



Minutes

Ordinary Council Meeting

Thursday 26 November 2020

Ordinary Council – 26 November 2020
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 26 November 2020.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr D Bolt declared the meeting open the time being 5.30pm.

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr D Bolt	President
Cr D McLarty (via teleconference)	Deputy President
Cr C Rose	Councillor
Cr S Lee	Councillor
Cr G Black	Councillor
Cr B Beacham	Councillor
Mr D Unsworth	Chief Executive Officer
Mr A Smith	Director Infrastructure Services
Mr R Peake	Director Planning and Sustainability
Mrs L McGuirk	Director Place and Community Development
Mr B Jordan	Acting Director Corporate Services
Mrs F Hide	Coordinator Executive Services

There was one (1) member of the public and three members of staff in attendance at this time.

APOLOGIES

Cr B Cardilini – Apology

Cr S Kirkham – Apology

Cr A Rogers - Apology

LEAVE OF ABSENCE

Matter Arising

2.1 Request for Leave of Absence - Cr S Kirkham

File Ref: 1/2385
Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM20/196

Moved: Cr C Rose

Seconded: Cr G Black

That the request for leave of absence from Council and all Council duties, received from Cr S Kirkham, for the period Friday 27 November 2020 to 31 March 2021 (inclusive) be approved.

CARRIED UNANIMOUSLY 6:0

In Brief

Communication has been received from Cr S Kirkham, requesting leave of absence from Council and all Council duties for the period Friday 27 November to 31 March 2021 (inclusive).

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting – 22 October 2020****Recommendation/Council Decision**

OCM20/197

Moved: Cr B Beacham

Seconded: Cr S Lee

That the Minutes of the Ordinary Council Meeting held on 22 October 2020 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 6:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 23 October, the CEO and I attended a meeting with Robyn Clarke MLA to discuss various local issues and regional projects.

On Saturday 24 October, Cr Brenda Beacham, Cr Steve Lee and myself attended the 'Back to Pinjarra Day' to pay respect to ancestors who have fallen, support cultural awareness in the community and assist with the spiritual healing of the Bindjareb nation and first Australian's.

On Tuesday 27 October, I attended the Food Drive donation presentation to the Pinjarra Alliance Church for Anti-Poverty Week.

On Wednesday 28 October, I meet with several Aboriginal Elders at the Pinjarra Massacre Memorial site.

On Saturday 31 October, I attended the Pinjarra Men's Shed 1st Anniversary celebration event at the Pinjarra Heritage Rail Precinct.

On Thursday 5 November, I attended the Peel Chamber of Commerce and Industry 'State Election 2021; Meet the Candidates of Murray-Wellington' at the Pinjarra Harness Club.

On Friday 6 November, I attended the raising of the Aboriginal Flag at the Dwellingup Police Station. Later in the morning, the CEO and I attended the Ministerial Announcement of the

RED Round 3 Grants for the Peel Region at the Jarrahfall Bush Camp in Dwellingup with the Hon Alannah MacTiernan MLC. Minister for Regional Development. In the afternoon, I attended the official opening of the Bedingfeld Park Expansion Project at Bedingfeld Park in Pinjarra. Later that day I gave a speech and helped officially opened the new Community Garden Centre Building.

On Wednesday 11 November, I attended a regular catch up meeting with the Shire CEO at Edenvale. Following the meeting, I attended the Remembrance Day Service at the War Memorial in Pinjarra where I gave a Memorial dedication speech and laid a wreath on behalf of the Council and Shire of Murray.

On Thursday 12 November, the Councillors and I attended the Councillor Strategy Planning Day at the Shire of Murray. Later in the morning, the CEO and I attended the official opening of the Western Power Pinjarra Depot. In the afternoon, the CEO and I attended a meeting at the Pinjarra Council Briefing Rooms with the Peel Development Commission along with the Shire President of Waroona.

On Monday 16 November, the CEO and I attended a regular catch-up meeting with Alcoa senior management. Later in the morning, the CEO and I attended a meeting and tour of the Peel Business Park with the Development WA Board and the CEO and Deputy Chair of the Peel Development Commission.

On Thursday 19 November, I attended the Shire of Murray Councillor/Staff Service Recognition event and presented several Long Service Awards.

On Friday 20 November, the CEO and I attended and officially opened the Dwellingup WA Trails Forum which took place at the Town Hall and the new Trails and Visitor Centre.

On Tuesday 24 November, the CEO and I attended a meeting at Edenvale Homestead to discuss regional projects and priorities.

On Wednesday 25 November, I attended a site visit to review progress of the new Aventas Waste to Energy Plant under construction at Kwinana, along with several Council members and officers of the Rivers Regional Council. In the afternoon, I attended the CHRMAP project Community Session at the Pinjarra Court House.

On Thursday 26 November, the CEO and I attended the Peel Regional Leaders AGM and General Meeting at the Shire of Murray. In the afternoon I attended the WALGA Peel Zone Meeting. Following this I presided at Shire of Murray October Ordinary Council Meeting held in Council Chambers.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

9. ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER)

Nil

10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL

Nil

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

Planning and Sustainability

Nil

Corporate Governance

11.1 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 1, 2 and 3

Recommendation/Council Decision

OCM20/198

Moved: Cr B Beacham

Seconded: Cr S Lee

That Council endorses the submission into the Model Standards – CEO Recruitment and Performance Reviews as per Appendix 1.

CARRIED UNANIMOUSLY 6:0

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 1). These views are shared by the Western Australian Local Government Association (WALGA) (Appendix 2) and Local Government Professionals WA (LGPro) (Appendix 3).

Murray 2030 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995

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.

11.2 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 4

Recommendation/Council Decision

OCM20/199

Moved: Cr G Black

Seconded: Cr B Beacham

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.

CARRIED UNANIMOUSLY 6:0

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.

Part	Regulation Subject	Department of Local Government Explanation	Existing Policy G1 Code of Conduct	Position/ Comments
3		These regulations provide for the model code of	The policy applies to council and	Supported

	Model Code of Conduct	conduct for council members, committee members and candidates in Schedule 1.	committee members and employees but not election candidates	
4	<i>Local Government (Rules of Conduct) Regulation 2007</i> repealed.	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</i> amended	<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</i> amended	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	No applicable	Amendment supported.

		to the Rules of Conduct Regulations.		
7	<i>Local Government (Constitution) Regulations 1998 amended</i>	This clause amends Schedule 1 Form 7 (Declaration by elected 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.	No applicable	Amendment supported.
Schedule 1 – Model code of conduct				
1	Citation	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.	No applicable	Amendment supported.
		<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>	Not applicable	Supported
2	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
Division 2 – General principles				

3	Overview of Division	<p>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.</p> <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"> • personal integrity, • relationships with others; and • accountability. 	Current policy provides for ethical standards, behaviours and general conduct	Proposed provision supported
4	Personal Integrity	<p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> • act with reasonable care, diligence, honesty and integrity • act lawfully • avoid damage to the reputation of the local government • act in accordance with the trust placed in council members and committee members, and • participate in decision-making in an honest, fair, impartial and timely manner. 	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.	Proposed provisions supported
5	Relationships with others	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.	As above	Proposed provision supported
6	Accountability	This clause outlines principles for accountability, including the need for decisions to be based on relevant and factually correct	Current policy outlines - act, and be seen to act, properly and in accordance with law; perform	Proposed provision supported

		information, and to make decisions on merit.	duties impartially and in the best interests of the community, uninfluenced by fear or favour; deal with all sections of the community in an open, honest and forthright manner	
Division 3 - Behaviour				
7	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
8	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</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 performanc</p>

			not be impaired by mind affecting substances.	e of their official duties. Should this be rephrased “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"> deal with the media in a positive, informative and appropriate manner not disparage the character of another council member, committee member, candidate or local government employee not impute dishonest or unethical motives to another council member, committee member, candidate of local government employee not make a statement that the member of candidate knows, or could reasonably be expected to know, is false or misleading. 	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	The process for consideration of a complaint is at the discretion of the local government, however, the	Not applicable	Proposed provisions broadly supported. However, it

		<p>Code requires that after considering the complaint, the local government must make a finding as to whether the breach occurred.</p> <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>should be made clearer on who is to deal with a complaint relating to allegations of a breach of the code outside of a council or committee meeting, and not rely on clause 12.</p>
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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> <p>If a complaint is made about a candidate, the alleged breach cannot be dealt with unless the candidate is elected as a council member.</p>	Not applicable	Proposed provisions broadly supported.
Division 4 – Rules of conduct				
13	Overview of Division	<p>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.</p> <p>A reference to a council member in this division includes a council member acting as a committee member.</p>	Not applicable	Proposed provisions supported.
14	Misuse of local government resources	<p>This is based on current regulation 8 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>, Misuse of local government resources.</p>	Not applicable	Proposed provision supported.
15	Securing personal advantage or disadvantaging others	<p>This is based on current regulation 7 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>, Securing personal advantage or disadvantaging others.</p>	Not applicable	Proposed provision supported.
16	Prohibition against involvement in administration	<p>This is based on current regulation 9 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>, Prohibition against involvement in administration.</p>	Not applicable	Proposed provision supported.
17	Relations with local government employees	<p>This is based on current regulation 10 of the <i>Local Government (Rules of Conduct) Regulations 2007</i>, Relations with local government employees.</p> <p>This regulation also applies to candidates.</p>	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.
19	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

Focus Are	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	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

Risk Level	Comment
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.

11.3 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 5

Recommendation/Council Decision

OCM20/200

Moved: Cr S Lee

Seconded: Cr B Beacham

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.

CARRIED UNANIMOUSLY 6:0

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 5**.

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

Focus Area	Places for People
Aspiration	Socially connected, safe and cohesive community.
Strategy	Ensure the safety of our community.

Murray 2020-2024 Corporate Business Plan

Focus Area	Places for People
Strategy	Ensure the safety of our community
Project and Actions	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.

11.4 Ordinary Council Meeting Dates 2021

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

Recommendation/Council Decision

OCM20/201

Moved: Cr G Black

Seconded: Cr S Lee

That Council adopts and advertises the dates for the 2021 Ordinary Council meetings as follows:

January	Thursday 21 January	5.30pm
February	Thursday 25 February	5.30pm
March	Thursday 25 March	5.30pm
April	Thursday 22 April	5.30pm
May	Thursday 27 May	5.30pm
June	Thursday 24 June	5.30pm
July	Thursday 22 July	5.30pm
August	Thursday 26 August	5.30pm
September	Thursday 23 September	5.30pm
October	Monday 18 October	8.30am
October	Thursday 28 October	5.30pm
November	Thursday 25 November	5.30pm
December	Thursday 16 December	5.30pm

CARRIED UNANIMOUSLY 6:0

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 4th 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.

There are two (2) additional Council meetings proposed in 2021.

a) Thursday 21 January:

Council will be requested to consider three significant items at this meeting, including:

- (i) Point Grey Scheme Amendment submissions;
- (ii) Exchange Hotel Concept Plans and Quantity Surveyor report; and
- (iii) Western Australian Food Innovation Precinct Tender documents.

b) Monday 18 October at 8.30am:

Swearing in of new or re-elected Councillors. In previous years this was a Special Council meeting. However, by endorsing this meeting now, there is not the need for additional expense in advertising this meeting separately. It is proposed to have the Councillor Induction session immediately following this Council meeting.

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.

11.5 Payments from Municipal and Trust Funds – October 2020

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

Appendix 6

Recommendation/Council Decision

OCM20/202

Moved: Cr C Rose

Seconded: Cr B Beacham

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

CARRIED UNANIMOUSLY 6:0

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

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	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.

11.6 Monthly Financial Report – October 2020

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

Appendix 7

Recommendation/Council Decision

OCM20/203

Moved: Cr S Lee

Seconded: Cr G Black

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

CARRIED UNANIMOUSLY 6:0

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

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	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

11.7 Council Resolution/Outstanding Items

Resolution Register is attached for information.

Appendix 8

11.8 Delegated Decisions – October 2020

Delegated Decisions is attached for information.

Appendix 9

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

Nil

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING

Nil

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/Council Decision

OCM20/204

Moved: Cr S Lee

Seconded: Cr C Rose

That Council proceeds behind closed doors the time being 5.35pm as per Section 5.23(2) of the Local Government Act for the purpose of considering confidential item 16.1 Australia Day Community Citizen Awards 2021.

CARRIED UNANIMOUSLY 6:0

Recommendation/Council Decision

OCM20/206

Moved: Cr G Black

Seconded: Cr C Rose

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

CARRIED UNANIMOUSLY 6:0

In Brief

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 2020.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Aspiration	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.
Strategy	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)

Council Decision

OCM20/207

Moved: Cr S Lee

Seconded: Cr C Rose

That Council proceeds with open doors the time being 5.39

17. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 5.40pm.

I confirm that these minutes were confirmed at the Ordinary Council Meeting held on 17 December 2020 as being a true and correct record.



.....
Presiding Member

17 December 2020

.....
Date