

# ORDINARY COUNCIL MEETING

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## CONFIRMED MINUTES

**9:00am Wednesday  
15<sup>th</sup> July 2020**

**Shire Chambers  
Nabawa**

**JULY 2020**

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**SHIRE OF CHAPMAN VALLEY**

*Maurice Battilana*  
**CHIEF EXECUTIVE OFFICER**



SHIRE OF

**Chapman Valley**

*love the rural life!*



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

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# DISCLAIMER



SHIRE OF  
**Chapman Valley**  
*love the rural life!*

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

The President, Cr Farrell, welcomed Elected Members and Staff and declared the meeting open at 9.01am.

### 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

#### 3.1 Attendees

Elected Members
Cr Anthony Farrell (President)
Cr Kirrilee Warr (Deputy President)
Cr Peter Humphrey
Cr Trevor Royce
Cr Darrell Forth
Cr Ian Maluish
Cr. Beverley Davidson

Staff
Maurice Battilana, Chief Executive Officer
Dianne Raymond, Manager Finance & Corporate Services
Clare Cream (Minute Taker)

Visitor
Midwest Development Commission CEO Gavin Treasure

#### 3.2 Apologies

Member
Nil

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

Councillor	OCM Month & Year	Date Approved	Minute Reference
Cr. Nicole Batten	July 2020 OCM	18/03/2020	03/20-1

## 4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice  
Nil

4.2 Public Question Time  
Nil

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

### COUNCIL RESOLUTION

MOVED: Cr. Forth

SECONDED: Cr. Davidson

Councillor	OCM Month & Year	Date Approved	Minute Reference
Cr. Warr	August 2020	15/07/2020	07/20-01

Voting 7/0

CARRIED

Minute Reference: 07/20-01

## 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
10.2.3	Cr. Kirrilee Warr	Impartiality	Member of Chapman Valley Football Club
10.2.2	Dianne Raymond	Financial	Employee Wages

10.2.2	Clare Cream	Financial	Employee Wages
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## 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 7.1 Petitions

Nil

### 7.2 Presentations

Time Attending	Department/Company	Member/Officers	Presentation Topic
9:00am	Midwest Development Commission	CEO Gavin Treasure	Oakajee Industrial Estate

Items discussed included:

- Oakajee Industrial Estate;
- Dongara – Northampton Transport Corridor
- Mid West Port – Master Plan
- Digital Farm Internet Program – Round 2

***-Midwest Development Commission CEO Gavin Treasure Departed the meeting at 9.47am-***

### 7.3 Deputations

Nil

## 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

### COUNCIL RESOLUTION

**MOVED: Cr. Forth**

**SECONDED: Cr. Davidson**

### 8.1 Ordinary Meeting of Council held on Wednesday June 17, 2020.

That the Minutes of the Ordinary Meeting of Council held Wednesday 17<sup>th</sup> June 2020 be confirmed as true and accurate.

**Voting 7/0  
CARRIED  
Minute Reference: 07/20-02**

## 9.0 ITEMS TO BE DEALT WITH EN BLOC

Nil

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## **10.0 OFFICERS REPORTS**



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# **10.1**

## **Deputy Chief Executive Officer**

### **May 2020**

**10.1 No Reports for the month of July, 2020.**

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# **10.2**

## **Manager of Finance & Corporate Services**

### **March 2020**

#### **10.2 AGENDA ITEMS**

- 10.2.1 Financial Management Report for June 2020**
- 10.2.2 National Wage Case Decisions**
- 10.2.3 Community Growth Fund Carryover**
- 10.2.4 Venue Hire COVID-19 Recovery Phase**

## 10.2.1

### Financial Management Report for June 2020

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	June 2020 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts June 2020		✓

#### 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 preliminary financial position at the end of June 2020 are detailed in the monthly management report provided as a separate attachment for Council's review. Please note this is not the final position and this will only be known after the final audit in October 2020.

#### 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 June 2020

#### Long Term Financial Plan (LTFP):

No significant effect on the LTFP

#### STRATEGIC IMPLICATIONS

Nil

#### Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
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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.
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#### 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

#### COUNCIL RESOLUTION/STAFF RECOMMENDATION

**MOVED: Cr. Davidson**

**SECONDED: Cr. Forth**

That Council receives the financial management report supplied under separate cover for the month of June 2020 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

**Voting 7/0  
CARRIED  
Minute Reference: 07/20-03**

## 10.2.2

### National Wage Case Decisions

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	901.01
PREVIOUS REFERENCE:	Nil
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Di Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

#### DISCLOSURE OF INTEREST

Reporting Officer declares a financial interest in this matter as it relates to the Employment Contract and Remuneration.

***- Manager Finance & Corporate Services Dianne Raymond & Administration Support Officer Clare Cream, declared a Financial Interest in this item and left the meeting at 9.50am-***

#### BACKGROUND

The Shire Corporate Management Procedure CMP-050 encompasses how national award increases will be dealt with during the annual budget adoption process.

#### COMMENT

The Fair Work Commission (FWC) Expert Panel for annual wage reviews has increased the award minimum rates of pay by 1.75%. In a departure from previous years and as a direct result of COVID-19, the FWC has divided awards into three groups based on the impact COVID-19 has had on respective industries. Each group has a different wage increase commencement date. The 1.75% wage increase for the Local Government Industry Award 2020 (Award) will come into effect from the start of the first full pay period on or after 1 November 2020, being the 11<sup>th</sup> November 2020.

The Corporate Management Procedure Statement stipulates: All national wage decisions (Commonwealth or State) relevant to this Local Government Authority will be passed onto all staff, unless otherwise resolved by Council to absorb all or part of any increase into existing above Award payments in place as part of the annual budget adoption process.

The intent of this agenda item is to determine how Council wish to proceed with the handing down of the minimum award increase relevant to the Corporate Management Procedure. The current draft budget is inclusive of a 1.75% hourly rate increase effective from 1 July 2020; any variation will be addressed later into the financial year.

#### STATUTORY ENVIRONMENT

The Fair Work Act 2009 (FW Act) and the Fair Work Regulations 2009 including the National Employment Standards (NES).

#### POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-050

## CMP-050 National Wage Case Decisions

MANAGEMENT PROCEDURE No.	CMP-050
MANAGEMENT PROCEDURE	NATIONAL WAGE CASE DECISIONS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.120
RELEVANT DELEGATIONS	

### OBJECTIVES:

To stipulate how national wage increases are handed down to staff, irrespective of over-award payments already being made.

### MANAGEMENT PROCEDURE STATEMENT:

All national wage decisions (Commonwealth or State) relevant to this Local Government Authority will be passed onto all staff, unless otherwise resolved by Council to absorb all or part of any increase into existing above Award payments in place as part

### FINANCIAL IMPLICATIONS

Any variation to the current 2020/2021 Draft Budget allocations will be minor.

*Dianne Raymond & Clare Cream left the room after declaring Financial Interest at 9.45am*

### Long Term Financial Plan (LTFP):

No significant effect on the LTFP as variables are reviewed annually.

### STRATEGIC IMPLICATIONS

#### 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

Financial impost is not significant and risk rating is deemed Minor (2)

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
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
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

## VOTING REQUIREMENTS

Absolute Majority

### STAFF RECOMMENDATION (Option 1)

Council endorse the National Award increase of 1.75% be effective from the first pay period on or after the 1<sup>st</sup> November 2020 and adjust the adopted budget accordingly at the time of the annual budget review in February/March 2021.

### STAFF RECOMMENDATION (Option 2)

Council endorse the National Award increase of 1.75% be effective from the first pay period on or after the 1<sup>st</sup> July 2020 as per the Draft Budget allocation.

### STAFF RECOMMENDATION (Option 3)

Council:

- a) absorb the National Wage increase of 1.75% into existing over award payments currently being made to employees;



- 
- b) pass on the 1.75% National Wage increase to those employees currently not receiving over award payments effective from the 1<sup>st</sup> November 2020; and
  - c) adjust the adopted budget accordingly at the time of the annual budget review in February/March 2021.

**COUNCIL RESOLUTION/STAFF RECOMMENDATION (Option 3)**

**MOVED: Cr. Warr**

**SECONDED: Cr. Royce**

Council:

- a) absorb the National Wage increase of 1.75% into existing over award payments currently being made to employees;
- b) pass on the 1.75% National Wage increase to those employees currently not receiving over award payments effective from the 1<sup>st</sup> November 2020; and
- c) adjust the adopted budget accordingly at the time of the annual budget review in February/March 2021.

**Voting 0/7**

**LOST**

**Minute Reference: 07/20-04**

**FORESHADOWED MOTION**

**MOVED: Cr. Forth**

**COUNCIL RESOLUTION/STAFF RECOMMENDATION (Option 1)**

Council endorse the National Award increase of 1.75% be effective from the first pay period on or after the 1<sup>st</sup> November 2020 and adjust the adopted budget accordingly at the time of the annual budget review in February/March 2021.

**COUNCIL RESOLUTION**

**MOVED: Cr. Warr**

**SECONDED: Cr. Humphrey**

Council suspend standing orders to have open debate on this issue.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-05**

**COUNCIL RESOLUTION**

**MOVED: Cr. Royce**

**SECONDED: Cr. Warr**

Council reintroduce standing orders.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-06**

**THE SUBSTANTATIVE MOTION WAS PUT**

**Voting 0/7**

**LOST**

**Minute Reference: 07/20-07**

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THE FORSHADOWED MOTION THEN BECAME THE SUBSTANTIVE MOTION I.E.

**COUNCIL RESOLUTION/STAFF RECOMMENDATION (Option 1)**

**MOVED: Cr. Forth**

**SECONDED: Cr. Royce**

Council endorse the National Award increase of 1.75% be effective from the first pay period on or after the 1<sup>st</sup> November 2020 and adjust the adopted budget accordingly at the time of the annual budget review in February/March 2021.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-08**

*- Manager Finance & Corporate Services Dianne Raymond and Administration Support Officer Clare Cream returned to the meeting at 10.13am-*

## 10.2.3

### Community Growth Fund Carryover

PROPONENT:	Chapman Valley Football Club & Menshed
SITE:	Shire of Chapman Valley
FILE REFERENCE:	403.10
PREVIOUS REFERENCE:	Nil
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Di Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3(a)	Chief Executive Officer correspondence		✓
10.2.3(b)	Corporate Management Procedure CMP-067		✓
10.2.3(c)	Chapman Valley Football Club correspondence		✓

#### DISCLOSURE OF INTEREST

*-Cr. Warr declared Impartiality to the item, due to holding a financial membership with the Chapman Valley Football Club. -*

#### BACKGROUND

The Chief Executive Officer issued an email to all elected members on the 19<sup>th</sup> June 2020 seeking out of session endorsement to carry over funds from the 2019/2020 Community Growth Funds grant allocation into 20/21 financial year and place these funds into the Reserve as stipulated in the Corporate Management Procedure CMP-067.

#### COMMENT

The Chapman Valley Football Club advised the Community Development Officer they would not be able to erect the new scoreboard as per the funding application by the 30<sup>th</sup> June 2020 due to difficulties arising from COVID-19 affecting suppliers and sourcing of materials. This was contrary to the advice received prior to the June 2020 meeting of council.

Corporate Management Procedure CMP-067 stipulates grant funding confirmed in the Shire budget in July must be expended by 20<sup>th</sup> June the following year, unless agreed otherwise at the outset OR a written request for an extension and carry-over of funds is made to, and approved by, the Chapman Valley Shire Council.

If Council endorse the carry-over of grant funds into the next financial year these funds will be transferred to a Reserve Fund under the conditions:

- a) Funds must be spent and acquitted in the next financial year (i.e. funds will not be carried over again beyond this year);
- b) Any unspent funds after the initial carry-over into the next financial year are to be placed back into the Municipal Fund before the end of that year; and
- c) the grant recipient will not be eligible to receive any further CGF grants until the current allocated funds have been fully acquitted.

An out of session endorsement was sought to carry over the CVFC CGF 19/20 grant allocation into 20/21 financial year and place these funds into the Reserve as stipulated in the Management Procedure for \$9,000 allocated to the new scoreboard project along with the Chapman Valley Menshed unspent amount of \$500 remaining from the Shinema.

All Elected Members responded with agreement to carry over these funds. Councillor's Farrell, Batten, Davidson, Forth, Royce and Maluish via email, with Crs Warr & Humphrey in follow up telephone conversation with the Community Development Officer.

**STATUTORY ENVIRONMENT**

Nil

**POLICY/PROCEDURE IMPLICATIONS**

Corporate Management Procedure CMP-067 comprises of the objective and intentions for the Community Growth Fund allocations, along with the criteria, application request and grant conditions.

**FINANCIAL IMPLICATIONS**

Nil

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

Nil

**STRATEGIC IMPLICATIONS**

**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**

All Elected Members were consulted via email from the Chief Executive Officer.

**RISK ASSESSMENT**

The financial impost is not significant and risk rating is deemed Insignificant (1)

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

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**COUNCIL RESOLUTION/STAFF RECOMMENDATION**

**MOVED: Cr. Humphrey**

**SECONDED: Cr. Forth**

Council approves the Chapman Valley Football Club and Menshed Community Growth Funds carry over amount of \$9,500 from 2019/2020 financial year for the into the 2020/2021 financial year and place these funds into the unspent grant reserve account.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-09**

## 10.2.4

### Venue Hire COVID-19 Recovery Phase

PROPONENT:	Shire of Chapman Valley
SITE:	Whole of Shire of Chapman Valley
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	Nil
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Di Raymond, Manager Finance & Corporate Services

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.4(a)	Amended Corporate Management Procedure CMP-066		✓
10.2.4(b)	Correspondence Received		✓

#### DISCLOSURE OF INTEREST

Nil.

#### BACKGROUND

The Shire has received enquiries from local residents seeking to use Shire facilities for health and wellbeing programs post the COVID-19 Pandemic lifting of restrictions to gathering numbers with a view to some reduction in fees and charges. The applicants are individuals, and as such, not eligible for waivers under the current Corporate Management Procedures i.e.:

*Fee Waivers will not be considered for or provided to:*

- **Individual persons\*;**
- State or Federal Government bodies;
- Commercial Organisations or Businesses;
- Fees and Charges levied and collected by the Shire under any written law;
- Support for organisational or general operating costs;
- Activities that will financially benefit the Community Organisation (i.e. entry charge);
- Activities that are already covered by an existing service agreement with the Shire of Chapman Valley;
- Community Organisations that receive funding from the Shire of Chapman Valley by way of Donation, Community Development Grant or Council Contribution in the current financial year.

**\*Individual persons may seek the assistance of an Advocacy Agent to submit an application on their behalf.**

**Note: Applications submitted by an Advocacy Agent will not impact the agent's ability to apply for financial assistance within that financial year.**

#### COMMENT

There are three areas to be considered:

1. Post COVID-19 recovery activation of Shire facilities;
2. Currently applications for waiver of venue hire fees & charges for community health & wellbeing events; and
3. Amendments to the Corporate Management Procedure to allow individuals and local business access to reductions/waivers of shire fees and charges.

In reference to Item 1 & 2 above, Shire staff are recommending Council endorse a waiver of fees and charges to the current four applicants and future applications to make halls and community centre facilities available without charge for the remainder of 2020 (although still subject to bond requirements and COVID19 Safety requirements). The waiver or

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reduction of fees and charges is recommended for local individuals or businesses proposing activities deemed to be of community benefit such as fitness or yoga classes, or mental health and wellness workshops and sessions, or similar community events (this does not extend to personal event functions such as birthdays or weddings).

The following comments were presented to the June 2020 Concept Forum on this matter:

- *a free trial period would enable the applicants to experiment with different ways of promoting their sessions to the local community to raise a level of awareness and gain feedback from the local community on what times/days might be suitable for them to attend, and what type of classes would be appreciated, and a 6 month period (over the remainder of 2020) would provide the necessary time to try and raise a level of awareness and profile for the sessions.*
- *the anticipated per week usage for 24 weeks would be unlikely to result in significant service (i.e. water and power) use, and the low impact nature of the use would not lead to undue 'wear and tear' on the facility during the trial period, there would also be the standard requirement for a bond to be lodged, plus ongoing Shire monitoring of the trial period to ensure good operations.*
- *the trial period would be running over a period of COVID19 restrictions relating to levels of attendance at gatherings (of which the applicant is aware) and given these State of Emergency requirements, and the possibility that they may be re-tightened in the event of a second wave, it is therefore considered fair that standard fees and charges that might be more appropriate in normal circumstances should be made available for Council debate during this time.*
- *with the easing of lockdown and gathering restrictions this proposal presents an opportunity for Council to support its community into reemerging into group fitness pursuits with an emphasis also on mental wellbeing.*
- *the initiative would be not dissimilar to actions taken by other local governments such as the support the City of Greater Geraldton provided to the Geraldton Yoga Club through the online yoga sessions during the lockdown period and enabling school holiday programs on the foreshore.*
- *the sessions, in the event they prove successful, and develop into a regular occurrence, have the potential to lead into the further activation of the Shire's facilities and particularly the Bill Hemsley Park precinct e.g. through boot camps being run on the fitness trail or other organised fitness events.*
- *the COVID19 gathering restrictions have had a significant impact upon the community and economy, and initiatives such as these deserve support and assistance in rebuilding and strengthening both community and business.*
- *the running of a trial period without charge would be consistent with the approach Council adopted at its 18 May 2016 meeting when it agreed to Kitewest operating over a summer 4-month trial period at Coronation Beach to gauge whether there was market demand for the business to become permanent and then enter into lease that would incur annual fees.*
- *support for this proposal aligns with several objectives of the Shire's Strategic Community Plan relating to encouraging economic development activities, local employment and activation of the community and facilities.*
- *fitness groups have a positive effect on physical and mental health which is important in a small rural community, especially after the COVID19 lockdown period.*
- *Council would reserve the right to approve/decline any application irrespective of previous decisions of a similar nature and no prior decision in any way or manner should be construed as setting a precedent.*

All other venue hire terms and conditions, including COVID-19 Safety Plans and restrictions must be adhered to, with no other use being allowed.

For continual use of Shire venues it should be noted if a venue is hired at the annual rate of \$586 for 2 uses per week this equates to \$5.65 per use. As a rule of thumb one would envisage a \$10 per person fee for any fitness type activity with this cost being recouped with small numbers of attendees throughout the year. The venue hire bond and long term key bonds would remain payable for all venues.

In reference to item 2 Shire staff are requesting Council endorse an amendment to Corporate Management Procedure CMP-066 Waiver of Fees & Charges to include individuals and local business access to apply for a waivers of fees and a trial period as attached with an extract below:

**Fee Waivers *under Delegated Authority* will not be considered for or provided to:**

- *Individual persons\*;*
- *State or Federal Government bodies;*
- *Commercial Organisations or Businesses\*;*
- *Fees and Charges levied and collected by the Shire under any written law;*
- *Support for organisational or general operating costs;*
- *Activities that will financially benefit the Community Organisation (i.e. entry charge);*
- *Activities that are already covered by an existing service agreement with the Shire of Chapman Valley;*
- *Community Organisations that receive funding from the Shire of Chapman Valley by way of Donation, Community Development Grant or Shire Contribution in the current financial year.*

*\* Individual persons, Commercial Organisations or Businesses can apply to Council for a waiver or reduction in the fees and charges for community health & wellbeing events for a maximum three month trial period to determine the viability of the event. Fees and charges will remain payable in full until a determination is made by Council on an application for waiver or reduction.*

## **STATUTORY ENVIRONMENT**

Council has legal process to follow regarding the waiver of fees and charges:

*Local Government Act, 1995 – Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts*

- (1) *Subject to subsection (2) and any other written law, a local government may –*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

## **POLICY/PROCEDURE IMPLICATIONS**

Corporate Management Procedure CMP-066 as attached specifies conditions and guidelines for any request to waiver fees and charges, with recommended amendments shown in **RED text**.

## **FINANCIAL IMPLICATIONS**

The current endorsed (May OCM 2020) 2020/2021 Fees & Charges sets the amount of \$50 per use for a local member for all venue hires; or an Annual Booking Fee of \$586, which allows for 2 uses per week.

There has been an allowance made at other venues to annualise the 2 uses per week to provide some flexibility.



The Fees & Charges also have Bonds applicable for the requested use i.e.

- ~ All Venues Bond – Events without Liquor License      \$530
- ~ All Venues Bond – Long Term Key Bond                      \$ 50

There will also be utility costs associated with the requested use (i.e. water, power for running lights etc.)

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

Nil

**STRATEGIC IMPLICATIONS**

**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**

Senior Staff have been in consultation with all applicants.

**RISK ASSESSMENT**

The financial impost is not significant and risk rating is deemed Insignificant (1) – Commercial Hirers will need to have their own insurance cover; one off hirers will be covered by the Casual Hirer Policy for low impact activities.

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

**COUNCIL RESOLUTION/STAFF RECOMMENDATION 1**

**MOVED: Cr. Forth**

**SECONDED: Cr. Warr**

Council authorise the waiver of booking fees & charges for events related to the health & wellbeing of Chapman Valley, being held at Shire venues for the period 1<sup>st</sup> July 2020 to 31<sup>st</sup> December 2020 due to the COVID-19 pandemic subject to the following conditions:

- (a) Application must be deemed for Health and Wellbeing by the Chief Executive Officer (without dispute or appeal);
- (b) Applicant to be in attendance at all times;
- (c) Payment by the Applicant of the standard Bonds (e.g. Venue, Key);
- (d) All COVID-19 restrictions and conditions must be adhered to at all times;
- (e) Compliance with the standard Shire booking/user requirements for the facility must be adhered to;

*The proponent shall provide a copy of their public liability and indemnity insurance to the Shire and ensure that the Shire is listed an interested party upon the insurance policy.*

**Voting 7/0  
CARRIED  
Minute Reference: 07/20-10**

**COUNCIL RESOLUTION/STAFF RECOMMENDATION 2**

**MOVED: Cr. Warr**

**SECONDED: Cr. Davidson**

Council endorse amendments as attached to Corporate Management Procedure CMP-066 to incorporate Individual persons, Commercial Organisations or Businesses with the opportunity to apply to Council for a the waiver or reduction of fees and charges.

**Voting 7/0  
CARRIED  
Minute Reference: 07/20-11**

**COUNCIL RESOLUTION/STAFF RECOMMENDATION 3**

**MOVED: Cr. Forth**

**SECONDED: Cr. Humphrey**

Council endorse a waiver of venue hire fees for the following events up to the 31<sup>st</sup> December 2020 as they are considered valuable to the health and wellbeing of the residents within the Shire of Chapman Valley:

<b>Applicants Name</b>	<b>Applicants Address</b>	<b>Individual or Commercial Business</b>	<b>Venue Requested for Hire</b>	<b>Activity</b>
Megan O'Grady	Murphy-Norris Road	Individual	Nabawa Community Centre	Nabawa Fitness Group
Julie Myers	Wittenoom Circle	Individual	Bill Hemsley Park Community Centre	Yoga Classes
Ersilia Tarantino	White Peak Road	Individual	Bill Hemsley Park Community Centre	Yoga, relaxation & mindfulness classes
Liz Elliott-Lockhart	1852 Chapman Valley Rd	Commercial Business	Nanson Showgrounds Undercover area	Sabrina Hahn In the Valley

The following conditions apply:

- (a) Access is denied at times the venue is booked for use at the same time (i.e. for function and/or event including preparation lead times) by an Applicant willing to pay the fees and charges set by Council;
- (b) All conditions endorsed by Council for the waiver of fees and charges up the 31<sup>st</sup> December 2020 for health and wellbeing events due to the COVID-19 pandemic must be adhered to;
- (c) Compliance with the standard Shire booking/user requirements for the facility must be adhered to;
- (d) Set fees and charges will be applicable from the 1<sup>st</sup> January 2021 if the venue is required beyond this date

**Voting 7/0  
CARRIED  
Minute Reference: 07/20-12**

**-Council Adjourned the Meeting at 10.23am-**

**-Council Recommended the Meeting at 10.47am-**

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# **10.3**

## **Chief Executive Officer**

### **May 2020**

#### **10.3 AGENDA ITEMS**

- 10.3.1 Batavia Local Emergency Management Committee MOU**
- 10.3.2 Western Australian Local Government Association AGM**
- 10.3.3 Review Delegation 3004**

### 10.3.1

### Batavia Local Emergency Management Committee - MOU

PROPONENT:	Chief Executive Officer
SITE:	Chapman Valley, Greater Geraldton & Northampton LGAs
FILE REFERENCE:	403.09
PREVIOUS REFERENCE:	Nil
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Draft Memorandum of Understanding		✓
10.3.1(b)	Notes – Three LGAs – 11th May 2015		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

This items was presented to the June 2020 OCM with the following procedural motion being passed:

*“MOVED: Cr. Humphrey*

*SECONDED: Cr. Warr*

*That the debate be adjourned until July 2020 Ordinary Council Meeting.*

*Voting 6/0*

*CARRIED*

*Minute Reference: 06/20-08*

*Reason for deviation from Staff Recommendation: Council required clarification on the appointment of the Deputy Chairperson of the BLEMC before proceeding.”*

The Batavia Local Emergency Management Committee (BLEMC) was established in 2015 with the intent to remove administrative duplications and deal with emergency management on a regional, rather than an individual local government basis.

The BLEMC includes the City of Greater Geraldton and the Shire’s of Chapman Valley & Northampton. This has been a successful approach to emergency management across the three local government authorities, with one of the focusses being to remove cross-boundary anomalies across the three districts. However; there has never been a formalised understanding of how the BLEMC is to operate and who are the core and non-core members of the Committee.

At the time the BLEMC was established there was a verbal understanding of how it should operate, yet nothing formally put in place. Hence the need to establish a Memorandum of Understanding (MOU) to remove future uncertainties and ambiguities. The only record of the initial arrangements was what was recorded in the Discussion Notes at the meeting between the three LGAs on the 11<sup>th</sup> May 2015 (see **Attachment 10.3.1(b)**). It is based upon these notes and how the BLEMC has evolved since 2015 the Draft MOU was developed (see **Attachment 10.3.1(a)**).

## COMMENT

The concern raised at the June 2020 OCM regarding the BLEMC Deputy Chair appointment has been investigated and discussed with the other two participating LGAs (i.e. CGG & Shire of Northampton), District Emergency Management Committee (DEMC) and the WA Police (WAPOL) with the outcome being:

### Local Government Authorities

Wish to proceed with the MOU as compiled which states the BLEMC Deputy Chair being an Elected Member from the LGA next scheduled to take on the role of Chairperson. This structure can only assist with ensuring Elected Member participation in the BLEMC.

This is not a reflection on the importance and integral role of WAPOL as the Local Emergency Coordinators for the BLEMC. This role was never in question and was clearly stated in the first Draft MOU. This has been reiterated in the latest Draft document.

### Department Fire & Emergency Service (DEMC)

Below is an email response from Brendan Wilson (DFES):

*“Regarding our earlier conversation, I can confirm that it is up to each LG to determine the composition of their Local Emergency Management Committee. There are recommendations (in the State EM Procedure) for membership including Chairperson and Deputy Chairperson roles (and referred to below), but this serves as guidance only, not ‘must’ or ‘shall’.*

*If a LG determines that a more appropriate person should fulfil the Chairperson / Deputy Chairperson role (or any other role or general membership), this is definitely acceptable.”*

### WA Police

Jason Scragg, Officer in Charge, Geraldton Police contacted me to discuss the matter after he had been contacted by Cr Humphrey. Below is an email response from Jason:

*“Thanks for the chat today by telephone.*

*Can I ask if it’s possible to place within your MOU the understanding that the Local Emergency Coordinator (LEC) will always be the Officer In Charge of the area in which the “situation” is occurring as per Emergency Management Policy. This may alleviate any concerns or issues that may arrive of the understanding of the role.”*

Staff at each of the participating LGAs have worked collaboratively to develop the Draft MOU, with the Shire of Chapman Valley being the lead organisation in the project. All LGAs are now at the point of presenting the Draft MOU to their Council’s for consideration.

Rather than repeat the content of the Draft MOU I refer Council to **Attachment 10.3.1(a)** and highlight the following section in particular:

- Section 5 – Membership – Core & Non-Core; and
- Section 6 – Appointment of Committee Chair & Provision of Secretariat Support.

The City of Greater Geraldton has requested other changes to the Draft MOU presented to Council at the June OCM. These have been highlighted, along with the aforementioned note reiterating WAPOL as being the BLEMC Local Emergency Coordinators.

I have discussed the requested changes highlighted by the City and the Shire of Northampton and concur with these.

## STATUTORY ENVIRONMENT

*Emergency Management Act 2005* – Established BLEMC in 2015

Below are extracts from legislation and the State Emergency Management Committee Website:

### Extract from Emergency Management Act

38. *Local emergency management committees*

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) ***A local emergency management committee consists of —***
  - (a) ***a chairman and other members appointed by the relevant local government in accordance with subsection (4); and***
  - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

### Extract from SEMC Website

*Local Emergency Management Committees*

*Local governments are key players in the State's emergency management arrangements and provide expert knowledge about their communities and environments. It is their role to ensure that local emergency management arrangements are prepared and maintained, as well as to manage recovery after an emergency.*

*Under section 38 of the Emergency Management Act 2005, a local government is required to establish one or more Local Emergency Management Committees (LEMCs) for the local government's district. However, local governments may unite for the purposes of emergency management and establish one or more LEMC for their combined districts. **The LEMC is to be managed and chaired by the local government, with representation from organisations and agencies that play a key role in emergency management within their district.***

*The functions of a LEMC, in relation to its district or the area for which it is established, are:*

- *to advise and assist the local government in ensuring that Local Emergency Management Arrangements (LEMAs) are established for its district;*
- *to liaise with public authorities and other persons in the development, review and testing of the LEMA; and*
- *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

## POLICY/PROCEDURE IMPLICATIONS

No Policy or Management Procedure affected. However; each participating LGA have individual Local Emergency Management Arrangements (LEMA). Staff at the three LGAs have been working on developing a regional LEMA. The City of Geraldton is the lead organisation for this project with the draft being basically completed. This is referred to in section 4 of the Draft MOU.

## FINANCIAL IMPLICATIONS

No financial implications envisaged. The regional approach to emergency management will reduce administrative burdens on each participating LGA.

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

Nil effect on the LTFP.

## STRATEGIC IMPLICATIONS

The establishment of the BLEMC is strategically sound as it ensures emergency management is not dealt with in isolation to neighbouring districts.

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

Ref	Objective	Strategy	Action
1.2	Strengthen our advocacy role and regional partnerships to support the provision of local services and facilities	Maintain close relationships with neighbouring shires and regional bodies	Participate in and advocate for regional resource sharing and cross-boundary cooperation.
		Be present in conversations and gatherings related to the provision of essential and desired services for Chapman Valley residents and visitors	Participate in and advocate for regional resource sharing and cross-boundary cooperation.

## CONSULTATION

As previously mentioned, staff at the three participating LGAs have been working collaboratively on the developing the Draft MOU, which now being presented to each Council for consideration.

## RISK ASSESSMENT

The risk in this instance is insignificant at worst as the MOU will provide better clarity on the BLEMC operations.

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

### COUNCIL RESOLUTION/STAFF RECOMMENDATION

**MOVED: Cr. Royce**

**SECONDED: Cr. Forth**

Council endorse the Batavia Local Emergency Management Committee Memorandum of Understanding as presented.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-13**

## 10.3.2

### Western Australian Local Government Association - AGM

PROPONENT:	Western Australian Local Government Association (WALGA)
SITE:	Crown Perth
FILE REFERENCE:	404.01
PREVIOUS REFERENCE:	NA
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	WALGA – Notice of AGM – 25 <sup>th</sup> September 2020		✓
10.3.2(b)	WALGA Letter – Notice of AGM		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The Western Australian Local Government Association (WALGA) has formally provided notice of the Annual General Meeting (AGM) to be held on the 25<sup>th</sup> September 2020 at the Crown Perth.

The Notice (and my subsequent enquiry) states the AGM will be an in-person meeting unless the COVID-19 pandemic renders this not possible at the time. WALGA has also advised additional information will be provided in July 2020 on the limitation on numbers, accommodation, etc.

#### COMMENT

The WALGA Notice (see **Attachment 10.3.2(a)**) states the following deadlines:

- 17<sup>th</sup> July 2020 (5pm) must Motions proposing alterations or amendments to the Constitution of the WALGA be received by 5:00pm.
- 31<sup>st</sup> July 2020 (5pm) Closing date for submission of Motions.
- 28<sup>th</sup> August 2020 Closing date to advise Voting Delegates (2) and Proxy Voting Delegates (2)

The WALGA Notice also provides guidelines and criteria to be followed when considering a submission for motions to be presented to the AGM i.e.

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.



- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to Members – i.e. does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

The WALGA Notice also states:

*As per the Corporate Governance Charter, prior to the finalisation of the agenda, the WALGA President and Chief Executive Officer will determine whether motions abide by the following criteria: Motions will be included in the Business Paper agenda where they:*

1. *Are consistent with the objects of the Association (refer to clause 3 of the constitution);*
2. *Demonstrate that the issue/s raised will concern or are likely to concern a substantial number of Local Governments in WA.;*
3. *Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;*
4. *Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);*
5. *Are clearly worded and unambiguous in nature;*

*Motions will not be included where they are:*

6. *Consistent with current Association advocacy/policy positions. (As the matter has previously considered and endorsed by the Association).*

*Motions of similar objective:*

7. *Will be consolidated as a single item.*

At the time of writing no indication has been received on any proposed Motion to be submitted from the Shire of Chapman Valley to the WALGA AGM. The Shire tends to put items through the Northern Country Zone for WALGA State Council consideration.

#### **STATUTORY ENVIRONMENT**

Not applicable

#### **POLICY/PROCEDURE IMPLICATIONS**

Council Corporate Policy (CP006) deals with attendance at events i.e.

<b>POLICY NO</b>	CP-006
<b>POLICY</b>	ATTENDANCE AT EVENTS POLICY
<b>RESPONSIBLE DIRECTORATE</b>	CEO

<b>PREVIOUS POLICY No.</b>	CMP-030
<b>LEGISLATION</b>	Section 5.90A of the Local Government Act 1995
<b>RELEVANT DELEGATIONS</b>	1019

## 1. OBJECTIVES

- 1.1. To introduce policy to address section 5.90A. of the Local Government Act 1995 Policy for attendance at events
- 1.2. To provide elected members and staff with consistent guidelines to ensure transparency, relevance, and value for money for ratepayers.
- 1.3. This Policy does not cover Elected Member Training. Refer to Management Procedure Ref CMP-030: *“Elected Member Training & Professional Development”*.

## 2. POLICY STATEMENTS

- 2.1. In developing the Attendance at Events Policy, council needs to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council. The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings.
- 2.2. This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the Chief Executive Officer (CEO).
- 2.3. Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

## 3. LEGISLATION

- 3.1. 5.90A. Policy for attendance at events

In this section — *event* includes the following —

- a) a concert;
  - b) a conference;
  - c) a function;
  - d) a sporting event;
  - e) an occasion of a kind prescribed for the purposes of this definition.
- 3.2. A local government must prepare, and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
    - a) the provision of tickets to events; and
    - b) payments in respect of attendance; and
    - c) approval of attendance by the local government and criteria for approval; and

- 
- d) any prescribed matter.

***\*Absolute majority required.***

3.3. A local government may amend\* the policy.

*\*Absolute majority required.*

3.4. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

3.5. The CEO must publish an up-to-date version of the policy on the local government's official website.

#### **4. PROVISION OF TICKETS TO EVENTS**

##### **4.1. Invitation**

###### 4.1.1.

All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer. Invitations made directly to an Elected Member are to be handed to the Chief Executive Officer for action to be taken in accordance with this Policy.

###### 4.1.2.

Any other invitation or offer of tickets not addressed to an Elected Member or the Chief Executive Officer in general is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

###### 4.1.3.

A list of events and attendees authorised by the local government in advance of the event is recorded in Attachment

#### **5. APPROVAL OF ATTENDANCE**

5.1 In deciding on attendance at an event, the Council will consider:

- a) who is providing the invitation or ticket to the event,
- b) the location of the event in relation to the local government (within the district or out of the district),
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- d) whether the event is sponsored by the local government,
- e) the benefit of local government representation at the event,
- f) the number of invitations / tickets received, and
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

5.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

5.3 The CEO is authorised to determine matters relating to staff attending conferences, seminars or training (in addition

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to those listed at Attachment A) that form part of the ongoing operational requirements of the Shire using the considerations as outlined in 5.2 of this policy.

## **6. PAYMENTS IN RESPECT OF ATTENDANCE**

- 6.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 6.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 6.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 6.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

**ATTACHMENT A – EVENTS AUTHORISED IN ADVANCE**

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Western Australian Local Government Association (WALGA) Annual Conference and AGM	Annual Event	President, Deputy President 2 x Elected Members CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)
Northern Country Zone Conferences	Periodical	President, Deputy President Elected Members CEO DCEO	Elected Members & CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)
State Government Budget announcement, launches and other events	Ongoing	President, Deputy President CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
WALGA Road Conference	Annual Event	President, Deputy President 2 x Elected Members CEO Manager Works & Svc	Elected Members & CEO Manager Works & Svc	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)
Local Government Professionals Annual Conference	Annual Event	CEO DCEO	CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.  Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)
Synergy Soft IT Annual User Group Conference	Annual Event	CEO Manager Finance & Corporate Services	CEO Manager Finance & Corporate Services	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.  Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)
Moore Stephens Annual Budget Finance	Annual Event	CEO Manager Finance	CEO Manager Finance &	Registration, Accommodation,	Staff – CEO discretion (Clause 5.3)

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Conferences		& Corporate Services	Corporate Services	Travel, Meals and other reasonable cost & living expenses.  Note: Alcoholic beverages are not covered.	
Works Supervisors Annual Conference	Annual Event	CEO Manager Works & Svc	CEO Manager Works & Svc	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses.  Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)

It will be noted in the Policy where the endorsed attendees at the WALGA AGM are:

- President,
- Deputy President
- 2 x Elected Members
- CEO
- Staff – CEO discretion

As previously mentioned, WALGA may restrict number of attendees from each LGA, which could effect those listed on the Council Policy being able to attend. The Staff Recommendation has prioritised attendees to ensure we stay within any limitations which may be set by WALGA.

### FINANCIAL IMPLICATIONS

Council budgets annual for attendances at the WALGA Conference and AGM in accordance with Policy.

### STRATEGIC IMPLICATIONS

Ref	Objective	Strategy
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes

### CONSULTATION

Formal notification received from WALGA and a subsequent phone call made to WALGA regarding in-person meeting and attendee numbers.

### 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

### COUNCIL RESOLUTION/STAFF RECOMMENDATION

**MOVED: Cr. Farrell**

**SECONDED: Cr. Forth**

Council

1. Endorse the following priority list of attendees for the Western Australian Local Government Association's Annual General Meeting to be held in Perth on the 25<sup>th</sup> September 2020 in accordance with Corporate Policy CP-006:



- 
1. President (Voting Delegate);
  2. Deputy President (Voting Delegate);
  3. Cr. Humphrey; (Proxy Voting Delegate);
  4. Cr. Batten (Proxy Voting Delegate) - Subject to Cr Batten's endorsement;

2. The Chief Executive Officer (or his delegate) to attend the Western Australian Local Government Association's Annual General Meeting in accordance with Corporate Policy CP-006 and be inclusive of any restrictive numbers of attendees, which may be determined by WALGA.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-14**

### 10.3.3

### REVIEW DELEGATION 3009

PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE: 05/20-16 & 05/20-17
DATE:	15th JULY 2020
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The purpose of this item is to review Delegation 3009, which was inadvertently missed at the time the Purchasing Policy CP-024 and Delegation 3004 were reviewed at the May 2020 OCM to accommodate legislative changes to increase the tender threshold from \$150,000 to \$250,000.

The following was resolved at the May 2020 OCM:

*MOVED: Cr. Batten*

*SECONDED: Cr. Humphrey*

*Council endorse the revised Purchasing Policy (CP-024) as presented to reflect the recent legislative changes to the Local Government (Functions & General) Regulations, 1996, for the increase in tender threshold limitations and the latest WALGA Purchasing Policy Template.*

*Voting 7/0*

*CARRIED*

*Minute Reference: 05/20-15*

*MOVED: Cr. Humphrey*

*SECONDED: Cr. Batten*

*Council endorse the following addition to Delegation 3004 Council Purchasing Authority by including the following:*

*“Sole Source Suppliers – Local Government (Functions & General) Regulation – 11(2)(f)*

*In the situation of any purchases above the legislated tender threshold amount from sole source providers the Chief Executive Officer is to present these to Council for endorsement, with evidence of due diligence as proof of there being a sole source provider situation, prior to progressing with the purchase.”*

*Voting 7/0*

*CARRIED*

*Minute Reference: 05/20-16*

## COMMENT

As reported at the May 2020 OCM, as a result of the COVID-19 pandemic the State Government fast-tracked several items of legislation to assist local government authorities in dealing with the pandemic. One item of new legislation enacted was an increase in the tender threshold from \$150,000 to \$250,000. This legislative change had been advocated across the local government industry for some years and was listed as an desired amendment under the review of the Local Government Act.

Due to the legislative changes being introduced to increase the tender threshold Council amended the Shire's Purchasing Policy (CP-024) and Delegation 3004 at the May 2020 OCM. However; unfortunately Delegation 3009 was inadvertently missed.

Delegation 3004 was amended to include the following text regarding sole source suppliers situations:

*"Sole Source Suppliers – Local Government (Functions & General) Regulation – 11(2)(f)*

*In the situation of any purchases above the legislated tender threshold amount from sole source providers the Chief Executive Officer is to present these to Council for endorsement, with evidence of due diligence as proof of there being a sole source provider situation, prior to progressing with the purchase."*

Though probably not necessary it is felt this text should also be added to Delegation 3009 to reiterate the sole source supplier situation.

## STATUTORY IMPLICATIONS / REQUIREMENTS

### Local Government (Functions & General) Regulations, 1996

#### Clause 11A

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
  - (a) the form of quotations acceptable; and
  - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
  - (b) the recording and retention of written information, or documents, in respect of —
    - (i) all quotations received; and
    - (ii) all purchases made.

#### Clause 11(1A)

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

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## POLICY/PROCEDURE IMPLICATIONS

Below is the current Delegation 3009 with recommended amendments in red print:

DELEGATION NUMBER	-	3009
LEGISLATIVE POWER	-	Local Government Act 1995 & Local Government (Functions & General) Regulation, 1996
DELEGATION SUBJECT	-	Tenders for Providing Goods & Services
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE	-	Nil

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In respect to Part 4 of the Local Government (Functions and General) Regulations 1996, the CEO is delegated authority to perform the following:

1. Publicly invite tenders for the supply of goods and services expected to be worth more than ~~\$150,000~~ **the amount legislated**. (Reference: Regulations 11(1), 12 and 13).
2. Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.
3. Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. (Reference: Regulation 19).
4. Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted Budget for the road works program.  
All other decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.
5. **Sole Source Suppliers (Local Government (Functions & General) Regulation – 11(2)(f)) .In the situation of any purchases above the legislated tender threshold amount from sole source providers the Chief Executive Officer is to present these to Council for endorsement, with evidence of due diligence as proof of there being a sole source provider situation, prior to progressing with the purchase.**

*NB: The decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.*

## FINANCIAL IMPLICATIONS

No effect on financial operations of the Shire.

### Long Term Financial Plan (LTFP):

No effect on LTFP of the Shire

## STRATEGIC IMPLICATIONS

It is important Councillors and staff are fully conversant with Policies and Procedures of the organisations in the first instance and for these to be accessible to the Elected Members, Staff and the community to ensure all ambiguity are removed regarding how the Shire operates.

It is also important Councillors and staff review the policies & procedures to ensure these remain current and relevant.

**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 in this instance.

**RISK ASSESSMENT**

There is a risk associated with the organisation’s Policies and Management Procedures being antiquated and not relevant, which could lead to poor operations and possible areas of non-compliance with legislation. However; I believe this risk is considered “insignificant” in this instance i.e.

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 – Delegation Review

**COUNCIL RESOLUTION/STAFF RECOMMENDATION**

**MOVED: Cr. Royce**

**SECONDED: Cr. Humphrey**

Council endorse the following amended Delegation 3009:

LEGISLATIVE POWER	-	Local Government Act 1995 & Local Government (Functions & General) Regulation, 1996
DELEGATION SUBJECT	-	Tenders for Providing Goods & Services
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE	-	Nil

In respect to Part 4 of the Local Government (Functions and General) Regulations 1996, the CEO is delegated authority to perform the following:

- Publicly invite tenders for the supply of goods and services expected to be worth more than the amount legislated. (Reference: Regulations 11(1), 12 and 13).

- 
2. Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.
  3. Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. *(Reference: Regulation 19)*.
  4. Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted Budget for the road works program.  
All other decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.
  5. Sole Source Suppliers (Local Government (Functions & General) Regulation – 11(2)(f)) .In the situation of any purchases above the legislated tender threshold amount from sole source providers the Chief Executive Officer is to present these to Council for endorsement, with evidence of due diligence as proof of there being a sole source provider situation, prior to progressing with the purchase.

NB: The decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-15**

**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**

Nil

**13.0 DELEGATES REPORTS**

COUNCILLOR	ITEM
Cr. Farrell	Northern Country Zone Meeting – Corrella Issue

**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

*-Manager of Finance Dianne Raymond and Administration Support Officer Clare Cream departed the room at 11.12am-*

**COUNCIL RESOLUTION/STAFF RECOMMENDATION – PROCEDURAL MOTION**

**MOVED: Cr. Warr**

**SECONDED: Cr. Forth**

Council resolve the meeting be closed to members of the public to discuss:

- Agenda Items 15.1 & 15.3 in accordance with the Local Government Act 1995, Section 5.23(2)(a), as it is considered a matter affecting an employee; and
- Agenda Item 15.2 in accordance with the Local Government Act 1995, Section 5.23(2)(c), as it is a matter in which a contract is to be entered into, or which may be entered into, by the local government.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-16**

**15.1****CEO's Annual Performance Review**

<b>PROPONENT:</b>	Shire of Chapman Valley
<b>SITE:</b>	Shire of Chapman Valley
<b>FILE REFERENCE:</b>	Personal File
<b>PREVIOUS REFERENCE:</b>	Minute Reference: 12/19-20
<b>DATE:</b>	15 <sup>th</sup> July 2020
<b>AUTHOR:</b>	Maurice Battilana, Chief Executive Officer

**COUNCIL RESOLUTION/STAFF RECOMMENDATION****MOVED: Cr. Forth****SECONDED: Cr. Davidson**

Council:

1. Appoints the Shire President, Deputy Shire President and Cr Forth to undertake the Chief Executive Officer Annual Performance Appraisal and Remuneration Review for 2020 and bring this back to Council for consideration.
2. Provide the Chief Executive Officer written notice of his Annual Performance Appraisal and Remuneration Review to be undertaken and requesting a waiver of condition 5.3.1 regarding the use of an independent party to facilitate the performance review in this instance.

**Voting 7/0****CARRIED****Minute Reference: 07/20-17****15.2****Lot 2635 Chapman Valley Rd, Nabawa**

<b>PROPONENT:</b>	Chief Executive Officer
<b>SITE:</b>	Lot 2635 Chapman Valley Rd, Nabawa
<b>FILE REFERENCE:</b>	A1206
<b>PREVIOUS REFERENCE:</b>	NA
<b>DATE:</b>	15 <sup>th</sup> July 2020
<b>AUTHOR:</b>	Maurice Battilana, Chief Executive Officer

**COUNCIL RESOLUTION****MOVED: Cr. Forth****SECONDED: Cr. Davidson**

Council suspend standing orders to have open debate on this item.

**Voting 7/0****CARRIED****Minute Reference: 07/20-18****COUNCIL RESOLUTION****MOVED: Cr. Forth****SECONDED: Cr. Maluish**

Council reintroduce standing orders.



Voting 7/0  
CARRIED  
Minute Reference: 07/20-19

## STAFF RECOMMENDATION

Council:

1. Make an offer to purchase Lot 2635, Chapman Valley Rd, Nabawa, WA under the following conditions:
  - a) Purchase amount up to a maximum of \$100,000;
  - b) Owner is to fence perimeter of land parcel currently unfenced;
  - c) Shire to cover cost to install crossover onto Chapman Valley Road with this work to be undertaken by at a time determined appropriate by the Shire;
  - d) Subject to Loan finances being approved.
  
2. Purchase of land to be funded from the following sources:
  - a) Loan Funds – \$50,000
  - b) Shire's *Land Development Reserve* - Balance required to complete acquisition.

***-Item lapsed due to having no Mover and Seconder-***

***Reason for Deviation from Staff Recommendation: Council did not want to acquire land for community cropping purpose.***

### 15.3

### T McCagh - Long Service Leave Deferral Application

PROPOSER:	Chief Executive Officer & Mr. T McCagh
SITE:	Shire of Chapman Valley
FILE REFERENCE:	908.08
PREVIOUS REFERENCE:	Minute References: 03/19-17
DATE:	15 <sup>th</sup> July 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### COUNCIL RESOLUTION/STAFF RECOMMENDATION

**MOVED: Cr. Forth**

**SECONDED: Cr. Davidson**

Council agree, in accordance with the provisions of the Local Government (Long Service Leave) Regulations, the taking of Long Service Leave by Mr. Trellly McCagh to be negotiated and determined by the Chief Executive Officer and such leave shall be paid at the applicable ordinary hourly rate and approved allowances, which would have been paid to the employee at the end of March 2020 (i.e. the previously agreed end date to clear this leave).

Voting 6/1  
CARRIED  
Minute Reference: 07/20-20

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**COUNCIL RESOLUTION**

**MOVED: Cr. Forth**

**SECONDED: Cr. Maluish**

The meeting be reopened to the public.

**Voting 7/0**

**CARRIED**

**Minute Reference: 07/20-21**

**16.0 CLOSURE**

The President thanked Elected Members and Staff for their attendance and closed the meeting at 11.39am.