

**MINUTES  
JUNE 2021  
Table of Contents**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
1	DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS	2
2	RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE	2
3	DISCLOSURE OF INTERESTS:	2
	<ul style="list-style-type: none"> <li>• Direct Financial Interest</li> <li>• Indirect Financial Interest</li> <li>• Closely Associated Persons</li> <li>• Proximity Interest</li> </ul>	
4	PUBLIC QUESTION TIME	2
5	APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE	2
6	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	2
	6.1 Ordinary Meeting of Council held Wednesday 19 May 2021	
7	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	3
8	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	3
9	OFFICERS REPORTS	
	9.1.1 Monthly Financial Reports to 31 May 2021	3
	9.1.2 Schedule of Accounts Paid to 31 May 2021	4
	9.1.3 Status of Council Decisions – May 2021	5
	9.1.4 Review of Financial Hardship Policy	6
	9.1.5 Employee Code of Conduct	8
	9.1.6 Review of Requests for Donations and Financial Assistance Policy	10
	9.1.7 New Application – Request for Approval to Collect Native Seed from Shire of Kent Road Reserves	11
	9.1.8 Continuation – Request for Approval to Collect Native Seed from Shire of Kent Road Reserves	14
10	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	17
11	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	19
12	MATTERS BEHIND CLOSED DOORS	17
	12.1.1 CONFIDENTIAL – Chief Executive Officer - Contract Extension	19
13	MEETING CLOSED	20

**MINUTES  
ORDINARY MEETING OF COUNCIL  
23 JUNE 2021**

**DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

- 1 The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.31pm.

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

**Members**

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr TD Borgward	Member
Cr JN Germain	Member
Cr RA Jury	Member
Cr BC Bamess	Member

**Staff**

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
PE Spencer	Works Manager

**Members of the Public**

**Apologies**

Cr AL Smith	Member
-------------	--------

**3. DECLARATION OF INTERESTS:**

• **Direct Financial Interest:**

- 12.1.1 Confidential – Contract Extension. The CEO declares a Financial Interest that requires disclosure as the officer as a direct bearing on his contract of employment with the Shire of Kent.

• **Indirect Financial Interest:**

Nil

• **Proximity interest:**

Nil

• **Impartiality:**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**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 19 May, 2021**

That the Minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 19 May, 2021 be CONFIRMED.

<b>OCM2021/114 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr JN Germain / Cr BC Bamess**

**That the Minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 19 May 2021 be CONFIRMED.**

**CARRIED 6/0  
By Simple Majority**

**7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**  
Nil.

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**  
Nil

**9 OFFICERS REPORTS**

**9.1.1 MONTHLY FINANCIAL REPORTS TO 31 May 2021**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Senior Finance Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>FILE NO:</b>	FIN30.20
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"> <li>• Monthly Financial Reports to 31 May 2021</li> </ul>

**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.

**COMMENT**

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

**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**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 31 May 2021

**OCM2021/115 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr TD Borgward / Cr KV Johnston**

**That Council receive the following Monthly Financial Reports as presented:**

- **Monthly Financial Reports to 31 May, 2021.**

**CARRIED 6/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MAY 2021**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>FILE NO:</b>	042.6.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	

**PURPOSE**

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

**BACKGROUND**

Details payments made to creditors since last Council Meeting.

**COMMENT**

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

**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**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 May 2021:

Municipal Fund	\$250,461.71
Trust Fund	\$ 258.64
Direct Debits	<u>\$130,094.35</u>
TOTAL	\$380,814.70

**CM2021/116 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr JN Germain**

**That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 April 2021**

Municipal Fund	<b>\$250,461.71</b>
Trust Fund	<b>\$ 258.64</b>
Direct Debits	<b><u>\$130,094.35</u></b>
TOTAL	<b>\$380,814.70</b>

**CARRIED 6/0  
By Simple Majority**

**9.1.3 STATUS OF COUNCIL DECISIONS – MAY 2021**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	041.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1. Council Resolution Register

**PURPOSE**

To inform Council of the actions taken in relation to Council decisions.

**BACKGROUND**

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

**COMMENT**

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

**STATUTORY IMPLICATIONS**

Local Government Act (1995), Section 5.41

The CEO's functions are to:-

c) Cause Council decisions to be implemented

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2017-2027**

**Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community**

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council receive the Council Resolutions Register for the month of May 2021.

**OCM2021/117 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr TD Borgward / Cr BC Bamess**

**That Council receive the Council Resolutions Register for the month of May 2021.**

**CARRIED 6/0  
By Simple Majority**

**9.1.4 REVIEW OF FINANCIAL HARDSHIP POLICY**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	041.4.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"> <li>• Financial Hardship Policy</li> <li>• Covid-19 Financial Hardship Policy</li> </ul>

**PURPOSE**

Council to consider and endorse amendments to the current Hardship Policy to provide guidance as to how the Shire will provide support to ratepayers or debtors experiencing financial hardship.

**BACKGROUND**

Council resolved at its ordinary Meeting of Council on 15 April 2020 to adopt a COVID-19 Financial Hardship Policy to support ratepayers that may experience financial difficulty arising from the COVID-19.

The current policy was based upon the WALGA template financial hardship policy and was drawn up in response to COVID-19 in relation to rates and service charges with the intent of being a temporary policy. However, this policy is considered valuable and it is recommended that it be amended to become an ongoing policy to be used as guidance in all situations to assist whenever ratepayers or debtors experience financial hardship, not just during any declared State of Emergency.

It is further recommended that the policy be amended to take into consideration all debts where a debtor is able to demonstrate financial hardship, and apply to all ratepayers and debtors.

**COMMENT**

Council is committed to supporting the whole community to meet challenges that may result in financial hardship for ratepayers or debtors. The policy is intended to provide support for the whole community to ensure that we offer support in a fair, equitable, consistent and dignified manner while treating all members of the community with respect and understanding at any time and not just during any declared State of Emergency.

It remains a reasonable expectation that those ratepayers with the capacity to pay their rates will continue to do so. The policy is intended to provide relief for those ratepayers and debtors who are able to provide evidence of financial hardship, as per the current guidelines.

Major changes in the reviewed policy are as follows:

**Policy Objective** – changes to delete all reference to COVID 19

**Policy Scope** –delete reference to the rates and service charges levied for the 2020/2021 financial year and amended to reflect debt owed to the Shire of Kent.

Other changes throughout the document relate to formatting and changes in wording and reflect the updating of the policy for the Shire of Kent to provide support to the community in meeting unprecedented challenges arising from a state of emergency, public health emergency or economic downturn. Rather than an itemised account of each amendment throughout the policy a copy of the current policy and a copy of the draft reviewed policy has been included as an attachment to this agenda item.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The current financial hardship policy will be amended and widely advertised.

**FINANCIAL IMPLICATIONS**

The Shire did not receive any applications for financial hardship in the 2020/2021 financial year and, as the majority of rates were paid, the impact on the shire finances is not anticipated to be significant.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027:

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community.

4.1.1 Continually improve operational efficiencies and provide effective services.

## 4.1.2 Continue to enhance communication and transparency

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council:

Endorse amendments to the Financial Hardship Policy to support ratepayers and debtors experiencing financial difficulty at any time, not just in any declared state of emergency.

**OCM2021/118 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr RA Jury**

**That Council Endorse amendments to the Financial Hardship Policy to support ratepayers and debtors experiencing financial difficulty at any time, not just in any declared state of emergency.**

**CARRIED 6/0  
By Simple Majority**

**9.1.5 EMPLOYEE CODE OF CONDUCT**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	Shire of Kent
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	041.4.3
<b>ASSESSMENT NO:</b>	NA
<b>ATTACHMENTS:</b>	Employee Code of Conduct

**PURPOSE**

Council to consider and adopt a separate Code of Conduct for Employees to comply with new legislation that took effect on 3 February 2021 requiring all local governments to have a separate Codes of Conduct for Employees and for Council Members, Committee Members and Candidates.

**BACKGROUND**

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.

### **COMMENT**

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 Code that applies to all employees and is separate to the Code of Conduct for Council Members, Committee Members and Candidates.

The Code has been developed from the WALGA Base Template with any components now required through the recent legislative changes added in.

### **STATUTORY IMPLICATIONS**

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995
- Local Government (Administration) Amendment Regulations 2021
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021.

### **POLICY IMPLICATIONS**

The Council's existing Code of Conduct, has been repealed within the previous item, as the Act and Regulations now stipulates there are to be at least two separate Codes, one for Council Members, Committee Members and Candidates, and another for local government employees.

### **FINANCIAL IMPLICATIONS**

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

### **STRATEGIC IMPLICATIONS**

**Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community**

#### **Outcome 4.1 An efficient and effective organisation**

- 4.1.1 Continually improve operational efficiencies and provide effective services.
- 4.1.2 Continue to enhance communication and transparency.

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

That the Council:

1. Pursuant to section 5.51A of the Local Government Act 1995, adopt the Employee Code of Conduct as attached Code of Conduct for all employees of the Shire of Kent, including the Chief Executive Officer, and request the Chief Executive Officer to ensure all Shire of Kent Employees are aware of its contents.

<b>OCM2021/119 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr BC Bamess / Cr RA Jury**

1. **That Council, Pursuant to section 5.51A of the Local Government Act 1995, adopt the Employee Code of Conduct as attached Code of Conduct for all employees of the Shire of**

**Kent, including the Chief Executive Officer, and request the Chief Executive Officer to ensure all Shire of Kent Employees are aware if its contents.**

**CARRIED 6/0  
By Absolute Majority**

#### **9.1.6 REVIEW OF REQUESTS FOR DONATIONS AND FINANCIAL ASSISTANCE POLICY**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPOSER:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	ADM54.10
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"> <li>• 3.1.8 Requests for Donations and Financial Assistance Policy</li> </ul>

#### **PURPOSE**

Council to endorse amendments to the current Request for Donations and Financial Assistance Policy to include in kind support to the Pingrup Race Club to cover the use of the new accommodation at Pingrup Caravan Park for two nights on the weekend of the Pingrup Races and to remove the recurring donations to the Nyabing news and the Golf Club (Kent Shield) due to their cessation.

#### **BACKGROUND**

At the Ordinary Meeting of Council on 17 March 2021, Council made the following resolution:

**OCM2021/079 - COUNCIL RESOLUTION (Officer Recommendation)**

*MOVED Cr KR Stephens / Cr KV Johnston*

*That Council:*

- 1. Advise the Pingrup Race Club that in addition to the \$495 sponsorship provided for the 2021 races that, Council will provide additional in kind sponsorship providing free accommodation at the Pingrup Caravan Park Accommodation Units for the nights of the 19<sup>th</sup> and 20<sup>th</sup> March 2021;*
- 2. Request the Pingrup Race Club to submit to the Shire by the 30 June 2021, a brief report detailing benefits to the Community that the event and funding provided;*
- 3. Amend Council Policy 3.1.8 Requests for Donations and Financial assistance to provide additional in kind support through the provision of accommodation at the Pingrup Caravan Park in available units.**

**CARRIED 8/0  
By Simple Majority**

It is recommended that the policy also be amended to delete the annual donations to the Nyabing News of \$1,000 and the Golf Club (Kent Shield) of \$500. The Nyabing News wound up in 2020 and the Kent Shield has not been contested between the Nyabing and Pingrup Golf Clubs for many years, therefore these funds have not been requested or provided to either of these groups.

#### **COMMENT**

Major changes to this policy include:

- **Recurring Donations** - Remove Nyabing News \$1,000; and Remove Golf Club (Kent Shield) \$500
- **Provision of In-Kind Support:** the inclusion of *Provision of two night's accommodation at Pingrup Caravan Park for Pingrup Race Club.*

The removal of the annual donations for the Nyabing News and the Golf Club from the policy will cover the in kind support for the accommodation for the Pingrup Race Club.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)

**POLICY IMPLICATIONS**

The policy will be amended to reflect these changes.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027:

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council:

Endorse amendments to the Request for Donations and Financial Assistance Policy as presented.

**OCM2021/120 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr RA Jury / Cr TD Borgward**

**That Council Endorse amendments to the Request for Donations and Financial Assistance Policy with the reinstatement of the Golf Club (Kent Shield) donation.**

**CARRIED 6/0  
By Simple Majority**

**9.1.7 NEW APPLICATION - REQUEST FOR APPROVAL TO COLLECT NATIVE SEED FROM SHIRE OF KENT ROAD RESERVES**

<p><b>PROPOSED MEETING DATE:</b> <b>PROPONENT:</b> <b>LOCATION:</b> <b>AUTHOR:</b> <b>REPORTING OFFICER:</b> <b>FILE NO:</b> <b>ASSESSMENT NO:</b></p>	<p>23 June 2021 Badgebup Aboriginal Corporation Local Government Reserves within the Shire of Kent Paul Leoni – NRM Community Support Officer Rick Miller – Chief Executive Officer 053.1.5 N/A</p>
--	---

**PURPOSE**

Council to consider an application from Badgebup Aboriginal Corporation to collect native seed from local government reserves, which would be mainly from roadside bushlands within local road reserves, within the Shire of Kent.

**BACKGROUND**

The following request was received by email (nrm@kent.wa.gov.au) on 14/06/2021 from Badgebup Aboriginal Cooperation ([julie.hayden@badgebup.org.au](mailto:julie.hayden@badgebup.org.au)):

"Hi Paul

*In support of our request to collect seed from roadside reserves within the Shire of Kent, we wish to inform you that our Ranger group has been seed collecting for the last 2 years with Greening Australia and have amassed a lot of knowledge during that time.*

*This year more than 20 local farmers have given our Rangers authority to collect seed on their private properties. Our Rangers have now learned to propagate the seeds and grow seedlings. Our future plans, include a purpose built nursery to grow seedlings which will create more local jobs and to accommodate our on-country training program, involving students for KSHS.*

*As a local Aboriginal Ranger group, we seek your support with this request and look forward to a favourable outcome.*

Kind Regards

Julie Hayden | Business Development Manager | Badgebup Aboriginal Corporation | 3110 Katanning-Nyabing Road, Badgebup WA 6317

**M** 0427 992 910 | **E** [julie.hayden@badgebup.org.au](mailto:julie.hayden@badgebup.org.au) | **W** [www.badgebup.org.au](http://www.badgebup.org.au)"

**COMMENT**

This has been a regular annual request from various native seed collecting stakeholders including Parks and Wildlife (DBCA), Greening Australia and others smaller companies such as Badgebup Aboriginal Corporation in this case. Permission has been granted in the past to collect seed from native species in local government reserve for the purpose of enabling planned revegetation programs that will benefit the local area and region.

Permission to collect native seed will be recommended, but only for native seed collecting within local government reserves, since the Shire of Kent cannot approved activities on non-local government lands such as private properties or state or commonwealth government lands and reserves (Main Roads Reserves and any type of Nature Reserves are state government responsibility); I am not aware of any issues that have been raised in regards to any previous native seed collections, however we have noted a slight increase in the number of these requests, so we will need to monitor collections that are occurring by different stakeholders to ensure there is no excessive native seed harvesting occurring. This is something we can initially determine from the required annual reports requested. Also if more than one stakeholder is collecting from the same location we may need to manage this scenario with restrictions in the future to avoid any potential conflict between these different entities.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)  
Biodiversity Conservation Act 2016  
Biodiversity Conservation Regulations 2018

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2017-2027**

**Environment Objective - Conserve, protect and enhance our natural and built environment**

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council grant 'Badgebup Aboriginal Corporation permission to access and collect native seed from local government reserves within the Shire of Kent, subject to the following conditions:

- (i) Permission is for a twelve month period, commencing July 2021;
- (ii) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license;
- (iii) This letter allows for collection only by Badgebup Aboriginal Corporation staff members;
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;
- (v) All care will be taken to avoid the disturbance of fauna habitat;
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation; and
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.

**OCM2021/121 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr RA Jury / Cr JN Germain**

**That Council grant 'Badgebup Aboriginal Corporation permission to access and collect native seed from local government reserves within the Shire of Kent, subject to the following conditions:**

- (i) Permission is for a twelve month period, commencing July 2021;**
- (ii) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license;**
- (iii) This letter allows for collection only by Badgebup Aboriginal Corporation staff members;**
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;**
- (v) All care will be taken to avoid the disturbance of fauna habitat;**
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation; and**
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.**

**CARRIED 6/0  
By Simple Majority**

### 9.1.8 CONTINUATION - REQUEST FOR APPROVAL TO COLLECT NATIVE SEED FROM SHIRE OF KENT ROAD RESERVES

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	Formosa Flora
<b>LOCATION:</b>	Local Government Reserves within the Shire of Kent
<b>AUTHOR:</b>	Paul Leoni – NRM Community Support Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	053.1.5
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

Council to consider an application from Formosa Flora to collect native seed from local government reserves, which would be mainly from roadside bushlands within local road reserves, within the Shire of Kent.

#### **BACKGROUND**

The following request was received by email (admin@kent.wa.gov.au) on 25/05/2021 from Formosa Flora (formosaflora@bigpond.com):

*“Re – expression of interest to collect native seed from Shire of Kent – written approval*

*Dear CEO,*

*I am writing to request permission for Keith Smith & Sam Stone of Formosa Flora to collect native seed from the Shire of Kent from July 1st 2021 till June 30th 2022. In particular from those areas that are to be cleared and also from roadsides and reserves for the purposes of obtaining seed for local orders.*

*Formosa Flora currently operates from Torbay near Albany, and fulfills seed revegetation requirements for multiple catchment groups and the Gondwana Link projects. Approval to collect from the Kent Shire would enable more complete seed mixes with a greater diversity for this project although the bulk of seed will be obtained from private land. Formosa Flora works closely with Bush Heritage, Greening Australia and Nindethana Seed Service.*

*All seed is harvested by hand with tools specific to each species and sustainably with mindfulness given to each plants specific reproductive requirements According to legislation we must not jeopardize the survival of a plant or population. We are required to remove no more than 20% of the available seed set for a year from a plant.*

*Formosa Flora also holds Personal Accident and Public Liability Insurance. I have attached copies of all insurances and current licences. Formosa Flora, Keith Smith and Samuel Stone are all RIAWA Accredited Collectors, Processors and Suppliers of Native Seed.*

*Should you wish to discuss any areas of my request please do not hesitate to contact me on the numbers below*

*Kind Regards*

*Keith Smith  
98 451 516  
0428 451516”*

**COMMENT**

This has been a regular annual request from various native seed collecting stakeholders including Parks and Wildlife (DBCA), Greening Australia and others smaller companies such as Formosa Flora in this case. Permission has been granted in the past to collect seed from native species in local government reserve for the purpose of enabling planned revegetation programs that will benefit the local area and region.

Council previously approved (15<sup>th</sup> April 2020 at Ordinary Meeting of Council) Formosa Flora to collect native seed within the Shire of Kent for a 12 month period commencing April 2020 (Letter Dated 17<sup>th</sup> April 2020). This previous approval included a condition 'vii', which required "A report detailing Shire reserves accessed and seed collected be provided once the annual collection period is complete."

Permission to collect native seed will be recommended, but only:

- For native seed collecting within local government reserves, since the Shire of Kent cannot approved activities on non-local government lands such as private properties or state or commonwealth government lands and reserves (Main Roads Reserves and any type of Nature Reserves are state government responsibility); and
- Once Flormosa Flora's annual report under condition 'vii' has been submitted to and then approved by the Shire of Kent.

I am not aware of any issues that have been raised in regards to any previous native seed collections, however we have noted a slight increase in the number of these requests, so we will need to monitor collections that are occurring by different stakeholders to ensure there is no excessive native seed harvesting occurring. This is something we can initially determine from the required annual reports requested. Also if more than one stakeholder is collecting from the same location we may need to manage this scenario with restrictions in the future to avoid any potential conflict between these different entities.

**STATUTORY IMPLICATIONS**

Local Government Act (1995)  
Biodiversity Conservation Act 2016  
Biodiversity Conservation Regulations 2018

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2017-2027**

**Environment Objective - Conserve, protect and enhance our natural and built environment**

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council grant 'Formosa Flora' permission to access and collect native seed from local government reserves within the Shire of Kent, subject to the following conditions:

- (i) Permission is for a twelve month period, commencing July 2021;
- (ii) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license;
- (iii) This letter allows for collection only by Formosa Flora staff members;
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;
- (v) All care will be taken to avoid the disturbance of fauna habitat;
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation;
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete; and
- (viii) The overdue annual report, as per the previous approval, be submitted before commencement of this next native seed collection.

**OCM2021/122 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr TD Borgward**

**That Council grant 'Formosa Flora' permission to access and collect native seed from local government reserves within the Shire of Kent, subject to the following conditions:**

- (i) Permission is for a twelve month period, commencing July 2021;**
- (ii) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license;**
- (iii) This letter allows for collection only by Formosa Flora staff members;**
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds;**
- (v) All care will be taken to avoid the disturbance of fauna habitat;**
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation;**
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete; and**
- (viii) The overdue annual report, as per the previous approval, be submitted before commencement of this next native seed collection.**

**CARRIED 6/0  
By Simple Majority**



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

<b>OCM2021/123 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr KV Johnston / Cr RA Jury**

**Consider the new business of urgent nature as presented.**

**CARRIED 6/0  
By Simple Majority**

**11.1.1 REQUEST TO CHANGE THE PURPOSE OF NYABING SPORTS CLUB RESERVE**

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	Nyabing Sports Club
<b>LOCATION:</b>	Nyabing
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	115.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Letter from Nyabing Sports Club

**PURPOSE**

Council to consider a request from the Nyabing Sports Club to change the purpose for the Nyabing Sports Club Reserve.

**BACKGROUND**

Council currently operates a Term Deposit with the Commonwealth Bank which holds the combined funds for a number of reserve accounts. One of these Reserve Accounts is for the Nyabing Sports Club to which Council co-contribute up to \$3,000 per year on a dollar for dollar basis. The current purpose for this reserve account is "Funds to be used for the upgrade of sporting facilities in Nyabing."

The Nyabing Sports Club has requested the change for the purpose to better reflect the current needs of the Sports Club. The Nyabing Sports Club would like the funds from this account to be made available for a more broader scope in the sporting community to include funding junior sports such as Auskick, Cricket and Swimming Lessons, as well as hosting sporting events within the community to be able to make money to give back to the Nyabing Sporting Groups.

**COMMENT**

Council to consider changing the purpose for the Nyabing Sports Club Reserve.

**STATUTORY IMPLICATIONS**

Local Government Act (1995), 6.11 (2) (a), (3) (b), (4)

Local Government (Financial Management) Regulations 1996 17(1) and 18 (a) (c) (i) (iii)

**LOCAL GOVERNMENT ACT 1995**

**PART 6 DIVISION 4**

**6.11. Reserve accounts**

1. Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
2. Subject to subsection (3), before a local government —
  - a) changes\* the purpose of a reserve account; or
  - b) uses\* the money in a reserve account for another purpose,

it must give one month's local public notice of the proposed change of purpose or proposed use.

\* *Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
- a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
  - b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

### **Local Government (Financial Management)**

#### **Regulations 1996**

#### **17. Reserve accounts**

1. A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
2. In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
  - a) in the information required by regulations 27(g) and 38, by its full title; and
  - b) otherwise, by its full title or by an abbreviation of that title.

*[Regulation 17 amended in Gazette 20 Jun 1997 p. 2839.]*

#### **POLICY IMPLICATIONS**

The Council has no specific policy regarding this matter.

#### **FINANCIAL IMPLICATIONS**

Council's co-contribution into the Reserves is accounted for in the annual financial budget.

#### **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Social Objective - To provide community facilities and promote social interaction.

#### **RISK IMPLICATIONS**

N/A

#### **VOTING REQUIREMENT**

Absolute Majority

#### **RECOMMENDATION**

That Council:

Change the purpose of Nyabing Sports Club Reserve to "Funds to be used to promote participation in sport and provide sporting facilities in Nyabing"

<b>OCM2021/124 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr TD Borgward / Cr KV Johnston**

**That Council:**

**Change the purpose of Nyabing Sports Club Reserve to “Funds to be used to promote participation in sport and recreation and provide sporting facilities in Nyabing”**

**CARRIED 6/0  
By Absolute Majority**

## 12. 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.

### PROCEDURAL MOTION

**That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.**

<b>OCM2021/125 - COUNCIL RESOLUTION</b>
---

**MOVED Cr RA Jury / Cr KV Johnston**

**That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.**

**CARRIED 6/0  
By Simple Majority**

**CE, Rick Miller, DCEO, Michelle Bamess and Works Manager, Paul Spencer left the meeting room at 5.48pm**

### 12.1.1 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER – CONTRACT EXTENSION

<b>PROPOSED MEETING DATE:</b>	23 June 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Cr Scott Crosby – Shire President
<b>FILE NO:</b>	Personal – EMP115
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	CEO Letter Renewal Request; 2021 LG Determination
<b>DISCLOSURE OF INTEREST</b>	The CEO declares a Financial Interest that requires disclosure as the officer as a direct bearing on his contract of employment with the Shire of Kent.

#### **PURPOSE**

For Council to consider the incumbent CEO's request for the renewal of Chief Executive Officer contract between the Shire of Kent and Mr Rick Miller, and on what terms.

#### **REASON FOR CONFIDENTIALITY**

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the which permits the meeting to be closed to members of the public for business relating to the following:

(b) the personal affairs of any person

**OCM2021/126 - COUNCIL RESOLUTION**

**MOVED Cr TD Borgward / Cr JN Germain**

**That Council advise the CEO it endorses the process and intention to renew the contract and remuneration package with the Chief Executive Officer, Mr Rick Miller for a term of 3 years, expiring 20 October 2024 as per section 5.39 of the Local Government Act 1995.**

**LOST 0/6  
By Simple Majority**

**OCM2021/127 - COUNCIL DECISION**

**MOVED Cr TD Borgward / Cr JN Germain**

**That Council advise the current CEO Rick Miller that the position of CEO will be re-advertised.**

**CARRIED 6/0  
By Simple Majority**

Reason for Change: After consideration and with new changes to legislation, Council wish to restart the process and set a new direction over coming years.

**CEO, Rick Miller returned to the meeting room at 6.07pm**

**PROCEDURAL MOTION**

**That Council re-open the meeting to the general public**

**OCM2021/128 - COUNCIL RESOLUTION**

**MOVED Cr TD Borgward / Cr RA Jury**

**That Council re-open the meeting to the general public.**

**CARRIED 6/0  
By Simple Majority**

**DCEO, Michelle Bamess and Works Manager, Paul Spencer returned to the meeting room at 6.11pm**

**13. MEETING CLOSED**

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6.11pm.