 1 - *CP/FIN 3218 Pre-Qualified Supplier Panels* - Review March 2020 - FINAL

12.4.7. Policy Review - CP/CNC-3141 Elected Member Allowances and Entitlements

Council appreciate the Coronavirus (COVID-19) pandemic has caused uncertain times for the community and the resolutions made are in recognition of the significant challenges and economic hardships the Shire's community and businesses face.

DATE:	24 March 2020
AUTHOR:	Acting Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended Council Policy CP/CNC-3141 Elected Members Allowances.

Cr M McKittrick moved an alternative substantive motion, and Cr A Petherick seconded, that Council adopt the amended Council Policy *CP/CNC-3141 Elected Members Allowances*, but with a reduction in allowances to 60% of the maximum figure as determined by the State Administration Tribunal (SAT).

Council Decision

Minute Number: 24/03/2020 - 118188

Moved: Cr M McKittrick

Seconded: Cr A Petherick

That Council adopt the amended Council Policy CP/CNC-3141 Elected Members Allowances, but with a reduction in allowances to 60% of the maximum figure as determined by the State Administration Tribunal (SAT).

Carried: 9/0

PURPOSE

For Council to consider the amended Council Policy *CP/CNC-3141 Elected Member Allowances and Entitlements* to provide the Administration with the policy framework to determine Members Allowances and Entitlements in the annual budget process for the 2020/21 financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Lead - Plan and provide direction through policy and practices.

Regulate - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council considers Members Allowances and Entitlements on an annual basis. For the 2017/18 financial year the Commissioner reduced the amounts down from 100% of the maximum Salaries and Allowances Tribunal (SAT) determination to 70% of the determination. Council in the 2018/19 and 2019/20 budget processes maintained the level at 70%.

COUNCIL DECISION

Minute Number: 25/06/2019 - 118045

Moved: Cr D Pearce

Seconded: Cr N Brook

That Council:

- 1. Notes that the Elected Members annual attendance fees and annual allowances have been determined with reference to the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 26 March 2019 Ordinary Meeting of Council (Minute No. 26/03/2019 - 115960) to be incorporated into the 2019/20 Municipal Fund Budget.**
- 2. Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 26 March 2019 Ordinary Meeting of Council (Minute No. 26/03/2019 - 115960) provide for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:**
 - a. The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - d. The Deputy President's Annual Allowance is 25% of the President's Allowance.**
 - e. The Elected Members will receive an ICT Allowance of \$2,400 per annum.**
- 3. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:**
 - a. President \$21,804**
 - b. Councillors \$16,211**

4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$44,341
5. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$11,085

Carried 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995 Division 8 — Local government payments and gifts to its members

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid

—

(a) the fee determined for attending a council or committee meeting; or

(b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —

(a) the fee determined for attending a meeting of that type; or

(b) where the local government has set a fee within the range determined for meetings of that type, that fee.

(2) A council member who incurs an expense of a kind prescribed as being an expense

—

(a) to be reimbursed by all local governments; or

(b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
- (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
- (a) the annual local government allowance determined for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
- (a) make any payment to; or
 - (b) reimburse an expense of,
- a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a committee meeting is a reference to a meeting of a committee comprising —
- (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended: No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

[Section 5.98A inserted: No. 64 of 1998 s. 37; amended: No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

** Absolute majority required.*

[Section 5.99 amended: No. 2 of 2012 s. 16.]

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) *A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —*

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or*
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,*

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

- (2) *For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —*

- (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;*
- (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.*

[Section 5.99A inserted: No. 64 of 1998 s. 38; amended: No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

The financial implications of this policy will be contained in the 2020/21 Annual Budget. At this stage of the budget process assuming that there is no change to the policy and the maximum amounts contained in the 2020 Salaries and Allowances Tribunal (SAT) determination increase by a similar amount to the previous year, the funding requirement is estimated to be \$230,000.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire

Strategy 4.3.3: Build internal capacity by attracting, developing and retaining the best people

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required. Community engagement on the budget in general will be conducted later in the budget process.

COMMENTS

The Salaries and Allowances Tribunal (SAT) determination for 2020 has not been published as at the time of preparing this report. Shire Officers do not expect that the 2020 determination will be materially different to the 2019 determination. The 2020 determination

is expected to be published in April 2020 after which the amounts for Members Allowances and Entitlements will be finalised for budget preparation purposes. The Members Allowances and Entitlements will be reported to Council as part of the 2020/21 Annual Budget at the June 2020 Ordinary Council Meeting. Minor amendments have been made to Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements to update legislative references and to ensure continued alignment with Council's Strategic Risk Register.

ATTACHMENTS

Attachment 1 - Revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements

Attachment 2 - SAT Local Government CEO and Elected Members Determination 2019

12.4.8. Review of CP-FIN 3211 Fees and Charges Pricing Policy

DATE:	24 March 2020
AUTHOR:	Acting Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.05.18
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended CP-FIN 3211 Fees and Charges Pricing Policy.

Council Decision

Minute Number: 24/03/2020 - 118189

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council adopt the amended CP-FIN 3211 Fees and Charges Pricing Policy.

Carried: 9/0

PURPOSE

For Council to consider the amended CP-FIN 3211 Fees and Charges Pricing Policy prior to the review of the Fees and Charges Schedule for the 2020/21 financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provide - Provide physical infrastructure and essential services

Regulate - Responsible for the enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Fees and charges are generally established as part of the annual budget setting process. The 2014/15 financial year was the first year that the Council resolved to apply pricing principles and a pricing basis methodology to ensure fair and reasonable charging to the community for the goods and services that the Shire provides. The Policy was reviewed at the 28 April 2015 Ordinary Council meeting. The Policy was originally due for review in 2019,

but Shire Officers considered that it would be prudent to review the Policy on an annual basis as part of the Fees and Charges setting process. This process has been implemented and it was last reviewed in March 2019.

COUNCIL DECISION

Minute No. 26/03/2019 - 115959

Moved: Cr J Farquhar

Seconded: Cr N Brook

That Council adopts the revised Council Policy CP-FIN 3211 Fees and Charges Pricing.

Carried 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 5

6.16 Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- _____ (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

* Absolute majority required.

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative

provider.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

The application of the Policy and associated financial impacts is not finalised for the 2020/21 Budget at this stage of the budget process. Any significant changes to individual fees and charges will be identified as part of the revised Fees and Charges Schedule that will be presented to the Council for adoption at a later stage in the process. At this stage in the budget process Fees and Charges for the 2020/21 financial year are estimated to be \$8.7 million.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4 Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Controls: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.
Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with Section 6.19 of the Local Government Act 1995; this outlines the requirements for the Shire to provide local public notice of fees and charges.

COMMENTS

The Policy has been reviewed to ensure legislation is referenced correctly and the goods and services pricing basis are still relevant. The Policy makes for good governance in that it provides the community with transparency as to what factors are considered when the Council reviews its annual fees and charges, and also provides guidance for officers as to what principals need to be considered when recommending fees and charges for goods or services. Minor amendments have been made to the policy to ensure continued alignment with Council's Strategic Risk Register.

ATTACHMENTS

Attachment 1 - Amended Policy CP/FIN-3211 Fees and Charges Pricing

12.4.9. Schedule of Fees and Charges for 2020/21

Council appreciate the Coronavirus (COVID-19) pandemic has caused uncertain times for the community and the resolutions made are in recognition of the significant challenges and economic hardships the Shire's community and businesses face.

DATE:	24 March 2020
AUTHOR:	Acting Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.05.20
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the *Local Government Act 1995*, adopt the proposed Schedule of Fees and Charges for 2020/21 outlined in attachment 1 to be effective from either 1 July 2020 or 1 January 2021, whichever date is applicable as indicated in the attachment; and**
- 2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2020/21, to apply from 1 July 2020 or 1 January 2021 as applicable, in accordance with section 6.19 of the *Local Government Act 1995*; and**
- 3. Pursuant to Section 6.13 of the *Local Government Act 1995*, impose interest at 9% on any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214-Sundry Debt Collection.**

Cr T Chafer moved an alternative substantive motion, seconded by Cr M McKittrick, that all Fees and Charges that have been increased by 1.5% from the 2019/20 Fee or Charge be amended to reflect a 0% increase.

Council Decision

Minute Number: 24/03/2020 - 118190

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council:

1. Pursuant to section 6.16 and 6.18 of the *Local Government Act 1995*, adopt the proposed Schedule of Fees and Charges for 2020/21 outlined in attachment 1 to be effective from either 1 July 2020 or 1 January 2021, whichever date is applicable as indicated in the attachment, subject to:
 - All Fees and Charges that have been increased by 1.5% from the 2019/20 Fee or Charge be amended to reflect a 0% increase; and
2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2020/21, to apply from 1 July 2020 or 1 January 2021 as applicable, in accordance with section 6.19 of the *Local Government Act 1995*; and
3. Pursuant to Section 6.13 of the *Local Government Act 1995*, impose interest at 9% on any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214-Sundry Debt Collection.

Carried: 9/0

PURPOSE

For the Council to consider adopting the Schedule of Fees and Charges for 2020/21 to commence from 1 July 2020 or 1 January 2021 whichever is applicable, as indicated in Attachment 1 to the report, including interest charges levied under section 6.13 of the *Local Government Act 1995*. For Council to further authorise the CEO to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2020/21 from the applicable dates.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Lead - plan and provide direction through policy and practices

Fund - Provide funds or other resources

Regulate - Responsible for the enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopts the Schedule of Fees and Charges on an annual basis in accordance with section 6.16(1) of the *Local Government Act 1995*. In terms of this section the Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed. The Council has approximately 700 different fees and charges. Some of these fees and charges can be implemented from 1 July 2020 and it is therefore recommended that the proposed Fees and Charges are adopted prior to the adoption of the annual budget.

All Fees and Charges have been reviewed by Council officers with recommended changes incorporated in the draft Schedule of Fees and Charges. If approved these Fees and Charges will be used by Shire officers when compiling the 2020/21 Annual Budget.

At the Ordinary Council Meeting on 30 April 2019 Council resolved the following:

COUNCIL DECISION

Minute Number: 30/04/2019-118009

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopts the proposed Schedule of Fees and Charges for 2019/20 outlined in Attachment 1 to be effective from either 1 July 2019 or 1 January 2020, whichever date is applicable as indicated in the Attachment; and**
- 2. Requests the Chief Executive Officer to give local public notice of the Council's intention to impose the Schedule of Fees and Charges 2019/20, to apply from 1 July 2019 or 1 January 2020 as applicable, in accordance with section 6.19 of the Local Government Act 1995; and**
- 3. Pursuant to Section 6.13 of the Local Government Act 1995, impose interest at 9% on any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214-Sundry Debt Collection.**

Carried 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(4) The annual budget is to incorporate —

(c) the fees and charges proposed to be imposed by the local government...

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

6.16 Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods; and

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

(a) under section 5.96; or

(b) under section 6.16(2)(d); or

(c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

(a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

19A. Maximum rate of interest prescribed (Act s. 6.13(3))

The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

POLICY IMPLICATIONS

The Council Policy CP-FIN 3211 Fees and Charges Pricing Policy has been amended and will be presented to Council for consideration at the 24 March 2020 Ordinary Council Meeting.

FINANCIAL IMPLICATIONS

The setting of fees and charges for 2020/21 has a minor impact on the current financial year in relation to costs associated with implementing the changes to be effective from 1 July 2020. It has significant financial implications for 2020/21 financial year and the setting of the Annual Budget for 2020/21.

Fees and Charges for the 2019/20 financial year are forecast to be on budget at \$8.671 million. Assuming the same mix of services are provided for the 2020/21 financial year and an average increase of 1.5% in Fees and Charges, the budgeted yield will be approximately \$8.8 m.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Controls: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include:

- Shire officers responsible for fees and charges;
- Councillor briefing conducted during April 2020;
- Feedback from the community will be considered after local public notice has been given;
- Where material changes are made to fees and charges, notices to current debtors who may be affected will be given.

COMMENTS

The Draft Schedule of Fees and Charges 2020/21 was compiled with reference to Council Policy *CP/FIN-3211 Fees and Charges Pricing*. The policy acknowledges that there are competing priorities between community service obligations, maintaining infrastructure and ensuring that the community is not unduly burdened. It further acknowledges that there are fees in which the Shire has no discretion as they are regulatory fees set by other legislation. In setting the Fees and Charges, Shire officers attempt to ensure that a fair balance is maintained between the service levels provided, the cost of providing those services and the extent of subsidising the services provided.

A significant factor in setting Fees and Charges is deciding what increment to implement. Traditionally this has always been determined with reference to the Consumer Price Index (CPI). This index is not a good measure of the change in the cost of doing business for local government. A better measure is the Local Government Cost Index (LGCI). In 2019/20 the

Shire used an increment of 1.5% which was determined by reference to LGCI data at the time. The latest WALGA data from their February 2020 Economic Briefing indicates that the LGCI for 2019/20 is forecast to be 1.6%. They are further forecasting that the LGCI for 2020/21 will be 1.8%.

Shire officers have determined the Draft Fees and Charges by using an increase of 1.5% on average. Officers believe that this increase is reasonable in the current economic climate. This also equates to the recommended increase in rate in the dollar to be advertised for the purposes of determining rate revenue. Emphasis will be placed on being more cost effective in providing the services in order to maintain consistency in the level of subsidisation.

The Draft Fees and Charges have been determined on the assumption that the option for the landfill sites to accept domestic waste from residential premises at no charge will continue for the 2020/21 financial year.

ATTACHMENTS

Attachment 1 - Draft Schedule of Fees and Charges 2020-21

12.5. INFRASTRUCTURE

NIL.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL.

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

NIL.

15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.1. CORONAVIRUS (COVID-19) RESPONSE PLAN

DATE:	24 March 2020
AUTHOR:	Various
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	GN.10.4
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approves the Shire incurring expenditure from its municipal fund for the additional purposes of the COVID-19 initiatives pursuant to section 6.8(1)(b) of the Local Government Act 1995;
2. Approves Council ordinary meetings being attended by Councillors by telephone or other means of instantaneous communication pursuant to regulation 14A of the Local Government (Administration) Regulations 1996, or in compliance with any legislative amendment by the Federal and/or State Government coming into effect;
3. Requests the Acting Chief Executive Officer to implement the mandatory measures and directions as issued from State and Federal Government Departments as they arise;
4. Endorses the Shire's Coronavirus COVID-19 Business Continuity Risk Framework and Analysis to re-prioritise service delivery;
5. Establishes an internal incident management team to coordinate organisational responses with respect to essential service delivery, communications, human resources, logistics, emergency responses and community and business support;
6. Authorises the Chief Executive Officer in accordance with the Business COVID-19 Continuity Risk Framework to prioritise essential service delivery and the development of individual (structured) Business Continuity Plans;
7. Requests the Chief Executive Officer to report on the Business Continuity Risk Assessment and actions undertaken monthly or as otherwise required;
8. Identifies key decisions that will need to be made by Council as an initial response, particularly with respect to governance and reporting, including:

- a. Any changes to governance arrangements and meeting protocols
 - b. Budget considerations and preparation - as drawn from the Municipal Fund
 - c. Changes to service delivery levels in line with the approved Business Continuity Plans;
 - d. Emergency arrangements
 - e. Measures to address key localised impacts on the community and other actions taken to date.
9. Endorses the Position Statement of The Kimberley Zone and Kimberley Group of Council's at Attachment 1 to this report.

Council Decision

Minute Number: 24/03/2020 - 118191

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council:

1. Approves the Shire incurring expenditure from its municipal fund for the additional purposes of the COVID-19 initiatives pursuant to section 6.8(1)(b) of the Local Government Act 1995;
2. Approves Council ordinary meetings being attended by Councillors by telephone or other means of instantaneous communication pursuant to regulation 14A of the Local Government (Administration) Regulations 1996, or in compliance with any legislative amendment by the Federal and/or State Government coming into effect;
3. Requests the Acting Chief Executive Officer to implement the mandatory measures and directions as issued from State and Federal Government Departments as they arise;
4. Endorses the Shire's Coronavirus COVID-19 Business Continuity Risk Framework and Analysis to re-prioritise service delivery;
5. Establishes an internal incident management team to coordinate organisational responses with respect to essential service delivery, communications, human resources, logistics, emergency responses and community and business support;
6. Authorises the Chief Executive Officer in accordance with the Business COVID-19 Continuity Risk Framework to prioritise essential service delivery and the development of individual (structured) Business Continuity Plans;
7. Requests the Chief Executive Officer to report on the Business Continuity Risk Assessment and actions undertaken monthly or as otherwise required;
8. Identifies key decisions that will need to be made by Council as an initial response, particularly with respect to governance and reporting, including:
 - a. Any changes to governance arrangements and meeting protocols
 - b. Budget considerations and preparation - as drawn from the Municipal Fund

- c. **Changes to service delivery levels in line with the approved Business Continuity Plans;**
 - d. **Emergency arrangements**
 - e. **Measures to address key localised impacts on the community and other actions taken to date.**
- 9. Endorses the Position Statement of The Kimberley Zone and Kimberley Group of Council's at Attachment 1 to this report.**

Carried: 9/0

PURPOSE

To update Council on preparations that have already been undertaken in response to the recent coronavirus (COVID-19) outbreak, and to endorse a way forward by means of an initial response.

NATURE OF COUNCIL'S ROLE IN THE MATTER

To ensure the organisation is able to adapt appropriately to the current coronavirus COVID-19 emergency in a manner which best supports the community and supports lead emergency and health agencies in response and recovery.

BACKGROUND

On 15 March 2020, the State Government declared a State of Emergency in respect of the COVID-19 virus. The WA Department of Health was designated the lead agency and to liaise with all relevant bodies as nominated under the State Disaster Council and authorised to institute Hazard Management Arrangements (HMA) by the State and District Emergency Management Committee (SEMC and DEMC), which the Local Emergency Management Committee (LEMC) reports to.

Western Australian Government Pandemic Plan

The Western Australian Government issued their Pandemic Plan on 11 March 2020. That plan outlines a whole of government approach to protecting the community and minimising the impacts of the current pandemic, along with preparedness and recovery strategies. It supports the State Government's Hazard Plan, which was adopted last year.

The Pandemic Plan lists all possible impacts on the Western Australian community, inclusive of social, economic and health impacts and nominates the role of local government as follows (to):

- provide community leadership and support the maintenance of civil society;
- maintain emergency management plans and capabilities under the State's emergency management framework;
- maintain business continuity plans to deliver essential services;
- represent the interests of local communities and businesses in broader planning processes;

- in partnership with State and Territory Governments, inform the public of planning, preparations, response and recovery activities;
- work with State and Territory Governments to tailor public information to the needs of the community, particularly to support vulnerable groups; and
- provide support with other local resources as requested by the State Human Epidemic Controller (SHEC) or local State, Metropolitan or Regional Human Epidemic Control Centres.

A copy of this plan is available to Councillors on request.

Most relevant directions issued

WA Department of Health COVID-19 Environmental Cleaning for Workplaces (Non-Healthcare Settings)

This notice was issued 17 March 2020 and provides advice with regard to general cleaning principles, products, PPE and appropriate disinfectants.

Emergency Management Act 2005 - Remote Aboriginal Communities

The State Government, as of 18 March 2020, issued a direction under the *Emergency Management Act 2005* which restricts movements in or out of remote Aboriginal communities with the exception of obtaining medical/care supplies, an emergency or accessing supplies not currently available within the community. This has subsequently been updated.

Public Health Act 2016 Mass Gatherings Directions (No.2)

From 20 March 2020, the State Government issued an updated directive with respect to Mass Gatherings which limits outdoor gatherings to no more than 500 people and indoor gatherings to no more than 100 people. Additional limitations impact upon the 'spacing' of people in these areas to not less than 4 square metres for each person. Indoor gathering exceptions include the local supermarket or other business places. This replaced an earlier direction which had already limited outdoor and indoor gatherings. This direction has been superseded following announcements by the Federal government.

Coronavirus COVID-19 Frequently asked questions - Employment Flexibilities

This notice was issued on 12 March 2020 and provides guidance to business and organisations with regard to employment implications in light of staff needing to self-isolate, be quarantined, or otherwise work from home. WALGA had additionally issued advice with regard to this aspect of the situation.

The State Government announced on 22 March 2020 that an additional directive would be issued to restrict border movements and that these measures would come into effect from 24 March 2020.

Additional directives and measures are anticipated in the lead up to the consideration of this matter.

Information from Department of Local Government/WALGA

Advice from WALGA is that Council should give consideration to the establishment of an Incident Management Team and an advice (Local Government Pandemic Structures) has been provided as a guideline.

The Department of Local Government, Sport and Cultural Industries advised on 20 March 2020 that it was urgently progressing amendments to the Local Government (Administration) Regulations to enable Council meetings to be held online or via telephone as a way of addressing limitations around electronic meetings and quorums.

Local impact considerations

Community (residents and locally based community organisations)

It is perhaps too early for Officers to appropriately determine the breadth of measures to support residents at this time and this will need to be in collaboration with partnering agencies. Impacts on locally based community organisations are, however, apparent in light of the recent Federal Government decision to limit public gatherings and the impact on locally based events, the most notable being the Ord Valley Muster. Many locally based community organisations are likely to be adversely affected by these restrictions and cancellations/postponements either with respect to recouping costs they may have already incurred or through lost revenue. This may adversely impact on those organisations ability or capacity to run future events or to support their core activities. In response to this, Officers will review mechanisms and resources (including funding) to directly assist community groups on a case by case basis and/or to assist vulnerable people.

Economic impacts

The current pandemic will have a serious impact upon businesses, not exclusively those businesses dependent upon tourist trade. This is likely to result in job losses and reduction in economic activity and local employment. Officers over the coming weeks will be reviewing a range of options, in consultation with business and the East Kimberley Chamber of Commerce and Industry and the State and Federal Government to assist the business sector and others directly or indirectly impacted by any local economic downturn. The thrust of those investigations will be on strategies that may be developed (in collaboration) for the purpose of dealing with immediate and long-term economic effects.

Organisational impacts

Governance arrangements

The Department of Local Government, Sport and Cultural Industries are urgently amending the applicable regulations relating to quorum size and public participation. These regulations will be complete by the end of the week. Ensuring effective governance processes (compliance) are in place as the pandemic develops will be critical to ensuring collective and consistent action. Decision making and the two way delivery of information between the Administration and Council will require a significant focus, and it's likely that our current governance processes will not be sufficient. Consideration will be given to rotating Councillors via electronic means for meetings.

It is hoped that most of the decisions that are statutory and require a decision of Council are facilitated with urgency. Ordinary Council Meetings and Special Council Meetings to facilitate these governance decisions may be required.

Statutory reference with respect to governance arrangements for meetings are found at Section 5.3 of the *Local Government Act 1995* (below):

5.3. *Ordinary and special council meetings*

Convening council meetings

(1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*

(2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

A calling of a Special Council meeting does not necessitate notice when in accordance with the Shire's Meeting Procedures Local Law 2016 Part 3 s3.1 "*for the purpose of considering and dealing with Council Business that is urgent, complex in nature, for a particular purpose or is confidential*". The convening of a Council meeting should occur with 72 hours notice for matters to be dealt with otherwise. It is important that we recognise the appropriateness of each type of meeting as the Shire will continue to be held to high account by the community and transparency in decision making for the benefit of the community will be paramount.

There are provisions in the in the *Local Government Act 1995* for expenditure from the municipal fund not included in the annual budget in an emergency, it is expected that emergency expenditure will be required as the pandemic continues:

6.8. *Expenditure from municipal fund not included in annual budget*

(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

(a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*

(b) *is authorised in advance by resolution**; or

(c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

(1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

(2) *Where expenditure has been incurred by a local government —*

(a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

(b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

[Section 6.8 amended: No. 1 of 1998 s. 19.]

Shire buildings and facilities

The Shire has issued directives to all facilities to increase hygiene measures and to enforce directions with regard to personal distancing, building number capacity etc. All recreation centres and swimming pools have been closed and public access has been restricted to libraries.

At this stage, the East Kimberley Regional Airport (EKRA) is fully operational. Additional hygiene measures have been initiated and the Manager is reviewing gatherings within the main terminal, including for baggage retrieval. It is possible that EKRA operations will be reduced in the future and both airports will need to be maintained operationally for medical evacuation (RFDS) and for transporting supplies.

The coronavirus COVID-19 virus is likely to have an impact upon customer service, notably face-to-face contacts at each of the administration offices and consideration will need to be given to initiating interim arrangements to ensure that the community is appropriately informed, noting that demand for customer contact and information is likely to increase as the emergency escalates.

The impacts of the coronavirus COVID-19 on personnel is being evaluated but as a precautionary measure, working from home arrangements have been implemented.

Strategy and Corporate

The current situation has a direct impact upon the review and update of the Shire's key strategic documents, being the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP). This is because both are heavily dependent on external engagement. Additionally, it is apparent that any disruption to the delivery of core services and project delivery will impact upon achievement of many actions already programmed for this financial year. The review of the CBP was initiated prior to the spread of the coronavirus however Officers are yet to complete the review of actions going forward. It is likely therefore that the new iteration of the plan will include actions directly related to this event. Officers are reviewing the impact on services and future service delivery and will ensure that it aligns with the Shire's response.

The impacts to the delivery of adopted CBP actions and projects are yet to be assessed. It is proposed that, subject to the severity of the event, resources may be able to be diverted to focus on helping to protect staff, community, business and vulnerable people and to maintain essential services aligning with directions received from the State and Federal government.

All projects and actions will be reviewed on a case by case basis and progress where they provide financial support to local businesses and where they can support incident management and future recovery efforts.

Public health considerations

Under the *Health (Miscellaneous Provisions) Act 1911*, statutory functions that local governments must provide are waste collection and the licencing of cemeteries, which are our core sanitation services.

WALGA have asked all local governments to provide an inventory of PPE stocks currently held by each authority, as well as the projected number of required PPE for staff to undertake their roles. This action has been completed.

The Department of Communities has requested the Shire to review the Shire of Wyndham East Kimberley LEMC - Local Emergency Welfare Plans for both Kununurra and Wyndham in regards to alternative temporary accommodation services to ensure it is correct and current, as well as providing information on other potential additional accommodation options. The initial draft was tabled at the 28 February 2020 LEMC and is being updated. The Shire, in addition, has conducted audits of our facilities for its preparedness (fit for purpose), noting that in some instances they may be 'repurposed'.

The Shire's Public Health Emergency Plan, prepared in 2005, provides guidance on Public Health needs in the response and recovery stages of hazards and emergencies. Whilst this document has not been updated since its adoption, it provides a framework and information on how to implement temporary or preventative health measures to minimise threats and risks to public health and has assisted in the preparation of the Local Emergency Welfare Plan (draft).

A key focus for personnel in the environmental health area at this stage has been in gathering information and directives issued by the State and Federal government, which is guiding the preparation of our response and communication to those agencies charged with an emergency response.

Kimberley Zone and Kimberley Regional Group

The Kimberley Zone and Kimberley Regional Group met on 20 March 2020 and prepared a Position Statement, which is at Attachment 1. This has now been distributed widely at the State, Federal and agency level. The Position Statement states:

- 1. Consideration should be given to the introduction of the maximum level of travel restrictions across and around the region that is consistent with some level of function in our communities. Obviously those exemptions and other exemptions would be determined on public health grounds and a case by case basis.*

This is taken to mean:

- Movement associated with the function of our communities including the delivery of goods and services that would normally be available including for commercial activities and, where this may be possible in the coming weeks and months, industrial purposes.*
- The movement of staff in and out of the Kimberley where protocols have been put in place to ensure safe practices are enforced and contact trails can be maintained in the case of a confirmed case of COVID-19.*

The movement of tourists should be highly restricted. Self-drive holidays where contact trails cannot be maintained are not supported.

2. *Regional decision making should be included in the process to enable swift and relevant decisions to be made.*

Shire's response (now)

In light of the discussion at the LEMC and with other agencies, the Shire has formed an internal working group. The purpose of this group has been to:

- Analyse organisational risk (determining essential services) and preparing relevant business continuity plans;
- Identify key decisions that will need to be made by Council as an initial response, particularly with respect to governance and risk;
- Identify and address key impacts upon the organisation and the localised impacts on the community and potential immediate and long term strategies to mitigate these impacts.

In addition to this, the Shire has established protocols with respect to communication, which is now centralised, and allocated responsibilities for linking directly to the Western Australian Department of Health, and to intercept all communications and advice from the State and Federal Government. The Shire has also allocated one Environmental Health Officer to liaise directly with the Western Australian Department of Health and the organisation has accordingly been taking direction from that source, namely the Chief Health Officer (CHO). This Officer also assists the LEMC. It is envisaged that additional resources could need to be diverted to this area.

It is the role of the CHO to provide direction, advice, and when necessary, initiate actions and functions for local governments to follow with the focus presently being on providing accurate up to date information for agencies and the wider community, as well as giving direction to the State's medical facilities and staff on how to prepare and act on the COVID-19 infections, as the outbreak expands. Nevertheless, a number of decisions continue to be made at the national level concerning Australia's wider response which Councillors will be aware of. It is now this organisation's challenge to interpret any changes and directions given as they relate to our functions and services and how we best redeploy resources to be of most use to emergency and healthcare personnel and to support our community.

Having regard to the roles and responsibilities outlined in the Western Australian Government's Pandemic Plan, Officers have analysed the risk relative to our essential services and prepared a Risk Management Framework which is at Attachment 2. Additional actions will be developed in consultation with partnering agencies for the purpose of supporting community and business interests and vulnerable groups, as well as to assist health agencies in determining appropriate preparations, response and recovery - relative to the scale of the emergency. Officers, nevertheless, will continue to convene the LEMC, as it is required, to further strengthen its emergency response and to support those key agencies. Suffice to say that Officers expect to recommend additional measures to Council over the coming weeks and in line with the severity of the situation.

Business Continuity and Service Delivery

The COVID-19 Business Continuity Risk Framework (Attachment 2), and associated analysis (Confidential Attachment 3) provides a framework for the organisation to prioritise service delivery and to prepare business continuity plans associated with possible impacts upon human resources and external influences having regard to the likely directions which are likely to affect our ability to deliver services. The complete risk analysis is currently a draft document, with Officers prioritising service areas which are considered to have a high and extreme risk rating, this is being used to guide the preparation of service level business continuity plans. Implementation of the plan would best occur through a new internal grouping of staff being an Incident Management Team, as suggested by WALGA. The structure of this new team is yet to be finalised but, subject to Council authorisation, will need to coordinate organisational responses with respect to essential service delivery, communications, human resources, emergency responses and community and business support at the very least. Otherwise, the Shire's Operational Management Team (OMT) will be assigned the first task of finalising and actioning the Business Continuity Plans.

Initial (response) actions

The organisation is still delivering core services, but with a decreased capacity, and has introduced several additional interim measures (in addition to streamlining its communication protocols mentioned previously):

- Liaised with all relevant agencies with respect to local emergency management arrangements.
- Increased changed hygiene measures at all Shire facilities and buildings in line with the direction from the Western Australian Department of Health - Environmental Cleaning for Workplaces (non-Healthcare Settings).
- Closed all recreation centres and swimming pools and restricted public access to libraries. All gym memberships have been suspended and pro-rata refunds will be made available.
- Issued public notices relevant to directives being issued by State and Federal government and advice from the Western Australian Department of Health (as they are updated) with respect to individual preparedness - personal hygiene, personal distancing etc.
- Prepared media releases to inform key stakeholders of changes in approvals processes, such as for events approvals and added advice and relevant links to its web page.
- Issued advice to Officers regarding access to leave entitlements, isolation protocols, and increased hygiene measures in line with advice from WALGA and WA Department of Health. Much of this has been initiated by the Shire's Safety Team but will be updated having regard to additional requirements for leave and working from home arrangements.
- Prepared a Local Emergency Welfare Plan for LEMC.
- Met with leaders of other Kimberley Councils to agree on a coordinated approach to engage the State Government with regard to border closures (now activated) and other local and regional response and recovery measures.
- Reduced all non-essential travel, including to remote Aboriginal communities. This measure will be updated in light of the new border restrictions, and issued as Position Statement to this effect.

- Advised event holders, including those that already had approval, of requirements with respect to limitations on indoor and outdoor gatherings and personal distancing. non-essential indoor gatherings of more than 100 people have been banned by the Australian government. Additional measures prohibit outdoor activities of more than 500 people. An updated advice was subsequently issued in light of Direction No.2, which was issued on 20 March 2020.
- Sent notices by email, relevant to directions issued by the Western Australian Department of Health (as it affects those premises), to all registered food, accommodation, caravan parks and beauty premises.
- Briefed the OMT with respect to the preparation of Business Continuity Plans and other measures that can be introduced or expanded upon.
- Initiated working from home arrangements in line with the risk analysis and an assessment of each individual position, including consideration for personal arrangements.
- All recruitment has been placed on hold.
- Postponed all non-essential community engagement.

Officers are also proposing soon to engage with contractors delivering essential services, particularly kerbside waste collection, facility cleaning and liquid waste collection in line with the agreed business continuity plans.

STATUTORY IMPLICATIONS

Local Government Act 1995 (implications with respect to Council meetings and expenditure)

Given the requirement for personal distancing, it is incumbent on the Shire to ensure that all members of the Shire comply with the Federal and State Government directives so as to support the responses and initiatives being introduced so as to reduce the spread and therefore, the impact, of COVID-19 within the community.

Pursuant to regulation 14A of the *Local Government (Administration) Regulations 1996*:

(1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

(a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*

(b) *the person is in a suitable place; and*

(c) *the council has approved of the arrangement.*

(2) *A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*

- (3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

Regulation 14B of the Regulations provides for meetings by telephone after a natural disaster. A natural disaster is defined as being fire, flood, lightening, movement of land, storm or any other natural disaster. A pandemic is not defined as being a natural disaster however at present, as previously stated, an urgent legislative amendment is being introduced to provide relief from physically attending meetings as a consequence of a pandemic. The exact wording of the amendment has not been the subject of release at this point in time.

What is evident is that Councillors are not required to be physically present at a Council meeting in order to be deemed to be in attendance for the purposes of the quorum being met pursuant to section 5.19 of the *Local Government Act 1995* and the requirement for attendance at Council meetings.

Other relevant legislation

Other key legislation supporting emergency management of a human epidemic occurring in Western Australia includes the *Public Health Act 2016 (WA)*, the *Emergency Management Act 2005 (WA)*, the *National Health Security Act 2007* and the *Quarantine Act 1908*. Other applicable legislation includes the *Air Navigation Act 1920*, *Customs Act 1901*, and the *Privacy Act 1988*.

The *Public Health Act 2016 (WA)* (PH Act) and *Emergency Management Act 2005 (WA)* (EM Act) provide powers that may be used to manage an emergency as a result of a human epidemic which requires a significant and coordinated response and this directly links to the Shire's role within the LEMC.

Local Emergency Management Committees – s.39 of the *Emergency Management Act 2005*, to:

- *Advise and assist the relevant local government in ensuring that local emergency management arrangements are established for its district*
- *Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements*
- *Carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

Implementation of human epidemic management arrangements will rely on voluntary compliance and support, rather than legal enforcement to the greatest extent possible.

There are many additional statutory implications given the nature of the Shire's operation and responsibilities with the key legislation being the *Local Government Act 1995* and applicable regulations, particularly as that relates to governance arrangements.

The COVID-19 Business Continuity Risk Framework has been prepared in line with Australian Standard for Risk *AS/NZS ISO: 31000:2009 Risk Management - Principles and Guideline* as well as all subsequent (service level) business continuity plans.

POLICY IMPLICATIONS

The coronavirus (COVID-19) Business Continuity Risk Framework is a proactive approach aimed to ensure that the Shire is doing its part to reduce the impact of this outbreak on the community and business and to support those agencies with a critical function in emergency preparedness and response, as well as to support the wellbeing of our workforce.

FINANCIAL IMPLICATIONS

At this stage, there have been no direct financial implications, but it is likely that internal work arrangements and prioritisation of projects and works will have an immediate, short-term impact on future budgeting and the expending of Shire funds to implement COVID-19 directives from Federal and State Government and arising from internal strategies required to be implemented by the Shire (COVID-19 response and initiatives). It is felt, however, that Councillors should ensure that suitable decisions are made to ensure that funds are available.

STRATEGIC IMPLICATIONS

[Link to the Strategic Community Plan 2017-2027](#)

Focus Area 2: Enhancing the environment

The Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 2.3.5: Enforce effective public health and safety

The strategic impact of COVID-19

COVID-19 will compromise the Shire's ability to achieve its community strategic goals outlined in the Strategic Community Plan as mentioned previously. The level of impact will be dependent on the level of local infection and mitigation measures from State and Federal Governments and emergency response and initiatives.

The strategic goals outlined in the Strategic Community Plan are achieved through the delivery of the Corporate Business Plan services and actions. All CBP actions including capital works will be impacted this financial year. Year two of the CBP is also likely to be impacted and capital project completion potentially delayed across the full four years of the CBP. Federal Government estimates are for a return to some level of normal service in September.

Economic consequences of the virus shock have evolved dramatically in recent days. Reduced air travel demand brought on by travel restrictions and the reluctance of travellers to fly along with lower local consumer spending will significantly impact the local economy and the communities ability to contribute towards community strategic goals. The Shire's delivery of strategic projects could also be impacted by any reduction in self generated funds unless federal and state government assistance can be secured.

Shire Officers are developing Business Continuity Plans that will assist the Shire to manage and mitigate the strategic impacts of COVID-19. The re-prioritising of service delivery set out in the Business Continuity Risk Framework is consistent with the Shire's Integrated Planning and Reporting Framework and overall priorities of the Strategic Community Plan. The initial focus of the Shire will be on response and recovery.

RISK IMPLICATIONS

The risks related to coronavirus will continue to be monitored through application of the Shire's Risk Management Framework and review of its essential corporate functions to identify: emergency decision making arrangements; the prioritisation of essential services, and using our workforce responsibly and flexibly.

COMMUNITY ENGAGEMENT

It is proposed to issue a media release which explains the intent of the Shire's approach, having regard to business continuity and additional preparations that will be reviewed and implemented and Officers will also seek additional input from partnering agencies through the emergency management arrangements that are adopted.

COMMENTS

The Shire's COVID-19 Business Continuity Risk Framework is a proactive approach to define the organisation's roles and responsibilities under the State Government's Pandemic Plan and to support our participation within the LEMC and other emergency arrangements as this event unfolds. It has been prepared, cognisant of potential localised impacts and the steps required to be taken at this stage to ensure a suitable governance arrangement and response to directions from government. It will, furthermore, assist the Shire in supporting lead emergency and health agencies in their response. It is also likely to be updated regularly as the outbreak develops.

A decision of Council is not required for the purpose of redirecting expenditure from the municipal fund in the case of an emergency and this will need to be authorised by the Shire President if and when need arises. Officers will suggest, nevertheless, that Council give consideration to a range of additional measures as described, at this stage, in the recommendations to this report. They include:

1. Legislative measures with respect to governance and expenditure.
2. Implementing mandatory measures and directions as issued by the State and Federal governments as they affect our governance and operations as well as with those agencies coordinating the emergency incident response and recovery.
3. Endorsing the actions taken so far with respect to directions issued by State and Federal governments in relation to the coronavirus (COVID-19) emergency.
4. Endorsing the risk framework that has been prepared for the purpose of implementing business continuity plans relevant to all services with a priority to provide essential services.
5. Establishing an internal incident management team to coordinate organisational responses with respect to essential service delivery, communications, human

- resources, emergency responses and community and business support.
6. Identifying key measures with respect to:
 - i) Changed governance arrangements and meeting protocols
 - ii) Budget considerations and preparation - operational and capital works
 - iii) Implementation of the continuity business plans in line with the COVID-19 Business Continuity Risk Framework and analysis
 - iv) Appropriate emergency support.
 - v) Measures to address key localised impacts on the community and other actions taken to date (recovery measures).
 7. Endorsing the Position Statement prepared by the Kimberley Zone and Kimberley Regional Group with respect to travel restrictions and local decision making.

ATTACHMENTS

Attachment 1 - Kimberley Regional Group Position Statement

Attachment 2 - COVID-19 Business Continuity Risk Framework

Confidential Attachment 3* - COVID-19 Business Continuity Risk Analysis

* *Local Government Act 1995 5.23 Meetings generally open to public 2(a), 2(b)*

16. MATTERS BEHIND CLOSED DOORS

Council Decision

Minute Number: 24/03/2020 - 118192

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council move in-camera 7:00pm. Shire Officers to remain.

Carried: 9/0

16.1. REQUEST FOR QUOTATION RFQ18-19/20: EAST KIMBERLEY REGIONAL AIRPORT – RUNWAY EXTENSION AND ASSOCIATED ASSETS – DESIGN

Council appreciates the Coronavirus (COVID-19) pandemic has caused uncertain times for the community and the resolutions made are in recognition of the significant challenges and economic hardships the Shire's community and businesses face. Council notes the need to plan for future activities and stimulus projects in response to COVID-19.

DATE:	24 March 2020
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
DISCLOSURE OF INTERESTS:	NIL

This item is to be considered behind closed doors as per the *Local Government Act 1995* Section 5.23 (2)(c)

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the quotations received for RFQ18-19/20 and make recommendations for award.

Council agreed to move the Officer's Recommendation with additional wording to clarify that the design works will be funded from the airport reserve funds.

Council Decision

Minute Number: 24/03/2020 - 118193

Moved: Cr D Pearce

Seconded: Cr T Chafer

That Council in order to plan for future activities and stimulus projects:

- 1. Accepts the quotation submitted by GHD Pty Ltd of 999 Hay Street, Perth WA 6000, for Quotation RFQ18-19/20 East Kimberley Regional Airport – Runway Extension and Associated Assets – Design, in accordance with the fixed lump sum of \$529,993.00 excluding GST for design packages 2, 3 and 4, and inclusive of any variations of a minor nature prior to contract execution, to be funded from the airport reserve funds; and**
- 2. Authorises the Chief Executive Officer to enter into a contract with GHD Pty Ltd of 999 Hay Street, Perth WA 6000, for Quotation RFQ18-19/20, in accordance with the quotation documentation, and inclusive of any variations of a minor nature prior to contract execution.**

Carried: 9/0

16.2. REQUEST FOR TENDER T03-19/20: PROVISION OF PERIODIC GRADING SERVICES ON THE KALUMBURU ROAD, PORT WARRENDER ROAD, AND MT ELIZABETH AND ELLENBRAE ACCESS ROADS

DATE:	24 March 2020
AUTHOR:	Infrastructure Technical Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.334
DISCLOSURE OF INTERESTS:	NIL

This item is to be considered behind closed doors as per the *Local Government Act 1995 Section 5.23 (2)(c)*

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

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

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to consider the Tenders received for T10-19/20 and make recommendation for award.

Council Decision

Minute Number: 24/03/2020 - 118194

Moved: Cr M Dear

Seconded: Cr D Pearce

That Council:

a) **Accepts the Tender submitted by Guerinoni & Sons Pty Ltd at an estimated cost of \$113,420 per year as the most advantageous Tender to form a Contract for provision of Periodic Grading of Kalumburu, Port Warrender, Mt Elizabeth and Ellenbrae Roads. The estimated start date for the contract is April 2020 and it will be in place for three (3) years. After this date, there are two (2) extensions available, each for 12 months.**

Note: Complies with Local Government Regulation 18(4) of the (Functions and General) Regulations 1996

b) **Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

Note: Complies with Local Government Regulation 20(1) of the (Functions and General) Regulations 1996

c) **Should a Contract not be formed within thirty (30) business days with Guerinoni & Sons Pty Ltd, that the Chief Executive Officer may review offers from the next most advantageous Tenderer to form a Contract with Auscivil WA Pty Ltd.**

Note: Complies with Regulation 20(2) of the Functions and General Regulations

Carried: 9/0

16.3. MELBOURNE TO KUNUNURRA DIRECT FLIGHT TRIALS

DATE:	24 March 2020
AUTHOR:	Acting Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Acting Chief Executive Officer
FILE NO:	TT.15.3
DISCLOSURE OF INTERESTS:	NIL

This item is to be considered behind closed doors as per the *Local Government Act 1995* Section 5.23 (2)(c)

5.23. Meetings generally open to public

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

VOTING REQUIREMENT

Absolute Majority

PURPOSE

The purpose of the report is for Council to consider all the current developments with regard to the COVID-19 virus and the impacts on the Melbourne - Kununurra direct flight trial. It is to further provide the Acting CEO the authority to engage with stakeholders and partners to assess the implications of the COVID-19 on the current contractual arrangements and to seek agreement to defer the trial to 2021.

Council Decision

Minute Number: 24/03/2020 - 118196

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council:

- 1. Note the success in the progress of the Melbourne - Kununurra direct flight trial prior to the impact of the COVID-19 virus on the trial; and**
- 2. Endorse the position that the 2020 Melbourne - Kununurra direct flight trial be deferred to 2021; and**
- 3. Provide the Acting CEO the authority to engage with all stakeholders to assess the implications of current events relating to restrictions on travel on the direct flight trial for the 2020 year including seeking advice from the Shire's legal advisors; and**
- 4. Provide the Acting CEO the authority to negotiate with and seek agreement from the relevant partners in the trial to agree in principle to defer the trial to 2021 on terms and conditions to be agreed upon; and**
- 5. Agree that should the trial be deferred to 2021 and if the direct flight trial is considered to be a success in 2021, then provide conditional and "in principle" support for the continuation of the direct flight trial air service between Kununurra and Melbourne in years two (2022) and three (2023); and**
- 6. Endorse the amended Terms of Reference for the Air Access Coordination Group.**

Carried: 9/0

16.4. CEO RECRUITMENT PROCESS

Vernon Lawrence, Acting CEO, declared a financial interest as this process directly affects his remuneration and he is a possible candidate for the position.

Nick Kearns, Director Planning and Community Development, declared an impartiality interest as it affects his employment.

Stuart Dyson, Director Infrastructure, declared an impartiality interest as it affects his employment.

Felicity Heading, Acting Director Corporate Services, declared an impartiality interest as it affects her employment.

The Shire President requested all Officers to depart Chambers for this item, with the exception of the Minute Taker and the Senior Governance and Risk Officer. Officers left Chambers at 6.38pm.

DATE:	24 March 2020
AUTHOR:	Senior Governance and Risk Officer
RESPONSIBLE OFFICER:	Senior Governance and Risk Officer
FILE NO:	PL.21.206
DISCLOSURE OF INTERESTS:	Vernon Lawrence, Acting CEO, declared a financial interest as this process directly affects his remuneration and he is a possible candidate for the position. Nick Kearns, Director Planning and Community Development, declared an impartiality interest as it affects his employment. Stuart Dyson, Director Infrastructure, declared an impartiality interest as it affects his employment. Felicity Heading, Acting Director Corporate Services, declared an impartiality interest as it affects her employment.

This item is to be considered behind closed doors as per the *Local Government Act 1995* Section 5.23 (2)(c)

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*

- (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to adopt the process for recruiting a Chief Executive Officer as contained in the confidential attachment of this report.

Council Decision

Minute Number: 24/03/2020 - 118195

**Moved: Cr M McKittrick
Seconded: Cr T Chafer**

That Council adopt the CEO Recruitment Process as contained in attachment 1 of this report.

Carried: 9/0

Council Decision

Minute Number: 24/03/2020 - 118197

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council move out of camera at 7:46pm.

Carried: 9/0

Members of the Gallery and Officers were invited back in to Chambers. The Shire President read the Council Resolutions aloud for all members of the public to hear.

17. CLOSURE

Council gratefully acknowledge and wish to communicate to Shire staff the extraordinary efforts put in by Shire staff and the Administration in response to COVID-19.

Council also wish to acknowledge the work the Shire President has done within the community and across the Kimberley Zone during these uncertain times.

The Shire President declared the meeting closed at 7.47pm.