



SHIRE OF
Chapman Valley
love the rural life!

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 17 April 2019
at the Council Chambers, 3270 Chapman Valley Road, Nabawa
commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

APRIL 2019

Shire's Vision

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

DISCLAIMER



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

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

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

A handwritten signature in black ink, appearing to read "M. Battilana", is positioned above the name of the Chief Executive Officer.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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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

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4.0 PUBLIC QUESTION TIME

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6.0 DISCLOSURE OF INTEREST

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 20 March 2019

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

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

10.1 Manager of Planning April 2019

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10.1 AGENDA ITEMS

10.1.1 Geraldton Alternative Settlement Agreement

AGENDA ITEM:	10.1.1
SUBJECT:	GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT
PROPONENT:	DEPARTMENT OF PLANNING, LANDS & HERITAGE
SITE:	VARIOUS CROWN LAND
FILE REFERENCE:	706.00
PREVIOUS REFERENCE:	09/18-5, 11/18-7 & 02/19-8
DATE:	8 APRIL 2019
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Summary of Unallocated Crown Land – CONFIDENTIAL		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

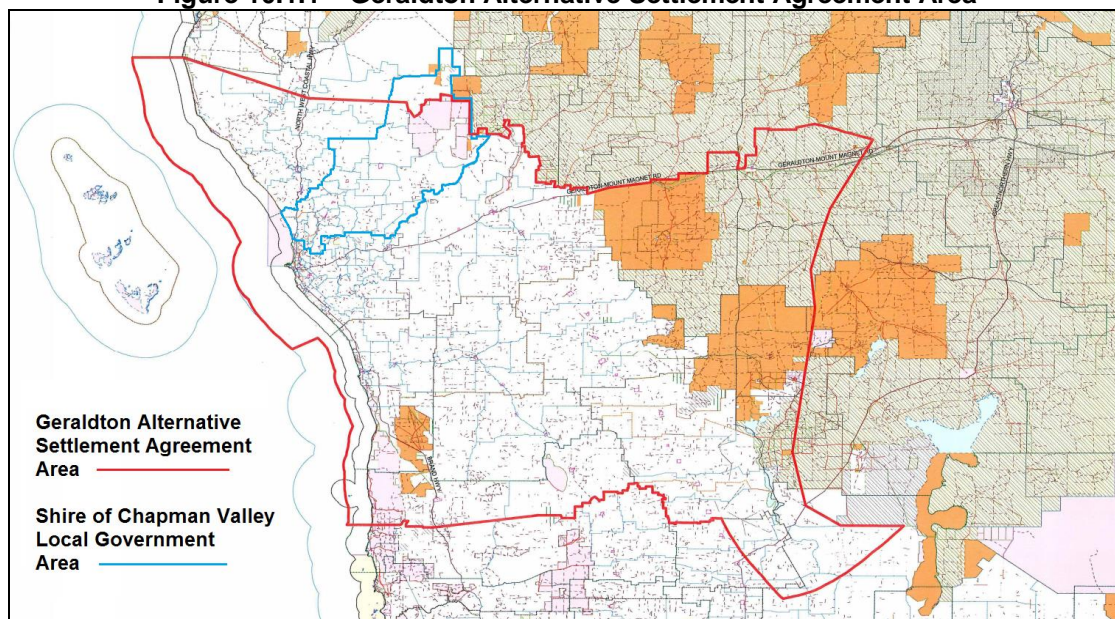
Council is in receipt of correspondence from the Department of Planning, Lands & Heritage seeking its comment in relation to 17 Crown Land properties within the Shire of Chapman Valley that have been identified as areas of interest for the native title claimants and are currently being considered for inclusion into the Indigenous Land Use Agreements.

COMMENT

The State of Western Australia is currently negotiating an alternative native title settlement in the greater Geraldton region with four native title claimant groups (Southern Yamatji, Hutt River, Widi Mob and Mullewa Wadjari).

The State's proposal, under the Geraldton Alternative Settlement Agreement ('GASA') is that a settlement package will be agreed in exchange for the surrender of all native title rights and interests within the external boundaries of the GASA.

Figure 10.1.1 – Geraldton Alternative Settlement Agreement Area



Negotiations may include the following matters:

- development of, and initial support for, appropriate governance structures to ensure successful implementation of a final agreement;
- a heritage regime based on the Government Standard Heritage Agreement;
- **provision by the State of a land base;**
- **joint vesting and/or management of conservation areas, including areas not yet reserved for conservation purposes;**
- development of a ranger program;
- financial assistance for business and economic development opportunities; &
- recognition of traditional ownership.

The State's offer under the GASA includes provision by the State of a land base to the claimant groups. The negotiation of this part of the agreement entails members of the groups' Traditional Owner Negotiation Team selecting various parcels of land within the agreement area which they seek to have transferred to them, or management thereof. The Department of Planning, Lands & Heritage is responsible for reviewing these parcels to identify which of them might be eligible for transfer, what is the appropriate tenure and under what conditions (e.g. freehold, leasing, sole management or joint management of reserves).

A flowchart that provided information on the GASA process was included as an attachment with the 20 February 2019 Council Agenda and Minutes.

The Department of Planning, Lands & Heritage are seeking the Shire's comment upon various Unallocated Crown Land parcels in the former Naraling townsite with respect to the following:

- “1 Are there any future proposals for the land identified? If so, in what time frame?”
- 2 Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?”
- 3 Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?”
- 4 Are there any known land management issues with the land identified e.g. contamination etc?”

Shire staff have prepared **separate confidential Attachment 10.1.1** that provides a cadastral map, aerial photograph and individual comment for each of the 17 Crown Land parcels, and it is suggested that this form the basis for Council's response to the Department of Planning, Lands & Heritage.

STATUTORY ENVIRONMENT

Section 14 of the *Land Administration Act 1997* requires that:

“Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The GASA is following a similar process to that previously undertaken for the South West Native Title Claim Area, which is at a more advanced stage, that also sought to identify Unallocated Crown Land that might be either transferred to the Noongar Boodja Trust as freehold title or leasehold or managed reserves. The South West Native Title Settlement Fact Sheet, previously prepared by the Department of Premier & Cabinet in 2015 for that process, provides some general guidance on frequently asked questions, noting that:

“What is the difference between Freehold land and Managed Reserve Land?”

Each form of land tenure has different benefits.

- *Freehold is land that the Noongar Boodja Trust will own like any other private land owner in the State. It allows for the land to be developed, used for commercial purposes, used as*

security against loans, or to be sold. Like all other freehold land, there are costs that must be met, including local government rates and charges, insurance, fire service levies and any land management cost.

- *Managed reserves are areas of Crown land that has been reserved for a particular purpose. The Trustee will consult with the Noongar community as to the use of any individual reserve – i.e. whether it is held for particular Noongar social, cultural, or economic benefit, whether it can be subdivided, and so on.*

“Will the Noongar Boodja Trust need to pay rates on the Freehold land allocated under the Settlement?”

As the owner of the freehold land, the Noongar Boodja Trust will be required to meet the normal costs, including rates or service charges, associated with owning freehold land. Freehold land can be exempted from rates under s.6.26(2)(g) of the Local Government Act 1995 (WA) where that land is used exclusively for charitable purposes. However, if the freehold land is used for a commercial purpose or leased for a commercial enterprise, it will not be exempt from rates.”

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and Section 6.3 notes that the objective of asset management is to meet a required level of service in the most cost effective manner through the management of assets for present and future customers. On this basis the Shire comments in relation to the Unallocated Crown Land parcels have been structured to identify, and seek management of, only those parcels which Council would have some future purpose/requirement (e.g. for road widening or construction purposes).

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and lists its aim as being to maintain and build population while ensuring financial and asset management is robust to allow for effective service delivery as an independent shire participating in the growth of the region.

CONSULTATION

The Department of Planning, Lands & Heritage have advised that the parties to the proposed agreement are negotiating under tight timeframes imposed by the Federal Court and the **Shire comment is required to be provided by 19 May 2019.**

The Department of Planning, Lands & Heritage have advised as follows:

“Please note that this process is being carried out in the context of a Federal Court mediation which is confidential. Accordingly, you are not permitted to share any of the matters pertaining to this referral to a third party.”

The Department of Planning, Lands & Heritage have also advised that the Shire’s comments may be provided to the Traditional Owner Negotiation Team members for their consideration.

RISK ASSESSMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority required

STAFF RECOMMENDATION

That Council endorse and forward the Shire response to the Department of Planning, Lands & Heritage as provided in Attachment 10.1.1.

10.2 Finance April 2019

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10.2 AGENDA ITEMS

- 10.2.1 Financial Reports for March 2019
- 10.2.2 Community Growth Fund Applications
- 10.2.3 Elected Member Budget Requests

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL MANAGEMENT REPORT FOR MARCH 2019
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	N/A
DATE:	17 APRIL 2019
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

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

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

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

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY/PROCEDURE IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in the Financial Management Report for March 2019

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant		Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

Not applicable

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

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

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

Additional Information

- Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

AGENDA ITEM:	10.2.2
SUBJECT:	COMMUNITY GROWTH FUND - APPLICATIONS
PROPONENT:	VARIOUS APPLICANTS
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.10
PREVIOUS REFERENCE:	NOT APPLICABLE
DATE:	3rd APRIL 2019
AUTHOR:	DI RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2 (a)	Unconfirmed Minutes CGF Advisory Group		√
10.2.2 (b)	CGF Operational Procedures		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has included in previous budgets an amount of \$30,000 for a Community Growth Fund (CGF); which has been fully subscribed in 2018/2019. Following endorsement of amendments to the Community Growth Fund Advisory Group Management Procedure CMP-067 (Community Growth Fund) the scheduled timeline for these applications has been moved forward to assist in draft budget preparations. Applications closed 22nd March 2019 with the Community Growth Fund Advisory Group meeting held on 3rd April 2019 for evaluation of all applications in readiness for Council determination.

COMMENT

The Shire of Chapman Valley Community Growth Fund (CGF) Advisory Group comprises of the following Council appointed representatives:

Cr Kirrilee Warr (Presiding Member)
 Cr Anthony Farrell
 Cr Pauline Forrester
 Cr Ian Maluish

Chief Executive Officer
 Manager Finance & Corporate Services
 Community Development Officer

The purpose of the Advisory Group is as follows:

“Evaluate applications received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with Guidelines, policies and procedures set by Council and make recommendations to Council to allocate funds.”

A copy of the Unconfirmed Minutes of the CGF Advisory Group held on the 3rd April 2019 is provided at **Attachment 10.2.2(a)**.

- Total of all Submissions received - \$16,500;

STATUTORY ENVIRONMENT

Not relevant

POLICY IMPLICATIONS

Council has approved the CGF Operational Procedures (see **Attachment 10.2.2(b)**) and this was the basis upon which the Group evaluated the 2019/2020 applications received.

FINANCIAL IMPLICATIONS

The CGF Advisory Group recommendations will affect the 2019/2020 Draft Budget; however, will have similar impact to the financial position as previous years.

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

No affect envisaged on Council's LTFP

STRATEGIC IMPLICATIONS

Supporting Community organisation's and individuals in accordance with the CGF Operational Procedures is designed to develop and assist the Chapman Valley community. It is also designed to remove the ongoing, periodical requests for funding assistance requests made to Council.

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

Objective	Strategy	Outcome
Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises

CONSULTATION

The Community Development Officer has had regular dialogue with the groups and individuals within the community to explain the CGF Operational Procedures and will continue to do this.

RISK ASSESSMENT

Low impact, minor risk rating as below:

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

VOTING REQUIREMENTS

Simple Majority

ADVISORY GROUP RECOMMENDATIONS

Council receives the Minutes of the Community Growth Fund Advisory Group held on 3rd April 2019 and endorse the following recommendations within these Minutes:

1. **Minute Ref: CGF 04/19-01 – Community Growth Fund Allocations**

Council endorse the following application funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2019/2020:

2019-20 Community Growth Fund Application details

Community Group Applicants		Project title	Project description	Project location	Budget details	
					Total cost of project	SOCV Funding Applied
1	CABY-playground shade structure	YMCC Playground Shade	Permanent shade over the play area. Steel frame with tin roof.	YMCC	\$14,900.00	\$5,000.00
2	CV Men's Shed-Shinema	Shinema	Season 3	Shire wide	\$8,340.00	\$1,500.00
3	CV Men's Shed-Yoga	Yoga	8x weekly yoga sessions	Nabawa	\$1,600.00	\$1,000.00
4	CV Football club-Scoreboard	Scoreboard replacement	New enclosed scoreboard to replace current scoreboard	CV Football Oval	\$19,800.00	\$9,000.00
Totals					\$44,640.00	\$16,500.00

2. Minute Ref: CGF 04/19-02 – Community Growth Fund Reserve

It is recommended a Community Growth Fund Reserve be established for anticipated surplus funds. The amount of \$13,500 be placed into the 2019/2020 Draft Budget to commence fund allocations to this Reserve with the purpose of this Reserve Fund to be as follows:

- To assist with funding Community Growth Fund projects in accordance with the Council endorsed Community Growth Fund guidelines and application procedures.

AGENDA ITEM:	10.2.3
SUBJECT:	2019/2020 ELECTED MEMBER BUDGET REQUESTS
PROPONENT:	ELECTED MEMBERS
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	NIL
DATE:	17th APRIL 2019
AUTHOR:	DI RAYMOND MANAGER FINANCE & CORPORATE SERVICES MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Attachment 10.2.3(a)	Cr Batten Budget Requests	√	
Attachment 10.2.3(b)	Cr Maluish Budget Requests	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Councillors were requested to submit any budget requests for the forthcoming budget by the 1st April each year. Also, users of Shire owned/controlled facilities were encouraged to put items forward for the Building & Disability Services Committee to consider, which have subsequently been recommended to Council at the March 2019 OCM for budget consideration.

COMMENT

Elected Members budget requests have been received from two Councillors; Cr Batten (**Attachment 10.2.3(a)**) and Cr Maluish (**Attachment 10.2.3(b)**) of which a copy of the original request has been inserted at the end of this report (numbered for reference only and not to be considered as being in any order of priority). Chief Executive Officer and relevant staff comments have been added to the summary below of the budget request received from Elected Members. Note these requests have not previously been before any relevant Committee to date.

Item #	Elected Member	Location	Budget Item	Estimated Costs	Comments
1	Cr Batten	Whole of Shire	Tourism budget ideas - Promotion of natural & cultural assets. E.g. interpretational and/or digital signage/info for self-drive tours, alternative routes and hot spots. Expansion of tourist map to physical locations. E.g. Moresby Ranges geo info - Collective CV advertising through media promo - These ideas are for the Shire to play a role in tourism in showcasing our natural assets while local businesses focus on their own products and built assets. We have a lot of natural assets to promote but no one taking the role in showcasing.	\$5,000	

2	Cr Batten	Yuna	Yuna Hall committee recommendations (once adopted) E.g. Improve pathway to Yuna Park & BBQ from Hall, windbreak on park gazebo etc	\$2,500	
3	Cr Batten	Nabawa	Former Nabawa Siding Masterplan implementation – signage, access, realignment. Allocate budget to leverage external funding	\$2000 - \$5000	
4	Cr Batten	Whole of Shire	Communication Strategy/Procedure implementation – E.g. Website expansion/update pending heat mapping analysis, direct public communication platform if required	\$5,000	
5	Cr Batten	Whole of Shire	Delegated authority or small budget for building community capacity through sponsorship/scholarship opportunities, e.g. sponsoring local organisation reps to AICD NFP governance session @ \$50 pp. x 4.	\$1,000	<u>CEO's Comments:</u> This should be allocated in accordance with CEO Delegated Authority 3005
6	Cr Batten	Yuna	7YMCC coded lock box for key access or swipe card system – noted through communication with CABY but not listed through building committee.	\$500 \$TBC	Key Box Swipe Card System - not recommended by Building Surveyor/Projects Officer
7	Cr Maluish	Western Regions	1.0 FTE Western Regions - Gardener, Cleaner, Ranger, Maintenance, Mowing etc	\$85,000	<u>CEO's Comments:</u> It is not recommended Staff resources be allocated to a specific area of the Shire. Any such increased Staff resources should be used at the discretion of the CEO across the whole of the Shire on an as-needs basis
8	Cr Maluish	Western Regions	0.2 FTE Weekend Cleaner & Biannual Cleans (\$3,000 already in Budget)	\$10,000	<u>CEO's Comments:</u> It is not recommended Staff resources be allocated to a specific area of the Shire. Any such increased Staff resources should be used at the discretion of the CEO across the whole of the Shire on an as-needs basis
9	Cr Maluish	Western Regions	Retaining wall at BHP from building to BBQ Gazebo & BBQ Gazebo to Hit Up Wall along pathway to prevent silt from blowing over path & grassed areas; will also keep mulch inside the garden bed	\$10,000	<u>CEO's Comments:</u> This is not part of the BHP Master Plan. It is believed the silt will settle once garden becomes more established and drainage in this area is updated.

10	Cr Maluish	Western Regions	Post and rail fence from west end of Redcliffe Concourse, along Eliza Shaw Drive to east end of Redcliffe Con. Then south to bitumen driveway, to stop traffic driving over park	\$22,000	<u>CEO's Comments:</u> This is not part of the BHP Master Plan.
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It is to be noted from the Tourism and Events Working Group meeting (which met 9.00am 10th April 2019 in Council Chambers) support is given for the Cr Batten Elected Member Item 1 draft budget request for tourism promotion of natural and cultural assets.

STATUTORY ENVIRONMENT

Council adopts the Annual Budget in accordance with the Local Government Act and associated Regulations at which time all items listed in the Draft Budget are considered.

POLICY/PROCEDURE IMPLICATIONS

No policy or procedure affected

FINANCIAL IMPLICATIONS

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

Additional Staff resources and large capital expenditure items will have an effect on the LTFP.

STRATEGIC IMPLICATIONS

Some of the budget items submitted do not comply with Council endorsed Master Plans.

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

Ref	Objective	Strategy	Action
4.1	Develop, manage and maintain built infrastructure	Asset Management Plan	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire

CONSULTATION

The Budget process includes Committee meetings (e.g. Buildings, Roads) and consultation with Elected Members, users of Shire owned/controlled facilities & staff to establish a Draft Budget for Council consideration.

The Budget process also needs to consider the Integrated Planning & Reporting (IPR) documents to ensure the draft presented identifies existing items and any alteration to the long-term planning for the Shire.

RISK ASSESSMENT

The risk rating varies from **Minor** to **Major** depending on the estimated costs for each item i.e.

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 –	Short term non-compliance but with significant	Substantiated, public embarrassment,	Localised damage requiring	Contained, reversible impact managed by

			backlog cleared by additional resources < 1 week	regulatory requirements imposed	moderate impact, moderate news profile	external resources to rectify	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


VOTING REQUIREMENTS


Simple majority

Note: There is no Staff Recommendation provided as this is considered a matter for Elected Member deliberation and determination.

COUNCIL RECOMMENDATION

Council endorse the following items presented for further consideration to be included the Draft 2019/2020 Budget:

2019/2020 Annual Budget Councillor Requests	
	
Description of Works	Estimated Costs
1. Tourism budget ideas - Promotion of natural & cultural assets. E.g. interpretational and/or digital signage/info for self-drive tours, alternative routes and hot spots. Expansion of tourist map to physical locations. Eg. Moresby Ranges geo info - Collective CV advertising through media promo - These ideas are for the Shire to play a role in tourism in showcasing our natural assets while local businesses focus on their own products and built assets. We have a lot of natural assets to promote but no one taking the role in showcasing.	
2. Yuna Hall committee recommendations (once adopted) Eg. Improve pathway to Yuna Park & BBQ from Hall, windbreak on park gazebo etc	
3. Former Nabawa Siding Masterplan implementation – signage, access, realignment. Allocate budget to leverage external funding	\$2000-\$5000
4. Communication Strategy/Procedure implementation – Eg. Website expansion/update pending heat mapping analysis, direct public communication platform if required	
5. Delegated authority or small budget for building community capacity through sponsorship/scholarship opportunities, e.g. sponsoring local organisation reps to AICD NFP governance session @ \$50 p.p. x 4. -Build stronger community organisations through building capacity of the volunteers/people.	\$1000?
6. YCC coded lock box for key access or swipe card system – noted through communication with CABY but not listed through building committee.	Clarification on whether this is required
Requested By: Cr <u>Batten</u>	
OFFICE USE ONLY Officer Assigned To: _____ Costing Confirmed: Y / N Account/ Job # Allocated Against: _____	
Please Return to Di Raymond by 1st April 2019	

2019/2020 Annual Budget Councillor Requests	
	
Description of Works	Estimated Costs
① 1.0 FTE - PERSON FOR WESTERN REGIONS. - GARDENER, CLEANER, RANGER MAINTENANCE, MOWING ETC	\$ 85 000
② 0.2 FTE - WEEKEND CLEANER + BIENNIAL CLEANING (\$3000 ALREADY IN BUDGET)	\$ 10,000
③ RETAINING WALL AT BHP FROM BUILDING TO BBQ GAZEBO + BBQ GAZEBO TO HIT UP WALL ALONG PATHWAY TO PREVENT SILT FROM FLOWING OVER PATH & GRASED AREAS. WILL ALSO KEEP MUCH INSIDE THE GARDEN BED	\$ 10 000
④ POST + RAIL FENCE FROM WEST END OF REDCLIFFE CON. ROAD LINDA SILAW DR. TO EAST END OF REDCLIFFE CON THEN SOUTH TO BITUMEN DRIVEWAY, TO STOP TRAFFIC DRIVING OVER PARK.	\$ 22 000
Requested By: Cr <u>MALWISH</u>	
OFFICE USE ONLY Officer Assigned To: _____ Costing Confirmed: Y / N Account/ Job # Allocated Against: _____	
Please Return to Di Raymond by 1st April 2019	

ITEMS ① + ② MAY NEED A RESTRUCTURE OF WORK FORCE
 ITEMS ③ + ④ SUBJECT TO BHPMC APPROVAL.

10.3

Chief Executive Officer

April 2019

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10.3 AGENDA ITEMS

- 10.3.1 Review of Delegation Register
- 10.3.2 Bushfire Brigade Management Advisory Committee
- 10.3.3 Elected Members Annual Allowances
- 10.3.4 Elected Member & Committee Representation Vacancies
- 10.3.5 Revised Disability Access Inclusion Plan
- 10.3.6 Community Communication Procedure

AGENDA ITEM:	10.3.1
SUBJECT:	REVIEW OF DELEGATION REGISTER
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.03
PREVIOUS REFERENCE:	MINUTE REFERENCES: 05/18-13
DATE:	17th APRIL 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Revised Delegation Register		√
10.3.1(b)	Dept. Local Government – Delegations Guidelines		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this Agenda Item is to allow Council to review the current Delegations Register for delegations given to the Chief Executive Officer as required by the Local Government Act 1995:

s5.46 - *'Register of, and records relevant to, delegations to CEO's and employees':*

s5.46(2) - *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.'*

The Shire of Chapman Valley has the following power under the Local Government Act 1995:

5.42. *Delegation of some powers and duties to CEO*

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to any employee; such sub-delegation must be done in writing. The Chief Executive Officer is permitted under the Act to place conditions on any sub-delegation passed onto another employee.

Council last reviewed the delegations register at the May 2018 OCM i.e.

MOVED: CR FORTH

SECONDED: CR BATTEN

Council endorse the Delegations Register as presented without change.

Voting 7/0
CARRIED
Minute Reference: 05/18-13

COMMENT

The Chief Executive Officer and staff have reviewed the current Delegations Register (copy sent out by email on the 2nd April 2019 and provided with this Agenda under separate cover – **(Attachment 10.3.1(a))** with a strong emphasis on bringing this document up to an improved standard of compliance and to ensure the Register is integrated and cross-referenced with all relevant Policies and Procedures.

The Policy & Procedures Manual has also been updated to cross-reference with all relevant Delegations.

There are a number of new Delegation introduced, which is a result of the CEO researching Delegation Registers in place with other Local Government Authorities. Many of these new Delegations simply improve legislative compliance items not addressed in the existing Delegation Register. This work was undertaken to ensure improved legislative compliance as this has been marked as an area the Office of the Auditor General may be targeting in future local government compliance audits.

The Contents and Index pages have been simplified in the revised Register as this was confusing and overly complex in the existing Register.

Provided under separate cover for Council information is a copy of the Department of Local Governments Delegations Guidelines **(Attachment 10.3.1(b))**.

(Note: all recommended changes have been tracked and highlighted in the revised Delegation Register.)

STATUTORY IMPLICATIONS / REQUIREMENTS

Local Government Act 1995 – Section 5.42, 5.43, 5.44, 5.45 and 5.46.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No Impact

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

No Impact

STRATEGIC IMPLICATIONS

It is essential for the smooth operations of the organisation to have appropriate delegation provided to the Chief Executive Officer. Such delegation need to be reviewed at least annually in accordance with legislation.

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

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

CONSULTATION

The legislative process to review the Delegation Register requires discussion and consultation at a Council and Staff level and in this instance research on how other LGAs deal with delegations, which is the basis of this Agenda Item.

RISK ASSESSMENT

It is important the Delegations Register is relevant and regularly reviewed to ensure efficiencies are in place for the operations of the organisation. There is a risk of the *day to day* operations being slowed and cumbersome if delegations are not in place and minor operational activities are continually taken back to Council for determination. With the current delegations I believe the risk is **insignificant** in this instance i.e.

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 – If Changes made i.e.

Section 5.46 (2) states Council must review the Delegation Register annually, however, if no amendments are made to the existing register a simple majority may accept it without amendment.

Section 5.42 (1) states that any decision to amend or revoke a delegation by a Local Government is to be by an Absolute Majority.

STAFF RECOMMENDATION (Absolute Majority Required)

Council endorse the revised Delegations Register as presented without change.

AGENDA ITEM:	10.3.2
SUBJECT:	CHAPMAN VALLEY BUSHFIRE BRIGADES GROUP MANAGEMENT ADVISORY COMMITTEE MEETING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	601.08
PREVIOUS REFERENCE:	NA
DATE:	17th APRIL 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	BFAC Minutes – 2nd April 2019		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Chapman Valley Bushfire Brigades Group Management Advisory Committee met at the Shire of Chapman Valley Council Chambers on the 2nd April 2019.

COMMENT

The minutes from the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting are provided under separate cover for Council reference and information (**see Attachment 10.3.2(a)**).

STATUTORY ENVIRONMENT

- *Local Government Act 1995 & associated Regulations;*
- *Bushfire Act, 1954*

POLICY IMPLICATIONS

Council's Fire Break Notice & Information Newsletter (EMP-001) is a legally enforceable position of the Shire. The Notice is included within the Advisory Group Minutes.

It will be noted in the recommendation the significant changes being recommended to the Restricted Burning Times (RBT) and Prohibited Burning Times (PBT) dates. This has been a process, initiated by the Shire of Chapman Valley (through the Batavia Local Emergency Management Committee (BLEMC)) to remove the existing cross-boundary anomalies evident in the individual Fire Notices between the City of Greater Geraldton and the Shire's of Chapman Valley & Northampton. Both the CGG and the Shire of Northampton Bush Fire Brigades have endorsed the recommended change to align all RBT and PBT date across all the three LGA districts. This is a significant result and proves the regional approach to emergency management (including, yet not limited to bush fire control and prevention) is achievable and beneficial to the constituents across the larger area of the three LGAs.

The Compulsory Firebreak Period for the Nabawa, Yetna & Howatharra Brigade areas will also be amended to reflect the abovementioned changes to the RBT and PBT (i.e. change period from 21/10 - 29/03 to 15/10 - 07/04)

Council's Management Procedure EMP-005 provides guidelines and procedures for the appointment of Bush Fire Control Officers i.e.

MANAGEMENT PROCEDURE No.	EMP-005
MANAGEMENT PROCEDURE	<i>FIRE CONTROL OFFICER APPOINTMENTS</i>
RESPONSIBLE DIRECTORATE	ADMINISTRATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	3.90
RELEVANT DELEGATIONS	

OBJECTIVES:

This Operational Procedure provides the eligibility criteria for a person to be appointed as a Bush Fire Control Officer with the following objectives:

1. To ensure that a person has the relevant qualifications necessary to hold the position of Bush Fire Control Officer (BFCO); and
2. To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer (BFCO).

MANAGEMENT PROCEDURE STATEMENT/S:

1. To be eligible for appointment as a Bush Fire Control Officer, a person must have completed the Bush Fire Control Officer Training Program not more than ten (10) years prior to appointment.
2. Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training within six (6) months of appointment.
3. For a person to continue as a Bush Fire Control Officer, they must complete the Bush Fire Control Officer's Course or a refresher course at intervals of no more than every ten (10) years.
4. Nominations from Brigades shall be submitted to a Bush Fire Brigades Group Management Advisory Committee for recommendation to Council by 1 October, where applicable.
5. An appointment shall be for a period of one (1) year, unless revoked by Council. Bush Fire Control Officers will be eligible for reappointment unless their appointment was revoked by Council.

ADDITIONAL EXPLANATORY NOTES:

FINANCIAL IMPLICATIONS

No foreseen effect on Council's general finances.

- **Long Term Financial Plan:**

No foreseen effect on Council Long Term Financial Plan.

STRATEGIC IMPLICATIONS

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

CONSULTATION

The Chapman Valley Bushfire Brigades Group Management Advisory Committee comprises of the following:

President (Presiding Member) and 2 x Councillors

- Cr Farrell (President)
- Cr Forrester

- Vacant
CBFCO
DCBFCO
All Brigade FCOs
Chief Executive Officer
Senior Ranger

Observers

- 1 x DFES Rep.
- 1 x DPAW Rep.

The consultation process is ongoing throughout the year by way of emails, telephone discussions, etc. as well as the pre-season meeting and the annual Bush Fire Brigades Group Management Advisory Committee meeting.

RISK ASSESSMENT

Based on the compliance alone I believe the risk in this instance **Minor** i.e.

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

VOTING REQUIREMENTS

Simple Majority

ADVISORY COMMITTEE RECOMMENDATIONS

Council:

Receives the Minutes of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 2nd April 2019 and endorse the recommendation within i.e.

1. Minute Ref: BFB 3/18-02 - Election of Officers for Council Approval – All One Year Terms

6.1	Chief Fire Control Officer	Current Position Holder	A Vlahov
6.2	Deputy Chief Bushfire Control Officer	Current Position Holder	N Kupsch
6.3	Fire Prevention Officer	Current Position Holder	E O'Donnell
6.4	Group Training Officer	Current Position Holder	E O'Donnell
6.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
6.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
6.7	Fire Weather Officer	Current Position Holder	A Vlahov
	Deputy Fire Weather Officer	Current Position Holder	N Kupsch

(Note: All terms of office will commence upon endorsement by Council.)

2. Minute Ref: BFB 3/18-03 - Endorsement for Appointments of Bushfire Control Officers

- Darryl Burton – Durawah/Valentine Brigade
- Calvin Royce – Howatharra Brigade
- Neil Kupsch – Nabawa Brigade
- Craig Mincherton – Naraling Brigade
- Jason Stokes – Yetna Brigade
- Shaun Earl – Yuna Brigade

3. Minute Ref:3/18-04 - Fire Break Notice

Review of current Bush Fire Notice (**Attachment 2(a)**), including Standardising Restricted Burning Times (RBT) & Prohibited Burning Times (PBT) with Neighbouring LGAs (CGG & Northampton) (**Attachment 2(b)**) i.e.

Recommended Revised Dates				
	Area/District	RBT (Permit Required)	PBT	RBT (Permit Required)
Chapman Valley	Zone 4 (Excludes Yuna Brigade Area)	01/09 ↔ 14/10	15/10 ↔ 14/02	15/02 ↔ 07/04
	Zone 2 (Yuna Brigade Area Only)	01/09 ↔ 14/10	15/10 ↔ 14/02	15/02 ↔ 07/04

The Compulsory Firebreak Period for the Nabawa, Yetna & Howatharra Brigade areas will also be amended to reflect the abovementioned changes to the RBT and PBT (i.e. change period from 21/10 - 29/03 to 15/10 - 07/04)

4. Minute Ref: 3/18-05 – Annual Inspections

It is recommended to Council the Annual Inspection procedures remain the same.

AGENDA ITEM:	10.3.3
SUBJECT:	LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.04
PREVIOUS REFERENCE:	MINUTE REFERENCE: 04/18-8
DATE:	17th APRIL 2019
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the April 2018 OCM, which formed allocations for Elected Members Allowances in the 2018/2019 Budget:

“MOVED: CR MALUISH

SECONDED: CR ROYCE

- Council approves the following Elected Members allowances for the 2018/19 Draft Budget:*

	<i>Annual Attendance fees in lieu of Council meeting fees</i>	<i>Annual Allowance (President)</i>	<i>Annual Allowance (Deputy President) - 25% of President</i>	<i>Annual Communication Allowance</i>	<i>Annual Travel Allowance</i>
<i>President</i>	<i>Maximum set by WASAT</i>	<i>\$10,000</i>		<i>\$500</i>	<i>\$50</i>
<i>Deputy President</i>		<i>NA</i>	<i>\$2,500</i>	<i>\$500</i>	<i>\$50</i>
<i>Other Elected Members</i>		<i>NA</i>		<i>\$500</i>	<i>\$50</i>

- That payments be made six monthly in arrears (i.e. December and June).*

*Voting 7/1
CARRIED
Minute Reference:04/18-8”*

The *Western Australian Salaries and Allowances Tribunal (WASAT)* are scheduled to release their determination in the last quarter of this financial year on the review of the Local Government elected member allowances under the Salaries and Allowances Act, 1975, Pursuant to Section 7(B).

At the time of writing this Report the WASAT determination for 2019/2020 had not been received. However, it is not anticipated there will be no changes to the fees set in the previous year as the Premier has publicly announce, at the time the Labour Government won the State Election, a freeze on all public servant and local government salaries, wages and allowance.

COMMENT

As staff are in the process of forming the Draft 2019/2020 Budget it is necessary to again determine the level of Elected Members Allowances for this period.

The Staff Recommendation reflects no change other than those reflected in the forthcoming WASAT’s determination (if any).

STATUTORY ENVIRONMENT

Local Government Act 1995 – Sections 5.98, 5.98A, 5.99 & 5.99A

Salaries and Allowances Act 1975

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No significant financial implications as funds are budgeted annually to cover these costs.

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

Nil effect on the LTFP

STRATEGIC IMPLICATIONS

It is important Elected Members are remunerated for their contribution to local government.

- **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 relevant.

RISK ASSESSMENT

As Council has already budgeted for the funds to accommodate the current level of Elected Members Allowances I believe the risk in this case is **insignificant** i.e.

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

FINANCIAL IMPLICATIONS

The 2019/2020 Draft Budget allocations will be set as per the Council Resolution; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2019/2020 Budget.

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

1. Council approves the following Elected Members allowances for the 2019/2020 Draft Budget:

	<i>Annual Attendance fees in lieu of Council meeting fees</i>	<i>Annual Allowance (President)</i>	<i>Annual Allowance (Deputy President) - 25% of President</i>	<i>Annual Communication Allowance</i>	<i>Annual Travel Allowance</i>
<i>President</i>	<i>Maximum set by WASAT</i>	<i>\$10,000</i>		<i>\$500</i>	<i>\$50</i>
<i>Deputy President</i>		<i>NA</i>	<i>\$2,500</i>	<i>\$500</i>	<i>\$50</i>
<i>Other Elected Members</i>		<i>NA</i>		<i>\$500</i>	<i>\$50</i>

2. That payments be made six monthly in arrears (i.e. December and June).

AGENDA ITEM:	10.3.4
SUBJECT:	ELECTED MEMBER & COMMITTEE REPRESENTATION VACANCIES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.00
PREVIOUS REFERENCE:	NIL
DATE:	17th APRIL 2019
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Councillor Trevor Royce has become ineligible to continue as an Elected Member with the Shire of Chapman Valley due to him not attending three consecutive Ordinary Council Meetings (OCM) without prior leave of absence being granted to him by a formal resolution of Council (i.e. December 2018, February 2019 & March 2019).

COMMENTS

In accordance with section 2.25 and 2.27 of the Local Government Act, 1995, I have commenced the disqualification notification process with Trevor Royce. (*Please see the Statutory Section of this report for legislative details*).

The purpose of this Agenda Report is to seek a resolution of Council to leave the office of Elected Member vacated by Trevor Royce unfilled until the October 2019 ordinary local government elections.

The Local Government Act states the following regarding the process to leave an office of an Elected Member vacant:

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) *dies; or*
- (b) *resigns from the office; or*
- (c) *does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*
- (d) *advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or***
- (da) *is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
- (e) *becomes the holder of any office or position in the employment of the local government; or*
- (f) *having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

In accordance with requirements of the Local Government Act Council is required to determine how the vacancy should be filled.

Section 4.17 (see below) provides Council with the option to defer filling the vacancy until the next Ordinary Election, scheduled for the 19th October 2019, rather than conduct an Extraordinary Election to fill this vacancy i.e.

4.17. Cases in which vacant offices can remain unfilled

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) **If a member's office becomes vacant under section 2.32 —**
 - (a) **after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but**
 - (b) **before the third Saturday in July in that election year,**

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) ***If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.***

*** Absolute majority required.**

(4A) Subsection (3) applies —

- (a) **if —**
 - (i) **the office is for a district that has no wards; and**
 - (ii) **at least 80% of the number of offices of member of the council in the district are still filled;**

or
- (b) **if —**
 - (i) *the office is for a ward for which there are 5 or more offices of councillor; and*
 - (ii) *at least 80% of the number of offices of councillor for the ward are still filled.*
- (4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

The other issue with the departure of Trevor Royce is representation on Committees & Working Groups. Below is a list of vacant positions on Committee & Working Groups, which I believe should be filled until the October 2019 Local Government Elections have been completed, at which time Council will undertake a full review of all such representations:

	Current Representatives	Comments
Finance, Audit & Risk Management	Cr Farrell Cr Forth	A minimum of three Elected Members are required on this Committee to comply with

Committee	Vacant	legislation. (Note: Absolute Majority Required – 5 Affirmative Votes)
Bush Fire Brigade Group Management Advisory Committee	Cr Farrell Cr Forrester Vacant	This can possibly be left at two representatives as Committee is developed under the BF Act or a third rep can be appointed. (Note: Simple Majority Required)
Bill Hemsley Park Management Committee	Cr Forrester Vacant	This Committee will need two representatives in accordance with the current Management Agreement. One of which must Chair this Committee. (Note: Simple Majority Required)

STATUTORY ENVIRONMENT

Section 2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.**
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs —
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5¹ was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

Section 2.27. Procedure to determine qualification to retain membership of council

- (1) In this section —
disqualified, in relation to a member of a council, means —
- (a) not qualified under section 2.19(1)(b) to be elected as a member of the council; or
 - (b) disqualified for membership of the council under section 2.20, 2.21, 2.22, 2.23 or 2.24; or
 - (c) disqualified from continuing his or her membership of the council under section 2.25.
- (2) A member who considers that he or she is disqualified is to advise the CEO in writing without delay.
- (3) If the CEO has reason (other than through receiving a notice under subsection (2)) to believe that a member of a council is disqualified the CEO is to give the member a written notice without delay indicating the reasons why the CEO believes the member to be disqualified.
- (4) The CEO's notice under subsection (3) has to inform the member —**
- (a) that if the member believes that he or she is not disqualified, he or she may advise the CEO in writing within 14 days from the date of the service of the notice; and**
 - (b) that if the member accepts that he or she is disqualified in accordance with the terms of the notice, he or she is to advise the CEO in writing.**
- (5) If, within 28 days from the date of service of the CEO's notice under subsection (3), the member satisfies the CEO that the member is not disqualified, the CEO is to give the member a written notice to that effect.
- (6) Unless, within 28 days from the date of service of the CEO's notice under subsection (3), the member —
- (a) satisfies the CEO that the member is not disqualified; or
 - (b) applies to the State Administrative Tribunal asking for a declaration as to whether or not the member is disqualified and gives a copy of the application to the CEO,
- the member is taken to have been disqualified for the reasons indicated in the CEO's notice.
- (7A) If subsection (6) applies to a member the CEO is to give the member a written notice to that effect.
- (7) The CEO or any other person may, at any time, apply to the State Administrative Tribunal for a declaration as to whether or not a member of a council is disqualified.
- [(8) deleted]
- (9) A person who acts as a member of a council while disqualified commits an offence.
Penalty: \$5 000 or imprisonment for one year.
- (10) This section as in force immediately before the commencement of the Local Government Amendment Act 2009 section 6¹ applies to and in respect of a notice given under section 2.27(3) before that commencement.

Below is legislation relevant to membership on local government committees:

Subdivision 2 — Committees and their meetings

5.8. *Establishment of committees*

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

* Absolute majority required.

5.9. Committees, types of

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

5.10. Committee members, appointment of

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

* Absolute majority required.

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

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or

- (b) if the member of the committee is an employee — an employee; or
- (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
- (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.

(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.
[Section 5.11A inserted: No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
- (b) the person resigns from membership of the committee; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the term of the person's appointment as a committee member expires; or
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

5.12. Presiding members and deputies, election of

(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

- (a) to "office" were references to "office of presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members".

(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —

- (a) to "office" were references to "office of deputy presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members"; and
- (d) to "mayor or president" were references to "presiding member"

5.13. Deputy presiding members, functions of

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

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

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

5.14. *Who acts if no presiding member*

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

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

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

5.15. *Reduction of quorum for committees*

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

** Absolute majority required.*

5.16. *Delegation of some powers and duties to certain committees*

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

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

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

- (1) A local government can delegate —*

- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —*

- (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
- (ii) any other power or duty that is prescribed;*

and

- (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*

- (i) the local government's property; or*
- (ii) an event in which the local government is involved.*

- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

POLICY/PROCEDURE IMPLICATIONS

No Policy or Procedure relevant or affected.

FINANCIAL IMPLICATIONS

There is a cost associated with conducting an Extraordinary Election, with a contingency amount of \$4,000 allocated in the 2018/2019 Budget for this purpose. A quote is yet to be received from the WA Electoral

Commission to undertake this task in the event Council does not resolve to defer filling the vacant position until the October 2019 Ordinary Local Government Election.

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

No adverse effect of the Shire LTFP.

STRATEGIC IMPLICATIONS

There is no envisaged adverse strategic implications relevant to deferring the filling of the vacant elected member position until the Ordinary Local Government Election due to be held in October 2019.

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

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

CONSULTATION

The CEO has been in contact with the WA Electoral Commission and confirmed they would be willing to endorse a resolution of Council to defer filling the Elected Member vacancy until the October 2019 Local Government Elections.

RISK ASSESSMENT

Non-compliance with legislation would result in a **major risk**. However; in this instance the risk is considered as **Minor** due to the estimated additional cost associated with conducting an Extraordinary Election, rather than to defer filling the Elected Member vacancy until the October 2019 Local Government Elections:

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

VOTING REQUIREMENTS

Simple Majority; and
Absolute Majority (5 Affirmative Votes)

STAFF RECOMMENDATION 1 - (Absolute Majority Required)

Council request approval from the Western Australian Electoral Commission, in accordance with Section 4.17 of the Local Government Act, 1995, to allow the vacancy created by the disqualification of Councillor Trevor Royce to remain unfilled until the Ordinary Local Government Election due to be held in October 2019.

STAFF RECOMMENDATION 2 - (Absolute Majority Required)

Council appoints Cr _____ to fill the one vacancy on the Finance, Audit & Risk Management Committee until a full review of the Shire's Committees & Working Groups is undertaken after the October 2017 Ordinary Elections.

STAFF RECOMMENDATION 3 - (Simple Majority Required)

Council appoints Cr_____ to fill the one vacancy on the Bush Fire Brigade Group Management Advisory Committee until a full review of the Shire's Committees & Working Groups is undertaken after the October 2017 Ordinary Elections.

STAFF RECOMMENDATION 4 - (Simple Majority Required)

Council appoints Cr_____ to fill the one vacancy on the Bill Hemsley Park Management Committee until a full review of the Shire's Committees & Working Groups is undertaken after the October 2017 Ordinary Elections.

AGENDA ITEM:	10.3.5
SUBJECT:	REVIEW OF DISABILITY ACCESS & INCLUSION PLAN
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	1101.01
PREVIOUS REFERENCE:	MINUTE REFERENCE: 03/19-7
DATE:	17 APRIL 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.5(a)	Revised Disability Access Inclusion Plan		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

A review of the Shire's Disability Access Inclusion Plan (DAIP) forms part of the annual Building & Disability Services Committee (Committee) agenda for consideration and recommendation to Council.

The Committee had the DAIP listed as part of the Meeting Agenda held on the 7th March 2019 with the following Committee Recommendation being endorsed by Council at the March 2019 OCM:

Minute Reference: BDSC 03/19-5

Council request staff undertake an in-house, desk-top review of the Plan and if necessary, recommend any amendments to Council for consideration.

At the March 2019 Concept Forum the Draft Community Communication Management Procedure was discussed, with the direction given for the revised DAIP needing to be referenced to this Management Procedure. Therefore the revised DAIP (with tracked changes) provided under separate cover (**Attachment 10.3.5(a)**) has been amended to reference this management procedure, along with some other obvious and minor amendments.

COMMENT

In accordance with Section 28(7) of the *Disability Services Act (1993)* a full review of the DAIP must occur at least every 5 years i.e.

28. Disability access and inclusion plans

- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*

Council undertook a full review of the DAIP, consulting the community in the process, in both 2017 and 2018, with a desktop, internal review being considered appropriate in 2019.

STATUTORY ENVIRONMENT

Disability Services Act (1993).

28. *Disability access and inclusion plans*

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

Disability Services Regulation 2004

10. *Procedure for public consultation by authorities (s. 28)*

- (1) *For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —*
 - (a) *by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and*
 - (b) *on any website maintained by or on behalf of the public authority.*
- (2) *Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.*

POLICY/PROCEDURE IMPLICATIONS

The DAIP become a statutory policy required by Council in accordance with the Disability Services Act (1993) which is reported on annually (i.e. included in the Shires Annual Report).

FINANCIAL IMPLICATIONS

No significant financial implications are anticipated.

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

No significant implications anticipated on the LTFP.

STRATEGIC IMPLICATIONS

It is sound and appropriate to ensure people with disabilities are given every opportunity to gain access to Council facilities and be included in Council and community activities.

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

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required

CONSULTATION

There is a consultation process Council need to adhere to in accordance with the Disability Services Act (1993) which will be implemented as part of the DAIP full review process. As this was only any internal, desktop review process all consultation has remained in-house.

RISK ASSESSMENT

There is a high risk of excluding a sector of the community if the DAIP is not reviewed and improved on a regular basis. However; I believe the risk in this instance is **insignificant** i.e.

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

COMMITTEE RECOMMENDATION

Council endorse the revised Disability Access and Inclusion Plan as presented.

AGENDA ITEM:	10.3.6
SUBJECT:	COMMUNITY COMMUNICATION PROCEDURE (CMP-036)
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE 07/18-10
DATE:	17th APRIL 2019
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.6(a)	Draft Community Communication Procedure (CMP-036)	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council discussed a Draft Community Communication Procedure (CMP-036) at the March 2019 Concept Forum with the direction given for the Draft Procedure to be referenced in the revised Disability Access & Inclusion Plan (DAIP), which has been completed and dealt with at Agenda Item 10.3.5.

The Draft Procedure was then to be brought back to a Council Ordinary Meeting for formal consideration and adoption.

COMMENT

As a full review of Council's Policies and Procedures will not occur until later this year it was considered appropriate to bring the Draft Community Communication Procedure to Council separately, rather than delay the process.

As stated by Solataire Cameron (Community Development Officer) at the March 2019 Concept Forum was identified as an action in the Shire of Chapman Valley's Corporate Business Plan.

Solataire also stated the following at the March 2019 Concept Forum:

"The previous procedure, though notably concise in many areas, lacked relevance to current online and social media requirements and doesn't encompass the many varied communication tasks of the Shire. Therefore, there is an opportunity, with the direction identified in the Corporate Business Plan, to streamline the procedure into a more comprehensive communications document.

The draft Communications Procedure identifies upfront the various audiences and stakeholder groups as relevant to any communications made by the Shire. It is important to recognise these audiences, both external and internal to maintain the most effective communication possible.

WALGA provides access to a Communications and Social Media Policy template, and elements of this have been considered when drafting the Community Communication Procedure presented. Such a template from the local government peak industry body offers clear and current direction regarding the Shire's responsibility in the ever-changing realm of social media.

For example, the Shire currently adopts a position of not publishing comments on its primary social media platform, Facebook. But there is no formal capacity that supports the Shire in such a position, which has now been addressed. The Draft Procedure presented, based on the WALGA template, has identified content that eliminates any vulnerability regarding social media comments and engagement in social media.

The sections relating to public forums and community consultation have been streamlined into one in the new draft document. The sections when both included in the draft document effectively duplicated each other, and a public forum is listed as a method of community consultation in that section.

Sections relating to the Annual report, crisis communication and internal communications are included for a first time in this draft Procedure. Where there is a cross reference with another Policy or Procedure, the second reference number is included.”

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 2.7(2)(b)

Role of Council

- 1) The council:
 - (a) Governs the local government’s affairs; and
 - (b) Is responsible for the performance of the local government’s function.

- 2) Without limiting subsection (1), the council is to:
 - a) Oversee the allocation of the local government’s finances and resources; and
 - b) **Determine the local government policies.**

The legislation has no specific period for the review of Policies, yet Council has attempted to undertake a review annually.

POLICY IMPLICATIONS

CMP-036 has been amended to reflect the revised Draft Community Communication Procedure.

See the Draft Procedure attached to this report (**Attachment 10.6.1(a)**).

FINANCIAL IMPLICATIONS

No effect on financial operations of the Shire.

Long Term Financial Plan (LTF):

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 is 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.
5.2		Effectively Engage and communicate with the community	<ul style="list-style-type: none"> • Annual Report • Website • Community Hub • Facebook

CONSULTATION

The Community Development Officer led the process of developing a Draft Community Communication Procedure and consulted with the CEO and Senior Staff before presenting the Draft to the March 2019 Concept Forum.

WALGA were also consulted and provided a template upon which the Draft Procedure is based.

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

Simple Majority

STAFF RECOMMENDATION

Council endorses the Community Communication Management Procedure (CMP-036) as presented to replace the existing Management Procedure.

CMP-036 Community Communication

MANAGEMENT PROCEDURE No.	CMP-036
MANAGEMENT PROCEDURE	COMMUNITY COMMUNICATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	9.180
RELEVANT DELEGATIONS	Nil

OBJECTIVES:

To establish protocols for the Shire of Chapman Valley's official communications with the community by utilising an equitable and transparent approach to local governance and effective community consultation.

The purpose of the Shire of Chapman Valley's official communications includes:

- Sharing information required by law to be publicly available.
- Sharing information, which is of interest and benefit to the Community.
- Promoting Shire of Chapman Valley events and services.
- Promoting Public Notices and community consultation/ engagement opportunities.

The Shire of Chapman Valley's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by Council. Communication will always be respectful and professional.

MANAGEMENT PROCEDURE STATEMENT/S:**1. Official Communication**

The Shire of Chapman Valley will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases; and
- Social media.

Community newsletters, letter drops, and other modes of communications may be undertaken by the Shire of Chapman Valley's Administration at the discretion of the Chief Executive Officer.

2. Main Audience Groups

It is important information reaches a wide range of audience groups active within the Shire of Chapman Valley. These audience groups and stakeholders have been identified as:

- Government, including Federal, State and other local governments;
- Residents;
- Rate payers;
- Community groups including (yet not limited to) sporting organisations, clubs, churches;
- Local Businesses;
- Schools;
- Special Interest Groups;
- Precinct groups;
- Visitors;
- Media;
- Investors and
- Others.

Internally, the Shire of Chapman Valley provides communication to the following:

- Elected Members;
- Executive Management;

- Staff;
- Volunteers;
- Working and advisory groups; and
- Contractors.

Communication is tailored to meet the needs of these various audience groups, to ensure official communication is successful and positive community engagement is achieved.

3. Speaking on behalf of the Shire of Chapman Valley

In accordance with Section 2.8(d) of *the Local Government Act 1995*, the President is the authorised spokesperson of the Council and may represent the Shire of Chapman Valley in official communications, including; speeches, comment, print, electronic and social media.

In accordance with Section 5.41(f) of the *Local Government Act 1995*, the Chief Executive Officer may also be the spokesperson of the Council if the President agrees;

If the President is not available or unable to be the spokesperson (Section 5.34) then the Deputy President may perform this function;

In accordance with Section 5.44(1) of the *Local Government Act 1995*, the Chief Executive Officer may delegate authority to other officers to be the spokesperson;

If a Councillor or staff member is approached by the media to answer questions or make comment on Council business, the media must be referred to the authorised spokesperson of the Council for response; unless otherwise specifically authorised by the President, or the Chief Executive Officer.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Shire of Chapman Valley into disrepute,
- compromise the person's effectiveness in their role with the Shire of Chapman Valley,
- imply the Shire of Chapman Valley's endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Chapman Valley.

Elected member communications must comply with the Shire of Chapman Valley's adopted Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

4. Personal Communications

Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis personal or private communications may be shared or become public at some point in the future, Elected Members must ensure their personal or private communications do not breach the requirements of this policy, the Shire of Chapman Valley's adopted Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

5. Elected Member Statements on Shire of Chapman Valley Matters

An Elected Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Chapman Valley.

Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- Clearly state the comment or content is a personal view only, which does not necessarily represent the views of Shire of Chapman Valley.
- Be made with reasonable care and diligence;
- Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;

- Be factually correct;
- Avoid damage to the reputation of the local government;
- Not reflect adversely on a decision of the Council;
- Not reflect adversely on the character or actions of another Elected Member or Employee;
- Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, Employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the Chief Executive Officer.

Comments which become public and which breach this policy, the Shire of Chapman Valley's adopted Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.

6. Website

The Shire of Chapman Valley maintains a corporate website as the community's online resource to access the Shire's official communications.

This is a functional website with updated information and contact details available to the public. The website describes Council services, payment options and current news and event information.

Council will undertake a periodical analysis of the website (e.g. heat mapping) to ensure the end-users are accessing the site in the most efficient and user-friendly manner possible.

5. Social Media

The Shire of Chapman Valley uses Social Media to facilitate interactive information sharing and to provide responsive feedback to the community. Social Media will not however, be used by the Shire of Chapman Valley to communicate or respond to matters which are complex or relate to a person's or entity's private affairs.

The Shire of Chapman Valley maintains the following Social Media accounts:

- Social networks, including- Facebook
- Media Sharing networks, including- YouTube and Podcasts;

The Shire of Chapman Valley may also post and contribute to Social Media hosted by others, to ensure the Shire of Chapman Valley's strategic objectives are appropriately represented and promoted.

The Shire of Chapman Valley actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner.

The Shire of Chapman Valley will moderate its Social Media accounts to address and where necessary delete content which is deemed as:

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content promoting or opposing any person campaigning for election to the Council, State and Commonwealth parliament, appointment to official office, or any ballot;
- Content which violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire of Chapman Valley.

Where a third-party contributor to a Shire of Chapman Valley's social media account is identified as posting content which is deleted in accordance with the above, the Shire of Chapman Valley may at its complete discretion block the contributor for a specific period of time or permanently.

The Shire will not entertain Social Media as a platform to undertake repetitive, responsive dialogue on an issue. Social Media will be used to facilitate interactive information sharing and to provide responsive feedback to the community.

6. Rates Notices

Refer to the relevant Council adopted Rate/ Debt Recovery Policy/Procedure.

Council rates are used to provide and maintain a variety of facilities and services. These include roads, recreation facilities, parks and gardens, health services and the administration of the Shire. All property owners in the Shire of Chapman Valley are sent an Annual Rate Notice for the current financial year.

Rate Notices shall be sent out to all ratepayers as soon as possible after the budget has been set, or in the case of interim rates, as soon as possible after a revaluation has been received. Instalment Notices are to be sent at the specified dates.

The notice will also specify the service cost (e.g., refuse service, Emergency Services Levy, swimming pool inspections, etc.).

The Rates notice may be accompanied by Shire correspondence and promotional material.

The Shire can be contacted to discuss rates payment assistance options and any change of details.

7. Annual Report

The Shire of Chapman Valley produces an Annual Report each financial year as is required by the *Local Government Act 1995*. This statutory document provides a comprehensive overview of the previous financial year.

As required by the Act, the Annual Report is made publicly available. The Annual Report is published on the Shire's website, and available in hardcopy on request to the Shire.

8. Crisis Communication

During an identified crisis, the Chief Executive Officer is the authorised point of contact for communication. The distribution of accurate and timely information to those affected during a crisis can be critical.

The Chief Executive Officer may nominate other officers to assist with the dissemination of appropriate information.

The Chief Executive Officer is responsible for updating Council on any crisis matters.
The Chief Executive Officer is responsible for updating the community on any crisis matters.

All media contact during a crisis, including emergency media coverage, should be referred to the Chief Executive Officer.

9. Distribution of Agendas and Minutes

Interested persons and organisations may obtain copies of the Council's Ordinary Meeting Agendas and Minutes for twelve (12) months, by paying the fee set by Council.

The Council's Ordinary Meeting Agendas and Minutes will also be available from Council's website.

10. Release of "Unconfirmed" Minutes"

Council will release copies of its unconfirmed minutes onto its website immediately after they become available to individual Councillors and for inspection to the public, with hard copies also being made available upon request at the applicable photocopying rates.

The condition for the release of such minutes is that they are to clearly be defined on both the website and the hardcopy as being "unconfirmed".

11. Publicity

After each Council Meeting, where considered by the Chief Executive Officer to be of relevance, media releases will be prepared and distributed to:

- “The West Australian” and other papers with State wide circulation;
- The Geraldton Guardian, Midwest Times or other local papers;
- Australian Broadcasting Corporation
- Local organisations who publish periodicals
- Official newspaper circulated within the district
- Councillors
- Local members of Parliament
- Website, Facebook and other social media
- Shire controlled Notice Boards

Any other means determined appropriate by the Chief Executive Officer

12. Community Consultation

The Shire may undertake community consultation as required. The Shire recognises such consultation enables the community to have direct input in the way of opinions, submissions, priorities and views as they relate to specific projects.

Methods of communication during periods of consultation may include:

- surveys,
- website forms,
- direct mail,
- community forums,
- invitations to the public for submissions,
- consultation meetings with the Chief Executive Officer and Shire President,
- Etc.

Community consultation may be promoted on the Shire’s website and social media accounts. Results and outcomes of community consultation will be presented to Council for consideration.

13. Statutory Advertising

All State-wide and local statutory advertisements are to be lodged in relevant media outlets (e.g. “The West Australian”, “Geraldton Guardian”, “Midwest Times” newspapers).

14. Citizenship Ceremonies

Where possible Citizenship ceremonies be conducted one hour before commencement of Ordinary Meeting of Council meetings with morning tea being provided and a native plant be given to the recipients or as otherwise determined by the President.

15. Shire Logo

The Council logo is to be shown on letterheads, envelopes, Websites, Emails, and other Council material and stationery, as and when considered appropriate by the Chief Executive Officer.

Any application for the use or reproduction of the logo is to be considered on its merits and the Chief Executive Officer shall determine such applications.

Any such applications will only be granted permission to use the official logo in its original design and colour.

Council supports the use of the logo by local organisations seeking to identify geographically within the district.

16. Internal Communication

Effective internal communications support the Shire in successfully delivering its services to the community.

Staff memorandums and notices are to be utilised to ensure information is distributed consistently to all staff.

New employees are to undertake a thorough induction process to provides them with a full understanding of the workings of the Shire.

Council adopted Policies and Procedures are to be made available to staff to support with work practices and requirements. The Chief Executive Officer is available to discuss internal staff communication processes.

Councillor and Staff communication must reflect requirements outlined in the *Local Government Act 1995 and this Procedure*.

17. Customer Service

Refer to the relevant Council adopted Customer Services Procedure.

19. Complaints handling

Refer to the relevant Council adopted Complaints Handling Policy/Procedure

- 11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**
- 13.0 DELEGATES REPORTS**
- 14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**
- 16.0 CLOSURE**