

# SHIRE OF KENT



## ORDINARY MINUTES (UNCONFIRMED)

**DATE:** Wednesday 15 December 2021

**TIME:** 6:30pm

**VENUE:** Council Chambers,  
Richmond Street, Nyabing WA 6341

**ADAM MAJID  
CHIEF EXECUTIVE OFFICER**

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**Adam Majid**

CHIEF EXECUTIVE OFFICER

**MINUTES**  
**DECEMBER 2021**

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## 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 6:31pm by the Shire President.

## 2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE

### Members

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr TD Borgward	Member
Cr RA Jury	Member
Cr JN Germain	Member
Cr DP Gray	Member
Cr W Tapscott	Member
Cr G Hobley	Member

### Staff

AL Majid	Chief Executive Officer
CJ Smith	Manager Corporate
PE Spencer	Manager Infrastructure

### Members of the Public

Nil

### Apologies

### Members on Approved Leave of Absence

## 3. DISCLOSURES OF INTEREST

Nil

## 4. PUBLIC QUESTION TIME

Nil

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 *Local Government Act 1995*

Nil

**6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING**

**6.1 Ordinary Meeting of Council held Wednesday 17 November, 2021**

<b>OCM2122/082 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr DP Gray/Cr JN Germain**

**That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 17 November, 2021 be CONFIRMED.**

**CARRIED 8/0  
By Simple Majority**

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

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

**9. OFFICER REPORTS**

**9.1.1 MONTHLY FINANCIAL REPORTS TO 30 NOVEMBER 2021**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Christie Smith – Manager Corporate
<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 30 November 2021</li> </ul>
<b>DISCLOSURE OF INTEREST:</b>	Nil

**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. Please note the reports are the unaudited version, audit has been undertaken during September 2021. Auditors are now required to liaise with Office of the Auditor General (OAG) prior to finalization of the audit. Once finalized the audited financials will be presented to Council accordingly and the brought forward balance many need to be adjusted in this financial year.

Most variances are due to timing, particularly depreciation as the depreciation program is unable to be run until audit is finalized.

**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

**OCM2122/083 - COUNCIL RESOLUTION (Officer Recommendation)**

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

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

- **Monthly Financial Reports to 30 November 2021**

**CARRIED 8/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 NOVEMBER 2021**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Christie Smith – Manager Corporate
<b>FILE NO:</b>	042.6.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1. Schedule of accounts paid 2. Schedule of direct debits
<b>DISCLOSURE OF INTEREST:</b>	Nil

**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



**OCM2122/084 - COUNCIL RESOLUTION (Officer Recommendation)**

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

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

<b>Municipal Fund</b>	<b>\$776,606.44</b>
<b>Trust Fund</b>	<b>\$ 0.00</b>
<b>Direct Debits</b>	<b>\$214,997.55</b>
<b><u>TOTAL</u></b>	<b><u>\$991,603.99</u></b>

**CARRIED 8/0  
By Simple Majority**

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

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Majid – Chief Executive Officer
<b>FILE NO:</b>	041.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1. Outstanding Matters List 2. Action Sheet
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

To inform the 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

**OCM2122/085 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr TD Borgward/Cr GW Hobley**

**That the following be received by the Council:**

- 1. The Action Sheet for the Council Meeting 17 November 2021 and;**
- 2. The Outstanding Matters list dated 15 December 2021.**

**CARRIED 8/0  
By Simple Majority**

**9.1.4 BUDGET AMENDMENT – TEACHER HOUSING**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Majid – Chief Executive Officer
<b>FILE NO:</b>	046.3.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

The purpose of this report is to seek approval from Council for a budget amendment in the 2021/22 Budget for additional expenditure related to the teacher housing being constructed at 6 Paterson Street Pingrup and 16 Bourke Street Nyabing.

**BACKGROUND**

At the Ordinary Meeting of Council held 18 August 2021, the Council considered tenders received for the construction of the proposed teacher housing and resolved to accept the tender from CLPM Pty Ltd for a total contract payment of \$1,639,721.90 plus any minor variations prior to entering into the contract.

**COMMENT**

At the time the resolution was made, the Council were aware of the financial implications being an amount of only \$1.4 million had been included in the 2021/22 Budget but did not make any resolutions pertaining to budget amendments to increase the expenditure.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995:*

*Local Government (Financial Management) Regulations 1996 - Reg 33A*

**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**

Current budget is as follows:

16A Bourke Street, Nyabing	\$375,000
16B Bourke Street, Nyabing	\$375,000
6 Paterson Street, Pingrup	\$650,000

**TOTAL EXPENSE                                    \$1,400,000**

To assist with covering the cost, the Council budgeted to raise a new loan for an amount of \$750,000, the income from this loan has been received. The remainder of the expense was to be from general muni as there was no transfer from the Land and Building Reserve budgeted.

After acceptance of contract and reviewing further costs the following requires consideration for budget amendment:

Project	Tender Contract	Project Management	10% Contingency	Total Project Cost	OVER BUDGET BY
16A Bourke Street	\$429,286	\$7,350	\$42,928	<b>\$479,564</b>	<b>\$104,564</b>
16B Bourke Street	\$433,036	\$4,300	\$43,303	<b>\$480,639</b>	<b>\$105,639</b>
6 Paterson Street	\$630,834	\$4,300	\$63,084	<b>\$698,218</b>	<b>\$48,218</b>

Project management fees and an allowance of a 10% contingency were never considered as part of the initial budget.

This project does not meet the guidelines of the LRCI Phase 3 funding and therefore grant funding cannot be used to offset expenditure. It is recommended the Council approve the budget amendment of \$258,421 and approval to transfer this amount from the Land and Building Reserve, which currently has a balance of \$1,176,914.

### **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire’s organisational capacity to service the needs of 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.

4.1.3 Continue to search out advantageous resource sharing opportunities.

### **RISK IMPLICATIONS**

N/A

### **VOTING REQUIREMENT**

Absolute Majority

### **OCM2122/086- COUNCIL RESOLUTION (Officer Recommendation)**

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

**That the Council approve the following budget amendments:**

GL	Project	CURRENT BUDGET	AMENDMENT	TOTAL BUDGET
9986	16A Bourke Street	\$375,000	\$104,564	\$479,564
9984	16B Bourke Street	\$375,000	\$105,639	\$480,639
9992	6 Paterson Street	\$650,000	\$48,218	\$698,218
9998	Transfer from Reserves	\$0.00	(\$258,421)	(\$258,421)

**CARRIED 8/0  
By Absolute Majority**

**9.1.5 LOCAL GOVERNMENT ACT REFORMS**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Adam Majid – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Adam Majid – Chief Executive Officer
<b>FILE NO:</b>	ADM60.5
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1) DLGSC Fact Sheet, 2) Submission
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

For Council to consider making a submission to the proposed reforms to the *Local Government Act 1995* (the Act) as announced by the State government on 10 November 2021.

**BACKGROUND**

Since coming into power in 2017, the McGowan government has moved to place the Act under the microscope in an effort to update an ageing piece of legislation.

Some changes that have been made to date include mandatory training, codes of conduct and gifts framework among others.

In their most recent announcement, the government is proposing changes in line with six key themes being:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A fact sheet, as developed by the government, briefly outlining the proposed changes is provided as an attachment.

Submissions in relation to the proposed reforms are required to be submitted by 4 February 2022.

**COMMENT**

The proposed reforms have an overarching theme of greater oversight of local government given the recent inquiries undertaken into certain entities.

While the proposals don't appear to be sweeping changes, there is a sense that perhaps the State is finally realising they have a lost a certain degree of control of local government and that early intervention is necessary to prevent high profile cases such as the City of Perth in future years.

WALGA has already prepared a submission detailing existing advocacy items as endorsed by the local government industry. In preparing the Shire's submission, the WALGA submission has been used as a base document and modified to reflect the Shire of Kent accordingly.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2122/087 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr WD Tapscott/Cr RA Jury**

**That Council:**

- 1. Receives the proposed legislative reforms as proposed by the State government on 10 November 2021;**
- 2. Endorses the submission in response to the proposed reforms and requests the Chief Executive Officer to lodge the submission on behalf of Council.**

**CARRIED 8/0  
By Simple Majority**

**9.1.6 ORGANISATIONAL STRUCTURE AND DESIGNATED SENIOR EMPLOYEES**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Majid – Chief Executive Officer
<b>FILE NO:</b>	041.4.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	DRAFT – Organisational Structure and Designated Senior Employees
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

For the Council to consider the adoption of a policy in relation to the organisational structure and designation of senior employees.

**BACKGROUND**

Councillor Crosby proposed a Notice of Motion on 20 October 2021. The Notice of Motion was in relation to the positions of Manager Corporate and Manager Infrastructure being designated as senior employees. Councillor Crosby provided the following reasoning for the notice:

*‘it is my opinion that the two most senior officer positions after the CEO with the Shire of Kent should be classified as senior in accordance with the Act so that the Council has input into any proposal by the CEO to employ or dismiss this class of employee.’*

At the Ordinary Meeting of Council held 17 November 2021 the following motion was resolved:

<b>OCM2122/077 - COUNCIL RESOLUTION (Notice of Motion)</b>
--

**MOVED Cr SR Crosby/Cr JN Germain**

**That the positions of Manager Corporate and Manager Infrastructure be designated as senior positions pursuant to Section 5.37 of the Local Government Act 1995.**

**CARRIED 8/0  
By Absolute Majority**

**COMMENT**

To provide greater effect to the resolution passed by Council in November 2021, it is best practice to capture the intent in a Policy.

In addition to capturing Senior Employees in a policy, matters relating to organisational structure have been included in order to provide clarity on the roles and responsibilities of the Chief Executive Officer and Council.

The draft policy has been duly checked against the legislation and benchmark comparisons undertaken with other local governments.



**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**s5.37 Senior Employees**

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

**POLICY IMPLICATIONS**

The Shire of Kent's Policy Manual will be updated as a result of this item.

**FINANCIAL IMPLICATIONS****Budget**

There are no changes to the financial implications relevant in adopting this policy.

**Long Term**

As no assets or infrastructure are being created, there are no whole of life costs relevant to this item.

**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**

The proposed policy amendments reduce the Shire's risk by clarifying policy statements and reducing the possibility of misinterpretation.

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2122/088 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr JN Germain/Cr DP Gray**

**That Council adopt the attached policy 2.1.14 Organisational Structure and Designated Senior Employees.**

**CARRIED 8/0  
By Simple Majority**

**9.1.7 INTERNAL COMMITTEE MEMBERS AND EXTERNAL REPRESENTATIVES**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Christie Smith – Manager Corporate
<b>FILE NO:</b>	041.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Since the Extraordinary Election, the Council is to re-appoint members to the Shire’s Committees and select external representatives to include the two newly elected members.

**BACKGROUND**

At the Ordinary Meeting of Council held 20 October 2021, the Council appointed the following elected members to internal committees and as external representatives:

	Audit	Bushfire Advisory	Pingrup Ground Improvement	Nyabing Sports Club	Pingrup CRC	Great Southern Treasures	Great Southern WALGA Zone	Regional Road Group	Local Emergency Management Committee	Recreation Advisory Group
Cr Crosby	Member					Member	Member	Member		
Cr Johnston	Member				Member		Member		Deputy	Member
Cr Gray	Member	Deputy				Member		Deputy	Member	
Cr Germain	Member	Member		Member				Member	Member	Deputy
Cr Borgward	Member	Member	Member		Deputy			Deputy	Deputy	
Cr Jury	Member		Deputy	Deputy	Member	Member	Member			Member

Member   
 Deputy 

**COMMENT**

The following Committees require appointments to be made:

- Audit Committee (Created pursuant to S.7.1A LGA)
- Bushfire Advisory Committee Created pursuant to S.67 Bush Fires Act 1954)
- Local Emergency Management Committee (LEMC)created pursuant to S.38 Emergency Management Act

No Committee has any Delegated Authority. The following External Organisations/Committees will require Councillor Representation:

- Great Southern Regional Road Group
- Great Southern Zone WALGA
- Great Southern Recreation Advisory Group
- Pingrup Ground Improvement Committee
- Nyabing Sports Club Committee
- Pingrup CRC
- Great Southern Treasures

**STATUTORY IMPLICATIONS**

Local Government Act (1995, Section 5.11 - Tenure of committee membership) provides that:

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
  - (b) the person resigns from membership of the committee;*
  - (c) the committee is disbanded; or*
  - (d) the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the term of the person's appointment as a committee member expires;*
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
  - (c) the committee is disbanded; or (d) the next ordinary elections day, whichever happens first.*

Further, Section 5.8 and Section 5.10 of the Act require that committees be created by Absolute Majority as well as appointments to committees. Appointments to external bodies do not require an absolute majority decision.

**POLICY IMPLICATIONS**

Policy Position 1.4 – Councillor Fees, Allowances and Reimbursements (EM1.4) applies.

Policy Position 1.5 – Conduct of Elected Members, Committee Members and Employees (EM1.5) applies.

Policy Position 1.6 – Standing Orders (EM1.6) Part 17 - Committees of the Council applies.

**FINANCIAL IMPLICATIONS**

Councillor Representatives on committees are entitled to be reimbursed for expenses incurred in attending meetings.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

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

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

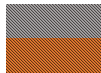
Simple Majority

**OFFICER RECOMMENDATION**

That council appoints elected members to the internal and external committees as listed below:

	Audit	Bushfire Advisory	Pingrup Ground Improvement	Nyabing Sports Club	Pingrup CRC	Great Southern Treasures	Great Southern WALGA Zone	Regional Road Group	Local Emergency Management Committee	Recreation Advisory Group
Cr Crosby										
Cr Johnston										
Cr Gray										
Cr Germain										
Cr Borgward										
Cr Jury										
Cr Hobley										
Cr Tapscott										

Member  
Proxy



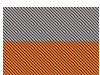
**OCM2122/089 - COUNCIL RESOLUTION**

**MOVED Cr KV Johnston/Cr GW Hobley**

That council appoints elected members to the internal and external committees as listed below:

	Audit	Bushfire Advisory	Pingrup Ground Improvement	Nyabing Sports Club	Pingrup CRC	Great Southern Treasures	Great Southern WALGA Zone	Regional Road Group	Local Emergency Management Committee	Recreation Advisory Group
Cr S Crosby										
Cr K Johnston										
Cr D Gray										
Cr J Germain										
Cr T Borgward										
Cr R Jury										
Cr G Hobley										
Cr W Tapscott										
Mr A Majid										

Member  
Deputy



**CARRIED 8/0  
By Absolute Majority**

**9.1.8 FITNESS FOR WORK AND DISCIPLINARY POLICY**

<b>PROPOSED MEETING DATE:</b>	15 December 2021
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Adam Majid – Chief Executive Officer
<b>FILE NO:</b>	041.4.2
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 – Draft Fitness for Work Policy
	Attachment 2 – Draft Disciplinary Policy
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

For the Council to consider the adoption of an amended Fitness for Work Policy and a Disciplinary Policy.

**BACKGROUND**

The current Fitness for Work Policy (policy 2.1.4) was amended and adopted by Council at the Ordinary Meeting of Council held 17 March 2021, this incorporated amending the policy to cover all aspects of fitness for work and not just drugs and alcohol.

There is currently no adopted Disciplinary Policy.

**COMMENT**

The current Fitness for Work Policy is 18 pages long and not easy to understand. The Executive team have reviewed the policy and amended in its entirety. Civic Legal was consulted throughout the review and advice provided for areas that required attention. The amended policy is a shorter version, clear to understand and covers all aspects of fitness for work.

A Disciplinary Policy provides a clear outline and understanding in the process should there be occurrences of serious misconduct or breaches in Council policies, procedures, Code of Conduct, employment contract and/or legislation. The Fitness for Work policy also references the Disciplinary Policy. The WALGA template was used when preparing the draft Disciplinary Policy.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

The Shire of Kent's Policy Manual will be updated as a result of this item.

**FINANCIAL IMPLICATIONS****Budget**

There are no changes to the financial implications relevant in adopting these policies.

**Long Term**

As no assets or infrastructure are being created, there are no whole of life costs relevant to this item.

**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**

The proposed policy amendments reduce the Shire's risk by clarifying policy statements and reducing the possibility of misinterpretation.

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2122/090 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr JN Germain/Cr KV Johnston**

**That Council adopt the attached:**

- 2.1.4 Fitness for Work Policy; and**
- 2.1.15 Disciplinary Policy**

**CARRIED 8/0  
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. 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.

**13. MEETING CLOSED**

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6:59pm.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 9 February 2022.

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Cr Scott Crosby – Shire President

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Date