



## ORDINARY MINUTES

**DATE:** Tuesday, 20 December 2011

**TIME:** 2:45pm

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

Rob Stewart  
CHIEF EXECUTIVE OFFICER

## **MEMBERSHIP – Quorum (5)**

### **Membership:**

Cr K Clements – Shire President  
Cr M Skinner – Deputy Shire President  
Cr S Etherington JP  
Cr B Bell  
Cr C Pavlovich  
Cr J Moir  
Cr A Budrikis  
Cr G Messmer  
Cr L Handasyde

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.*

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:46pm 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 G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left Chamber at 4.04pm)

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary

There were no members of the public present.

### Apologies

Cr A Budrikis  
Cr M Skinner

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart 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 C Pavlovich

Disclosed a Closely Associated Person (5.62LGA) Interest – Spokesperson for Mount Barker Football Club in Item 12.3.1.

### **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor G Messmer requested Leave of Absence for the period 1 May 2012 to 22 May 2012 inclusive.

**Moved Cr L Handasyde, seconded Cr B Bell:**

**That Councillor G Messmer be granted leave of absence for the period 1 May to 22 May 2012 inclusive.**

**CARRIED (7/0)**

**NO. 312/11**

## **7 CONFIRMATION OF MINUTES**

**Moved Cr G Messmer, seconded Cr J Moir:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 29 November 2011 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (7/0)**

**NO. 313/11**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately.

Certificates of participation were handed to: Cr C Pavlovich and Cr G Messmer for attending the Introduction to Local Government Workshop.

The Shire President tabled the following Awards/Certificates to the Shire of Plantagenet:

Certificate of Appreciation – Youth Care Mount Barker

Certificate of Recognition - Finalist Safe Roads and Roadsides

Council of the Ageing Living Longer and Living Stronger – Gold Excellence Award – Mount Barker Recreation Centre

Mr Peter Duncan was congratulated on his recent elevation to Fellow Status by the Planning Institute of WA

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 DELEGATION OF AUTHORITY FOR PLANNING MATTERS - ALTERATION OF DELEGATION

<b>File No:</b>	<b>N20718</b>
<b>Attachments:</b>	<a href="#"><u>Instrument of Delegation - LG035</u></a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>20 December 2011</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal to amend the existing delegation for planning powers (LG035) to include a delegation for the approval of retaining walls up to 1.5m in height for housing proposals.

#### **BACKGROUND**

This particular delegation (LG035) which relates to planning matters has been amended from time to time and as part of the normal annual review of the Council's delegations.

This current proposal suggests an inclusion that relates to setback reductions for retaining walls.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Scheme No. 3 (TPS3) – Clause 7.7 – as follows:

#### **'7.7 DELEGATION OF FUNCTIONS**

*7.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.*

*7.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 7.7.1.*



7.7.3 *The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.*

7.7.4 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegations made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.'*

Local Government Act 1995

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

It is proposed that the alteration be added to delegation LG035 in the Council's Delegation Register.

### **STRATEGIC IMPLICATIONS**

The adjustment to the existing delegations will enable relevant matters to be considered in a timely manner.

### **OFFICER COMMENT**

The ability for Councils to delegate planning powers has been in existence in the Government's Model Scheme Text for some time. Councils throughout the State have introduced a delegation clause into their respective Town Planning Schemes as did the Shire of Plantagenet in November 2004. The proper use of delegations can work extremely well, meaning a good deal of minor planning items do not need to be placed before the Council. This means the Council time is freed up to deal with the more important strategic and policy related issues.

The proposed alteration is to alter part 9 to introduce the following words after 'variations' in line one '(including those required for retaining walls up to 1500mm in height)'.

The intention of this alteration is to clarify the situation that there is delegation in respect to retaining walls up to a maximum height of 1500mm. The delegation part presently requires that adjoining landowner support is provided, and this will remain the case.

Part 9 of the delegation will then read as follows:

*'(9) Approve requests for boundary setback variations (including those required for retaining walls up to 1500mm in height) required by the Residential Design Codes, the Town Planning Scheme or relevant Town Planning Policies (where there is power to vary the standards) where the variation will not adversely impact on the amenity of adjoining residences and adjoining owners support has been received.'*

Delegation LG035 is made to the Chief Executive Officer and he has delegated some parts of the delegation to the Manager Development Services. This particular part 9 has been delegated to the Manager Development Services.

### **VOTING REQUIREMENTS**

Absolute Majority – Clause 7.7.3 of TPS3

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr J Moir:**

**That delegation LG035 be amended to alter part 9 to include the following words after 'variations' in line one:**

**'(including those required for retaining walls up to 1500mm in height)'.**

**CARRIED (7/0)**

**NO. 314/11**

**Absolute Majority**

## 9.2 COMMUNITY SERVICES REPORTS

### 9.2.1 MOUNT BARKER WETLANDS DEVELOPMENT - ADOPTION OF PLANS

<b>File No:</b>	<b>N20755</b>
<b>Attachment:</b>	<a href="#">Landscape Concept Plan (Separate Attachment)</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Nicole Selesnew</b> <b>Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>20 December 2011</b>

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#### PURPOSE

The purpose of this report is to endorse the Landscape Concept Plan for the Mount Barker Wetlands Development. A copy of the plan is attached.

#### BACKGROUND

The Council commissioned a Centenary and Wilson Park Precinct Plan which was finished in July 2008. The Precinct Plan extends from Montem Street through to Memorial Road and incorporates a number of public open space improvements, including the creation of a wetland development south of the Railway Station buildings.

On 9 November 2010 the Council allocated \$7,000.00 for the preparation of a landscape survey and plan for the wetland area. Bruce Thomas from Thomas Design was engaged to prepare the Wetlands Development concept plan.

A Working Group comprising the Shire President, Bill Hollingworth and Lynn Heppell both from the Wilson Inlet Catchment Committee and Shire staff worked alongside Bruce Thomas to develop the concept plan.

The plan was presented to the Council at its Ordinary Meeting held on 18 October 2011. The Council resolved:

‘That:

1. The Mount Barker Wetlands Development Concept Plan be made available for public comment for a period of 30 days and an advertisement be placed in the Plantagenet News and on the Council’s website promoting the opportunity to comment on the plans.
2. A report be presented to the Council following the conclusion of the public comment period in regard to the outcome of the public consultation.’

An advertisement was published in the Plantagenet News which circulated on 2 November 2011 and was also placed on the Shire of Plantagenet website on 2 November 2011. The closing date for public comment was 2 December 2011. No submissions were received.

#### STATUTORY ENVIRONMENT

Shire of Plantagenet Property Local Law 2008

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Local Government Act 1995

Rail Freight System Act 2000

### **EXTERNAL CONSULTATION**

Bruce Thomas worked in consultation with the Working Group to prepare the Wetlands Development concept plan.

Consultation has also occurred with staff from Main Roads Western Australia (MRWA) and Brookfield Rail Pty Ltd (formerly WestNet Rail Pty Ltd) as both agencies have land within the wetlands site.

No submissions were received when the plans were made available for public comment.

### **FINANCIAL IMPLICATIONS**

An estimate cost for the wetlands development is \$285,000.00. This cost is based on a concept plan, not engineered drawings and industry quotations.

The Shire has been successful with a Department of Environment and Conservation (DEC) – Environmental Community Grant for \$40,000.00 towards the cost of constructing the wetland development area. The Shire has not allocated any funds towards this project in the 2011/2012 annual budget.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan (January 2003), Community Services, aims to:

'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural wellbeing of the community.'

### **OFFICER COMMENT**

The concept plan combines wetland hydrology with public facilities including pathways, boardwalks and artwork, all of which are designed to complement the existing facilities throughout the park area.

The plan also accommodates Brookfield Rail's requirements for a 15m wide easement along the eastern side of the railway line and a 3m wide MRWA easement adjacent to Albany Highway.

The wetlands area has been designed to slow the road, railway and town street drainage (all of which is directed into the area) and to encourage the water to flow through a series of vegetated basins to help strip damaging nutrients and pollutants from the water body before it eventually ends in the Wilson Inlet system. Input on the design of the water bodies and vegetation to be planted within the wetlands and surrounding area has been provided by Bill Hollingworth and Lynn Heppell of the Wilson Inlet Catchment Committee.

A grant of \$40,000.00 from the DEC has been provided for the development of the wetland area on the eastern side of the railway line. This area is considered a

priority with wetland developments on the western side of the railway line to be started once the eastern side is complete.

It is proposed that the plan, as attached, be adopted so that an implementation plan may commence.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That

1. The Landscape Concept Plan – Mount Barker Wetlands Development dated 13 July 2011 and marked 'Final' be adopted.
2. A costed implementation plan be developed with funding opportunities to be considered by the Council at its meeting to be held on 20 March 2012.

### **COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That:**

1. **The Landscape Concept Plan – Mount Barker Wetlands Development dated 13 July 2011 and marked 'Final' be adopted.**
2. **A costed implementation plan be developed with funding opportunities to be considered by the Council at its meeting to be held on 28 February 2012.**

**CARRIED (7/0)**

**NO. 315/11**

#### Reason for Change

To enable implementation plan to commence sooner.

**9.2.2 NARRIKUP CRICKET CLUB - REQUEST FOR FINANCIAL ASSISTANCE**

**File No:** N20732  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to consider a request for financial assistance from the Narrikup Cricket Club to assist with the cost of installing a new pitch at the Narrikup Combined Sports Ground.

**BACKGROUND**

The Narrikup Cricket Club has been actively training and playing cricket from the Narrikup Combined Sports Ground (Reserve 17849 Narrikup) for the past two years and is entering into its third consecutive season of cricket. The Club is an affiliate of the Albany Cricket Association.

In June 2011 the Cricket Club renewed the cricket pitch in the centre of the oval. The renewal involved a new concrete pitch and new synthetic turf covering.

The total cost to renew the pitch was \$7,533.10 (including GST). The club has paid for the pitch renewal and is now seeking a contribution towards the cost.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**EXTERNAL CONSULTATION**

Consultation has occurred with members of the Narrikup Cricket Club and the Narrikup Combined Sporting Association Incorporated.

**FINANCIAL IMPLICATIONS**

The Narrikup Cricket Club is seeking a donation towards the cost for renewing the cricket pitch. Copies of invoices have been provided to the Shire which amount to \$7,533.10. The pitch renewal is complete.

**POLICY IMPLICATIONS**

The Council's Financial Assistance (Capital) to Organisations and Clubs – CS/DG/1 applies to Incorporated organisations and clubs occupying land owned by, or vested in, the Council.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Plan, January 2003, identifies the following aim for the Community Services Key Result Area:

'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'

To achieve this, we will:

'Assist junior and senior sporting clubs with, in partnership with those clubs, the provision of quality facilities.'

### **OFFICER COMMENT**

The Narrikup Cricket Club has installed a good quality playing pitch at the Narrikup Combined Sporting Association oval.

However, because the pitch renewal had occurred before funding was sought, the club is ineligible for funding from organisations such as the Department of Sport and Recreation, Lotterywest or Great Southern Development Commission's Regional Grant Scheme, as these groups will not fund retrospectively.

The Council also has an annual Financial Assistance (Capital) program for organisations and clubs however this program also will not allow for retrospective funding.

If an organisation is funded retrospectively it may be setting an unwanted precedent to other community organisations in the following ways:

- If groups are unsuccessful in their bid for financial assistance then they may progress ahead regardless and 'pressure' the Council into support at a later date; or
- It may encourage groups not to source approval for improvements / changes to facilities owned or vested in the Council.

Notwithstanding the above, the Narrikup Cricket Club has spent its own funds or sought donations to upgrade the oval including rotary hoeing the surface and reseeding, fertilising and mowing (the Shire also mows the oval during the cricket season), improving the clubroom facilities including new electrical wiring, paved around the clubroom area and improving the drainage around the edge of the oval and near the clubrooms.

The Narrikup and Kendenup sites have been used as alternate cricket venues by the Mount Barker Cricket Club when work has been occurring at the Sounness Park. This arrangement may continue to occur as developments are progressed at Sounness Park.

Given the Narrikup Cricket Club will not be able to access any other forms of grant funding towards the cricket wicket, the Club is undertaking a lot of work at the Narrikup site at no cost to the Council and the Club is relatively new without any experience in the requirements of funding programs, it is recommended that a contribution towards the wicket be considered.

The Council's Financial Assistance Program encourages a contribution of up to one third of the total project cost, however higher amounts may be considered if warranted. The funds will only be released after documentary proof of expenditure is submitted. The Cricket Club has provided copies of the invoices for the work undertaken at the site totalling \$7,533.10 (including GST). One third of this amount is \$2,511.03 (including GST).

It is proposed that the Narrikup Cricket Club be supported with a \$2,511.03 allocation which will be identified in the next Budget Review report to be presented to the Council in February 2012.

It should be noted that Shire staff are progressing a lease arrangement with the Narrikup Combined Sporting Association Inc which will cover the cricket, tennis and netball playing areas and the joint use clubroom and toilets.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. The Narrikup Cricket Club's request for financial assistance towards the cost of installing a cricket wicket at Reserve 17849, Narrikup (Narrikup Oval) be supported to an amount of \$2,511.03 (including GST).
2. The budget reallocation for \$2,511.03 be identified in the next Budget Review to be presented to the Council at its meeting to be held in February 2012.

### **MOTION TO ADJOURN QUESTION**

**Moved Cr G Messmer, seconded Cr B Bell:**

**That the question be adjourned to allow for leasing information to be presented to the Council at its meeting to be held on 28 February 2012.**

**CARRIED (7/0)**

**NO. 316/11**



### 9.3 CORPORATE SERVICES REPORTS

#### 9.3.1 FINANCIAL STATEMENTS – NOVEMBER 2011

<b>File No:</b>	<b>N20657</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>20 December 2011</b>

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 30 November 2011.

#### **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.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That the Financial Statements for the month ending 30 November 2011 be received.**

**CARRIED (7/0)**

**NO. 317/11**

**9.3.2 LIST OF ACCOUNTS - NOVEMBER 2011**

**File No:** N20644  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of November 2011.

**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 (10 May 2009). 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 J Moir, seconded Cr G Messmer:

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 30 November 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$509,052.49; and
- b. Municipal Cheques 42411 - 42480 totalling \$27,260.33.

**CARRIED (7/0)**

**NO. 318/11**

**9.3.3 POLICY REVIEW - CE/CS/4 - STAFF ATTENDANCE AT EXTERNAL FUNCTIONS AND REIMBURSEMENT OF EXPENSES**

**File No:** N20660  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources Officer  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to review policy CE/CS/4 – Staff Attendance at External Functions and Reimbursement of Expenses.

**BACKGROUND**

Council Policy CE/CS/4 – Staff Attendance at External Functions and Reimbursement of Expenses reads as follows:

**OBJECTIVE:**

*To determine the nature and extent of the Council's representation by staff at conferences, study tours, seminars, conventions, training courses and meetings and the travel and accommodation expenses payable.*

**POLICY:**

*Where approval to attend a conference, study tour, seminar, convention or training course by a staff member has first been sought and obtained, the following conditions shall apply:*

1. *General*
  - a) *appropriate provisions being made in the adopted budget;*
  - b) *the attendance forming part of the normal staff training and development or attendance will be otherwise beneficial to the officer and the Council; and*
  - c) *the officer providing a report to the Chief Executive Officer on the issues raised (except training courses and meetings).*
2. *Travel*
  - a) *staff should utilise Council vehicles, subject to a vehicle being available;*
  - b) *reimbursement for the use of a private vehicle to be set in accordance with clause 29 of the Local Government Officers' (Western Australia) Award 1999 for the 'South West Land Division' at the appropriate rate set for engine displacement; and*

- c) *if a Council vehicle is made available and not utilised, then actual fuel costs for the use of a private vehicle will be reimbursed on production of receipts.*

3. Accommodation, Meals and Incidentals

- a) *accommodation and any interstate travel arrangements are to be organised through the Chief Executive Officer's office;*
- b) *staff shall be entitled to claim reasonable expenses for meals and refreshments consumed with meals (excluding alcohol), if they are not otherwise provided and the following incidental expenses:*
- i) *taxi or other transport costs; and*
  - ii) *paid parking if free parking not reasonably available; and*
- c) *reimbursement will be made on actual costs incurred on production of documentation.*

4. Partners

*Reimbursement for partners of staff will be limited to any official social functions included on the official program of the conference/meeting.'*

This policy was adopted on 27 October 2009.

## **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

## **FINANCIAL IMPLICATIONS**

There are no immediate financial implications for this report. Attendance of staff at conferences and the like is subject to appropriate budget allocation in various programs.

## **POLICY IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

## **OFFICER COMMENT**

It is considered that the current policy is sufficient and should be endorsed subject to amending the relevant award to reflect the implementation of the new Shire of Plantagenet Enterprise Agreements which came into effect on 20 October 2011.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr C Pavlovich:

That amended Council Policy No. CE/CS/4 – Staff Attendance at External Functions and Reimbursement of Expenses as follows:

**OBJECTIVE:**

To determine the nature and extent of the Council's representation by staff at conferences, study tours, seminars, conventions, training courses and meetings and the travel and accommodation expenses payable.

**POLICY:**

Where approval to attend a conference, study tour, seminar, convention or training course by a staff member has first been sought and obtained, the following conditions shall apply:

**1. General**

- a) appropriate provisions being made in the adopted budget;
- b) the attendance forming part of the normal staff training and development or attendance will be otherwise beneficial to the officer and the Council; and
- c) the officer providing a report to the Chief Executive Officer on the issues raised (except training courses and meetings).

**2. Travel**

- a) staff should utilise Council vehicles, subject to a vehicle being available;
- b) reimbursement for the use of a private vehicle to be set in accordance with clause 18.1 of the Shire of Plantagenet Inside Workforce Enterprise Agreement 2011 and the Shire of Plantagenet Outside Workforce Enterprise Agreement 2011; and
- c) if a Council vehicle is made available and not utilised, then actual fuel costs for the use of a private vehicle will be reimbursed on production of receipts.

**3. Accommodation, Meals and Incidentals**

- a) accommodation and any interstate travel arrangements are to be organised through the Chief Executive Officer's office;
- b) staff shall be entitled to claim reasonable expenses for meals and refreshments consumed with meals (excluding alcohol), if they are not otherwise provided and the following incidental expenses:
  - i) taxi or other transport costs; and
  - ii) paid parking if free parking not reasonably available; and
- c) reimbursement will be made on actual costs incurred on production of documentation.

4. **Partners**

Reimbursement for partners of staff will be limited to any official social functions included on the official program of the conference/meeting.'

be endorsed.

CARRIED (7/0)

NO. 319/11



**9.3.4 POLICY REVIEW- OP/HRS/3 - OCCUPATIONAL HEALTH AND SAFETY**

**File No:** N20658  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to review Council Policy No. OP/HRS/3 – Occupational Health and Safety.

**BACKGROUND**

Council Policy No. OP/HRS/3 – Occupational Health and Safety reads as follows:

**OBJECTIVE:**

*The Shire of Plantagenet will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.*

**POLICY:**

1. *The Council has allocated responsibilities and accountabilities to all levels of staff within the Shire to ensure the maintenance of the occupational safety and health program is optimal.*
2. *Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.*
3. *The objectives of this policy are to achieve:*
  - 3.1 *An annual reduction of workplace injury and disease.*
  - 3.2 *The provision and maintenance of a safe workplace, plant and systems of work.*
  - 3.3 *The identification, elimination and control of workplace hazards.*
  - 3.4 *The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.*
  - 3.5 *A safety culture where best practice initiatives are entrenched in daily business activities.*
4. *Compliance with the relevant Occupational Safety and Health legislation, Standards and Codes of Practice.*

5. *The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.*
6. *Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.'*

This policy was last reviewed on 24 November 2009.

### **STATUTORY ENVIRONMENT**

Occupational Safety and Health Act 1984 (formerly Occupational Health, Safety and Welfare Act 1984)

Occupational Safety and Health Regulations 1996

### **FINANCIAL IMPLICATIONS**

While there are no immediate financial implications for this report, it is important to note the financial implications and benefits that Occupational Safety and Health continues to have on the Shire of Plantagenet.

Each year the Shire of Plantagenet pays a percentage (premium) of the total wages of all employees to cover Workers Compensation Insurance. Since 2007/2008 the Shire's premium has stood at 2.8% which is the lowest premium offered by LGIS.

### **POLICY IMPLICATIONS**

The review of this policy is presented to Council as part of its ongoing policy review cycle.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

It is considered that the current policy is sufficient except to change the policy name to reflect the current Act name.

### **VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr G Messmer:

That amended Council Policy No. OP/HRS/3 – Occupational Safety and Health as follows:

**‘OBJECTIVE:**

The Shire of Plantagenet will provide a safe and healthy work environment, so far as practicable, for all employees, contractors and visitors.

**POLICY:**

1. The Council has allocated responsibilities and accountabilities to all levels of staff within the Shire to ensure the maintenance of the occupational safety and health program is optimal.
2. Continuous improvement has been incorporated into the Occupational Safety and Health Management Plan aimed at achieving the Shire of Plantagenet safety objectives and targets.
3. The objectives of this policy are to achieve:
  - 3.1 An annual reduction of workplace injury and disease.
  - 3.2 The provision and maintenance of a safe workplace, plant and systems of work.
  - 3.3 The identification, elimination and control of workplace hazards.
  - 3.4 The provision of information, supervision and training to employees to ensure work is performed safely and to a high standard.
  - 3.5 A safety culture where best practice initiatives are entrenched in daily business activities.
4. Compliance with the relevant Occupational Safety and Health Legislation, Standards and Codes of Practice.
5. The Shire of Plantagenet encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council’s employees and property.
6. Safety is considered a shared responsibility and the Council will strive to ensure the compliance and integrity of this policy is maintained.’

be endorsed.

**CARRIED (7/0)**

**NO. 320/11**

**9.3.5 POLICY REVIEW - IT//1 - INTERNET AND EMAIL USAGE**

**File No:** N20663  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to review policy IT//1 – Internet and Email Usage.

**BACKGROUND**

Council Policy IT//1 – Internet and Email Usage reads as follows:

**OBJECTIVE:**

*To ensure that:*

1. *The Council's investment in computer hardware, software and services is used in the most productive manner to the greatest possible benefit of the Shire of Plantagenet.*
2. *All the Shire's business emails are preserved and available as corporate knowledge in accordance with the State Records Act 2000.*

**POLICY:**

*The Council will ensure that employee use of the Council's internet and email systems are in accordance with the following:*

1. *Email Content*
  - 1.1 *All emails sent or received via the Shire's email system are the property of the Shire, although the Shire does not accept responsibility for items of an informal nature that are transmitted through its system without consent.*
  - 1.2 *Employees should only give their Shire of Plantagenet email address to people and organisations that are business partners of the Shire of Plantagenet.*
  - 1.3 *No employee may send or distribute email containing non-business related material such as jokes. This includes sound files, (e.g.: WAV), movie files, (e.g.: AVI) or any form of such material.*
  - 1.4 *No employee may send or distribute e-mail containing expletives or pornography or for sending messages that are abusive, obscene, libellous and insulting or in bad taste. Further discussion on the ethics of email use attached as an appendix to this policy.*

- 1.5 *No employee may send or distribute e-mail containing derogatory, inflammatory, insulting or libellous information about any other Shire employee, customer, associate or any other person whatsoever.*
  - 1.6 *No Shire employee may conduct any business of a private nature via the Shire's email/internet system other than legitimate Shire business.*
  - 1.7 *Any Shire employee receiving questionable material (as described above in points 1.3, 1.4 and 1.5) should immediately forward all such material to the Chief Executive Officer or their supervisor for appropriate action and then delete all local copies.*
  - 1.8 *Employees may not use email/Internet or electronic messaging systems to infringe copyright or other intellectual property rights of third parties.*
  - 1.9 *All staff are required to protect the confidentiality provisions of the Shire, exercise due care and adhere to confidentiality agreements when handling data or information on or from the Council's information systems.*
  - 1.10 *Unauthorised advertising or promotion of products or services via the email/internet system IS NOT permitted.*
  - 1.11 *Electronic records produced or received by an officer in the course of public duties are deemed to be public records. All such records shall be captured in accordance with the Council's Record Keeping Plan.*
  - 1.12 *Staff are discouraged from e-mailing matters of a legal or contractual nature. This type of correspondence should be handled by written letter sent through Australia Post. Email is the preferred means of exchanging standard administrative and technical information and other informal correspondence. It should not be used for formal documents recording significant decisions or approvals or which otherwise warrant becoming part of the permanent record.*
  - 1.13 *No attachment should be opened or stored unless the employee can positively identify the sender.*
2. *Monitoring Emails*
- 2.1 *The Shire has installed an e-mail management system. This system is capable of capturing all email business transactions and to trap and report all questionable e-mails. The Shire's employees should be aware that all emails are being monitored to ensure that this policy is being adhered to.*
3. *Consequences of Non-Compliance*
- 3.1 *Employees found to be acting in contravention of the above directives will be warned by the appropriate manager and requested not to re-offend. Employees who continue to disregard the above directives will be formally warned and then may face suspension pending court action and/or dismissal if the offence is considered to be of a serious nature.*
  - 3.2 *Note - any offence associated with pornography or insulting behaviour will be automatically classified as being of a serious nature.*
  - 3.3 *Whilst spam filters are in place, the Shire of Plantagenet is powerless to prevent any inappropriate e-mail being received at a particular email*
-

address, but it will in no way condone any pornographic or offensive email being forwarded on to any person; either as a knowing recipient of the material, or as an unknowing recipient of the material.

- 3.4 *The Shire of Plantagenet considers such material totally inappropriate to the workplace and expects that any person who receives such material will immediately delete it from the system.*
  - 3.5 *Should you receive such e-mail you should report this to the Chief Executive Officer or your supervisor, as it is our practice to advise the organisation that hosts the sender, that such email is being sent from their organisation and to request them to prohibit the sending of such e-mail to us.*
  - 3.6 *The sending of offensive or pornographic e-mail may expose the Council to claims of sexual harassment, which further emphasise the reasons behind the obvious restrictions placed upon this type of material.*
  - 3.7 *Given the Shire of Plantagenet's strong opposition to this matter, it must be understood that any person who is found to store this material in their own private folders, or who forwards this material onto any other person, either within our internal network or by external email, will have their email services terminated immediately and face the disciplinary actions detailed above.*
4. *Capturing Email*
    - 4.1 *Staff are reminded to forward all email that needs to be retained as a record (in accordance with the Council's Record Keeping Plan) to the Records Officer for capturing in our record keeping system.*
5. *Format of Outgoing Email*
    - 5.1 *When sending email (as with other forms of communication) you are conveying the Council's image. As such, the standard e-mail template must be used by all staff. The template is defined as follows:*
      - a) *Font - Verdana (size 11)*
      - b) *Signature - to be as follows:*
        - *Name*
        - *Title*
        - *Shire of Plantagenet*
        - *Telephone - (08) 9892 XXXX*
        - *Facsimile - (08) 9892 XXXX*
        - *Email - [name@plantagenet.wa.gov.au](mailto:name@plantagenet.wa.gov.au)*
        - *Web - [www.plantagenet.wa.gov.au](http://www.plantagenet.wa.gov.au); and*
      - c) *Spelling - each employee's email settings are to have the 'spell check' feature automatically turned on.*
6. *Internet Usage*
    - 6.1 *The Internet is a resource, which is to be used for work, related purposes and inappropriate use, including any violation of the conditions and rules, may result in the cancellation of the access. The Chief Executive Officer will determine appropriate use and may deny, revoke, suspend or close any user access at any time.*
-

7. *Encounter of Controversial Material*
- 7.1 *Whilst the Shire utilises a software programme which prohibits access to particular sites, access by employees to sites on the internet which could be construed as obscene, sexual, racist, discriminatory, or unacceptable for business are not to be intentionally visited. It is the user's responsibility not to initiate access to such material. Deliberate accessing of such sites is expressly banned and renders the employee to formal disciplinary procedures. If such a site is accessed unexpectedly, it is expected that the user will immediately terminate the connection.*
- 7.2 *The exception to this rule would apply to Information Technology staff ONLY for the monitoring of sites visited by other users. Any decision by the Chief Executive Officer to restrict access to Internet material shall not be deemed to impose any duty on the Shire to regulate the content of the material on the Internet.*
8. *Downloading Software*
- 8.1 *Downloading of software through the Internet is strictly prohibited. The reason for this prohibition is that the Shire can be exposed to action arising from possible copyright infringement issues and the Shire's computing network can be open to disruption from virus attacks.*
- 8.2 *If a user has identified any software package that is useful for the Shire's operations and can be downloaded through the Internet, they must be referred to the Deputy Chief Executive Officer for evaluation. The software will be evaluated on the following guidelines:*
- a) *Compatibility with the Shire's hardware and existing software;*
  - b) *Software licensing arrangements;*
  - c) *Copyright and other intellectual property rights;*
  - d) *Availability of budget funds;*
  - e) *Virus protection; and*
  - f) *Ethical and moral issues.*
- 8.3 *No software is to be either downloaded through the Internet or purchased from any other means unless approved (based on the above criteria) by the Deputy Chief Executive Officer.*
9. **APPENDIX: ETIQUETTE AND ETHICS FOR THE EFFECTIVE USE OF E-MAIL**
- 9.1 *Since e-mail is not quite like other methods of communications, a distinct etiquette for its use has evolved. Following are some guidelines that have been adapted from the 'The Business of Electronic Mail', issued by Telstra, Melbourne (1997)'.*
- 9.2 *Email Ethics*
- 9.2.1 *Use good judgment by not sending messages that are libellous, defamatory, abusive and obscene or in bad taste. All users of email systems must act with courtesy and refrain from the use of inflammatory or offensive language at all*
-

*times. Remember that you may be legally liable for any libellous or defamatory statements made.*

9.2.2 *Never forget that a person is receiving the email. It is very easy to make critical or intemperate comments across email when the recipient of these comments and the impact it has on them does not confront you*

9.2.3 *Like the information in Council's paper based record, the contents of Council's email system are also part of the public record. It may therefore be subjected to public access and scrutiny under disclosure law such as the Freedom of Information Legislation. Hence email content needs to be objective in nature with all system users endeavouring to avoid the use of subjective comments.*

### 9.3 *Email Etiquette*

9.3.1 *Read and respond to Messages.*

*Check your email regularly; ignoring a message is discourteous and confusing to the sender. If you receive a message intended for another person, do not just ignore it; return it to the sender. Answer messages in a timely manner, informing senders when their requests cannot be accommodated. Delete messages as soon as they have been answered or the issue resolved. For messages that must be retained, develop an orderly filing system.*

9.3.2 *All Capital Letters give the effect of SHOUTING!*

*Many people interpret the use of all capitals in email to indicate shouting, anger or rudeness. Shouting is most effective if it is reserved for special occasions. In any case, studies show that proper use of upper and lower case assists word recognition and makes a message easier to read. Capitalise words only to HIGHLIGHT an important point or distinguish a title or heading.*

9.3.3 *Be courteous.*

*While conciseness is good, it should never be at the expense of common courtesy; say please and thank you.*

9.3.4 *Review before Sending.*

*Reading a message before sending will not only reveal spelling and grammatical mistakes, but if you put yourself in the place of the recipient you will detect whether your message is sensible and is going to be well received and understood. Human conversation uses gesture and tone to convey the meaning of words. An email message can contain words which were humorously intended by the author but which, without the accompanying expression or inflection if the words were spoken, seem insulting to the recipient. If you must use sarcasm or express emotion in a message, clearly label it.*



9.3.5 *Sign-off your Messages.*

*Include your name and affiliation at the end of a message. Not only is this courteous, but it serves the practical function of reassuring the reader that the message has not been truncated in its travels. This is particularly important if sending through a gateway to a different mail system, where a message can sometimes be truncated on the way to its destination.*

9.3.6 *Forwarding Earlier Messages.*

*Be professional and careful what you say about others in email. In the case of your own messages, you should say clearly in the message if you do not want all or part of its contents relayed. In the case of messages you receive from others, think first of any possible damage or embarrassment to the originator before forwarding it. It may be possible to remove sensitive parts of the message before sending it on to others. Do not edit and resend a message that you have received without indicating that changes have been made to the original. Remember that e-mail is not confidential; it is neither absolutely private nor absolutely secure. The recipient of a message has control of the content and can use it how they choose. If you wish to on-forward a previously received e-mail to a third party, you should, as a matter of courtesy, seek permission from the originator that you are relaying their message.*

9.3.7 *Email Responsibly.*

*Do not waste resources by sending inconsequential messages and do not accumulate large amounts of email which are no longer required. Try to avoid irrelevancies and try to keep messages succinct and brief. Focus on one subject per message. Always define the topic of a message in the email subject header to make it easy for the recipient to quickly review their list of messages.*

9.3.8 *Message Distributions.*

*Keep the list of recipients and carbon copies (cc) to a minimum. It is too easy to widely disseminate messages that are of limited or no interest to most recipients (commonly referred to as junk mail).*

9.3.9 *Large File Attachments.*

*Do not send email messages enclosing large file attachments and distribute these widely (e.g.: everyone in mailing lists) as they can cause email servers and gateways to fail. It can also cause traffic problems on the network. A preferred approach is to make the file accessible to other users by placing it in a shared folder or directory and informing users of its availability.*

9.3.10 *Assume the competence and honesty of the sender.*

*Giving someone the benefit of the doubt is a good starting point, especially if you do not know them and they're hundreds of kilometres away. There have been examples of replies to messages that appear to assume the sender is incompetent or an idiot when the recipient has misunderstood the context or intent of the message.*

9.3.11 *Use Receipts.*

*If a message is important, then you need to be sure that it is received and read. In this case make sure you ask for a delivery receipt and a read-receipt. This will cause a message to be sent to you automatically to tell you when the message has been delivered to the recipient's mail box, and when the recipient has opened your message to read it.*

9.3.12 *Keep a Copy.*

*Before removing mail messages from your Sent Mail folder, make sure that any important matters they relate to are closed.*

9.3.13 *Schedule a reminder.*

*If you have an electronic diary, or indeed any sort of diary, schedule a reminder to check on the status of an important message after an appropriate period*

9.3.14 *Treat email as a permanent, official record.*

*What you write can be used in evidence. Keep this in mind before you click the send button. Even if you do not think the matter is important enough to keep a copy, your recipient may keep a copy. Assume that any message you send is permanent and could be modified and/or forwarded throughout the world without your knowledge or consent.'*

This policy was last reviewed on 27 October 2009.

## **STATUTORY ENVIRONMENT**

The Internet and Email Usage Policy was adopted to assist the Council in meeting its obligations under the following Acts by reducing exposure to unprofessional or inappropriate conduct via email and the internet, in accordance with the following legislation:

- Sexual Discrimination Act 1984;
- Equal Opportunity Act 1984;
- Spam Act 2003; and
- State Records Act 2000.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

The review of this policy is presented to Council as part of its ongoing policy review cycle.

## **STRATEGIC IMPLICATIONS**

Initiative 1.2 of the Strategic Plan states:

*'Ensure organisational practices reflect professional and legal standards and enable internal and external customers to access and retrieve information appropriately and with a high level of confidence.'*

## **OFFICER COMMENT**

It is considered that the policy is sufficient and should be endorsed subject to the inclusion of additional measures to address the increased use of social media platforms and websites as an information resource in the workplace. To effect this a new part 8 has been added and minor changes to part 6. Some formatting changes have also been made.

It is also considered that the Verdana font size should be changed to 10. This is the default size for email.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr J Moir, seconded Cr S Etherington:

That amended Council Policy No. IT//1 – Internet and Email Usage as follows:

### **OBJECTIVE:**

To ensure that:

1. The Council's investment in computer hardware, software and services is used in the most productive manner to the greatest possible benefit of the Shire of Plantagenet.
2. All the Shire's business emails are preserved and available as corporate knowledge in accordance with the State Records Act 2000.

### **POLICY:**

The Council will ensure that employee use of the Council's internet and email systems are in accordance with the following:

1. Email Content
  - 1.1 All emails sent or received via the Shire's email system are the property of the Shire, although the Shire does not accept responsibility for items of an informal nature that are transmitted through its system without consent.
  - 1.2 Employees should only give their Shire of Plantagenet email address to people and organisations that are business partners of the Shire of Plantagenet.
  - 1.3 No employee may send or distribute email containing non-business related material such as jokes. This includes sound files, (e.g.: WAV), movie files, (e.g.: AVI) or any form of such material.

- 1.4 No employee may send or distribute email containing expletives or pornography or for sending messages that are abusive, obscene, libellous and insulting or in bad taste. Further discussion on the ethics of email use attached as an appendix to this policy.
  - 1.5 No employee may send or distribute email containing derogatory, inflammatory, insulting or libellous information about any other Shire employee, customer, associate or any other person whatsoever.
  - 1.6 No Shire employee may conduct any business of a private nature via the Shire's email/internet system other than legitimate Shire business.
  - 1.7 Any Shire employee receiving questionable material (as described above in points 1.3, 1.4 and 1.5) should immediately forward all such material to the Chief Executive Officer or their supervisor for appropriate action and then delete all local copies.
  - 1.8 Employees may not use email/Internet or electronic messaging systems to infringe copyright or other intellectual property rights of third parties.
  - 1.9 All staff are required to protect the confidentiality provisions of the Shire, exercise due care and adhere to confidentiality agreements when handling data or information on or from the Council's information systems.
  - 1.10 Unauthorised advertising or promotion of products or services via the email/internet system IS NOT permitted.
  - 1.11 Electronic records produced or received by an officer in the course of public duties are deemed to be public records. All such records shall be captured in accordance with the Council's Record Keeping Plan.
  - 1.12 Staff are discouraged from emailing matters of a legal or contractual nature. This type of correspondence should be handled by written letter sent through Australia Post. Email is the preferred means of exchanging standard administrative and technical information and other informal correspondence. It should not be used for formal documents recording significant decisions or approvals or which otherwise warrant becoming part of the permanent record.
  - 1.13 No attachment should be opened or stored unless the employee can positively identify the sender.
2. **Monitoring Emails**
    - 2.1 The Shire has installed an email management system. This system is capable of capturing all email business transactions and to trap and report all questionable emails. The Shire's employees should be aware that all emails are being monitored to ensure that this policy is being adhered to.
3. **Consequences of Non-Compliance**
-

- 3.1 Employees found to be acting in contravention of the above directives will be warned by the appropriate manager and requested not to re-offend. Employees who continue to disregard the above directives will be formally warned and then may face suspension pending court action and/or dismissal if the offence is considered to be of a serious nature.
  - 3.2 Note - any offence associated with pornography or insulting behaviour will be automatically classified as being of a serious nature.
  - 3.3 Whilst spam filters are in place, the Shire of Plantagenet is powerless to prevent any inappropriate email being received at a particular email address, but it will in no way condone any pornographic or offensive email being forwarded on to any person; either as a knowing recipient of the material, or as an unknowing recipient of the material.
  - 3.4 The Shire of Plantagenet considers such material totally inappropriate to the workplace and expects that any person who receives such material will immediately delete it from the system.
  - 3.5 Should you receive such email you should report this to the Chief Executive Officer or your supervisor, as it is our practice to advise the organisation that hosts the sender, that such email is being sent from their organisation and to request them to prohibit the sending of such email to us.
  - 3.6 The sending of offensive or pornographic email may expose the Council to claims of sexual harassment, which further emphasise the reasons behind the obvious restrictions placed upon this type of material.
  - 3.7 Given the Shire of Plantagenet's strong opposition to this matter, it must be understood that any person who is found to store this material in their own private folders, or who forwards this material onto any other person, either within our internal network or by external email, will have their email services terminated immediately and face the disciplinary actions detailed above.
4. Capturing Email
    - 4.1 Staff are reminded to forward all email that needs to be retained as a record (in accordance with the Council's Record Keeping Plan) to the Records Officer for capturing in our record keeping system.
5. Format of Outgoing Email
    - 5.1 When sending email (as with other forms of communication) you are conveying the Council's image. As such, the standard email template must be used by all staff. The template is defined as follows:
      - a) Font - Verdana (size 10)
      - b) Signature - to be as follows:
        - Name
        - Title
-

- Shire of Plantagenet
- Telephone - (08) 9892 XXXX
- Facsimile - (08) 9892 XXXX
- Email - [name@plantagenet.wa.gov.au](mailto:name@plantagenet.wa.gov.au)
- Web - [www.plantagenet.wa.gov.au](http://www.plantagenet.wa.gov.au); and

- c) Spelling - each employee's email settings are to have the 'spell check' feature automatically turned on.

## 6. Internet Usage

6.1 The Internet is a resource, which is to be used for work related purposes and inappropriate use of the internet and social media sites on Council equipment (or personal equipment during working hours), including any violation of the conditions and rules, may result in the cancellation of the access or disciplinary action. The Chief Executive Officer will determine appropriate use and may deny, revoke, suspend or close any user access at any time.

## 7. Encounter of Controversial Material

7.1 Whilst the Shire utilises a software program which prohibits access to particular sites, access by employees to sites on the internet which could be construed as obscene, sexual, racist, discriminatory, or unacceptable for business are not to be intentionally visited. It is the user's responsibility not to initiate access to such material. Deliberate accessing of such sites is expressly banned and renders the employee to formal disciplinary procedures. If such a site is accessed unexpectedly, it is expected that the user will immediately terminate the connection.

7.2 The exception to this rule would apply to Information Technology staff ONLY for the monitoring of sites visited by other users. Any decision by the Chief Executive Officer to restrict access to Internet material shall not be deemed to impose any duty on the Shire to regulate the content of the material on the Internet.

## 8. Social Media

8.1 Before engaging in social media such as, but not limited to, Facebook, Twitter, YouTube, MySpace or Blogs, as a representative of the Shire, authorisation must be obtained from the Chief Executive Officer.

8.2 Once authorised to comment as a Shire representative, employees must:

- a) In all cases disclose that they are an employee of the Shire;
- b) Disclose and comment on only public domain information;
- c) Post only factual, authorised information;
- d) Ensure all content published is accurate, not misleading and complies with all relevant Shire policies and Code of Conduct;

- e) Adhere to the Terms of Use of the relevant social media platform/website.
- 8.3 Once authorised to comment as a Shire representative, employees must not:
- a) Post or respond to any material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, racist, sexist or is otherwise unlawful;
  - b) Use or disclose any confidential or secure information; or
  - c) Make any comment or post material that may cause damage to the Shire's reputation or bring it into disrepute.
9. Downloading Software
- 9.1 Downloading of software through the Internet is strictly prohibited. The reason for this prohibition is that the Shire can be exposed to action arising from possible copyright infringement issues and the Shire's computing network can be open to disruption from virus attacks.
- 9.2 If a user has identified any software package that is useful for the Shire's operations and can be downloaded through the Internet, they must be referred to the Deputy Chief Executive Officer for evaluation. The software will be evaluated on the following guidelines:
- a) Compatibility with the Shire's hardware and existing software;
  - b) Software licensing arrangements;
  - c) Copyright and other intellectual property rights;
  - d) Availability of budget funds;
  - e) Virus protection; and
  - f) Ethical and moral issues.
- 9.3 No software is to be either downloaded through the Internet or purchased from any other means unless approved (based on the above criteria) by the Deputy Chief Executive Officer.
10. APPENDIX: ETIQUETTE AND ETHICS FOR THE EFFECTIVE USE OF EMAIL
- 10.1 Since email is not quite like other methods of communications, a distinct etiquette for its use has evolved. Following are some guidelines that have been adapted from the 'The Business of Electronic Mail', issued by Telstra, Melbourne (1997)'.
- 10.2 Email Ethics
- 9.2.1 Use good judgment by not sending messages that are libellous, defamatory, abusive and obscene or in bad taste. All users of email systems must act with courtesy and refrain from the use of inflammatory or offensive language at all times. Remember that you may be legally liable for any libellous or defamatory statements made.
-

**10.2.2** Never forget that a person is receiving the email. It is very easy to make critical or intemperate comments across email when the recipient of these comments and the impact it has on them does not confront you.

**10.2.3** Like the information in the Council's paper based record, the contents of the Council's email system are also part of the public record. It may therefore be subjected to public access and scrutiny under disclosure law such as the Freedom of Information Legislation. Hence email content needs to be objective in nature with all system users endeavouring to avoid the use of subjective comments.

### **10.3 Email Etiquette**

#### **10.3.1 Read and respond to Messages.**

Check your email regularly; ignoring a message is discourteous and confusing to the sender. If you receive a message intended for another person, do not just ignore it; return it to the sender. Answer messages in a timely manner, informing senders when their requests cannot be accommodated. Delete messages as soon as they have been answered or the issue resolved. For messages that must be retained, develop an orderly filing system.

#### **10.3.2 All Capital Letters give the effect of SHOUTING!**

Many people interpret the use of all capitals in email to indicate shouting, anger or rudeness. Shouting is most effective if it is reserved for special occasions. In any case, studies show that proper use of upper and lower case assists word recognition and makes a message easier to read. Capitalise words only to HIGHLIGHT an important point or distinguish a title or heading.

#### **10.3.3 Be courteous.**

While conciseness is good, it should never be at the expense of common courtesy; say please and thank you.

#### **10.3.4 Review before Sending.**

Reading a message before sending will not only reveal spelling and grammatical mistakes, but if you put yourself in the place of the recipient you will detect whether your message is sensible and is going to be well received and understood. Human conversation uses gesture and tone to convey the meaning of words. An email message can contain words which were humorously intended by the author but which, without the accompanying expression or inflection if the words were spoken, seem insulting to the recipient. If you must use sarcasm or express emotion in a message, clearly label it.



**10.3.5 Sign-off your Messages.**

Include your name and affiliation at the end of a message. Not only is this courteous, but it serves the practical function of reassuring the reader that the message has not been truncated in its travels. This is particularly important if sending through a gateway to a different mail system, where a message can sometimes be truncated on the way to its destination.

**10.3.6 Forwarding Earlier Messages.**

Be professional and careful what you say about others in email. In the case of your own messages, you should say clearly in the message if you do not want all or part of its contents relayed. In the case of messages you receive from others, think first of any possible damage or embarrassment to the originator before forwarding it. It may be possible to remove sensitive parts of the message before sending it on to others. Do not edit and resend a message that you have received without indicating that changes have been made to the original. Remember that email is not confidential; it is neither absolutely private nor absolutely secure. The recipient of a message has control of the content and can use it how they choose. If you wish to on-forward a previously received email to a third party, you should, as a matter of courtesy, seek permission from the originator that you are relaying their message.

**10.3.7 Email Responsibly.**

Do not waste resources by sending inconsequential messages and do not accumulate large amounts of email which are no longer required. Try to avoid irrelevancies and try to keep messages succinct and brief. Focus on one subject per message. Always define the topic of a message in the email subject header to make it easy for the recipient to quickly review their list of messages.

**10.3.8 Message Distributions.**

Keep the list of recipients and carbon copies (cc) to a minimum. It is too easy to widely disseminate messages that are of limited or no interest to most recipients (commonly referred to as junk mail).

**10.3.9 Large File Attachments.**

Do not send email messages enclosing large file attachments and distribute these widely (e.g.: everyone in mailing lists) as they can cause email servers and gateways to fail. It can also cause traffic problems on the network. A preferred approach is to make the file accessible to other users by placing it in a shared folder or directory and informing users of its availability.

**10.3.10 Assume the competence and honesty of the sender.**

Giving someone the benefit of the doubt is a good starting point, especially if you do not know them and they're hundreds of kilometres away. There have been examples of replies to messages that appear to assume the sender is incompetent or an idiot when the recipient has misunderstood the context or intent of the message.

**10.3.11 Use Receipts.**

If a message is important, then you need to be sure that it is received and read. In this case make sure you ask for a delivery receipt and a read-receipt. This will cause a message to be sent to you automatically to tell you when the message has been delivered to the recipient's mail box, and when the recipient has opened your message to read it.

**10.3.12 Keep a Copy.**

Before removing mail messages from your Sent Mail folder, make sure that any important matters they relate to are closed.

**10.3.13 Schedule a reminder.**

If you have an electronic diary, or indeed any sort of diary, schedule a reminder to check on the status of an important message after an appropriate period

**10.3.14 Treat email as a permanent, official record.**

What you write can be used in evidence. Keep this in mind before you click the send button. Even if you do not think the matter is important enough to keep a copy, your recipient may keep a copy. Assume that any message you send is permanent and could be modified and/or forwarded throughout the world without your knowledge or consent.'

be endorsed.

**CARRIED (7/0)**

**NO. 321/11**

### 9.3.6 POLICY REVIEW - OP/HRP/1 - RECOGNITION OF COUNCILLORS AND STAFF

**File No:** N20659  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna Jo McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 20 December 2011

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#### **PURPOSE**

The purpose of this report is to review policy OP/HRP/1 – Recognition of Councillors and Staff.

#### **BACKGROUND**

Council Policy OP/HRP/1 – Recognition of Councillors and Staff reads as follows:

##### ‘OBJECTIVE:

*To provide guidelines for the approval and procedures for the recognition of service provided to the community by Councillors and staff.*

##### POLICY:

*The Council will make the following payments/presentations to sitting and or retiring Councillors and staff for continuous periods of service:*

- 1.0 Councillors – Upon Retirement
  - 1.1 Up to and including four years of office:  
*A Certificate of Appreciation.*
  - 1.2 Greater than four years and up to and including eight years of office:  
*A Certificate of Service and gift up to the value of \$200.00.*
  - 1.3 Greater than eight years and up to and including 12 years of office:  
*A Certificate of Service and gift to the value of \$300.00.*
  - 1.4 Greater than 12 years of office:  
*A Certificate of Service and gift to a maximum value of \$400.00.*

*In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor’s day to day duties, the Council may, at its discretion:*

- a) *grant the title of ‘Honorary Freeman of the Municipality’; or*
- b) *nominate the Councillor for any awards (where applicable) associated with the:*
  - (i) *Queen’s Birthday Honours;*

- (ii) *Australia Day Honours; and/or*
- (iii) *Local Government Association Honours.*

## 2.0 *Staff – Upon Retirement*

### 2.1 *Less than four years of service:*

*Certificate of Appreciation.*

### 2.2 *Greater than four years but less than 10 years of service:*

*A Certificate of Service and a gift up to the value of \$200.00.*

### 2.3 *Greater than 10 years of service:*

*A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.*

*The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.*

## 3.0 *Councillors and Staff – During Office/Service*

### 3.1 *Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.*

- (i) *During their 10th year of office/service:*

*Certificate of Recognition;*

- (ii) *During their 20th year of office/service:*

*A Plaque of Recognition; and*

- (iii) *During their 30th year of office/service:*

*A Gift of Recognition valued between \$50.00 and \$150.00.*

*The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.*

### 3.2 *Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of the Council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that Councillor's or staff member's service to the community and/or the Council.*

*This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'*

This policy was last reviewed on 24 November 2009.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

It is a requirement under Section 5.50 (1) of the Local Government Act 1995 (the Act) that:

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*'(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –*

- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
- (b) the manner of assessment of the additional amount,*

*and cause local public notice to be given in relation to the policy.'*

Local Government (Administration) Regulations

Section 19A(1) of the Local Government (Administration) Regulations states that:

*'(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total -*

- (a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or*
- (b) in all other cases, \$5,000.'*

## **FINANCIAL IMPLICATIONS**

There are minimal financial implications for this report in the way of certificates, plaques and gifts.

## **POLICY IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

## **OFFICER COMMENT**

It is considered that this policy is sufficient and should be endorsed subject to some minor numbering changes.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That amended Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:**

### **'OBJECTIVE:**

**To provide guidelines for the approval and procedures for the recognition of service provided to the community by Councillors and staff.**

### **POLICY:**

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The Council will make the following payments/presentations to sitting and or retiring Councillors and staff for continuous periods of service:

**1. Councillors – Upon Retirement**

**1.1 Up to and including four years of office:**

**A Certificate of Appreciation.**

**1.2 Greater than four years and up to and including eight years of office:**

**A Certificate of Service and gift up to the value of \$200.00.**

**1.3 Greater than eight years and up to and including 12 years of office:**

**A Certificate of Service and gift to the value of \$300.00.**

**1.4 Greater than 12 years of office:**

**A Certificate of Service and gift to a maximum value of \$400.00.**

In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:

- a) grant the title of 'Honorary Freeman of the Municipality'; or
- b) nominate the Councillor for any awards (where applicable) associated with the:
  - (i) Queen's Birthday Honours;
  - (ii) Australia Day Honours; and/or
  - (iii) Local Government Association Honours.

**2. Staff – Upon Retirement**

**2.1 Less than four years of service:**

**Certificate of Appreciation.**

**2.2 Greater than four years but less than 10 years of service:**

**A Certificate of Service and a gift up to the value of \$200.00.**

**2.3 Greater than 10 years of service:**

**A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.**

**The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.**

**3. Councillors and Staff – During Office/Service**

- 3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.**

- (i) During their 10th year of office/service:  
Certificate of Recognition;
- (ii) During their 20th year of office/service:  
A Plaque of Recognition; and
- (iii) During their 30th year of office/service:  
A Gift of Recognition valued between \$50.00 and \$150.00.

The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.

3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of the Council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that Councillor's or staff member's service to the community and/or the Council.

This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'

be endorsed.

#### **AMENDMENT**

Moved Cr J Moir, seconded Cr C Pavlovich:

That part 1.4(b) be removed and replaced with a new part 1.4(b) 'nominate the Councillor for Local Government Honours.

CARRIED (7/0)

NO. 322/11

#### **COUNCIL DECISION**

That amended Council Policy No. OP/HRP/1 – Recognition of Councillors and Staff as follows:

#### **'OBJECTIVE:**

To provide guidelines for the approval and procedures for the recognition of service provided to the community by Councillors and staff.

#### **POLICY:**

The Council will make the following payments/presentations to sitting and or retiring Councillors and staff for continuous periods of service:

1. Councillors – Upon Retirement
  - 1.1 Up to and including four years of office:  
A Certificate of Appreciation.

**1.2 Greater than four years and up to and including eight years of office:**

**A Certificate of Service and gift up to the value of \$200.00.**

**1.3 Greater than eight years and up to and including 12 years of office:**

**A Certificate of Service and gift to the value of \$300.00.**

**1.4 Greater than 12 years of office:**

**A Certificate of Service and gift to a maximum value of \$400.00.**

**In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality which are beyond that normally associated with a Councillor's day to day duties, the Council may, at its discretion:**

- a) grant the title of 'Honorary Freeman of the Municipality'; or**
- b) nominate the Councillor for Local Government Association Honours.**

**2. Staff – Upon Retirement**

**2.1 Less than four years of service:**

**Certificate of Appreciation.**

**2.2 Greater than four years but less than 10 years of service:**

**A Certificate of Service and a gift up to the value of \$200.00.**

**2.3 Greater than 10 years of service:**

**A Certificate of Service and a gift to the value of \$400.00 may be presented by the Shire President or a Councillor nominated by the Shire President. The value of the gift may be increased to a maximum of \$500.00 with the approval of the President, Deputy President and Chief Executive Officer.**

**The Chief Executive Officer is authorised to arrange a suitable function if deemed necessary.**

**3. Councillors and Staff – During Office/Service**

**3.1 Councillors and staff will be presented with the following as recognition of their services to the Shire of Plantagenet while still in office or employed with the Shire of Plantagenet.**

**(i) During their 10th year of office/service:**

**Certificate of Recognition;**

**(ii) During their 20th year of office/service:**

**A Plaque of Recognition; and**

**(iii) During their 30th year of office/service:**

**A Gift of Recognition valued between \$50.00 and \$150.00.**

**The Chief Executive Officer is authorised to arrange a suitable function to present these tokens of appreciation.**



**3.2 Notwithstanding Clause 3.1 above, the Council may, at its discretion and by resolution, at any time, present a member of the Council or staff with a gift greater than that contained in the policy, to a maximum value of \$500.00, if the Council is of the opinion that such action is warranted having regard to that Councillor's or staff member's service to the community and/or the Council.**

**This Policy has been made in accordance with Section 5.50 of the Local Government Act 1995.'**

**be endorsed.**

**CARRIED (7/0)**

**NO. 323/11**

## 9.4 EXECUTIVE SERVICES REPORTS

### 9.4.1 ELECTED MEMBER TRAINING - DIPLOMA OF LOCAL GOVERNMENT

<b>File No:</b>	<b>N20475</b>
<b>Attachments:</b>	<a href="#">Program Schedule and Unit Information</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>20 December 2011</b>

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#### PURPOSE

The purpose of this report is to recommend the attendance by Councillor Gert Messmer at training units to be held during the 2012 and 2013 calendar years to achieve the Diploma of Local Government.

#### BACKGROUND

Councillor Gert Messmer has sought authority to commence the Diploma of Local Government.

The Diploma in Local Government (Elected Member) is focused on the roles and responsibilities of Elected Members and the high level of expertise that is required. The training targets critical areas to ensure Elected Members perform effectively and efficiently in their roles as decision makers.

This Diploma is provided through the Western Australian Local Government Association (WALGA). The Diploma involves the completion of ten units being:

- Councillor Roles and Responsibilities
- Ethics and conduct of an Elected Member
- Strategic Planning
- Financial Reports and Budgets
- Change Management
- Policy Development
- Land Use Planning
- Sustainable Asset Management
- CEO Performance Appraisals
- Manage Conflict

These units are provided throughout the year at WALGA's training office in Perth and the January to June 2012 Program Schedule is attached. WALGA can offer these courses at a Local Government Authority's workplace for a minimum of five and maximum of 15 participants. Recognised Prior Learning (RPL) is also offered and assessed. On average participants take between 12 to 18 months to complete their diploma.

**EXTERNAL CONSULTATION**

Nil

**FINANCIAL IMPLICATIONS**

The Diploma involves ten units. Each unit costs \$395.00 to participate and \$225.00 for assessment. Therefore a completed Diploma will cost \$6,200.00. This may be reduced if there is eligibility for RPL. RPL assessment is \$225.00 per unit and therefore if RPL applies, the \$395.00 unit participation is not required. Further, accommodation, transport and meals costs will be in the vicinity of \$1,000.00 per attendance in Perth, which over the duration of the Diploma could total approximately \$10,000.00.

WALGA will offer a Full Day In House Training Course for \$3,950.00 (plus GST) and this cost would need to be offset by including Members from neighbouring Councils.

Council Governance Budget Item 20026.0029 (Conferences, Training and Accommodation) allocation is \$20,000.00 with 46 percent (\$9,196.00) committed and spent, leaving approximately \$10,000.00 for the second half of the financial year.

**POLICY IMPLICATIONS**

Council Policy CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

**STRATEGIC IMPLICATIONS**

No specific area of the Council's Strategic Plan relates to Councillor Training.

**OFFICER COMMENT**

The course content covers areas that directly relate to the roles and responsibilities of Elected Members and will provide a nationally recognised qualification. There may be opportunities to explore with WALGA conducting some of these units locally, perhaps in collaboration with other Local Government Authorities, for example Albany, Denmark, Broomehill-Tambellup, Cranbrook and Kojonup.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That:

1. Authority be granted to Councillor Messmer to undertake a Diploma in Local Government (Elected Member); and
2. Councillor Messmer be reimbursed for course, travelling, meal and accommodation costs associated with undertaking the Diploma in Local Government (Elected Member) pursuant to Council Policy CE/CS/1, upon successful completion of each unit.

**COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. The Chief Executive Officer be authorised to approve the enrolment of Councillors to undertake the Diploma in Local Government (Elected Members).
2. Councillors may undertake two full day units per year.
3. Preference will be given for courses held locally, however if this is not possible, Councillors may attend training held in Perth.

**CARRIED (6/1)**

**NO. 324/11**

Reason for Change

Councillors believed that the direction of the Council should be for all Councillors.

**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 WORKS AND SERVICES REPORTS****12.1.1 TENDER 042\_11 DISPOSAL OF VOLVO EXCAVATOR WITH MULCHING HEAD ATTACHMENT**

**File No:** N20737  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Megan Beech  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to consider submissions from the advertising of tender 042\_11 – Disposal of Volvo Excavator with Mulching Head Attachment.

**OFFICER RECOMMENDATION/COUNCIL DECISION****MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Bell, seconded Cr L Handasyde

3.52pm That this matter be considered in the confidential component of this meeting due to a contract being entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**CARRIED (7/0)**

**NO. 325/11**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr S Etherington

3.53pm That the meeting proceed in public.

**CARRIED (7/0)**

**NO. 326/11**

**OFFICER RECOMMENDATION/COUNCIL DECISION****Moved Cr L Handasyde, seconded Cr G Messmer:****That:**

- 1. All tender submissions received for Tender 042\_11 – Disposal of Volvo Excavator with Mulching Head Attachment be declined;**
- 2. Alternative options for the Council’s Excavator and Mulching Head Attachment be investigated and carried out in consultation with WALGA, including but not limited to re-advertising locally and/or disposal by auction; and**
- 3. A reserve price for disposal of the Council’s Volvo Excavator with Mulching Head Attachment be set at \$120,000.00 (ex GST).**

**CARRIED (7/0)****NO. 327/11**

**12.2 CORPORATE SERVICES REPORTS****12.2.1 IMPLEMENTATION OF INTEGRATED STRATEGIC PLANNING SOFTWARE**

**File No:** N20759  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 20 December 2011

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**PURPOSE**

The purpose of this report is to transfer funds from the Computer Software/Hardware Upgrade Reserve to enable the purchase of Interplan strategic planning software.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr B Bell, seconded Cr L Handasyde

3.54pm That this matter be considered in the confidential component of this meeting due to a contract being entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (7/0)

NO. 328/11

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde, seconded Cr S Etherington

3.55pm That the meeting proceed in public.

CARRIED (7/0)

NO. 329/11



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr G Messmer:

That:

1. A sum of \$27,200.00 be transferred from the Computer Software/Hardware Upgrade Reserve to enable the purchase of strategic planning software.
2. The adopted 2011/2012 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget (\$)	New Budget (\$)	Net Cash Amount (\$)
50412.0006	New Computer Software	0	(\$20,800)	(\$20,800)
40415.0486	Transfers from Reserve Funds	0	\$27,200	\$27,200
20048.0144	Office Expenses - Software Support Contracts	(\$85,000)	(\$91,400)	(\$6,400)

3. It be noted that a further commitment of \$23,000.00 will be required in the 2012/2013 capital budget for the implementation of this software.

**CARRIED (5/2)**

**NO. 330/11**

**Absolute Majority**

## 12.3 EXECUTIVE SERVICES REPORTS

### 12.3.1 SOUNNESS PARK – DEVELOPMENT

A Closely Associated Person (Section 5.62LGA) Interest was disclosed by Cr C Pavlovich. Nature of Interest – Spokesperson for Mount Barker Football Club.

4:04pm Cr C Pavlovich withdrew from the meeting.

**File No:** N20843  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 20 December 2011

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#### PURPOSE

The purpose of this report is to seek direction from the Council regarding the ongoing development of Sounness Park, especially with regard to the Mount Barker Football Club and the purchase of portion of the land known as Demon Downs ( Lot 148 McDonald Avenue).

#### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr B Bell, seconded Cr L Handasyde

4.04pm That this matter be considered in the confidential component of this meeting due to a contract being entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (6/0)

NO. 331/11

#### MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr S Etherington

4.46pm That the meeting proceed in public.

CARRIED (6/0)

NO. 332/11

#### OFFICER RECOMMENDATION

That:

1. The Chief Executive Officer be authorised to offer to the Mount Barker Football Club the sum of \$345,000.00 for the purchase of approximately 65 percent (5.73ha) of the land described as Lot 148 McDonald Avenue as shown on the attached plan with an initial payment of \$172,500.00 and four annual instalments of \$43,125.00.

2. All costs associated with the purchase of Part Lot 148 be borne by the Council, inclusive of the issue of new titles but excluding the Club's own legal advice.
3. The Chief Executive Officer be requested to prepare a further report for the Council outlining a proposed management structure for the operation of Sounness Park, such report to be presented to the Council at its meeting to be held on 20 March 2012.

#### **MOTION TO ADJOURN QUESTION**

**Moved Cr G Messmer, seconded Cr B Bell:**

**That the question be adjourned to allow for full costing, staging and funding to be provided to the Council at its meeting to be held 20 March 2012, noting that the Council will not exceed \$1m in borrowings.**

**CARRIED (5/1)**

**NO. 333/11**

**13 CLOSURE OF MEETING**

4:48pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_