



murchisonshire

Ancient land under brilliant skies

Agenda for the Ordinary Meeting of the
Murchison Shire Council

Held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Thursday **25 February 2021**, commencing at 12 Noon.

Note: meeting will be conducted to meet COVID-19 restrictions.

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ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

Cr R Foulkes-Taylor – President
Cr A Whitmarsh – Deputy President
Cr E Foulkes-Taylor
Cr P Squires
Cr G Mead

Staff

Bill Boehm – CEO
Tatjana Erak – DCEO
William Herold – Works Manager

Leave of Absence

Cr Q Fowler

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 12 December 2020

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation

That the minutes of the Ordinary Council meeting held on 12 December 2020 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

4 DISCLOSURE OF INTERESTS

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

Matter for Consideration

It has been customary practice in the interests of a productive meeting in relation to the Conduct of Members during debates for the Council suspend Standing Orders 8.2 (Limitation on Number of speeches) and 8.3 (Duration of Speeches) under Local Law 2001. To facilitate this, the following recommended resolution is required.

Recommendation

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Voting Requirements

Simple Majority

Council Decision			
Moved: Cr		Seconded: Cr	
Carried/Lost	For		Against

7 PUBLIC QUESTION TIME

8 NEXT MEETING

Thursday 25 March 2021

9 APPLICATIONS FOR LEAVE OF ABSENCE

Nil. Cr Q Fowler has previously been granted leave of absence.

10 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

- 20.1 Murchison Oasis Roadhouse
Transitional Matters associated with the withdrawal of the Sub Lessees request for an extension to the existing Sub Lease for the Murchison Oasis Roadhouse and Caravan Park
- 20.2 Staff Matters
Report concerning Staff Matters
- 20.3 Matter Affecting a Person
Query relating to the Murchison Shire's Road Panel of Pre-Qualified Suppliers for the Provision of Roadworks

11 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

12 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

13 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

13.1 Shire President**13.2 Councillors**

14 WORKS

14.1 Works Report

File:

Author: William Herold – Works Manager
Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date 22 February 2021

Attachments: 14.1.1 Beringarra-Pindar Road Safety Inspection Report
14.1.2 Murchison Shire 2020/21 Road Construction Program Update
February 2021

Sealing Works RFQ

At the November 2020 Council Meeting Council formed a Works Group including Cr Whitmarsh, Cr R Foulkes-Taylor and the Works Supervisor and delegated authority to the CEO who will, with assistance from the Works Group, evaluate the report of RFQ 20/21-2 Sealing Works for the 2021 Supply, Spray and Cover Bitumen Sealing including Seal Design and Aggregate Supply and decide on the preferred supplier.

On 27 January 2020 following completion of the RFQ process and receipt of an Evaluation Report from Greenfield Technical Services, the Group reviewed submissions received from Boral Resources and Fulton Hogan and agreed with the Chief Executive Officer that that Boral Resources be engaged for this year's bituminous program. This was duly actioned.

Construction Camp

Post-Christmas break the construction crew have finished the sheeting works from the south boundary on the Carnarvon-Mullewa Road SLK 278.8 back to SLK 261.9. Currently the floodway is all being constructed ready for sealing. I anticipate this will take us up to about the time the sealing crew arrive on site. Prep work for the 1 Km seal outside the Curbur homestead will also have to be fitted in.

Sealing Works

Weather permitting the Boral crew should arrive about 25 or 26 March. They will be supervised by a representative from Greenfield Technical Services. At the moment it would appear it may be Josh Kirk himself. It is hoped we will be able to undertake a two-coat seal from the south boundary just short of the Bullardoo-Pinegrove boundary as well as on the southern and Curbur sections of the Carnarvon- Mullewa Road. For logistical and cost reasons sealing works scheduled on the Beringarra-Cue Road will be deferred till next season.

Possible Road Re-alignment

We are waiting on the result of the survey to correct the horizontal curve on the corner immediately north of the Bullardoo-Pinegrove boundary. Should this correction be deemed essential the construction crew would complete the earthworks before they continue to proceed with the re-sheet work heading north from the grid at SLK 261.9.

Maintenance Crew

The maintenance crew have had a somewhat disrupted start to the year due to thunderstorms and then an ex-tropical low that has caused some severe damage. They are currently back on the Beringarra-Pindar Road heading north. They have graded the Wooleen-Mt Wittenoom Road, Mt Wittenoom Road and Boolardy-Wooleen Road. Boolardy – Kali and Kali-Cue Road will be skipped as this is flood damage work going on.

Flood Damage

Our flood damage crews started back on January 7 and have also been affected by weather condition. THEM Earthmoving are nearing the end of their contract, all things being equal they should be finished by mid-March.

SQUIRES Resources have been more affected by the weather and probably have roughly another 30-35 working days remaining.

Greenfield are busy doing pick up for the most recent ex-tropical low rain event. We should hopefully have a better idea by the time council meets in March as to what the damage is likely to be. At a guess I would expect somewhere between \$5m and \$6m.

Grid Replacement

The last 3 grids on the South section of the Carnarvon-Mullewa Road are in the process of being replaced by the time Council meets the first two will have been completed. This will mean all grids south of the bridge will be new grids. A great improvement. Thanks to Yuin Contracting for fitting us in so promptly.

Plant Matters

The new construction caravan should be on site in early March. The construction 5 tonne crew cab is still a work in progress. I am waiting on further quotes as far as the tray set up goes. Once we have that finalised it will go to the plant committee for input and the probably to e-quote.

Signage

The most travelled signs in the world, ordered well before Christmas and collected 19 December and finally have arrived. As we understand it they travelled to Newman a few times, to Mount Magnet and many times to Perth Airport and finally arrived in Geraldton and then picked up by the freight company before making it to the settlement. Various signs have been erected; most notably our Shire Entrance signs which thus far have been installed at the southern Shire boundary on the Carnarvon- Mullewa Road and the Southern entrance on the Beringarra-Pindar Road. The balance will be installed as time allows. They are pretty impressive.

Flood Event 18 January - 8 February 2021

The Department of Fire and Emergency Services have declared the Tropical Low and Associated Flooding 18 January - 8 February 2021 to be declared disaster event AGRN951 in the Shires of Carnarvon, Derby-West Kimberley and Upper Gascoyne. Murchison Shire has thus far not been included

We are have, however:

- ~ submitted preliminary notification to be included in the declared event and are working through details with DRFAWA,
- ~ engaged Greenfields to undertake an inspection and pick up as above,
- ~ available photographic evidence of a pre-event status to ultimately submit.

Road potentially affected include but are not limited to the Carnarvon-Mullewa, Meeberrie-Wooleen, Wooleen-Mt Wittenoom, Beringarra-Byro, Bilung Access, Beringarra- Mt Gould and Byro Access Roads.

DRFAWA have advised that so that they can determine whether or not these impacts and the related response meet the criteria for activation under the DRFAWA that they require evidence that shows:

- 1 impacts to the Shire's assets were a direct result of this tropical low event,
- 2 a multi-agency response was undertaken in the Shire of Murchison.

With regard to the second point, it was acknowledged that a multi-agency response in the Shire of Murchison might look quite different to a multi-agency response in a more heavily populated area. However, it is something that we may struggle with and is a potential serious issue for Council if this criterion, which is apparently being actioned for the first time, is applied across our Shire simply because we have no or few external agencies that are required to respond other than Council.

National Flood Mitigation Infrastructure Program

On 23 December 2020 the State Emergency Management Committee Business Unit of the Department of Fire and Emergency Services advised that The Commonwealth's \$50 million National Flood Mitigation Infrastructure Program (the program) is providing grants for the improvement or construction of flood mitigation infrastructure to support local communities mitigate priority flood risks and reduce the impact of flood events.

The Australian Government announced on the 22 December 2020, that it will spend the \$50 million pre-disaster resilience component of the Emergency Response Fund this financial year on flood mitigation and resilience activities. The State Government invited local governments to nominate for the program by the 15 January 2021.

For the purpose of this program, flood mitigation infrastructure is an *essential public asset, as defined in the Disaster Recovery Funding Arrangements 2018, with the primary purpose of reducing the risk of flood to, and/or impact of flooding on, a community or communities*. Flood mitigation infrastructure may include but is not limited to dams, levees, bridges, culverts and other drainage systems.

Fortunately, we were in a position to respond.

Firstly, we needed projects that had been almost designed, have complying certified estimates and were ready to go. Secondly, we need to certify that without funding these projects would not be able to proceed in the next financial year.

Two projects have been submitted namely

1 Bilung Creek Crossing on Carnarvon-Mullewa Road.

Current crossing is in need of urgent widening and upgrade. The design will be a vast improvement on what is a Main Roads WA Regional Distributor Road as it currently provides access between from the Mullewa, Murchison Settlement and Gascoyne Junction. It has very fast flood flows in a defined area.

Est Cost \$696,000 (\$546,000 Grant, \$150,000 Council)

2 Milly Milly Creek (a branch of the Murchison River) on the Beringarra- Byro Road.

The design will be a vast improvement on what is a Main Roads WA Local Distributor Road. The works are associated with a portion of what is a very wide flood plain.

Est Cost \$880,000 (\$730,000 Grant, \$150,000 Council)

As part of the application process we were required to submit evidence that we had undertaken a public consultation process prior. This was a new Commonwealth criterion. Again, fortunately were able to do so as we had included these projects as a part of Rossco's Rundown community newsletter also included in the 2020/21 Budget Snapshot that was sent to the community.

At this stage it is unknown whether these projects made the State's submitted short list to the Commonwealth but at least we had our hat into the potential ring.

Lessons

The lessons learnt from this process are significant in that we need to have projects well documented, designed and ready to go to go ahead of time. Future planning and investment can be rewarded and in any event is good practice. Having a succinct consultation information strategy is essential.

Whilst we are far from being on top in this area, we are on the right track.

Wreath Flowers Beringarra-Pindar Road

As previously advised Council commissioned a road safety audit for the Wreath Flowers section of the Beringarra-Pindar Road. Road Traffic Consultants TSC met with the CEO and Works Manager and have provided a report as attached.

The recommended solution, which is to essentially to split the Wreath Flowers section of the Beringarra-Pindar Road into dual one-way carriageways with turn arounds each side of the Wreath Flowers Section, is proposed to be submitted in the next round of Main Roads WA Black Spot Funding. Funding is on a 2:1 basis with our contribution a third of the cost. This would be additional to normal Main Roads WA projects.

As an aside we have been advised that on occasions the Regions Black Spot Allocation is not always fully met by complying projects given in part our low traffic volumes. However, in this instance, there are real safety issues as well as high traffic volumes. Albeit for only a restricted period of time.

Carnarvon-Mullewa Road Potential Road Safety Applications

Following discussions with the TSC Road Safety consultants in relation to the Wreath Flowers section of the Beringarra-Pindar Road it became apparent that various isolated sections of Councils road network, particularly the narrow sealed sections of the Carnarvon-Mullewa Road could be potentially be eligible for Main Roads WA Black Spot Funding.

Essentially widening of a narrow seal to provide a fully sealed carriageway rather than the current 50:50 (gravel/seal) has shown to be a cost-effective road safety treatment. Gravel roads though rarely rate.

Various tight horizontal and some vertical curves in the narrow-sealed section, and the current curve at the Pinegrove Turnoff which is being redesigned are possible examples. Others may also come to light through such a Road Safety Audit leading to subsequent Black Spot funding applications. We will also receive advice on a few road safety signage issues that can be used elsewhere. All in all, a good strategic investment.

As result it is intended to precede with this engagement over the next few months.

2020/21 Road Construction Program Variation

When the 2020/21 Budget was adopted a complete list of Capital Works Projects for 2020/21 were then detailed under the Capital Works Section.

As partly described above and in previous Works Reports various circumstances have arisen since the budget was adopted that have necessitated a tweaking of the program for 2020/21. This Meeting is the first formal opportunity to bring all elements together.

Significantly Council's works crew being located in one location at the south of Carnarvon- Mullewa Road has allowed a cost effective approach to works identified in this area that were identified over the next two years, The inclusion of an additional person and water truck have been significant improvements in performance with the resultant economies of scale.

Other significant factors include the following:

- (a) Unsuccessful funding bid for Main Roads WA funding for Bilung Creek in 2021/22.
- (b) Successful funding bid for constructing sealing the Carnarvon-Mullewa Road 266.40 to 270.35 for 2021/22.
As it stands now the construction of this project has already been completed meaning that next year allocation can be put to other sections of this road.
- (c) Change in Main Roads WA Regional Road Group Funding approach whereby each Council will receive a minimum allocation (\$300k for a \$450k project).
- (d) Changes to Regional Roads Group Funding criteria, such that it "may" be possible in the future that we may on occasions be able to achieve two successful projects allocations. This will depend upon competition from 15 other Councils and is only be possible for the Carnarvon-Mullewa Road as it is the only Road in the Shire considered to be of sufficient Regional importance and with the level of traffic that would warrant a score high enough to squeeze in at the lower end of the funding ladder.
- (e) Potential funding of Bilung Creek and Milly Milly upgrades through the National Flood Mitigation Infrastructure Program on the basis that Council is not in a position to addresses these projects next financial year
- (f) Additional \$405,889 Local Roads Community Infrastructure Funding to add to the \$602,446 for sealing / construction works the Carnarvon-Mullewa Road
- (g) Road safety design issues on the Carnarvon-Mullewa at the Pinegrove turnoff and through some undulating sections between the Pinegrove Turnoff and the end of the current narrow seal south of the Ballyyoo Bridge.
- (h) Future Road Safety Audit Outcomes.
- (i) Ability to access existing gravel supplies in an area north of the Pinegrove Turnoff through Main Roads WA for a restricted period.
- (j) Deferral of the construction and sealing of various sections of the Beringarra-Cue Road this season given the timing and heavy workload.

The net result of the above is shown in the attached Road Program Summary Update which is presented for acceptance through this Works Report.

Recommendation

The Works Report be received and accepted

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

15 FINANCE

15.1 Accounts Paid since the last list was adopted/endorsed by Council

File: 4.37.1
Author: Tatjana Erak - Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 21 February 2021
Attachments: 15.1.1 EFT & Cheque Details for December 2020

Matter for Consideration

The *Local Government (Financial Management) Regulations 1996 Regulation 13* requires that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO for each month and present this to the next ordinary meeting of the Council after the list has been prepared and have this recorded in the minutes of the meeting.

A list of payments presented in accordance with *Regulation 13* of the *Local Government (Financial Management) Regulations 1996* made since the last report to Council is attached.

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Payment from the Municipal, Trust and Reserve Bank Accounts.

Consultation

Moore Australia

Recommendation

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

15.2 Financial Activity Statements 31 December 2020

File:

Author: Tatjana Erak - Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 21 February 2021

Attachments: 15.2.1 Monthly Management Financial Report December 2020

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

Moore Australia

Recommendation

That Council adopt the financial statements for the period ending 31 December 2020 as attached.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

15.3 Audit Update

File:

Author: Tatjana Erak - Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date 22 February 2021

Attachments: Nil

Matter for Consideration

Brief progress update of the 2019-20 audit process.

Update

It is with a lot of disappointment that the audit process is still continuing. Both Moore Australia, RSM and the Office of the Auditor General are keen to get this finalised as quickly as possible. I have been working on compiling the information for both parties and this has been a major focus.

As previously stated to Council, we recognise that we may feel that we have limited resources in trying to meet commitments and the ability to attract and/or retain certain skills required is not always forthcoming. As part of recognising that this may be the case all staff need to accept this and fully understand their roles and responsibilities, to better prioritise and to seek assistance well before deadlines. There has been some improvement in the process of how the end of month process is handled, for example, but there is still more that needs to be done. I acknowledge that external parties can only work with what we provide them and the timeliness in getting this information to them needs to significantly improve.

Outsourcing of some activities to Moore Australia has been sought as part of the catch up. A former employee is currently temping as required. Other issues are referenced in item 20.2 Staff Matters.

Unfortunately, the consequences are that the Auditors on site visit will be delayed, meaning that Audited Financials and the Council adoption of the 2019/20 Annual Report will be delayed. This will also affect the timing of the Annual Electors Meeting

Consultation

RSM Australia

Moore Australia

For Information Only

16 DEVELOPMENT

16.1 Settlement Projects Brief Update

File: 10
Author: Bill Boehm - Chief Executive Officer
Interest Declared: Nil
Date: 22 February 2020
Attachments: Nil

Matter for Consideration

Brief progress update of a variety of projects, the scope of which has yet to be determined, in and around the Murchison Settlement.

Update

Our very small Settlement Projects Working Group comprising the CEO and Cr Andrew Whitmarsh and Cr Emma Foulkes-Taylor will be meeting with Scott Lang of UDLA who have been contracted to undertake placemaking and master planning work for the Settlement and a suit of projects.

At the November Meeting the following a verbal update from the Working Group was provided at the meeting.

The Working Group, two representatives of UDLA had fruitful briefing session including a walking tour of the area that supplemented what that had already seen. Many questions about the community and their interactions were answered. The site visits and general discussions were positively received.

UDLA were impressed with how they see the place as unique and expressed openness on what to deliver. Members of the Working Group expressed had confidence that the uniqueness will be upheld. All are looking forward to the project and concepts being delivered

Scott Lang and Julian Jeeves-Bonte also met with Councillors during the day.

Since this time a significant amount of work has been undertaken. Concepts have been developed, presented to the Working Group, feedback obtained via two Remote Team Meetings during this period, changes made and refined.

The overall Master Plan has been “signed off to a “*draft in principle level*” by the Working Group. It is envisaged that will be presented in its complete form by UDLA to the next Council Meeting Day where there will be ample opportunity to view and understand.

For Information

17 ADMINISTRATION

17.1 Local Government Amendment Act 2019 Implementation Update

File:	4.16
Author:	Bill Boehm – Chief Executive Officer
Interest Declared:	Potentially there may be an interest in relation to CEO Standards Regulation element of this report if there are any implications in relation to the CEO's employment contract.
Date	22 February 2021
Attachments:	17.1.1 CEO Standards Regulations and Information 17.1.2 Model Code Regulations and Information 17.1.2A Model Code Regulations Compliant Breach Form 17.1.3 Employee Code Regulations and Information

Matter for Consideration:

Local Government Legislation Amendment Act 2019 which brings into effect the Local Government (Administration) Amendment Regulations 2021, Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 and Local Government (Model Code of Conduct) Regulations 2021

Background

On 27 June 2019 the Local Government Legislation Amendment Act 2019 was passed by Parliament. This Act addresses the following key areas:

- ~ elected member training
- ~ the treatment of gifts
- ~ a new code of conduct
- ~ changes to the Standards Panel
- ~ best practice standards for CEO recruitment, performance review and early termination
- ~ greater transparency through more information being made more easily accessible online.

The reforms that have already come into operation include:

- ~ new gift framework
- ~ universal training for council members
- ~ online induction course for prospective local candidates
- ~ changes to the Standards Panel
- ~ greater transparency easier access to information (partly in place).

Reforms Introduced in February 2021

The following regulations (copies of which are attached) took effect on 3 February 2021, implementing the remaining parts of the Amendment Act.

- ~ Local Government (Administration) Amendment Regulations 2021
- ~ Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021
- ~ Local Government (Model Code of Conduct) Regulations 2021

The department acknowledges that there will be an implementation phase of up to three months where local governments must undertake a series of actions to operationalise these regulatory amendments.

Local Governments are required to take specific initial actions within three weeks of the regulations taking effect (by 24 February 2021).

It is further expected that local governments adopt the new regulations and any other procedures and processes required for implementation within three months from the regulations taking effect (by 3 May 2021).

CEO Standards Regulations

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 22 of the Amendment Act by introducing mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers. The Model CEO Standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

Key features of these regulations include the requirement:

- ~ to establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- ~ to establish a performance review process by agreement between the local government and the CEO; and
- ~ to conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments will be required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards, the regulations apply.

Local governments that have a CEO recruitment process currently underway, or are about to commence a CEO recruitment process, are encouraged to contact the department to discuss compliance with the new Standards.

A copy of the CEO Model Standards explanatory notes and more information on CEO Standards is attached.

A copy of the standards has been placed on Councils Website. At some stage these will need to be formally adopted and included as part of Council's policies and procedures. We have been advised that a review of the existing CEO employment contract should also be undertaken to ensure that there are no inconsistencies.

Model Code Regulations

The Local Government (Model Code of Conduct) Regulations 2021 (Model Code Regulations) bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates. The Model Code Regulations provide for:

- ~ overarching principles to guide behaviour
- ~ behaviours which are managed by local governments
- ~ rules of conduct breaches which are considered by the Standards Panel.

The purpose of the Model Code is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments.

Each local government was previously required to develop their own code of conduct and manage behaviour in accordance with that code. These regulations replace these individual codes by introducing a Model Code that applies to all members and candidates. It also provides for a high-level process to deal with complaints to ensure a more consistent approach between local governments and across the sector. The intent of the Model Code is to address behaviour through education rather than sanctions.

If a council member does not comply with any action required by the local government following a breach of the Model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

Local governments will be required to prepare and adopt the Model Code within three months of these regulations coming into effect (by 3 May 2021). In adopting the Model Code, local governments can include additional behaviours under Division 3 provided these are consistent with the Model Code.

Until such time as a local government adopts the Code, the Model Code applies.

To begin implementation of the Model Code, as soon as practical (by 24 February 2021), local governments must:

- ~ appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s), and
- ~ approve a form for complaints to be lodged (a template is available for download below).

If action is not taken to affirm or appoint a complaints officer (by 24 February 2021) under the provisions of the regulations, a complaint made on or soon after the date of effect (3 February 2021) may lapse before it can be formally lodged. This would be considered inconsistent with the principles of procedural fairness and community expectations of local government.

As Council has not been able to formally meet it prior to the 24 February 2021 since the amended legislation came into force on 3 February 2021 these matters are addressed in the Recommendation

A copy of the regulations and explanatory notes is attached.

A copy of the code was placed on Councils Website on 22 February 2021.

Employee Code

The Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (Employee Code Regulations) bring into effect section 25 of the Amendment Act by prescribing the minimum requirements for an employee code of conduct.

A local government CEO is to prepare and implement a code of conduct to be observed by employees of the local government. The CEO may amend the code of conduct and is required to publish an up-to-date version of the code on the local government's website.

The Employee Code Regulations prescribe the minimum requirements in relation to gifts, conflicts of interest and disclosure. In addition, the regulations provide that an employee code of conduct must contain requirements pertaining to:

- ~ behaviour
- ~ disclosure of information
- ~ the use of information and resources
- ~ records keeping and dealing with misconduct.

These requirements are based on the Public Sector Commission's (PSC) key integrity risks for public sector employees. Local governments must prepare and adopt a code of conduct in accordance with these regulations as soon as practicable. The PSC's 'Developing a code of conduct: local government', may provide assistance.

A copy of the Employee Code of Conduct Regulations 2021 is attached

Statutory Environment

Local Government Legislation Amendment Act 2019 which brings into effect the Local Government (Administration) Amendment Regulations 2021, Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 and Local Government (Model Code of Conduct) Regulations 2021

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Consultation

Nil

Recommendation

That Council resolve as follows:

- 1 That the Chief Executive Officers Local Government Amendment Act 2019 Implementation Update Report relating to CEO Standards, Model Code Regulations and Employee Code be received and actions taken noted.
- 2 That Council delegates authority to the Chief Executive Officer to authorise an Officer as a complaints Officer for the purposes of receiving complaints and withdrawal of complaints in accordance with clause 11(3) of the Model Code of Conduct.
- 3 That Council approves the form of complaint form as per the attached Model Complaint Form Template in accordance with clause 11(2)(a) of the Model Code of Conduct.

Voting Requirements

Absolute Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17.2 Review of Councils Policy and Procedures

File: 4.40
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 22 February 2021
Attachments: Nil

Matter for Consideration

Ongoing Review and update of Councils Policy and Procedures as part of a Policy Review Schedule on an item by item on a regular basis

Background

At the December 2020 Council Meeting Council adopted the Revised Policy and Procedures as incorporated into the Policy and Procedures Manual (Draft) December 2020 and rescinded the 2005 Policy Manual (25 November 2020 Update) and associated policies

This followed the initial review and consolidation in at the November 2020 Council meeting where amongst other things it was resolved to

“Commence a programmed Policy Review Schedule and update at each stage item by item on regular basis”

This is the first part of this process.

Update

Given a range of competing commitments it has not been possible to undertake a preliminary review although I suspect that many of the existing policies could easily be signed off without any amendment given that in part that this has already occurred.

The following aspects however are highlighted for consideration now:

Local Government Code of Conduct and Employee Code of Conduct

The introduction of the Local Government (*Model Code of Conduct*) Regulations 2021 (Model Code Regulations), now in force and Employee Code of Conduct Regulations 2021 (soon to be prepared by the CEO) now means that Councils Policy 1.5 (Code of Conduct) which covers both aspects needs to be reviewed. It may mean that it would seem prudent that it be split into two policies going forward but also could remain in a consolidated form as there are already aspects included in our current policy that may be worth retaining.

At this stage pending completion of an updated Employee Code of Conduct the current legislatively imposed code of conduct can suffice.

Regional Price Preference

Review of Policy 4.4 (Regional Price Preference) become problematical in that any councillor, who is also a contractor could be placed in a conflict of interest position. To avoid this from occurring it is suggested that consideration and adoption of any review of this policy be delegated to a Working Group comprising the Chief Executive Officer and nominated Councillors.

Roadhouse Operations

Development of Policy 5.2 Roadhouse Operations has been identified to be required. In this instance it is suggested that a draft of this policy be delegated to a Working Group comprising the Chief Executive Officer and nominated Councillors who would report back to Council.

Statutory Environment

Local Government Act 1995

2.7. *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 functions.*
- (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’s policies.*

Strategic Implications

Strategically policies should follow and implement Councils overall Community Strategic Plan.

Policy Implications

The Policy Manual is the implementing Policy Document.

Financial Implications

Nil.

Consultation

CEO, DCEO, WALGA, Works Manager

Recommendation

That Council resolve as follows:

- 1 That Council delegate responsibility to Review Policy 4.4 (Regional Price Preference) a Working Group comprising the Chief Executive Officer and nominated Councillors.
- 2 That Council delegate responsibility to develop Policy 5.2 Roadhouse Operations to a Working Group comprising the Chief Executive Officer and nominated Councillors who would report back to Council

Note that if one or both recommendations are accepted then Council will need to appoint Councillor representatives

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

18 CEO ACTIVITY REPORT

File:
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 22 February 2021
Attachments: Nil

General

January and February this far has seen a significant uptake in work generally especially with the unexpected transition of the Murchison Oasis Roadhouse under Councils direct care and control, Overall though a very positive if not hectic start to 2021.

Date	Activity
10.12.2020 to 11.12.2020	TOIL
12.12.2020	Office work. Council Meeting. Fire Brigade Meeting
14.12.2020	Council Meeting Follow up. Meeting with Works Manager and Franz Winkler and Theo Hazbroek of TSC Traffic Safety Consultants Will and at Beringarra-Pindar Road Wreath Flowers Area. General Administration & Emails
15.12.2020 to 16.12.20	Council Meeting Follow up Minutes. General Administration & Emails
17.12.2020	Council Meeting Follow up. General Administration & Emails. LRCIP Phase 2 Funding and Project acceptance. Meetings and catch up with Works Manager. Meeting with Works Manager and DCEO
18.12.2020	General Administration & Emails. Grants Commission Roads Return
19.12.2020 to 20.12.2020	General Administration & Emails
21.12.2020	Scott Lang UDLA video Conference. Finalise Year. TOIL
22.12.2020 to 6.01.2021	Christmas New Year Break
6.01.2021	Touch base with Works Manager ill. Email catch up. Provide feedback to UDLA regarding Settlement Projects. Measure up external front of Community Building
7.01.2021	Measure up and shoot levels at Community Building with Works Manager. Discussions and briefing with Works Manager and DCEO. Staff matrix and Roadhouse work
8.01.2021	TOIL
9.01.2021	Flood 7 Works
11.01.2021	Staff matrix and Roadhouse work. Budget Review Process. Briefing with Works Manager.
12.01.2021	Staff Position Descriptions. Budget Review Process. Briefing with Works Manager. Review Milly Milly Design
13.01.2021	Prepare National Flood Mitigation Infrastructure Program WA Nomination submission for Bilung and Milly Milly Creeks. Budget Review Process
14.01.2021	Meeting and briefing with Works Manager. Prepare National Flood Mitigation Infrastructure Program WA Nomination submission for Bilung and Milly Milly Creeks. Budget Review Process
15.01.2021	Meeting and briefing with Works Manager. Finalise and send National Flood Mitigation Infrastructure Program WA Nomination submission for Bilung and Milly Milly Creeks. Budget Review Process. Brief discussion with Albert re 10A Progress
18.01.2021	Meeting and briefing with DCEO. Respond to further information request for National Flood Mitigation Infrastructure Program WA Nomination submission for Bilung and Milly Milly Creeks. Budget Review Process.
19.01.2021	TOIL

Date	Activity
20.01.2021	TOIL. Meeting with DCEO. Miscellaneous follow ups
21.01.2021 to 22.01.2021	Bituminous Sealing Budget Assessment. Budget Review Work. Roadhouse analysis
23.01.2021 to 25.01.2020	Budget Jobs and Accounts Review Work
26.01.2021	Australia Day Public Holiday
27.01.2021	TOIL
28.01.2021	Attend to phone calls & emails. TOIL
29.01.2021	Meeting and briefing with DCEO & Works Manager. Budget Jobs and Accounts Review Work. Attend to phone calls & emails
30.01.2021	Budget Jobs and Accounts Review Work
31.01.2021	Budget Jobs and Accounts Review Work. Update discussion with DCEO
1.02.2021	Catchup meeting with Shire President. Roadhouse work and follow up meeting with Nicole and Peter Mahony. Budget Jobs and Accounts Review Work. Settlement Projects
2.02.2021	Roadhouse work. Budget Jobs and Accounts Review Work... Brief discussion with Henry Foulkes-Taylor
3.02.2021	Roadhouse Work. Budget Jobs and Accounts Review Work.
4.02.2021	Roadhouse Work. Budget Jobs and Accounts Review Work. Settlement Works Remote Teams Meeting with Emma and Andrew and UDLA. Remote Teams Meeting with DPLH to discuss Aboriginal Cultural Heritage / Categorisation of activities
5.02.2021	Roadhouse Work. Budget Jobs and Accounts Review Work.
6.02.2021	Inspect local settlement drainage flows and minor culvert clean. Roadhouse Work. Budget Jobs and Accounts Review Work.
7.02.2021	Budget Jobs and Accounts Review Work.
8.02.2021	Catch up with Works Manager regarding Flood Damage. Budget Jobs and Accounts Review Work. Roadhouse Work
9.02.2021	Catch up with Works Manager. Budget Jobs and Accounts Review Work. Roadhouse Work. View floodwaters at Meeberrie-Wooleen and Twin Peaks Wooleen. Touch base with Agfix
10.02.2021	Budget Jobs and Accounts Review Work. Roadhouse Work.
11.02.2021	Budget Jobs and Accounts Review Work. Roadhouse Work. Discussions with Cr Emma Foulkes-Taylor. Briefing with Works Manager
12.02.2021	Meet with Nicole and Wink. Budget Jobs and Accounts Review Work. Roadhouse Work. Roadhouse Planning Meeting with DCEO & Works Manager. Meeting with DCEO
13.02.2021	Meet with Nichol Mahony. Budget Jobs and Accounts Review Work. Roadhouse Work.
14.02.2021	Budget Jobs and Accounts Review Work
15.02.2021 to 16.02.2021	TOIL
17.02.2021	CEO Monologue News Roadhouse plus-us emails. Meeting with DCEO. Staff Meeting. Flood 8 submission to DRFAWA
18.02.2021	Telephone briefing with Shire President. Roadhouse meeting with Technical Projects Officer and Nicol & Peter Mahony over Roadhouse Transition. Plant Journal preparation work. Roadhouse Transition Work
19.02.2021	Roadhouse transition work. Council Agenda Preparation. Meeting with Pia Wadjarri School (Susan New Principal) and Bradley (Gardener / Teacher)
20.02.2021 to 22.01.2021	Council Agenda Preparation and Roadhouse Transition

Recommendation

That the CEO's Activity Report be accepted.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

19 URGENT BUSINESS

Matter Affecting a Person

Query relating to the Murchison Shire's Road Panel of Pre-Qualified Suppliers for the Provision of Roadworks. Matter to be considered behind closed doors under item 20.3.

Murchison Oasis Roadhouse Transition

Update report in relation to the transition of the operation of the Murchison Oasis to be considered under Item 21.1

Recommendation

That Council allow for the consideration of pending further information relating to the following Items

Matter Affecting a Person behind closed doors (Item 20.3)

Murchison Oasis Roadhouse Transition (Item 21.1)

Voting Requirements

Absolute Majority

Council Decision			
Moved: Cr	E Foulkes-Taylor	Seconded: Cr	A Whitmarsh
Carried	For	5	Against 0

20 ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Pursuant to LGA s5.23(2)(a) (b) (c) and (e) Council is to discuss the following items behind closed doors

- 20.1 Murchison Oasis Roadhouse
Transitional Matters associated with the withdrawal of the Sub Lessees request for an extension to the existing Sub Lease for the Murchison Oasis Roadhouse and Caravan Park
- 20.2 Staff Matters
Report concerning Staff Matters
- 20.3 Matter Affecting a Person
Query relating to the Murchison Shire's Road Panel of Pre-Qualified Suppliers for the Provision of Roadworks

Recommendation

That the meeting moves behind closed doors to discuss an item pursuant to LGA s5.23(2)(a) (b) (c) and (e) relating to the following items:

- 20.1 Murchison Oasis Roadhouse
- 20.2 Staff Matters
- 20.3 Matter Affecting a Person

Voting Requirements

Absolute Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

Meeting was closed to the public at.

Motion to open the meeting to the public

Recommendation

That the meeting moves out from behind closed doors.

Voting Requirements

Absolute Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

Meeting was reopened to the public at.

Decisions Disclosed from Closed Section of Meeting

20.1 Murchison Oasis Roadhouse

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

20.2 Staff Matters

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

20.3 Matter Affecting a Person

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

21 MURCHISON OASIS ROADHOUSE

21.1 Murchison Oasis Roadhouse Transition

File: 13.11
Author: Bill Boehm - Chief Executive Officer
Interest Declared: Nil
Date: 22 February 2021
Attachments: To be provided at the meeting

Matter for Consideration

Update of progress in transitioning then operation of the Murchison Oasis Roadhouse and Caravan Park following the existing sublessees decision to withdraw their request for an extension of the existing sublease.

Update

Given the change circumstances a brief update report to be provided at the Council Meeting as an item of Urgent Business

Recommendation

To be provide at the Council Meeting

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

22 MEETING CLOSURE

The Shire President closed the meeting at.