



ORDINARY MINUTES

DATE: Tuesday, 26 April 2016

TIME: 3:00pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 53/16 to 64/16

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:02pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr John Fathers	Deputy Chief Executive Officer
Ms Fiona Saurin	Manager Community Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

Apologies:

Nil

Members of the Public Present:

There were no members of the public present

Previously Approved Leave of Absence:

Cr J Hamblin – 1 April to 31 May 2016

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr John Fathers – Deputy Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Fathers then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or

fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr K Clements

Item: 9.4.4
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local government Administration Regulations) perceived interests (Clause 2.3 Code of Conduct)
Nature: Holder of Health Care Card
Extent: Interest in common

Cr S Etherington

Item: 9.4.4
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local government Administration Regulations) perceived interests (Clause 2.3 Code of Conduct)
Nature: Perceived interest
Extent: Interest in common

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr M O'Dea:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 29 March 2016 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 53/16

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 RESERVE 29661 ALBANY HIGHWAY MOUNT BARKER (POLICE STATION MUSEUM) - OUTBUILDING

File Ref:	N37238
Attachments:	Location Plan Site Plan Outbuilding Plan
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	26 April 2016
Applicant:	Plantagenet Historical Society Inc

PURPOSE

The purpose of this report is to consider a request for approval for the Plantagenet Historical Society to construct a new outbuilding at the Police Station Museum on Reserve 29661 (Lot 500) Albany Highway, Mount Barker.

BACKGROUND

The Plantagenet Historical Society requested permission to construct a new outbuilding to the west of the medical display building. This new proposed outbuilding will be used for storage of garden and maintenance equipment. The area currently being used is inadequate.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Local Scheme Reserve (Public Purpose)

Local Government (Miscellaneous Provisions) Act 1960 – A building permit is required to be issued by the Principal Building Surveyor under delegated authority.

EXTERNAL CONSULTATION

The proponent as part of lodging this application sought comment from the State Heritage Office. The State Heritage Office supported the outbuilding proposal.

FINANCIAL IMPLICATIONS

A building permit fee of \$156.65 will be required to be paid by the Plantagenet Historical Society. The purchase of the outbuilding and its erection will be by Plantagenet Historical Society at no cost to the Council.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

ASSET MANAGEMENT IMPLICATIONS

As the building is to be erected on a Council managed reserve, it will become the property of the Council.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

Strategy 2.2.2:

‘Ensure quality, consistent and responsive development and building assessment approval processes and enforcement’

AND

Strategy 2.2.6:

‘Support the conservation and maintenance of heritage buildings, heritage items and places of interest’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

Further, the Council’s Corporate Plan, Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.2 *‘Appropriate development which is diverse in nature and protects local heritage’*. The Key Performance Indicator (KPI) is *‘Percentage of Council planning decisions in line with the Planning Vision’*.

By supporting the officer recommendation the KPI will be met.

OFFICER COMMENT

The proposed new outbuilding is a gable roof Colorbond® structure and is 3.1m long, 2.36m wide and 2.0m high. The outbuilding colour is green Colorbond® to blend into the landscape of the site.

As the building is to be erected on a Council managed reserve, the outbuilding will become the property of the Council. The outbuilding location is not in close proximity to any heritage listed building and is not likely to adversely affect the amenity of the locality.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That no objections be raised to the proposed outbuilding on Reserve 29661 Albany Highway, Mount Barker subject to:

- 1. The development being in accordance with the plans dated 15 March 2016; and**
- 2. The Plantagenet Historical Society Inc acknowledging the outbuilding will become the property of the Council.**

CARRIED (8/0)

NO. 54/16

9.2 WORKS AND SERVICES REPORTS

9.2.1 LOT 621 (13) ALBANY HIGHWAY, MOUNT BARKER - APPROVAL TO KEEP THREE DOGS IN A TOWNSITE

File Ref:	N37448
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Steve Player Ranger
Proposed Meeting Date:	26 April 2016

PURPOSE

The purpose of this report is to consider a request from Mrs Lynne Birch to keep three dogs at Lot 621 (13) Albany Highway, Mount Barker.

BACKGROUND

Mrs Birch has the following dogs:

- Eight year old Labrador - sterilised;
- Ten month old Shih Tzu / Maltese cross - unsterilised;
- Six month old German Shepherd - unsterilised.

All of the dogs have been microchipped. The Labrador is the only dog registered at this time.

STATUTORY ENVIRONMENT

Dog Act 1976

Section 26(3) of the Dog Act 1976 provides for a local government to grant an exemption for the number of dogs that would otherwise be permitted at a property, provided that the approval is only applicable to the dogs at the property in question. Further, no more than six dogs are allowed on any property. Also approval may be varied or revoked at any time.

Shire of Plantagenet Dogs Local Law 2008

The Shire of Plantagenet Dogs Local Law 2008 states that the limit on the number of dogs which may be kept on a property within a townsite is two dogs over the age of three months and the young of those dogs under that age.

EXTERNAL CONSULTATION

Consultation has occurred with the one adjoining owner, Mr A Somerville (Old Station House, Lot 700 Albany Highway). He has confirmed that the dogs are well behaved, contained on the property and has expressed support for the request.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.9 (A Safe Plantagenet) the following Strategy:

Strategy 1.9.1:

'Provide animal control in accordance with legislative requirements.'

Further, the Council's Corporate Business Plan 2015/2016 – 2019/2020 provides the following Action:

Action 1.9.1.1:

'Educate the community regarding rules and requirements associated with keeping animals in rural and urban areas.'

And

Action 1.9.1.2:

'Enforce animal controls in order to maintain public safety.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

Mrs Birch visited the Shire recently to register the Shih Tzu / Maltese cross and the German Shepherd. The registration of those dogs is pending an approval by the Council to keep more than two dogs at the property.

The subject property is only 767m² in area, however one of the dogs is quite old and another is a small dog and it is therefore considered that sufficient space is available for the dogs. The dogs have never been the cause of any ranger issues and are not causing a nuisance. This has been confirmed with the adjoining neighbour.

If the dogs at the property were to become a nuisance at any point, the approval could be reconsidered by the Chief Executive Officer.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr L Handasyde, seconded Cr S Etherington:****That:**

- 1. An exemption from the requirements of the Shire of Plantagenet Dogs Local Law 2008, section 3.21 'Limitations on the number of dogs' be granted to Mrs L Birch to keep three dogs at Lot 621 (No 13) Albany Highway, Mount Barker, subject to the following:
 - 1.1. When the dog numbers reduce to two by either the death of a dog or other means, the exemption shall be withdrawn; and**
 - 1.2. The approval will be reconsidered if the dogs are found to be causing a nuisance.****
- 2. The Chief Executive Officer be authorised to revoke the exemption above, should one of the circumstances referred to in parts 1.1 and 1.2 apply.**

CARRIED (8/0)**NO. 55/16**

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS - MARCH 2016

File Ref:	N37395
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	26 April 2016

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 March 2016.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates (ie: surplus/(deficit) position).

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the Financial Statement for the period ending 31 March 2016 be received.

CARRIED (8/0)

NO. 56/16

9.4.2 LIST OF ACCOUNTS – MARCH 2016

File Ref:	N37431
Attachment:	List of Accounts – March 2016
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	26 April 2016

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of March 2016.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (23 June 2015). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 March 2016 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$1,073,151.57;
2. Municipal Cheques 45523 – 45546 and 45548 - 45566 totalling \$91,830.73;
3. Trust Cheques 416 – 420 totalling \$35,440.34; and
4. Cancelled Cheque 45547.

CARRIED (8/0)

NO. 57/16

9.4.3 ALMA BOARD MEETING - ATTENDANCE BY MR M SKINNER

File Ref: N37327
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 26 April 2016

PURPOSE

The purpose of this report is to authorise Mr Michael Skinner to attend the Australian Livestock Markets Association Inc. (ALMA) Board meeting to be held in Darwin on 26 - 27 May 2016.

BACKGROUND

At its meeting held on 15 September 2015, the Council resolved to nominate Mr Michael Skinner to the board of ALMA. Mr Skinner was successfully appointed to the Board at ALMA's annual general meeting in September 2015. Mr Skinner is the Industry Representative on the Council's Saleyards Advisory Committee.

Mr Skinner was previously authorised to attend the ALMA Board meeting held in Brisbane on 26 - 27 November 2015.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Accommodation for an estimated two nights will be approximately \$500.00. Air fares to and from Darwin will be approximately \$830.00 and travel / incidental expenses are estimated at \$160.00.

ALMA will cover the cost of accommodation for one night and breakfast the following day. In addition, each board member's sponsor organisation can place a claim to ALMA for up to \$2,000.00 per financial year. At this stage, the Council has used \$1,100.00 of this amount, so the cost of this trip will be mostly reimbursable, with an estimated \$340.00 payable by the Shire.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.5:

'Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

ALMA has previously advised that it would expect the Shire's representative to attend two of the four meetings per year. Mr Skinner is of the view that it would be appropriate to endorse Mr Skinner's personal attendance at this meeting.

ALMA is currently finalising the agenda and venue but given the location it is also aiming to include a visit to Noonamah Export Yards and AACo abattoir at Livingstone.

The Saleyards Advisory Committee supports the proposal

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

- 1. Mr Michael Skinner be authorised to attend the Australian Livestock Markets Association Inc. Board meeting to be held in Darwin on 26 - 27 May 2016; and**
- 2. The expenditure be initially charged to Budget Item Saleyards – Conferences and Training – 21320.0029 and recouped from the Australian Livestock Markets Association Inc.**

CARRIED (8/0)

NO. 58/16

9.4.4 POLICY REVIEW - F/FC/1 - CONCESSIONAL FEES AND CHARGES – ELIGIBILITY CRITERIA

Cr K Clements

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local government Administration Regulations) perceived interests (Clause 2.3 Code of Conduct)
Nature: Holder of Health Care Card
Extent: Interest in common

Cr S Etherington

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local government Administration Regulations) perceived interests (Clause 2.3 Code of Conduct)
Nature: Perceived interest
Extent: Interest in common

File Ref: N36833
Attachments: Concessional Fees and Charges Policy
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 26 April 2016

PURPOSE

The purpose of this report is to review Council Policy F/FC/1 – Concessional Fees and Charges.

BACKGROUND

The policy was adopted by the Council at its meeting held on 29 October 2013 to provide guidance in regard to eligibility for concessional rates to Shire facilities and services.

STATUTORY ENVIRONMENT

Rates and Charges (Rebates and Deferments) Act 1992

Dog Act 1976

Cat Act 2011

There are no direct statutory implications for this report. However, it should be noted that some statutory charges are subject to a reduction over which the Council has no control. These include eligibility for concessions for such matters as land rates, dog licensing and cat licensing.

The Rates and Charges (Rebates and Deferments) Act 1992 requires the following cards in order for a rebate to apply on Shire property rates:

- Pensioner Concession Card (50% of rates);

- Commonwealth Seniors Health Card and Western Australian Seniors Card (50% of rates); or
- Western Australian Seniors Card (25% of rates).

No other cards enable a rebate on property rates.

FINANCIAL IMPLICATIONS

There are some financial implications for this report, depending on the extent to which concessional benefits apply.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategy:

Strategy 1.3.5: *'Review access to community services within the Shire.'*

At Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.5: *'Improve and promote Recreation Centre services and programs to encourage increased patronage.'*

And at Outcome 1.6 (Quality of life for the aged) the following strategies:

Strategy 1.6.1: *'Advocate the provision and promotion of services and facilities that meet the needs of the aged.'*

Strategy 1.6.3: *'Support the provision of active ageing activities for seniors.'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

Further, the Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 provides the following Actions:

Action 1.3.5.2: *'Develop an understanding of the barriers to people accessing services.'*

Action 1.6.3.1: *'Support the provision of active ageing and social activities for all seniors.'*

OFFICER COMMENT

When the Shire adopted this policy, the main issue was that from a community health point of view, it is a strategic aim of the Shire to increase patronage at its Recreation Centre and Swimming Pool. It was considered that the Council should provide a discount to people who might not otherwise be able to afford to make use of such facilities, while people who can afford full price should pay the full price.

The fees and charges schedule includes fees for students and young people and therefore concessional entry fees do not apply for people in those categories. It is

considered that the current policy is sufficient and should be endorsed, subject to amending the word 'rates' to read 'fees' in the Objective and Policy text.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That Council Policy F/FC/1 – Concessional Fees and Charges, as follows:

OBJECTIVE:

To provide guidance in regard to the eligibility for concessional fees to Shire facilities and services where they apply in the Council's Schedule of Fees and Charges.

POLICY:

The Council's position is that eligibility for concessional fees will include people who have a Pensioner Concession Card or any Health Care Card.'

be endorsed.

CARRIED (7/1)

NO. 59/16

9.4.5 POLICY REVIEW - LEGISLATIVE COMPLIANCE – A/L/1

File Ref:	N37396
Attachment:	Legislative Compliance Policy
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	26 April 2016

PURPOSE

The purpose of this report is to review Legislative Compliance Policy – A/L/1.

BACKGROUND

In February 2013, a new regulation (Section 17) of the Local Government (Audit) Regulations was promulgated. This regulation requires a review of the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance at least once every two calendar years and to report to the Audit Committee the results of that review. The Council adopted the Legislative Compliance Policy at its meeting held on 1 April 2014.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

Regulation 17 states as follows:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
- (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.6:

'Provide administrative support to Shire for Governance functions'.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.1.6.4 - *'Maximise awareness of and compliance with relevant legislation'.*

OFFICER COMMENT

It is important to note that legislative compliance relates to all legislation, not just the Local Government Act 1995. It is also important to note the following underlined words in the new regulation: *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures.*

In terms of appropriateness, the Chief Executive Officer is to decide what processes, systems and controls are appropriate in the context of risk appetite, the internal / external environment and what is suitable for the Shire's size and operations. Effectiveness is assessed through monitoring events and testing controls. For systems and procedures to be effective, they must exist.

It is considered that the current policy is sufficient and should be endorsed, subject to minor corrections in Clause 6.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That Legislative Compliance Policy A/L/1, as follows:

'OBJECTIVE

To ensure that the Shire of Plantagenet complies with legislative requirements.

BACKGROUND

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire of Plantagenet has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met.

Regulation 14 of the Local Government (Audit) Regulations 1996 requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit is structured by the Department of Local Government and Communities and relates to key provisions of the Local Government Act 1995.

Regulation 17 of the Local Government (Audit) Regulations 1996 also requires a review of the appropriateness and effectiveness of systems and procedures

in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

POLICY STATEMENT

The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Council.

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented.
- c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with new legislation.
- e) Establish a mechanism for reporting non-compliance.
- f) Review accidents, incidents and other situations where there may have been non-compliance.
- g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

Roles And Responsibilities

a) Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

b) Senior Management

Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

c) Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.

Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

Implementation of Legislation

The Council will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

LEGISLATIVE COMPLIANCE PROCEDURES

1 Identifying Current Legislation

The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at www.slp.wa.gov.au. Direct access to this site is provided from the Council's networked computers.

2 Identifying New or Amended Legislation

a) Western Australian Government Gazette

The Council receives hard copies of the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia. Copies of Government Gazettes are distributed to Senior Staff and other designated staff. It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.

b) Department of Local Government

The Council receives regular circulars from the Department of Local Government on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the CEO and relevant Council officers for implementation.

c) Department of Planning

The Council receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the relevant Council officers for implementation.

d) Western Australian Local Government Association (WALGA)

The Council receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

3 Obtaining advice on Legislative Provisions

The Council will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, WALGA or the relevant initiating government department for advice.

4 Informing Council of Legislative Change

If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

5 Review of Incidents and Complaints of Non-compliance

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

6 Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and then report the matter to the relevant Manager.

The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.'

be endorsed.

CARRIED (8/0)

NO. 60/16

9.4.6 POLICY REVIEW - RECORD KEEPING (A/RM/1)

File Ref:	N37395
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Roxanne Mills Records Officer
Proposed Meeting Date:	26 April 2016

PURPOSE

The purpose of this report is to review Record Keeping Policy A/RM/1.

BACKGROUND

The State Records Act 2000 governs the obligations and responsibilities of local governments in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records, but also records in electronic format.

The Shire has developed a Record Keeping Plan (RKP) to comply with the State Records Act 2000 and from this has developed a Record Keeping Policy to ensure compliance with the Act and the RKP.

The Record Keeping Policy A/RM/1 was adopted by the Council at its meeting held on 4 March 2014.

STATUTORY ENVIRONMENT

To ensure compliance with State Records Act 2000, the Council must have an endorsed RKP from the State Records Office (SRO) and as part of that, a Council endorsed Records Keeping Policy.

Government organisations are bound by the State Records Act 2000 which establishes rules for best practice for recordkeeping in WA Government, encouraging transparency and accountability. Local governments are identified as government organisations under the Act. Councillors are subject to the State Records Act 2000 when they create or receive 'State records'.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.6:

'Ensure the Shire's property, administration and records systems are managed effectively and efficiently'.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.6.6.5 - *'Establish and maintain mechanisms of control with respect to records creation and appropriate preservation in accordance with legislative requirements'.*

OFFICER COMMENT

This policy provides the policy framework for the Council to effectively fulfil its obligations and statutory requirements under the State Records Act. The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

Further, the State Records Commission policy regarding the records of local government councillors requires the creation and retention of records of the *'communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business'.* This policy applies regardless of a record's format or where it was received.

Councillors must create and keep records of communications or transactions which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system.

The SRO has provided the following guidance in determining which records should be captured.

YES – forward to Central Records	NO – do not need to forward to Central Records
<p>Communications from ratepayers, such as:</p> <ul style="list-style-type: none"> • complaints and compliments; • correspondence concerning corporate matters; • submissions, petitions and lobbying; • information for the Council's interest relating to local government business activity and functions. 	<p>Duplicate copies – of Council meeting agenda, minutes and papers.</p>
	<p>Draft documents or working papers – which are already captured at the local government.</p>
	<p>Publications – such as newsletters, circulars and journals.</p>
	<p>Invitations – to community events where a councillor is <i>not</i> representing Council or the local government.</p>
<p>Telephone, meetings and other verbal conversations – between a councillor and another party, regarding local government projects or business activities.</p>	<p>Telephone, meetings and other verbal conversations which:</p> <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government

	business or functions.
Work diaries – containing information that may be significant to the conduct of the councillor on behalf of the local government.	Electioneering – or party political information.
Presentations and speeches – delivered as part of a councillor’s official duties.	Personal records – not related to a councillor’s official duties.

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That Council Policy A/RM/1 – Record Keeping, as follows:

‘OBJECTIVE:

To establish a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

POLICY:

1.0 Scope

1.1 This policy applies to all Council business and relates to both physical and electronic Council records. It applies to all Council staff, councillors, and contractors undertaking outsourced functions on behalf of the Council.

2.0 Definitions

2.1 Record

A record can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs and social media messages.

2.2 State Record

A State Record means a record created or received by:

- a) A government organisation; or
- b) A government organisation employee in the course of the employee’s work for the organisation, but does not include an exempt record.

2.3 Employee

An employee means all people employed by the Shire of Plantagenet whether permanent, fixed term or casual contract of service, apprentice or trainee.

3.0 Policy Principles

3.1 Creation of Records

Councillors and staff will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

3.2 Capture and Control of Records

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required supporting data, into appropriate record keeping and business systems that are managed in accordance with sound record keeping principles.

3.3 Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

3.4 Access to Records

Access to the Shire's records by staff will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the Freedom of Information Act 1992 and other applicable legislation. Access to the Shire's records by Councillors will be via the Chief Executive Officer.

3.5 Appraisal, Retention and Disposal of Records

All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the SRO.

4.0 Record Keeping Responsibilities

4.1 All Council employees and Councillors need to be aware of record keeping requirements. The record keeping obligations of Council staff and Councillors include:

- a) Learning how and where records are kept;**
- b) Making records to support the conduct of business activities;**
- c) Creating records as evidence of Council operations that are otherwise not created;**
- d) Forwarding records to the Central Records for capture into the official Records Keeping System;**
- e) Not destroying Council records;**
- f) Following appropriate records management procedures.**

5.0 Outsourcing of Service Delivery

- 5.1 Contracts should provide that the contractor create records that meet the Shire's accountability requirements, in relation to the functions performed or services provided for the Shire. Such contracts should also provide that the contractor maintain those records according to standards acceptable to the Shire, for as long as the records are required and return them to the Shire when the contract expires.'**

be endorsed.

CARRIED (8/0)

NO. 61/16

9.5 EXECUTIVE SERVICES REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

Nil

12 CONFIDENTIAL**12.1 CORPORATE SERVICES REPORTS****12.1.1 WRITE OFF - OUTSTANDING RATES - EXPLORATION LICENCE
E70/3663**

File Ref: N37398
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Leanne Briggs
Rates Officer
Proposed Meeting Date: 26 April 2016

PURPOSE

The purpose of this report is to seek approval for outstanding rates relating to Exploration Licence E70/3663 to be written off.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr B Bell, seconded Cr L Handasyde:

3:20pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) (e) (iii) of the Local Government Act as the matter to be considered relates to information about the business, professional, commercial or financial affairs of a person.

CARRIED (8/0)

NO. 62/16

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr B Bell:

3:21pm That the meeting proceed in public.

CARRIED (8/0)

NO. 63/16

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That the rates and charges outstanding on Rates Assessment 403261 relating to Exploration Licence E70/3663, totalling \$1,446.53 be written off.

CARRIED (8/0)

NO. 64/16

13 CLOSURE OF MEETING

3:22pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____/____/____