

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

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Local Government (Administration) Amendment Regulations 2021 - Explanatory Notes;
Draft Shire of Moora Standards for CEO Recruitment and Selection, Performance Review and Termination
- 10.1 2020 Compliance Audit Return

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30pm.

1.2 DISCLAIMER READING

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

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
KM Seymour	-	Councillor
JM Thomas	-	Councillor
TG Humphry	-	Councillor
PF Nixon	-	Councillor
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
MM Murray	-	Executive Support Officer

APOLOGIES

EI Hamilton	-	Councillor
NM Beard	-	Manager Community Development & Visitor Servicing

PUBLIC

C McMorran AM	-	Shire Freeman
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Cynthia McMorran

Has the Council decided where the Carnaby Cockatoo Sculpture will be located?

Shire President advised Council has not made a decision as to the location of the proposed sculpture.

Does the Shire of Moora have a Health Plan?

Shire President, advised No, that Council does not have one. The Shire takes its lead from the Department of Health and will support them where required.

Is there any funding for Aged Care Housing?

Shire President advised there is not currently any funding for such a project.

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Lefroy, President

19/2 Avon-Midland Zone of WALGA meeting, Moora

2/3 LEMC meeting

3/3 Official opening of the Moora Residential College upgrade

9/3 Meeting with Alyson Brett of WAPOL

9/3 Keeping Kids in School meeting

10/3 Meeting with Colin Gardiner

10/3 Meeting with Watheroo Primary School children

16/3 Officially welcomed visiting Rural Health West medical students, MPAC

Cr Seymour

19/2 Avon-Midland Zone of WALGA meeting, Moora

3/3 WALGA State Council meeting, Perth

Cr Humphry

3/3 Official opening of the Moora Residential College upgrade

8. CONFIRMATION OF MINUTES

8.1 **ORDINARY COUNCIL MEETING - 17 FEBRUARY 2021**

COUNCIL RESOLUTION

19/21 Moved Cr Gilbert, seconded Cr Clydesdale-Gebert that the Minutes of the Ordinary Meeting of Council held on 17 February 2021 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 11 March 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Julie Greatbatch, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

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

BACKGROUND

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

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

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

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

20/21 Moved Cr Humphry, seconded Cr Nixon that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

February 2021

<i>Municipal Fund</i>	<i>Cheques 62479 to 62480</i>	<i>\$10,279.60</i>
	<i>EFT 24851 to 25025</i>	<i>\$618,369.07</i>
	<i>Direct Debits 13505.2 to 13583.11</i>	<i>\$44011.43</i>
	<i>(DD13603.1) Credit Card 05/01/2021 to 02/02/2021</i>	<i><u>\$3,967.09</u></i>
		<i>\$676,627.19</i>
 <i>Net Pays</i>	 <i>PPE 02/02/21</i>	 <i>\$101,827.92</i>
	<i>PPE 16/02/21</i>	<i><u>\$104,894.42</u></i>
		<i>\$206,722.34</i>
	 Total	 <u>\$883,349.53</u>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2021

REPORT DATE: 12 March 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 28 February 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 28 February 2021.

BACKGROUND:

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

COMMENT:

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

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

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

➤ **Social**

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

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2019/20 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

21/21 Moved Cr Thomas, seconded Cr Gilbert that Council notes and receives the Statement of Financial Activity for the period ended 28 February 2020.

CARRIED 7/0

9.1.3 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

FILE REFERENCE: GA/DLGI

REPORT DATE: 11 March 2021

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS:

- Guidelines for Model Code of Conduct for Council Members, Committee Members and Candidates;
- Draft – Shire of Moora Code of Conduct for Council Members, Committee Members and Candidates.

PURPOSE OF REPORT:

For Council to adopt a new Code of Conduct for Council Members, Committee Members and Candidates.

BACKGROUND:

The following regulations took effect on 3 February 2021, implementing the remaining parts of the *Local Government Legislation Amendment Act 2019*:

- *Local Government (Administration) Amendment Regulations 2021*;
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*; and
- *Local Government (Model Code of Conduct) Regulations 2021*.

In regard to the Local Government (Model Code of Conduct) Regulations 2021, Local Governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates within three (3) months of the Regulations taking effect in accordance with s5.104 of the Local Government Act 1995. Until that time, the Model Code of Conduct will be taken to be the Shire of Moora's adopted Code of Conduct.

To account for any breaches occurring on a from the first day of the Regulations taking effect, Local Governments must authorise at least one person to receive complaints. This was done at Councils Ordinary Meeting on the 17th February 2021 whereby the Chief Executive Officer was authorised.

COMMENTS:

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Model Code of Conduct for Council Members, Committee Meetings and Candidates, which is an attachment to this item.

A separate Model Code of Conduct for Council employees is being developed by the Western Australian Local Government Association. This will be brought forward for Council consideration in the coming couple of months.

POLICY REQUIREMENTS:

The Councils existing Code of Conduct for Council Members and Staff will be repealed and replaced with two separate codes for (1) Council Members Committee members and Candidates and 2 (Local Government Employees).

LEGISLATIVE REQUIREMENTS:**Local Government Act 1995**

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Specific sections of the following Act and / or Regulations apply to this item include:

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*.

STRATEGIC IMPLICATIONS:

Outcome 5.5: Ensure effective and efficient corporate and administrative services.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

There are no direct financial implications for Council in consideration of this matter.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

22/21 Moved Cr Seymour, seconded Cr Humphry that Council, with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election;

- 1. Repeal the existing Code of Conduct for Elected Members and Staff;**
- 2. Note that pursuant to section 5.51A of the Local Government Act 1995, the Chief Executive Officer will be preparing an interim Code of Conduct for all employees of the Shire, including the Chief Executive Officer, based on the repealed version, prior to any model being available from WALGA.**
- 3. Pursuant to section 5.104 of the Local Government Act 1995, adopt the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for the Shire of Moora;**

4. Pursuant to sections 5.551A (3) and 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure that both of the updated / adopted Codes of Conduct are published on the Shire's official website, as soon as practical.

CARRIED BY ABSOLUTE MAJORITY 7/0

At 5.47pm the CEO declared an impartiality & financial interest as the item relates to recruitment/ appointment and termination of CEO's and left the meeting.

9.1.4 MODEL STANDARDS FOR CEO RECRUITMENT AND SELECTION, PERFORMANCE REVIEW AND TERMINATION

FILE REFERENCE: HR/RPG1

REPORT DATE: 11 March 2021

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: The author declares both an Impartiality and Financial Interest that requires disclosure as the author is potentially impacted by adoption or variation of the standards

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS:

- Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination;
- Local Government (Administration) Amendment Regulations 2021 -Explanatory Notes;
- Draft Shire of Moora Standards for CEO Recruitment and Selection, Performance Review and Termination

PURPOSE OF REPORT:

For Council to adopt new model standards in relation to CEO Recruitment and Selection, Performance Review and Termination.

BACKGROUND:

The following regulations took effect on 3 February 2021, implementing the remaining parts of the *Local Government Legislation Amendment Act 2019*:

- *Local Government (Administration) Amendment Regulations 2021*;
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*; and
- *Local Government (Model Code of Conduct) Regulations 2021*.

Key features of the regulations relating to recruitment, selection, performance review and early termination of local government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;

- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments will be required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards (with or without minor permitted variations), the regulations apply.

COMMENTS:

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Standards, which is Attachment A to this item.

If the local government doesn't adopt the model standards, they are taken to be the Shire's Standards.

The Chief Executive Officer is of the opinion that they are satisfactory to be adopted without modification, (provided at Attachment C), however the Council is at liberty to adjust them, as long as they are not inconsistent with the default standards in the regulations.

POLICY REQUIREMENTS:

There are no existing Council policies implicated in consideration of this item.

LEGISLATIVE REQUIREMENTS:

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
 - (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.

- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended: No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint: Gazette 28 Mar 2013 p. 1317).]

5.39A. Model standards for CEO recruitment, performance and termination

- (1) Regulations must prescribe model standards for local governments in relation to the following —
 - (a) the recruitment of CEOs;
 - (b) the review of the performance of CEOs;
 - (c) the termination of the employment of CEOs.
- (2) Regulations may amend the model standards.

[Section 5.39A inserted: No. 16 of 2019 s. 22.]

5.39B. Adoption of model standards

- (1) In this section —
model standards means the model standards prescribed under section 5.39A(1).
- (2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.

* Absolute majority required.

- (3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.

* Absolute majority required.

- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- (6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.
- (7) Regulations may provide for —

- (a) the monitoring of compliance with adopted standards; and
- (b) the way in which contraventions of adopted standards are to be dealt with.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The adoption of the model standard – which is required by law, with only minor variations permitted, and only to the extent that it is not inconsistent, will, in all probability, add to the cost of recruitment of a Chief Executive Officer. This by virtue of the additional administrative requirements of a consultant, if a consultant is utilised, as well as the need for an external person (in addition to the consultant) to be on the recruitment panel – which may require remuneration. Typically, prior to these legislative changes, the recruitment of a Chief Executive Officer, for a band 3 local government, and utilising a consultant (who must be licensed) costs anywhere from \$15,000 to \$35,000, plus advertising.

It is not known what additional cost might be incurred with the adoption of the ‘minimum’ standard however, it conceivably will certainly add administrative time, due to the additional legislated components and recording requirements.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

23/21 Moved Cr Nixon, seconded Cr Clydesdale-Gebert that Council, with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and termination of local government Chief Executive Officer:

- 1. Pursuant to section 5.39B (2) of the Local Government Act 1995, adopt the new Model Standards for Chief Executive Officer Recruitment and Selection, Performance Review and Termination as detailed in Attachment C;**
- 2. Pursuant to section 5.39B (6) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Standards are published on the Shire’s official website, as soon as practical.**

CARRIED BY ABSOLUTE MAJORITY 7/0

At 5.49pm the CEO re-joined the meeting.

9.1.5 COUNCIL POLICY - PROFESSIONAL DEVELOPMENT - COUNCIL MEMBERS

FILE REFERENCE: PL/POPI-2
REPORT DATE: 10 March 2021
APPLICANTS/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To ensure Council complies with legislation requiring it to make and adopt a Policy on continuing professional development of Council Members.

BACKGROUND:

s5.127 of the Local Government Act 1995 requires Council adopt a Policy on the professional development of Council Members and s5.128 requires the Policy, once adopted, to be at the Shire's website.

COMMENT:

There are effectively several components to the Continuing Professional development of Council Members:

- Compulsory Council Member Training (as per the Local Government Act 1995) - sets out the legislative requirements that newly elected Council Members must undertake Compulsory Elected Member training within 12 months of their election.
- Continuing Professional Development (CPD) – requires Council Members to undertake CPD as determined by Council. This applies to all Council Members.
- Reporting of Council Member CPD - the Shire is required to report annually on completed training. Completed training must be published on the Shire's website for that financial year. This will include the Council Member Essentials Course and any continuing professional development undertaken by Council Members.

Compulsory Newly Elected Council Member Training

There are 5 mandatory modules, pursuant to the Local Government Act 1995:

- Understanding Local Government.
- Conflicts of Interest.
- Serving on Council.
- Meeting Procedures and Debating; and
- Understanding Financial Report and Budgets.

It is the preferred approach that such training be undertaken as online training, but if a newly elected Council Member prefers in person training, the Shire President, in conjunction with the CEO will evaluate and determine such a request and may approve it.

All unit fees and associated costs will be paid for by the Shire.

Continuing Professional Development (CPD)

Generally, preference will be given to the delivery of relevant training for Council Members at the Shire of Moora, and for all Council Members.

However, it is recognised that some Council Members may wish to avail specialised training which is not available to be delivered at the Shire of Moora, nor of interest to all Council Members - examples might include specialised training for the Shire President on meeting procedures and chairing meetings or to an individual Council Member on town planning laws and procedures.

Council Members are encouraged to identify their CPD preferences to the CEO as early as possible, to ensure that the CEO can monitor training opportunities as they arise, and which may be relevant to a Council Member's needs.

In such cases application must be made to the Shire President, who in conjunction with the CEO, will evaluate the request, considering:

- The costs of attendance including registration, travel, and accommodation, if required,
- The Budget provisions allowed and the uncommitted or unspent funds remaining,
- Any justification provided by the applicant when the training is submitted for approval,
- The benefits to the Shire of the person attending,
- Identified skills gaps of elected members both individually and as a collective,
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

If a request is refused, the Council Member may request that Council consider the matter, and in such an event the decision of Council shall be final.

Proposals for professional development for the Shire President must be considered and approved by the Deputy Shire President, in conjunction with the CEO.

Reporting

The Shire will publish, on the Shire's website, training undertaken by all Council Members within one month after the end of the financial year pursuant to Local Government Act 1995.

POLICY REQUIREMENTS:

Once adopted by Council, the Policy will be placed at the Shire's website and included in the Council Policy Manual.

LEGISLATIVE REQUIREMENTS:

Addresses provisions of s5.127 and 5.128 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Outcome 5.5: Ensure effective and efficient corporate and administrative services

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

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

FINANCIAL IMPLICATIONS:

The financial implications of implementing this Policy are addressed through the budget process.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

24/21 Moved Cr Gilbert, seconded Cr Thomas that Council, by absolute majority resolve to adopt the Policy on Continuing Professional Development of Council Members, pursuant to s5.128(1) of the Local Government Act 1995, as set out in this Report;

That the CEO publish the Policy on the local government website, pursuant to s5.128(4) of the Local Government Act 1995;

That Council review the Policy following the October 2021 ordinary council elections, pursuant to s5.128(5) of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.1.6 COUNCIL POLICY – ATTENDANCE AT EVENTS - COUNCIL MEMBERS AND THE CEO

FILE REFERENCE: PL/POPI-2
REPORT DATE: 10 March 2021
APPLICANTS/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST:

The CEO and all Council Members are affected by the adoption of the Policy, which is a statutory requirement, but only to the extent, and in the event that tickets to events are available to Council Members and the CEO.

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To ensure Council complies with legislation requiring it to make and adopt a Policy on attendance at events by Council Members and the CEO and to:

- provide a framework for the acceptance of invitations to such events,
- clarify who pays for tickets to events; and
- provide transparency to the community on the acceptance of tickets to events.

BACKGROUND:

s5.90A of the Local Government Act 1995 requires Council adopt a Policy on the attendance at events by Council Members and the CEO and requires the Policy, once adopted, to be at the Shire's website.

COMMENT:

In accordance with section 5.90A of the Local Government Act 1995, event includes:

- a concert,
- a conference,
- a function,
- a sporting event; and
- an occasion prescribed for the purposes of this definition by the Local Government (Administration) Regulations 1996.

This is not an exhaustive list and this policy also applies to agricultural shows, cultural events and festivals etc.

Council acknowledges that it is an important function for Council Members and the CEO to represent their local government and fulfil their leadership role in the community.

Council's accountability to the community requires it to ensure that tangible benefits from spending ratepayers' money can be identified and that there is no perception of bias from accepting complimentary tickets when matters affecting the donor come before Council.

It is important that Council Members and the CEO make decisions – and are seen to be making decisions – free from influence and in the best interests of the community.

Attendance at an event, whether as a representative of Shire of Moora or otherwise as a Council Member or CEO, where the Council Member or CEO has not paid for the ticket or hospitality, is a gift and must be disclosed if the gift is valued over \$300 (either one gift or cumulative over 12 months from the same donor).

However, attendance at an event in accordance with clause 1.3 of this policy will exclude the recipient of complimentary tickets from the requirement to disclose an interest if the ticket is over \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

Provision of Tickets to Events

The following principles and procedures apply:

- All invitations for a Council Member or CEO to attend an event must be addressed in writing to the Shire of Moora.
- Invitations addressed to Council Members or the CEO, but not submitted in writing to the Shire, are not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

Events for Council Members and the CEO authorised in advance of the event by this Policy are:

- Shire hosted or sponsored ceremonies, functions and events,
- Meetings and events hosted by clubs and not-for-profit organisations in the shire,

- Any free events held in the shire,
- Cultural events or festivals in the shire,
- Events run by schools within the shire,
- Events for which representation by the Shire President or the CEO has been requested; and
- Events run by other local governments, WALGA and Local Government Professionals Australia.

Approval of attendance

In deciding on attendance at an event, Council will consider:

- who is providing the ticket to the event,
- the location of the event i.e. whether in the district or out of the district,
- the role of the Council Member or CEO when attending the event, i.e. participant, observer, presenter, and the value of their contribution,
- whether the event is sponsored by the Shire,
- the benefit of Shire representation at the event,
- the number of invitations or tickets received,
- the cost to attend the event, including the cost of the ticket and any other expenses such as travel and accommodation.

Decisions to attend events in accordance with this policy will be made by simple majority and may be delegated.

Payments in respect of attendance

Where an invitation or ticket to an event outside the Shire is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, if Council determines attendance to be of public value.

Unless otherwise listed, for any events where generally members of the public are required to pay, Council will determine whether it is in the best interests of the Shire for a Council Member or the CEO to attend on behalf of Council.

If Council determines that a Council Member or CEO should attend a paid event, the Shire will pay the cost of attendance and appropriate expenses, such as travel and accommodation, for events outside the Shire and the cost of attendance for events within the Shire.

Where partners of an authorised Shire representative attend an event, any tickets for that person, if paid for by the Shire, must be reimbursed by the representative.

Reporting

The Shire will publish, on the Shire's website, an up-to-date version of the Policy.

POLICY REQUIREMENTS:

Once adopted by Council, the Policy will be placed at the Shire's website and included in the Council Policy Manual.

LEGISLATIVE REQUIREMENTS:

Addresses s5.90A Local Government Act 1995.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

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

➤ Economic

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

➤ Social

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

FINANCIAL IMPLICATIONS:

The financial implications of implementing this Policy are addressed through the budget process.

VOTING REQUIREMENTS

Absolute Majority, where mentioned, otherwise by simple majority.

COUNCIL RESOLUTION

25/21 Moved Cr Clydesdale-Gebert, seconded Cr Humphry that Council, by absolute majority resolve to adopt the Policy on Attendance at Events by Council Members and the CEO, pursuant to s5.90A of the Local Government Act 1995; as set out in this Report;

That the CEO publish the Policy at the local government website, pursuant to s5.90A(5) of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY 7/0

10. REPORTS OF COMMITTEES

MANAGEMENT AND AUDIT COMMITTEE MEETING – 17 MARCH 2021

10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2020

FILE REFERENCE: GA/SCO1

REPORT DATE: 3 March 2021

APPLICANT/PROPONENT: Department of Local Government, Sport and Cultural Industries

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

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: 2020 Compliance Audit Return

PURPOSE OF REPORT:

The 2020 statutory Compliance Audit Return (CAR) has been completed for the 2020 calendar year and is being presented to Council for adoption.

BACKGROUND:

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Director General of the Department of Local Government, Sport and Cultural Industries.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return of which the Councils Audit Committee is required to review and report the results to the Council prior to the CAR's adoption by Council and submission to the Department.

COMMENT:

Overall the compliance return requirements have been reduced to that of previous years. There are no areas of non-compliance.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 7.13(i)

Local Government (Audit) Regulations 13, 14 and 15

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

26/21 Moved Cr Nixon, seconded Cr Gilbert that Council adopts the attached Compliance Audit Return for the 2020 Calendar Year (1 January 2020 to 31 December 2020) and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Director General of the Department of Local Government, Sport and Cultural Industries.

CARRIED UNANIMOUSLY 7/0

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

Nil

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

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

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

CONFIRMED

PRESIDING MEMBER