



**COUNCIL CALENDAR**

<b>Date</b>	<b>Time</b>	<b>Meeting</b>
20 June 2023	5.00pm	Ordinary Council Meeting
18 July 2023	5.00pm	Ordinary Council Meeting

**MAY MEETING PROGRAM**

2.00pm	Audit and Risk Committee Meeting
2.30pm	Council Forum
5.00pm	Ordinary Council Meeting

**MEETING GUESTS**

Nil

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# DECLARATION OF INTEREST FORM

**TO: CHIEF EXECUTIVE OFFICER**

As required by Section 5.65 of the Local Government Act 1995, I \_\_\_\_\_  
 hereby disclose my interest in the following matters of the agenda papers for the Council meeting  
 dated \_\_\_\_\_.

**FINANCIAL INTEREST**

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

**CLOSELY ASSOCIATED PERSON AND IMPARTIALITY INTEREST**

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

**PROXIMITY INTEREST**

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**NOTES:**

1. *For the purposes of the financial interest provisions you will be treated as having a financial interest in a matter if either you, or a person with whom you are closely associated, have a direct or indirect financial interest or a proximity interest in the matter.*  
**NB: It is important to note that under the Act you are deemed to have a financial interest in a matter if a person with whom you are closely associated has a financial interest or a proximity interest. It is not necessary that there be a financial effect on you.**
2. *This notice must be given to the Chief Executive Officer prior to the meeting.*
3. *It is the responsibility of the individual Councillor or Committee Member to disclose a financial interest. If in doubt, seek appropriate advice.*
4. *A person who has disclosed an interest must not preside at the part of the meeting relating to the matter, or participate in, be present during any discussion or decision-making procedure relating to the matter unless allowed to do so under Section 5.68 or 5.69 of the Local Government Act 1995.*

**OFFICE USE ONLY:**

1. **PARTICULARS OF DECLARATION GIVEN TO MEETING**
2. **PARTICULARS RECORDED IN MINUTES**
3. **PARTICULARS RECORDED IN REGISTER**

**CHIEF EXECUTIVE OFFICER:** \_\_\_\_\_ **DATED:** \_\_\_\_\_

# NOTICE OF MEETING

To the President & Councillors,

In accordance with the provisions of Section 5.5 of the Local Government Act, you are hereby notified that the 695<sup>th</sup> Ordinary Meeting of Council has been convened for:

**Date:** Tuesday 16 May 2023

**At:** Shire of Narembeen Council Chambers  
1 Longhurst Street, Narembeen

**Commencing:** 5.00pm



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**Paul Sheedy**  
**Chief Executive Officer**  
Date: 10 May 2023

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## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Narembeen for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Narembeen disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Narembeen during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Narembeen. The Shire of Narembeen warns that anyone who has an application lodged with the Shire of Narembeen must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Narembeen in respect of the application.

# AGENDA

Shire of Narembeen Ordinary Council Meeting  
Tuesday 16 May 2023, commencing at 5.00pm

## 1.0 Opening & Welcome

## 2.0 Attendance & Apologies

### Attendance

Councillors

Officers

### Apologies

### Approved leave of absence

## 3.0 Declarations of Interest

## 4.0 Announcements

4.1 Application for leave of absence

## 5.0 Public Question Time & Deputations (15 min)

Nil

## 6.0 Minutes of Previous Meetings

### 6.1 Confirmation of Minutes of Ordinary Meeting of Council

#### 6.1.1 Confirmation of Minutes

Confirmation of Minutes from the Shire of Narembeen Ordinary Meeting held on Tuesday 18 April 2023

### RECOMMENDATION:

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 18 April 2023 be confirmed as a true and accurate record of the proceedings.

### COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

**CARRIED /**

## 6.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Tuesday 18 April 2023

### 6.2 Receive Minutes - Audit Committee

#### RECOMMENDATION

That the minutes of the Shire of Narembeen Audit and Risk Committee Meeting held on Tuesday 16 May 2023 be received and that Council:

1. Receive Audit Report and Management Letters for the year ending 30 June 2022
2. Endorse the Annual Report for the year ended 30 June 2022, including the financial statements.
3. Schedule the Shire of Narembeen Annual Electors Meeting for 6:00pm on Tuesday 20 June 2023 in Council Chambers.

#### COUNCIL RESOLUTION

**MIN**                      **MOTION** - Moved Cr. Bray                      Seconded Cr. Currie

**CARRIED /**

<b>7.0</b> <b>Status Report</b>
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#### RECOMMENDATION:

That the Status Report for May be received.

#### COUNCIL RESOLUTION

**MIN**                      **MOTION** - Moved Cr.                      Seconded Cr.

**CARRIED /**

## 8.0 Reports

### 8.1 Chief Executive Officer

#### AGENDA ITEM: 8.1.1 - Chief Executive Officer Recruitment Process – Certificate of Compliance

<b>Subject:</b>	<b>Chief Executive Officer Recruitment Process – Certificate of Compliance</b>
<b>Applicant:</b>	Not applicable
<b>File Ref:</b>	ADM049
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Paul Sheedy, Acting Chief Executive Officer
<b>Date:</b>	3 May 2023
<b>Attachments:</b>	Nil

#### PURPOSE

This item is to report on the CEO recruitment process to ensure its compliance with the Local Government (Administration) Regulations, Local Government Act 1995, and Council Policy 'CEO Standards for Recruitment, Performance and Termination'.

Council is required to certify that the recruitment process followed for the appointment of the new Chief Executive Officer was undertaken in accordance with Council Policy 'CEO Standards for Recruitment, Performance and Termination'.

#### BACKGROUND

December 2022

The current CEO provided a letter of resignation to the Shire President effective from 13 January 2023.

February 2023

Council at its meeting on 21 February resolved (Min 7550/23 & 7551/23):

*'That Council:*

- *Appoints the Shire President, Cr Mortimore, Deputy Shire President, Cr Stirrat, and Councillors Currie and Milner as the CEO Recruitment Selection Panel.*
- *Appoints Ms R (Rhonda) Cole as the Independent Person to the CEO Recruitment Selection Panel.*
- *Approves the Job Description (Position Description) as detailed in Schedule 1 of the Employment Contract (attached) that includes:*
  - *the qualifications and selection criteria for the position; and*
  - *duties and responsibilities of the position*
- *Approves the draft Employment Contract and Total Reward Package as detailed in the attachment.'*

*'That Council appoint Fitz Gerald Strategies to assist Council/Selection Panel in the recruitment of a new Chief Executive Officer.'*

March 2023

The vacant position of CEO was advertised in the Western Australian newspaper on Saturday 4 March 2023, LG Assist, Local Government Job Directory, Shire website and Facebook, Fence Post, and public notice board to comply with the Local Government Act and Regulations requirements.

April 2023

Following the closing of the CEO applications, five (5) application were received for the position. The consultant then assessed each application against the selection criteria which was then reviewed by the CEO Selection Panel on the 5 April 2023 who assessed each applicant's knowledge, experience, qualifications, and skills against the adopted selection criteria. The CEO Selection Panel then shortlisted suitable applicants for interviews on 14 April 2023'.

The shortlisted applicants were interviewed by the CEO Selection Panel on 14 April 2023. At that meeting, the Panel assessed the candidates based on their interviews and identified a preferred applicant subject to due diligence checks, including referee reports, being undertaken by the consultant.

The Consultant completed reference checks, on behalf of the Council relating to the preferred applicant and completed the due diligence which included a current police clearance and qualification checks and negotiated a suitable Total Remuneration Package (TRP).

The appointment of Ms Rebecca McCall as the CEO was endorsed by Council at its Ordinary Council meeting held on 18 April 2023 (Min 7585/23)

## **CONSULTATION**

No consultation is required for this item.

## **STATUTORY IMPLICATIONS**

Local Government (Administration) Regulations 18FB (2), (3) & (4) 18FB.

### **18FB.Certification of compliance with adopted standards for CEO recruitment**

(2) This regulation applies if —

- a) a local government employs a person in the position of CEO of the local government; and
- b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.

(3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution\*, certify that the person was employed in accordance with the local government's adopted standards (or model standards) in relation to the recruitment of CEOs.

\* Absolute majority required.

(4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Council Policy 'CEO Standards for Recruitment, Performance and Termination'.



## **RISK MANAGEMENT IMPLICATIONS**

By completing this statutory certification, the risk is reduced to low as the likelihood of any noncompliance issues arising is unlikely and the consequences are insignificant.

## **STRATEGIC PLAN REFERENCE**

### Strategic Community Plan 2022 – 2032

4. CIVIC LEADERSHIP: Well governed and efficiently managed local government

4.2 Compliant and resourced Local Government

### Corporate Business Plan 2022 - 2026

4. CIVIC LEADERSHIP

4.2 Continue to meet compliance with statutory and regulatory requirement.

4.2 (a) continue to meet compliance with statutory and regulatory requirements.

## **VOTING REQUIREMENTS**

Absolute Majority

## **COMMENT**

Each of the clauses that provide a requirement from Council Policy 'CEO Standards for Recruitment, Performance and Termination', in relation to the recruitment of a Chief Executive Officer are listed below, with a brief outline of those requirements (in italic & bold)), followed by an explanation on how the Council has satisfied the requirements of that clause.

### ***5. Determination of selection criteria and approval of job description form***

Council at its Ordinary Meeting held on 21 February 2023 (Min 7550/23) endorsed, by an absolute majority, the Position Description, qualifications and selection criteria, duties and responsibilities of the position, draft employment contract and total reward package.

### ***6. Advertising requirements***

Council advertised the position in the Western Australian Newspaper on 4 and 11 March 2023, the Local Government Assist site and Local Government Job Directory, placed a copy of the advertisement on the Shire Website and Facebook pages and placed a copy on the Administration Office Notice Board, in compliance with the Local Government (Administration) Regulations 3A & 3B and Local Government Act 1995 section 1.7, 1.8 and 5.36(4)

### ***7. Job description form to be made available by local government***

The Job Description was available as part of the Chief Executive Officer Information Package available from the Shire website and consultant.

### ***8. Establishment of selection panel for employment of CEO***

Council at its Ordinary Meeting held on 21 February 2023 (Min 7550/23) appointed four (4) Council Members and Ms Rhonda Cole as the 'independent person' to the CEO Recruitment Selection Panel.

### ***9. Recommendation by selection panel***

The knowledge, experience, qualifications, and skills of all the applicants were assessed by the appointed CEO Recruitment Consultant and then considered and endorsed by the CEO Recruitment Selection Panel on 5 April 2023 (9.1).

Following the interviews on 14 April 2023 it was agreed by the CEO Recruitment Selection Panel that the preferred candidate clearly demonstrated that their knowledge of the position, skills and previous experience as a CEO meet the selection criteria previously endorsed by the Council (9.5). A summary of the assessment of each applicant, undertaken by the CEO Recruitment Selection Panel and consultant was provided to the Council on the 18 April 2023 as part of the Panel's recommendation to Council as to the preferred applicant considered suitable to be employed in the position of CEO (9.2)

The preferred candidate's work history, qualifications and claims in the job application were assessed and verified by the appointed CEO Recruitment Consultant and considered by the CEO Recruitment Selection Panel on 14 April 2023. Referee checks were undertaken after the interviews on 14 April 2023 by the Consultant and provided to the Shire President and Acting CEO prior to the Council appointment on 18 April 2023 (9.5).

Council and CEO Recruitment Selection Panel in undertaking the short listing of candidates, undertaking interviews and making the final appointment has ensured that the appointment has been made impartially and free from nepotism, bias or unlawful discrimination (9.4).

### **11. Offer of employment in position of CEO**

The appointment of Ms Rebecca McCall as the CEO was endorsed 8/0 by Council at its Ordinary Council meeting held on 18 April 2023 (Min 7585/23):

*'That Council endorses the recommendation of the CEO Selection Panel and:*

- 1. Approves the making of an offer of employment to Ms Rebecca McCall to the position of Chief Executive Officer with the Shire of Narembeen for a period of five (5) years, with a commencement date on/after 18 September 2023.*
- 2. Approves the proposed terms of the CEO Employment Contract to be entered into with Ms Rebecca McCall with a Total Reward Package (SAT) of \$193,245 per annum, calculated in accordance with the 2023 Salaries and Allowances Tribunal Local Government Determination Band 4 Range.*
- 3. Is of the belief that Ms Rebecca McCall is suitably qualified for the position of Chief Executive Officer.*
- 4. Authorises the Shire President to execute and affix the common seal to the Chief Executive Officer Employment Contract in accordance with section 9.49A (1) & (2) of the Local Government Act 1995.'*

## **OFFICER RECOMMENDATION**

That Council certifies that:

1. The recruitment and employment of the Chief Executive Officer, Ms Rebecca McCall, was undertaken in accordance with Council Policy 'CEO Standards for Recruitment, Performance and Termination': and
2. A copy of this resolution is to be provided to the Department of Local Government and Cultural Industries CEO by the Acting Chief Executive Officer.

## **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
BY ABSOLUTE MAJORITY**

## AGENDA ITEM: 8.1.2 - CEACA Membership and Housing

<b>Subject:</b>	<b>CEACA Membership and Housing</b>
<b>Applicant:</b>	Not applicable
<b>File Ref:</b>	ADM197
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Paul Sheedy, Acting Chief Executive Officer
<b>Date:</b>	4 May 2023
<b>Attachments:</b>	Nil

### PURPOSE

Council to consider and endorse applying for 'General Membership' with the Central East Accommodation and Care Alliance (CEACA) and providing Lot 104 Currall Street to CEACA, at no cost, when they secure State/Federal funding for additional housing and commit to building housing in Narembeen.

### BACKGROUND

September 2022

Housing Working Group met on 1 September 2022 to discuss housing needs in Narembeen and in part recommended that Council identify lot 104 Currall Street as the preferred location for development of staff housing subject to further site investigations.

Council at its meeting on 21 September 2022 in part resolved (Min 7489/22):

*'That Council:*

- 2. Identify Lot 104 (27) Currall Street, Narembeen as the preferred location of the employee housing project, subject to further site investigation;'*

April 2023

Richard Marshall, CEACA Executive Officer attended Narembeen on 12 April 2023 and provided a presentation and update on CEACA operations and future housing plans. Discussion on CEACA membership and future housing developments in Narembeen by CEACA undertaken at the Councillor Discussion Forum on 18 April 2023.

### CONSULTATION

CEACA Executive Officer  
Councillors, Acting CEO and Executive Manager Corporate Services

### STATUTORY IMPLICATIONS

There are no statutory implications at this time, however disposal of Lot 104 Currall street would require compliance with the Local Government Act 1995 section 3.58 'Disposal of property.'

### FINANCIAL IMPLICATIONS

General membership of CEACA is \$15,000 and funding will be included in the 2023.24 and future budgets for this membership.

There are no other financial implications at this time, however future construction of units in Narembeen will require a contribution by the Shire to each unit/house constructed (currently approximately 10%).

As the property will be owned by a Not-for-Profit organisation (CEACA) it will be exempt from rates, however rates are not currently levied on the property.

## **POLICY IMPLICATIONS**

Nil

## **RISK MANAGEMENT IMPLICATIONS**

Risk implication have been assessed as being Moderate on the basis that there is a possibility that CEACA may not be successful with future State and Federal funding applications resulting in no housing being constructed in Narembeen, with the consequences being considered moderate as the \$15,000 annual membership would not achieve the desired outcome.

The decision to only transfer ownership of the lot, if funding is achieved and units constructed in Narembeen, also minimise the risk/loss to Council.

## **STRATEGIC PLAN REFERENCE**

Strategic Community Plan 2022-2032

2. Economy: Retain and grow existing business, employment and attract new industry

2.4 Retain and grow our local skills base.

Corporate Business Plan 2022 – 2026

2.4 (a) Develop and implement Housing Strategy.

## **VOTING REQUIREMENTS**

Simple Majority

## **COMMENT**

To be considered for the allocation of housing, by CEACA, a local government is required to be a member of CEACA under the 'General Membership' category. So in order to have CEACA include the Shire of Narembeen housing needs in future funding applications to the State and Federal governments Council needs to become a member of the organisation now.

The decision to agree to transfer Lot 104 Currall street to CEACA does not need to be made at this time, however by agreeing to do so does further support the Shire's request for housing consideration as part of any future funding allocations. A decision on whether it is the whole lot or part of the lot can be made later if required.

## OFFICER RECOMMENDATION

That Council agrees to:

1. Make application to the Central East Accommodation and Care Alliance (CEACA), for 'General Membership', from 1 July 2023; and
2. Transfer ownership of Lot 104 Currall Street to CEACA, at no cost, when they secure State/Federal funding for additional housing and commit to building housing in Narembeen and subject to compliance with section 3.58 of the Local Government Act 1995.

## COUNCIL RESOLUTION

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
BY SIMPLE MAJORITY**

## AGENDA ITEM: 8.1.3 – Doctors Residence

<b>Subject:</b>	<b>Doctors Residence</b>
<b>Applicant:</b>	Not applicable
<b>File Ref:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Paul Sheedy, Acting Chief Executive Officer
<b>Date:</b>	4 May 2023
<b>Attachments:</b>	Nil

### PURPOSE

Council to consider approving the construction of a new doctor's residence on a lot (lot 69) in Cheetham Way and the disposal of 16 Hilton Way once the new house is completed.

### BACKGROUND

September 2022

Council at its ordinary meeting on 20 September 2022, in considering the report from the Housing Working Group in part resolved (Min 7489/22):

*'That Council:*

- 4. Allocate \$15,000 in the February 2023 Budget Review for improvements to 16 Hilton Way, Narembeen.'*

March 2023

Council at its ordinary meeting on 21 March 2023, as part of its 2022/23 Budget review, in part endorsed (Min 7563/23) the allocation of \$100,000 for internal renovations to 16 Hilton Way.

At the meeting of the Housing Working Group on 29 March 2023 various housing needs were discussed including, employee, CEACA and doctor's housing. As a result, it was agreed that the priority should be a new doctor's residence to be constructed on a Shire lot in Cheetham Way, utilising the funds previously allocated in the 2022/23 budget for employee housing, and not spend the \$100,000 allocated in the budget review on 16 Hilton Way for internal refurbishment.

Once a new doctor's residence was constructed the Working Group supported 16 Hilton Way being sold with funds utilised to support the construction of employee housing on Shire owned lots in Thomas Street.

Funding and support for CEACA to construct houses in Narembeen was also supported by the Working Group.

April 2023

The recommendations of the Housing Working Group were considered and discussed at the Councillor Discussion Forum on the 18 April 2023

### CONSULTATION

Councillors

Acting Chief Executive Officer, Executive Manager Corporate Services.

## STATUTORY IMPLICATIONS

Local Government Act 1995, section 3.57 and 6.8

### 3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

### 6.8. Expenditure from municipal fund not included in annual budget.

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

Local Government (Functions and General) Regulations 1996, clause 11(2)

#### 11. When tenders have to be publicly invited

- (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.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
  - (aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;

## FINANCIAL IMPLICATIONS

The 2022/23 budget includes an allocation of \$500,000 (account 2045) for 'Shire staff housing construction', (\$400,000 Housing Reserve fund), which can be reallocated in the budget to the construction of a doctor's house.

However, given that the financial year only has just over one (1) month before completion, it's not expected that any funds or only minor expenditure will be incurred in the 2022/23 financial year.

## POLICY IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

Under the Shire's Risk Management Governance Framework, the risk is considered to be Moderate. This is based on the 'Possible' likelihood that the house could be constructed, and the Shire is not



able to attract a doctor to the town, but the consequence of that is considered a 'Moderate' consequence given that the house could then be utilised as a staff house or rented.

## **STRATEGIC PLAN REFERENCE**

### Strategic Community Plan 2022-2032

1. Community: Happy, safe healthy and inclusive community

1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire.

'Retention of GP services, hospital and allied health.'

## **VOTING REQUIREMENTS**

Absolute Majority

## **COMMENT**

Given that all the previous decisions of Council related to the doctor's residence have been acted upon it's not permissible to rescind any of these Council decisions, which would be the required process, if action had not been taken to implement Council decisions.

Whilst it's not expected that any expenditure or only minor expenditure would be incurred before the 2023/24 budget is adopted by Council (assuming it's in July 2023), to allow for staff to progress the initial works, it's recommended that Council approves the allocation of unbudgeted expenditure of \$500,000 now in the 2022/23 budget.

This would also deal with any issues which may arise if for some reason the budget is not adopted until August 2023.

It's proposed to utilise the WALGA Preferred Supplier Program, via an RFQ, rather than the full tender process normally adopted for the supply of goods and services worth more than \$250,000, given that there are several very competent housing suppliers on this program and this process allowable under the Functions and General regulations.

## **OFFICER RECOMMENDATION**

That Council approves:

1. The construction of a new 4/2 doctor's residence on a Shire owned lot (Lot 69) in Cheetham Way.
2. The allocation of unbudgeted expenditure of \$500,000 in the 2022/23 budget, with funds being reallocated from the 'shire staff housing construction' budget allocation and a budget amendment to reflect this change.
3. The sale of 16 Hilton Way once the construction of the new doctor's residence is completed

## **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
BY ABSOLUTE MAJORITY**

## AGENDA ITEM: 8.1.4 – Council Policy - Gratuity Payments to Finishing Employees

<b>Subject:</b>	<b>Council Policy Gratuity Payments to Finishing Employees</b>
<b>Applicant:</b>	Not applicable
<b>File Ref:</b>	ADM541
<b>Disclosure of Interest:</b>	Financial Interest as an employee who would benefit from the policy amendment
<b>Author:</b>	Paul Sheedy, Acting Chief Executive Officer
<b>Date:</b>	4 May 2023
<b>Attachments:</b>	Council Policy 'Gratuity Payments to Finishing Employees'

### PURPOSE

Council to consider and approve the amendments to Council Policy 'Gratuity Payments to Finishing Employees,' being amendment to the eligibility criteria and increasing the gratuity amounts.

### BACKGROUND

January 2023

Following the departure of a short-term employee who was not normally eligible for a gratuity payment the Acting CEO was requested to review the current policy.

April 2023

Information on employee gratuity payments from other local governments in the region were provided to Councillors at the Councillor Discussion Forum on 18 April 2023 for consideration.

### CONSULTATION

Local Government CEO's  
Councillors

### STATUTORY IMPLICATIONS

Local Government Act 1995, section 5.40

#### 5.50. Payments to employees in addition to contract or award

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —
  - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
  - (b) the manner of assessment of the additional amount.
- (1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).
- (2) A local government may make a payment —
  - (a) to an employee whose employment with the local government is finishing; and
  - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,but local public notice is to be given in relation to the payment made.

- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.
- (5) The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government's official website.

## **FINANCIAL IMPLICATIONS**

The proposed amendment to the current policy can be accommodated within the existing budget allocation under 'Member of Council' 'Councillor Refreshments & Receptions – Expense' (account 411500) and 'Councillor Donations/Gifts/Awards – Expense' (account 4118000)

## **POLICY IMPLICATIONS**

If the proposed changes are endorsed the current policy will be amended to reflect the changes.

## **RISK MANAGEMENT IMPLICATIONS**

Under the Shire's Risk Management Governance Framework, the risk is considered Low given that any payments can be accommodated within the existing budget.

However, from a public perception perspective the risk is considered to be Moderate.

## **STRATEGIC PLAN REFERENCE**

### Strategic Community Plan 2022-2032

4. Civic Leadership: Well governed and efficiently managed Local government

4.2 Compliant and resourced Local government

### Corporate Business Plan 2022 – 2026

4.2 Compliant and resourced Local Government

'Continue to meet compliance with statutory and regulatory requirements.'

## **VOTING REQUIREMENTS**

Simple Majority

## **COMMENT**

The only changes that have been made to the existing policy is the upgrading of the eligibility criteria and the amount of gratuity (gift or contribution) and function cost regarding each level of service.

The wording 'The Shire's gratuity payments will be in the form of a gift in line with the prescribed amounts below: on page one of the existing policy is proposed to be deleted to reflect the desire of the Council to have the ability to provide a gift or contribution to the employee'

**OFFICER RECOMMENDATION**

That Council endorse the amended Council Policy 'Gratuity Payments to Finishing Employees' as shown in the attachment.

**COUNCIL RESOLUTION**

**MIN**

**MOTION - Moved Cr.**

**Seconded Cr.**

**CARRIED /  
BY SIMPLE MAJORITY**

## AGENDA ITEM: 8.1.5 – Council Policy – Continuing Professional Development of Council Members

<b>Subject:</b>	<b>Council Policy Continuing Professional Development of Council Members</b>
<b>Applicant:</b>	Not applicable
<b>File Ref:</b>	ADM541
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Paul Sheedy, Acting Chief Executive Officer
<b>Date:</b>	8 May 2023
<b>Attachments:</b>	Council Policy ‘Continuing Professional Development of Council Members’

### PURPOSE

Council to consider and approve the amendments to Council Policy ‘Continuing Professional Development of Council Members.’

### BACKGROUND

April 2023

The draft policy was provided to Councillors at the Councillor Discussion Forum on 18 April 2023 for consideration and discussion.

### CONSULTATION

Acting Chief Executive Officer  
Councillors

### STATUTORY IMPLICATIONS

Local Government Act 1995, section 5.127 & 5.128

#### 5.127. Report on training

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.
- (2) The CEO must publish the report on the local government’s official website within 1 month after the end of the financial year to which the report relates.

*[Section 5.127 inserted: No. 16 of 2019 s. 61.]*

#### 5.128. Policy for continuing professional development

- (1) A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.

*\* Absolute majority required.*

- (2) A local government may amend\* the policy.

*\* Absolute majority required.*

- (3) 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.

- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.
- (5) A local government —
  - (a) must review the policy after each ordinary election; and
  - (b) may review the policy at any other time.

## **FINANCIAL IMPLICATIONS**

The proposed amendment to the current policy can be accommodated within the existing budget allocation under 'Member of Council' 'Councillor Travel Expense' (account 4111000) and Councillor Conference Costs – Expense' (account 4112000)

## **POLICY IMPLICATIONS**

If the proposed changes are endorsed the current policy will be amended to reflect the changes.

## **RISK MANAGEMENT IMPLICATIONS**

Given that the Local government 1995 requires Council to adopt such a policy, by doing so under the Shire's Risk Management Governance Framework, the risk is reduced to Low and also because any payments can be accommodated within the existing budget.

## **STRATEGIC PLAN REFERENCE**

### Strategic Community Plan 2022-2032

4. Civic Leadership: Well governed and efficiently managed Local government

4.2 Elected members are supported in their role through provision of training.

### Corporate Business Plan 2022 – 2026

4.2 Compliant and resourced Local Government

'Continue to meet compliance with statutory and regulatory requirements.'

## **VOTING REQUIREMENTS**

Absolute Majority

## **COMMENT**

The main changes that have been made to the proposed amended policy are summarise das follows.

- 'Policy Objectives' has been completely reworded.
- Dollar amounts for individual Council Members annual allocation have been removed to be determined as part of each year's budget.
- Requirement for the CEO to provide an annual report to Council has been removed.
- Requirement to report to Council after attendance at professional development and conferences has been removed.
- Remove 'online' wording in relation to the separate funding allocation for Mandatory Council Member training as it is considered that funding should be provided for online or face to face training.

- Mandatory training wording has been modified, with additional training lists removed as it is considered that Council Members should be able to determine suitable additional training that they require.
- Wording for relevant conference costs has been detailed separately in the new policy.
- Travel Insurance and Loyalty program clauses have been included in the new policy but can be removed if considered not relevant.
- Specific reference to mini bar cost has been included under the 'Meals and Incidental Costs' heading.
- Wording has been included for the Shire to meet partners costs for lunches and dinners (previously required President and CEO approval) but not 'partner program' events.

### **OFFICER RECOMMENDATION**

That Council endorse the amended Council Policy 'Continuing Professional Development of Council Members.' as shown in the attachment.

### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
BY ABSOLUTE MAJORITY**



## 8.2 Executive Manager Corporate Services

### AGENDA ITEM: 8.2.1 – Payment plan for overdue rates

<b>Subject:</b>	<b>Payment plan for overdue rates</b>
<b>Applicant:</b>	Ratepayers for assessments A5288, A2018 & A2015
<b>File Ref:</b>	P5288, P2018, P2015, P5124
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ben Forbes, Executive Manager Corporate Services
<b>Date:</b>	May 2023
<b>Attachments:</b>	Application for Financial Hardship – A5288, A2018, A2015, A5124 (Confidential Attachments provided under a separate cover)

#### PURPOSE

Council to consider the proposed repayment plan for outstanding rates and the waiving of future interest on overdue/outstanding rates

#### BACKGROUND

Council is currently owed outstanding rates, as at 30 April 2023, as per the below:

Assessment number	Rates outstanding	Interest outstanding	ESL & other charges outstanding	Total
A5288	17,608.37	4,548.08	2,392.03	<b>\$24,548.48</b>
A2048	16,844.19	1,188.75	2,414.72	<b>\$20,447.66</b>
A2015	16,541.59	1,295.85	2,416.12	<b>\$20,253.56</b>
A5124	4,545.25	879.04	790.52	<b>\$ 6,214.81</b>
<b>Total</b>	<b>55,539.40</b>	<b>7,911.72</b>	<b>8,013.39</b>	<b>\$71,464.51</b>

Rates have been due on the above assessments (noting that A5288 is the result of a subdivision) since approximately 2010.

The ratepayers have applied to Council for leniency due to financial hardship, in accordance with Council Policy, owing to suffering severe business disruptions in 2011.

From the records on hand, which are not complete, it appears that the ratepayers have attempted to work with Council to pay the outstanding rates over the years. However, they have invariably defaulted on each payment plan put in place.

The most recent payment plan, approved by the previous CEO, was for \$1,600.00 a month commencing in June 2022. The payment plan has been in arrears since December 2022 (5 months plus May).

The ratepayers have advised that they are expecting to receive a substantial payout as a result of a class action compensation claim against the Federal Government. They intend to use some of these funds to pay the outstanding rates, however, there is currently no indication as to the possible timing other than an estimated 12 to 18 months.

The ratepayers have proposed to make good on the previous payment plan with monthly payments of \$3,600.00 for the first four months, to be paid at the end of each month. After the first four months, they proposed to pay \$1,600.00 a month. Further, the ratepayers have requested that Council suspend further interest charges from 1 June 2023, as per Council's financial hardship policy.

## CONSULTATION

Chief Executive Officer  
Executive Manager Corporate Services  
Ratepayer's Financial Counsellor

## STATUTORY IMPLICATIONS

### Local Government Act 1995

#### **6.12. Power to defer, grant discounts, 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.

#### **6.47. Concessions**

Subject to the *Rates and Charges (Rebates and Deferrals) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

*\*Absolute majority required*

#### **6.48. Regulation of grant of discounts and concessions**

Regulations may prescribe circumstances in which a local government is not to exercise a power under section 6.46 or 6.47 or regulate the exercise of the power.

### Local Government (Financial Management) Regulations 1996

#### **69A. When concession under Act s. 6.47 can not be granted**

A local government is not to exercise a power to grant a concession in relation to a rate or service charge under section 6.47 of the Act in circumstances where the concession is based on whether or not, or the extent to which, the land in respect of which the rate or service charge is imposed is occupied by a person who owns the land.

## FINANCIAL IMPLICATIONS

Not accounting for future rate increases or decreases, accepting the ratepayer's proposed payment plan, assuming the class action claim does not occur, will result in the assessments being paid out (including new rates) in March 2029.

If the interest charges are suspended going forward, Council will forgo approximately \$5,000.00 in potential interest earnings over the next 12 months.

It is also worth noting that a resolution by Council to accept the payment plan and/or suspend interest will set a precedent that may have additional costs in the future.

## **POLICY IMPLICATIONS**

### ***Council Policy – Debt Management***

Council's debt management policy requires that overdue rates are referred to the Shire's collection agency if they do not have an approved payment arrangement and are more than 60 days overdue.

Council Policy also instructs the CEO to develop an Executive Policy to guide staff in pursuing rates that are more than 60 days overdue.

What about the section of the policy that requires reporting to Council where the debt exceeds a certain amount.

### ***Executive Policy – Rates Debt Management***

The Executive Policy stipulates that payment arrangements for ratepayers with a history of defaulting on arrangements may only be granted if they are setup as a direct debit. Further, only the CEO may approve payment plans that would clear the outstanding debt in more than one year.

### ***Council Policy – Financial Hardship***

Section 5 of Council's Financial Hardship policy specifies that "Ratepayers not affected by COVID-19 but experiencing severe financial hardship from other circumstances may apply to Council for the suspension of interest on overdue rates or service charges, these requests will be reviewed on a case-by-case basis."

## **RISK MANAGEMENT IMPLICATIONS**

Nil

## **STRATEGIC PLAN REFERENCE**

Community strategic plan

Strategic priority 4.2: Compliant and resourced Local Government:

*"We have sound financial and asset management policies and practices in place."*

## **VOTING REQUIREMENTS**

Absolute majority

## **COMMENT**

Given the amount of the outstanding rates, that the proposed monthly payment plan may result in it taking six (6) years to clear the outstanding rates (includes rates raised in future years), in addition to the application to waive interest due to financial hardship (which itself requires a decision of Council), the Chief Executive Officer is of the opinion that Council should be making the final decision regarding the course of action for the overdue rates.

It is also suggested that the Council agreement only be for a period of thirteen months to 30 June 2024 to allow for the matter to be reviewed each financial year.

There are three options available to Council:

1. That Council resolves to agree to the proposed payment plan for assessments A5288, A2018, A2015 and A5124 of \$3,600.00 per month for the first four months and \$1,600.00 a month thereafter, and grant a concession to the ratepayer under Section 6.47 of the Local Government Act 1995 by agreeing not to charge interest on outstanding rates for the period 1 June 2023 to 30 June 2024
2. That Council resolves to agree to the proposed payment plan for assessments A5288, A2018, A2015 and A5124 of \$3,600.00 per month for the first four months and \$1,600.00 a month thereafter but does not agree to waive interest charges from 1 June 2023 to 30 June 2024.
3. That Council resolves to reject the proposed payment plan and authorises the Chief Executive Officer to negotiate more suitable terms so that the rates are paid in full within 5 years.

### **OFFICER RECOMMENDATION**

That Council resolves:

1. To agree to the proposed payment plan for assessments A5288, A2018, A2015 and A5124 of \$3,600.00 per month for the first four months and \$1,600.00 a month thereafter
2. To grant a concession to the ratepayer under Section 6.47 of the Local Government Act 1995 by agreeing not to charge interest on outstanding rates for the period 1 June 2023 to 30 June 2024, on rate assessments A5288, A2018, A2015 and A5124.
3. That the terms of the payment plan are offered to 30 June 2024 only, on the basis that the arrangement will be reviewed by Council prior to that date.
4. That if the payment plan is more than 2 months in arrears that the ratepayer will be considered to have defaulted on the arrangement. In the event of default, Council authorises management to reinstate all interest waived and commence recovery proceedings.

### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
BY ABSOLUTE MAJORITY**

## AGENDA ITEM: 8.2.2 - Monthly Financial Statements for the month ended 30 April 2023

<b>Subject:</b>	<b>Monthly financial statements for April 2023</b>
<b>Applicant:</b>	Shire of Narembeen
<b>File Ref:</b>	Not applicable
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ben Forbes – Executive Manager Corporate Services
<b>Date:</b>	4 May 2023
<b>Attachments:</b>	Monthly financial statements – April 2023

### PURPOSE

For Council to accept the financial statements for the month ended 30 April 2023.

### BACKGROUND

The monthly financial reports are presented in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity Report summarises the Shire's financial activities.

### CONSULTATION

Chief Executive Officer

### STATUTORY IMPLICATIONS

*Local Government Act 1995, Section 6.4*

*Regulation 34(1) of the Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity.

*Regulation 34(2)* requires the statement of financial activity to report on the sources and applications of funds, as set out in the annual budget.

### FINANCIAL IMPLICATIONS

Nil

### POLICY IMPLICATIONS

Nil

### RISK MANAGEMENT IMPLICATIONS

- Compliance risk - low.  
Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring
- Financial Impact risk - moderate.  
Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring.

### STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 - 2032

Strategic priority 4.2: “We have sound financial and asset management policies and practices in place”

**VOTING REQUIREMENTS**

Simple Majority

**COMMENT**

Council’s closing funding surplus as at 30 April 2023 is \$1,787,801 with cash on hand of \$7,296,794 including \$4,218,323 of reserves.

**OFFICER RECOMMENDATION**

That Council receive the monthly financial statements for the month ended 30 April 2023.

**COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
BY SIMPLE MAJORITY**

## AGENDA ITEM: 8.2.3 - Schedule of Accounts for Period Ended 30 April 2023

<b>Subject:</b>	<b>Schedule of Accounts for Period Ended 30 April 2023</b>
<b>Applicant:</b>	Not Applicable
<b>File Ref:</b>	ADM018
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ben Forbes – Executive Manager Corporate Services
<b>Date:</b>	4 May 2023
<b>Attachments:</b>	Creditors Payment List – 1 April to 30 April 2023 Credit Card Payments List 14 February 2022 to 15 March 2023

### PURPOSE

For Council to review the payments made by the Shire of Narembeen in April 2023.

### BACKGROUND

The Shire's schedule of accounts is to be provided to council each month pursuant to the Local Government (Financial Management) Regulation 1996.

### CONSULTATION

Nil

### STATUTORY IMPLICATIONS

*Local Government (Financial Management) Regulations 1996*

Reg. 13 List of Accounts

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

### FINANCIAL IMPLICATIONS

Nil

### POLICY IMPLICATIONS

Nil

### RISK MANAGEMENT IMPLICATIONS

Nil

## **STRATEGIC PLAN REFERENCE**

Strategic Community Plan 2022-2032

CIVIC LEADERSHIP: Well governed and efficiently managed Local Government.

4.2 Compliant and resourced Local Government

We have sound financial and asset management policies and practices in place

Transparent, accountable, and integrated reporting.

## **VOTING REQUIREMENTS**

Simple majority

## **COMMENT**

A schedule of accounts paid during the month of April 2023 is attached to this report and the total amount paid from the municipal fund is as follows:

Municipal Account: \$ 630,790.99

## **OFFICER RECOMMENDATION**

That Council:

1. Receive the Creditors Payment List – 1 April to 30 April 2023
2. Receive the Credit Card Payments List 14 February 2023 to 15 March 2023

## **COUNCIL RESOLUTION**

**MIN**

**MOTION - Moved Cr.**

**Seconded Cr.**

**CARRIED /  
BY SIMPLE MAJORITY**



## 9.0 Urgent business as permitted by Council

## 10.0 Councillor's Reports

### Cr K Mortimore

Attended

- 

### Cr S Stirrat

Attended

- 

### Cr H Cusack

Attended

- 

### Cr T Cole

Attended

- 

### Cr C Bray

Attended

- 

### Cr A Hardham

Attended

- 

### Cr M Currie

Attended

- 

### Cr W Milner

Attended

- 

## 11.0 Date, time & place of next meeting

Tuesday 20 June 2023, 5.00pm at the Shire of Narembeen Council Chambers.

## 12.0 Closure

There being no further business the Chair declared the meeting closed at \_\_\_\_\_.