



SHIRE OF

Chapman Valley

love the rural life!

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 18 December 2019
at the **Council Chambers, 3270 Chapman Valley Road, Nabawa**
commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

DECEMBER 2019

Shire's Vision

*'A thriving community, making the most of our coastline, ranges and rural settings to
support us to grow and prosper'*

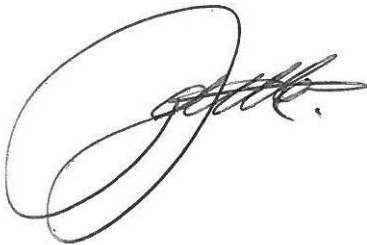
DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on **WRITTEN CONFIRMATION** of the outcome of the application or request of the decision made by the Shire of Chapman Valley.



Maurice Battilana
CHIEF EXECUTIVE OFFICER

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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

3.1 Attendees

3.2 Apologies

3.3 Previously Approved Leave of Absence (By Resolution of Council)

Councillor	OCM Month & Year	Date Approved	Minute Reference
Cr Ian Maluish	21 November 2019 to 15 February 2020	18 November 2019	11/19-1
Cr Kirrilee Warr	February 2020 OCM	18 November 2019	11/19-2

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

5.0 APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council)

6.0 DISCLOSURE OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

*"a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality):

*"**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*

Item No.	Member/Officers	Type of Interest	Nature of Interest

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

- 7.1 Petitions
- 7.2 Presentations
- 7.3 Deputations

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

- 8.1 Ordinary Meeting of Council held on Wednesday 20 November 2019

That the minutes of the Ordinary Meeting of Council held Wednesday 20 November 2019 be confirmed as a true and accurate.

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

December 2019

Contents

10.1 AGENDA ITEMS

10.1.1 Road Realignment Mount Erin-Nabawa Road

AGENDA ITEM:	10.1.1
SUBJECT:	ROAD REALIGNMENT MOUNT ERIN-NABAWA ROAD
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	RESERVE 15203 MOUNT ERIN-NABAWA ROAD (CEMETERY)
FILE REFERENCE:	1001.790 & A1931
PREVIOUS REFERENCE:	NIL
DATE:	10 DECEMBER 2019
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Mount Erin-Nabawa Road realignment over Reserve 15203	✓	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire realigned Mount Erin-Nabawa Road on-ground in 2011 to remove a dangerous intersection and in order to finalise this matter a Council resolution is required. This report recommends that Council request the Department of Lands complete the Mount Erin-Nabawa Road reserve realignment action and provide the necessary indemnification.

COMMENT

The Shire obtained Black Spot funding in 2011 to realign a dangerous intersection where Mount Erin-Nabawa Road met with Chapman Valley Road alongside the Cemetery entrance.

Figure 10.1.1(a) - Mount Erin-Nabawa Road & Chapman Valley Road intersection in 2010



[illegible]

Figure 10.1.1(c) – DP72431 that created the portion of road realignment impacting private land



A 6,900m² section of the on-ground Mount Erin-Nabawa Road realignment also runs across the southernmost, undeveloped section of the 5.5196ha Reserve 15203 (Nabawa Cemetery). To finalise this matter the Shire wrote to the Department of Lands on 17 December 2018 seeking its issue of a crown survey instruction to rectify this matter. The Shire correspondence advised that it would accept the surveying costs and noted that due to the subject land being Crown Reserve and not under private ownership, there would not be a land acquisition cost or settlement agent fee incurred as part of this process.

Figure 10.1.1(d) – Reserve 15203 (Nabawa Cemetery)



Figure 10.1.1(e) – Realigned Mount Erin-Nabawa Road looking towards Chapman Valley Road



Council is now required to make resolution relevant to the dedication of the land required for the road realignment in order for this matter to be progressed with the Department of Lands.

The Department of Lands also advised on 6 December 2019 that it required that Council indemnify the State against any claim for compensation which may arise from the taking of native title rights and interests relevant to the area of Reserve 15203 required for the realignment of Mount Erin-Nabawa Road. This requirement to indemnify the State is standard Department practice relating to the disposal of Crown Land, and the Shire will have to agree to this in order to finalise the Mount Erin-Nabawa Road realignment.

The Shire has queried with the Department of Lands why it is required to indemnify the State when the land being converted to road reserve is a Crown Reserve i.e. it is not being disposed of to a private party it is merely changing from a Cemetery Reserve that currently has a management order issued to the Shire to a Local Road Reserve that will be under the management of the Shire.

The Department of Lands have advised that when the Nabawa Cemetery Reserve was created in 1914 certain persons were appointed "Trustees of the Public Cemetery at Nabawa, Reserve 15203" and this is not equivalent to a Section 42 of the *Land Act 1898* vesting, and therefore native title is not fully extinguished. This means, that the land parcel being excised from the Nabawa Cemetery Reserve will be deemed as Unallocated Crown Land prior to its creation as road reserve, and a Section 24KA of the *Native Title Act 1993* notification will be required, with a Section 17 of the *Land Administration Act 1997* memorial being placed on the title stating "*The land is subject to the non-extinguishment principle in accordance with section 24ka of the NTA*".

STATUTORY ENVIRONMENT

Reserve 15203 was created in 1913 for the purpose of 'Cemetery' and placed under the management of the Nabawa Cemetery Board, a management order for Reserve 15203 was issued to the Shire of Chapman Valley in 2005.

Section 56 of the *Land Administration Act 1997* allows for the dedication of land for road purposes.

Council has previously been required to make road dedication and indemnification resolutions when undertaking road realignments such as the one relating to the Yuna Road South widening at its 17 February 2016 meeting or the 4 realigned bends on East Nabawa Road at its 16 March 2016 meeting.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The services of a licensed surveyor will be required to prepare the necessary survey diagram and Account 7052 – Surveying and Land Expenses will be utilised for this cost.

- **Long Term Financial Plan (LTFP):**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 meeting, the introduction of which notes amongst 'The Challenges We Face':

"The road network is the Shire's biggest asset and transport the main priorities. Maintaining and upgrading the road network is important to the community."

STRATEGIC IMPLICATIONS

The Mount Erin-Nabawa Road and Chapman Valley Road intersection is located within Precinct No.3- Chapman Valley of the Shire of Chapman Valley Local Planning Strategy, and the road realignment action is in accordance with the following precinct infrastructure objective:

“Identify, support & facilitate the efficient and coordinated use of existing road linkages.”

- **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. The Strategic Community Plan noted that the *“need for safer and wider roads”* was a key challenge and risk identified by the community. The realignment of Mount Erin-Nabawa Road and the provision of a safer access into the Nabawa Cemetery meets with the following objectives of the Strategic Community Plan:

“1.3 Maintain and enhance safety and security for the community.”

“4.2 Manage and maintain roads, drainage and other essential infrastructure.”

CONSULTATION

Nil.

RISK ASSESSMENT

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

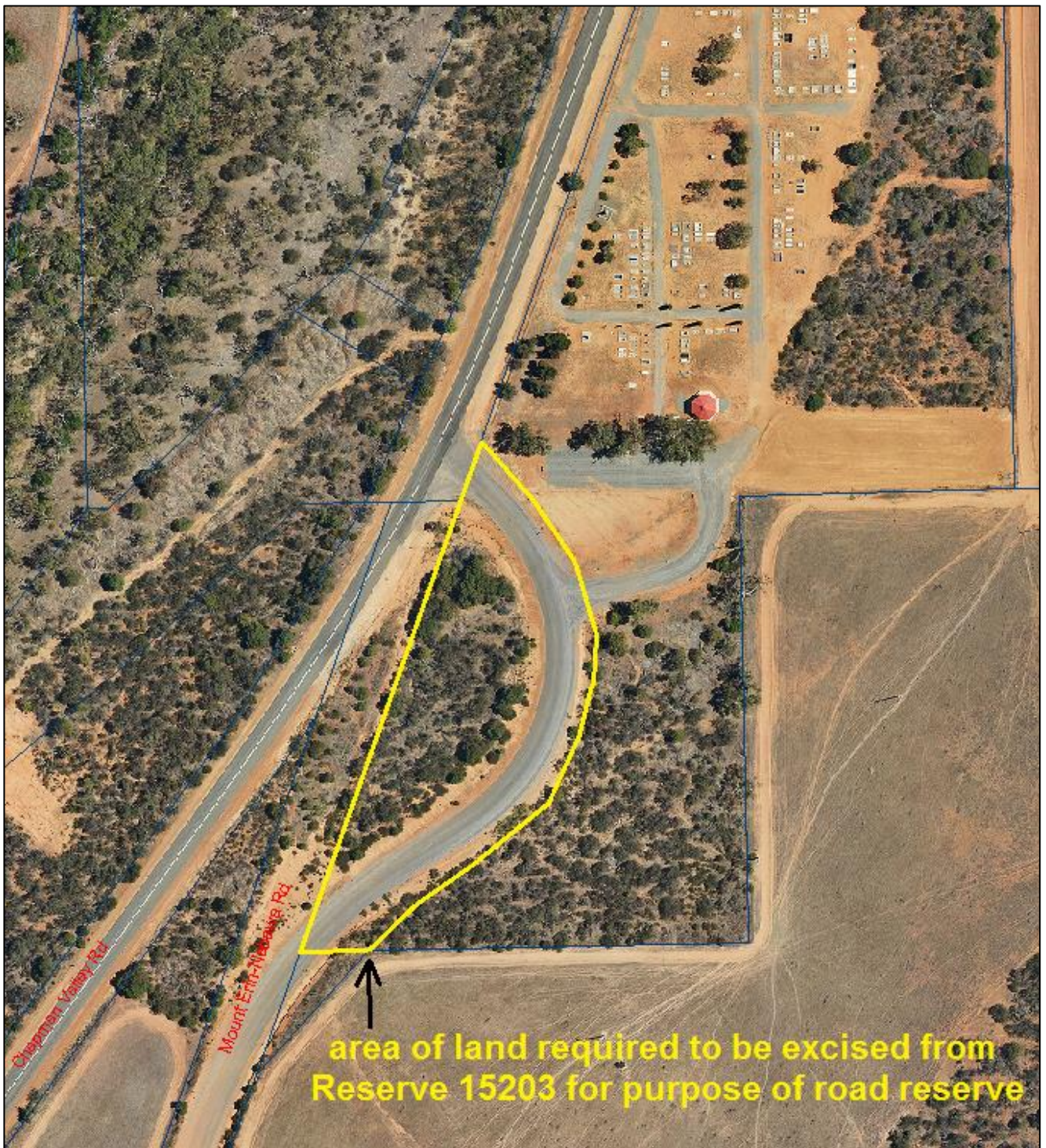
VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council resolve to:

- 1 Request the Hon. Minister for Lands to dedicate as public road the Mount Erin-Nabawa Road realignment as generally shown upon Attachment 10.1.1 pursuant to Section 56 of the *Land Administration Act 1997*; and
- 2 Indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the *Native Title Act 1993* (Commonwealth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the Mount Erin-Nabawa Road realignment as generally shown upon Attachment 10.1.1.



10.2

Manager Finance & Corporate Services December 2019

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10.2 AGENDA ITEMS

- 10.2.1 Financial Reports for November 2019
- 10.2.2 Finance, Audit and Risk Management Committee Minutes

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL MANAGEMENT REPORT FOR NOVEMBER 2019
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	N/A
DATE:	18 DECEMBER 2019
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	November 2019 Financial Management Report		✓
10.2.1(b)	Confidential List of Accounts		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Local Government (Financial Management) Regulations require monthly statements of financial activity to be reported and presented to Council.

COMMENT

The financial position at the end of November 2019 is detailed in the monthly management report provided as a separate attachment for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY/PROCEDURE IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in the Financial Management Report for November 2019

- **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial management report supplied under separate cover for the month of November 2019 comprising the following:

- Statement of Financial Activities with notes
 - Note 1 – Net Current Assets
 - Note 2 – Explanation of Material Variances
 - Note 3 – Cash & Investments
 - Note 4 – Receivables
 - Note 5 – Rating Revenue
 - Note 6 – Disposal of Assets
 - Note 7 – Capital Acquisitions
 - Note 8 – Borrowings
 - Note 9 – Reserves
 - Note 10 – Grants & Contributions
 - Note 11 – Trust Fund
 - Note 12 – Budget Amendments
- Additional Information
- Budget by Program
 - Summary of Payments
 - Bank Reconciliation
 - Credit Card Statement

AGENDA ITEM:	10.2.2
SUBJECT:	FINANCE, AUDIT & RISK MANAGEMENT COMMITTEE MINUTES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.05
PREVIOUS REFERENCE:	NIL
DATE:	18TH DECEMBER 2019
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	Unconfirmed Finance, Audit & Risk Management Committee Minutes		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Finance, Audit & Risk Management Committee met on the 2nd December 2019 in the Council Chambers Nabawa. The Minutes of the meeting have been included. **(Supplied under separate attachment).**

COMMENT

The Minutes and recommendations from the Finance, Audit & Risk Management Committee meeting dated 2nd December 2019 are presented for Council consideration.

The Committee Recommendations is shown below; however, as the Auditors indicated a significant adverse trend of the Operating Surplus Ratio in the Financial Audit Report this cannot simply be monitored with no other action required. Therefore the Staff Recommendation has amended the Committee Recommendation to reflect the legislative requirement to report on matters identified as significant.

The following is required under legislation for all matters identified as significant in accordance with Section 7.12A i.e.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

Committee Recommendation

1. *The Committee recommends to Council the Management Report for year ending 30 June 2019 be received and, other than monitoring the levels and trends of all ratios, there are no actions required out of the report.*
2. *The Committee recommends to Council the Final Audit Report of the Chief Executive Officer the year ending 30 June 2019 be received and it be noted there are no further actions required from the report.*
3. *The Committee recommends to the following Council*
 - a. *The inclusion of an independent, external member with the relative knowledge in financial reporting and audits; and*
 - b. *The Chief Executive Officer to determine an appropriate person to fill the role and advise Council accordingly, with an invitation to be formally extended to Mr. Grant Middleton, Deputy Chief Executive Officer, Shire of Northampton in the first instance.*

STATUTORY ENVIRONMENT

Local Government Act 1995 & Local Government Audit Regulations 1996.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No implications envisaged

- **Long Term Financial Plan (LTFP):**

No effect on LTFP

STRATEGIC IMPLICATIONS

No implications envisaged

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

Committee Members and staff have discussed the Finance and Management Audits with the Auditors (Moore Stephens) with the outcome being the Shire is in a sound financial position and management procedures are sound.

RISK ASSESSMENT

Low risk as it is considered the Council remains in a sound financial position and management procedures are sound.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

1. The Management Report for year ending 30 June 2019 be received and it be noted there are no further actions required from the report.
2. The Financial Audit Report for the year ending 30 June 2019 be received, which identifies the Operating Surplus Ratio being reported as a significant adverse trend being dealt with in accordance with legislation.

The content of the report to the Minister include the following Council position:

- a) The Operating Surplus Ratio will continue to be monitored in conjunction with all other Ratios;
 - b) The formula to calculate the Operating Surplus Ratio is considered flawed as it currently does not incorporate Financial Assistant Grants, which Council believe must be considered as Own Source Revenue to provide services.
3. Council endorse:
 - a. The inclusion of an independent, external member with the relative knowledge in financial reporting and audits; and
 - b. The Chief Executive Officer to determine an appropriate person to fill the role and advise Council accordingly, with an invitation to be formally extended to Mr. Grant Middleton, Deputy Chief Executive Officer, Shire of Northampton in the first instance.

10.3

Chief Executive Officer

December 2019

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10.3 AGENDA ITEMS

- 10.3.1 2018/2019 Annual Report and Annual General Meeting of Electors
- 10.3.2 Ordinary Council Meeting Start Times
- 10.3.3 Review of Committees, Working/Advisory Group Representations
- 10.3.4 Tourism & Events Working Group – Australia Day Awards

AGENDA ITEM:	10.3.1
SUBJECT:	2018/2019 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	NA
DATE:	18th DECEMBER 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	2018/2019 Annual Report		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to accept the Shire of Chapman Valley 2018/2019 Annual Report, receive the Auditors Report and Management Letter and set a date/time for the Annual General Meeting of Electors (**Note: The Annual Report is provided under separate cover at Attachment 10.3.1(a).**)

When considering setting a date for the Annual General Meeting of Electors it is a requirement of s5.27 'Electors General Meeting' of the *Local Government Act 1995* this meeting can be no later than 56 days after accepting the Annual Report (this will be the 12th February 2020).

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2017/2018 financial year on the 31st January 2019 at the Council Chambers, Nabawa. This meeting commenced at 6.00pm.

COMMENT

The Staff Recommendation is suggesting the date, time and location to hold the Annual General Meeting of Electors as being:

- ~ **Thursday 6th February 2020**
- ~ **Commencing at 6.00pm**
- ~ **Council Chambers, Nabawa**

Bearing in mind the Act stipulates the Annual General Meeting of Electors must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore, the latest date the meeting could be held is the 12th February 2020.

It is important to maximise attendances at the Annual General Meeting of Electors by constituents, hence the Staff Recommendation has suggested a date and time, which is in the evening, after the harvest and school holiday periods.

STATUTORY ENVIRONMENT

Local Government Act 1995

The Local Government Act 1995 states the following:

"5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*

- (2) A general meeting is to be held on a day selected by the local government but **not more than 56 days after the local government accepts the annual report** for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed."

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government **no later than 31 December after that financial year**.

* Absolute majority required.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY IMPLICATIONS

No existing Policy/Procedure affected.

FINANCIAL IMPLICATIONS

Nil affect

• Long Term Financial Plan (LTFP):

Nil affect

STRATEGIC IMPLICATIONS

It is considered appropriate to conduct the Annual General Meeting of Electors to retain open and accountable governance and communication with the Shire's constituents

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

The Shire President, relevant staff and the Shire's Auditors have been consulted and had input into the development of the 2018/2019 Annual Report.

RISK ASSESSMENT

- **Insignificant** risk of non-compliance with legislation to complete this activity in accordance with the Local Government Act and associated Regulations.
- **Insignificant** risk of reputation if not conducting the Annual General Meeting of Electors at an appropriate time/date to provide constituents to opportunity to attend.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Staff Recommendation 1 - **Absolute Majority**

Staff Recommendation 2 – **Simple Majority**

STAFF RECOMMENDATION 1 (*Absolute Majority Vote Required*)

Council:

- 1 Accepts the Annual Report for the 2018/2019 Financial Year as required by s5.54 of the *Local Government Act 1995* as presented.

STAFF RECOMMENDATION 2 (*Simple Majority Vote Required*)

Council:

- 1 Receives and accepts the Auditors Financial Report for 2018/2019.
- 2 Receives and accepts the Auditors Management Report 2018/2019.
- 3 Set the date for the Annual General Meeting of Electors for Thursday 6th February 2020 commencing 6.00pm at the Nabawa Council Chamber and advertise this meeting accordingly.

- 4 Request the CEO give local public notice of the availability of the Annual Report as required by s5.55 of the Act;
- 5 Provides a copy of the Shire of Chapman Valley 2018/2019 Annual Report to the Director General of the Department of Local Government.

AGENDA ITEM:	10.3.2
SUBJECT:	ORDINARY COUNCIL MEETING START TIMES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.09
PREVIOUS REFERENCE:	MINUTE REFERENCE: 08/19-9
DATE:	18th DECEMBER 2019
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the August 2019 OCM:

“MOVED: CR WARR

SECONDED: CR BATTEN

Council Ordinary Meeting time commencing at 9.00am, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations:

<i>DATE</i>	<i>MEETING LOCATION</i>
<i>19 February</i>	<i>Nabawa Chambers</i>
<i>18 March</i>	<i>Bill Hemsley Park Community Centre</i>
<i>15 April</i>	<i>Nabawa Chambers</i>
<i>20 May</i>	<i>Nabawa Chambers</i>
<i>17 June</i>	<i>Nabawa Chambers</i>
<i>15 July</i>	<i>Nabawa Chambers</i>
<i>19 August</i>	<i>Yuna Multipurpose Community Centre</i>
<i>16 September</i>	<i>Nabawa Chambers</i>
<i>21 October</i>	<i>Nabawa Chambers</i>
<i>18 November</i>	<i>Nabawa Chambers</i>
<i>16 December</i>	<i>Nabawa Chambers</i>

That the start times of the meeting be reviewed post 2019 ordinary elections.”

COMMENT

Council meetings are usually held at Nabawa on the third Wednesday of the month, commencing at 9:00am, with the exception of January when no Ordinary Council Meeting (OCM) is held.

As resolved, this item has been presented back to Council post the October 2019 Local Government Elections (Ordinary & Extraordinary) to allow the new Council to determine if the existing start time of 9:00am needs to be reviewed as remaining appropriate.

The advertisement (as required under Legislation) has been deferred until the review process is completed.

In regard to Staff attending Council Meeting at a revised time, this will be accommodated through flexible staff hours already being in place so should not be a reason for any rational proposal to adjust the meeting start time.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 Clause 12 (1) states: Public notice of Council or Committee meetings – s 5.25(G)

At least once each year a local government is to give local public notice:

1. Of the dates, time and place of the ordinary council meetings.
2. The committee meetings that are required under the Act to be open to the members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.

POLICY & PROCEDURE IMPLICATIONS

No Policy or Procedure affected.

FINANCIAL IMPLICATIONS

No additional costs envisaged.

• Long Term Financial Plan (LTFP):

No effect on the LTFP is envisaged.

STRATEGIC IMPLICATIONS

It is important for Council to include and engage all sectors of our community and the concept of structuring meeting times, dates and location to reach out to the community is one means of improving this.

• Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

Discussion was held at the August 2019 OCM on the need to review the OCM start time.

RISK ASSESSMENT

There is a risk of Council being perceived as not engaging the community by insisting OCMs are always held at Nabawa and/or setting a start time to ostracise any section of the community from attending Council meetings or nominating as an Elected Member.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

Council resolve to commence all future Ordinary Council Meetings at _____ and retaining the previously endorsed 2020 dates and venues i.e.

DATE	MEETING LOCATION
19 February	Nabawa Chambers
18 March	Bill Hemsley Park Community Centre
15 April	Nabawa Chambers
20 May	Nabawa Chambers
17 June	Nabawa Chambers

<i>15 July</i>	<i>Nabawa Chambers</i>
<i>19 August</i>	<i>Yuna Multipurpose Community Centre</i>
<i>16 September</i>	<i>Nabawa Chambers</i>
<i>21 October</i>	<i>Nabawa Chambers</i>
<i>18 November</i>	<i>Nabawa Chambers</i>
<i>16 December</i>	<i>Nabawa Chambers</i>

AGENDA ITEM:	10.3.3
SUBJECT:	REVIEW OF COMMITTEES, WORKING/ADVISORY GROUP REPRESENTATIONS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.00
PREVIOUS REFERENCE:	MINUTE REFERENCE SCM 10/19-1
DATE:	18th DECEMBER 2019
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	Current List of Committee, Working/Advisory Group Representatives (with Elected members EOI received)		✓
10.3.3(b)	Local Government Act Extract – Establishing Committees	✓	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved the following at the Special Meeting of Council held on the 21st October 2019:

Council:

1. *Appoint the following representatives and Chairperson to the Batavia Local Emergency Management Committee:*
 - ~ Cr Humphrey (Chairperson)
 - ~ Cr Warr
2. *Discontinue the Yuna Memorial Hall Working Group due to the purpose of this Group being completed.*
3. *Carry over all other positions on the Committees, Working and Advisory Groups, other than:*
 - i. *replacing Cr Forrester with Cr Royce.*
 - ii. *adding Cr Royce to the Finance & Audit Committee; and*
 - iii. *then review these appointments at an Ordinary Council Meeting after the completion of the Extraordinary Election process.*

CARRIED
Voting 6/0
Minute Reference SCM 10/19-1

COMMENT

Cr Bev Davidson was elected (unopposed) at the Extraordinary Election and was sworn in at the November 2019 Ordinary Council Meeting.

Due to some Elected Members not being available to attend the November 2019 OCM and more time being requested for Elected Members to determine their interest and skills relevant to appointments, it was agreed to deal with a full review of representatives on Committees, Working/Advisory/Steering Groups and external organisations at the December 2019 OCM.

The legislative conditions for the establishment of local government Committees are detailed in the *Local Government Act 1995* (see **Attachment 10.3.3(b)**). Council also select representation on the various Working,

Advisory & Steering Groups and external organisations, which are not subject to the legislative requirements of the Act.

STATUTORY ENVIRONMENT

Local government Act, 1995, Sections 5.8 to 5.17

POLICY/PROCEDURE IMPLICATIONS

No Policies/Procedure affected by representatives appointed to Committees, Working/Advisory Groups or external organisations.

No Committees, Working/Advisory Groups or external organisations representatives have any Delegated Authority authorised by Council. by .

FINANCIAL IMPLICATIONS

No financial implications envisaged by representatives appointed to Committees, Working/Advisory Groups or external organisations.

- **Long Term Financial Plan (LTFP):**

No effect on LTFP

STRATEGIC IMPLICATIONS

Establishment of Committees, Working/Advisory Groups and representation on external organisations is important. It is also important for the purpose Shire internal Committees, Working/Advisory Groups to be clear.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

This matter has been discussed at the Special Meeting of Council (21st October 2019) and at the November 2019 Concept Forum, with Elected Members being encouraged to review current appointments and bring their expressions of interests to the December 2019 OCM where determination on representations will be made.

RISK ASSESSMENT

It is important for Elected Members to alignment themselves to Committees, Working/Advisory Groups and representation on external organisations, which fit their skills and interests where possible. In this instance I believe the risk is ***insignificant***.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Absolute Majority – Committees established under Section 5.9 & 5.10 of the Local Government Act, 1995 i.e.

- Building & Disability Services Committee;
- Finance Audit & Risk Management Committee; and
- Road Infrastructure Committee

Simple Majority – All other internal Working/Advisory/Steering Groups and external organisation representation.

STAFF RECOMMENDATION 1 – Absolute Majority (minimum 5 Votes)

Council endorse the following representatives on the internal Committees established in accordance with the *Local Government Act, 1995, Section 5.9(2)(a)*:

Council Committees - Council Members Only – Local Government Act 1995 – Section 5.9(2)(a) (ABSOLUTE MAJORITY REQUIRED FOR COMMITTEE APPOINTMENTS) (Must be 3 or More Representatives)		
	Purpose/Delegations	Representatives
Building & Disability Services Committee	<p>Purpose: Will meet at least annually to inspect all Shire Buildings/Properties and then subsequently to:</p> <ul style="list-style-type: none"> ~ Review preliminary costings for proposed works for consideration in draft Council Budget. ~ Review the Capital & Building Works Program. ~ Disability Access & Inclusion Plan; and ~ Any other building/property items referred to the Committee by Council. <p>Delegation – Nil</p>	<p><u>5 x Councillors</u></p> <ul style="list-style-type: none"> • Cr • Cr • Cr • Cr • Cr <p><u>Observers:</u></p> <ul style="list-style-type: none"> ~ CEO ~ Building Surveyor
Finance Audit & Risk Management Committee	<p>Purpose: To provide a review of Council's ongoing financial situation, provide a forum for ongoing review of strategic management plan for Council operations and discuss the Audit System.</p> <p>Delegation – Nil</p>	<p><u>4 x Councillors</u></p> <ul style="list-style-type: none"> • Cr • Cr • Cr • Cr <p><u>Observers:</u></p> <ul style="list-style-type: none"> ~ CEO ~ Manager Finance & Corporate Services ~ Grant Middleton (External, Independent Member)
Road Infrastructure Committee	<p>Purpose: Undertake an annual review the following:</p> <ul style="list-style-type: none"> ~ Road Works Program. ~ Road Hierarchy. ~ Heavy Haulage Vehicle Permit Roads; and ~ Any other works infrastructure item referred to the Committee by Council. <p>Review the plant replacement program</p> <p>Delegation – Nil</p>	<p>All Councillors</p> <p><u>Observers:</u></p> <ul style="list-style-type: none"> ~ CEO ~ Manager Works & Services ~ Deputy CEO ~ Works Leading Hand

STAFF RECOMMENDATION 2 – Simple Majority
(i.e. minimum 50% of Elected Members quorum in attendance)

Council endorse the following representatives on internal Working/Advisory/Steering Groups and external organisations:

Representation on Internal Groups - Working, Advisory, Steering, etc. (SIMPLE MAJORITY REQUIRED) (Numbers not legislated)		
Bush Fire Brigades Group Management Advisory Committee	<p>Purpose: Meet at least annually to:</p> <ul style="list-style-type: none"> ~ Elect Office Bearers. ~ Review previous year fire season. ~ Review the Shire's Fire Notice. ~ Liaise with external organisations (e.g. DFES, DPAW); ~ Review the DFES Capital & Operational Grants. ~ Any other bush fire related items referred to the Committee by Council. <p>Delegation – Nil</p>	<p><u>President (Presiding Member) and 2 x Councillor</u></p> <ul style="list-style-type: none"> • Cr Farrell (President) • Cr • Cr <p>~ CBFCO ~ DCBFCO ~ All Brigade FCOs ~ Chief Executive Officer ~ Senior Ranger</p> <p><u>Observers</u> 1 x DFES Rep. 1 x DPAW Rep.</p>
Batavia Local Emergency Management Committee (BLEMC)	<p>Purpose: Meet as required in accordance with legislation and Council endorsed Local Emergency Management Arrangements (LEMA) to:</p> <ul style="list-style-type: none"> ~ Review the LEMA & Recovery Plan. ~ Implement Emergency Exercises as required. ~ Any other emergency management related items referred to the Committee by Council. <p><i>(Note: The BLEMC Chairperson is rotated amongst the three LGAs involved. Shire of Chapman Valley will take on the Chair in October 2019. Appointment is recommended as being an Elected Member, yet is not legislated to be so)</i></p> <p>Delegation – Nil</p>	<p><u>2 x Councillor</u></p> <ul style="list-style-type: none"> • Cr (BLEMC Chair) • Cr • Chief Executive Officer;

Landcare & Environmental Advisory Group	<p>Purpose: To apply for grant funding from third party sources to finance appropriate projects within the Shire of Chapman Valley:</p> <ol style="list-style-type: none"> Delegate authority to the Chief Executive Officer to endorse grant applications/projects if funding resources are available within the Council's adopted budget. If funding resources are not available within the adopted Council Budget for specific grant applications/projects, present the application to Council for endorsement, if possible, prior to the closure dates for the grant funding programs. Otherwise retrospective Council endorsement to commit funding resources will be required. All applications submitted, which require Council endorsement for additional funding resources, will be subject Council endorsement (i.e. the Committee does not have delegated authority to commit Council funding resources). Provide advice and assistance to the Chief Executive Officer and Shire staff in the managing of the Landcare Grant funds. Provide recommendations to Council on any Landcare Contracts and Consultancy agreements. Provide a Draft Annual Budget for Landcare to Council for consideration as part of the Annual Budget process. 	<p><u>2 x Councillors</u></p> <ul style="list-style-type: none"> • Cr • Cr <p><u>Observers</u></p> <ul style="list-style-type: none"> ~ Chief Executive Officer ~ Deputy CEO ~ NACC Rep. ~ Landcare & Environment Consultant
Community Growth Fund Advisory Group	<p>Purpose: Evaluate application received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with guideline, policies and procedures set by Council and make recommendations to Council to allocate funds</p> <p>Delegation – Nil</p>	<p><u>President (Presiding Member) & 3 x Councillors (Members)</u></p> <ul style="list-style-type: none"> • Cr Farrell (President) • Cr • Cr • Cr <p><u>1 x Councillor (Proxy)</u></p> <ul style="list-style-type: none"> • Cr <ul style="list-style-type: none"> ~ Chief Executive Officer ~ Manager Finance & Corp Svc ~ Comm. Develop. Officer
Tourism & Events Working Group	<p>Purpose: Will meet on an 'as needs' basis only to:</p> <ul style="list-style-type: none"> ~ Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function. ~ Assist with coordinating the annual Australia Day function(s); ~ Discuss all other item(s) referred to them by Council in the areas of tourism and events. <p>Delegation – Nil</p>	<p><u>3 x Councillors</u></p> <ul style="list-style-type: none"> • Cr • Cr • Cr <ul style="list-style-type: none"> ~ CEO ~ Deputy CEO ~ Comm. Development Officer ~ 2 x Community Representatives for Australia Day award nominations (recommend past winner as one rep.)

Coronation Beach Masterplan Steering Group	Purpose: To review the Coronation Beach Masterplan. Delegation – Nil	<u>1x Councillor</u> • Cr (Chairperson) ~ DCEO ~ Department of Sport & Recreations ~ Neighbouring Landowners ~ Community / User Group Representatives
CONTINUATION OF COMMITTEE CURRENTLY UNDER REVIEW		
Bill Hemsley Park Management Committee	Purpose: The role of the Bill Hemsley Park Management Committee (Formerly Parkfalls Management Committee) as agreed at the 17 April 2013 Council meeting is to make recommendation to Council for its consideration as to development and expenditure within the park Delegation – Nil	<u>2 x Councillors</u> • Cr (Chairperson) • Cr • 2 x Parkfalls Residents Assoc. • 1x Developer (Note: Developer has formally advised they have withdrawn from Committee) <u>Observers:</u> ~ CEO ~ Deputy CEO
Representatives on External Organisations (SIMPLE MAJORITY REQUIRED) (Numbers pre-determined)		
Northern Country Zone (WALGA)	Purpose: As determined by lead agency/organisation. Delegation – Nil	<u>2 x Councillors</u> • Cr • Cr ~ Chief Executive Officer (To act as Proxy in absence of Elected Members not attending)
Sub-Regional Road Group Committee	Purpose: As determined by lead agency/organisation. Delegation – Nil	<u>2 x Councillors</u> • Cr • Cr ~ Chief Executive Officer ~ Manager Works & Services
Chapman Valley Agricultural Society	Purpose: As determined by lead agency/organisation. Delegation – Nil	<u>1 x Councillor</u> • Cr <u>1 x Proxy</u> • Cr

Mid West Development Assessment Panel (DAP)	<p>Purpose: As determined by lead agency/organisation.</p> <p>Delegation – Nil</p> <p>Note: Mandatory training must be undertaken prior to serving on panel.</p>	<p><u>2 x Councillors (Members)</u></p> <ul style="list-style-type: none"> • Cr • Cr <p><u>2 x Councillors (Proxies)</u></p> <p>~ Cr</p> <p>~ Cr</p>
Moresby Range Conservation Park Visitor Plan Steering Group	<p>Purpose: As determined by lead agency/organisation.</p> <p>Delegation – Nil</p>	<p>Anticipated representation to be:</p> <p><u>1 x Councillors</u></p> <ul style="list-style-type: none"> • Cr <p>Chief Executive Officer Deputy Chief Executive Officer</p>

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
 - (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only.*

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 - (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*
the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*
** Absolute majority required.*
- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
 - (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*
[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
or
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.

5.12. Presiding members and deputies, election of

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members".*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of deputy presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members"; and*

- (d) to “mayor or president” were references to “presiding member”.

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
(b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*

then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
(b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.*

5.16. Delegation of some powers and duties to certain committees

- (1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*
** Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
(a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
(b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate —*
(a) *to a committee comprising council members only, any of the council’s powers or duties under this Act except —*
(i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
(ii) *any other power or duty that is prescribed;*

- and*
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) the local government's property; or*
 - (ii) an event in which the local government is involved.*
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*
[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

AGENDA ITEM:	10.3.4
SUBJECT:	TOURISM & EVENTS WORKING GROUP – AUSTRALIA DAY AWARDS
PROPONENT:	TOURISM & EVENTS WORKING GROUP
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	NIL
DATE:	18 th DECEMBER 2019
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	Confidential – T&EWG Minutes		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Tourism & Events Working Group (TEWG) met on the 20th November 2019. Briefing Notes from this meeting have been provided under separate cover due to the **need to keep the Australia Day Award nominations and recommended recipients confidential until they are announced** at the Australia Day Event to be held on the 26th January 2020.

Councillors and Staff are therefore requested to treat the TEWG Minutes as CONFIDENTIAL.

COMMENT

The TEWG met to discuss:

- 2020 Australia Day Awards.
- 2020 Australia Day Event.

Due to the need for confidentiality this Report, and the Staff Recommendation will not mention the recommended Australia Day Award recipients.

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

Below is an extract from Management Procedure CMP-033 (Honour Awards) relevant to the Australian Day Awards:

Shire of Chapman Valley Australia Day Awards and Function

*For personal commitment, service and contribution to the community of the Shire of Chapman Valley
Nominations called in October and close in November (or as determined by the Australia Day Council).*

The Council Appointed Working Group shall:

- *Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function.*
- *Assist with coordinating the annual Australia Day function(s).*
- *Discuss all other item(s) referred to them by Council in the areas of tourism and events.*

FINANCIAL IMPLICATIONS

No financial implications are envisaged at this stage as the costs for Australia Day Awards/Event has been budgeted for as per previous years and it not expected to exceed this amount.

- **Long Term Financial Plan (LTFP):**

No adverse effect of the LTFP envisaged.

STRATEGIC IMPLICATIONS

It is important to both recognize the achievement of constituents and Australia Day.

- **Strategic Community Plan/Corporate Business Plan:**

1.1	Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises.
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CONSULTATION

The TEWG met with staff and community representatives to determine a recommendation to Council for award recipient(s) and event details.

RISK ASSESSMENT

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple majority

1. WORKING GROUP RECOMMENDATION

Council endorses the Tourism & Events Working Group's recommendations for recipients of the 2020 Australia Day Awards.

2. STAFF RECOMMENDATION

Council delegate authority to the Chief Executive Officer to determine an appropriate 2020 Australia Day Event type and location, within budget allocation and in consultation with the Tourism & Events Working Group.

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13.0 DELEGATES REPORTS

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

15.1 CEO Annual Performance Appraisal

15.2 T McCagh Deferral of Long Service Leave

15.3 Tender 2-19/20 Truck

16.0 CLOSURE