

MINUTES APRIL 2017

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.26pm

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr M Tuffley	Shire President
Cr R Jury	Deputy Shire President
Cr T Borgward	Member
Cr A Smith	Member
Cr G Browne	Member
Cr S Crosby	Member
Cr G Collins	Member

Staff

M Bamess	Deputy Chief Executive Officer
DW Long	Works Manager

Members of the Public

Apologies

JP Bentley	Chief Executive Officer
Cr M Stephens	Member

Members on Leave of Absence

3. DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
Nil
- **Proximity Interest:**
Nil

4. PUBLIC QUESTION TIME:

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

6.1 Ordinary Meeting of Council held on Wednesday 15 March, 2017

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 15 March, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4769 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr G Browne

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 15 March, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 7/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 MARCH 2017

DATE:	7 April 2017
SUBJECT:	Monthly Financial Reports to 31 March 2017
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

ATTACHMENTS

- Monthly Financial Reports to 31 March 2017 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 March 2017)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 March 2017

4770 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr T Borgward

That the following Monthly Financial Reports be received by Council:

- **Monthly Financial Reports to 31 March 2017**

CARRIED 7/0
By Simple Majority

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MARCH 2017

DATE:	7 April 2017
SUBJECT:	Schedule of Accounts Paid
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$288,626.96
Trust Fund	\$0.00
Direct Debits	\$138,265.90
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 19 April 2017.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$288,626.96
Trust Fund	\$0.00
Direct Debits	\$138,265.90
TOTAL	\$426,892.86

4771 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr G Browne

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$288,626.96
Trust Fund	\$0.00
Direct Debits	\$138,265.90
TOTAL	\$426,892.86

CARRIED 7/0
By Simple Majority

9.1.3 PINGRUP PLAYGROUP

DATE:	3 April 2017
PROPONENT:	Pingrup Playgroup
LOCATION:	N/A
SUBJECT:	Use of Old School Building - Pingrup
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	ASS20.45
ASSESSMENT NO:	N/A

PURPOSE

To consider the a request from the Pingrup Playgroup regarding the use of the Old School Building in Pingrup for the duration of the renovations to the Pingrup Pavilion.

BACKGROUND

Councillors will be aware that the Pingrup Playgroup uses the Pingrup Pavilion for its regular meeting days. During the course of the rest of the year the Pavilion will be unavailable for use due to renovations. The Playgroup is planning ahead for this time is looking for a facility to hold its normal sessions.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil beyond normal budgetary considerations.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Strategic Plan 2010 - 2014

COMMENT

The site has some attractions as an alternative as there is the provision for heating, a grassed area and the ability to have play equipment set up without the need to dismantle each week. The site is also close to the CRC and Library and this would work well for alternative activities, is close to the Child Health Clinic which would also be handy for both mothers and the Infant Health Nurse with regard to observing development of the Children.

The Playgroup have asked, should permission be granted, if they could construct a garden shed to house some extra equipment, a shade sail in consultation with Council both at its own cost. In addition the Playgroup have asked if Council would consider erecting a fence around the building to help keep the children confined and away from the road. I don't believe that this is a deal breaker but it has been requested.

ATTACHMENTS

Email – Donna Skeris.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Agree/Disagree to the Pingrup Playgroup using the Pingrup Old School Building as an alternative site for the playgroup for the duration of the renovations to the Pingrup Pavilion and agree/disagree to consider the request to fence around the building during the 2017/18 Budget considerations.

4772 - COUNCIL RESOLUTION (Officer Recommendation)

Council resolved to lay the matter on the table until the next council meeting on Wednesday 17 May 2017. Pingrup Playgroup to be asked to liaise with Pingrup Councillors to discuss their request.

9.1.4 FITNESS FOR WORK POLICY (DRUGS, ALCOHOL AND IMPAIRMENT)

DATE:	27th March 2017
PROPOSER:	N/A
LOCATION:	
SUBJECT:	Fitness for Work Policy (Drug, Alcohol and Impairment)
AUTHOR:	Peter Bentley - Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	POLICY
ASSESSMENT NO:	N/A

PURPOSE

Council to adopt additions to the Fitness for Work Policy (Drugs, Alcohol and Impairment).

BACKGROUND

The Shire of Kent is committed to meeting its obligations in accordance with the Occupational Safety & Health Act 1984 and accepts responsibility for providing a safe working environment in which the employee is not exposed to hazards.

The purpose of this policy is to ensure a safe workplace free from the effects of drugs and alcohol and is directed towards the welfare of the individual and the safety and health of other people in the workplace. Although disciplinary action may be necessary, the focus is on preventative measures such as utilising the Employee Assistance Program, counselling options and information sessions. A range of factors, both at the workplace and in peoples personal lives, impact on the ability to work safely. The use of alcohol and/or other drugs may only be one of them.

The focus at the workplace will be on occupational safety and health management rather than more general concerns about personal health. It will not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

Workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace and all employees should present themselves for work and remain, while at work, capable of performing their work duties safely. The consumption of alcohol and illicit drugs while at work is therefore unacceptable, except in relation to any authorised and responsible use of alcohol at the workplace social functions.

STATUTORY IMPLICATIONS

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

AS 4760:2006: Procedures for specimen collection and the detection and quantitation of drugs of abuse in oral fluid.

AS/NZS 4308:2008: Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

POLICY IMPLICATIONS

Additional text added to existing policy

FINANCIAL IMPLICATIONS

No extra financial implications

STRATEGIC IMPLICATIONS

Nil

COMMENT

The Shire of Kent currently adopted a Fitness for Work Policy late in 2016 and while the policy has been judged as a strong one by the consultant who will be undertaking the testing program, he has requested several changes ahead of commencing testing. The changes are around greater definition of some responsibilities, of what constitutes reasonable cause for suspicion, the adoption of a rehabilitation contract and a few additions regarding cheating or evading tests.

While these are not significant items the consultant felt more comfortable conducting the testing with the inclusions. The additional text has been highlighted for Councillors information.

ATTACHMENTS

- Fitness for Work Policy (Drugs, Alcohol and Impairment)

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

Adopt the Fitness for Work Policy (Drug, Alcohol and Impairment) as amended.

4773 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr R Borgward

That the Council:

Adopt the Fitness for Work Policy (Drug, Alcohol and Impairment) as amended.

CARRIED 7/0
By Absolute Majority

9.1.5 2016 COMPLIANCE RETURN

DATE:	1 April 2017
SUBJECT:	2016 Compliance Return
PROPONENT:	Department of Local Government
LOCATION:	N/A
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley - Chief Executive Officer
FILE NO:	FIN5.15
ASSESSMENT NO:	N/A

PURPOSE

In accordance with statutory requirements, Council is to consider the adoption of the 2016 Compliance Audit Return.

BACKGROUND

The Compliance Audit Return is one of the tools that allow Councils to monitor how the organization is functioning. This year's return again places emphasis on the need to bring to Council's attention, cases of non-compliance, or where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance.

Council is required to carry out a compliance audit for the period 1 January 2016 to 31 December 2016 against the requirements included in the 2016 Compliance Audit Return. Following endorsement of the compliance audit the council is to complete the Compliance Audit Return.

The Compliance Audit Return is required to be:

- (a) presented to Council at a meeting of the Council
- (b) adopted by Council; and
- (c) the adoption recorded in the minutes of the meeting at which period it is adopted.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

A comprehensive Compliance Audit has been undertaken by the Chief Executive Officer with the assistance of the Deputy Chief Executive Officer. There were no areas within the report that were shown as non-compliant.

Certification by the President and Chief Executive Officer requires the following

- a) The information contained in the return is true and correct to the best of their knowledge
- b) The return was included in the agenda papers and considered by Council at the Ordinary meeting held on 19 April 2017
- c) The particulars of any matters of concern were recorded in the minutes of the meeting
- d) The extract of the minutes attached to this return is a true and correct copy of the relevant section of the minutes held on 19 April 2017
- e) Council adopted the Compliance Audit Return as the official return for the period 1 January 2016 to 31 December 2016
- f) The resolution of adoption was carried (state vote detail eg 8/0)

ATTACHMENTS

Attachment - Shire of Kent Compliance Audit Return 2016

VOTING REQUIREMENT

Simple Majority (all votes to be recorded)

RECOMMENDATION (officers recommendation)

That the Council:

Subject to any matters of concern raised by Councillors and recorded in the minutes, that Council adopt the Return as the official Compliance Audit Return of the Shire of Kent for the period 1st January 2016 to 31 December 2016.

4774 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr R Jury

That the Council:

Council adopt the Return as the official Compliance Audit Return of the Shire of Kent for the period 1st January 2016 to 31 December 2016.

**CARRIED 7/0
By Simple Majority**

9.1.6 PROPOSAL – SHARED CESM

DATE:	7 th April 2017
PROPONENT:	
LOCATION:	Whole of Shire
SUBJECT:	Shared CESM
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	FIR10.15
ASSESSMENT NO:	

PURPOSE

For Council to consider the proposal to enter into a shared Community Emergency Services Manager with Lake Grace and possibly Woodanilling.

BACKGROUND

Several years ago the Council entered into an arrangement with Lake Grace and Dumbleyung to share a Community Emergency Services Manager with DFES picking up 70% of the cost and the shires sharing the balance of the funding requirements.

This arrangement was ratified by the three councils and an officer was employed in 2015 and subsequently resigned in January 2017. During the last few months the CEO has had numerous discussions with Lake Grace, Dumbleyung and more recently Woodanilling regarding the replacement officer.

Following negotiations with DFES we have been able to achieve a commitment from it to reset the position and to make funding available at 70% of the overall costs for a three year term.

Discussions with Dumbleyung have resulted in Dumbleyung withdrawing from the project and electing to deal with its emergency management issues in a different way.

The Shire of Lake Grace has declared that it would be happy to be in an arrangement where the 30% split was between Lake Grace and Kent. Having said that, the option for another to join the group was acceptable to the Shire of Lake Grace.

The CEO has been involved in negotiations with the Shire of Woodanilling of late with regard to it coming on board as the third council in this group which would reduce the cost to 10% of the officer's costs. The Shire of Woodanilling has previously been involved with the Shires of West Arthur and Wagin however with Wagin pulling out of that group Woodanilling and West Arthur were not prepared to foot the potential extra costs (15% each) of employment for the officer and in particular Woodanilling was not inclined toward a more northern centric arrangement.

STATUTORY IMPLICATIONS

Local Government Act (1995)
Emergency Services Act (2005)
Bushfires Act 1954

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Costs associated with the position could be as high as \$20,000 per annum. Council currently budgets \$15,000 for the position

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

The CESM would be responsible for many of the tasks currently undertaken by the CEO. The officer would be responsible for arranging harvest bans, coordination of Council/volunteers issues, ESL grant control, liaison with DFES and coordination of the Councils Emergency Management planning and BFAC. There will still be tasks that will be directly within the control of the CEO as legislated responsibilities.

As Councils previous arrangements included Dumbleyung it will now have to amend this to include Woodanilling in Dumbleyung's place should Woodanilling choose to join the group.

Woodanilling Council met regarding the issue on Tuesday night but as yet are still undecided. The Council will meet again in May to further discuss the matter once further information is acquired. DFES are keen to get the ball rolling with recruitment of the replacement officer as soon as possible and would prefer to commence the process prior to the Woodanilling decision timeframe.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

- 1. Enter into a formal arrangement with the Shire of Lake Grace and DFES to employ a shared Community Emergency Services Manager.**
- 2. Should the Shire of Woodanilling register an interest in joining the group on an equal footing that Council delegate authority to the CEO to facilitate the process with the other three parties for a 70% DFES, 10% Kent, 10% Lake Grace and 10% Woodanilling funding model.**

4775 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr G Collins

That the Council:

Enter into a formal arrangement with the Shire of Lake Grace and DFES to employ a shared Community Emergency Services Manager.

**CARRIED 7/0
By Simple Majority**

10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**
12. **INFORMATION BULLETIN**

4776- COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr T Borgward / Cr A Smith

That the Information Bulletin be received by Council.

CARRIED 7/0

13. **MATTERS BEHIND CLOSED DOORS**

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

14. **MEETING CLOSED**

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 5.32 pm.