



# **Agenda**

**Ordinary Council Meeting**

**Thursday 26 November 2020**



# Question Time

## Rules

Please note that the following rules apply to Question Time:

1. The person asking the question is requested to complete a Public Question Time Form prior to asking a question at the Council meeting. This will assist in a more informed and detailed response being given at this meeting. This form is available on the Shire's website and on the desk in the gallery area of Council Chambers.
2. Questions are to be directed through the Chair, with the Chairperson having the discretion of accepting or rejecting a question or taking it on notice.
3. To enable all members of the public a fair and equal opportunity to participate in Question Time, each person shall, in the first instance, ask a maximum of Two Questions.
4. If a question is taken on notice at the meeting, it will be answered in writing and included in the following meeting's Minutes.



**Ordinary Council – 26 November 2020**  
**Table of Contents**

|      |  |    |
|------|--|----|
| 1.   | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....   | 1  |
| 2.   | ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE .....   | 1  |
| 3.   | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....   | 1  |
| 4.   | PUBLIC QUESTION TIME.....  | 1  |
| 5.   | PETITIONS AND APPROVED DEPUTATIONS.....  | 1  |
| 6.   | CONFIRMATION OF MINUTES .....  | 1  |
| 6.1  | Ordinary Council Meeting – 22 October 2020 .....   | 1  |
| 7.   | ANNOUNCEMENTS BY THE PRESIDING MEMBER .....  | 1  |
| 8.   | ANNOUNCEMENTS BY ELECTED MEMBERS.....  | 1  |
| 9.   | ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER).....   | 2  |
| 10.  | RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL .....                                    | 2  |
| 11.  | REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS.....   | 3  |
|      | Planning and Sustainability .....  | 3  |
| 11.1 | Ravenswood Community Centre – Feasibility Site Planning, Design and Building Costs.....  | 3  |
|      | Corporate Governance .....   | 10 |
| 11.2 | Local Government (Administration) Amendment Regulations – Draft Model Standards – CEO Recruitment, Performance and Termination.....    | 10 |
| 11.3 | Proposed - Local Government (Model Code of Conduct) Regulations 2020 - Council Members, Committee Members and Election Candidates..... | 12 |
| 11.4 | Real Time Data Access Proposal – Close Circuit Television Infrastructure – Automatic Number Plate Recognition (APNR) .....             | 24 |
| 11.5 | Ordinary Council Meeting Dates 2021 .....  | 27 |
| 11.6 | Payments from Municipal and Trust Funds – <b>October</b> 2020 .....  | 29 |
| 11.7 | Monthly Financial Report – <b>October</b> 2020 .....   | 32 |
|      | Recreation, Economic & Community Development.....  | 34 |
|      | Infrastructure Services .....  | 35 |
|      | Items for Information .....  | 36 |
| 11.8 | Council Resolution/Outstanding Items.....  | 36 |
| 11.9 | Delegated Decisions – October 2020 .....   | 36 |
| 12.  | BUSINESS LEFT OVER FROM THE PREVIOUS MEETING.....  | 36 |
| 13.  | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN. 36  |    |
| 14.  | NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING .....   | 36 |
| 15.  | NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING .....                                  | 36 |
| 16.  | MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS).....  | 36 |
| 16.1 | Australia Day Community Citizen of the Year Awards 2021.....   | 36 |
| 17.  | CLOSURE OF MEETING.....  | 38 |





## **Notice of Meeting**

Notice is hereby given that the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 26 November 2020 commencing at 5.30pm.

Dean Unsworth  
Chief Executive Officer

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**  
  
Cr D McLarty – attending via teleconference  
  
Cr B Cardilini – Apology  
Cr C Rose – Apology (due to illness)
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
  
Nil
4. **PUBLIC QUESTION TIME**
5. **PETITIONS AND APPROVED DEPUTATIONS**
6. **CONFIRMATION OF MINUTES**
  - 6.1 **Ordinary Council Meeting – 22 October 2020**  
  
Recommendation  
  
That the Minutes of the Ordinary Council Meeting held on 22 October 2020 be confirmed as a true and correct record.
7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**  
  
The Shire President's announcements will be provided as an attachment to the Minutes.
8. **ANNOUNCEMENTS BY ELECTED MEMBERS**  
  
The Elected Members' announcements, as provided, will be attached to the Minutes.

- 9. ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER)**
  
- 10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**



## 11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

### Planning and Sustainability

#### 11.1 Ravenswood Community Centre – Feasibility Site Planning, Design and Building Costs

|                          |                             |
|--------------------------|-----------------------------|
| File Ref:                | 7/8469                      |
| Applicant:               | Not Applicable              |
| Author and Title:        | Brett Flugge/Marlene Renton |
| Declaration of Interest: | Nil                         |
| Voting Requirements:     | Simple Majority             |

**Appendix (1)**

#### Recommendation

##### That Council:

1. **supports the preliminary investigations and feasibility of establishing a Community Centre facility in the Ravenswood locality;**
2. **notes the outcome of limited / early/initial community consultation carried out on the location for the Community Centre with preference for Option A situated within future Public Open Space at the north eastern end of Wilghi Way and Jolly Rambler Boulevard;**
3. **authorises Shire officers to undertake further consultation with the community on the indicative building design concepts, site layout and recreation activity space and report the findings back to Council; and**
4. **awaits outcome of the further consultation with the local Member for Murray Wellington on possible State Government funding commitment before considering a final position on this matter.**

#### In Brief

- The Ravenswood Community Group Incorporated has stated the need for a community centre and 'kick about' oval space in order to serve the needs of the growing Ravenswood residential community.
- Shire planning supports the need for a small community facility to service existing residents for the next 10-15 years until the population growth results in the demand for a larger facility to service the entire neighbourhood.
- Officers have undertaken preliminary investigations on need, design, location and costs of a local community facility and requests Council consider the options and provide guidance.
- Shire to lobby State Government via the local Member for Murray Wellington for financial assistance towards the cost of building construction, earthworks and full servicing.

#### Background

The Shire's Community Infrastructure Plan prepared in 2013 provides some guidance as to the footprint for multi-purpose neighbourhood and district community centres. The CIP recommends that the building area for a neighbourhood centre should be around 400 m<sup>2</sup> and 1,500 m<sup>2</sup> for a district community centre. In terms of **Neighbourhood Community Centre** hierarchy provision, this is described as a multi-purpose facility providing meeting spaces that cater for a variety of social, educational and recreational activities, health and/or support services information.

Shire officers are in the process of reviewing this Community Infrastructure Plan to take into account more recent population forecasting changes that reflect land use planning outcomes from the Final South Metropolitan and Peel sub-regional Planning Framework report (WAPC) released in March 2018 and factor in WA Tomorrow more conservative population projections.

The recently released draft WA Community Facility Guidelines (Parks and Leisure Australia, WA), provide for triggers, locational requirements and approximate timing for community centre infrastructure. Threshold population provision for a Neighbourhood community centre in Ravenswood using a 30% threshold trigger is estimated to be approximately 3,000 people which is just under current population figures, estimated to be 2,439 as at 2019. It is therefore not unreasonable to consider that an urban locality the size of Ravenswood should have space allocated for a neighbourhood community facility meeting place.

The Ravenswood Local Community Plan 2016-2020 also supported the requirement for a community facility and as a result officers developed a discussion paper in late 2019 that investigated the need and feasibility of a community centre in Ravenswood. The aim of the Discussion Paper was to identify a suitable site and examine affordable design options for a community centre that would meet the needs of residents over the next 10-15 years until a larger centre is built in the commercial node.

The Discussion Paper concluded that any community building would need to be multi-functional, and that further investigation was required to determine the type and frequency of activities that the facility would be used for and who would use it, in order to guide the design process. Further investigation was also required to determine the best location. Once the design and location were confirmed, including site conditions and servicing requirements, more detailed costings could be undertaken.

Given that the proposed facility was to service the community in the interim, officers explored a number of options including less expensive modular buildings that could be used in a temporary manner pending more permanent building arrangements being determined.

### **Report Detail**

The Ravenswood Community Group Inc (RCG) has consistently stated the need for a multi-use community centre and a 'kick about' oval space in Ravenswood over the past two years. The Community Group proposed that a suitable site could be on land previously earmarked for public open space adjoining a future Primary School site. The site is centrally located within the Ravenswood Residential estate, with internal road access currently supplied by Wilghi Way that is not yet connected to an unmade section of Jolly Rambler Boulevard. Refer site plan below.



Shire officers have carried out a desk top assessment of six different locations where the community centre could be sited, using criteria such as proximity to services, central to existing residential development (walkability), accessibility, environmental constraints, and alignment with Community Infrastructure Plan and the WA Guidelines for Community Infrastructure. The sites ranged from a private rural landholding near the Ravenswood Caravan Park, two commercial sites, vacant residential land, and future public open space adjoining a proposed Primary School site. It was not considered appropriate to identify a site within the north west Commercial node, as development of this area could still be many years away.

This process identified two preferred sites and the Shire then undertook a very basic community consultation process via the Shires ‘Your Say’ website portal with feedback sought on the two preferred sites. Ideas were also invited for activities, events and uses that could be accommodated within a community centre facility.

The two site options presented were;

- **Option A** portion of land proposed Public Open Space area north of the Primary School site corner Wilghi Way and Jolly Rambler Boulevard. (Refer Appendix 1)

- **Option B** land in the south west corner of Ravenswood Waters estate subject of a current subdivision application for creation of residential along southern side of Jim Jam Road. (Refer Appendix 1)

Option A is the site preferred by the survey respondents with 81% versus 19% for Option B

There were a total of 11 ideas submitted through the Shire's Your say portal consultation exercise, with a range of suggested uses as follows:

- Youth services and activities;
- Music, art, cooking classes; Clubs/groups and community events;
- Meditation, yoga or Pilates classes;
- Senior dance and fitness classes;
- If Option A site is used, a small grassed oval for young children's ball games and a car park;
- Play group, Mother/Toddler group, community coffee mornings, venue for birthday parties, fitness groups;
- Zumba classes, arts and crafts, book club, cooking workshops by Cooks Kitchen and
- Youth disco, mediation;
- All activities encouraging community involvement.

Additional comments mentioned need for the school as promised, which is a separate development item that could have linkages with shared open space usage. An off-road dirt bike area was suggested but this site in the middle of a residential precinct would not be an appropriate activity due to noise and safety concerns.

The Department of Education has advised that the primary school is not listed on its 10 year building program, therefore the Shire would only consider constructing a playground and kick about space as part of the community centre footprint. Clearing of the land, site bulk earthworks and Bush Fire risk management have not formed part of the cost assessment schedule and would need to be factored into the final project costs.

The Shire has sought a quote from Site Architecture Studio on a basic floor plan, elevations, site layout, servicing costs (connection to power, sewer and water) and a high level QS that covers total project build cost including fit-out allowance. This cost estimate is due to be received shortly for consideration by the Shire's Strategic Leadership group as well as assessment of the community survey results that was advertised for public comment until 2 November 2020.

Cost estimates for the building design concept, and full servicing requirements are yet to be received but can be distributed to Elected members prior to the Council meeting.

### **Murray 2030 Strategic Community Plan**

|                   |  |
|-------------------|--|
| <b>Focus Area</b> | Places for People  |
| <b>Aspiration</b> | To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.   |
| <b>Strategy</b>   | Update the Community Infrastructure plan to identify sport, recreation and community facility requirements for the future. Prepare a needs assessment and concept plan for a community purpose facility in Ravenswood. |



### Murray 2020-2024 Corporate Business Plan

|                            |  |
|----------------------------|--|
| <b>Focus Area</b>          | Places for People  |
| <b>Objective</b>           | Encourage an active and healthy community.                                 |
| <b>Strategy</b>            | Plan community facilities for future generations.                          |
| <b>Project and Actions</b> | Prepare a needs assessment for a community purpose facility in Ravenswood. |

#### Other Strategic Links

- Ravenswood local Structure plan
- Community Infrastructure plan 2013
- WA Community Facilities guidelines

#### Statutory Environment

A Local Structure Plan for the overall development of the Ravenswood Waters estate has been approved by WAPC which identifies a corner commercial node at the junction of Old Mandurah Road / Pinjarra Road, low-medium density housing lots, linear areas of public open space and a proposed Primary School site.



A Neighbourhood Community centre would usually be located within the commercial Activity centre node to allow for convenient access to other public facilities/community services and enable good connection to public transport. The RCG Inc. have previously indicated a preference to locate a Community Centre building within the proposed Public Open Space site at the junction of Jolly Rambler Boulevard and Wilghi Way situated to the north of the Primary School site, as the district Commercial centre site could still be many years away from developing.

An application for subdivision of the Ravenswood Waters estate was granted approval by WAPC in May 2013 (WAPC 145967) that included creation of a separate lot for public open space where the Ravenswood Community Group were seeking establishment of the

Community Centre. Unfortunately, this subdivision approval expired in May 2017 and there has been no further application seeking renewal of this subdivision approval.

Shire officers have contacted the Planning Consultant acting on behalf of the Ravenswood Waters estate developers to seek clarification on the timing for the next stages of residential development and whether the public open space area can be created as a separate land parcel through the subdivision process. The Planning consultant has indicated that there may be a willingness to pursue excision of land for public open space adjoining the Primary School site, so that this could then be set aside for Shire management and vesting control, with power to lease.

### **Sustainability & Risk Considerations**

#### *Economic - (Impact on the Economy of the Shire and Region)*

Construction of a community centre building and associated car parking infrastructure with recreational open space can result in additional jobs being created during construction phase for the centre.

#### *Social - (Quality of life to community and/or affected landowners)*

Feedback received from the community consultation shows that there are a variety of potential uses and activities that could be undertaken within a community centre building. These activities range from youth.

#### *Environment – (Impact on environment's sustainability)*

A vegetation survey would normally be required prior to any clearing of the subject land, however the cost of this survey has not been included in the current plans.

#### *Policy Implications*

Nil

#### *Risk Management Implications*

| <i>Risk Level</i> | <i>Comment</i>  |
|-------------------|---|
| Moderate          | Possibility that insufficient funds are received from State Government to fund all the necessary infrastructure, servicing and building site works. Full cost of construction works with added contingencies to be presented to Local member for Murray Wellington. |
| Low               | Inability to secure a suitable site for the centre. Further discussions will be required with the Ravenswood estate land owners to negotiate transfer of land into Shire management or some other form of interim use agreement                                     |

### **Consultation**

A community survey has been released via the 'Your Say' portal on the Shire Website seeking feedback from Ravenswood residents on a preferred site for the community centre and asking what kind of activities the centre could be used for. The feedback received will help design a facility that caters for the community's needs and aspirations - subject to funding. Once a concept design has been finalised using this feedback and a site location selected, there will be opportunity for further community comment on the detailed building design and layout, as well as activity play space.

### **Resource Implications**

#### *Financial*

There are no funds allocated in the current budget for Shire contribution towards a Community facility centre building at Ravenswood, but funding has been allocated in 2023/24. It is understood preliminary discussions have been held with the Local member for

Murray Wellington for a possible contribution from State Government towards the community centre as a pre-Election pledge.

#### *Workforce*

Shire officers have been working with the Ravenswood Community Group Inc. on the feasibility, needs and location for a community facility site since about 2016.

#### **Options**

Council has the option of:

1. Supporting the preliminary research work carried out to date on the need for a Community centre in Ravenswood and authorise Shire officers to carry out further community consultation seeking feedback on the detailed building design concept and layout, including the open space activity component.
2. Noting the community survey results for a community centre in Ravenswood and not proceeding with building and associated works until such time as a funding commitment has been received from State Government.

#### **Conclusion**

Council has previously supported the need for community space by including this as an item in the Ravenswood Local Community plan 2016-2020. Council is currently supporting the Ravenswood Community Group Incorporated in its endeavours to establish an interim Community Centre building to serve the needs of the growing Ravenswood residential community.

It is recommended that Council supports the preferred location for the Community Centre to be sited within proposed public open Space at the junction of Wilghi Way and Jolly Rambler Boulevard. Shire officers are intending to undertake further consultation with the Ravenswood community on the indicative building design concepts, site layout and recreation activity space with the findings of this consultation to be reported back to Council before a final decision is made on the Community centre construction.

The building design concepts and costings will be circulated to Councillors prior to the Ordinary Council meeting for their consideration.

## Corporate Governance

### 11.2 Local Government (Administration) Amendment Regulations – Draft Model Standards – CEO Recruitment, Performance and Termination

|                          |   |
|--------------------------|---|
| File Ref:                | 1601-06   |
| Previous Items:          | Nil   |
| Applicant:               | Department of Local Government, Sport & Cultural Industries |
| Author and Title:        | Dean Unsworth, Chief Executive Officer                      |
| Declaration of Interest: | Impartiality Interest                                       |
| Voting Requirements:     | Simple Majority   |

**Appendices 2(1), 3(2), 4(3)**

#### Recommendation

**That Council endorses the submission into the Model Standards – CEO Recruitment and Performance Reviews as per **Appendix 2.****

#### In Brief

- The review of the Local Government Act continues, with the Department of Local Government, Sport & Cultural Industries (DLGSCI) currently reviewing legislation relating to the recruitment, performance and termination of Local Government Chief Executive Officers.
- Submissions on this matter close on Sunday 6 December, 2020.

#### Background

The Department of Local Government, Sport & Cultural Industries (DLGCI) has been working towards a new Local Government Act since the McGowan Government took office in 2017.

This review has been undertaken in stages. The current focus in this review is to prepare model standards for the recruitment and performance reviews of Chief Executive Officers.

#### Report Detail

The Department of Local Government, Sport & Cultural Industries (DLGSCI) has requested feedback on the draft Model Standards for CEO recruitment and performance reviews.

The DLGSCI have extended their consultation period to close on Sunday 6 December.

Attached for Councils consideration is a draft submission prepared by the Chief Executive Officer (**Appendix 2 (1)**). These views are shared by the Western Australian Local Government Association (WALGA) (**Appendix 3 (2)**) and Local Government Professionals WA (LGPro) (**Appendix 4 (3)**).

#### Murray 2030 Strategic Community Plan

|                   |   |
|-------------------|---|
| <b>Focus Area</b> | Capable and Accountable   |
| <b>Aspiration</b> | To develop strong leadership through good governance, effective communication and ensuring value for money. |

#### Other Strategic Links

**Xxxx**



**Statutory Environment**

Xxxx

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment’s sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

| <i>Risk Level</i> | <i>Comment</i>   |
|-------------------|--|
| Low               | There is little risk to Council in providing a submission to the DLGSCI. |

**Consultation**

- Western Australian Local Government Association
- Local Government Professionals WA

**Resource Implications**

*Financial*

Nil

*Workforce*

Nil

**Options**

Council has the option of:

1. Supporting the draft submission as presented.
2. Amending the draft submission as presented.
3. Not providing a submission to the DLGSCI.

**Conclusion**

The intent of the Local Government Act is to provide broad guidance to local Councils and to develop a structure that provides good governance and fosters autonomy. The proposed Draft Model Standards – CEO Recruitment, Performance and Termination is, in the main, quite logical. However, in terms of being forced to readvertise the position of CEO after ten (10) years, this strips away that autonomy and can unnecessarily increase costs to Council, create relationship issues between the CEO and Council, and will encourage CEO’s to look for alternative employment even though the relationship and performance is sound. Council already has the opportunity to not renew contracts. However, this should be at the discretion of the Council, and not via potentially unnecessary and costly regulation.

### 11.3 Proposed - Local Government (Model Code of Conduct) Regulations 2020 - Council Members, Committee Members and Election Candidates

|                          |  |           |             |
|--------------------------|--|-----------|-------------|
| File Ref:                | 1106                                   |           |             |
| Previous Items:          | OCM Sept 20                            | Item 11.2 | (OCM20/168) |
| Applicant:               | Nil                                    |           |             |
| Declaration of Interests | Nil                                    |           |             |
| Author and Title:        | Robert Marlborough, Manager Governance |           |             |
| Voting Requirements:     | Simple Majority                        |           |             |

*Local Government (Model Code of Conduct) Regulations 2020* **Appendix 5**

#### Recommendation

**That Council supports the Chief Executive Officer providing feedback to Department of Local Government, Sport and Cultural Industries as provided within this report (with any amendments clarified at this meeting) on the proposed Local Government (Model Code of Conduct) Regulations 2020.**

#### In Brief

The Department of Local Government, Sport and Cultural Industries (DLGSCI) have released a draft of the proposed Local Government (Model Code of Conduct) Regulations 2020 (Regulations) which encompasses the code of conduct for council members, committee members and election candidates and sector feedback is being sought by 6 December 2020.

#### Background

In 2017 the McGowan Government announced a review of the *Local Government Act 1995*. The reviews intent was to consider reform of local government legislation, with the overall objective being for Western Australia to have a new, modern Act that empowers and provides the means to better support communities. A staged approach was applied to the review process, being:

- Stage one: priority reforms
- Stage two: wide ranging reforms

As Council are aware the majority of the stage one reforms are now in effect following the staged enactment of provisions within the *Local Government Legislation Amendment Act 2019*. These reforms include:

- A new gift framework for elected members;
- A mandatory online induction for all candidates;
- Universal training for elected members;
- Changes to the Standards Panel; and
- Easier access to information to provide greater transparency to the community.

Some of the remaining priority reforms currently being worked on for implementation are the best practice standards for Chief Executive Officer (CEO) recruitment, performance, review and early termination which is separately being presented to Council for consideration; and the subject of this report, the proposed *Local Government (Model Code of Conduct) Regulations 2020* that prescribes conduct for elected members, committee members and candidates.

WALGA have been active in the reform space for some time. In 2019 WALGA invited DLGSCI and other parties to participate in the Mandatory Code of Conduct Working Group. DLGSCI discontinued the Working Group and released a Consultation Paper without endorsement by the Working Group in September 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop an endorsed mandatory Code of Conduct for further sector consultation. State Council also identified several concerns with the proposals in the Consultation Paper. Throughout 2020, WALGA continued to seek information about the progress of the draft regulations and the sector consultation process, without outcome.

The following are clauses that directly relate to the proposed Regulations, as provided from the *Local Government Amendment Act 2019* that have not yet, commenced operation. Once these provisions commence the referenced provisions will consequentially amend the *Local Government Act 1995*.

**49. Section 5.102A amended**

- (1) In section 5.102A delete the definition of rules of conduct.
- (2) In section 5.102A insert in alphabetical order:
  - **candidate** means a candidate for election as a council member;
  - **model code** means the model code of conduct prescribed for the purposes of section 5.103(1);
  - **rule of conduct** means a provision of the model code that is specified in the model code to be a rule of conduct;

**50. Sections 5.103 and 5.104 replaced**

Delete sections 5.103 and 5.104 and insert:

5.103. Model code of conduct for council members, committee members and candidates

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.
- (2) The model code of conduct must include -
  - (a) general principles to guide behaviour; and
  - (b) requirements relating to behaviour; and
  - (c) provisions specified to be rules of conduct.
- (3) The model code of conduct may include provisions about how the following are to be dealt with -
  - (a) alleged breaches of the requirements referred to in subsection (2)(b);
  - (b) alleged breaches of the rules of conduct by committee members.
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).
- (5) Regulations may amend the model code of conduct

5.104. Adoption of model code of conduct

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt\* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code. \* **Absolute majority required.**
- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend\* the adopted code of conduct to incorporate the amendments made to the model code.

- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements:
  - (a) can only be expressed to apply to council members or committee members; and
  - (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government adopted code until the local government adopts a code of conduct.
- (6) An alleged breach of a local governments adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up-to-date version of a local adopted code of conduct on the local government's official website.

#### **51. Section 5.105 amended**

Delete section 5.105(1) and insert:

- (1) A council member commits a minor breach if the council member
  - (a) contravenes a rule of conduct; or
  - (b) contravenes a local law under this Act, contravention of which the regulations specify to be a minor breach.

(1A) Subsection (1) extends to the contravention of a rule of conduct that occurred when the council member was a candidate.

(1B) Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under subsection (1), also be a serious breach under subsection (3).

Once the Regulations are enacted, Council will need to formally adopted the Model Code of Conduct within 3 months, by Absolute Majority. The adopted Code of Conduct must incorporate all of content of the Regulations. Additional content can be incorporated into the Code of Conduct, but any other provisions can only be expressed to apply to council members or committee members; and are of no effect to the extent that they are inconsistent with the model code. Once adopted the Code of Conduct must be published.

#### **Report Detail**

The following are the explanatory notes from the Regulations provided by DLGSCI. Comments are provided outlining alignment to the current Shire of Murray Code of Conduct Policy (G1) if any, and feedback proposed DLGSCI on the draft Regulations should the recommendation be adopted.

| <b>Part</b> | <b>Regulation Subject</b> | <b>Department of Local Government Explanation</b>  | <b>Existing Policy G1 Code of Conduct</b>   | <b>Position/ Comments</b> |
|-------------|---------------------------|--|---|---------------------------|
| <b>3</b>    | Model Code of Conduct     | These regulations provide for the model code of conduct for council members, committee members and candidates in Schedule 1. | The policy applies to council and committee members and employees but not election candidates | Supported                 |

|   |  |  |                |                      |
|---|--|--|----------------|----------------------|
| 4 | <i>Local Government (Rules of Conduct) Regulation 2007 repealed.</i> | The new Local Government (Model Code of Conduct) Regulations repeal the Rules of Conduct regulations as the rules now form part of the Model Code.   | Not applicable | Supported            |
| 5 | <i>Local Government (Administration) Regulations 1996 amended</i>    | <p>This clause amends Administration Regulation 29 (Information to be available for public inspection) to delete the requirement to keep a register maintained under regulation 12(5) of the Rules of Conduct. This regulation was deleted when the new gifts framework was introduced in 2019.</p> <p>This clause also inserts new Part 9A – Minor breaches by council members. It replaces regulation 4 of the existing Rules of Conduct Regulations (Contravention of certain local laws) and inserts it into the Administration Regulations.</p> <p>It provides that a contravention of a local law that relates to the conduct of people at council or committee meetings is a minor breach for the purposes of section 5.105(1)(b) of the Act. This is not a rule of conduct, which is why it is separate to the provisions in the Model Code.</p> | No applicable  | Amendments supported |
| 6 | <i>Local Government (Audit) Regulations 1996 amended</i>             | This clause amends the statutory requirements for the compliance audit return to capture the adoption of the Model Code under section 5.104 and deletes the reference to the Rules of Conduct Regulations.   | No applicable  | Amendment supported. |
| 7 | <i>Local Government (Constitution)</i>                               | This clause amends Schedule 1 Form 7 (Declaration by elected   | No applicable  | Amendment supported. |

|   |                                 |   |   |                              |
|---|---------------------------------|---|---|------------------------------|
|   | <i>Regulations 1998</i> amended | member of council) of the Constitution Regulations, to reference the code of conduct adopted by the relevant local government, rather than Rules of Conduct Regulations.  |   |                              |
| <b>Schedule 1 – Model code of conduct</b> |                                 |   |   |                              |
| <b>1</b>                                  | Citation                        | <p>New section 5.104 of the Local Government Act will require local governments to adopt the model code of conduct within three months of these Regulations coming into operation.</p> <p>The Model Code, as drafted, provides a template for local governments to adopt the code as their own by inserting their local government name.</p> <p>In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.</p> <p>To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website.</p> | No applicable   | Amendment supported.         |
|   |                                 |   | Not applicable  | Supported                    |
| <b>2</b>                                  | Terms Used                      | This clause defines Act, candidate and publish. All other terms used that are also in the Act have the same meaning, unless the contrary intention appears.   | Not Applicable  | Terms proposed accepted      |
| <b>Division 2 – General principles</b>    |                                 |   |   |                              |
| <b>3</b>                                  | Overview of Division            | As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.  | Current policy provides for ethical standards, behaviours and general conduct | Proposed provision supported |

|   |                           |   |   |                               |
|---|---------------------------|---|---|-------------------------------|
|   |                           | <p>Throughout the Model Code, where appropriate, the principles, behaviours and rules of conduct are separated into three categories;</p> <ul style="list-style-type: none"> <li>• personal integrity,</li> <li>• relationships with others; and</li> <li>• accountability.</li> </ul>  |   |                               |
| 4 | Personal Integrity        | <p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> <li>• act with reasonable care, diligence, honesty and integrity</li> <li>• act lawfully</li> <li>• avoid damage to the reputation of the local government</li> <li>• act in accordance with the trust placed in council members and committee members, and</li> <li>• participate in decision-making in an honest, fair, impartial and timely manner.</li> </ul> | <p>Current policy outlines - act with reasonable care and diligence; with honesty and integrity; act lawfully; avoid damage to the reputation of the Shire of Murray; be open and accountable to the public; base decisions on relevant and factually correct information; treat others with respect; and not be impaired by mind affecting substances.</p> | Proposed provisions supported |
| 5 | Relationships with others | <p>This clause outlines principles for relationships with others, including the need to treat others with respect and maintain and contribute to a harmonious, safe and productive work environment.</p>  | As above  | Proposed provision supported  |
| 6 | Accountability            | <p>This clause outlines principles for accountability, including the need for decisions to be based on relevant and factually correct information, and to make decisions on merit.</p>  | <p>Current policy outlines - act, and be seen to act, properly and in accordance with law; perform duties impartially and in the best interests of the community, uninfluenced by fear or favour; deal with all</p>   | Proposed provision supported  |

|                               |                      |  |   |  |
|-------------------------------|----------------------|--|---|--|
|                               |                      |  | sections of the community in an open, honest and forthright manner  |  |
| <b>Division 3 - Behaviour</b> |                      |  |   |  |
| <b>7</b>                      | Overview of Division | <p>As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.</p> <p>This division sets the standards of behaviour which enable and empower council members to meeting the principles outlined in Division 2. Division 3 behaviour breaches are managed by local governments, and so the division also includes provisions about how to manage complaints. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.</p> | Not Applicable  | Proposed provision supported   |
| <b>8</b>                      | Personal Integrity   | <p>This clause provides behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.</p> <p>It includes a behaviour that the use of social media and other forms of communication complies with the code.</p>  | <p>Current policy outlines - act with reasonable care and diligence; with honesty and integrity; act lawfully; avoid damage to the reputation of the Shire of Murray; be open and accountable to the public; base decisions on relevant and factually correct information; treat others with respect; and not be impaired by mind affecting substances.</p> | <p>Proposed provisions broadly supported, and further supports existing Meeting Procedures Local Law.</p> <p>Query Clause 8(2) - "must not be impaired by alcohol or drugs in the performance of their official duties. Should this be rephrased</p> |



|    |  |   |   |  |
|----|--|---|---|--|
|    |  |   |   | “illegal drugs”  |
| 9  | Relationships with others                | <p>This clause provides for behaviours related to relationships with others, including the requirement to:</p> <ul style="list-style-type: none"> <li>deal with the media in a positive, informative and appropriate manner</li> <li>not disparage the character of another council member, committee member, candidate or local government employee</li> <li>not impute dishonest or unethical motives to another council member, committee member, candidate of local government employee</li> <li>not make a statement that the member of candidate knows, or could reasonably be expected to know, is false or misleading.</li> </ul> | Current policy outlines - base decisions on relevant and factually correct information; | Proposed provisions broadly supported, and further supports existing Meeting Procedures Local Law                  |
| 10 | Complaints about alleged breach          | <p>This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.</p> <p>The local government is to authorise at least one person to accept the complaints.</p>  | Not applicable  | Proposed provisions broadly supported. The CEO and a suitable delegate should be the persons to receive complaints |
| 11 | Local government to deal with complaints | <p>The process for consideration of a complaint is at the discretion of the local government, however, the Code requires that after considering the complaint, the local government must make a finding as to whether the breach occurred.</p>  | Not applicable  | Proposed provisions broadly supported. However, it should be made clearer on who is to deal with a complaint       |

|    |                                   |   |                |  |
|----|-----------------------------------|---|----------------|--|
|    |                                   | <p>A local government is also required to dismiss a complaint if it is satisfied that the complaint relates to behaviour which occurred at a council or committee meeting that has already been dealt with or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.</p> <p>It is a requirement, in accordance with 11(3), that before making a finding, the person to whom the complaint relates, is given a reasonable opportunity to be heard.</p> <p>A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.</p> <p>After a finding has been made, written notice of the outcome should be given to the complaint and the person to whom the complaint relates.</p> <p>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This could include training, mediation, counselling or any other action considered appropriate.</p> |                | <p>relating to allegations of a breach of the code outside of a council or committee meeting, and not rely on clause 12.</p> |
| 12 | Other provisions about complaints | <p>Clause 12 provides that the procedure for dealing with complaints is a matter for the local government (to the extent it is not inconsistent with clause 11).</p>  | Not applicable | Proposed provisions broadly supported.   |

|                                      |  |   |  |                                |
|--------------------------------------|--|---|--|--------------------------------|
|                                      |  | If a complaint is made about a candidate, the alleged breach cannot be dealt with unless the candidate is elected as a council member.  |  |                                |
| <b>Division 4 – Rules of conduct</b> |  |   |  |                                |
| 13                                   | Overview of Division                                 | As per section 5.103(2)(c), the Code contains specific rules of conduct. The rules of conduct are specific rules, for which alleged breaches are referred to the Standards Panel.<br>A reference to a council member in this division includes a council member acting as a committee member. | Not applicable   | Proposed provisions supported. |
| 14                                   | Misuse of local government resources                 | This is based on current regulation 8 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Misuse of local government resources.  | Not applicable   | Proposed provision supported.  |
| 15                                   | Securing personal advantage or disadvantaging others | This is based on current regulation 7 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Securing personal advantage or disadvantaging others.  | Not applicable   | Proposed provision supported.  |
| 16                                   | Prohibition against involvement in administration    | This is based on current regulation 9 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Prohibition against involvement in administration.   | Not applicable   | Proposed provision supported.  |
| 17                                   | Relations with local government employees            | This is based on current regulation 10 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Relations with local government employees.<br>This regulation also applies to candidates.   | Not applicable   | Proposed provision supported.  |
| 18                                   | Disclosure of information                            | This is based on current regulation 6 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Use of information.  | Current policy outlines matters relating to the use of information | Proposed provision supported.  |

|           |                        |   |   |                               |
|-----------|------------------------|---|---|-------------------------------|
| <b>19</b> | Disclosure of interest | This is based on current regulation 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> , Disclosure of interest. | Current policy outlines matters relating to disclosure of interests | Proposed provision supported. |
|-----------|------------------------|---|---|-------------------------------|

### **Murray 2030 Strategic Community Plan**

|                   |  |
|-------------------|--|
| <b>Focus Are</b>  | Capable and Accountable  |
| <b>Aspiration</b> | To develop strong leadership through good governance, effective communication and ensuring value for money.        |
| <b>Strategy</b>   | Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability |

### **Murray 2020-2024 Corporate Business Plan**

Nil

### **Other Strategic Links**

Nil

### **Statutory Environment**

- *Local Government Act 1995*
- *Local Government Legislation Amendment Act 2019*
- Shire of Murray Code of Conduct Policy G1

### **Sustainability & Risk Considerations**

*Economic – (Financial impact to the community)*

Nil

*Social – (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Governance – (Policy implications)*

When the proposed Regulations in their current form or as amended after sector feedback are adopted a review of the current Shire of Murray Policy Manual will be required to effectively address any inconsistencies.

### **Overall Risk Management Consideration**

| <b>Risk Level</b> | <b>Comment</b>  |
|-------------------|---|
| Moderate          | Not participating in the opportunity to provide feedback, may result in concerns with the draft Regulations not being considered appropriately. |

### **Consultation**

Nil

### **Resource Implications**

*Financial and Workforce*

Nil

### **Options**

Council has the option of:

1. Supporting the recommendation provided.
2. Determining an alternate position.
3. Not accepting the suggested information for the submission and not provide a response.

### **Conclusion/Justification of Officer Recommendation**

The development and proposed implementation of the new Regulations form part Local Government reform being actively progressed by Government to modernise the legislation that empowers and guides Local Governments in support of their respective communities.

#### 11.4 Real Time Data Access Proposal – Close Circuit Television Infrastructure – Automatic Number Plate Recognition (APNR)

|                          |  |
|--------------------------|--|
| File Ref:                | 7261                                   |
| Previous Items:          | Nil                                    |
| Applicant:               | Western Australia Police Force         |
| Declaration of Interests | Nil                                    |
| Author and Title:        | Robert Marlborough, Manager Governance |
| Voting Requirements:     | Simple Majority                        |

**Appendix 6**

##### Recommendation

**That Council supports the Chief Executive Officer entering into a formal Deed with the Western Australia Police Force to Release Information enabling real time access to the Shire of Murray’s close circuit television infrastructure to capture vehicle registration information, subject to no costs being incurred and being satisfied that the integrity of the Shire’s information technology systems is not compromised.**

##### In Brief

To consider a proposal by the Western Australia Police Force (WAPF) for access to real time data from the Shire’s close circuit television (CCTV) infrastructure to support the capture of vehicle number plate information.

##### Background

In September 2020 the WAPF approached the Shire seeking support for access to the Shire’s CCTV infrastructure that has the capability to recognise vehicle registration numbers. The proposal was presented to a Council briefing session.

The WAPF sought to enter into a deed of agreement to formalise a release of third party information held by the Shire. The general purpose of the proposal presented is to support the WAPF, in the -

- (a) Investigation and prosecution of offences,
- (b) Enforcement of criminal law,
- (c) Community safety.

The success of automatic number plate recognition (ANPR) has increased public interest in further use of the technology to support law enforcement. Therefore, the focus of WAPF is to expand its ANPR capability and network with authorised use of ANPR Records from Third Party Providers under community safety partnerships, formalised in a Release of Information Deed.

The majority of the Shire’s fixed CCTV infrastructure and the mobile CCTV trailers have cameras capable of number plate recognition, however software is required to provide the metadata and linkages to the Shire’s Information Technology (IT) network are required to be able to transmit the data to the WAPF.

Enabling access for third parties to the Shires IT network can pose a risk. Discussion about data and network security have determined that adequate safeguards can be implemented to ensure appropriate data security.

The ANPR Release of Information Deed is provided for Council’s information at **Appendix 6.**

**Report Detail**

As detailed, the Western Australia Police Force are seeking support to work in partnership with the Shire for the ANPR project by agreeing to be a third party provider for the release of information from local existing CCTV infrastructure.

The broad intent of the Shire’s CCTV network, including mobile CCTV assets, since inception have been on reducing crime, identifying offenders and generally supporting the broader community by cameras being an active deterrent.

This ANPR project will assist with effective policing and it clearly supports the intent for the local CCTV infrastructure. Costs associated with software to access data for the project will be rest with the WAPF.

**Murray 2030 Strategic Community Plan**

|                   |  |
|-------------------|--|
| <b>Focus Area</b> | Places for People                                |
| <b>Aspiration</b> | Socially connected, safe and cohesive community. |
| <b>Strategy</b>   | Ensure the safety of our community.              |

**Murray 2020-2024 Corporate Business Plan**

|                            |  |
|----------------------------|--|
| <b>Focus Area</b>          | Places for People  |
| <b>Strategy</b>            | Ensure the safety of our community   |
| <b>Project and Actions</b> | Deliver initiatives that meet the aims and outcomes of the Shire's Community Safety and Crime Prevention Plan. |

**Other Strategic Links**

Nil

**Statutory Environment**

Nil

**Sustainability & Risk Considerations**

*Economic – (Financial impact to the community)*

The proposal to work in partnership on the ANPR project will not financially affect the community, as any direct costs will be the responsibility of the Western Australia Police Force.

*Social – (Quality of life to community and/or affected landowners)*

Opportunities to promote and support effective law enforcement reduces crime and supports community safely.

*Environment – (Impact on environment’s sustainability)*

Nil

*Governance – (Policy implications)*

Council policies are not impacted.

**Overall Risk Management Consideration**

|                   |  |
|-------------------|--|
| <i>Risk Level</i> | <i>Comment</i>   |
| Low               | Supporting effective and improved policing is not likely to result in broad negative community feedback. |

**Consultation**

Not Applicable

**Resource Implications***Financial*

Costs associated with software to access data for the project will be the responsibility of the WAPF.

*Workforce*

Limited officer time will be required internally to set up IT processes for external data access.

**Options**

Council has the option of:

1. Supporting the recommendation presented.
2. Rejecting the recommendation and decline to be involved in the ANPR project.

**Conclusion/Justification of Officer Recommendation**

Supporting access to the Shire's CCTV infrastructure and the release of captured data to the Western Australia Police Force is an initiative that should be supported as it provides improved tools to detect and investigate crimes and it improves broader community safety.



**11.5 Ordinary Council Meeting Dates 2021**

File Ref: 1158  
 Author and Title: Dean Unsworth, Chief Executive Officer  
 Voting Requirements: Simple Majority

**Recommendation**

**That Council adopts and advertises the dates for the 2021 Ordinary Council meetings as follows, commencing at 5.30pm:**

|                  |   |
|------------------|---|
| <b>February</b>  | <b>Thursday 25 February</b>   |
| <b>March</b>     | <b>Thursday 25 March</b>  |
| <b>April</b>     | <b>Thursday 22 April</b>  |
| <b>May</b>       | <b>Thursday 27 May</b>  |
| <b>June</b>      | <b>Thursday 24 June</b>   |
| <b>July</b>      | <b>Thursday 22 July</b>   |
| <b>August</b>    | <b>Thursday 26 August</b>   |
| <b>September</b> | <b>Thursday 23 September</b>  |
| <b>October</b>   | <b>SCM Tuesday 19 October (for Swearing in of new Councillors - LG Election 16 October)</b><br><b>Councillor Inductions Monday 18 October</b> |
| <b>October</b>   | <b>Thursday 28 October</b>  |
| <b>November</b>  | <b>Thursday 25 November</b>   |
| <b>December</b>  | <b>Thursday 16 December</b>   |

**In Brief**

- This report is presented to Council to consider the Ordinary Council meeting dates for 2021.

**Background**

Local Governments at least once each year are required to give local public notice of the dates on which and the time and place at which the Ordinary Council meetings are to be held in the next 12 months.

**Report Detail**

Council meeting dates are currently scheduled on the 4<sup>th</sup> Thursday of each month.

Council has in the past varied the December round of meetings to meet the needs of Christmas and New Year where necessary. The meeting dates for 2021 do not coincide with any scheduled public holidays.

**Murray 2030 Strategic Community Plan**

Not Applicable

**Murray 2020- 2024 Corporate Business Plan**

Not Applicable

**Other Strategic Links**

Not Applicable

**Statutory Environment**

*Local Government (Administration) Regulations* Clause 12 requires local governments to give public notice of its meetings.

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Not Applicable

*Social - (Quality of life to community and/or affected landowners)*

Not Applicable

*Environment – (Impact on environment's sustainability)*

Not Applicable

*Policy Implications*

Not Applicable

*Risk Management Implications*

Not Applicable

**Consultation**

Not Applicable

**Resource Implications**

*Financial*

The cost of advertising the meeting details of Council is included in the current budget.

*Workforce*

Not Applicable

**Options**

Council has the option of:

1. Advertising its meeting details to the public as recommended.
2. Varying the dates being recommended for advertising.

**Conclusion**

It is recommended that Council adopts the meeting dates for 2021 as detailed which is in line with the current structure.

## 11.6 Payments from Municipal and Trust Funds – **October** 2020

File Ref: 8013-01  
Author and Title: Nicole Bryant, Manager Finance  
Voting Requirements: Simple Majority

### **Appendix 7**

#### **Recommendation**

**That Council receives the Payments from Municipal and Trust Funds report for **October** 2020 as presented.**

#### **In Brief**

This report of payments made from the Shire's Municipal and Trust bank accounts is presented to Council, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

#### **Background**

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires that:

- 1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
  - a) the payee's name; and
  - b) the amount of the payment; and
  - c) the date of the payment; and
  - d) sufficient information to identify the transaction.
- 2) A list of accounts for approval to be paid is to be prepared each month showing:
  - a) for each account which requires council authorisation in that month:
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - b) the date of the meeting of the council to which the list is to be presented.
- 3) A list prepared under sub regulation (1) or (2) is to be:
  - a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - b) recorded in the minutes of that meeting.

#### **Report Detail**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's Municipal and Trust Funds and, as required, a list of accounts paid by the Chief Executive Office is provided to Council.

The information report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of **October** 2020.

This list includes details for each payment made, incorporating:

- The payees name
- The description of the payment
- The date of the payment
- The amount of the payment
- A certificate signed by the Chief Executive Officer, stating that all invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of

services and as to prices, computations and costing and that the amounts shown were due for payment.

Invoices supporting all payments are available for the inspection of Council.

### **Murray 2030 Strategic Community Plan**

|                   |   |
|-------------------|---|
| <b>Focus Area</b> | Capable and Accountable   |
| <b>Aspiration</b> | To develop strong leadership through good governance, effective communication and ensuring value for money.         |
| <b>Strategy</b>   | Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability. |

### **Other Strategic Links**

Nil

### **Statutory Environment**

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* governs the requirement to provide to Council a detailed listing of all payments made from the Municipal and Trust bank accounts and outlines the form, content and timing of this report.

### **Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

| <i>Risk Level</i> | <i>Comment</i>  |
|-------------------|---|
| Low               | Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit. |

### **Consultation**

Nil

### **Resource Implications**

*Financial*

Nil

*Workforce*

Nil

### **Options**

Council has the option of:

1. Receiving the Payments from Municipal and Trust Funds report for **October** 2020.
2. Not receiving the Payments from Municipal and Trust Funds report for **October** 2020.

### **Conclusion**

The Payments from Municipal and Trust Funds report has been prepared in accordance with the Local Government (Financial Management) Regulations 1996 and is presented to Council for information. All accounts are for goods and services that have been duly incurred and authorised for payment in accordance with the budget allocation and statutory obligations.

## 11.7 Monthly Financial Report – **October** 2020

File Ref: 8013-01  
 Author and Title: Nicole Bryant, Manager Finance  
 Voting Requirements: Simple Majority

**Appendix 8**

### Recommendation

That Council receives the **October** 2020 Monthly Financial Report as presented.

### In Brief

This monthly financial report is presented to Council to outline the Shire of Murray's financial position as at the reporting date, in line with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

### Background

The *Local Government Act 1995* in conjunction with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Statement of Financial Activity to be presented to Council. This Statement is to include:

- a. Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the *Local Government Act 1995*;
- b. Budget estimates to the end of the month to which the statement relates;
- c. Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;
- d. The material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- e. The net current assets at the end of the month to which the statement relates.

### Report Detail

The monthly financial report for **October** 2020 identifies the financial position of Council as at the reporting date and consists of:

- Statement of Financial Activity
- Notes to Statement of Financial Activity:
  - \* Monthly Summary Information
  - \* Significant Accounting Policies
  - \* Net Current Funding Position
  - \* Cash and Investments
  - \* Receivables
  - \* Disposal of Assets
  - \* Capital Acquisitions
  - \* Operating Grants and Contributions
  - \* Non-Operating Grants and Contributions
  - \* Cash Backed Reserves

### Murray 2030 Strategic Community Plan

|                   |   |
|-------------------|---|
| <b>Focus Area</b> | Capable and Accountable   |
| <b>Aspiration</b> | To develop strong leadership through good governance, effective communication and ensuring value for money.         |
| <b>Strategy</b>   | Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability. |

**Other Strategic Links**

The Shire of Murray 2020/2021 Annual Budget.

**Statutory Environment**

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 outlines the form, content and timing of the monthly financial reports prepared for presentation to Council.

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Timely submission of detailed monthly financial reports allows Council to monitor the financial performance of the Shire and review any adverse financial trends that may impact on the Shire's financial sustainability.

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

| <i>Risk Level</i> | <i>Comment</i>   |
|-------------------|--|
| Moderate          | Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. |
| Low               | Non-compliance with legislative requirements may result in a qualified audit.  |

**Consultation**

Nil

**Resource Implications**

*Financial*

Nil

*Workforce*

Nil

**Options**

Council has the option of:

1. Receiving the monthly financial report for **October** 2020.
2. Not receiving the monthly financial report for **October** 2020.

**Conclusion**

This monthly financial statement has been prepared in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

**Recreation, Economic & Community Development**

Nil



## **Infrastructure Services**

Nil

**Items for Information****11.8 Council Resolution/Outstanding Items**

Resolution Register is attached for information.

**Appendix 9**

**11.9 Delegated Decisions – October 2020**

Delegated Decisions is attached for information.

**Appendix 10**

**12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING**

Nil

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING****15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING****16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)****16.1 Australia Day Community Citizen of the Year Awards 2021**

File Ref: 7/8116  
Author and Title: Fayhe Hide, Coordinator Executive Services  
Voting requirements: Simple Majority

**Appendix Under Separate Confidential Cover**

**Recommendation**

**That Council proceeds behind closed doors as per Section 5.23(2) of the Local Government Act for the purpose of considering confidential items 16.1 Australia Day Community Citizen Awards 2021.**

**Recommendation**

**That Council endorses the Selection Panel's Recommendation included in the report for Item 16.1 Australia Day Community Citizen Awards 2021 provided under confidential cover.**

**Purpose**

Council is requested to support the recognition of worthy persons and groups through the Community Citizen of the Year Awards 2021.

**Background**

In September 2020, the Shire of Murray called for nominations for the 2021 Australia Day Community Citizen of the Year Awards. The Australia Day Council of Western Australia provides four awards each year for presentation in each local government area. These

awards are a means of recognising the individuals and groups making outstanding contributions to the local community through their inspiring actions and dedicated services. The recognition of these people is integral to fostering community pride and positive Australian characteristics.

**Proposal**

In accordance with Council’s Policy G4, nominations were called for in the four (4) categories for the 2021 Community Citizen of the Year Awards.

The four categories are:

- Community Citizen of the Year Award
- Senior Community Citizen of the Year Award
- Youth Community Citizen of the Year Award
- Active Citizenship Award (Group or Event)

Copies of the nominations are distributed to Councillors under separate confidential cover for their consideration and decision. Council is required to forward the nominations to the Australia Day Council of Western Australia by Friday 11 December 202-.

**Murray 2030 Strategic Community Plan**

|                   |  |
|-------------------|--|
| <b>Focus Area</b> | Places for People  |
| <b>Aspiration</b> | To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents. |
| <b>Strategy</b>   | Foster opportunities for connectivity between the Council and the community.   |

**Other Strategic Links**

Nil

**Statutory Environment**

Not Applicable

**Policy Implications**

Council’s Policy G4 – Civic Awards and Commendations – President’s Award refers.

**Sustainability and Risk Considerations**

*Economic - (Financial Impact to the Community)*

There is no direct financial impact to the community as the awards are promoted through media avenues that are already in existence.

The awards are designed to foster, recognise and celebrate significant contributions to the community through active citizenship.

*Environment – (Impact on environment’s sustainability)*

Not Applicable

*Governance (Policy Implications)*

Policy No G4 of Council's Policy, Standard Operating Procedures and Delegated Authority Manual refers.

*Overall Risk Management Consideration*

Not applicable

**Consultation**

The Australia Day Council of Western Australia provides information to all local government authorities across Western Australia about the awards and processes and provides application forms and posters to assist with the publicity.

**Resource Implications**

Financial

Incorporated within the Shire of Murray's administration budget.

Workforce

Incorporated within the scope of the Administration officer roles.

**Options**

Council is requested to consider the nominations received and select nominations to be forwarded to the Australia Day Council of Western Australia.

**Conclusion**

Nominations for the following will be considered by the Australia Day Awards selection panel and recommendations will be made to Council for consideration.

**Australia Day Community Citizen of the Year Award**

**Australia Day Senior Community Citizen of the Year Award**

**Australia Day Youth Community Citizen of the Year Award**

**Australia Day Community Active Citizenship Award (Group or Event)**

**17. CLOSURE OF MEETING**